

December 2023

London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

**8.141 Applicant's Response to Issue Specific Hearing 10
Action 19 - Summary of the Section 106 Heads of Terms**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.141



The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.141 APPLICANT'S RESPONSE TO ISSUE SPECIFIC HEARING 10
ACTION 19: SUMMARY OF THE SECTION 106 HEADS OF TERMS**

Deadline:	Deadline 6
Planning Inspectorate Scheme Reference:	TR020001
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1 INTRODUCTION

- 1.1.1 At Issue Specific Hearing 10 (ISH10) the Examining Authority ('ExA') requested that the Applicant and the Host Authorities provide a summary of the section 106 heads of terms as they currently stand. The Applicant has prepared this submission in response to the ExA's Action Point 19 from ISH10 published on 5 December [EV17-007]:

"Provide a summary of the s106 heads of terms. Local Authorities to provide a response on their current position on the s106."

2 PARTIES

- 2.1.1 Negotiations at this stage are progressing on the basis of a single section 106 agreement being prepared. The signatories to the section 106 agreement are:
- a. The 'Host Authorities' comprising:
 - i. Luton Borough Council.
 - ii. Central Bedfordshire Council.
 - iii. Dacorum Borough Council.
 - iv. Hertfordshire County Council.
 - v. North Hertfordshire Council.
 - b. Luton Rising (the Applicant).
 - c. London Luton Airport Operations Limited (LLAOL).
 - d. Natwest (Mortgagee to LLAOL).

3 HEADS OF TERMS

- 3.1.1 The Heads of Terms were initially included in the DCO application within paragraph 5.8 of the **Planning Statement [AS-122]**.
- 3.1.2 Following engagement with the Host Authorities since then the obligations now proposed are as follows:
- a. Sports Pitch and Changing Room Re-provision Contribution (replicated from the Green Horizons Park section 106 agreement) to provide for new sports pitches and changing rooms. This has been index-linked from the date of the Green Horizons Park section 106 agreement rather than from the date of the DCO section 106 agreement.
 - b. Future Management of Wigmore Valley Park to involve the creation of a community trust.
 - c. **Employment and Training Strategy [APP-225]** (submitted in the DCO application but secured in the section 106 agreement). This will also include the Local Procurement Protocol (replicated from the P19 section 106 agreement).
 - d. Green Controlled Growth Funding – the **Green Controlled Growth Framework [REP3-017]** is secured in the DCO but the funding elements

will be secured in the section 106 agreement. Note that consideration is being given to moving this out of the section 106 agreement and into a separate side agreement.

- e. **Draft Compensation Policies, Measures and Community First [AS-050]** (submitted in the DCO application but proposed to be secured in section 106 agreement).
- f. TRIMMA and travel plan funding – this will be delivered through the Residual Impact Fund and Sustainable Transport Fund, to be secured through the section 106 agreement.
- g. Community Fund (replicated from the P19 section 106 agreement) – this is vehicle into which the track violation and noise violation limit fines (see below) will be paid.
- h. Track violation fines (replicated from the P19 section 106 agreement). A new air noise management plan (submitted at Deadline 6) will replicate the track violation fining process contained in the P19 noise management plan; the DCO section 106 agreement will secure that such fines are paid into the Community Fund.
- i. Departure noise violation fines (replicated from the P19 section 106 agreement) – a new air noise management plan (submitted at Deadline 6) will replicate the departure noise violation fining process contained in the P19 noise management plan; the DCO section 106 agreement will secure that such fines are paid into the Community Fund.

4 PROGRAMME FOR COMPLETION

- 4.1.1 A programme has been prepared and shared with the Host Authorities to set out the timetable for the negotiation and completion of the s106 agreement up until the deadline of 30 January 2024. The latest draft of the section 106 agreement was sent to the Host Local Authorities on 23 November 2023 and is under review.

5 DEADLINE FOR COMPLETION

- 5.1.1 The deadline for submission of secured obligations is by Deadline 9 on 30 January 2024. If it becomes clear that it will not be possible to get the agreements in place by this deadline alternative options will be pursued.
- 5.1.2 If the only reason that a signed agreement has not been submitted by 30 January is due to the length of time needed to get all eight signatories to execute the document then it is proposed that a note will be submitted to the ExA setting this out and stating what date it will be signed by. The signed and completed agreement would then be submitted to the ExA (preferably by the end of examination).
- 5.1.3 Alternatively, if a signed and completed agreement could not be submitted to the ExA by 30 January 2024 because agreement had not been reached by all of the parties, the Applicant would look to secure the obligations through a unilateral alternative mechanism. This may be via unilateral undertaking or by a DCO requirement.

6 JOINT STATEMENT

- 6.1.1 This document was shared with the Host Authorities on Wednesday 6 December 2023 and discussions are ongoing with them. The Applicant understands that the Host Authorities are intending to make their own submissions on this action point at Deadline 6 rather than endorsing this submission given time constraints.