

November 2023

# London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

**8.112 Applicant's Response to Issue Specific Hearing**

**1 Actions 8 and 11: Note on existing/previous  
planning conditions and S106 obligations**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.112

**The Planning Act 2008**

**The Infrastructure Planning (Examination Procedure) Rules 2010**

**London Luton Airport Expansion Development Consent  
Order 202x**

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**8.112 Applicant's Response to Issue Specific Hearing 1 Actions 8  
and 11: Note on existing/previous planning conditions  
and S106 obligations**

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# 1 INTRODUCTION

- 1.1.1 This document has been prepared by Luton Rising (a trading name of London Luton Airport Limited) ('the Applicant') for submission to the Examining Authority ('ExA') in response to Action Point 8 and 11 from the ExA **[EV6-007]** following Issue Specific Hearing 1 (ISH1) held on 26 September 2023:

*“Applicant to consider whether existing Section 106 planning obligations need to be disapplied when drafting the proposed Section 106 planning obligation as part of the Proposed Development.*

*Applicant to produce a combined submission with the Host Authorities on the previous planning conditions and planning obligations that are to carry forward to the Proposed Development.”*

- 1.1.2 This document is a joint submission prepared by the Applicant and the Host Authorities. Following discussion with Luton Borough Council (LBC), the Applicant has identified the following relevant existing permissions:

- a. Project Curium – LBC ref. 12/01400/FUL. This permission has been implemented. It is not necessary to carry across any conditions from this permission. Further details on Project Curium are set out in paragraph 4.3 of the **Planning Statement [TR020001/APP/7.01]**.
- b. Green Horizons Park (previously New Century Park) – LBC ref. 17/02300/EIA. This permission has not been implemented as yet, discussions with LBC are ongoing as to how to implement it to ensure it does not lapse. As it is intended that this permission will be implemented the Applicant is not proposing to carry over any equivalent conditions.
- c. P19 – LBC ref. 15/00950/VARCON. As a variation has been recently granted under reference 21/00031/VARCON, these are the conditions considered in this submission. The Applicant is assuming that this permission will be implemented.

- 1.1.3 The Applicant is not aware of any other existing permissions of relevance.

- 1.1.4 The Host Authorities have provided comments on the s106 obligations tables below but have not commented on the conditions. Details have been sent to the Host Authorities regarding those conditions the Applicant is proposing to replicate and discussions are ongoing. This table is a work in progress and the Host Authorities have not seen or commented on the final version of the document prior to it being submitted and therefore it is not in agreed form with either LBC or the other Host Authorities.

## 2 EXISTING PLANNING CONDITIONS AND OBLIGATIONS

### 2.1 Green Horizons Park

- 2.1.1 Table 1.1 sets out the planning obligations from the Green Horizons Park s106 and identifies those which the Applicant is intending to carry over into the DCO, either via requirements or within the s106.
- 2.1.2 As mentioned above, the Applicant is not intending to carry forward any conditions from Green Horizons Park as the discharge of relevant conditions are subject to separate discussions with LBC and will be discharged under the TCPA 1990. Further details are provided in the Applicant's **Green Horizons Park Additional Information** submission at Deadline 1 [REP1-005] and the **Applicant's response to Issue Specific Hearing 1 Action 1: Green Horizons Park and the Proposed Development [REP4-073]** made at Deadline 4.

Table 1.1: Green Horizons Park s106 obligations

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
<b>Schedule 1: Contributions</b>					
Schedule 1, paragraph 1.1	Pay the Public Art Contribution	No	No	This contribution relates to the office part of the Green Horizons Park development which is separate to the Proposed Development. This contribution is therefore, not payable.	Agreed in principle, provided the DCO provides for the relevant obligation within the GHP s106 agreement to remain extant.
Schedule 1, paragraph 1.2	Provide reasonable access to the Council so they or their agents can install the Public Art	No	No	As above	Agreed in principle, provided the DCO provides for the relevant obligation within the GHP s106 agreement to remain extant.

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
Schedule 1, paragraph 1.3	Pay the County Wildlife Site Contribution	No	No	This contribution is not payable for the Proposed Development because approximately three times the area of key habitat will be created as is being lost for County Wildlife Sites. A table was produced for examination Deadline 4 in response to ISH6 Action 4 which sets out the actual areas lost and re-provided ( <b>Applicant's Response to the Examining Authority's Deadline 4 Hearing Actions [REP4-070]</b> ). If the DCO is implemented then this obligation would fall away (as the effect couldn't be realised under the GHP permission).	Comments reserved until table received.
Schedule 1, paragraph 1.4	Pay the Biodiversity Contribution	No	No	This contribution is not payable for the Proposed Development because approximately three times the area of key habitat will be created as is being lost for County Wildlife Sites (refer to ISH6 Action 4 in the <b>Applicant's Response to the Examining Authority's</b>	Comments reserved until table received.

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
				<b>Deadline 4 Hearing Actions [REP4-070]).</b>	
Schedule 1, paragraph 1.5	Pay the Replacement Trees Contribution	No	No	This contribution is not payable for the Proposed Development because approximately three times the area of key habitat will be created as is being lost for County Wildlife Sites (refer to ISH6 Action 4 in the <b>Applicant's Response to the Examining Authority's Deadline 4 Hearing Actions [REP4-070]).</b>	Comments reserved until table received.
Schedule 1, paragraph 1.6	Pay the Raynham Way Neighbourhood Park Play Contribution	No	No	These works have already been carried out and therefore the contribution is no longer payable.	Host Authorities to confirm works have taken place.
Schedule 1, paragraph 1.7	Pay the Roads and Highway Improvement Contribution	Yes	Yes	Off-site highway works are a DCO requirement. If the works are not carried out under the DCO then there is an option to pay a contribution to the relevant highway authority under the DCO s106 agreement. The Applicant is considering if some of the highways contribution should be	Agreed in principle subject to the s.106 contributions being adequate and the OTRIMMA being satisfactory The GHP s106 also secured the following off site highway works, the Host Authorities query how will these be addressed: • Castle Street Roundabout;

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
				carried across in addition to what is already being provided for in the DCO application.	<ul style="list-style-type: none"> <li>• Junction of Castle Street/Hibbert Street/Windsor Street;</li> <li>• Junction of New Bedford Road/Cromwell Road;</li> <li>• Junction of Windmill Road/Osborne Road;</li> <li>• Junction of Old Bedford Road/Stockingstone Road/Hitchin Road;</li> </ul>
Schedule 1, paragraph 1.8	Pay the Sports Pitch and Changing Room Re-Provision Contribution in the instalments specified in 1.8.1 – 1.8.4	No	Yes	This obligation has been replicated in the DCO s106, a revised indexed figure from 2017 will be provided. The Applicant is considering whether it is appropriate for this to be paid as a lump sum.	The initial draft s106 provided by the Applicant does not reflect this stated position. Agreed provided s106 drafting reflects this stated position.
<b>Schedule 2: Wigmore Valley Park</b>					
Schedule 2, paragraph 1.1	Provide and layout the Wigmore Valley Park Replacement Additional Land to the Council	In DCO	No	Alternative arrangements for Wigmore Valley Park are included in the DCO application.	Agreed subject to confirmation from the Host Authorities that the works as set out in work no5b(01) and No5b(02) within the DCO accurately reflect the previously secured obligations. Please provide a drawing reference setting out these works.



Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
					<p>Note the Host Authorities have some outstanding concerns with the drafting of article 34 which requires it only to certify "receipt" of a scheme, and not certify its satisfaction with that scheme. The "scheme" in question is concerned only with the "provision" of the replacement land, and not how it is to laid out or maintained. Equally, the provisions dealing with vesting are triggered on the certification of receipt of the scheme and rather than on it being laid out satisfactorily. The Host Authorities' concern is that users of the SCL will be deprived of its use during the period between certification and its satisfactory implementation. The vesting provisions ought to be triggered on RPA's certification of satisfaction of the laying out of the replacement land.</p>
Schedule 2, paragraph 1.2	Enter into an updated Service Level Agreement with the Council	No	No	This agreement relates to LBC managing the park, for the Proposed Development the park will be managed by	Agreed in principle, subject to the DCO s106 agreement including greater detail regarding the establishment

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
				the Community Trust. The obligation is therefore obsolete.	and ongoing monitoring of the Community Trust and the management maintenance obligations of the Community Trust, with the relevant Host Authority approving such proposed obligations and the required amendments to article 34 being adopted by the Applicant.
Schedule 2, paragraph 1.3	Carry out the Updated Service Level Agreement	No	No	As above	As above, the DCO s106 will need to include a mechanism for ensuring the Community Trust effectively manages the replacement park.
Schedule 2, paragraph 1.4	Pay £6,000 to the Council as an administration and monitoring fee	No	No	As above	Whilst the GHP s106 will continue to bind development pursuant to the GHP PP, and therefore capture that part of WVP still being provided as part of NCP, the Host Authorities query how the administration and monitoring fees associated with that part of WVP being delivered pursuant to the DCO will be captured?
<b>Schedule 3: Employment, Skills, Procurement and Training Strategy</b>					

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
Schedule 3, paragraph 1.1	Submit an Employment, Skills, Procurement and Training Strategy, including a timetable for its implementation to the Council	No	Yes	The Employment and Training Strategy (ETS) is secured in the DCO s106 agreement. The Green Horizons Park strategy will remain in force and is separate to the ETS for the Proposed Development. Please refer to the response to SE.1.4 on page 5 of the <b>Applicant's response to Written Questions – Socio-economic Effects [REP4-067]</b> .	Agreed in principle, provided the secured strategy addresses relevant requirements secured via the GHP s106 (this goes beyond the ETS as proposed currently).

## 2.2 P19

- 2.2.1 Following discussion at the Issue Specific Hearings in September 2023, further discussions have taken place with the Host Authorities in relation to the decision to approve the P19 application. Table 2.1 and Table 2.2 sets out the planning obligations and conditions from P19 and identifies those which the Applicant is intending to carry over into the DCO, either via requirements or within the s106.
- 2.2.2 The Host Authorities have not reviewed Table 2.2 at the time of writing, however they have provided commentary against Table 2.1.
- 2.2.3 The Host Authorities have made a general comment as follows:  
*“Analysis of the P19 s106 agreement in isolation assumes that the P19 permission has been implemented prior to implementation pursuant to the DCO. P18 s106 agreement to also be reviewed and commented upon to capture anything required in addition to the below.”*
- 2.2.4 The Applicant is considering this point but it is currently working to the assumption that P19 will be implemented in advance of the DCO (if granted) being implemented.

Table 2.2 P19 s106 obligations

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant’s Reason	Host Authority Comment
<b>Schedule 1: Noise Mitigation</b>					
Schedule 1, paragraph 1.1	Implement and continue to operate the Noise Management Plan (NMP)	Yes, Schedule 2 Requirements in relation to noise, including GCG and a suite of management plans	No	The GCG framework replaces the noise controls contained in the P19 conditions and the NMP. However, in recognition of the comments from the Host Authorities, the Applicant will be carrying forward into the DCO noise controls a number of measures contained in the NMP.	Requirement 4 does not include reference to the P19 NMP, nor does Requirement 1. The Host Authorities need to be satisfied that GCG covers it adequately and that there is no gap in applicability of the requirement (i.e. under any Transition Period). At present there is a concern that not all

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
				<p>Further details are included in a revision of <b>Comparison of consented and proposed operational noise controls [TR020001/APP/5.12]</b> submitted at Deadline 5. The mechanism for securing these controls will be confirmed at Deadline 6.</p>	<p>elements of the NMP are covered. Note the NMP had quarterly reviews of noise, with reports to the LPA and NTSC. The DCO through ESG and Technical Panel on noise does not have this, rather it has an annual report to the Noise Technical Panel by 30 June and to ESG by 31 July. Quarterly reporting as per current practice at the airport needs to be retained.</p>
<p>Schedule 1, paragraph 1.2.1</p>	<p>On or before each of the Noise Management Plan Review Dates, the Operator shall produce and submit to the Council a report on then Noise Management Plan</p>	<p>Yes, Schedule 2 Requirements in relation to noise, including GCG and a suite of management plans</p>	<p>No</p>	<p>The GCG framework replaces the noise controls contained in the P19 conditions and the NMP. However, in recognition of the comments from the Host Authorities, the Applicant will be carrying forward into the DCO noise controls a number of measures contained in the NMP. Further details are included in a revision of <b>Comparison of consented and proposed operational</b></p>	<p>Requirement 4 does not include reference to the P19 NMP, nor does Requirement 1. The Host Authorities need to be satisfied that GCG covers it adequately and that there is no gap in applicability of the requirement (i.e. under any Transition Period).</p>

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
				<b>noise controls [TR020001/APP/5.12].</b>	
Schedule 1, paragraph 1.2.2	Resubmit modified draft of the report within one month of receiving written request from the Council	No	No	N/A	The Host Authorities need to be satisfied that GCG covers it adequately and that there is no gap in applicability of the requirement (i.e. under any Transition Period).
Schedule 1, paragraph 1.4	Implement and continue to operate the Residential Noise Insulation Scheme (RNIS)	No	Yes	Covered by compensation mechanism	Agreed in principle, subject to the Host Authorities being satisfied that the compensation mechanism covers it adequately and that there is no gap in applicability of the requirement (i.e. under any Transition Period).
Schedule 1, paragraph 1.5	Procure that the RNIS is administered by LLACC and provide and necessary support and assistance to LLACC.	No	Yes	Covered by compensation mechanism	Agreed in principle, subject to the Host Authorities being satisfied that the compensation mechanism covers it adequately and that there is no gap in applicability of the requirement (i.e. under any Transition Period)
Schedule 1, paragraph 1.7.1	On or before each of the RNIS Review Dates, the	No	Yes	Covered by compensation mechanism	Agreed in principle, subject to the Host Authorities being satisfied that the compensation mechanism covers it

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
	Operator shall produce and submit to the Council a report on then RNIS				adequately and that there is no gap in applicability of the requirement (i.e. under any Transition Period) Note the NMP had five yearly review dates to consider the effectiveness of the NIS, the DCO only appears to have review on a five yearly basis to reflect inflation <b>[REP4-042 para 6.1.7]</b> .
Schedule 1, paragraph 1.7.3	Resubmit modified draft of the report within one month of receiving written request from the Council	No	Yes	Covered by compensation mechanism	Agreed in principle, subject to the Host Authorities being satisfied that the compensation mechanism covers it adequately and that there is no gap in applicability of the requirement (i.e. under any Transition Period) The Host Authorities need to be satisfied that the Requirements re GCG do enable the ESG to review and seek changes to not just L2 Threshold report but also L1.
Schedule 1, paragraph 1.7.4(a)	Implement modifications made by the Council to an	No	Yes	Covered by compensation mechanism	Agreed in principle, subject to the Host Authorities being satisfied that the compensation mechanism covers it

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
	approved report within three months of the approval if under the control of the Operator				adequately and that there is no gap in applicability of the requirement (i.e. under any Transition Period)
Schedule 1, paragraph 1.7.4(b)	Use reasonable endeavours to implement modifications made by the Council if under the control of LLACC	No	Yes	Covered by compensation mechanism	Agreed in principle, subject to the Host Authorities being satisfied that the compensation mechanism covers it adequately and that there is no gap in applicability of the requirement (i.e. under any Transition Period)
Schedule 1, paragraphs 1.8-1.111	The same obligations for the RNIS apply to the non-residential insulation scheme	No	Yes	Covered by compensation mechanism	Agreed in principle, subject to the Host Authorities being satisfied that the compensation mechanism covers it adequately and that there is no gap in applicability of the requirement (i.e. under any Transition Period)
Schedule 1, paragraph 1.12.1	Ensure LLAC Operate a Noise Insulation Fund bank account	No	No	Considering mechanism	Host Authorities to consider proposal when updated



Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
Schedule 1, paragraph 1.12.2	Fund noise insulation works for Non-Residential and Residential Noise Insulation Schemes to fund the Noise Insulation Fund	No	Yes	Covered by compensation mechanism	Agreed in principle, subject to the Host Authorities being satisfied that the compensation mechanism covers it adequately and that there is no gap in applicability of the requirement (i.e. under any Transition Period) LR to set out what will be in the fund and how many properties they will seek to address each year given the proposed nos. that will fall within the contours as the airport expands.
Schedule 1, paragraph 1.12.3	Ensure a minimum sum of £150,000 index linked to be spent every year for the first 5 years from the Implementation Date on noise insulation works)	No	Yes	Covered by compensation mechanism	Agreed in principle, subject to the Host Authorities being satisfied that the compensation mechanism covers it adequately and that there is no gap in applicability of the requirement (i.e. under any Transition Period). The Host Authorities require an annual sum to be placed in the fund. HA also note the non-resi NIS allows for up to £250k for one property, and therefore this could wipe out the amount in

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
					the NIS in one go. This should be considered and addressed.
Schedule 1, paragraph 1.14	Operate and maintain the Track Violation Penalty System (TVPS)	No	No	An equivalent obligation will be provided in the DCO s106.	Host Authorities to consider when proposal settled. Host Authorities expect this obligation to be carried forward.
Schedule 1, paragraph 1.15	On each of the reporting dates, submit to the Council for its approval a report on the operation of the TVPS	No	No	As above	Host Authorities to consider when proposal settled.
Schedule 1, paragraph 1.16	Resubmit modified report	No	No	As above	Host Authorities to consider when proposal settled.
Schedule 1, paragraph 1.17	Implement modified request	No	No	As above	Host Authorities to consider when proposal settled.
<b>Schedule 2: Traffic and Transportation</b>					
Schedule 2, paragraph 1.1	Continue to operate and work with members of the Transport Forum	Requirement 29 secures the transport related impacts monitoring and mitigation	Yes	Control documents are secured in the DCO, the funding element is to be secured in the s106.	Principle agreed subject to further details regarding likely practical operation of TRIMMA, satisfaction with the OTRIMMA and obligations to ensure adequate funding

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
		<p>approach (TRIMMA)</p> <p>Requirement 30 secures the travel plan.</p> <p>Surface access forms part of GCG (Part 3 of Schedule 2)</p>			
Schedule 2, paragraph 1.2	Annually organise a meeting of the Transport Forum	As above	As above	As above	Principle agreed subject to further details regarding likely practical operation of TRIMMA, satisfaction with the OTRIMMA and obligations to ensure adequate funding
Schedule 2, paragraph 1.3	Within 12 months of the implementation date/ prior to the airport exceeding the commercial passenger cap, submit an airport surface access strategy which will be	As above	As above	As above	Principle agreed subject to further details regarding likely practical operation of TRIMMA, satisfaction with the OTRIMMA and obligations to ensure adequate funding

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
	written in accordance with paragraph 1.4				
Schedule 2, paragraph 1.5	If the strategy is not approved, submit a revised draft within one month of receipt of the report not being approved	As above	As above	As above	Principle agreed subject to further details regarding likely practical operation of TRIMMA, satisfaction with the OTRIMMA and obligations to ensure adequate funding
Schedule 2, paragraph 1.8	Annually report on the operation of the updated airport surface access strategy as part of the sustainability report	As above	As above	As above	Principle agreed subject to further details regarding likely practical operation of TRIMMA, satisfaction with the OTRIMMA and obligations to ensure adequate funding
Schedule 2, paragraph 2.1	Implement travel plan	As above	As above	As above	We assume this is intended to be a reference to Requirement 30. Agreed in principle, subject to the Host Authorities being satisfied that the control document / framework travel plan contains sufficient details
Schedule 2, paragraph 2.2	Submit updated Travel Plan for approval	As above	As above	As above	We assume this is intended to be a reference to Requirement 30.

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
					Agreed in principle, subject to the Host Authorities being satisfied that the control document / framework travel plan contains sufficient details
Schedule 2, paragraph 2.3	If not approved, submit a revised plan for approval	As above	As above	As above	We assume this is intended to be a reference to Requirement 30. Agreed in principle, subject to the Host Authorities being satisfied that the control document / framework travel plan contains sufficient details
Schedule 2, paragraph 2.4	On the 1 <sup>st</sup> anniversary of the implementation of the Travel Plan and then subsequently every 5 years submit a report to the Council which identifies how the Travel Plan has been performing and suggest	As above	As above	As above	We assume this is intended to be a reference to Requirement 30. Agreed in principle, subject to the Host Authorities being satisfied that the control document / framework travel plan contains sufficient details. Note that the Host Authorities expect the travel plan to be reviewed in a similar manner to the P19 obligation.

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
	proposals / remedies				
Schedule 2, paragraph 2.4	Submit modified proposals or remedies for the relevant travel plan.	As above	As above	As above	<p>We assume this is intended to be a reference to Requirement 30.</p> <p>Agreed in principle, subject to the Host Authorities being satisfied that the control document / framework travel plan contains sufficient details. Note that the Host Authorities expect the travel plan to be reviewed in a similar manner to the P19 obligation.</p>
Schedule 2, paragraph 2.7 and 2.10	During the period between the reviews of the travel plans (including the construction travel plan) meet with the council every 12 months following the implementation date at least to review the effectiveness of	As above	As above	As above	<p>We assume this is intended to be a reference to Requirement 30.</p> <p>Agreed in principle, subject to the Host Authorities being satisfied that the control document / framework travel plan contains sufficient details. The Host Authorities note that the related requirement does not include this level of detail.</p>

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
	the travel against their objectives				
<b>Schedule 3: London Luton Airport Consultative Committee (LLAC)</b>					
Schedule 3, paragraph 1	Continue to operate LLACC at its own cost	No	No	LLACC is a regulatory matter and therefore does not need to be in DCO. LLAC is referenced throughout the <b>Draft Compensation Measures and Community First</b> document [REP4-042].	Not agreed, the Host Authorities require the LLACC to continue as per the P19 s106
Schedule 3, paragraph 2	Each year present the principle findings and conclusions of the Sustainability Report to the LLACC and provide the LLACC with a copy of each Quarterly Flight Operations Report.	No	No	Equivalent reporting processes are included and will be reported on an annual basis through GCG and other processes.	Not agreed, the Host Authorities require the LLACC to continue as per the P19 s106
<b>Schedule 4: Sustainability and Carbon Reduction</b>					
Schedule 4, paragraph 1	Implement and continue to	Covered in part by	No	The <b>Sustainability Statement [APP-216]</b> is a	Obligation is wider than carbon efficiency, and so there is a

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
	operate the Existing Sustainability Strategy	Requirement 33 (Operational waste management plan) and Requirement 32 (Greenhouse gas action plan)  Greenhouse gases are also controlled by GCG (Part 3, Schedule 2)		signposting document, not a control document so it is not secured through the DCO and therefore is not included in the s106. The Statement refers to a number of plans covered in the DCO requirements as identified in the preceding column.	gap in terms of what the DCO deals with in Requirement 8 and what the previous s.106 requires. The Applicant must ensure that the existing s.106 requirement in relation to operating the Existing (or any updated) Sustainability Strategy continues to apply post-DCO (alongside the requirements in the GCG).
Schedule 4, paragraph 2	Prior to the airport exceeding the passenger cap, submit to the council an updated sustainability strategy	As above	No	As above	Obligation is wider than carbon efficiency, and so there is a gap in terms of what the DCO deals with in Requirement 8 and what the previous s.106 requires. The Applicant must ensure that the existing s.106 requirement in relation to operating the Existing (or any updated) Sustainability Strategy continues to apply



Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
					post-DCO (alongside the requirements in the GCG).
Schedule 4, paragraph 3	If the council does not approve of the strategy, submit a revised draft	As above	No	As above	<p>Obligation is wider than carbon efficiency, and so there is a gap in terms of what the DCO deals with in Requirement 8 and what the previous s.106 requires.</p> <p>The Applicant must ensure that the existing s.106 requirement in relation to operating the Existing (or any updated) Sustainability Strategy continues to apply post-DCO (alongside the requirements in the GCG).</p>
Schedule 4, paragraph 4	Annually submit to the Council a report as part of the Sustainability Strategy on the Airport's performance against the standability strategy	As above	No	As above	<p>Obligation is wider than carbon efficiency, and so there is a gap in terms of what the DCO deals with in Requirement 8 and what the previous s.106 requires.</p> <p>The Applicant must ensure that the existing s.106 requirement in relation to operating the Existing (or any updated) Sustainability Strategy continues to apply post-DCO (alongside the requirements in the GCG).</p>

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
Schedule 4, paragraph 5	Every 5 years, produce and submit to the Council a report on the implementation of the Sustainability Strategy	As above	No	As above	Obligation is wider than carbon efficiency, and so there is a gap in terms of what the DCO deals with in Requirement 8 and what the previous s.106 requires. The Applicant must ensure that the existing s.106 requirement in relation to operating the Existing (or any updated) Sustainability Strategy continues to apply post-DCO (alongside the requirements in the GCG).
Schedule 4, paragraph 6 and 7	Submit modifications of the strategy to the Council if the Council reasonably believes the strategy is not reaching its performance targets or does not include realistic or challenging targets and	As above	No	As above	Obligation is wider than carbon efficiency, and so there is a gap in terms of what the DCO deals with in Requirement 8 and what the previous s.106 requires. The Applicant must ensure that the existing s.106 requirement in relation to operating the Existing (or any updated) Sustainability Strategy continues to apply post-DCO (alongside the requirements in the GCG).

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
	implement this once approved.				
Schedule 4, paragraph 8	Prior to the airport exceeding the passenger cap, submit to the Council a carbon reduction strategy	As above	No	The Applicant notes that the P19 s106 obligation to submit and get approval for a Carbon Reduction Strategy was judged by the Secretaries of State to not meet the CIL Regulation 122 tests and therefore these obligations do not apply in the P19 s106.	The SoS deleted obligations relating to the carbon reduction strategy from the P19 s106. However, condition 19 of the P19 PP remains in place.
Schedule 4, paragraph 9	If the Council does not approve of the strategy, submit a revised draft	As above	No	As above	The SoS deleted obligations relating to the carbon reduction strategy from the P19 s106. However, condition 19 of the P19 PP remains in place.
Schedule 4, paragraph 10	Annually submit to the Council a report as part of the Sustainability Strategy on the Airport's performance against the carbon reduction strategy	As above	No	Equivalent reporting processes are included and will be reported on an annual basis through GCG and other processes.	The SoS deleted obligations relating to the carbon reduction strategy from the P19 s106. However, condition 19 of the P19 PP remains in place.

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
Schedule 4, paragraph 11	Review the carbon reduction strategy every 5 years, consult with stakeholders and submit to the Council for approval.	As above	No	As above	The SoS deleted obligations relating to the carbon reduction strategy from the P19 s106. However, condition 19 of the P19 PP remains in place.
Schedule 4, paragraph 13	Annually, either carry out the Wigmore Valley Park Works or commit a minimum of the Environmental Management Payment for the purposes of these works	Requirement 9 secures the landscape and biodiversity management plan, which applies to Wigmore Valley Park	No	This obligation is likely to be overtaken by proposals in the Proposed Development for replacement open space.	The annual Wigmore Valley Park Works need to be addressed in the DCO s106
<b>Schedule 5: Local Employment and Supply Chains</b>					
Schedule 5, paragraph 1	Carry out the Development in accordance with the approved Local Procurement Protocol and the approved	No	Schedule 4 relates to ETS	An ETS will be secured in the DCO s106 and will replace the P19 ETS. The Applicant considers that the ETS is more appropriately secured through a s106 obligation rather than as a DCO requirement. Please	Agreed in principle, subject to the ETS drafting within the DCO s106 being expanded to include reference to local procurement and the Employment Skills and Recruitment Plan as included

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
	Employment Skills and Recruitment Plan			refer to the response to SE.1.4 on page 5 of the <b>Applicant's response to Written Questions – Socio-economic Effects [REP4-067]</b> .	within the GHP s106 and P19 s106
Schedule 5, paragraph 2	Submit a draft updated Employment Skills and Recruitment Plan to the Council	No	Schedule 4 relates to ETS	As above	Agreed in principle, subject to the ETS drafting within the DCO s106 being expanded to include reference to local procurement and the Employment Skills and Recruitment Plan as included within the GHP s106 and P19 s106
Schedule 5, paragraph 3	Promote the Employment Skills and Recruitment Plan and the Local Procurement Protocol to business operating at the Airport and use reasonable endeavours to ensure the Development is	No	Schedule 4 relates to ETS	As above	Agreed in principle, subject to the ETS drafting within the DCO s106 being expanded to include reference to local procurement and the Employment Skills and Recruitment Plan as included within the GHP s106 and P19 s106

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
	Occupied in accordance with the Employment Skills and Recruitment Plan and the Local Procurement Protocol				
Schedule 5, paragraph 4	Report annually on the effectiveness of the Employment Skills and Recruitment Plan and the Local Procurement Protocol as part of the sustainability report	No	Schedule 4 relates to ETS	As above	Agreed in principle, subject to the ETS drafting within the DCO s106 being expanded to include reference to local procurement and the Employment Skills and Recruitment Plan as included within the GHP s106 and P19 s106
<b>Schedule 6: Community Fund</b>					
Schedule 6, paragraph 1 (A)	Operate and maintain the Community Fund in an interest-bearing account	No	Yes	Similar mechanism in Community First in s106.	Host Authorities request confirmation regarding the Community Fund, will this not be carried forward? The Community Fund is applicable regardless of passenger numbers. Require a

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
	approved by the Council				transitional arrangement until such time as Community First exceeds this sum is secured via the DCO s106. Also require a guarantee that should numbers fall below the 18mppa or 19mppa that the minimum £100k will still be there for community projects.
Schedule 6, paragraph 1 (B)	Retain the Independent Body to administer the Community Fund and submit or procure submission by the approved independent body for the approval of the Council the objectives of the Community Fund	No	Yes	As above	Arrangements for operation of Community First to be secured via DCO s106.
Schedule 6, paragraph 1 (C)	By 31 January every year, pay into the bank account for the	No	Yes	As above	Arrangements for operation of Community First to be secured via DCO s106.

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
	Community Fund £100,000 and provide the Council with evidence of the deposit before 1 March in every relevant year				
Schedule 6, paragraph 1 (D)	Publicise the availability of the Community Fund to communities in the Local Area	No	No	As above	Arrangements for operation of Community First to be secured via DCO s106.
Schedule 6, paragraph 1 (E)	Report annually on the Community Fund expenditure and projects funded	No	No	As above	Arrangements for operation of Community First to be secured via DCO s106.
Schedule 6, paragraph 1 (F)	Pay into the Community Fund any sums received under the Track Violation Penalty	No	No	As above	Arrangements for operation of Community First to be secured via DCO s106.
<b>Schedule 7: Monitoring and Reporting</b>					
Schedule 7, paragraph 1	By 30 June each year,	Under the Green	No		There is a Transition Period proposed for at least three of



Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
	submit to the Council the Annual Monitoring Report	Controlled Growth provisions there are multiple reporting requirements (set out at paragraphs 3.2, 4.3, 5.3 and 6.2 of the <b>Green Controlled Growth Framework [TR020001/A PP/7.08]</b> , including 'Monitoring Plans' which are secured in the DCO			the four items covered in the GCG. Monitoring requirements in the previous s106 agreements need to be carried over to apply during the Transition Period pending the GCG monitoring going fully live for all items. Separately, the LPA needs to monitor and scrutinise performance against the DCO s106, separate to the GCG requirements. The Applicant must ensure that the existing s.106 requirement in relation to submitting the Annual Monitoring Report to the Council continues to apply post-DCO (alongside the requirements in the GCG), including monitoring.
Schedule 7, paragraph 2	Publish the Sustainability Report on its website and provide copies to each member of LLACC by 30	As above	As above		Obligation is wider than what is covered in the GCG reporting, and so there is a gap in terms of what the GCG deals with and what the previous s.106 requires. The Applicant must ensure that the existing s.106

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
	June each calendar year				requirements in relation to operating the Existing (or any updated) Sustainability Strategy continues to apply post-DCO (alongside the requirements in the GCG), including monitoring.
Schedule 7, paragraph 3 and 4	Each year submit to the Council Quarterly Flight Operations Report on the dates noted in column and including the information noted in paragraph 4	As above	As above		It is not clear that flight operations would be reported on quarterly under the GCG framework. The Applicant must ensure that the existing s.106 requirement in relation to submitting the Quarterly Flight Operations Report to the Council continues to apply post-DCO (alongside the requirements in the GCG), including monitoring.
<b>Schedule 8: Monitoring Fund</b>					
Schedule 7, paragraph 1	Pay the Initial Monitoring Fund	No	No		The DCO s106 must address monitoring requirements
Schedule 7, paragraph 3	On or before 31 January of each year following payment of the Initial Monitoring Fund pay to the	No	No		The DCO s106 must address monitoring requirements

Document reference	Obligation	Equivalent commitment in DCO	Equivalent commitment in DCO S106	Applicant's Reason	Host Authority Comment
	Council any sum required to restore the Initial Monitoring Fund to £70,000 index linked				

Table 2.3 P19 Conditions

Condition	Transferring to DCO?	Transferring to S106	Applicant's Reason
1.The development hereby permitted shall be carried out in accordance with the As Built Master Plan (CD1.02).	No	No	This condition is not considered relevant to the Proposed Development, which contains its own “masterplan” (the scheme layout drawings) and detailed design approval process (requirement 5).
2. Details of the timescale for the commencement of Phase 3 works comprising (i) Taxiway 26 (Golf) and (ii) north apron extension, as shown on As Built Masterplan Plan with Phases Labelled drawing, received November 2023 (INQ-86) (hereinafter referred to as Phase 3) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to its commencement. The scheme as approved shall be implemented in accordance with the approved timescales.	No	No	This condition is not considered relevant to the Proposed Development.

Condition	Transferring to DCO?	Transferring to S106	Applicant's Reason
3.Phase 3 of the development shall be carried out in accordance with the details contained in the Protected Species Management Plan approved on 8 May 2017 (ref: 17/00459/DOC).	No	No	This condition is not considered relevant to the Proposed Development, which contains its own provisions in respect of protected species (requirement 10).
4.Details of the lighting scheme for Phase 3 of the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be implemented in accordance with the approved scheme and subsequently maintained and reviewed in accordance with the approved scheme. Any external lighting previously installed in accordance with details approved on 4 June 2015 for Phase 1 (ref: 15/00451/DOC) and 25 September 2019 for Phase 2 (ref: 19/00954/DOC) shall be maintained and reviewed in accordance with those schemes.	No	No	This condition is not considered relevant to the Proposed Development, which contains its own detailed design process (requirement 5), which in turn must address lighting requirements contained in the design principles.
5.Phase 3 of the development shall be carried out in accordance with the Construction Environmental Management Plan approved on 8 May 2017 (ref: 17/00460/DOC).	No	No	This condition is not considered relevant to the Proposed Development, which secures its own CoCP (requirement 7).
6. Phase 3 of the development shall be carried out in accordance with the archaeological Written Scheme of Investigation approved on 24 December 2014 (ref: 14/01496/DOC).	No	No	This condition is not considered relevant to the Proposed Development, which makes separate provision for archaeology (requirement 15).

Condition	Transferring to DCO?	Transferring to S106	Applicant's Reason
<p>7. At no time shall the commercial passenger throughput of the airport exceed 19 million passengers in any twelve-month period. From the date of this permission the applicant shall every quarter report in writing to the Local Planning Authority the moving annual total numbers of passengers through the airport (arrivals plus departures). The report shall be made no later than 28 days after the end of each quarter to which the data relates.</p>	No	No	<p>This condition is not considered relevant to the Proposed Development, which contains its own passenger cap (requirement 25).</p>
<p>8. The development hereby approved shall be operated in accordance with Sections 5, 6, 7 &amp; 8 of the London Luton Airport 2022 Noise Management Plan Technical Document or the equivalent provisions in any successor document which shall first have been submitted to and approved in writing by the Local Planning Authority.</p>	<p>In response to the Host Authorities' comments, the Applicant will be carrying forward into the DCO noise controls a number of measures contained in the P19 NMP. The Applicant is considering the mechanism to secure these controls and will report back</p>	<p>As per column to the left.</p>	<p>As per column to the left.</p> <p>The Applicant acknowledges receipt of the note from the Host Authorities' noise expert, Suono, dated 13 November 2023 and will consider and report back on it at Deadline 6.</p>

Condition	Transferring to DCO?	Transferring to S106	Applicant's Reason
	to the ExA at Deadline 6.		
<p>9. The area enclosed by the 57dB LAeq(16hr) (0700-2300 hrs) contour shall not exceed 21.1km<sup>2</sup> for daytime noise, and the area enclosed by the 48dB LAeq(8hr) (2300- 0700 hrs) contour shall not exceed 42.1km<sup>2</sup> for night-time noise, when calculated by the Federal Aviation Authority Integrated Noise Model version 7.0-d (or as may be updated and amended) for the period up to the end of 2027. The commercial passenger throughput at London Luton Airport shall not exceed 18 million passengers in a twelve-month period until a strategy has been submitted to and approved in writing by the Local Planning Authority which defines the methods to be used by LLAOL or any successor or airport operator to reduce the area of the noise contours by 2028 for daytime noise to 15.5km<sup>2</sup> for the area exposed to 57dB LAeq(16hr) (0700-2300 hrs) and above and for night-time noise to 35.5km<sup>2</sup> for the area exposed to 48dB LAeq8hr (2300-0700) and above. Post 31 December 2027 the area enclosed by the 57dB LAeq16hr (0700-2300 hrs) contour shall not exceed 15.5 km<sup>2</sup> for daytime noise, and the area enclosed by the 48dB LAeq(8hr) (2300-0700hrs) contour shall not exceed 35.5</p>	No	No	<p>New noise contour area Limits are defined for the Proposed Development as part of the Noise Envelope secured through the Green Controlled Growth Framework.</p>

Condition	Transferring to DCO?	Transferring to S106	Applicant's Reason
<p>km2 for night-time noise. Post 31 December 2030 the area enclosed by the 57dB LAeq16hr (0700- 2300) contour shall not exceed 15.1km2 for daytime noise, and the area enclosed by the 48dB LAeq(8hr) (2300- 0700 hrs) contour shall not exceed 31.6km2 for night-time noise. A report on the actual and forecast aircraft movements and consequential noise contours (Day, Night and Quota Periods) for the preceding and forthcoming calendar year shall be reported on 1 December each year to the Local Planning Authority, which shall utilise the standard 92 day summer contour.</p>			
<p>10. The development shall be implemented and managed in accordance with the Comprehensive Surface Water Management Strategy approved on 18 May 2015 (ref: 15/00187/DOC).</p>	No	No	This is covered separately in the Proposed Development (requirement 12).
<p>11. The detailed surface water drainage scheme for Phase 3 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be generally in accordance with the Flood Risk Assessment (FRA) prepared by Jacobs, reference B1074100/22.2, issue 3, dated November 2012 (within Technical Appendix J of the Environmental Statement submitted with application 12/01400) and the scheme shall include details of soakaways and a restriction in</p>	No	No	This is covered separately in the Proposed Development (requirement 12).

Condition	Transferring to DCO?	Transferring to S106	Applicant's Reason
run-off and surface water storage on site. The scheme as approved shall be implemented in full before completion of the phase and managed in accordance with the approved scheme thereafter.			
12. Phase 3 of the development shall be carried out in accordance with the Contamination Risk Assessment Report approved on 7 April 2017 (ref: 17/00173/DOC). 13 Reason: to prevent contamination, in particular due to the site's location in a sensitive groundwater area over a Principal Chalk Aquifer within a source protection zone 3.	No	No	This is covered separately in the Proposed Development (requirements 11 and 16).
13. Phase 3 of the development shall not be brought into use until a verification report demonstrating i) completion of works set out in the approved remediation strategy and ii) the effectiveness of the remediation for the phase, has first been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a "long-term monitoring and maintenance plan" (the Plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the	No	No	This is covered separately in the Proposed Development (requirements 11 and 16).



Condition	Transferring to DCO?	Transferring to S106	Applicant's Reason
verification plan. The Plan shall be implemented as approved.			
14.If contamination not previously identified is found to be present at the site during the construction of Phase 3 of development, no further development of that phase shall be carried out until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.	No	No	This is covered separately in the Proposed Development (requirements 11 and 16).
15. No infiltration of surface water drainage into the ground shall take place other than in accordance with a scheme, including timescales and phasing as appropriate, which has been submitted to and approved in writing by the Local Planning Authority in advance of any discharge. The development shall be carried out in accordance with the approved scheme, timescale and phasing.	No	No	This is covered separately in the Proposed Development (requirements 11, 12 and 16).
16.Phase 3 of the development shall be carried out in accordance with the Borehole Protection Report approved on 28 March 2017 (17/00176/DOC).	No	No	This is already covered in the Proposed Development.
17. The areas within the application site which are shown to be in use for car parking on the As-built Master Plan (CD1.02) shall not be used for any other purpose other than the parking of vehicles	No	No	This condition is not considered relevant to the Proposed Development, which contains its own "masterplan" (the scheme layout drawings) and detailed design approval process (requirement 5).

Condition	Transferring to DCO?	Transferring to S106	Applicant's Reason
by passengers, staff and contractors servicing the airport.			
18. Prior to the commercial passenger throughput at London Luton Airport exceeding 18 million passengers in a twelve-month period, an updated travel plan shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the airport shall be operated in accordance with the approved travel plan.	No	No	This is already covered in the Proposed Development.
19. Prior to the commercial passenger throughput at London Luton Airport exceeding 18 million passengers in a twelve-month period, a Carbon Reduction Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. 14 The approved Carbon Reduction Strategy and its outcomes shall be informed by the carbon mitigation targets and measures in the London Luton Airport 19 mppa: Outline Carbon Reduction Plan, Wood Group UK Limited - May 2021. The approved Carbon reduction Strategy shall be reviewed in accordance with the following provisions: i. Annually: independent verification by the Airports Carbon Accreditation Scheme with the results being made available to the Local Planning Authority for their review and written approval; ii. Annually: publication as part of the Airport's	No	No	This is covered separately in the Proposed Development by GCG (Part 3 of Schedule 2) and requirement 32.

Condition	Transferring to DCO?	Transferring to S106	Applicant's Reason
<p>Sustainability Report, available for review by all stakeholders, including the Local Planning Authority; iii. Every three years: independent audit and inspection by the Airports Carbon Accreditation Scheme with the results being made available to the Local Planning Authority for their review and written approval; and, iv. Every five years: the airport operator review and update, including consultation with stakeholders and submission to the local planning authority for their review and written approval. v. As and when new national polices or targets are published: the Carbon Reduction Strategy shall be updated to reflect those new polices and targets. The reviewed and/or updated Carbon Reduction Strategy shall be submitted to and approved in writing by the Local Planning Authority in accordance with the above provisions. The methodology and/or interim targets may be amended and approved in writing beforehand by the Local Planning Authority to include any updates to best practice. All approved measures in the Carbon Reduction Strategy, and any subsequent approved updates, shall be implemented and complied with.</p>			