

Affinity Water Limited
Tamblin Way
Hatfield
Hertfordshire AL10 9EZ

The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol BS1 6PN

Your Ref: 20040567

8 February 2024

Dear Sirs

APPLICATION BY LONDON LUTON AIRPORT LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE PROPOSED LONDON LUTON AIRPORT EXPANSION PROJECT

1. Affinity Water Limited (**AW**) refers to the application for development consent order in relation to the above project.
2. As outlined in AW's representations and submissions throughout the examination of the project, including the Relevant Representation [**RR-0019**], Written Representations [**REP1-030**] and Deadline 7 submission [**REP7-096**], the standard protective provisions included at Schedule 8 Part 1 of the draft Development Consent Order [**REP9-003**] (**dDCO**) are not satisfactory for the benefit of AW. AW has engaged with extensive negotiations with the Applicant to modify the protective provisions so as to avoid serious detriment to AW's undertaking that arises from the project.
3. AW is pleased to confirm that it has reached substantive agreement with the Applicant on the terms of the modified protective provisions and side agreement. The documents have been drafted so that the modified protective provisions will be appended to the side agreement.
4. Due to the governance procedure, AW requires final sign off before it can approve the final form of the side agreement and modified protective provisions and execute the agreement. Because of this process, AW has not been able to obtain final sign off for the side agreement and modified protective provisions before the end of the examination for the project. AW does not anticipate any changes to these documents as a result of the governance process, but any changes that may need to be made would be minor.

AffinityWater

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5. AW is seeking the requisite approvals as quickly as possible and anticipates receiving those approvals and executing the side agreement by 1 March 2024. Once the side agreement is executed, AW will report completion to the Secretary of State and will be in a position to withdraw its objections to the project, subject to paragraph 7 below.
6. To date, the discussions between the parties have been on the basis that the agreed position would be confidential, which is well precedented for protective provisions. The parties intend that the modified protective provisions will be subject to the confidentiality clause that is contained in the side agreement. In these circumstances, AW does not consider it appropriate to provide the Examining Authority with a copy of the modified protective provisions at this stage. In the unlikely event that the side agreement is not executed by the end of the determination period, AW will provide the Secretary of State with AW's preferred form of the protective provisions.
7. For the avoidance of doubt, notwithstanding the substantive agreement reached with the Applicant on the modified protective provisions, AW maintains its objections to Schedule 2 Part 5 paragraph 36(3) of the dDCO. To this effect, AW refers to its Deadline 9 submissions [REP9-070] and leaves this matter for the Secretary of State to determine.



Ben Hayward
Head of Capital Delivery