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# London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

**8.157 Applicant's Response to Written Questions - Water  
Environment**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.157

**The Planning Act 2008**

**The Infrastructure Planning (Examination Procedure) Rules 2010**

**London Luton Airport Expansion Development Consent  
Order 202x**

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**8.157 APPLICANT’S RESPONSE TO WRITTEN QUESTIONS –  
WATER ENVIRONMENT**

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# 1 RESPONSE TO EXAMINING AUTHORITY WRITTEN QUESTIONS (WATER ENVIRONMENT)

Table 1.1: Responses to the Examining Authority's Written Questions (Water environment)

PINS ID	Question / Response
WE.2.1	<p><b>Question: to Environment Agency (EA)</b></p> <p><b>Discharge to ground</b>                      In the most recent PADSS [REP6-111] the EA stated that <i>'based on the information submitted to date we cannot confirm whether the 'reserve' option discharge would be acceptable. However...we feel that...groundwater quality concerns relating to the 'reserve' option can be managed', and 'the EA believes that outstanding concerns relating to the preferred option can be resolved by way of updated designs based on specific design principles'</i>. The response to Action Point 32 (ISH8) [EV15-013] stated that <i>'the reserve option may be acceptable after further detailed design'</i> and that the EA is <i>'more confident that a permit in future may be granted'</i>.</p> <p>Please provide a clear statement on whether there is still the potential for the reserve option for discharge to be refused in principle, or if the EA is now satisfied that a compliant discharge is possible within the parameters of the proposal if adequate information and engineering are provided.</p> <p>If the latter, please state if you require the 'updated designs based on specific design principles' before the end of the Examination or whether you are satisfied that the required information is secured via the draft DCO. If not, please provide recommended drafting to ensure provision of the required information.</p> <p><b>Response:</b></p> <p>The Applicant acknowledges that this question is directed to the EA but believes that it will assist the ExA if a response is also prepared by the Applicant.</p> <p>The Applicant is engaging continuously with the EA on both the preferred and reserve options.</p> <p>The EA has been consistent with the Applicant on its position that the EA would not be able to pre-determine any permit applications before they are submitted, particularly with the works proposed not likely to come forward for several years, during which time regulations and/or guidance may change.</p> <p>However, the Applicant continues to engage with the EA to ensure that any current concerns with regard to both the preferred and reserve options can be resolved by updates to the design principles so there are no barriers to a future permit being determined (see response to WE.2.2 below).</p> <p>The Applicant also continues to engage with Thames Water on utilising the preferred discharge option (to minimise the likelihood that the reserve option is required) which is reflected in the most recent Thames Water Statement of Common Ground [REP6-015].</p>
WE.2.2	<p><b>Question: to EA</b></p> <p><b>Additional design principles</b>                      The EA requires additional 'design principles' to be developed [REP6-111], including:</p> <ul style="list-style-type: none"> <li>• the full characterisation of surface water effluent streams;</li> <li>• revision of the hydrogeological risk assessment;</li> <li>• an assessment of the treatment of surface water to demonstrate that SuDS is feasible;</li> <li>• an assessment of the ability of the Water Treatment Plant to reach an acceptable standard;</li> <li>• assessment of the design and location of infiltration tanks; and,</li> <li>• details of the drainage monitoring system.</li> </ul> <p>Can you confirm if this information is required prior to the close of the Examination? If not, is the EA satisfied that provision of this information is secured in the draft DCO? If not, please provide recommended drafting to ensure provision of the required information.</p>

PINS ID	Question / Response
	<p><b>Response:</b></p> <p>The Applicant acknowledges that this question is directed to the EA but believes that it will assist the ExA if a response is also provided by the Applicant.</p> <p>Following receipt of the EA's Deadline 6 submissions together with additional comments provided by the EA on the <b>Design Principles [REP5-034]</b>, the Applicant has updated the Design Principles for Deadline 7.</p> <p>This includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• a requirement for characterisation of both clean and contaminated surface water drainage streams (DDS.35);</li> <li>• a requirement that the hydrogeological risk assessment is updated and submitted to the EA for review following further characterisation and detailed design(DDS.04);</li> <li>• a requirement for the works to be undertaken in line with the SuDS Manual (Ref 1), including adequate treatment to protect the receiving water body from short-term and long-term pollution (DDS.28);</li> <li>• a requirement that all discharges to ground from the Water Treatment Plant do not contain hazardous substances, as defined in the Water Framework Directive, are non-polluting, and chemically compatible with the aquifer (DDS.39);</li> <li>• a requirement that the detailed design of the infiltration tanks will seek to maximise the thickness of the unsaturated zone beneath the bases where possible (DDS.22); and</li> <li>• requirements for monitoring that will be secured by the environmental permits or discharge consents (DDS.31).</li> </ul> <p>The Applicant shared the updated Design Principles with the EA upon submission at Deadline 7 and continues to engage with the EA to confirm if the updated Design Principles resolve their outstanding concerns and any further updates potentially required.</p>
WE.2.3	<p><b>Question: to Applicant and LBC</b></p> <p><b>Drainage in the period between Project Curium and Phase 2 of the proposed development</b></p> <p>The Project Curium permission included a number of conditions requiring that the surface water drainage system was updated to prevent pollution. These works remain outstanding and this was, at least in part, reflected in conditions 10, 11, 15 and 16 of the 19 mppa consent 'for the protection of groundwater'.</p> <p>For the benefit of Article 44 either of these planning permissions could constitute the LLAOL planning permission. Serving of notice under Article 44 would mean that the LLAOL planning permission in place at the time that the notice was served and the conditions of that permission would cease to have effect and would not be enforceable except in respect of a breach that predated the serving of the notice.</p> <p>If the works required by Project Curium/ the 19mppa permission are not carried out before the DCO came into force, then drainage improvements may not be implemented until Phase 2. LBC has expressed concern that this could give rise to a potential gap in drainage improvements between Project Curium/ the 19 mppa consent and the Proposed Development [REP6-027].</p> <p>Provide an update on discussions on this matter.</p> <p><b>Response:</b></p> <p>It is noted that a number of drainage improvements are proposed to be implemented during assessment Phase 1 of the Proposed Development. However, the more significant drainage infrastructure upgrades are not scheduled to occur until assessment Phases 2a and 2b (due to landform requirements).</p> <p>The Applicant understands that the airport operator is currently in the design phase of the Airport Way catchment drainage upgrades, which are of the most significant concern to LBC, as the current system ultimately discharges to the River Lee.</p>

PINS ID	Question / Response
	<p>The Applicant understands that the airport operator has shared their current programme with LBC which includes the anticipated timeframe for construction of the Airport Way catchment upgrades as 2024/2025.</p> <p>The Applicant understands that LBC's primary concern is that the current planned Airport Way drainage upgrades will not be implemented prior to serving of notice under Article 44.</p> <p>Article 44 of the <b>Draft DCO [TR020001/APP/2.01]</b> has been updated for Deadline 7 to preserve a number of 'specified conditions', which would continue to have effect after notice to grow is served under the Article, until such time as they have been discharged or Luton Borough Council certify that they have been superseded. This includes conditions relating to the delivery of drainage improvements under Project Curium (or the P19 permission when implemented).</p>

## REFERENCES

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Ref 1 Construction Industry Research and Information Association. The SuDS Manual (C753). London. CIRIA. 2015.