

## APPLICATION BY LONDON LUTON AIRPORT LIMITED FOR LONDON LUTON AIRPORT EXPANSION

### THE EXAMINING AUTHORITY'S WRITTEN QUESTIONS AND REQUESTS FOR INFORMATION

ISSUED ON 15 DECEMBER 2023 - RESPONSES DUE BY DEADLINE 7: 9 JANUARY 2024.

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

ExQ2	Examining Authority's question	AW response
<b>Draft Development Consent Order - Articles</b>		
DCO.2.8	<p><b>Request for bespoke protective provision</b></p> <p>In your submissions [REP1-030], [REP1-163] and [RR-0402] you requested that the draft DCO should include bespoke protective provisions for your benefit. The Applicant at CAH2 advised that it was in the process of entering into side agreements with each of you and that, in any event, it considered that Part 1, which is a general provision for the protection of electricity, gas, water and sewage undertakers, was sufficient for the protection of your interests. As a result, the Applicant was not proposing to include bespoke provisions for your benefit. If you consider that a bespoke provision would still be required, please provide an explanation why the provisions provided by Part 1 would not be sufficient to protect your interests and provide a form of suggested drafting</p>	<p>AW does not agree that the general provisions in Part 1 of the draft DCO [REP5-003] provide adequate protection for its interests. AW requires bespoke provisions that are amend, and are in addition to, the general provisions that are in the draft DCO. As outlined in its Relevant Representation [RR-0019], Written Representation [REP1-030], and Deadline 6 submission [REP6-120], AW requires bespoke provisions in order to involve AW in the preparation of various management plans, regulate the water usage, ensure AW retains appropriate access to its apparatus and AW is provided with monitoring data.</p> <p>AW is in negotiations with the Applicant in relation to bespoke protective provisions and is very close to reaching an agreement with the Applicant. AW understands the Applicant is in the process of amending the draft DCO to provide additional protections to AW. These amendments will affect the matters that the bespoke protective provisions will address.</p> <p>Accordingly, AW does not consider it appropriate to provide the suggested drafting of the bespoke protective provisions that are still subject to negotiation. Instead, AW proposes to provide the Examining Authority with an update on the negotiations at Deadline 8. AW will provide the suggested drafting of the bespoke protective provisions at Deadline 9, if they have not been agreed with the Applicant.</p>