Affinity Water

APPLICATION BY LONDON LUTON AIRPORT LIMITED FOR LONDON LUTON AIRPORT EXPANSION

THE EXAMINING AUTHORITY'S WRITTEN QUESTIONS AND REQUESTS FOR INFORMATION

ISSUED ON 10 OCTOBER 2023 - RESPONSES DUE BY DEADLINE 4: 1 NOVEMBER 2023.

Please find below answers to the Examining Authority's written questions from Affinity Water (**AW**) [ref no. 20040591].

ExQ1	Examining Authority's question	AW response
Draft Development Consent Order - Articles		
DCO.1.7	**Article 36 – Statutory undertakers** **Paragraph 1** Should the reference to Article 27 be deleted? **Paragraph 1(b)** Should 'and' be replaced with 'or' - 'acquire existing rights, create and acquire new rights or impose restrictive covenants…' **Paragraph 1 (c)** Should the following additional wording be added 'extinguishing or suspend the rights of **or restrictions for the benefit of**, or remove, **relocate or** reposition apparatus belonging to…'. **Paragraph 1 (d) and (e)** Provide further detail as to how this would work with the proposed protective provisions.	**Paragraph 1** AW considers the reference to article 27 should remain as this article imposes conditions on the Applicant's compulsory acquisition rights, particularly in relation to land outlined in Schedule 5. **Paragraph 1(b)** AW agrees to the Examining Authority's proposed change to article 36(1)(b). **Paragraph 1 (c)** AW agrees to the Examining Authority's proposed change to article 36(1)(c). **Paragraph 1 (d) and (e)** Article 36(1) is subject to Schedule 8. Schedule 8 addresses how the authorised development interacts with the statutory undertakers' apparatus. AW considers that Schedule 8 of the Development Consent Order (DCO) does not adequately protect AW's interests. AW is working with the applicant to amend the protective provisions so that AW's interests are adequately protected.
DCO.1.8	**Article 37** Apparatus and rights of statutory undertakers in stopped up streets Is this article necessary given you are not stopping up any streets?	AW considers that this article is not necessary.

DCO.1.11	**Article 52 – arbitration** In order to manage expectation and ensure consensus should further detail about how the arbitration process would work be included in a Schedule?	AW agrees that further detail is required about the arbitration process.
Draft Development Consent Order – Requirements		
DCO.1.24	**Missing requirements** Review the requirements as drafted. If you consider that there are requirements that are currently not included provide details including any preferred drafting and an explanation of why they would need to be included.	AW considers that a requirement should be inserted into Schedule 2 of the DCO to reflect the Applicant's commitment not to seek additional water from AW that is above the amount of water consumed in 2019. The 2019 consumption figures were 4.2 litres per second in respect of the terminals and 3.3 litres per second in respect of the non-terminals. The requirement could be drafted as follows: (1) "As a result of the authorised development, the undertaker will not increase the demand for water resources in connection with the airport from the 2019 consumption baseline, unless otherwise agreed with the utility undertaker. (2) In this paragraph, '2019 consumption baseline' means 4.2 litres per second in respect of water demand for the airport terminals and 3.3 litres per second in respect of water demand for the airport non-terminals, as outlined in the Water Cycle Strategy (Appendix 20.5 of the ES [TR020001/APP/5.02])."
Water environment		
WE.1.8	**Water supply** The catchment has 'no water available' [REP1-004, Section 4.2.6]. It is stated that additional water would not be required as part of the development, apart from short term phases during construction. Affinity Water has expressed concerns about being able to supply additional water [REP1-030]. 1. Is the commitment to not seek additional water secured in the draft DCO? If not, should it be and can you provide a preferred form of drafting?	1. As noted above, AW requests the commitment to not seek additional water is included as a requirement within the DCO. The proposed wording of this requirement is provided above. AW also requests the following amendments to the Design Principles Document [APP-225] and the Drainage Design Statement [APP-137], to ensure the DCO is consistent with the Applicant's commitment: a) *Design Principles Document – paragraph SUS.07* "Terminal 2 buildings will be designed to 'BREEAM Excellent' status' (or equivalent at the time of detailed design) to be energy efficient with appropriate installations and equipment together with thermally efficient materials and shading. Other new buildings will be designed to 'BREEAM 'Excellent' status' except where the

	2. Have there been discussions between Affinity Water and the Applicant to understand whether the additional water during construction can be provided? Would there need to be any controls on what is required and for how long? 3. If additional water was needed above that agreed between Affinity Water and the Applicant, how would this be addressed?	building typology dictates that it is not practical. This paragraph is subject to SUS.15." b) *Design Principles Document – paragraph SUS.15* "Detailed design will not exceed the 2019 consumption baseline without the prior agreement of the statutory undertaker and minimise potable water demand from the statutory undertaker due to the Proposed Development. Rainwater harvesting solutions will be incorporated in detailed designs. Potable water efficiency measures will also be incorporated in the design of buildings." c) *Design Principles Document – Glossary and Abbreviations* The following definition should be included in the glossary and abbreviations section: "'2019 consumption baseline' means 4.2 litres per second in respect of water demand for the airport terminals and 3.3 litres per second in respect of water demand for the airport non-terminals, as outlined in the Water Cycle Strategy (Appendix 20.5 of the ES [TR020001/APP/5.02])." d) *Drainage Design Statement – paragraph DDS.003* "The detailed design will incorporate water efficiency measures ~~with the aim of~~ to ensure the Proposed Development does not increase the water demand above the 2019 consumption baseline from ~~minimising any net increase in~~ AW's water supply." ~~requirements to the Terminals resulting from the operation of the expanded airport.~~ e) *Drainage Design Statement - Glossary and Abbreviations* The following definition should be included in the glossary and abbreviations section: "'2019 consumption baseline' means 4.2 litres per second in respect of water demand for the airport terminals and 3.3 litres per second in respect of water demand for the airport non-terminals, as outlined in the Water Cycle Strategy (Appendix 20.5 of the ES [TR020001/APP/5.02])."

		2. AW has been in discussions with the Applicant regarding the amount of water required during the construction period. Based on the data provided by the Applicant, AW understands that the main water demand is over a 4-year period during construction and the demand has been assessed as between 1.7 and 2.5 litres per second. These demands will significantly increase the supply requirements beyond the 2019 consumption baseline (as noted above). AW annually makes allowances for the short term requirements of construction and based on current forecasts, AW anticipates it can accommodate this increased water demand, subject to the Applicant minimising its demand and making the best use of other water sources in accordance with paragraph 17.6 of the Code of Construction Practice. However, in light of AW's statutory duties, at this stage AW cannot guarantee it can provide this additional amount of water for a non-domestic purpose which is many years away. Accordingly, AW requests that the above amendments are made to the DCO, Design Principles Document and the Drainage Design Statement. 3. In the event the Applicant requires additional water that exceeds the 2019 consumption baseline, AW requires the Applicant to make the appropriate application to AW. AW will consider the additional amount of water sought in light of the water demand and capacity at that time as well as AW's statutory duties. The requirement that AW proposes to be included in the DCO, as drafted above permits the water demand to be increased by agreement between AW and the Applicant.
WE.1.9	**Effects on surface water and groundwater catchments** Chapter 20 [AS-031, section 20.9.19] states that the drainage philosophy is to maintain existing net contributions from the surface water catchments to the existing groundwater catchments. However, Section 5.3.5 of the Drainage Design Statement [APP-137] states that *'As a result of the proposed airside drainage infrastructure approximately 9 ha currently discharging into the River Lea catchment will be diverted to the proposed drainage*	AW is aware of the sensitive nature of the River Lea and therefore fully supports the objective that the existing net contributions both from and to existing surface water catchments are maintained and are not diverted to the River Mimran catchment.

	systems which would ultimately discharge into the River Mimram catchment'. Please explain this apparent anomaly.	
WE.1.10	**Landfill capping at Phase 2** Chapter 20 [AS-031, section 20.9.19] states that the capping layer on the landfill during Phase 2a and 2b would 'close' the potential pathway for contaminants, leading to a very low beneficial impact on the underlying aquifer. The Drainage Design Statement [APP-137, section 5.8.1] describes the cap as 'impermeable'. 1. Is it correct to state that no water would infiltrate a low permeability cap over the long term? 2. If not, and given that waste would remain below the ground, should the placement of a cap as being 'beneficial' to the aquifer over the long term be revised? 3. Has an assessment of the potential for increased leaching when the landfill is being excavated been considered? If so, please signpost where this can be found in the application documentation, otherwise please provide an assessment.	AW is very concerned of any potential increased risk for contaminates to enter the underlying water sources. This could occur both from the landfill removal as well as any piling activities through the remaining landfill into the underlying chalk. The design should ensure that the risk of contamination is avoided and where possible the situation is improved. Stringent controls should exist to ensure the construction activity also does not increase the risk of contaminates entering the underlying water resources.
WE.1.11	**Landside drainage attenuation tank** It is proposed that an attenuation tank (later a rainwater harvesting tank) of 8,750 m3 would be placed above the landfill [APP-137, section 4.4.7]. Section 5.8.4 of APP-137 states that geotechnical surveys indicate the landfill is still settling and any below ground installations would need to allow for differential settlement. Does the EA have any comments on the risks of this operation to groundwater quality, including the consequences of any future tank failure, and the suitability of the proposal?	Although this question is posed to the Environment Agency, AW is concerned about the potential for untreated water to leak as a result of the unsettled landfill. Leaks could occur from the attenuation tank as well as the drainage system. The tank and system should be designed in a manner that ensure that no untreated water will leak from the system and appropriate monitoring systems should be put in place to ensure this is achieved.