

## M Reddington: Comments on Deadline 9 Submission Draft S106 Agreement - ID 20037459

### Glossary

19mppa application	Application 21/00031/VARCON on the LBC Planning Portal – submitted by LLAOL to LBC to further increase noise contour limits and the passenger cap
2022 inquiry	Planning Inspectorate Inquiry (ref APP/B0230/V/22/3296455) into the called-in decision by LBC to grant the 19mppa application
Airport	London Luton Airport
Airport Operator	London Luton Airport Operations Ltd, currently the concessionaire at the Airport
Applicant	Luton Rising (London Luton Airport Ltd)
Application	This application TR020001 for a Development Consent Order
ATM	Air Transport Movement, hence ATMs is a count of the number of flights
BAP	Bickerdike Allen Partners
KPI	Key Performance Indicator
LBC	Luton Borough Council, ultimate owner of and Local Planning Authority for LLA
LLA	London Luton Airport
LLAOL	London Luton Airport Operations Ltd, the operator of LLA
mppa	'million passengers per annum': a measure of an airport's passenger capacity or actual passenger throughput
NEDG	Noise Envelope Design Group
NIS	Noise Insulation Sub-Committee
noise contour	An outline on a map enclosing an area in which the 8-hour or 16-hour logarithmic average of aircraft noise for an average day in a defined 92-day summer period equals or exceeds a given value, expressed in terms of LAeq for an 8h or 16h period
NTSC	Noise and Track Sub-Committee
Project Curium	Application 12/01400/FUL on the LBC Planning Portal – submitted by LLAOL to LBC in 2012 for development works to increase LLA capacity to 18mppa by 2028

**Comments on [REP9-050]**

**Note: These comments below were submitted under REP8-078 against the previous version of the Draft S106 Agreement [REP7-074] and are still valid.**

ID	Para.	Comment
1	[REP9-033]	<p><b>Draft Compensation Policies, Measures And Community First (Tracked Change Version)</b> paragraph 1.1..7 states:</p> <p><i>"This document sets out discretionary Compensation Policies and Measures that will be an enhancement upon the statutory position and will be secured in a s106 agreement entered into by the Applicant similarly to how the existing noise insulation scheme is secured. In accordance with section 106 of the Town and Country Planning Act 1990, planning obligations secured in such an agreement are enforceable against the Applicant as the entity entering into such an agreement".</i></p>
2	<p><b>Schedule 7</b> Para. 1.1</p>	<p><b>'Compensation Policies'</b>. This section merely refers to TR0200001/App/7.10 "Compensation Policies, Measures and Community First".</p> <p>Previous Section 106 documents such as that provided under Project Curium: "12_01400_FUL-S106-612615 have provided:</p> <ol style="list-style-type: none"> <li>1. Schedule of Definitions of terms</li> <li>2. Schedule of obligations and remedies</li> <li>3. Schedule of formal reports, their contents and intervals</li> </ol> <p>This para.1.1 merely refers the reader to the Compensation Policies document – see ID1 above -as if it was set out in a formal legal fashion. <b>It is not.</b></p> <p>The S106 refers the reader to <b>Draft Compensation Policies, Measures And Community First</b> where para. 1.1. refers back to the S106 Agreement . This is a <u>circular reference.</u></p> <p>This draft S106 document needs to be reviewed in detail and potentially expanded by several Schedules (one for each policy perhaps) so that the agreements are clear, unambiguous and enforceable.</p> <p>The Project Curium S106 document is available on the Gately Hamer website from the 2022 Luton Airport Enquiry as follows:</p> <p><a href="https://gat04-live-1517c8a4486c41609369c68f30c8-aa81074.divio-media.org/filer_public/c5/f1/c5f19331-4802-45e3-b8e8-48755fc454e1/s106_varcon_legal_agreement_690622_oct_2017.pdf">https://gat04-live-1517c8a4486c41609369c68f30c8-aa81074.divio-media.org/filer_public/c5/f1/c5f19331-4802-45e3-b8e8-48755fc454e1/s106_varcon_legal_agreement_690622_oct_2017.pdf</a> or: Google the Gately Hamer Website, under 'Decision Announced', then 'Luton Airport', go to 'Inquiry docs', then 'Core docs', 'LADACAN initial docs' and it's CD8.42</p>