

December 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
(Tracked Change Version)**

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 (TRACKED CHANGE VERSION)**

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Issue 1	September 2023	Additional Submission – Deadline 2
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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:

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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

1.1.6 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.

1.1.7 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.

1.1.8 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

1.1.9 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 to 32 mppa¹. 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.

1.1.10 Key elements of the Proposed Development include:

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

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. However, the application was then called-in and referred to the Secretary of State for determination instead of being dealt with by the local planning authority, and an inquiry to consider the called-in application took place between Tuesday 27 September 2022 and Friday 18 November 2022. At the time the application for development consent was submitted, the outcome of the inquiry was still unknown and, therefore, all of the core assessment undertaken for the application used a “baseline” of 18 mppa. The application by LLAOL has however since been approved, with a joint decision to grant planning permission issued by the Secretary of State for Transport and Secretary of State for Levelling Up, Housing and Communities on 13 October 2023. In anticipation of this, the Applicant’s environmental assessments included sensitivity analysis of the implications of the permitted cap increasing to 19mppa. 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, including the sensitivity analysis, are presented in the Environmental Statement submitted with the application for development consent.

- ii. new passenger terminal building and boarding piers (Terminal 2);
- iii. earthworks to create an extension to the current airfield platform; the vast majority of materials for these earthworks would be generated on site;
- iv. airside facilities including new taxiways and aprons, together with relocated engine run-up bay and fire training facility;
- v. landside facilities, including buildings which support the operational, energy and servicing needs of the airport;
- vi. enhancement of the existing surface access network, including a new dual carriageway road accessed via a new junction on the existing New Airport Way (A1081) to the new passenger terminal along with the provision of forecourt and car parking facilities;
- vii. extension of the Luton Direct Air to Rail Transit (Luton DART) with a station serving the new passenger terminal;
- viii. landscape and ecological improvements, including the replacement of existing open space; and
- ix. further infrastructure enhancements and initiatives to support the target of achieving zero emission ground operations by 2040², 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.

1.4 Change Notification and Revised Drainage Design Statement

1.1.11 A change notification request was submitted to the Examining Authority on 22 September 2023 [AS-151 and AS-152] to update the Drainage Design Statement, following ongoing engagement with Thames Water and the Environment Agency. The Examining Authority subsequently confirmed by way of a Rule 9 letter issued on 13 October 2023 that the changes could be deemed non-material and accordingly could be accepted into the Examination, requesting that an updated Drainage Design Statement be submitted at Deadline 4. The Applicant submitted the updated Drainage Design Statement at Deadline 4 as requested by the Examining Authority (subsequently corrected at Deadline 5 [REP5-096xxx]).

1.1.12 The Environment Agency is currently reviewing the documents submitted at Deadline 4 and 5, and as such this iteration of the Statement of the Common Ground does not fully take into account their current position on the proposals. This iteration of the Statement of Common Ground is based on the existing DCO drainage design strategy and does not take into account initial engagement with the Environment Agency on the proposed design change.

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

1.1.13 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.

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

1.1.15 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

Date	Form of Correspondence	Details
		the initial screening outcome and preliminary assessment.
10 October 2018	Meeting – MS Teams Soils and Geology meeting	Discussion regarding the strategy for dealing with the landfill material during earthworks. Discussion of the 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).

Date	Form of Correspondence	Details
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 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

Date	Form of Correspondence	Details
		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.
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 regard to the drainage and discharge.
2 August 2023	Meeting – MS Teams Water Resources	Meeting before DCO Hearing commencement.
4 September 2023	Meeting – MS Teams Water Resources	Meeting to disseminate ongoing works regarding the water environment, specifically the drainage design.
13 September 2023	Meeting – MS Teams Soils and Geology	Meeting to discuss additional comments received regarding waste permitting.
18 September 2023	Meeting – MS Teams Water Resources	Meeting to provide an update on the ongoing water environment works, specifically the water treatment and potential updates to the Drainage Design Statement.
20 September 2023	Meeting – MS Teams Soils and Geology	Meeting to discuss additional comments received regarding the outline remediation strategy.
25 September 2023	Meeting – MS Teams	Meeting to provide update prior to Issue Specific Hearing
16 October 2023	Meeting – MS Teams	Meeting to provide update

Date	Form of Correspondence	Details
<u>19 October 2023</u>	<u>Meeting – MS Teams Soils and Geology</u>	<u>Meeting to discuss EA comments on Outline Remediation Strategy, ES Chapter and Foundation Works Risk Assessment</u>
<u>24 October 2023</u>	<u>Meeting – MS Teams Water Resources</u>	<u>Meeting to discuss updated HRA: Drainage methodology</u>
<u>30 October 2023</u>	<u>Meeting – MS Teams</u>	<u>Meeting to provide an update on the ongoing water environment and soils and geology works.</u>
<u>13 November 2023</u>	<u>Meeting – MS Teams</u>	<u>Meeting to discuss SoCG</u>
<u>23 November 2023</u>	<u>Meeting – MS Teams</u>	<u>Meeting to discuss SoCG and programme</u>
<u>27 November 2023</u>	<u>Meeting – MS Teams</u>	<u>Meeting to provide update on Water and S&G outstanding items, SoCG and ISH8 agenda.</u>

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 design of the Proposed Development and will continue to do so.	Meeting on 12.07.23	Agreed
3.2 Soils and Geology					
.3.2.1	Matters of agreement	<p>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):</p> <ul style="list-style-type: none"> The former Eaton Green landfill has been adequately characterised and risks from contamination adequately assessed and understood for 	The Applicant acknowledges this.	<p>Environment Agency letter dated 01.04.22 in response to statutory consultation of 8 February to 4 April 2022 on the PEIR.</p> <p>Teams Meeting of 21.07.21</p>	Agreed

SoCG ID	Matter	Environment Agency Position	The Applicant Position	Source of Issue / Agreement	Agreed / Ongoing / Not Agreed
		<p>current conditions. The risks will change once construction commences.</p> <ul style="list-style-type: none"> • 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-waste to the east of LLAOL's contractor's compound. Of the waste stockpiles, approximately (803,000m³) is currently under a local enforcement position <u>and 48,000m³ is designated as 'Other waste' to the east of LLAOL's contractor's compound.</u> • Definition of Waste Code of Practice (DoW CoP) can be applied as the regulatory regime for non-waste outside the 		<p>Teams Meeting 13.06.23</p>	

SoCG ID	Matter	Environment Agency Position	The Applicant Position	Source of Issue / Agreement	Agreed / Ongoing / Not Agreed
		<p>permitted area, including natural soils and Made Ground.</p> <ul style="list-style-type: none"> • 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 address identified contaminant linkages. 			
<p>3.2.2</p>	<p>Site investigation and assessment</p>	<p>The Environment Agency advise that additional geo-environmental investigation and assessment works may be required elsewhere other than the former Eaton Green landfill.</p>	<p>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.</p> <p>Requirement 112 – Contaminated land and groundwater, in the draft DCO, states that where land contamination is found during</p>	<p>Letter from Environment Agency via email 01.04.22</p> <p>Meeting on 10.07.23</p>	<p>Agreed</p>

SoCG ID	Matter	Environment Agency Position	The Applicant Position	Source of Issue / Agreement	Agreed / Ongoing / Not Agreed
			<p>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.</p> <p>Requirement 112 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 is determined as being required from detailed site investigations or as an unexpected discovery.</p>		
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	<p>This is noted by the Applicant and is secured by Requirement 112 – Contaminated land and groundwater, in the draft DCO.</p> <p>This requirement provides for the approval of a written scheme and programme of remediation to be approved by the relevant planning authority</p>	<p>Letter from Environment Agency via email 01.04.22</p> <p>Meeting on 10.07.23</p>	Agreed

SoCG ID	Matter	Environment Agency Position	The Applicant Position	Source of Issue / Agreement	Agreed / Ongoing / Not Agreed
		parcels outside of the former Eaton Green landfill.	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.		
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.	<p>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-049REP4-011].</p> <p>The CoCP is secured by Requirement <u>78</u> – 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.</p> <p>Requirement <u>112</u> of the draft DCO as noted above (3.2.2 and 3.2.3) secures remediation of contamination identified from</p>	<p>Letter from Environment Agency via email 18.10.22</p> <p>Meeting on 10.07.23</p>	Agreed

SoCG ID	Matter	Environment Agency Position	The Applicant Position	Source of Issue / Agreement	Agreed / Ongoing / Not Agreed
			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.	<p>A high-level watching brief was added to the ORS and CoCP submitted as part of the application for development consent.</p> <p>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 Environment Agency, under Requirement 167 of the draft DCO.</p>	<p>Letter from Environment Agency via email 18.10.22</p> <p>Meeting on 10.07.23</p>	Agreed
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)	Letter 01.04.22	Agreed

SoCG ID	Matter	Environment Agency Position	The Applicant Position	Source of Issue / Agreement	Agreed / Ongoing / Not Agreed
			<p>meeting on 26 July 2021 and 12 July 2022. The where the proposed approach is was agreed 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 (which the latter would be produced by the lead contractor, following approval of the DCO once prepared), prior and prior to permit submittal and provide an “agreement in principle” with respect to the DfR permit.</p>		
<p><u>N</u> <u>outline3.</u> <u>2.7</u></p>	<p>Remediation / Permitting</p>	<p>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 obtain the agreement in principle for the DfR permit. The Environment Agency National Permitting team request to review the WRP and HRA - piling and</p>	<p>The Applicant is preparing the WRP and this is anticipated to be issued for the Environment Agency to for review, such that the agreement in principle could <u>can</u> be obtained during the examination period for the DCO. [letter of no impediment]</p>	<p>Meeting 12.07.22 Meeting on 10.07.23</p>	<p>Agreed. Subject to approval of WRP and HRA – piling at the relevant stages</p>

SoCG ID	Matter	Environment Agency Position	The Applicant Position	Source of Issue / Agreement	Agreed / Ongoing / Not Agreed
		provide agreement in principle with respect to the DfR permit for the recovery of landfill waste.	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.		
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	The Applicant has included a requirement in the CoCP (Appendix 4.2 of the Environmental Statement [APP-049REP4-011]) and the ORS [APP-125] for a Framework MMP and MMPs for individual work packages	Meeting 12.07.22 Meeting 13.06.23 Email received 7.11.23	Agreed Amendment s-proposed by the Environment Agency to Section 15 of the CoCP

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
		<p>both be beneficial given the timeframe and 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.</p>	<p>(including a stockpile management plan, if appropriate) to be prepared following DCO approval of the DCO by the appointed lead contractor.</p>		<p>are agreed in principle Ongoing</p>
<p>3.2.10</p>	<p>Earthworks</p>	<p>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.</p>	<p>The position is noted and is being considered further by the Applicant.</p> <p>The Applicant is collating information from the airport operator which will be shared in due course.</p>	<p>Meeting 12.07.22</p> <p>Meeting 13.06.23</p> <p>Meeting-13.09.23</p> <p>Meeting-20.09.23</p> <p>Meeting-19.10.23</p>	<p>Ongoing</p>

SoCG ID	Matter	Environment Agency Position	The Applicant Position	Source of Issue / Agreement	Agreed / Ongoing / Not Agreed
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.	<p>A foundation works risk assessment (FWRA) has been<u>was</u> completed and has been submitted as Appendix 17.6 to the Environmental Statement [APP-126].</p> <p>The foundation works risk assessment FWRA is being <u>has been updated at Deadline 6 to an 'outline' plan, suitable for securing by Requirement in the DCO. The requirement for a final FWRA is to be prepared in substantial accordance with the outline FWRA is now secured under Requirement 16 of the Draft DCO.</u></p>	<p>Letter 01.04.22</p> <p><u>Meeting 19.10.23</u></p> <p><u>Agreed via email 17.11.23</u></p>	<u>Ongoing</u> <u>Agreed</u>
3.2.12	Piling	<p>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.</p> <p>The Environment Agency advises there will be new guidance forthcoming on piling through landfills and a groundwater authorisation</p>	<p>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.</p> <p>The detailed HRA - piling will include consideration of the piling risk including mitigations</p>	<p>Meeting 12.07.22</p> <p>Letter 31.01.23</p> <p>Meeting 13.06.23</p> <p><u>Letter 07.11.23</u></p>	<p><u>Agreed.</u></p> <p><u>Subject to approval of HRA – piling at the relevant stage</u></p> <p><u>Ongoing</u></p>

SoCG ID	Matter	Environment Agency Position	The Applicant Position	Source of Issue / Agreement	Agreed / Ongoing / Not Agreed
		<p>is likely to be required before piling works can commence.</p>	<p>for unexpected gross contamination and mobile contaminants.</p> <p>It is expected that monitoring requirements would be agreed with the Environment Agency as part of the permit application.</p> <p><u>The EA has provided further guidance (07.11.23) which is currently being considered</u></p>		
<p><u>3.2.13</u></p>	<p>Piling</p>	<p>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 temporary pathway for mobile contaminants.</p>	<p>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.</p> <p>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</p>	<p>Letter 18.10.22 Letter 31.01.23 <u>Letter 07.11.23</u></p>	<p>Agreed. Subject to approval of the FWRA and HRA - piling at the relevant stage. <u>Ongoing</u></p>

SoCG ID	Matter	Environment Agency Position	The Applicant Position	Source of Issue / Agreement	Agreed / Ongoing / Not Agreed
			would be agreed with the Environment Agency as part of the permit application. <u>The EA has provided further guidance (07.11.23) which is currently being considered</u>		
<u>3.2.14</u>	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. Two rounds have now been completed 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
<u>3.2.15</u>	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 minimise the potential pathway between the landfill and underlying aquifer.	Meeting 26.07.21	Agreed

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			<p>The ORS includes decommissioning of monitoring wells once they are no longer required, to ensure removal of long-term pathways to the aquifer.</p>		
<p>3.2.16</p>	<p>Ground gas</p>	<p>The Environment Agency notes that the gas assessment considers the current gassing conditions which will change due to the earthworks.</p> <p>The Environment Agency advises the investigation of management of landfill gas, as there is a potential for green energy production.</p>	<p>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.</p>	<p>Meeting 26.07.21</p> <p>Meeting 13.06.23</p>	<p>Agreed</p>
<p>3.2.17</p>	<p>PFAS/PFOA contamination</p>	<p>The Environment Agency anticipate further engagement regarding the potential presence of PFOS/PFOA contamination in the vicinity of the fire training ground.</p>	<p>The Applicant is aware that ongoing engagement is required.</p> <p>Such future engagement would be with the current airport 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</p>	<p>Letter 18.10.22</p> <p>Meeting on 10.07.23</p>	<p>Agreed</p>

SoCG ID	Matter	Environment Agency Position	The Applicant Position	Source of Issue / Agreement	Agreed / Ongoing / Not Agreed
			<p>soils and groundwater for PFOS/PFOA.</p> <p>The Applicant will continue to liaise with the Environment Agency regarding this matter.</p>		
<p>3.2.18</p>	<p>Hazardous substance authorisation</p>	<p>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.</p>	<p>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.</p>	<p>Letter 18.10.22</p> <p>Meeting on 10.07.23</p>	<p>Agreed</p>

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<p>3.3 Water Resources</p>					
<p>3.3.1</p>	<p>Matters of agreement Assessment methodologies</p>	<p>The Environment Agency is in agreement with the following aspects of the Proposed Development:</p> <ul style="list-style-type: none"> • The methodology used for the Water Framework Directive (WFD) Compliance Assessment. (Appendix 20.2 of the Environmental Statement [APP-135REP4-027]) • The assessment methodologies applied within the Hydrogeology Characterisation Report (Appendix 20.3 of the Environmental Statement [APP-136REP4-029]), 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. 	<p>The Applicant acknowledges the Environment Agency’s position.</p>	<p>Environment Agency letter dated 31.01.23 in response to initial draft of SoCG.</p>	<p>Agreed</p>

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		<p>(Chapter 20 of the Environmental Statement [REP4-009AS-031])</p> <p>The Environment Agency was <u>is</u> not currently in agreement with the level of detail presented in the <u>original</u> Hydrogeology Risk Assessment: Drainage (Appendix 20.6 of the Environmental Statement [APP-139REP4-035APP-139]).</p> <p><u>The Environment Agency is currently reviewing updated documents submitted at Deadline 4 and 5.</u></p>	<p>Engagement is ongoing with regard to the Hydrogeology Risk Assessment Report: Drainage (Appendix 20.6 of the Environmental Statement [APP-139REP4-035]) which <u>was updated and submitted at Deadline 4. will be updated.</u></p> <p><i>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.</i></p>		Ongoing
3.3.2	Highways England Water Risk Assessment	The Environment Agency has reviewed the scoping and methodology for the HEWRAT	The Applicant acknowledges the Environment Agency's review of the scoping and methodology of the HEWRAT assessment and has updated	Environment Agency letter dated 15.12.22 in regard to	Ongoing

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	Tool (HEWRAT)	<p>assessment and provided comments.</p> <p><u>The Environment Agency is reviewing the updated HEWRAT assessment and recently updated Design Principles [REP5-034] which requires an updated HEWRAT assessment to be undertaken during detailed design.</u></p>	<p>the methodology in line with the Environment Agency’s comments.</p>	<p>HEWRAT methodology</p>	
3.3.3	Drainage	<p>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).</p> <p>Discharge of treated effluent to ground should not be considered as a routine approach and should only be considered if no other viable options exist.</p> <p>The Environment Agency requests evidence that all opportunities with Thames Water have been exhausted before</p>	<p>The preliminary decision to adopt a strategy whereby treated foul water and surface water are discharged to ground was based on <u>initial</u> indications from Thames Water that the East Hyde STW was at capacity, <u>and would not be able to currently treat the foul water.</u> Therefore, it was decided that exploring an alternative strategy for discharge of the foul water would be appropriate.</p> <p><u>Following further engagement with Thames Water and the Environment Agency, discussions are ongoing with</u></p>	<p>Environment Agency letter dated 31.01.23 in response to initial draft of SoCG</p>	<p>Ongoing</p>

SoCG ID	Matter	Environment Agency Position	The Applicant Position	Source of Issue / Agreement	Agreed / Ongoing / Not Agreed
		<p>considering the proposed discharge to ground further.</p> <p>The Environment Agency is currently reviewing the Drainage Design Statement and documents submitted at Deadlines 4 and 5.</p>	<p>Thames Water in regard to the STW capacity, and their ability to accept part or all of the foul and surface water discharge. he Drainage Design Statement [REP5-096] was updated at Deadline 4 (and subsequently corrected at Deadline 5 to include appendices) to include a preferred option where foul water and contaminated surface water discharges to the Thames Water foul network, and a reserve option where foul and contaminated surface water is treated onsite and discharged to ground.</p>		
<p>3.3.4</p>	<p>Highways drainage</p>	<p>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</p>	<p>The Applicant updated the HEWRAT screening for the DCO submission application on the basis of the following criteria:</p> <ul style="list-style-type: none"> • Minimum Annual Average Daily Traffic (AADT) threshold defined in the Design 	<p>Environment Agency letter dated 15.12.22</p>	<p>Ongoing</p>

SoCG ID	Matter	Environment Agency Position	The Applicant Position	Source of Issue / Agreement	Agreed / Ongoing / Not Agreed
		<p>enhancements should follow the Sustainable Drainage Systems (SuDS) hierarchy, using natural interventions, where possible.</p> <p><u>The Environment Agency is currently reviewing the revised HEWRAT methodology and Design Principles [REP5-034] which requires an updated HEWRAT assessment to be undertaken during detailed design.</u></p>	<p>Manual for Roads and Bridges (DMRB)⁴.</p> <ul style="list-style-type: none"> • Consideration of requirements for physical works. • Potential for increase to AADT of less than 20% based on guidance provided in the DMRB. <p>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-031REP4-009].</p> <p>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.</p>		

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

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3.3.5	Drainage and impacts on local rivers	<p>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.</p> <p><u>The Environment Agency is currently reviewing the Design Principles [REP5-034] to ensure that the design principles appropriately capture and mitigate their concerns.</u></p>	<p>The low adverse impact for the River Lee (the lowest magnitude from the agreed assessment methodology) in this instance means ‘<i>No measurable adverse impact on status class and/or the future objective at a waterbody scale</i>’. As such there would be no deterioration of the water body.</p> <p>The River Hiz will only be potentially impacted by off-site highways interventions. The 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.</p> <p>Note that the proposed discharge of treated effluent to ground is within the River Mimram catchment.</p>	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG.	Ongoing

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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
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-138REP4-033] and provides an assessment of the impact of the Proposed Development on local water	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG	Agreed

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			<p>supply that has considered this classification.</p> <p>Measures are proposed to prevent an increase in water supply requirements as the airport expands.</p>		
<p>3.3.8</p>	<p>Construction water consumption</p>	<p>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.</p>	<p>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-049REP4-011].</p> <p>No construction dewatering is anticipated as part of the works.</p>	<p>Environment Agency letter dated 31.01.23 in response to initial draft of SoCG</p> <p>Agreed via email 08.09.23</p>	<p>Agreed</p>
<p>3.3.9</p>	<p>Passenger water consumption</p>	<p>The Environment Agency advises that the Applicant needs to ensure Terminal 1 is retrofitted with water</p>	<p>A Water Cycle Strategy has been produced which is provided as Appendix 20.5 to</p>	<p>Environment Agency letter dated 31.01.23</p>	<p>Ongoing Agreed</p>

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		<p>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 report⁵). 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.</p>	<p>the Environmental Statement [REP4-033APP-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.</p>	<p>in response to initial draft of SoCG</p> <p>Agreed via email 07.11.23</p>	
<p>3.3.10</p>	<p>Passenger water consumption</p>	<p>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 in identifying</p>	<p>A Water Cycle Strategy has been produced which is provided as Appendix 20.5 to the Environmental Statement [REP4-033APP-138] that provides an assessment of the impact of the Proposed Development on local water</p>	<p>Environment Agency letter dated 31.01.23 in response to initial draft of SoCG</p>	<p>OngoingAgreed</p>

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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		<p>areas where further efficiencies can be introduced.</p>	<p>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.</p>	<p>Agreed via email 07.11.23</p>	
<p>3.3.11</p>	<p>Surface water quality</p>	<p>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-031REP4-009] are too speculative.</p> <p>The Environment Agency is currently reviewing the Design Principles [REP5-034] to assess whether the design principles appropriately capture and mitigate their concerns.</p>	<p>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.</p> <p>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 drainage design, with a</p>	<p>Environment Agency letter dated 31.01.23 in response to initial draft of SoCG</p>	<p>Ongoing</p>

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			<p>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).</p>		
<p>3.3.12</p>	<p>Surface water quality</p>	<p>The discharges referred to in paragraph 20.7.7 (in the Water Chapter of the PEIR of Chapter 20 of the Environmental Statement [AS-031]) are regulated by the Environment Agency, not Thames Water.</p>	<p>Section 20.7 of the Environmental Statement [AS-031] was corrected for the application submission to refer to discharges correctly.</p>	<p>Environment Agency letter dated 01.04.22 in response to statutory consultation of 8 February to 4 April 2022 on the PEIR.</p>	<p>Agreed</p>
<p>3.3.13</p>	<p>Surface water quality</p>	<p>Paragraph 20.7.38 in the Water Chapter of the PEIR (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-</p>	<p>Section 20.7 of the Environmental Statement [AS-031] was corrected for the application submission to align with the application version of the DDS (Appendix 20.4 to the</p>	<p>Environment Agency letter dated 01.04.22 in response to statutory consultation of 8 February to 4</p>	<p>Agreed</p>

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		<p>137]) which states that the surface water sewers on site are managed by LLAOL.</p>	<p>Environmental Statement [REP5-096]APP-137].</p>	<p>April 2022 on the PEIR.</p>	
<p>3.3.14</p>	<p>Surface water quality</p>	<p>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.</p>	<p>Engagement is ongoing with Thames Water in regard to capacity of their network and East Hyde STW.</p> <p>Thames Water have previously confirmed that they could accept additional foul from the initial expansion at T1 and attenuated flows from the new car park implemented during assessment Phase 1. <u>The Applicant We areis currently engaging with Thames Water to agree these matters in the relevant SoCG.</u></p> <p>Discussions regarding accepting foul <u>and contaminated surface water</u> from T2 (assessment Phase 2a) are progressingongoing. <u>Thames Water have confirmed they have a statutory obligation to accept the foul, subject to potential network upgrades.</u></p>	<p>Environment Agency letter dated 31.01.23 in response to initial draft of SoCG</p>	<p>Ongoing</p>

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			<p><u>Contaminated surface water discharges would be subject to a trade effluent consent, which may also require potential treatment and network upgrades.</u></p> <p>The Environment Agency will <u>beare being</u> updated on ongoing engagement.</p>		
<p><u>3.3.15</u></p>	<p>Surface water quality</p>	<p>The Environment Agency advises that recycling of the uncontaminated surface runoff in the large infiltration tank should be considered.</p>	<p>A Water Cycle Strategy has been produced which is provided as Appendix 20.5 of the Environmental Statement [APP-138REP4-033] 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.</p> <p>The DDS (Appendix 20.4 of the Environmental Statement [REP5-096][APP-137]) proposes the recycling (capture</p>	<p>Letter from Environment Agency via email 01.04.22</p>	<p>Agreed</p>

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			and treatment) of surface water runoff for use in Terminal 2 as greywater.		
3.3.16	Groundwater quality	<p>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.</p> <p><u>The Environment Agency is currently reviewing documents submitted at Deadline 4 and 5 to assess if these measures appropriately address and mitigate their concerns.</u></p>	<p>The assessment of likely impacts to the water environment in section 20.9 of the Environmental Statement [AS-031REP4-009] 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-135REP4-027]). The HRA: Drainage (provided as Appendix 20.6 the Environmental Statement [APP-139REP4-035]) provides an initial assessment of the groundwater quality impacts to the aquifer based on effluent parameters documented within the DDS (Appendix 20.4 the</p>	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG	Ongoing

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			<p>Environmental Statement [REP5-096][APP-137]).</p> <p>The drainage design is conceptual and will be further developed at detailed design in line with the drainage design principles identified within the DDS Design Principles (Appendix 20.4 the Environmental Statement [APP-137REP5-034]). 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.</p> <p>The Applicant is aware of the Environment Agency's</p>		

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			<p>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.</p> <p>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.</p>		
3.3.17	Drainage	The Environment Agency are concerned about the discharge of treated effluent to ground and	The assessment of likely impacts to the water environment in section 20.9 of the Environmental Statement	Environment Agency letter dated 31.01.23 in response to	Ongoing

SoCG ID	Matter	Environment Agency Position	The Applicant Position	Source of Issue / Agreement	Agreed / Ongoing / Not Agreed
		<p>potential impacts to groundwater quality in the vicinity of the site.</p> <p><u>The Environment Agency is currently reviewing documents submitted at Deadline 4 and 5 to assess if these measures appropriately address and mitigate their concerns.</u></p>	<p>[REP4-009AS-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-135REP4-027]). The HRA: Drainage (provided as Appendix 20.6 the Environmental Statement [APP-139REP4-035]) 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 [REP5-096][APP-137]).</p> <p>The drainage design is conceptual and will be further developed at detailed design in line with the <u>drainage</u> design principles identified within the <u>Design Principles [REP5-</u></p>	<p>initial draft of SoCG</p>	

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			<p><u>034]DDS (Appendix 20.4 the Environmental Statement [APP-137])</u>. 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.</p> <p><u>The Applicant will continue to engage with the Environment Agency on this matter. The Applicant is aware of the Environment Agency's concerns in regard to the potential discharges to ground, and is undertaking further</u></p>		

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			<p>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.</p> <p>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.</p>		
<p>3.3.18</p>	<p>Drainage</p>	<p>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</p>	<p>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</p>	<p>Environment Agency letter dated 31.01.23 in response to initial draft of SoCG</p>	<p>Ongoing Agreed</p>

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		issued by the Environment Agency.	<p>Section 20.4 of the Environmental Statement [AS-031REP4-009].</p> <p>Bespoke environmental permits will be required for the proposed discharge activities.</p> <p>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.</p>	<p>Agreed via email 13 November 2023</p>	
<p>3.3.19</p>	<p>Drainage</p>	<p>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</p>	<p>The drainage design is conceptual and will be further developed at detailed design in line with the drainage design principles identified within the Design Principles [REP5-034]DDS (Appendix 20.4 the Environmental Statement [APP-137]).</p> <p>As the design is progressed, discharge consent criteria will need to be agreed (with the</p>	<p>Environment Agency letter dated 31.01.23 in response to initial draft of SoCG</p>	<p>Ongoing</p>

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		<p>water system not just the use of de-icers during the wintertime.</p> <p><u>The Environment Agency is currently reviewing documents submitted at Deadline 4 and 5 to assess if these measures appropriately address and mitigate their concerns.</u></p>	<p>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 surrounding aquifer groundwater quality.</p> <p>This will include<u>includes</u> a requirement to better quantify the influent constituents through baseline monitoring.</p> <p><u>The Applicant will continue to engage with the Environment Agency on this matter. 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</u></p>		

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			<p>result of this work is anticipated to be ready during the examination period and will be issued in order to inform the examination.</p> <p>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.</p>		
<p>3.3.20</p>	<p>Drainage (pre-WTP)</p>	<p>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</p>	<p>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.</p> <p>An amendment to the existing environmental permit will be applied for in relation to any amendments to the discharge arrangement at the northern</p>	<p>Environment Agency letter dated 31.01.23 in response to initial draft of SoCG</p> <p>Agreed via email 13 November 2023</p>	<p>OngoingAgreed</p>

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		Soakaway after the development of the WTP as part of assessment Phase 2.	soakaway (e.g. reduced rainfall discharge due to rainfall harvesting).		
3.3.21	Drainage (pre-WTP)	<p>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.</p> <p><u>The Environment Agency is currently reviewing documents submitted at Deadline 4 and 5 to assess if these measures appropriately address and mitigate their concerns.</u></p>	<p>The drainage design is conceptual only at this stage and will be further developed at detailed design in line with the drainage design principles identified within the Design Principles [REP5-034]DDS (Appendix 20.4 of the Environmental Statement [APP-137]).</p> <p>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</p>	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG	Ongoing

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			<p>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).</p> <p>The Applicant will continue to engage with the Environment Agency on this matter.</p>		
<p>3.3.22</p>	<p>Drainage (pre-WTP)</p>	<p>The Environment Agency advises that alternative solutions to an attenuation tank under the new car park should be identified if the Thames Water network cannot accommodate unattenuated flows from the new car park.</p> <p>The Environment Agency is currently reviewing documents submitted at Deadline 4 and 5 to assess if these measures</p>	<p>The proposals currently remain as outlined in the DDS (Appendix 20.4 the Environmental Statement [REP5-096][APP-137]). as TW have agreed during engagement meetings to accommodate the attenuated flows.</p> <p>As noted in the Design Principles [REP5-034]DS, any</p>	<p>Environment Agency letter dated 31.01.23 in response to initial draft of SoCG</p>	<p>Ongoing</p>

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		<p>appropriately address and mitigate their concerns.</p>	<p>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.</p> <p>The Applicant will continue to engage with the Environment Agency on this matter.</p>		
<p>3.3.23</p>	<p>Drainage (pre-WTP)</p>	<p>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.</p>	<p>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.</p> <p>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 airfield into the new</p>	<p>Letter from Environment Agency via email 01.04.22</p> <p>Agreed via email 13 November 2023</p>	<p>Ongoing Agreed</p>

SoCG ID	Matter	Environment Agency Position	The Applicant Position	Source of Issue / Agreement	Agreed / Ongoing / Not Agreed
			<p>system due to catchment boundaries.</p> <p>The airport operator is responsible for the existing airfield and they have introduced significant improvements to pollution mitigation, notably dedicated aircraft de-icing bays with de-icing capture and recycling facilities.</p>		
<p>3.3.24</p>	<p>Drainage (post-WTP installation)</p>	<p>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.</p>	<p>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.</p> <p>The Applicant is continuing discussions with the Environment Agency on this topic.</p>	<p>Letter from Environment Agency via email 01.04.22</p>	<p>OngoingAgreed</p>

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3.3.25	Drainage (post-WTP installation)	<p>Given the range of contaminants that could enter surface water flows, additional monitoring beyond just total organic carbon may be required. Will also need confidence that the automated monitoring system is reliable and sensitive enough to detect contaminated surface water flows entering the drainage system.</p> <p><u>The Environment Agency is currently reviewing documents submitted at Deadline 4 and 5 to assess if these measures appropriately address and mitigate their concerns.</u></p>	<p>The drainage design is conceptual only at this stage and will be further developed at detailed design in line with the drainage design principles identified within the Design Principles [REP5-034]DDS (Appendix 20.4 the Environmental Statement [APP-137]).</p> <p>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.</p> <p>-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.</p> <p>The threshold values for when water is diverted to treatment will be confirmed during detailed design based on</p>	Environment Agency letter dated 31.01.23 in response to initial draft of SoCG	Ongoing

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			<p>further quantification of the influent parameters and correlation to TOC.</p> <p><u>The Applicant will continue to engage with the Environment Agency on this matter.</u></p>		
<p><u>3.3.26</u></p>	<p>Drainage (post-WTP installation)</p>	<p>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).</p>	<p>The drainage design is conceptual only at this stage and will be further developed at detailed design in line with the <u>drainage</u> design principles identified within the <u>Design Principles [REP5-034]DDS (Appendix 20.4 the Environmental Statement [APP-137])</u>.</p> <p>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</p>	<p>Environment Agency letter dated 31.01.23 in response to initial draft of SoCG</p> <p><u>Agreed via email 13 November 2023</u></p>	<p><u>OngoingAgreed</u></p>

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			<p>include a requirement to better quantify the influent constituents through baseline monitoring, that will subsequently inform the detailed treatment plant design.</p> <p>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). 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</p>		

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			<p>issued in order to inform the examination.</p> <p>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. <u>The treatment and subsequent discharge of foul water to the aquifer is a reserve option only, which would require further assessment in detailed design if the preferred option of discharge to the Thames Water network cannot be implemented.</u></p>		
<p>3.3.27</p>	<p>Drainage (post-WTP installation)</p>	<p>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.</p>	<p>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</p>	<p>Environment Agency letter dated 31.01.23 in response to initial draft of SoCG</p>	<p><u>Ongoing Agreed</u></p>

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		<p>The environmental permit for the WTP will not allow the infiltration of hazardous substances to ground.</p>	<p>wash down after the event has ceased will then be collected and transported off site for appropriate treatment and disposal.</p> <p>This water will not be treated within the on-site WTP and so will not be discharged to ground.</p> <p>A detailed description of the drainage design is provided in the DDS (Appendix 20.4 the Environmental Statement [REP5-096][APP-137]).</p> <p>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).</p>	<p>Agreed via email 13 November 2023</p>	
<p>3.3.28</p>	<p>WFD Cycle 3</p>	<p><u>Based on the information provided, the Environment Agency do not consider that the WFD assessment needs to be revised.</u></p>	<p><u>The Cycle 3 WFD data has been published since the DCO Application for development consent was submitted. The Applicant has reviewed any changes between Cycle 2</u></p>	<p>Agreed via email 13 November 2023</p>	<p>Agreed</p>

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			<p><u>(2019) and Cycle 3 (2022) and determined that there is no impact to our the assessment findings presented in Chapter 20 of the Environmental Statement [REP4-009].</u></p> <p><u>The changes between Cycle 2 and 3 are as follows:</u></p> <p><u>Lee (from Luton to Luton Hoo Lakes)</u></p> <p><u>Overall change from Bad to Poor</u></p> <p><u>Biological quality elements: Bad to Poor</u></p> <p><u>Fish: Bad to Poor</u></p> <p><u>BOD: Not reported to Bad</u></p> <p><u>DO: Bad to Poor</u></p> <p><u>Phosphate: Good to High</u></p> <p><u>Chemical - Fail (due to PFOS and PBDE) to Does not require assessment</u></p> <p><u>Mimram (Whitwell to Codicote Bottom)</u></p>		

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			<p><u>No overall change (still Moderate)</u></p> <p><u>Chemical - Fail (due to PBDE) to Does not require assessment</u></p> <p><u>Hiz (through Hitchin)</u></p> <p><u>No overall change (still Moderate)</u></p> <p><u>Physico-chemical quality elements: High to Moderate</u></p> <p><u>Ammonia (Phys-Chem): High to Good</u></p> <p><u>BOD: Not reported to Moderate</u></p> <p><u>DO: High to Good</u></p> <p><u>Phosphate: High to Moderate</u></p> <p><u>Chemical - Fail (due to PBDE) to Does not require assessment</u></p> <p><u>Upper Lee Chalk GW</u></p> <p><u>No change (still 2019 data)</u></p>		

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<p>3.4 Aviation Fuel Storage</p>					
<p>3.4.1</p>	<p>Groundwater contamination risk</p>	<p>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.</p>	<p>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.15.8 of Chapter 15: Major Accidents and Disasters of the Environmental Statement [APP-041].</p> <p>Design control measures during operation include: bunding and draining of surface water through petrol interceptors with sensors to measure water</p>	<p>Environment Agency letter dated 31.01.23 in response to initial draft of SoCG</p> <p>Agreed via email 07.11.23</p>	<p>OngoingAgreed</p>

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			<p>quality. If contamination trigger levels are exceeded, the water 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.</p>		
<p>3.5 Waste</p>					
<p><u>3.5.1</u></p>	<p>Waste excavation</p>	<p>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.</p>	<p>The CoCP included as Appendix 4.2 of the Environmental Statement [REP4-011APP-049] describes the measures to control the risk from contamination within the landfill waste during construction. <u>This includes obtaining a bespoke Environmental Permit - DfReposit for recovery (DfR) under the Environmental Permitting (England and Wales) Regulations 2016.</u></p> <p>The CoCP is secured by Requirement <u>8-7</u>– Code of</p>	<p>Letter 01.04.22 post consultation on the PEIR</p> <p><u>Agreed via email 17.11.23</u></p>	<p><u>OngoingAgreed</u></p>

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			<p>Construction Practice in the draft DCO. This is the principal securing document for construction mitigation.</p> <p>Requirement 121 of the draft DCO [REP5-003] secures remediation of contamination identified from detailed site investigation and as an unexpected discovery.</p> <p>An HRA for -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.</p>		
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	Letter 01.04.22 post consultation on the PEIR	Agreed

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			of controlled waste in the permitted area.		
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.	<p>The Applicant is considering its approach to obtaining will apply for a 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.</p> <p>The Applicant is preparing the WRP for the Environment Agency national permitting team to review, such that an agreement in principle could be obtained prior to or during the DCO examination can be <u>obtained</u>. This agreement would reduce the risk of a permit application being refused.</p>	<p>Letter 01.04.22 post consultation on the PEIR</p> <p>Meeting-13.09.23</p> <p>Meeting-20.09.23</p> <p>Meeting-19.10.23</p> <p>Agreed via email 17.11.23</p>	OngoingAgreed
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	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.	<p>Letter 01.04.22 post consultation on the PEIR</p> <p>Meeting-13.09.23</p>	OngoingAgreed

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		rules and limitations on this type of authorisation.	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.	Meeting-20.09.23 Meeting-19.10.23 Agreed via email 17.11.23	
<h3>3.6 Combustion</h3>					
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 will be required before the plant can operate.	The Proposed Development does not include any permanent operational combustion facilities; therefore, the proposed facilities do not need to comply with the MCPD or require an Environmental Permit for combustion activities. If this changes, the Applicant will ensure appropriate compliances are in place.	Letter 01.04.22 post consultation on the PEIR. Agreed via email 08.09.23	Agreed