

Date: 27 October 2023
Our ref: 449361
Your ref: TR020005

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

BY EMAIL ONLY



Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Mr Gleeson,

NSIP Reference Name / Code: TR020005

Natural England's comments in respect of Gatwick Airport's Northern Runway project promoted by Gatwick Airport Limited (GAL)

Examining Authority's submission deadline with a date of 29 October 2023

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

For any further advice on this consultation please contact the case officer Sophie Moore and copy to consultations@naturalengland.org.uk.

Yours sincerely

Sophie Moore
Sussex and Kent Team

Natural England's Relevant Representations

PART I: Summary and conclusions of Natural England's advice
PART II: Natural England's detailed advice (starting on page 6)
PART III: Natural England's detailed comments on the Development Consent Order (DCO) (starting on page 9)

Part I: Summary and conclusions of Natural England's advice

Summary of Natural England's advice

Natural England has requested further information relating to impacts from changes in air quality as a result of the project upon nationally designated sites. At this current time we are unable to make a robust assessment of impacts with the information has been provided. We have no major concerns with impacts upon nationally designated landscapes, however we have recommended engagement with the High Weald AONB unit for their thoughts on the methodology used. We will continue discussions with Gatwick Airport Limited with regard to impacts upon the tranquillity of High Weald AONB, focusing on the relevance of the noise and vibration assessment in assessing impacts. We are awaiting draft protected species license applications for badgers in order to provide Letters of No Impediment. We have provided advisory comments on Biodiversity Net Gain. We agree with the conclusions of the Habitats Regulations Assessment in that there is to be no adverse effect on the integrity of any of the sites assessed.

- 1.1. Natural England's advice in these relevant representations is based on information submitted by Gatwick Airport Limited (GAL) in support of its application for a Development Consent Order ('DCO') in relation to Gatwick Airport Northern Runway (*the project*).
- 1.2. Part I of these representations summarises what Natural England considers the main issues¹ to be in relation to the DCO application and indicate the principal submissions that it wishes to make at this point. Natural England will develop these points further as appropriate during the examination process. Natural England may have further or additional points to make, particularly if further information about the project becomes available.
- 1.3. Our comments are set out against the following sub-headings which represent our key areas of remit:
 - Internationally designated sites
 - Nationally designated sites
 - Protected species
 - Biodiversity net gain
 - Nationally designated landscapes
 - Soils and best and most versatile agricultural land
 - Ancient woodland and ancient/veteran trees
 - Other valuable and sensitive habitats and species, landscapes and access routes
- 1.4. Our comments are flagged as red, amber or green:
 - Red are those where there are fundamental concerns which it may not be possible to overcome in their current form.

¹ PINS NSIP Advice Note 11 Annex C sets out Natural England's role in infrastructure planning.

- Amber are those where further information is required to determine the effects of the project and allow the Examining Authority to properly undertake its task and or advise that further information is required on mitigation/compensation proposals in order to provide a sufficient degree of confidence as to their efficacy.
 - Green are those which have been successfully resolved (subject always to the appropriate requirements being adequately secured).
- 1.5. Natural England has been working closely with Gatwick Airport Limited (GAL) to provide advice and guidance on the Habitats Regulations Assessment and Biodiversity Net Gain proposal since May 2023 and has been liaising since approximately 2019 on other aspects of the proposal.
 - 1.6. To date, no conversations have been had regarding the Statement of Common ground.
 - 1.7. Part I of these representations provides an overview of the issues and a summary of Natural England's advice. Section 2 identifies the natural features relevant to this application. Section 3 summarises Natural England's overall view of the application and the main issues which it considers need to be addressed by the Secretary of State.
 - 1.8. Part II of these representations sets out all the significant issues which remain outstanding, and which Natural England advises should be addressed by GAL and the Examining Authority as part of the examination process in order to ensure that the project can properly be consented. These are primarily issues on which further information would be required in order to allow the Examining Authority properly to undertake its task or where further work is required to determine the effects of the project and to flesh out mitigation proposals and to consider compensation proposals to provide a sufficient degree of confidence as to their efficacy.
 - 1.9. Natural England will continue discussions with GAL to seek to resolve these concerns and agree outstanding matters in a Statement of Common Ground. Failing satisfactory agreement, Natural England advises that the matters set out in Section 4 will require consideration by the Examining Authority as part of the examination process.
 - 1.10. The Examining Authority may wish to ensure that the matters set out in these relevant representations are addressed as part of the Examining Authority's first set of questions to ensure the provision of information early in the examination process.

2. The natural features potentially affected by this application

Internationally designated sites

Natural England's position regarding impacts on internationally designated sites is summarised below. Further detail on our reasoning for this is given against each impact pathway in Part II.

- 2.1. Natural England is satisfied that the proposed development is not likely to result in significant effects on **The Mens Special Area of Conservation (SAC), Ebernoe Common SAC and Mole Gap to Reigate Escarpment SAC**, due to it being unlikely that the project and designated sites are functionally linked given both the distance between them and the core foraging area of bat interest features (12km). In addition, impacts to air quality are unlikely given the proximity of The Mens SAC and Ebernoe Common SAC to affected roads and the redistribution of traffic away from Mole Gap to Reigate Escarpment SAC.
- 2.2. Natural England agrees that **Thames Basin Heaths Special Protection Area (SPA) (Ockham and Wisley Common SSSI), Ashdown Forest SAC/SPA, Thames Basin Heaths SPA (Chobham Common SSSI) and Thursley, Ash, Pirbright and Chobham SAC** should be taken forward to Appropriate Assessment on air quality grounds, but that an adverse effect on the integrity of all sites can be ruled out.

- 2.3. There are no other likely impact pathways to notified features of the above sites resulting from the project.

Nationally designated sites

Natural England's position regarding nationally designated sites is summarised below. Further detail on our reasoning for this is given against each impact pathway in Part II.

- 2.4. There is currently not enough information provided within the submitted documents for Natural England to assess potential impacts upon Sites of Special Scientific Interest (SSSI) from traffic related air quality. Three sites (Titsey Woods SSSI, Westerham Woods SSSI and Mole Gap to Reigate Escarpment SSSI) show an increase in NO_x and nitrogen deposition that is >1% of the critical load/level, however no assessment of potential impacts to these sites has been made. In addition, impacts upon SSSI's as a result of changes to atmospheric ammonia levels have not been considered. Both of these have been requested by Natural England during pre-application engagement and we are awaiting further information.

Nationally designated landscapes

Natural England's position regarding nationally designated landscapes is summarised below. Further detail on our reasoning for this is given in Part II.

- 2.5. We welcome the use of the CPRE tranquility report in the assessment of tranquillity upon nationally designated landscapes and are broadly satisfied with the methodology used. However we would encourage the examining authority to engage with the High Weald AONB Unit in relation to the methodology, as we note that this landscape has the greatest potential for impacts to tranquillity given the increase in flight numbers as a result of the project.
- 2.6. We agree that the increase in overflights in the Kent Downs AONB, Surrey Hills AONB and South Downs National Park is negligible in terms of magnitude, resulting in a minor adverse impact upon the designated landscapes, and will not require mitigating.
- 2.7. Natural England will continue our discussions with GAL around potential impacts on the tranquillity of the High Weald AONB to ensure that a robust assessment of noise has been made and that a worst case scenario with regard to a quieter aircraft fleet has been used.

Protected species

Natural England's position regarding European protected species is summarised below. Further detail on our reasoning for this is given in Part II.

- 2.8. We are satisfied that the bat colonies identified within the airports vicinity are not functionally linked to any of the nearby European designated sites, as discussed above. We therefore direct you to our [standing advice for protected species](#) to assist you in your decision.
- 2.9. Natural England is still awaiting submission of draft protected species licence applications for review. Without draft protected species licence applications we are unable to issue Letters of No Impediment, which we understand may be required by GAL for Badgers. We will work with GAL and our wildlife licensing team to ensure that we have the required information to obtain these when needed.

Ancient woodland and ancient/veteran trees

Natural England's position regarding ancient woodland and ancient/veteran trees is summarised below.

- 2.10. Natural England is a statutory consultee for proposals that affect any Sites of Special Scientific Interest and internationally designated sites. For other proposals that affect ancient woodland or ancient and veteran trees outside of these designated sites, please refer to our [standing advice](#).

Biodiversity net gain

Natural England's position regarding provision of biodiversity net gain is summarised below.

- 2.11. As BNG is pre-mandatory we will not be requiring specific measures, however we have provided some brief comments in Part II to aid with decision making.

Soils and best and most versatile agricultural land

Natural England's position regarding soils and the best and most versatile agricultural land is summarised below.

- 2.12. There are no known issues relating to soils and best and most versatile agricultural land associated with this project.

3. Natural England's overall conclusions

- 3.1. The main issue raised by this application is the lack of information provided within the submitted documents to enable us to make an evaluation of the impacts of the proposal on nationally designated sites in accordance with our statutory remit. We have requested that the applicant provides a robust assessment of air quality impacts upon SSSI's, including potential impacts and mitigation if required.
- 3.2. We would like to see engagement had with the High Weald AONB unit with respect to the landscape tranquility methodology and will continue our discussions with GAL on the subject of tranquillity impacts to High Weald AONB.
- 3.3. We are awaiting draft protected species applications for badgers in order to provide Letters of No Impediment (LoNI).
- 3.4. We have provided advisory comment upon the Biodiversity Net Gain Statement.
- 3.5. We do not intend to make oral representations at an issue specific hearing or open floor hearing and would not be affected by compulsory acquisition at a compulsory acquisition hearing.

Natural England's Relevant Representations

4. Part II: Natural England's detailed advice

- 4.1. Part II of these representations expands upon the detail of all the significant issues ('red' and 'amber' issues) which, in our view remain outstanding and includes our advice on pathways to their resolution where possible. Part II also shows 'green' issues where a resolution has been reached and subject always to the appropriate requirements being adequately secured.
- 4.2. Natural England's advice is that there are a number of matters which have not been resolved satisfactorily as part of the pre-application process that must be addressed by Gatwick Airport Limited (GAL) and the Examining Authority as part of the examination and consenting process before development consent can be granted. **Some of these matters, set out at paragraphs 5.1-5.5, are important enough to mean that if they are not satisfactorily addressed it would not be lawful to permit the project due to its impacts on the SAC, SPA, Ramsar and SSSI interests.**
- 4.3. Natural England advises that, if approved, the project must be subject to all necessary and appropriate requirements which ensure that unacceptable environmental impacts either do not occur or are sufficiently mitigated.
- 4.4. Natural England will continue engaging with the applicant to seek to resolve outstanding concerns throughout the examination. Natural England advises that the matters indicated as 'red' and 'amber' will require consideration by the Examining Authority during the examination.

Natural England's Relevant Representations, Part II, Table 1

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on: <ul style="list-style-type: none"> Further details about the project in order to enable assessment Further evidence or assessment work required 	NE comment on mechanism for securing resolution – e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amber /Green
	International designated sites	O	No further information required	N/A	N/A	Green
	National designated sites (biodiversity & geodiversity)	O	We have requested that the applicant provides an assessment of potential impacts upon SSSI's resulting from traffic related air quality and includes data for atmospheric ammonia within their assessment.	Review of further information by Natural England.		Amber
	Nationally designated landscapes	O	The applicant should engage with the relevant bodies to confirm that the methodology used to assess impacts is satisfactory. Natural England will have further discussion with GAL on the subject of tranquillity and the assessment of impacts on High Weald AONB.	Review of further information by Natural England.		Amber
	Protected species	C	Draft licenses are required to be provided by the applicant in	Submission and review of draft licenses for badgers should the	LoNI's	Amber

Table 1: Natural England’s detailed advice

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on: <ul style="list-style-type: none"> • Further details about the project in order to enable assessment • Further evidence or assessment work required 	NE comment on mechanism for securing resolution – e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amber /Green
			order to provide a Letter of No Impediment (LoNI).	applicant consider this a licence is required.		
	Biodiversity net gain		Advisory only; we have provided comment in Part III confirming the deviation from metric rules and BNG principles agreed at the pre-application stage.			

Natural England's Relevant Representations

5. PART III: Natural England's detailed comments on the Development Consent Order (DCO) and associated documents

Nationally designated sites

- 5.1. It is our opinion that the statement provided in paragraph 9.9.383 (document ref. APP-034) advising that *'no impacts to statutory designated sites within 5km of the Proposed Development are anticipated with all emissions levels below the screening thresholds'* is misleading, as it infers that there is no potential impact to any designated sites as a result of air quality emissions. As advised in paragraph 9.9.386 (APP-034) there is an increase in nitrogen deposition at four modelled locations including Titsey Wood SSSI and Westerham Wood SSSI that is >1% greater than the critical load, demonstrating a potential impact to these sites.
- 5.2. We would also like to highlight that the data presented in Table 2.5. (document ref. APP-167) shows that there will be an increase in NO_x of >1% of the critical level at both Titsey Wood SSSI and Westerham Wood SSSI (Eco_217 and Eco_218) in addition to nitrogen deposition. From this data it appears that there will also be a increase in NO_x of >1% of the critical level and in nitrogen deposition of >1% of the critical load for Mole Gap to Reigate Escarpment SSSI (Eco_263). Impacts as a result of these increases have not been assessed or discussed within the Ecology and Nature Conservation chapter, therefore we are currently unable to adequately determine the Projects impact upon nationally designated sites.
- 5.3. We are concerned that air quality impacts to nationally designated sites have only taken into account NO_x and nitrogen deposition. Despite ammonia (NH₃) being included within the air quality assessment for internationally designated sites, there has been no assessment made for SSSI's. We require NH₃ to be included to enable us to make a robust assessment of impacts.
- 5.4. We disagree with the conclusion provided in paragraph 9.9.387 (APP-034) that *'the contributions from the Project at these four sites is considered to be of negligible magnitude on a receptor of National importance which is of minor adverse significance'*, as this is based upon a comparison of the increase against the predicted background. It is our advice that increases in NO_x, nitrogen deposition and NH₃ should be measured against the critical load/level for that site even if that is already being exceeded, as further increase could prohibit the site remaining at or returning to favourable condition.
- 5.5. Natural England recommends that Titsey Wood, Westerham Wood and Mole Gap to Reigate Escarpment SSSI's are given further consideration in relation to potential air quality impacts, stating clearly the exceedences for NO_x, nitrogen deposition and NH₃ and a discussion of the likelihood of impacts on the sites. If mitigation is required to negate significant impacts then this should also be proposed.

Nationally designated landscapes

- 5.6. It is implied in the Landscape, Townscape and Visual Resources chapter (document ref. APP-033) that tranquillity has been assessed in conjunction with information provided within the Noise and Vibration chapter (document ref. APP-039), however Gatwick Airport Limited (GAL) have made Natural England aware that tranquillity impacts have instead been assessed on the increase in overflights as a result of the project (20% increase).
- 5.7. We intend to continue discussions with GAL to determine whether aspects of the noise assessment can be incorporated into the assessment of tranquillity impacts to High Weald AONB, utilising a worse case example of future aircraft fleet and comparing this with the current noise baseline.

Biodiversity Net Gain

- 5.8. As Biodiversity Net Gain (BNG) is pre-mandatory, we will not be requiring specific measures and defer to the responsible body for BNG. However, there are some aspects of the BNG proposal agreed at the pre-application stage that we wish to comment on.
- 5.9. We welcome the commitment to delivering BNG on this project and support the proposal going beyond the mandatory 10% net gain required by national planning policy and the policy proposed within Crawley Borough Council Local Plan draft submission document. We recommend that the target increase in BNG of 22.5% habitat units and 16.7% watercourse units is secured by a suitably worded requirement in the DCO.
- 5.10. We acknowledge that the biodiversity baseline provided is based upon all land within the development's order limit (735ha), however the net gain shown within the metric is based only upon land impacted during the project (230.09ha). This was agreed with GAL at the pre-application stage due to the constraints associated with providing a 10% gain on the full site, particularly when comparing it to the size of the site actually lost. This is in line with Luton Rising's BNG proposal for the London Luton Airport Expansion project.
- 5.11. The inability of the BNG proposal to meet habitat trading rules, rules that are established to ensure losses are compensated for through creating or enhancing habitats on a 'like-for-like' basis, was also discussed at pre-application stage. We consider the rationale given by GAL for not meeting the trading rules to be satisfactory, given that it is in the interest of aircraft and public safety that new areas of woodland should not be planted within the order limit.