

CABINET 16 JANUARY 2024
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PART 1 – PUBLIC DOCUMENT
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TITLE OF REPORT: STRATEGIC PLANNING MATTERS - Supplementary

REPORT OF: SERVICE DIRECTOR REGULATORY

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR PLANNING & TRANSPORT

COUNCIL PRIORITY: PEOPLE FIRST / SUSTAINABILITY / A BRIGHTER FUTURE TOGETHER

1. BACKGROUND

- 1.1 Since the publication of the Strategic Planning report matters have progressed with regard the s106 agreement for the Luton Airport planning application that Cabinet needs to be informed of.

2. RELEVANT CONSIDERATIONS

- 2.1 The Examining Authority is seeking ideally a signed s106, or a substantive draft, prior to the close of the Examination on 10 February 2024. The five host authorities are using specialist legal advisors, Pinsents & Mason, to lead on the consideration of the s106. The agreement will be signed by Dacorum Borough Council, Central Bedfordshire Council, Hertfordshire County Council, Luton Borough Council, North Hertfordshire Council, London Luton Operations Limited, London Luton Airport Limited and NatWest Markets PLC.

- 2.2 The relevant Schedules within the s106 cover the following matters:

Schedule 2:

Concerns the reprovision of sports pitches and changing facilities following their loss from Wigmore Valley Park as a result of the expansion of the airport, and it is understood that such facilities will be contained within the section of the park to be retained within Luton Borough Council's area.

Schedule 3:

Considers the future management of Wigmore Valley Park. The expansion of the airport leads to a loss of existing parkland within Luton Borough Council's area, the planning application proposes to replace the lost land within the administrative area of North Herts. This Schedule relates to the establishment of a Trust to manage and maintain the entire park, together with an annual financial contribution.

Schedule 4:

Relates to the implementation of an Employment and Training Strategy and Local Procurement Protocol.

Schedule 5:

In order to seek to ensure that the growth of the airport goes in line with the required mitigations, known as Green Controlled Growth, a monitoring body comprising 4 of the host authorities (including NHC) will be established supported by technical groups. This schedule relates to annual payments to those authorities in meeting their obligations with regard this.

Schedule 6:

Deals with the consideration of and any replacement of nursery places lost as a result of the closure of Prospect House Day Nursery within Luton Borough Council.

Schedule 7:

Relates to the measures contained within the Draft Compensation Policies, Measures and Community First document.

Schedule 8:

Seeks to enable the relevant highway authority to draw down funds from a Residual Impact Fund.

Schedule 9:

Concerns the provision of a Sustainable Travel Fund, this is sought to be funded through a levy on each parking or drop-off transaction.

Schedule 10:

Relates to the operation and funding of a Community Fund.

Schedule 11:

Within this Schedule the applicant is required to submit detailed design proposals for certain aspects of the authorise development to a Design Review Panel for their consideration.

Schedule 12:

Obligates the Councils to register the s106 agreement as local land charge.

3 LEGAL IMPLICATIONS

- 3.1 Under the Council's Constitution, 14.6.11 (b) (iv) B, the Service Director Regulatory is delegated: *all functions relating to National Infrastructure Planning including co-ordination of the Council's response to any consultation, examination or other any other matter concerned with major infrastructure projects*. As such, will be recommending the sealing of the s106 at the appropriate time to the relevant authorised Council officer following receipt of specialist legal advice and consultation with the appropriate Executive Members.