

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 77
TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000
APPLICATION BY LONDON LUTON AIRPORT OPERATIONS LIMITED
FOR VARIATION OF CONDITIONS 8 (PASSENGER THROUGHPUT CAP), 10 (NOISE
CONTOURS), 22 (CAR PARKING MANAGEMENT), 24 (TRAVEL PLAN) AND 28 (APPROVED
PLANS AND DOCUMENTS) TO PLANNING PERMISSION 15/00950/VARCON (DATED 13
OCTOBER 2017)

LPA REFERENCE NUMBER 21/00031/VARCON
PINS REFERENCE NUMBER: APP/B0230/V/22/3296455

CIL COMPLIANCE STATEMENT
SEPTEMBER 2022

1. FRAMEWORK

- 1.1 The legislative framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy Regulations 2010 (the "CIL Regulations"). Government policy on planning obligations is set out in paragraphs 55-58 of the NPPF.
- 1.2 Regulation 122 of the CIL Regulations provides that a planning obligation may only constitute a reason for granting planning permission if the obligation is:
 - 1.1.1 Necessary to make the development acceptable in planning terms;
 - 1.1.2 Directly related to the development; and
 - 1.1.3 Fairly and reasonably related in scale and kind to the development.
- 1.3 Paragraph 57 of the National Planning Policy Framework ("NPPF") reiterates the Regulation 122 test.
- 1.4 The policies of the development plan relevant to the planning obligations to be secured, that would constitute a reason for granting planning permission, are:
 - 1.4.1 LLP1: Policy LLP1: Presumption in Favour of Sustainable Development
 - 1.4.2 Policy LLP2: Spatial Development Strategy
 - 1.4.3 Policy LLP6: London Luton Airport Strategic Allocation
 - 1.4.4 Policy LLP13: Economic Strategy
 - 1.4.5 Policy LLP25: High Quality Design
 - 1.4.6 Policy LLP31: Sustainable Transport Strategy
 - 1.4.7 Policy LLP32: Parking
 - 1.4.8 Policy LLP36: Flood Risk
 - 1.4.9 Policy LLP37: Climate Change, Carbon and Waste Reduction and Sustainable Energy
 - 1.4.10 Policy LLP38: Pollution and Contamination
 - 1.4.11 Policy LLP39: Infrastructure and Developer Contributions

- 1.5 Policy LLP39 says that the Council will support development proposals that provide or adequately contribute towards infrastructure and services needed to support them, noting that planning obligations will be needed to secure the necessary provision or a financial contribution towards provision.
- 1.6 The Council's Planning Obligations Supplementary Planning Document (SPD) provides guidance on how planning obligations will be applied in the determination of planning applications and covers, inter alia, obligations and contributions in relation to: transport facilities; economic development, training and employment; and waste.

2. **OBLIGATIONS**

Noise Mitigation

- 2.1 Policy LLB6B(iv) requires airport expansion proposals to include appropriate forms of mitigation to be identified in the event of significant adverse effects. Policy 6B(vi) requires the proposals to include an effective noise control, monitoring and management scheme. Policy 6B(vii) notes that expansion proposals will only be supported where they include proposals that will over time result in significant diminution and betterment of the effects of aircraft operations on the amenity of local residents through measures that secure fleet modernisation or otherwise. Policy LLP38 notes that where adverse impacts are identified, such as effects of noise, appropriate mitigation will be required.
- 2.2 The noise mitigation obligations require the Applicant to implement and continue to operate a Noise Management Plan the principal objective of which is to minimise noise disturbance from aircraft using the Airport. The noise mitigation obligations include provisions relating to the Residential Noise Insulation Scheme, Non-Residential Noise Insulation Scheme, Noise Insulation Fund, and track violations – all of which are matters that are addressed in further detail within the Noise Management Plan itself.
- 2.3 The obligations are necessary given the policy context, directly relevant to the development and are fairly and reasonably related in scale and kind to the development.

Traffic and Transportation

- 2.4 Policy LLP6B(viii) states that airport expansion proposals will be supported where they incorporate sustainable transportation and surface access measures that minimise the use of the private car and maximise the use of sustainable transport modes (in accordance with the Airport Surface Access Strategy ("ASAS")). Policy LLP31 provides for the continued economic success of the Airport as a transport hub through the enhancement of sustainable modes of transport. Policy LLP32 notes that parking at the Airport will be stringently controlled.
- 2.5 The original planning permission in 2014 (ref: 12/01400/FUL) included obligations in relation to highway improvements, provision of travel plans (construction, passenger and staff) and parking. The Section 73 variation permission in 2017 (ref: 15/00950/VARCON) reiterated these provisions. The financial contributions towards the highway works and car parking from the previous Section 106 Agreements have been complied with. The obligation in relation to the construction travel plan is still required since the final phase of construction has yet to be completed (Taxiway Golf), whilst the obligations in relation to the review and monitoring of the passenger and staff travel plans, including the additional cycle parking and electric vehicle charging points, together with the provision of the updated ASAS are still required.
- 2.6 The obligations are necessary given the policy context, directly relevant to the development and are fairly and reasonably related in scale and kind to the development.

London Luton Airport Consultative Committee (LLACC)

- 2.7 Policy LLP6 and LLP38 require appropriate forms of mitigation to be identified and effective noise control, monitoring and management to be in place.
- 2.8 The LLACC has been in operation for many years, being chaired by an independent person and bringing together many of the stakeholders in line with Government policy. The

2014 Section 106 Agreement made provision for a new constitution for the LLACC, the funding of the LLACC at the Applicant's own cost, and defining the role of the LLACC (including its composition, role in reviewing the Annual Monitoring Report and quarterly reports, the opportunity for concerns and ideas of representatives to be taken into account and an objective of seeking to resolve issues and concerns raised by the LLACC). The LLACC's sub-committees also play an important role in monitoring the effectiveness of the noise control scheme (Noise and Track Sub-Committee) and in the management of the noise insulation fund and mitigation through the noise insulation schemes (Noise Insulation Sub-Committee).

- 2.9 The obligations are necessary given the policy context, directly relevant to the development and are fairly and reasonably related in scale and kind to the development.

Sustainability

- 2.10 Policy LLP1 supports sustainable development, whilst Policy LLP2 sets out the spatial development strategy, including the strategic employment allocation at the Airport. Policy LLP6F requires development proposals in the Airport strategic allocation to make provision for sustainable drainage and disposal of surface water. Policy LLP25 promotes high quality design, with provision in development proposals being made for: improved accessibility to walking, cycling and public transport; enhancing natural assets and biodiversity; being adaptable and flexible to accommodate changing working requirements; reduced carbon emissions and increased energy and water efficiency. Policy LLP36 requires new development to address, amongst other things, water efficiency and rainwater harvesting. Policy LLP37 states that the Council will support development proposals that contribute towards mitigation and adaptation to climate change through energy use reduction, efficiency and renewable energy.
- 2.11 The Sustainability Strategy was a requirement of the 2014 Section 106 Agreement, with the Strategy then addressing such matters as environmental management systems (covering all aspects of the Airport's operations), energy efficiency, low carbon generation of heating/cooling facilities and electricity, waste management and recycling, water management and efficiency, biodiversity and influencing supply chains. The Airport monitors and reports on the effectiveness of the Sustainability Strategy through its Responsible Business Strategy and the Annual Monitoring Report.
- 2.12 This updated Section 106 obligation requires an updated Sustainability Strategy to be submitted within twelve months of planning permission being granted. With the additional sustainability measures to be secured through the Travel Plans and updated ASAS, and the planning condition requiring the production of a Carbon Reduction Strategy based on the Outline Carbon Reduction Plan, the requirements and objectives in relation to sustainability will only increase as a result of this proposal.
- 2.13 The obligations are necessary given the policy context, directly relevant to the development and are fairly and reasonably related in scale and kind to the development.

Local Employment and Supply Chains

- 2.14 Strategic Objective 6 of the Local Plan seeks, inter alia, to reduce unemployment, improve skills and education. Policy LLP13 supports development proposals that deliver sustainable economic growth with the Airport being identified as a strategic allocation for employment. Policy LLP39 records that the Council will support development proposals that provide or adequately contribute towards the infrastructure and services needed to support them, and that this will be achieved through planning obligations and conditions. The Planning Obligations SPD notes that Luton experiences above average levels of unemployment and so there is a need to ensure that appropriate skills are developed and that local people are not socially excluded but have the ability to access new jobs created by development. In this regard the SPD seeks to secure from relevant developments the adoption and implementation of an employment and recruitment package.
- 2.15 Both the 2014 and 2017 Section 106 Agreements included the requirement in relation to the Employment Skills and Recruitment Plan and the Local Procurement Protocol. The objectives of the plan and protocol are to: reduce economic inactivity by providing

opportunity for residents to access employment opportunities; to support the local economy by securing goods and services from local firms; and support the development of skills within the community by promoting training and career development opportunities. The obligation requires the Applicant to continue to comply with the current Local Procurement Protocol and Employment Skills and Recruitment Plan and then to update it within twelve months of planning permission being granted, and then to comply with the new plan.

- 2.16 The obligations are necessary given the policy context, directly relevant to the development and are fairly and reasonably related in scale and kind to the development.

Community Fund

- 2.17 As noted above Policy LLP39 addresses infrastructure and developer contributions, whilst the Planning Obligations SPD lists a number of areas for which developer contributions may be required, including economic development, training and employment.
- 2.18 The establishing of the Community Trust Fund was a requirement of the 2014 Section 106 Agreement. The Fund is aimed at those affected by the impacts of the Airport, namely communities in: Luton; Central Bedfordshire; North Hertfordshire; Stevenage; Dacorum; St Albans; and Aylesbury Vale. The Fund is administered by an independent body, the Bedfordshire and Luton Community Foundation, and provides grants to groups operating in the local area, to address: the mental/physical health and wellbeing of the communities; skills and training (particularly of young people); and alleviating poverty (by supporting people to support themselves).
- 2.19 The obligations are necessary given the policy context, directly relevant to the development and are fairly and reasonably related in scale and kind to the development.

Monitoring and Reporting / Monitoring Fund

- 2.20 Policies LLP6 and LLP38 include requirements in relation to appropriate forms of mitigation with an effective noise control, monitoring and management scheme. Policy LLP39 on developer contributions is augmented by the Planning Obligations SPD which records that in some instances there may be associated financial burdens placed upon the Council as a consequence of administration and monitoring requirements.
- 2.21 The 2014 Section 106 Agreement included the provision of a monitoring contribution, which was also contained within the 2017 Section 106 Agreement. In addition to the on-going inputs (such as the contribution to the Annual Monitoring Report) and monitoring associated with the original agreement (such as the noise control schemes, Sustainability Strategy and the Travel Plans), the current planning application includes a number of schemes that will need continuing monitoring by the Council, such as the operation of the Noise Management Plan and the Carbon Reduction Strategy.
- 2.22 The obligations are necessary given the policy context, directly relevant to the development and are fairly and reasonably related in scale and kind to the development.

3. CONCLUSION

- 3.1 The planning obligations sought are compliant with the CIL Regulations for the reasons set out above.