Luton Rising
Our airport.
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September 2023

London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

8.07 Statement of Common Ground between London Luton Airport Limited and the Environment Agency

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.07

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

London Luton Airport Expansion Development Consent Order 202x

8.07 STATEMENT OF COMMON GROUND BETWEEN LONDON LUTON AIRPORT LIMITED (TRADING AS LUTON RISING) AND THE ENVIRONMENT AGENCY

Deadline:	Deadline 2
Planning Inspectorate Scheme Reference:	TR020001
Document Reference:	TR020001/APP/8.07
Author:	Luton Rising

Version	Date	Status of Version
Issue 1	September 2023	Additional Submission - Deadline 2

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) London Luton Airport Limited (trading as Luton Rising) and (2) the Environment Agency.

Signed on Behalf of LONDON LUTON AIRPORT LIMITED (TRADING AS LUTON RISING)

Signature:

Name:

Position:

Date:

Signed on Behalf of the ENVIRONMENT AGENCY

Signature:

Name:

Position:

Date:

Contents

1 INTRODUCTION AND PURPOSE

1.1 Purpose of Statement of Common Ground

1.1.1 This Statement of Common Ground (SoCG) relates to an application made by London Luton Airport Limited, trading as Luton Rising ("the Applicant"), to the Secretary of State for Transport under section 37 of the Planning Act 2008 ("the Act").

1.1.2 The application is for an order granting development consent, known as a Development Consent Order (DCO). The draft DCO is referred to as the London Luton Airport (Expansion) Development Consent Order. The DCO, if granted, would authorise an increase of the permitted capacity of London Luton Airport ("the airport") to 32 million passengers per annum (mppa) ("the Proposed Development").

1.1.3 This SoCG has been prepared by the Applicant and the Environment Agency in respect of the Proposed Development. In particular, this SoCG focuses on:

a. Summary of engagement
b. Soils and geology
c. Water resources
d. Waste
e. Combustion

1.1.4 The purpose and possible content of SoCGs is set out in paragraphs 58-65 of the Department for Communities and Local Government's guidance entitled "Planning Act 2008: examination of applications for development consent" (26 March 2015). Paragraph 58 of that guidance explains the basic function of SoCGs:

"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence."

1.1.5 SoCGs are therefore a useful and established means of ensuring that the evidence at the DCO examination phase focuses on the material differences between the main parties, and so aim to help facilitate a more efficient examination process.

1.2 Parties to this SoCG

1.2.1 The Applicant is the owner of the airport and is a private limited company wholly owned by Luton Borough Council (LBC). The airport is managed and operated by London Luton Airport Operations Ltd through a Concession Agreement with the Applicant and LBC. This agreement lasts until 2032.

1.2.2 The Environment Agency works to protect and improve the environment and is responsible for regulating major industry and waste; treatment of contaminated land; water quality and resources; fisheries; inland river, estuary and harbour navigations; conservation and ecology; and managing the risk of flooding from main rivers, reservoirs, estuaries and the sea. It is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and so has been consulted throughout the course of the development of the Proposed Development.

1.2.3 The Applicant and the Environment Agency are collectively referred to in this SoCG as 'the parties'. The parties have been, and continue to be, in direct communication in respect of the Proposed Development.

1.3 Proposed Development description

1.3.1 The Proposed Development builds on the current operational airport with the construction of a new passenger terminal and additional aircraft stands to the north east of the runway. This will take the overall passenger capacity from 18 mppa to 32 mppa[1]. In addition to the above and to support the initial increase in demand, the existing infrastructure and supporting facilities will be improved in line with the short-term requirements for additional capacity.

1.3.2 Key elements of the Proposed Development include:

a. extension and remodelling of the existing passenger terminal (Terminal 1) to increase the capacity;

b. new passenger terminal building and boarding piers (Terminal 2);

c. earthworks to create an extension to the current airfield platform; the vast majority of materials for these earthworks would be generated on site;

d. airside facilities including new taxiways and aprons, together with relocated engine run-up bay and fire training facility;

e. landside facilities, including buildings which support the operational, energy and servicing needs of the airport;

f. enhancement of the existing surface access network, including a new dual carriageway road accessed via a new junction on the existing New Airport

[1] On 1 December 2021, the local planning authority (Luton Borough Council) resolved to grant permission for the current airport operator (LLAOL) to grow the airport up to 19 mppa, from its previous permitted cap of 18 mppa. Since then, the application was called-in and referred to the Secretary of State for determination instead of being dealt with by the local planning authority. The inquiry to consider the called-in application opened on Tuesday 27 September 2022, and closed on Friday 18 November 2022. At the time of submission of the application for development consent the outcome of the inquiry was still unknown and, therefore, all of the assessment work to date has been undertaken using a "baseline" of 18 mppa. Nonetheless, in anticipation of LLAOL's 19 mppa planning application, the Applicant's environmental assessments included sensitivity analysis of the implications of the permitted cap increasing. As a result, the Applicant believes that the environmental assessments are sufficiently representative of the likely significant effects of expansion, whether the baseline is 18 mppa or 19 mppa. Where the change of the baseline does affect an assessment topic, in most cases it means that the "core" assessments (using an 18 mppa baseline) report a marginally greater change than would be the case with a 19 mppa baseline. The findings of the assessment are presented in the Environmental Statement submitted with the application for development consent.

Way (A1081) to the new passenger terminal along with the provision of forecourt and car parking facilities;

g. extension of the Luton Direct Air to Rail Transit (Luton DART) with a station serving the new passenger terminal;

h. landscape and ecological improvements, including the replacement of existing open space; and

i. further infrastructure enhancements and initiatives to support the target of achieving zero emission ground operations by 2040[2], with interventions to support carbon neutrality being delivered sooner including facilities for greater public transport usage, improved thermal efficiency, electric vehicle charging, on-site energy generation and storage, new aircraft fuel pipeline connection and storage facilities and sustainable surface and foul water management installations.

[2] This is a Government target, for which the precise definition will be subject to further consultation following the Jet Zero Strategy, and which will require further mitigations beyond those secured under the DCO.

2 ENGAGEMENT WITH THE ENVIRONMENT AGENCY

2.1 Summary of engagement

2.1.1 The pre-application statutory consultation carried out by the Applicant, and the way in which it has informed the application for development consent, is set out in full in the **Consultation Report [AS-048]**. As a statutory consultee, the Environment Agency was consulted on the proposals in accordance with section 42 of the Act, and submitted a formal response to the consultation carried out by the Applicant.

2.1.2 The parties continue to be in direct communication in respect of the Proposed Development.

2.1.3 This SoCG between the parties is based on an extensive programme of consultation and ongoing engagement which are summarised in Table 2-1. This sets out the meetings and substantive correspondence that took place and the topics discussed. Matters under discussion are set out in section 3.

Table 2-1: Engagement between the Applicant and the Environment Agency

Date	Form of correspondence	Details
26 February 2018	Meeting – MS Teams	Environmental stakeholders introductory meeting: introduction to key environmental stakeholders/consultees for EIA scoping.
26 March 2018	Meeting – MS Teams Water Resources meeting	Introduction to the Proposed Development and project team. Outline of EIA scoping approach for water resources. Discussion of ground investigation strategy. Water Framework Directive discussion.
1 August 2018	Meeting – MS Teams Water Resources meeting	The approach and initial findings of the water resources and Water Framework Directive assessment for scoping was presented. Feedback provided on ground investigation and the drainage strategy.
16 August 2018	Meeting – MS Teams Water Resources and Land Contamination meeting	Water and land contamination meeting. During this meeting, soils and geology specialists from the project team provided an update on the ground investigation progress and next steps. An update was also provided by the project's water resources team on the approach to scoping for the EIA, the controlled water resources, and potential impacts identified and assessment methodology. The Water Framework Directive assessment approach was also discussed, including the initial screening outcome and preliminary assessment.
10 October 2018	Meeting – MS Teams	Discussion regarding the strategy for dealing with the landfill material during earthworks. Discussion of the

Date	Form of correspondence	Details
	Soils and Geology meeting	options and timings for environmental permitting. Discussion about earthworks and foundation options in relation to contamination.
25 April 2019	Meeting – MS Teams Water Resources meeting	Introduction and discussion regarding the drainage strategy.
1 July 2019	Meeting – MS Teams Soils and Geology meeting	Update on the Proposed Development, findings of the ground investigation and discussion on the approach to the detailed modelling of the groundwater assessment.
1 December 2019	Meeting – MS Teams	Discussion regarding Environment Agency permit pre-application advice form submitted for review and permit requirements.
13 August 2020	Meeting – MS Teams	Update and discussion of proposals.
26 July 2021	Meeting – MS Teams	Discussion of the Proposed Development design including scheme changes. Outstanding issues from the EIA scoping comments and statutory consultation feedback. Overview of EIA activities to-date and discussion of land contamination issues.
21 October 2021	Meeting – MS Teams Water Resources meeting	Recap on programme for the Proposed Development, overview of the drainage strategy, presentation on drainage and water supply strategy for the DCO and outline of hydrogeological risk assessment process.
2 December 2021	Meeting – MS Teams Waste and Resources meeting	Waste subgroup meeting – preliminary results of the Waste and Resources assessment for the 2022 Preliminary Environmental Information Report (PEIR) shared and update on the waste infrastructure baseline provided (new Environment Agency data).
8 December 2021	Meeting – MS Teams Water Resources meeting	Presentation of the 2022 PEIR assessment and the scope and methodology for Hydrological Risk Assessment. Overview of key deliverables and timescales provided. Summary of the 2022 PEIR assessment provided (including Water Framework Directive assessment). Discussion on the scope and methodology of the hydrogeological risk assessment.
9 February 2022	Meeting – MS Teams	Update on the scheme timeline, proposed ground gas monitoring strategy, proposed groundwater and leachate monitoring strategy and, Perfluoroalkyl and

Date	Form of correspondence	Details
		Polyfluoroalkyl Substances (PFAS) and Perfluorooctanoic Acid (PFOA).
1 April 2022	Email/letter	Response submitted to the 2022 statutory consultation.
13 June 2022	Meeting – MS Teams Waste and Resource meeting	Waste sub-group meeting – feedback received from 2022 statutory consultation discussed.
12 July 2022	Meeting – MS Teams	Review of statutory consultation comments on the 2022 PEIR regarding land contamination issues including landfill gas control measures, recovery of landfill waste and environmental permitting, foundation works risk assessment and groundwater monitoring for PFAS.
12 August 2022	Meeting – MS Teams Water Resources meeting	Meeting to update on drainage strategy, and discussion of 2022 statutory consultation comments.
18 October 2022	Email/letter	Response to 12 July 2022 meeting minutes and action log.
18 November 2022	Meeting – MS Teams Water Resources meeting	Meeting with Environment Agency to provide summary of results of Hydrogeological Risk Assessment (HRA) Report: Drainage, prior to issue.
3 February 2023	Meeting – MS Teams Water Resources meeting	Meeting with Environment Agency to provide update on water environment deliverables and programme, clarify what will/will not be included within the application for development consent (noted that responses to Environment Agency comments on the HRA Report: Drainage would not be included in the application, but would be addressed post-submission) and discuss SoCG.
11 May 2023	Meeting – MS Teams Water Resources meeting	Meeting with Environment Agency to provide update on activities that are proposed post-submission of the application for development consent to address outstanding concerns regarding the drainage strategy.
13 June 2023	Meeting – MS Teams Soils and Geology	Meeting with the Environment Agency to review draft SoCG.

Date	Form of correspondence	Details
10 July 2023	Meeting – MS Teams Soils and Geology	Follow up meeting with the Environment Agency to agree SoCG matters.
12 July 2023	Meeting – MS Teams Water Resources	Meeting to discuss SoCG, Relevant Representations, Principal Area of Disagreement Summary Statements (PADSS) and ongoing works in regards to the drainage and discharge.
04 September 2023	Meeting – MS Teams Drainage and Water Environment	Meeting to discuss drainage and water environment issues.

3 MATTERS AGREED, ONGOING, OR NOT AGREED

Table 3-1: Summary of matters

SoCG ID	Matter	Environment Agency position	The Applicant position	Source of issue / agreement	Agreed / Ongoing / Not agreed
3.1	**Summary of engagement**				
3.1.1	Engagement	The Environment Agency has engaged with the Applicant throughout the project's development and continues to engage to address residual issues.	The Applicant has engaged with the Environment Agency throughout the project's development and will continue to do so.	Meeting on 12.07.23	Agreed
3.2	**Soils and Geology**				
3.2.1	Matters of agreement	The Environment Agency and the Applicant are in agreement regarding the following aspects of the Proposed Development (for the purposes of the DCO only. Any environmental permitting applications would be considered on their own merits): • The former Eaton Green landfill has been adequately characterised and risks from contamination adequately assessed and understood for current conditions. The risks will change once construction commences.	The Applicant acknowledges this.	Environment Agency letter dated 01.04.22 in response to statutory consultation of 8 February to 4 April 2022 on the PEIR. Teams Meeting of 21.07.21	Agreed

SoCG ID	Matter	Environment Agency position	The Applicant position	Source of issue / agreement	Agreed / Ongoing / Not agreed
		• The Outline Remediation Strategy (ORS) is logical and the proposed recovery of landfill waste in the Proposed Development is positive and reduces the requirement for off-site disposal. • An environmental permit will be required for landfill waste, enabling works within the permitted area and existing stockpiled materials (80,000m^3) currently under a local enforcement position to the east of LLAOL's contractor's compound. • Definition of Waste Code of Practice (DoW CoP) can be applied as the regulatory regime for non-waste outside the permitted area, including natural soils and Made Ground. • If a DfR is not authorised then it would be classed as a disposal activity attracting all the associated waste permitting requirements. • Further ground investigation and contamination assessment will be required for other areas of the Proposed Development off the former landfill, with remediation strategies developed as required, to		Teams Meeting 13.06.23	

SoCG ID	Matter	Environment Agency position	The Applicant position	Source of issue / agreement	Agreed / Ongoing / Not agreed
		address identified contaminant linkages.			
3.2.2	Site investigation and assessment	The Environment Agency advise that additional geo-environmental investigation and assessment works may be required elsewhere other than the former Eaton Green landfill.	This is noted by the Applicant. Ground investigation is also proposed for areas other than the landfill i.e. the current fire training ground, off-site car parks and existing airport land. Requirement 12 – Contaminated land and groundwater, in the draft DCO, states that where land contamination is found during construction that was not previously identified in the Environmental Statement, it must be reported to the relevant planning authority and the Environment Agency as soon as reasonably practicable, and a risk assessment must be completed. Requirement 12 also provides for the approval of a written scheme and programme of remediation to be approved by the relevant planning authority following consultation with the Environment Agency where this	Letter from Environment Agency via email 01.04.22 Meeting on 10.07.23	Agreed

SoCG ID	Matter	Environment Agency position	The Applicant position	Source of issue / agreement	Agreed / Ongoing / Not agreed
			is determined as being required from detailed site investigations or as an unexpected discovery.		
3.2.3	Site investigation and assessment	The Environment Agency advise that any consent that may be granted for the Proposed Development will need a form of planning condition ensuring that the potential for land contamination is investigated and that appropriate remediation strategies are developed for land parcels outside of the former Eaton Green landfill.	This is noted by the Applicant and is secured by Requirement 12 – Contaminated land and groundwater, in the draft DCO. This requirement provides for the approval of a written scheme and programme of remediation to be approved by the relevant planning authority following consultation with the Environment Agency where this is determined as being required from detailed site investigations or as an unexpected discovery. This includes land beyond the landfill.	Letter from Environment Agency via email 01.04.22 Meeting on 10.07.23	Agreed
3.2.4	Site investigation and assessment	The Environment Agency advise that there will need to be provision for dealing with "unexpected contamination" that may be encountered as the works progress - the Environment Agency would expect to see this in the Mitigation Route Map.	Procedures to be followed in the event of unexpected contamination are outlined in the **Code of Construction Practice (CoCP)** included as **Appendix 4.2** of the **Environmental Statement [APP-049]**.	Letter from Environment Agency via email 18.10.22 Meeting on 10.07.23	Agreed

SoCG ID	Matter	Environment Agency position	The Applicant position	Source of issue / agreement	Agreed / Ongoing / Not agreed
			The CoCP is secured by Requirement 8 – Code of Construction Practice in the draft DCO. This is the principal securing document for construction mitigation and reference to this is included in the Mitigation Route Map. Requirement 12 of the draft DCO as noted above (3.2.2 and 3.2.3) secures remediation of contamination identified from detailed site investigation and as an unexpected discovery.		
3.2.5	Remediation	The Environment Agency advise that a detailed method statement for the 'watching brief' of the remediation of the landfill should be developed and provided in subsequent submissions.	A high-level watching brief was added to the ORS and CoCP submitted as part of the application for development consent. This will be further developed by the lead contractor and included in their detailed remediation strategy / remediation method statement. The detailed remediation strategy will be subject to approval by the relevant planning authority following consultation with the	Letter from Environment Agency via email 18.10.22 Meeting on 10.07.23	Agreed

SoCG ID	Matter	Environment Agency position	The Applicant position	Source of issue / agreement	Agreed / Ongoing / Not agreed
			Environment Agency, under Requirement 17 of the draft DCO.		
3.2.6	Remediation/ Permitting	Landfill material will need to be regulated as waste. The enabling works within the landfill will need to be undertaken under an environmental permit regulated by the Environment Agency.	The Applicant is considering its approach to obtaining the deposit for recovery (DfR) environmental permit. This was proposed and discussed at the Contaminated Land Technical Working Group (CL TWG) meeting on 26 July 2021 and 12 July 22. The proposed approach is for the applicant to prepare a Waste Recovery Plan (WRP) and Hydrogeological Risk Assessment (HRA) - piling The Environment Agency's National Permitting team has requested to review the WRP and HRA - piling (once prepared) and provide an "agreement in principle" with respect to the DfR permit	Letter 01.04.22	Agreed
3.2.7	Remediation / Permitting	At the CL TWG meeting of 12 July 2022 it was stated that a Waste Recovery Plan (WRP) and Hydrogeological Risk Assessment (HRA) - piling would be required to	The Applicant is preparing the WRP and this is anticipated to be issued for the Environment Agency to review, such that the agreement in principle could be	Meeting 12.07.22 Meeting on 10.07.23	Agreed. Subject to approval of WRP and HRA – piling

SoCG ID	Matter	Environment Agency position	The Applicant position	Source of issue / agreement	Agreed / Ongoing / Not agreed
		obtain the agreement in principle for the DfR permit. The Environment Agency National Permitting team request to review the WRP and HRA - piling and provide agreement in principle with respect to the DfR permit for the recovery of landfill waste.	obtained during the examination period for the DCO. It is currently the Applicant's intention that the detailed HRA – piling, will be produced by the lead contractor following approval of the DCO as part of the application for the DfR permit.		at the relevant stages
3.2.8	Remediation / Permitting	The Environment Agency state that the recovery of landfill materials in the Proposed Development is positive as it reduces the requirement for off-site disposal of waste and provides evidence for the WRP that the waste is serving a useful purpose.	This is acknowledged by the Applicant. It is the Applicant's intention to minimise off-site disposal of materials/landfill waste.	Meeting 23.07.21	Agreed
3.2.9	Earthworks	All excavated non waste materials[3] located outside the permit boundary would be required to be reused under DoW CoP, under a Materials Management Plan (MMP). A Framework MMP and a stockpile management plan would both be beneficial given the timeframe and	The Applicant has included a requirement in the CoCP (**Appendix 4.2** of the Environmental Statement **[APP-049]**) and the ORS for a Framework MMP and MMPs for individual work packages (including a stockpile	Meeting 12.07.22 Meeting 13.06.23	Ongoing

[3] Non waste is defined as materials that have not been discarded.

SoCG ID	Matter	Environment Agency position	The Applicant position	Source of issue / agreement	Agreed / Ongoing / Not agreed
		requirement for an audit trail for validating the works. The Environment Agency will confirm the position on the length of time stockpiling is allowed with the National Permitting team. Confirmed as three years – however, if continuously managed then the stockpiles can remain for longer, as long as the materials do not remain in the stockpile for longer than 3 years.	management plan, if appropriate) to be prepared following DCO approval by the appointed lead contractor.		
3.2.10	Earthworks	The Environment Agency advises that the Proposed Development cannot use DoW CoP for reuse of materials within the boundary of the DfR permit including the landfill and stockpiled wastes. Existing stockpiles to the east of LLAOL Contractor's Compound, now under a local enforcement position and classed as waste and therefore cannot be reused under DoW CoP as they are considered as waste.	The position is noted and is being considered further by the Applicant.	Meeting 12.07.22 Meeting 13.06.23	Ongoing
3.2.11	Piling	The Environment Agency advises that a piling risk assessment considering the conditions in the landfill and appropriate mitigations to be adopted during the piling works, is required.	A foundation works risk assessment (FWRA) has been completed and has been submitted as **Appendix 17.6** to the **Environmental Statement [APP-126]**.	Letter 01.04.22	Ongoing

SoCG ID	Matter	Environment Agency position	The Applicant position	Source of issue / agreement	Agreed / Ongoing / Not agreed
3.2.12	Piling	At the CL TWG meeting of 12 July 2022, it was stated that the HRA – piling would include an assessment of the risk from piled foundations. The Environment Agency advises there will be new guidance forth coming on piling through landfills and a groundwater authorisation is likely to be required before piling works can commence.	It is currently the Applicant's intention that the detailed HRA - piling will be produced by the lead contractor following approval of the DCO as part of the application for the DfR permit. The detailed HRA -piling will include consideration of the piling risk including mitigations for unexpected gross contamination and mobile contaminants. It is expected that monitoring requirements would be agreed with the Environment Agency as part of the permit application.	Meeting 12.07.22 Letter 31.01.23 Meeting 13.06.23	Ongoing
3.2.13	Piling	The Environment Agency expect additional mitigations to be adopted should piling be needed in areas where freely mobile contaminants are present (i.e. leachate, non aqueous phase liquid (NAPL)). Whilst continuous flight auger (CFA) / rotary cored piling methods are the preferred approach in contaminated soils, they can create a	The identification of additional mitigation is included in the FWRA (**Appendix 17.6** to the **Environmental Statement [APP-126])**. This is to be considered at detailed design when piling locations have been identified in relation to identified mobile contaminants.	Letter 18.10.22 Letter 31.01.23	Ongoing

SoCG ID	Matter	Environment Agency position	The Applicant position	Source of issue / agreement	Agreed / Ongoing / Not agreed
		temporary pathway for mobile contaminants.	The detailed HRA - piling will include consideration of the piling risk including mitigations for unexpected gross contamination and mobile contaminants. It is expected that monitoring requirements would be agreed with the Environment Agency as part of the permit application.		
3.2.14	Groundwater, Gas, Leachate Monitoring Strategy	At the CL TWG meeting on 9 February 2022, the proposed outline groundwater, gas and leachate monitoring strategy was broadly agreed, noting that 12 months monitoring would be required for the DfR permit.	The Applicant has appointed a ground investigation contractor to undertake additional baseline monitoring which commenced in June 2023 with a second round planned for September 2023. The lead contractor will continue the monitoring and develop their own monitoring plan for the permit application to be agreed with the Environment Agency.	Meeting 09.02.22 Letter 31.01.23 Meeting on 10.07.23	Agreed
3.2.15	Potential impacts to Principal aquifer	Grouting of groundwater monitoring wells which penetrate the base of the landfill, to remove the potential impact to groundwater.	The long-term monitoring wells are still in use and have been designed to ensure no pathway between the landfill and underlying aquifer.	Meeting 26.07.2021	Agreed

SoCG ID	Matter	Environment Agency position	The Applicant position	Source of issue / agreement	Agreed / Ongoing / Not agreed
			The ORS includes decommissioning of monitoring wells once they are no longer required, to ensure removal of long-term pathways to the aquifer.		
3.2.16	Ground gas	The Environment Agency notes that the gas assessment considers the current gassing conditions which will change due to the earthworks. The Environment Agency advises the investigation of management of landfill gas, as there is a potential for green energy production.	This has been considered in the ORS in which the proposed gas control measures are described and addressed by the proposed continued ground gas monitoring before, during and after the earthworks.	Meeting 26.07.21 Meeting 13.06.23	Agreed
3.2.17	PFAS/PFOA contamination	The Environment Agency anticipate further engagement regarding the potential presence of PFOS/PFOA contamination in the vicinity of the fire training ground.	The Applicant is aware that ongoing engagement is required. Such future engagement would be with the current operator LLAOL. It is proposed this area will be subject to ground investigation at detailed design stage, the scope of which will include testing of soils and groundwater for PFOS/PFOA.	Letter 18.10.22 Meeting on 10.07.23	Agreed

SoCG ID	Matter	Environment Agency position	The Applicant position	Source of issue / agreement	Agreed / Ongoing / Not agreed
			The Applicant will continue to liaise with the Environment Agency regarding this matter.		
3.2.18	Hazardous substance authorisation	The Environment Agency note that there is no mention of hazardous substances authorisations, which are required for the aviation fuel storage areas. This should be discussed with the Regulator at an early opportunity considering the sensitivity of the site setting.	The requirement for both Control of Major Accident Hazards (COMAH) consent and hazardous substances consent for the aviation fuel storage area has been identified by the Applicant in the **Consents and Agreements Positions Statement [AS-070]** included with the application, and they are included as mitigation measures in **Chapter 15**: **Major Accidents and Disasters** of the **Environmental Statement [APP-041]**. The consents would be obtained prior to hazardous substances being brought to site.	Letter 18.10.22 Meeting on 10.07.23	Agreed
3.3	**Water resources**				
3.3.1	Matters of agreement	The Environment Agency is in agreement with the following aspects of the Proposed Development:	The Applicant acknowledges the Environment Agency's position.	Environment Agency letter dated 31.01.23 in response to	Agreed

SoCG ID	Matter	Environment Agency position	The Applicant position	Source of issue / agreement	Agreed / Ongoing / Not agreed
		• The methodology used for the Water Framework Directive (WFD) Compliance Assessment. (**Appendix 20.2** of the **Environmental Statement [APP-135]**) • The assessment methodologies applied within the Hydrogeology Characterisation Report (**Appendix 20.3** of the **Environmental Statement [APP-136]),** and Detailed Quantitative Risk Assessment – Controlled Waters (**Appendix 17.4** of the **Environmental Statement [APP-124]**) Appendices. • The study area for the water resources assessment. (**Chapter 20** of the **Environmental Statement [AS-031]**) The Environment Agency is not currently in agreement with the level of detail presented in the Hydrogeology Risk Assessment: Drainage (**Appendix 20.6** of the **Environmental Statement [APP-139]**)	Engagement is ongoing with regard to the Hydrogeology Risk Assessment Report: Drainage (**Appendix 20.6** of the **Environmental Statement**	initial draft of SoCG.	Ongoing

SoCG ID	Matter	Environment Agency position	The Applicant position	Source of issue / agreement	Agreed / Ongoing / Not agreed
			[APP-139]) which will be updated. *Note: The Applicant's preference is for all foul effluent to be taken by Thames Water – discussions on this are ongoing. Until confirmed, all surface and foul water is considered to discharge to ground for the impact assessment.*		
3.3.2	Highways England Water Risk Assessment Tool (HEWRAT)	The Environment Agency has reviewed the scoping and methodology for the HEWRAT assessment, and provided comments.	The Applicant acknowledges the Environment Agency's review of the scoping and methodology of the HEWRAT assessment, and has updated the methodology in line with the Environment Agency's comments.	Environment Agency letter dated 15.12.22 in regards to HEWRAT methodology	Ongoing
3.3.3	Drainage	During initial engagement, the Environment Agency was advised that the proposal to double the passenger numbers through the airport cannot be met by increasing capacity at the nearby East Hyde Sewage Treatment Works (STW). Discharge of treated effluent to ground should not be considered as a routine approach, and should only be	The preliminary decision to adopt a strategy whereby treated foul water and surface water are discharged to ground was based on indications from Thames Water that the East Hyde STW was at capacity. Therefore, it was decided that exploring an alternative strategy for discharge of the foul water would be appropriate.	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG	Ongoing

SoCG ID	Matter	Environment Agency position	The Applicant position	Source of issue / agreement	Agreed / Ongoing / Not agreed
		considered if no other viable options exist. The Environment Agency requests evidence that all opportunities with Thames Water have been exhausted before considering the proposed discharge to ground further.	Discussions are ongoing with Thames Water in regard to the STW capacity, and their ability to accept part or all of the foul and surface water discharge.		
3.3.4	Highways drainage	The Environment Agency notes that it is surprising that no other assessment of pollutant load is required at other off-site highways interventions other than the A1081 New Airport Way/M1 Junction 10. Whilst upgrades are happening to junctions, it is expected that the current drainage arrangements are enhanced to improve the quality of surface water run-off. These enhancements should follow the Sustainable Drainage Systems (SuDS) hierarchy, using natural interventions, where possible.	The Applicant updated the HEWRAT screening for the DCO submission on the basis of the following criteria: • Minimum Annual Average Daily Traffic (AADT) threshold defined in the Design Manual for Roads and Bridges (DMRB)[4]. • Consideration of requirements for physical works. • Potential for increase to AADT of less than 20% based on guidance provided in the DMRB.	Environment Agency letter dated 15.12.22	Ongoing

[4] Highways England (2019) LA 113: Road drainage and the water environment [online]

SoCG ID	Matter	Environment Agency position	The Applicant position	Source of issue / agreement	Agreed / Ongoing / Not agreed
			This resulted in a total of 12 off-site highways interventions being screened in for a HEWRAT assessment as noted in **Chapter 20** of the **Environmental Statement [AS-031]**. The drainage strategy for the Off-site Highway Interventions will be developed further (at detailed design stage) and will follow the SuDS hierarchy and be developed in liaison with the Environment Agency and relevant local authorities.		
3.3.5	Drainage and impacts on local rivers	The minor adverse effects identified for the River Lee are not acceptable, as this is a chalk river classified as 'Bad Ecological Potential' under the WFD, and no further deterioration is permitted. Impacts on the River Hiz should also not be exacerbated further.	The low adverse impact for the River Lee (the lowest magnitude from the agreed assessment methodology) in this instance means *'No measurable adverse impact on status class and/or the future objective at a waterbody scale'*. As such there would be no deterioration of the water body. The River Hiz will only be potentially impacted by off-site highways interventions. The	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG.	Ongoing

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			drainage design for off-site highways interventions will be developed further (at detailed design stage), and will ensure no adverse impacts as a result of highway drainage. Note that the proposed discharge of treated effluent to ground is within the River Mimram catchment.		
3.3.6	WFD compliance assessment	The application as a whole fails to assess water quality impacts from increased traffic loads to neighbouring water bodies. Need to include an assessment of the performance of the outfalls where highway improvements are being considered as part of the Proposed Development. Need to see CIRIA Simple Index Approach or HEWRAT assessments of all outfalls where highway interventions are proposed for the development, and where mitigation is required following the modelling, adequate treatment trains are developed to mitigate any surface water pollution into the water bodies affected.	As per 3.3.4 response.	Environment Agency letter dated 15.12.22	Ongoing

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3.3.7	Water stress	The application site is classified as an area of 'serious' water stress by the Environment Agency.	A Water Cycle Strategy has been produced which is provided as **Appendix 20.5** to the **Environmental Statement [APP-138]** and provides an assessment of the impact of the Proposed Development on local water supply that has considered this classification. Measures are proposed to prevent an increase in water supply requirements as the airport expands.	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG	Agreed
3.3.8	Construction water consumption	The potential impacts of construction activities on the local water supply should be evaluated in the context of the abstraction licensing strategy, and the Environment Agency's activities to support sustainability reductions in abstraction.	The potential impacts of construction activities on the local water supply will be managed by the contractor taking into consideration the Environment Agency regulatory requirements (such as permit and consents), no water being available for consumptive use (as per licensing strategy for the area) and the requirements of the CoCP provided as **Appendix 4.2** to the **Environmental Statement [APP-049].**	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG	Ongoing

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			No construction dewatering is anticipated as part of the works.		
3.3.9	Passenger water consumption	The Environment Agency advises that the Applicant needs to ensure Terminal 1 is retrofitted with water efficiency and reuse measures to ensure the increase in passengers is balanced against the airport's target to 'reduce the water used per passenger to 6.98 litres by 2023' (as stated in the 2020 LLA sustainability report[5]). There has been no clear assessment of how this will be delivered or which options, beyond rainwater harvesting, will be taken forward. As the latest figures suggest an increase in per passenger water consumption from 7.41L in 2019 to 9.63L in 2020, the 6.98L per passenger target may not be a reliable threshold to start assessment from.	A Water Cycle Strategy has been produced which is provided as **Appendix 20.5** to the **Environmental Statement [APP-138]** that provides an assessment of the impact of the Proposed Development on local water supply across each assessment phase. This includes reference to appropriate measures included in the design to ensure that the 2019 baseline water consumption is not exceeded.	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG	Ongoing
3.3.10	Passenger water consumption	Options for increased efficiency in water consumption should be explored. These options should be scoped into the Water Cycle Strategy and presented as part of the ES. An independent water audit may support	A Water Cycle Strategy has been produced which is provided as **Appendix 20.5** to the **Environmental Statement [APP-138]** that provides an assessment of the impact of the Proposed Development on local	Environment Agency letter dated 31.01.23 in response to	Ongoing

[5] London Luton Airport Sustainability Report 2020. Available online. Note that this is not the most recent sustainability report published by the airport.

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		in identifying areas where further efficiencies can be introduced.	water supply across each assessment phase. This includes reference to appropriate measures included in the design to ensure that the 2019 baseline water consumption is not exceeded.	initial draft of SoCG	
3.3.11	Surface water quality	In the absence of sufficient baseline monitoring, and greater certainty about the mitigation measures being taken, the conclusions reached about construction and operation effects in sections 20.9 and 20.14 of **Chapter 20** of the **Environmental Statement [AS-031]** are too speculative.	The assessment provided in the Environmental Statement and associated appendices has been undertaken in line with the available baseline data at the time of reporting. Further monitoring is to be undertaken to improve the baseline and verify assumptions, The Environmental Statement records a number of mitigation measures to be implemented to reduce construction and operation effects during the construction and operation of the Proposed Development. As the design is further developed during detailed design, the Environment Agency will be consulted on the proposed	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG	Ongoing

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			drainage design, with a bespoke environmental permit(s) required for the final drainage discharges which will secure the final mitigation measures to prevent impacts on the local water environment (together with any permits required for construction phase discharges).		
3.3.12	Surface water quality	The discharges referred to in paragraph 20.7.7 (of **Chapter 20** of the **Environmental Statement [AS-031]**) are regulated by the Environment Agency, not Thames Water.	**Section 20.7** of the **Environmental Statement [AS-031]** was corrected for the application submission to refer to discharges correctly.	Environment Agency letter dated 01.04.22 in response to statutory consultation of 8 February to 4 April 2022 on the PEIR.	Agreed
3.3.13	Surface water quality	Paragraph 20.7.38 (of **Chapter 20** of the **Environmental Statement [AS-031]**) contradicts paragraph 3.0.2 of the Drainage Design Statement (DDS) (**Appendix 20.4** to the **Environmental Statement [APP-137])** which states	**Section 20.7** of the **Environmental Statement [AS-031]** was corrected for the application submission to align with the DDS (**Appendix 20.4** to	Environment Agency letter dated 01.04.22 in response to statutory consultation	Agreed

SoCG ID	Matter	Environment Agency position	The Applicant position	Source of issue / agreement	Agreed / Ongoing / Not agreed
		that the surface water sewers on site are managed by LLAOL.	the **Environmental Statement [APP-137)**.	of 8 February to 4 April 2022 on the PEIR.	
3.3.14	Surface water quality	Paragraph 20.8.7 (of **Chapter 20** of the **Environmental Statement [AS-031]**) states the Thames Water network will increase. It is unclear how much flows will increase by and what assurances Thames Water have given that the network and East Hyde STW will cope with an additional 3.5 mppa in assessment Phase 1.	Engagement is ongoing with Thames Water in regard to capacity of their network and East Hyde STW. Thames Water have previously confirmed that they can accept additional foul from the initial expansion at T1 and attenuated flows from the new car park implemented during assessment Phase 1. Discussions regarding accepting foul from T2 (assessment Phase 2a) are ongoing. The Environment Agency will be updated on ongoing engagement.	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG	Ongoing
3.3.15	Surface water quality	The Environment Agency advises that recycling of the uncontaminated	A Water Cycle Strategy has been produced which is provided as **Appendix 20.5** of	Letter from Environment Agency via	Agreed

SoCG ID	Matter	Environment Agency position	The Applicant position	Source of issue / agreement	Agreed / Ongoing / Not agreed
		surface runoff in the large infiltration tank should be considered.	the **Environmental Statement [APP-138]** that provides an assessment of the impact of the Proposed Development on local water supply across each assessment phase. This includes reference to appropriate measures included in the design to ensure that the 2019 baseline water consumption is not exceeded. The DDS (**Appendix 20.4** of the **Environmental Statement [APP-137]**) proposes the recycling (capture and treatment) of surface water runoff for use in Terminal 2 as greywater.	email 01.04.22	
3.3.16	Groundwater quality	The scheme should ensure that there is no adverse effect on groundwater quality. All compounds that could enter groundwater from the terminal building and other effluent streams and operations should be considered and assessed. The on-line monitoring will also need to be sensitive to a wide range of possible contaminants.	The assessment of likely impacts to the water environment in **section 20.9** of the **Environmental Statement [AS-031]** is based on the assumption that the treated effluent will be sufficiently treated so that pollution of the underlying sensitive aquifer does not occur. This has also been considered in the supporting WFD Compliance	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG	Ongoing

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			Assessment (provided as **Appendix 20.2** the **Environmental Statement [APP-135]**). The HRA: Drainage (provided as **Appendix 20.6** the **Environmental Statement [APP-139]**) provides an initial assessment of the groundwater quality impacts to the aquifer based on effluent parameters documented within the DDS (**Appendix 20.4** the **Environmental Statement [APP-137]).** The drainage design is conceptual and will be further developed at detailed design in line with the design principles identified within the DDS (**Appendix 20.4** the **Environmental Statement [APP-137]**). As the design is progressed, discharge consent criteria and monitoring requirements will need to be agreed (with the Environment Agency during the permitting process) with assessment of the impact of this level of pollutant loading on the underlying		

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			groundwater, to ensure no deterioration of the aquifer groundwater quality. This will include a requirement to better quantify the influent constituents through baseline monitoring. The Applicant is aware of the Environment Agency's concerns in regard to the potential discharges to ground, and is undertaking further works to demonstrate that the drainage design included within the DCO Application is feasible (i.e. it is feasible to treat the effluent sufficiently so that pollution of the underlying aquifer does not occur). The result of this work is anticipated to be ready during the examination period and will be issued in order to inform the examination. In addition, the Applicant continues to engage with Thames Water on alternative discharge arrangements which would reduce the requirement to discharge to ground. The Applicant will continue to		

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			engage with the Environment Agency on this matter.		
3.3.17	Drainage	The Environment Agency are concerned about the discharge of treated effluent to ground and potential impacts to groundwater quality in the vicinity of the site.	The assessment of likely impacts to the water environment in section 20.9 of the **Environmental Statement [AS-031]** is based on the assumption that the treated effluent will be sufficiently treated so that pollution of the underlying sensitive aquifer does not occur. This has also been considered in the supporting WFD Compliance Assessment (provided as **Appendix 20.2** the **Environmental Statement [APP-135]**). The HRA: Drainage (provided as **Appendix 20.6** the **Environmental Statement [APP-139]**) provides an initial assessment of the groundwater quality impacts to the aquifer based on effluent parameters documented within the DDS (**Appendix 20.4** the **Environmental Statement [APP-137]**).	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG	Ongoing

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			The drainage design is conceptual and will be further developed at detailed design in line with the design principles identified within the DDS (**Appendix 20.4** the **Environmental Statement [APP-137]**). As the design is progressed, discharge consent criteria and monitoring requirements will need to be agreed (with the Environment Agency during the permitting process) with assessment of the impact of this level of pollutant loading on the underlying groundwater, to ensure no deterioration of the aquifer groundwater quality. This will include a requirement to better quantify the influent constituents through baseline monitoring. The Applicant is aware of the Environment Agency's concerns in regard to the potential discharges to ground, and is undertaking further works to demonstrate that the drainage design included within the DCO Application is feasible (i.e. it is		

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			feasible to treat the effluent sufficiently so that pollution of the underlying aquifer does not occur). The result of this work is anticipated to be ready during the examination period and will be issued in order to inform the examination. In addition, the Applicant continues to engage with Thames Water on alternative discharge arrangements which would reduce the requirement to discharge to ground. The Applicant will continue to engage with the Environment Agency on this matter.		
3.3.18	Drainage	The proposal for the new Water Treatment Plant/Effluent Treatment Plant (WTP/ETP) and central soakaway is very ambitious and the treatment and discharge activities will require bespoke environmental permits issued by the Environment Agency.	Consultation has been undertaken with the Environment Agency and Thames Water to discuss permitting requirements. A summary of stakeholder engagement completed as part of the EIA is provided in **Section 20.4** of the **Environmental Statement [AS-031]**.	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG	Ongoing

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			Bespoke environmental permits will be required for the proposed discharge activities. The Applicant is aware that the Environment Agency has not agreed to the issue of an environmental permit and cannot guarantee a permit would be issued. This can only be determined at a later date when all details are available and an application is made.		
3.3.19	Drainage	The Environment Agency need confidence that the improved drainage systems and associated treatment will be able to deal with all contaminants arising from airport activities. The Environment Agency also need confidence that any live monitoring systems are sensitive enough to cope with all airside events that could lead to contaminants entering the surface water system not just the use of de-icers during the wintertime.	The drainage design is conceptual and will be further developed at detailed design in line with the design principles identified within the DDS **(Appendix 20.4** the **Environmental Statement [APP-137]**). As the design is progressed, discharge consent criteria will need to be agreed (with the Environment Agency during the permitting process) with assessment of the impact of this level of pollutant loading on the underlying groundwater, to	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG	Ongoing

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			ensure no deterioration of the surrounding aquifer groundwater quality. This will include a requirement to better quantify the influent constituents through baseline monitoring. The Applicant is aware of the Environment Agency's concerns in regard to the potential discharges to ground, and is undertaking further works to demonstrate that the drainage design included within the DCO Application is feasible (i.e. it is feasible to treat the effluent sufficiently so that pollution of the underlying aquifer does not occur). The result of this work is anticipated to be ready during the examination period and will be issued in order to inform the examination. In addition, the Applicant continues to engage with Thames Water on alternative discharge arrangements which would reduce the requirement to discharge to ground.		

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			The Applicant will continue to engage with the Environment Agency on this matter.		
3.3.20	Drainage (pre-WTP)	The Environment Agency advise that some form of additional treatment may be required at the Northern Soakaway to ensure that it does not contribute to the pollution of the underlying aquifer. The current discharge via the Northern Soakaway is covered by an environmental permit, this may need to be amended to accommodate the proposed additional flows. Also question the current proposal not to divert the flows away from the Northern Soakaway after the development of the WTP as part of assessment Phase 2.	The only additional flows to the north are from a car park into the Thames Water network. The discharge to the Thames Water network is attenuated to Greenfield Runoff Rate and the runoff will pass through a passive treatment train, including oil separators. An amendment to the existing environmental permit will be applied for in relation to any amendments to the discharge arrangement at the northern soakaway (e.g. reduced rainfall discharge due to rainfall harvesting).	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG	Ongoing
3.3.21	Drainage (pre-WTP)	The Environment Agency require further details regarding the active monitoring of contaminants to safeguard the Central Soakaway and the stored contaminated water being tankered away.	The drainage design is conceptual only at this stage and will be further developed at detailed design in line with the design principles identified within the DDS (**Appendix 20.4** of the **Environmental Statement [APP-137]**).	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG	Ongoing

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			The DDS was amended prior to submission of the application for development consent to include further details on the current proposals for active monitoring to safeguard the Central Soakaway. The monitoring criteria will need to be fine-tuned as part of the environmental permit process, and based on the baseline monitoring and environmental quality standards at the time. Live monitoring of total organic carbon will be used as an indicator for groundwater quality, with additional monitoring criteria (determinands and frequency) confirmed as the design progresses. The threshold values for when water is diverted to treatment will be confirmed during detailed design based on further quantification of the influent parameters and correlation to Total Organic Carbon (TOC).		
3.3.22	Drainage (pre-WTP)	The Environment Agency advises that alternative solutions to an attenuation tank under the new car park should be	The proposals remain as outlined in the DDS **(Appendix 20.4** the **Environmental**	Environment Agency letter dated	Ongoing

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		identified if the Thames Water network cannot accommodate unattenuated flows from the new car park.	**Statement [APP-137]**) as TW have agreed during engagement meetings to accommodate the attenuated flows. As noted in the DDS, any below ground installations will need to include flexible jointing to allow for differential settlement across the site and to maintain the integrity of the system.	31.01.23 in response to initial draft of SoCG	
3.3.23	Drainage (pre-WTP)	The Environment Agency questions why only five stands will be monitored for the release of contaminated surface water during assessment Phase 1 and question what will happen about the existing stands.	Live monitoring is proposed at the five new stands where de-icing operations will be undertaken during assessment Phase 1 only, prior to the main drainage system being implemented. The drainage proposals in assessment Phase 2 include significant measures to improve the existing drainage. The proposals do re-route some existing airfield paved areas to the new system, however it is not feasible to capture the entire	Letter from Environment Agency via email 01.04.22	Ongoing

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			airfield into the new system due to catchment boundaries. The operator is responsible for the existing airfield and they have introduced significant improvements to pollution mitigation, notably dedicated aircraft de-icing bays with de-icant capture and recycling facilities.		
3.3.24	Drainage (post-WTP installation)	Specific treatment or some form of passive treatment may be required to ensure that contaminants associated with normal car parking are not infiltrated to ground via Tank 2.	Passive treatment solutions are included within the drainage design for new car parking developments, to minimise risk of contaminants infiltrating to ground. The passive treatment solutions include measures such as oil interceptors and permeable paving. The Applicant is continuing discussions with the Environment Agency on this topic.	Letter from Environment Agency via email 01.04.22	Ongoing
3.3.25	Drainage (post-WTP installation)	Given the range of contaminants that could enter surface water flows, additional monitoring beyond just total organic carbon may be required. Will	The drainage design is conceptual only at this stage and will be further developed at detailed design in line with the	Environment Agency letter dated 31.01.23 in	Ongoing

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		also need confidence that the automated monitoring system is reliable and sensitive enough to detect contaminated surface water flows entering the drainage system.	design principles identified within the DDS **(Appendix 20.4** the **Environmental Statement [APP-137]**). The monitoring criteria will need to be fine-tuned as part of the environmental permit process, and based on the baseline monitoring and environmental quality standards at the time. Live monitoring of total organic carbon will be used as an indicator for groundwater quality, with additional monitoring criteria (determinands and frequency) confirmed as the design progresses. The threshold values for when water is diverted to treatment will be confirmed during detailed design based on further quantification of the influent parameters and correlation to TOC.	response to initial draft of SoCG	

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3.3.26	Drainage (post-WTP installation)	The Environment Agency advises that the sewage treatment process will need to be able to treat a very wide range of contaminants (chemical and biological).	The drainage design is conceptual only at this stage and will be further developed at detailed design in line with the design principles identified within the DDS (**Appendix 20.4** the **Environmental Statement [APP-137]**). As the design is progressed, discharge consent criteria will need to be agreed (with the Environment Agency during permitting) with assessment of the impact of this level of pollutant loading on the underlying groundwater, to ensure no deterioration of the surrounding aquifer groundwater quality. This will include a requirement to better quantify the influent constituents through baseline monitoring, that will subsequently inform the detailed treatment plant design. The Applicant is aware of the Environment Agency's concerns in regard to the potential discharges to ground, and is undertaking further works to	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG	Ongoing

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			demonstrate that the drainage design included within the DCO Application is feasible (i.e. it is feasible to treat the effluent sufficiently so that pollution of the underlying aquifer does not occur). This includes further characterisation of the potential nature of the airport foul and surface water effluent, based on available information; this characterisation will continue as the design is developed. The result of this work is anticipated to be ready during the examination period and will be issued in order to inform the examination. In addition, the Applicant continues to engage with Thames Water on alternative discharge arrangements which would reduce the requirement to discharge to ground. The Applicant will continue to engage with the Environment Agency on this matter.		

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3.3.27	Drainage (post-WTP installation)	The Environment Agency advises caution regarding the plan to treat fire-fighting foams in the WTP. The Environment Agency is aware of several 'environmentally safe' products that either contain or degrade into compounds that are hazardous substances to ground. The environmental permit for the WTP will not allow the infiltration of hazardous substances to ground.	During fire training operation, the fire training ground will be isolated from the rest of the airside sections of the airport by way of valves incorporated into the drainage pipe network. Water generated by the fire training activities including wash down after the event has ceased will then be collected and transported off site for appropriate treatment and disposal. This water will not be treated within the on-site WTP and so will not be discharged to ground. A detailed description of the drainage design is provided in the DDS (**Appendix 20.4** the **Environmental Statement [APP-137]**). Environmental management procedures for the storage and use of bulk liquids will be developed in cognisance of the airport being located within a public water supply Source Protection Zone (SPZ).	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG	Ongoing

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3.4	**Aviation Fuel Storage**				
3.4.1	Groundwater contamination risk	The Proposed Development will require additional fuel storage, which can pose a risk to groundwater if spillage occurs. Groundwater is particularly sensitive in the location of the Proposed Development as the site is on the edge of a SPZ 3 and on a principal aquifer. Need to clarify the capacity of the regulatory regime this activity falls under. Without adequate pollution prevention controls the Environment Agency would object to the proposal as it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.	The Proposed Development includes a fuel storage facility which will operate under a COMAH and Hazardous Substances Consent (HSC) in compliance with the COMAH Regulations 2015 and Planning (Hazardous Substances) Regulations 2015. Therefore, compliance with the safety requirements associated with COMAH, HSC and the Pipeline Safety Regulations 1996 have been considered as a mitigation measure within Section **Error! Reference source not found.** of **Chapter 15**: **Major Accidents and Disasters** of the **Environmental Statement [APP-041]**. Design control measures during operation include: bunding and draining of surface water through petrol interceptors with sensors to measure water quality. If contamination trigger levels are exceeded, the water	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG	Ongoing

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			would be diverted away from the infiltration tank and to the WTP. If a substantial leak occurred from the tanks, then the drainage would close completely, and the isolated fuel spill would be collected and tankered off-site for treatment.		
3.5	**Waste**				
3.5.1	Waste excavation	Any redevelopment that takes place on or near to the waste of the Eaton Green landfill may disturb it and increase the likelihood of pollution or harm.	The CoCP included as **Appendix 4.2** of the **Environmental Statement [APP-049]** describes the measures to control the risk from contamination within the landfill waste during construction**.** The CoCP is secured by Requirement 8 – Code of Construction Practice in the draft DCO. This is the principal securing document for construction mitigation. Requirement 12 of the draft DCO secures remediation of contamination identified from detailed site investigation and as an unexpected discovery.	Letter 01.04.22 post consultation on the PEIR	Ongoing

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			An HRA-piling will be prepared for the environmental permit application for piling through the landfill. This document will address the potential risk of pollution to groundwater and identify controls, including continued monitoring of groundwater and establishing 'intervention' and 'action' levels which would trigger additional mitigation measures.		
3.5.2	Waste excavation	The excavation and recovery of controlled waste will require an environmental permit from the Environment Agency.	Noted. The Applicant is proposing to obtain a DfR environmental permit for the excavation and on-site recovery of controlled waste in the permitted area.	Letter 01.04.22 post consultation on the PEIR	Agreed
3.5.3	Environmental permit	Advise that the applicant contacts the Environment Agency on 03708 506 506 for enhanced permitting pre-application advice. There is no guarantee that a permit will be granted – this could bring into question the deliverability of the Proposed Development.	The Applicant is considering its approach to obtaining the DfR environmental permit. This was proposed and discussed at the CL TWG meeting on 26 July 2021 and at the meeting on 12 July 22. The Applicant is preparing the WRP for the Environment Agency national permitting team	Letter 01.04.22 post consultation on the PEIR	Ongoing

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			to review, such that an agreement in principle could be obtained prior to or during the DCO examination. This agreement would reduce the risk of a permit application being refused.		
3.5.4	Environmental permit	An environmental permit will be required for the treatment of controlled waste from within a landfill. This must be a bespoke site-based permit. Mobile plant will not be accepted as the development will not meet the rules and limitations on this type of authorisation.	Noted. The Applicant intends to apply for A DfR environmental permit for the excavation and on-site recovery of controlled waste in the permitted area. The DfR permit will include the use of site-based mobile treatment plant. Agreement in principle from the Environment Agency for the DfR permit will be sought.	Letter 01.04.22 post consultation on the PEIR	Ongoing
3.6 Combustion					
3.6.1	Permit	The Environment Agency recommends that the facility is constructed to comply with the requirements of the Medium Combustion Plant Directive (MCPD) and the Environmental Permitting Regulations 2018. Likely that a permit	The are no permanent operational combustion facilities proposed in the Proposed Development, therefore the proposed facilities do not need to comply with the MCPD or	Letter 01.04.22 post consultation on the PEIR	Ongoing

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		will be required before the plant can operate.	require an Environmental Permit for combustion activities.		