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Antony Aldridge
Head of DCO Programme
London Luton Airport Limited

Your Ref:

Our Ref: TR020001

Date: 3 January 2024

Dear Mr Aldridge,

**Planning Act 2008 (as amended) Section 89
The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) –
Rule 17**

**Application by London Luton Airport Limited for an Order granting Development
Consent for the proposed London Luton Airport Expansion Project**

Request for further information and written comments

The Examining Authority (ExA) is in the process of producing a schedule of changes to the draft Development Consent Order (DCO) [REP5-003], which is due to be published on 16 January 2024.

A significant amount of mitigation is proposed to be secured through a section (s) 106 agreement. The ExA notes the Applicant's reassurances that this, or a Unilateral Undertaking (UU), will be completed before the close of the Examination. However, the ExA remains concerned that this may not be achievable. Furthermore, in the case of a UU, submission so close to the end of the Examination may mean that there would be insufficient time for Interested Parties, Affected Persons and the ExA to consider its terms and make representations on it, or in the case of the ExA to ask any questions before the close of the Examination.

The ExA is therefore considering the potential of the use of articles (to require the payment of contributions) and a schedule (providing the details such as eligibility criteria, payment mechanisms etc) as mechanisms for delivering this mitigation in the absence of a completed s106 agreement. To do this the ExA would need a copy of the draft s106 to enable it to explore this matter further and potentially draft the relevant articles and schedule.

To date, although the ExA has received a summary of the s106 Heads of Terms [REP6-072], the ExA has not been provided with a draft of the s106 agreement. Under Rule 17 of

the Infrastructure Planning (Examination Procedure) Rules 2010 the ExA therefore requests the submission of the latest draft of the s106 to enable them to draft the relevant articles and schedule.

The ExA requires the submission of a draft of the s106 agreement by **Deadline 7, Tuesday 9 January 2024**.

Should you have any queries regarding the content of the letter, please contact the case team using the details at the top of this letter.

Yours sincerely

Jo Dowling

Lead Member of the Examining Authority

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