

**Application by Gatwick Airport Limited for an Order Granting Development Consent for the Gatwick Airport Northern Runway Project (Project Reference: TR020005)**



**Relevant Representation**

**West Sussex County Council**

**October 2023**

**1. Introduction**

- 1.1 Under Section 56 of the Planning Act 2008, West Sussex County Council (hereafter 'WSCC') was notified on 5 September 2023 by Gatwick Airport Limited (hereafter the 'Applicant') that its application for a Development Consent Order (DCO) for the Gatwick Airport Northern Runway Project (hereafter the 'Project') has been accepted for examination. WSCC understands that registration for Interested Parties has begun, with a deadline for submission of a Relevant Representation by 29 October 2023.
- 1.2 This document sets out a summary of WSCC's issues of concern, and should be read alongside the submitted Principal Areas of Disagreement Summary Statement (PADSS), as requested by the Examining Authority (ExA), as part of a Procedural Matters (PD-005) letter dated 8 September 2023.

**2 Overview**

- 2.1 WSCC acknowledges the importance of Gatwick Airport as a significant asset that contributes to the local economy of West Sussex. Any proposals for growth need to be achieved responsibly, sustainably, and with a focus on the well-being of communities within West Sussex and beyond. It is recognised that national aviation policy gives 'in principle' support for proposals to increase passenger numbers and air traffic movements by making best use of the existing runways at Gatwick. However, such proposals need to be judged by taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigation.
- 2.2 WSCC, along with the other host and neighbouring authorities, has provided detailed technical responses to both pre-application statutory consultation phases undertaken by Applicant. However, as outlined in the Adequacy of Consultation representation submitted by WSCC in July 2023, it is disappointing that there has been so little positive engagement by the Applicant in the pre-application phases, which has resulted in WSCC having substantive outstanding issues with the DCO submission documents.
- 2.3 In this Relevant Representation, reference is made to 'host authorities' and 'neighbouring authorities'. The host authorities are WSCC, Crawley Borough Council, Mole Valley District Council, Reigate and Banstead Borough Council, Tandridge District Council and Surrey County Council. The neighbouring authorities are Horsham District Council, Mid Sussex District Council, East Sussex County Council, and Kent County Council.

- 2.4 The intensification of development at Gatwick Airport will lead to both construction and operational effects, which will have adverse impacts on the environment and local communities of West Sussex and beyond.
- 2.5 WSCC maintains that further evidence, environmental assessment, and justification of key assumptions is required across a number of technical elements. This is to allow these relevant considerations to be assessed and for WSCC to be satisfied that the Applicant can demonstrate that Gatwick Airport can grow and be operated in a sustainable and responsible manner, and that effective mechanisms are in place to ensure that benefits from the Project will be maximised and secured.
- 2.6 Therefore, WSCC cannot support the NRP DCO application in its current form, because there are a number of matters of significant concern that have not been satisfactorily addressed to date by the Applicant. These are:
- i. Understanding the basis for the Applicant’s passenger forecasts and the assumptions that underpin them.
  - ii. Justification for the required supporting infrastructure and its necessity to facilitate the required passenger throughput.
  - iii. Lack of evidence regarding the assessment of alternatives for Project infrastructure and how the current set of design principles will ensure a secured approach to good design, particularly for the Central Area Recycling Enclosure (CARE facility) and highways works.
  - iv. Lack of clarity over the construction phase and potential impacts and mitigation - concern over lack of construction phasing information, which should be presented clearly to enable local communities and WSCC to understand if the impacts have been appropriately addressed and mitigated, given that the duration of the construction programme (up to 14 years).
  - v. Clarity on the socioeconomic benefits, including the number, type, quality, and location of jobs created, the link between current labour supply and jobs created, and local economic benefits.
  - vi. The need for new homes and associated infrastructure, including WSCC services.
  - vii. Concerns related to traffic and transport access, including the impact of other strategic development and forecasting assumptions about mode share for both passengers and staff. There is insufficient evidence and mitigation to demonstrate how the target mode share percentages for staff and passengers can be met.
  - viii. Concerns about the highway mitigation proposals:
    - a. The proposals would increase some journey times (including potentially for emergency response vehicles) and result in a redistribution of traffic, including from the strategic to the local highway network; and
    - b. Insufficient justification has been provided for the proposed speed limits on the local road network and, in lieu of the submission of a Stage 1 Road Safety Audit, it has not been demonstrated that the road safety implications of the proposals have been fully

considered. It is also not apparent what design standards have been applied to the highway works or whether they accord with the relevant standards, as no design review has been submitted.

- ix. Further presentation of the required evidence base and justification of the noise and air quality effects (and proposed mitigation) from both construction of the additional infrastructure and the operational phase (including the increase in overflights).
- x. Concerns over the significant increase in greenhouse gas emissions and impacts on climate change and understanding how airport expansion can be justified in the light of national and international carbon reduction targets (along with concerns over fundamental flaws in the assessment undertaken).
- xi. Potential impacts to sensitive species and habitats:
  - a. Concern is raised over the extent of vegetation that would be lost (primarily along the road corridor), which is significant and its effects on ecosystem service benefits and the loss of connectivity at a landscape scale;
  - b. A 14-year construction programme will prolong the impacts of habitat loss and, in some locations, mitigation will not be in place until the end of the construction period. It is not clear if the limited areas identified for environmental mitigation and enhancement will adequately compensate for the significant loss of habitat; and
  - c. The River Mole crossings, road widening, new pedestrian and cycle links, temporary works compounds, temporary access and other works could all impact on ecology.
- xii. The proposals to mitigate impacts of airport growth should be delivered following the environmentally-focused principles of 'Green Controlled Growth', as proposed in the recent Luton Airport DCO.
- xiii. Limited scope and scale of environmental mitigations (and the control mechanisms set out in the draft DCO (dDCO) to secure these) and community compensation in light of the likely adverse effects arising from the Project. These concerns are reflected in the significant gap in expectations that currently exist between the Applicant and WSCC.
- xiv. The need for enhancement measures (including to Public Rights of Way, recreational facilities, and ecological habitats).

2.7 As part of the DCO process, WSCC wishes to engage proactively with the Applicant to reduce the areas of concern. This work will also contribute to further refinement of the PADSS, as well as informing the drafting of Statements of Common Ground (SoCG), Written Representations, and any response to the ExA's questions during the forthcoming Examination. WSCC also recognises the importance of liaising meaningfully on the detail of the s106 Agreement.

### **3 WSCC Key Areas of Concern**

3.1 This Relevant Representation covers the following topics:

- A. Forecasting and Capacity – Needs Case
- B. Assessment of Alternatives
- C. Project Description and Construction Phase Detail
- D. Historic Environment
- E. Landscape, Townscape and Visual Impact
- F. Ecology and Nature Conservation
- G. Arboriculture
- H. Minerals Safeguarding
- I. Operational Waste
- J. Construction Waste
- K. Water Environment
- L. Traffic and Surface Access
- M. Public Rights of Way
- N. Air Quality
- O. Noise
- P. Climate Change
- Q. Carbon/Greenhouse Gases
- R. Major Accidents and Disasters
- S. Economic Development
- T. Health and Wellbeing
- U. Planning Statement
- V. Draft Development Consent Order (dDCO)

3.2 It should be noted that the level of analysis of the DCO submission documents in relation to these topics reflects the limited time available for WSCC officers to respond to the deadline set by the Applicant, after having little sight of draft documentation through the pre-application period.

3.3 Further technical analysis and assessment work will be undertaken by WSCC, other authorities, and the consultants to support the detailed consideration of issues involved. This will be presented in the Local Impact Report (LIR) and further Written Representations during the examination.

**A. Forecasting and Capacity - Needs Case**

3.4 WSCC has significant concerns that the Applicant has not demonstrated a robust basis for the passenger forecasts and the assumptions that underpin the Project, and as a result, there is concern that the economic benefits have been overstated. Key concerns are as follows:

- i. The increase in capacity attainable from the Project has been overstated by the Applicant and, as a consequence, the levels of usage and the demand forecasts have been overstated.

- ii. Even if the underpinning assumptions about the capacity attainable with two runways in use is correct, the methodology by which these forecasts have been derived is not robust.
- iii. The consequence of the overstatement of demand is that the limit size of the noise contour in the Noise Envelope will have been set too large and so provides no effective control or incentive to reduce noise levels at the Airport.
- iv. The wider economic benefits of the Project have been overstated due to the failure to adequately distinguish the demand that could be met at Gatwick Airport from the demand that could only be met at Heathrow Airport, and the economic value that is specific to operations at Heathrow. The methodology by which the wider catalytic impacts in the local area has been assessed is not robust and little reliance can be placed on this assessment.
- v. The wider economic benefits of the Project are almost certainly substantially overstated, and this is material to assessing the balance between such benefits and any environmental impacts.

## **B. Assessment of Alternatives**

3.5 The site selection process for identifying the least impactful option for project infrastructure should have been presented to stakeholders in a robust, transparent and detailed manner, ensuring that all environmental and social criteria had been taken into account. WSCC raises concerns that this has not been sufficiently demonstrated through the application documentation. Key concerns are as follows:

- i. Since the development of the proposals, there have been limited opportunities for stakeholders to understand and influence the design, including for the chosen options taking forward.
- ii. Although it is understood that operational and safety considerations are important aspects of design, the submission lacks detail on how environmental and social criteria have influenced the decision-making process. There is a general lack of evidence around assessment scoring associated with each option, along with no supporting constraints mapping.

## **C. Project Description and Construction Phase Detail**

3.6 WSCC is concerned that a significant amount of development to facilitate the Project is proposed, which has not been fully justified and would require a lengthy construction period. The necessary mitigation is lacking in detail and is not sufficiently controlled through the dDCO. Key concerns are as follows:

- i. The Applicant has proposed a significant amount of development to support the increase in passenger throughput. WSCC questions whether the inclusion of new hotels and office blocks is relevant or directly related to this growth. Justification is therefore needed for the required supporting infrastructure and its necessity to facilitate the required passenger throughput.

- ii. Clarification is needed on what is shown on the plans and the various definitions of the airfield boundaries, DCO limits, and operational land for both the current airport and with the Project. There are inconsistencies in descriptions between numbered works and the way that they are described with some elements having parameters and others not.
- iii. A general lack of detail, ambition, and concerns about the way in which development can appropriately be delivered in terms of phasing, design quality, mitigation, and ensuring future safeguards (controls).
- iv. Given the duration of the construction programme will be up to 14 years, there is a lack of construction phasing information, which should be presented more clearly to enable local communities and WSCC to understand if the impacts have been appropriately addressed and mitigated through the outline control documents.
- v. Lack of clarity or outline control document with regard to community engagement through the construction phase, which would help mitigate some of the above concerns. The Code of Construction Practice (CoCP) (APP-082) states that the Applicant will take 'reasonable steps to engage with the community' but that only prior to construction, it will develop a Communications and Engagement Management Plan. WSCC requests that this is secured through an outline control document, which is discussed with the relevant stakeholders during the examination.
- vi. There is a lack of detail and clarity in the CoCP and Outline Construction Traffic Management Plan (OCTMP) (APP-085), including in relation to some of the proposed measures to reduce the construction impact, for example, the criteria for when contingency access routes may be used. The Applicant has also committed to working closely with the relevant authorities to carefully plan and manage construction traffic to ensure construction vehicles avoid areas that may increase traffic risk to vulnerable road users. However, the contingency access routes pass several schools and there is no firm commitment to ensure construction traffic, associated with the Project, avoid movements during school start and end times. These problems need to be addressed.

#### **D. Historic Environment**

- 3.7 Previous archaeological work has established that the area within and around Gatwick Airport has the potential to contain archaeological remains of a multi-period nature, ranging in date from the prehistoric to the medieval. WSCC is concerned that there are several areas within the Project where insufficient archaeological mitigation work has been proposed without sufficient justification. Therefore, WSCC recommends that there is an increase in the amount of archaeological assessment and recording undertaken.

##### *Baseline Environment*

- i. There is little information on the historic background to the Airport itself, which has its origins in the late 1920s and was operated as a military airfield during the Second World War; archaeological evidence and features relating to this use may survive within the site.

*Assessment of Significant Effects*

- ii. There is a lack of evidence that buildings proposed for demolition or conversion have no historic interest.
- iii. There is a lack of proposed evaluation, as detailed below:
  - a. The scheme of archaeological investigation undertaken prior to the submission of the DCO application has been focused on areas within the Project that were easily accessible; namely open fields and grassland surrounding the operational airport. No pre-submission field investigation has been undertaken within the airport complex itself. No subsequent archaeological evaluations or other investigations in these unevaluated areas have been proposed within the Written Scheme of Investigation for West Sussex (WSI) (APP-106);
  - b. Given the widespread groundworks proposed for elements of the Project, a more extensive programme of archaeological trial-trenching/test pitting is required in advance of construction. This would accurately assess the presence and survival of archaeological remains in areas to be impacted by the proposed groundworks and allow for the creation of an appropriate mitigation strategy;
  - c. Alternatively, an explanation and evidence should be provided to show why certain works are unlikely to impact significant archaeological remains, either due to modern disturbance, foundation design, or other factors; and
  - d. No archaeological work has been proposed or evidence provided in a number of locations where groundworks are planned in potentially undisturbed areas.

*Mitigation, Compensation and Enhancement*

- iv. Concerns about proposed recording, excavation/trenching and mitigations for key archaeological sites.
- v. Lack of clarity with regards the sign-off procedure for each phase of archaeological mitigation.
- vi. Within the WSI, there is no commitments for a programme of heritage outreach.
- vii. Concerns about mitigation measures proposed within the CoCP (APP-082), including no proposal for an historic environment or archaeological Clerk of Works, no clear role for the local authorities in monitoring and signing off areas of excavation and no mention of preserving archaeological deposits, only preserving the setting. All of these matters need to be addressed in the control document.

**E. Landscape, Townscape, and Visual Resources**

3.8 WSCC is concerned about the landscape and visual impacts associated with the additional intensification of the development within the airport boundary and the highway corridor to the surrounding environment. The Environmental

Statement (ES) downplays the value of the landscape surrounding the airport. There is no aspiration or commitment to improve the declining visual landscape caused by the airport activity already in existence. The indicative design, scale, and siting of the Project would further damage the landscape, with concerns about how the design principles presented would secure good design. WSCC is concerned about the lack of imagination in terms of mitigation and enhancement measures proposed.

*Methodology*

- i. A concern is the visual impact of the ('up to 48m') stack associated with the CARE waste facility. Although stated in Table 8.3.1 that a separate Zone of Theoretical Visibility (ZTV) for the flue is provided, no evidence of this is included within the documentation.
- ii. Due to the longevity of the construction phase, no ZTVs have been prepared for the larger construction compounds, especially those close to sensitive receptors, or for those compounds with batching plants proposed to be up to 25m in height. Further assessment is required to understand where construction phase visual effects will be felt and how they will be mitigated.

*Mitigation, Compensation and Enhancement*

- iii. Although the Design and Access Statement (DAS) (APP-253-257) is a separate DCO control document, the design principles upon which the detailed design would be secured against, have had no input from stakeholders. They are currently not detailed enough and contain ambiguous wording, which does not ensure that a high-quality development can be secured. This is further discussed within this representation with regard to the CARE facility. Other concerns raised are:
  - a. The DAS is not considered comprehensive because, for example, some development is excluded, there is a general lack of detail for character zone analysis, a lack of detail on design and visual impact of some works, a lack of analysis of site context, opportunities and constraints; and
  - b. There is no comprehensive commentary to explain the phasing plans and WSCC is concerned about the proposed sequencing and delivery of various elements of the Project.
- iv. There are significant elements of the Project where landscape planting proposals will be immature, not just visually, but in ecosystem service provision too. The Applicant needs to review its work and present appropriate opportunities for substantial advance planting.

**F. Ecology and Nature Conservation**

- 3.9 Ecological impacts will extend beyond the DCO limits with potential impacts on bat populations, downstream riparian habitats, and the spread of non-native aquatic species. Disturbance and habitat severance will impact the functioning of wildlife corridors. It is considered that the Applicant should have adopted a landscape-scale approach to assess and address ecological impacts.



Enhancements to green corridors and improved habitat connectivity should extend beyond the confines of the Airport boundary, along key corridors.

*Baseline Environment*

- i. The Phase 1 Habitat Survey (APP-125) should have extended beyond the DCO Limits to identify wildlife corridors and potential enhancement opportunities in the surrounding landscape.

*Assessment of Significant Effects*

- ii. Clarity is required to further understand the impacts of the drainage design and engineering solutions on the ecology of the River Mole, including flow rates, deposition of sediment, and flood overspill.
- iii. Ecological impacts will extend beyond the site boundary with potential impacts on bat populations, downstream riparian habitats, and the spread of non-native aquatic species.
- iv. A 14-year construction programme will prolong the impacts of habitat loss, and mitigation in some locations will not be in place until the end of the construction period. It is not clear if the limited areas identified for environmental mitigation and enhancement will adequately compensate for the significant loss of habitat.

*Mitigation, Compensation and Enhancement*

- v. A landscape-scale approach should have been taken to addressing ecological impacts, including the need for providing off-site compensatory habitat and Biodiversity Net Gain.
- vi. Enhancements to green corridors and improved habitat connectivity should extend beyond the confines of the airport, along key corridors such as the River Mole and Gatwick Stream, to mitigate impacts on bats and other wildlife.
- vii. The extent of loss of mature broadleaved woodland is of concern and additional compensation measures will be required to ensure no adverse impacts on broadleaved woodland habitat and bats. If, due to airport safeguarding, it is not possible to provide sufficient compensatory planting within the DCO limits, off site woodland creation is required.
- viii. Further opportunities for biodiversity enhancement within the DCO limits should have been explored. For example, conversion of 'amenity grassland' on road verges and roundabouts to wildflower grassland, and the improved management of Gatwick Stream and Crawler's Brook.
- ix. Certainty is required that the two biodiversity areas, the North West Zone and Land East of the Railway Line, will continue to be managed for wildlife. As important components of the ecological network, they are key to the viability of the proposed mitigation areas.
- x. There is a lack of clarity on the roles and responsibilities of the Ecological Clerk of Works (ECoW). These need to be clearly specified within the relevant documents and agreed with WSCC.
- xi. Although a worst-case approach has been taken to assessing the impacts upon habitats, WSCC would expect to see a reduction of this worst-case

impact to these sensitive habitats applied as a key design principle during the detailed design stage. WSCC would have expected the design principles presented as part of the DAS to be clearer, more joined up, and a greater amount of detail included. Further consultation on these design principles should be undertaken.

## **G. Arboriculture**

- 3.10 Arboricultural features are a material planning consideration. It is therefore, disappointing that a relevant depiction of such features has not been presented using recognised survey and assessment techniques. Accordingly, the impact on such receptors is incomplete. Further, adequate protection measures for ancient woodland and other retained arboricultural features have not been demonstrated.

### *Baseline Environment*

- i. Ancient and veteran trees were surveyed using recognised guidance with none being identified; however, the methodology for determining such status has not been made clear, nor has the survey data been evidenced by the Applicant in support of this finding.
- ii. The surveyance for 'important hedgerows' followed recognised methodology and though none were identified, no survey data has been evidenced in support of this finding. WSCC wishes to see that evidence.
- iii. Detailed tree survey data has only been provided for the surface access (highway) sections only. An arboricultural assessment in accordance with BS5837:2012 providing a baseline for arboricultural features, including all trees that could be impacted by the Project (including those adjacent to the DCO limits) should be provided.

### *Assessment of Significant Effects*

- iv. The ES has only assessed the effects on trees at a broader vegetation, habitat or visual landscape context, rather than considering them at a more individual value context. It is unclear how arboricultural features have informed the design of the Project.
- v. WSCC disagrees that no impact will occur to ancient woodland due to the reasoning provided below.

### *Mitigation, Compensation and Enhancement*

- vi. The Outline Landscape and Ecology Management Plan (OLEMP) (App-113 – 116) and CoCP (APP-082) lack critical detail on outline methodology for tree protection and ancient woodland buffer zones, along with tree protection plans.
- vii. The dDCO contains a requirement for the creation and approval of LEMPs in accordance with the OLEMP. However, a description of the content expected is not provided within the OLEMP. Further details on the usual documents required to deliver essential mitigation, compensation and enhancement should be provided.

- viii. The reported effect on trees and woodland (of varied types) remains a long-term, significant impact. Planting proposals have not utilised enough opportunities for advanced planting to minimise establishment time, notably alongside the highway corridor.
- ix. Tree planting maintenance and aftercare within the OLEMP does not adequately ensure their establishment.

## **H. Mineral Safeguarding**

- 3.11 The Applicant's Mineral Resource Assessment (MRA) (APP-139) identifies that safeguarded brick clay will likely be sterilised beneath the proposed development area. The Applicant indicates that that where material will be sterilised, the overriding need for the Project will outweigh the safeguarding of brick clay given the national importance of the development and the size of the resource (clay) within the County.
- 3.12 The Secretary of State, as the decision maker for the Project, will be required to consider whether there is an overriding need for the development and whether the Applicant's proposed mechanisms are sufficient to avoid needless sterilisation.

### *Code of Construction Practice and securing incidental extraction*

- i. The MRA indicates that surplus material that is not used on site during construction would be sent off-site for sale or reuse elsewhere. The mechanism to achieve this is the Materials Management Plan, via the CoCP Annex 5 – Construction Resource and Waste Management Plan (APP-087).
- ii. The CoCP (APP-082) is secured by Requirement 7 of the dDCO (AS-004), and therefore it is important to ensure that it will be fit for purpose.
- iii. Neither the CoCP nor the Construction Resources and Waste Management Plan refer to the adopted West Sussex Joint Minerals Local Plan (JMLP). Without reference to key policies in the JMLP, it is not clear how the requirement to avoid needless sterilisation of safeguarded minerals will be met.

## **I. Operational Waste**

- 3.13 One of the key elements of the Project is the construction of a CARE waste facility that will replace the existing waste facility. The submission documents for the proposed CARE site (Works No.9) lack detailed information. The Project Description (APP-030) sets out broad information of what is proposed (encompassing a building up to 22m in height, and a single stack of up to 48m, biomass boilers, and a Materials Recovery Facility). This could be considered EIA development in its own right and understanding the need for, and impact of, this element of the Project is imperative. WSCC has a number of concerns related to the proposals for the management of operational waste, that are described in paragraphs 5.2.50–5.2.53 of the Project Description.

*Current Operations*

- i. Limited information has been provided about the existing waste operations at Gatwick Airport, including:
  - a. The waste streams and tonnages per annum of waste managed at Gatwick Airport, including how much is managed off-site for further recycling, treatment or landfill;
  - b. The amount of heat energy captured by the existing biomass boilers and what that is as a percentage of airport demand;
  - c. The hours of operation of the existing facility;
  - d. The technologies in place at the existing facility in terms of waste treatment methods; and
  - e. The mitigation measures in place to control noise, dust, odour, and vermin.
- ii. Without a clear understanding of the current operations at Gatwick Airport, it is not possible to determine whether the proposals are required (citing, scale, technology etc). Projections or forecasts of the waste amounts/types expected with and without the Project should be provided.

*Proposed CARE Facility*

- iii. The Project Description (APP-053) and Planning Statement (APP-245) provide limited detail of the proposed CARE facility. It is not clear what consideration has been given to the proposed technologies and management methods, including whether they are consistent with the Waste Hierarchy.
- iv. It is not clear how the proposed biomass boiler flue height has been determined, and whether the Environment Agency, as the permitting body, has been specifically consulted on this matter.
- v. The assessment of alternatives focuses on location only, not technology or waste management methods.

*Detailed Design*

- vi. The detailed design of the CARE facility will be controlled by Requirement 4 of the dDCO (APP-006), which provides that the proposed development must be in accordance with the design principles of the DAS (APP-253 – 257).
- vii. Although the DAS sets out key considerations (Volume 5, paras 6.12.5.1–6.12.5.6), and design principles (Volume 5, Annex 1) for the design of the CARE facility, the information is high-level and limited. The design principles for the CARE facility should provide further detail on how the building will be designed to limit the impacts associated with operating waste facilities, including, but not limited to, noise, dust, odour, vermin, etc.
- viii. Volume 5 of the DAS sets out local government design guidance (6.2.5). The Applicant has not referenced the adopted West Sussex Waste Local Plan and associated SPD on High Quality Waste Developments, which

provides guidance on designing waste facilities and the mitigation methods that can be employed.

## **J. Construction Waste**

- 3.14 Construction and demolition activities related to the Project will give rise to large volumes of waste (1.5 million m<sup>3</sup> excavation waste, and 620,000m<sup>2</sup> of concrete and asphalt), which will require management on-site, at the proposed construction compounds, and off-site. A large proportion of the waste is expected to be inert construction and demolition waste, which is often managed through crushing, screening, and sorting activities that give rise to noise and dust pollution.

### *Temporary Construction Compounds managing waste*

- i. The Airfield Satellite Contractor Compound, Car Park Z Compound, and Car Park Y Compound are proposed to include crushing activities, which will give rise to noise and dust, the details of which will be determined post consent.
- ii. The construction is to be undertaken in accordance with the CoCP (APP-082), which states that a permit must be obtained to manage dust emissions from crushing. WSCC wants to ensure that consideration is given to the heights of stockpiles, hours of crushing, and that suitable mitigation measures are secured through the dDCO and are in place to minimise the impact upon sensitive receptors.

## **K. Water Environment**

- 3.15 As the Lead Local Flood Authority (LLFA), WSCC is concerned with flooding from surface water, groundwater, and ordinary watercourses.

### *Assessment Methodology*

- i. The West Sussex LLFA Policy for the Management of Surface Water and the West Sussex Culvert Policy are not mentioned in the Flood Risk Assessment (FRA) (APP-147). These must be considered.
- ii. A surface water drainage hydraulic model has been developed for the baseline and with project scenarios. The Applicant should demonstrate that this model has used the most up to date FEH2022 rainfall data.
- iii. The surface water drainage hydraulic model includes an allowance for climate change within the pre-development baseline; this is incorrect. Climate change allowances should only be included in the post-development scenario to determine the required storage volume and post-development discharge rate.
- iv. The use of infiltration to ground from SuDS features has not been considered at this stage of the assessment. The ES states that this may be required as part of detailed design. According to Paragraph 056 of the Planning Practice Guidance: Flood Risk and Coastal Change, the drainage hierarchy must be followed with infiltration to ground considered before other drainage options. High level infiltration testing should be carried out to determine if infiltration would be feasible.

### *Mitigation, Compensation and Enhancement*

- v. The FRA details that surface water drainage runoff from new areas of highway would be restricted to pre-development rates and where possible, greenfield runoff rates. The Applicant has only provided the pre-development and post-development runoff rates for each catchment. The greenfield runoff rates and volumes should also be provided up to the 1% annual exceedance probability (AEP) event plus climate change to demonstrate for which catchments, the post-development runoff rates and volumes will be reduced to greenfield. Where it is not possible to reduce runoff rates and volumes to greenfield, further evidence should be provided.
- vi. The surface water drainage hydraulic model has been designed for the 1% AEP event plus a 25% allowance for climate change, with a 40% allowance for exceedance. According to the Environment Agency guidance (Flood risk assessment: climate change allowances (2022)), the drainage system should be designed for the 1% AEP event plus a 40% allowance for climate change if the lifetime of the development is 2100 or beyond. The Applicant should therefore design to the 1% AEP event plus a 40% allowance for climate change or provide justification for the lifetime of the development.
- vii. The drainage strategy proposes to use underground attenuation features. Other source control SuDS features should be used to discharge water to the underground features. Although the use of carrier drains, filter drains, ditches and swales has been mentioned, these should be clearly identified as part of the drainage strategy.
- viii. The Applicant needs to address if changes to the drainage design could be utilised in place of a new pumping station in the southwest zone, as pumping should only be used if necessary. If this is not possible, detailed justification should be provided as to why the catchment cannot be drained via gravity and a pump is required. Additionally, the residual risk of pump failure should be considered.

### **L. Traffic and Surface Access**

- 3.16 This section focuses on the traffic and transport implications of the proposals on the West Sussex transport network. Whilst relevant transport documents have been reviewed, WSCC is still fully assessing the transport modelling and will provide further comment on this aspect in the LIR. Key areas of concern relating to transport include the proposed highway works, the wording of the dDCO, the guidance used to inform the Traffic and Transport Chapter of the ES (APP-037); and the Surface Access Commitments (APP-090) and target modal shares.

#### *Assessment Methodology*

- i. The ES chapter assessment has been undertaken in accordance with rescinded and replaced guidance from IEMA, Guidelines for Environmental Impact Assessment of Road Traffic (1993). This was replaced in July 2023 by Environmental Assessment of Traffic and

Movement. The ES should be reviewed against the latest guidance and amended as necessary.

- ii. The use of 2016 data to inform the baseline assessment and the reasons for the use of this data, such as the impact Covid 19 had on travel, are noted. Since emerging from the pandemic, more representative transport data continues to become available and therefore this data should be used to show that the proposed approach is robust and takes accounts of changes since the 2016 base and any travel changes due to Covid 19. The Applicant should also review the latest Department for Transport (DfT) guidance TAG Unit M4- Forecasting and Uncertainty, and ensure the modelling takes account of the latest DfT advice.
- iii. WSCC is concerned about the capacity of the Airport being claimed as too high and the fact that demand forecasts are not likely to be delivered in the timescales that have been asserted. WSCC supports York Aviation's concerns about the capacity and demand forecasts associated with the Airport (see comments under A. Forecasting and Capacity Needs Case). The potential implications of this over-estimation of demand are that the benefits of the proposed scheme are being claimed to be higher than could occur and that the scale of infrastructure required may also be too high, to cater for an artificial level of demand.
- iv. WSCC acknowledges the Procedural Matters letter (PD-006) from the ExA on 24 October 2023, which also requires the Applicant to take account of the latest guidance.

*Mitigation, Compensation and Enhancement*

- v. The Applicant is proposing various highway works but not all the relevant information has been submitted to enable WSCC to check it is appropriately designed and all highway safety implications have been considered. Further information in the form of a Stage 1 Road Safety Audit and Designers Response, a Design Review of the highway works and a justification for the proposed speed limits against relevant WSCC policy is required.
- vi. The Mode Share Commitments, set out in the Surface Access Commitments, are not considered to be sufficiently ambitious. This is especially the case for passenger travel.
- vii. Insufficient mitigation is proposed to encourage substantial modal shift towards active and sustainable travel.
- viii. The focus of mitigation has been on the provision of service rather than implementing measures, within the Applicant's control, to increase the attractiveness of alternative modes of travel, i.e. bus priority measures to deliver journey time savings.
- ix. The OCTMP (APP-085), whilst promoting positive measures to influence travel behaviour, lacks details and firm commitments about these and further clarification is required. For example, a commitment potentially involves increasing the frequency or capacity of buses to the construction site and another offering incentives or subsidies to contractors who chose to commute using public transport. However, no specific details are provided.

## **M. Public Rights of Way**

- 3.17 The Public Rights of Way (PRoW) Management Strategy (PRoWMS) (APP-215) covers impacts on the PRoW network and mitigation but there are some details that need amending and clarifying. WSCC support improvements to the existing network and enhancements to encourage sustainable transport and connectivity to open spaces; however, sufficient detail of how these changes interact with the existing PRoW and the highways networks has not been provided.

### *Mitigation, Compensation and Enhancement*

- i. Timescales given to WSCC for path closures will need amending within the PRoWMS
- ii. Clarification is required in relation to FP346/2sy and its permanent diversion. Currently, it is not considered a benefit to walkers and instead puts them in potential conflict with cyclists, so this will have to be carefully considered at the detailed design stage.
- iii. This Project offers an opportunity to improve a number of the footpaths to Bridleways, thereby improving the network and benefitting residents, visitors and those wishing to travel actively to and from places of employment. Disappointingly, however, there are no proposed public access improvements on the PRoW network as part of Project.
- iv. WSCC's PRoW team has suggested improvements to existing PRoW within the DCO limits, including upgrades to the existing footpath network to improve sustainable access improvements from a utility and recreational perspective. These do not appear to be addressed by the Applicant.

## **N. Air Quality**

- 3.18 WSCC has concerns about impacts on air quality through the construction and operation of the Project. This includes the potential impacts (and mitigation measures associated with) dust deposition, suspended particulate matter, and increases in pollutant concentrations on human and ecological receptors in West Sussex arising from construction works, road traffic, operation of project infrastructure and aircraft. Key concerns are as follows:
- i. The Applicant has not provided an Air Quality Action Plan (AQAP) to ensure the mitigation measures required are full covered. Instead, the Applicant has signposted the Carbon Action Plan (APP-091) and the Surface Access Commitments (APP-090) for mitigation measures to address air quality.
  - ii. No Dust Management Plan (DMP) has been provided. The DMP will be provided once the detailed design stage has been undertaken. A DMP is requested at this stage to provide control measures and monitoring for the construction phase are fit for purpose.
  - iii. There is a lack of information on the monitoring the effectiveness of the OCTMP (APP-085) and Outline Construction Workforce Travel Plan (OCWTP) (APP-084) to understand how any deviation from the OCTMP and OCWTP will be addressed to protect air quality.



- iv. WSCC has concerns regarding the measurement accuracy of the sensors the Applicant is proposing to use to monitor operational phase air quality impacts, which are not certified or approved by Defra for the monitoring of air quality.
- v. The ES does not identify which of the existing local authority continuous air quality monitoring stations on and around Gatwick Airport will be funded.
- vi. The future air quality predictions are heavily reliant on modal shift assumptions. Further information is required on how sensitive predictions are to modal shift objectives not being achieved, to understand how much air quality may deteriorate if measures are not successful.
- vii. There are a number of clarifications required to understand the Assessment Scenarios utilised in the air quality assessment. This is particularly the case for those scenarios where both construction and operational activities are underway at the same time, but the assessment has treated them separately. In addition, there is no operational assessment for the final full-capacity assessment year of 2047, and in light of the Government's decision to delay the transition to electric vehicles until 2035, an updated assessment of the effect of this is requested. The concern is that the scenarios assessed in the ES do not provide a realistic worst-case assessment.
- viii. The Applicant has not clearly demonstrated regard to "Air Quality and Emissions Mitigation Guidance for Sussex" or Defra's "Air quality appraisal: damage cost guidance" in assessing air quality impacts and mitigation measures (as directed by Planning Inspectorate in its scoping response).
- ix. There is no discussion on the health impacts of ultrafine particles from aviation sources within the ES, despite assurances by the Applicant that this would be provided. WSCC would like to see a qualitative assessment on the potential health impacts in the vicinity of Gatwick Airport and a commitment to ongoing open engagement with regards to monitoring.
- x. Air quality concerns about the CARE Facility:
  - a. There were continuous issues with odour from the current small waste incineration plant at the CARE facility until it was 'mothballed' in 2020 due to Covid. Further clarification is therefore needed on how odour will be controlled; and
  - b. It is not clear how the proposed biomass boiler flue height has been determined, and whether the Environment Agency, as the permitting body, has been specifically consulted on this matter.
- xi. Clarifications on a range of technical details are required, including on rates of future air quality improvement, pollutants assessed, construction plant (i.e., asphalt plant), heating plant, and road traffic modelling. Further information is required to help understand if a realistic worst case has been assessed.

## **O. Noise**

- 3.19 The noise assessments and associated mitigation measures, cover four elements of noise; construction noise, air noise, ground noise, and noise from road traffic. There are a number of concerns with the assessments undertaken, with data and assumptions not provided or being limited in their scope, resulting in a lack of confidence in the modelling that has been undertaken. Noise can have direct effects on health (at a physiological level where the individual is often unaware of the effects), annoyance, and cognition. Given the noise assessments underpin the proposed mitigation measures, it is imperative that the Applicant provides robust assessments of noise.

### *Assessment Methodology*

- i. Assessment criteria based around the Lowest Observable Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL) focuses on noise effects at residential receptors. Non-residential receptors should be considered on a case-by-case basis with assessment criteria defined depending on the non-residential use.
- ii. For the ground noise and air noise assessments, changes in noise should be identified for receptors/population experiencing noise levels between LOAEL and SOAEL and for those experiencing noise levels exceeding SOAEL.

### *Construction Noise (and Vibration)*

- iii. No information is provided on how the LOAEL is defined at sensitive receptor locations in accordance with Table 14.4.4 of ES Chapter 14 Noise and Vibration (APP-039).
- iv. It is unclear what construction activities are occurring within each assessment scenario.
- v. The construction vibration assessment only considers effects from sheet piling and does not consider vibration effects from vibratory compactors and rollers used in highway construction.

### *Air Noise*

- vi. Details of the validation process, noise modelling process along with any assumptions and limitations applied should be provided. It is difficult to have any confidence in the noise model without the assumptions and limitation that have been applied in the validation of the noise model and production of noise contours.
- vii. Aircraft fleets are not provided for the 92-day summer period (APP-172). It is difficult to understand what has been modelled and how fleet transition would occur without provision of aircraft fleets. Aircraft fleets used in noise models should be provided along with how the fleet is split between the two runways.
- viii. Two scenarios are considered (Central Case and Slow-Transition Case) except for when properties exceeding the SOAEL are identified. It is not clear what scenario is considered for identifying receptors exceeding the SOEL and how many properties are exposed for each scenario, including

new receptors identified to determine compliance with the first aim of the Airports National Policy Statement.

- ix. The assessments of air noise only cover 2032 as it is identified as the worst-case; however, identification of likely significant effects for all assessment years should be provided.
- x. Context to the aircraft noise assessment is provided through consideration of the secondary metrics; however, no conclusions on how secondary metric relate to likely significant effects have been made, so the use of secondary metrics in terms of the overall assessment of likely significant effects is unclear.

#### *Ground Noise*

- xi. It is not clear if engine ground running, auxiliary power unit and engine around taxi noise is included in LAeq,T ground noise predictions. Consequently, ground noise LAeq,T levels may be understated. All ground noise sources should be included in LAeq,T predictions covering a reasonable worst-case day.
- xii. The ground noise assessment only accounts for the worst-case location (Rowley Cottages) and contextualises the 82 dB LAm<sub>ax</sub> predictions by identifying car pass-by LAm<sub>ax</sub> levels of 80 dB. However, there is no attempt to contextualise LAm<sub>ax</sub> engine ground running noise at any other receptor location. The assessment of engine ground run noise should cover all assessment locations.
- xiii. The Central Case has been considered for the ground noise assessment; however, higher levels of ground noise will be identified in the Slower Transition Case. Consequently, there is potential for receptors to experience significant noise effects that are identified in the Central Case assessment. Ground noise emissions during the Slower Transition Case should be assessed.
- xiv. It is not clear if fire training activities at the new fire training ground are considered as part of the ground noise assessment. Noise emissions from fire training ground activities should be assessed.
- xv. The assessments of ground noise only cover 2032 as it is identified as the worst-case; however, identification of likely significant effects for all assessment years should be provided.
- xvi. Context to the ground noise assessment is provided through consideration of the secondary metrics; however, no conclusions on how secondary metric relate to likely significant effects have been made, so the use of secondary metrics in terms of the overall assessment of likely significant effects is unclear.

#### *Road Noise*

- xvii. One 20-minute survey and one 10-minute survey is not sufficient to provide data suitable for validation of the road traffic noise model and indeed these data are not used as such. There is therefore no validation of the road traffic noise model in terms of measured levels. Long-term monitoring should be undertaken to provide confidence in the road traffic

noise model. Consultation on the monitoring methodology should be undertaken with Local Authorities.

### *Mitigation and Compensation*

- xviii. Concerns about the Noise Insulation Scheme (APP-180) include:
- a. Residents of properties within the inner zone will be notified within six months of commencement of works; however, it is not clear what noise contours eligibility would be based upon.
  - b. Residents in the Outer Zone should be offered more flexibility on the type of insulation rather than being restricted to ventilation.
  - c. The noise insulations scheme should extend to community buildings (e.g. care homes, places of worship, village halls, hospitals, etc.).
  - d. It is not clear if properties that have already received insulation would be eligible for upgraded noise insulation as part of the new scheme.
  - e. No details are provided on how monitoring of ground noise would be undertaken and how a property would be identified as appropriate for monitoring of ground noise.
- xix. Concerns about the Noise Envelope (APP-177) include:
- a. It should be demonstrated as part of the Noise Envelope how the noise benefits of future aircraft technology are shared between the airport and local communities. Demonstrating sharing the benefits is a requirement set out in the Aviation Policy Framework.
  - b. It is not appropriate to use the slow-transition case to define noise contour limits. There is no incentive to push the transition of the fleet to quieter aircraft technology. This means that the Noise Envelope allows for an increase in noise contour area on the opening of the Northern Runway.
  - c. Use of annual noise contour limits in addition to noise limits covering the 92-day summer period would provide confidence that noise would be controlled outside the 92-day summer period.
  - d. The Noise Envelope should provide certainty about the levels of noise that can be expected in the future in accordance with CAP 1129, that provides guidance on the definition of noise envelopes, for airports looking to increase their capacity; however, the Noise Envelope allows for noise contour limits to increase as a result of airspace changes and new aircraft technology. There should be no allowance for noise contour area limits to increase.
  - e. Thresholds should be included into the Noise Envelope with the intention that action can be implemented prior to a contour limit breach occurring.
  - f. Capacity declaration restrictions are a weak form of noise control as new slots within that capacity can be allocated. Slot restriction measures should be adopted.

- g. It is not clear in the DCO submission whether there would be any role for local authorities and key stakeholders in the Noise Envelope. If the Civil Aviation Authority (CAA) is the independent reviewer (as is defined in the dDCO), it is considered that a mechanism should be included in the DCO to require the CAA to involve the local authorities and other key stakeholders in scrutinising noise envelope reporting.

**P. Climate Change**

3.20 WSCC has, identified a number of issues that should be addressed by the Applicant in the Climate Change Resilience Assessment (CCRA) (APP-187) to provide for a more robust assessment. Key areas of concern are as follows:

- i. The climate impact statements are lacking in consistency in the way they are articulated in that some are missing an 'impact'. This end result is what should determine the consequence rating and its absence could have led to an underestimation of risk. The Applicant should update all climate impact statements to have a clear end impact and risk ratings should be reviewed and revised accordingly.
- ii. The lack of identification of additional mitigation/adaptation measures is a key omission from the CCRA and the Urban Heat Island Assessment (UHIA) (APP-186). Whilst the Applicant may not have assessed any of the risks as 'significant', the identification of further adaptation measures that can increase asset resilience should be noted, especially considering the potential underestimation of risk detailed above. The Applicant should identify and include in the report further adaptation measures that can be implemented in design, construction, or operation to further reduce the Project's vulnerability to climate change.
- iii. There was a lack of consideration of a number of climate variables including storm events, wildfire and fog, which is a key omission in the CCRA. The Applicant should assess risks associated with these variables and include in the CCRA where appropriate.
- iv. The Applicant should provide more information on the risk categories and definitions used for the CCRA and UHIA and include the relevant risk frameworks in all documents (including the appendices) in which they are referenced.
- v. The Applicant has not made clear the links between the CCRA and the Mitigation Route Map (APP-078), which has not ensured they are consistent with the messaging they are providing.

**Q. Carbon/Greenhouse Gases**

3.21 The Greenhouse Gas (GHG) Assessment (APP-191-194) is not considered comprehensive, since it does not adequately assess the impact of the Project in relation to carbon. Key areas of concern are as follows.

*Baseline Environment*

- i. The Applicant has not considered all the latest up-to-date guidance with PAS2080:2023 and the Sixth Report of the United Nations

Intergovernmental Panel on Climate Change (the AR6 report) is not referred to. PAS2080:2023 emphasises decisions and actions that reduce whole-life carbon more than PAS2080:2016 referred to in the GHG Assessment. The AR6 report considers many new updates concerning GHG assessment, which should be reviewed by the Applicant.

#### *Assessment of Significant Effects*

- ii. The scope of the GHG emissions arising from airport buildings and ground operations does not cover maintenance, repair, replacement or refurbishment emissions, under-accounting the operational GHG emissions.
- iii. Airport expansion, demand management, and reliance on nascent technology are three key areas raised by the CCC that could jeopardise the UK's net zero trajectory. The GHG Assessment fails to consider the risks of the Jet Zero Aviation Policy and how this could compromise the UK's net zero trajectory in alignment with the concerns raised to the UK Government by the CCC.
- iv. The GHG Assessment does not assess the cumulative impact of the Project in the context of the eight of the biggest UK airports planning to increase to approximately 150 million more passengers a year by 2050 relative to 2019 levels. Hence, this will greatly increase the UK's cumulative aviation emissions, which may have significant consequences on the UK's net zero trajectory.
- v. No carbon calculations were carried out in the ES for well-to-tank emissions, which is non-compliant with the globally recognised GHG Protocol Corporate Accounting Standard and goes against the UK Government's carbon accounting methodology from BEIS (2022)<sup>1</sup>. Therefore, this results in a gross underestimation of the GHG emissions associated with aviation since an approximately 20.77% (BEIS, 2023)<sup>1</sup> uplift would be required on all aviation emissions. This would result in 1,106,530tCO<sub>2</sub>e not being accounted for in 2028 during the most carbon-intensive year.
- vi. It is not clear if a conversion was undertaken from CO<sub>2</sub> to CO<sub>2</sub>e for aviation emissions, which would result in a 0.91% increase in all aviation emissions (BEIS, 2023)<sup>2</sup>.
- vii. Purchasing Renewable Energy Guarantee of Origin (REGO) certificates does not mean that the Applicant will receive 100% renewable electricity. On low wind and solar energy generation days, much of the electricity supplied on green energy tariffs still comes from fossil fuel production. Consequently, the Applicant cannot rely on REGO certificates to justify its zero-carbon commitment.
- viii. The Applicant has not confirmed if it is committed to best practice, e.g. by committing to the Science Based Targets initiative to achieve a net zero trajectory aligned with the 1.5°C Paris Agreement across all emission scopes.

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<sup>1</sup> <https://www.gov.uk/government/publications/greenhouse-gas-reporting-conversion-factors-2023>

<sup>2</sup> <https://www.gov.uk/government/publications/greenhouse-gas-reporting-conversion-factors-2023>

## **R. Major Accidents and Disasters**

3.22 Although it is acknowledged that some of these concerns can only be addressed during the detailed design stage, the Project raises some key uncertainties. The Applicant will be required to consult further with WSCC Fire and Rescue Service (WSFRS) regarding several factors, such as infrastructure planning, design, and emergency operating procedures, to allow these key uncertainties to be better understood. Key areas of concern are as follows:

- i. There is concern about any permanent or temporary change to the location of the existing Rendezvous Points (RVP) at the Airport as part of the Project. Any future changes to the RVPs or intended changes in how the Applicant will nominate these for an emergency service response as a result of the Project, must be communicated and discussed with WSFRS. WSFRS will need to understand the potential traffic management changes, both temporary and permanent, in attending emergency incidents at the Airport itself and in its proximity.
- ii. During the construction phase, there will likely be changes to the current infrastructure design that supports a fire service response and the safe evacuation of the public. The extent and impact of this work is difficult for WSFRS to understand and assess at this stage.
- iii. WSFRS need to understand the projection in passenger forecast and changes to the broader Airport layout in more detail as part of the Project, to assess the potential impact upon operational preparedness and resilience planning. An example of this requirement would be the plans for an incident (including risk of terrorist attack) at the Airport that will require evacuation, shelter, and welfare of a large number of people. Even though the frequency/demand of emergency incidents at the Airport is relatively low, the impact of an incident could be very high. The likelihood and impact of these events increasing due to the Project, and how this will be mitigated, need further understanding.
- iv. WSFRS are adapting to the emergence of renewable energy systems and electric-powered vehicles and aircraft. Many risks and hazards are being identified that could endanger Firefighter safety and the public and, therefore, WSFRS requires further discussions regarding these systems and provisions which is currently lacking in the DCO submission documents. This is a particularly live issue given the multi-storey car park fire at Luton Airport on 11 October 2023.

## **S. Socio-Economics (Economic Development)**

3.23 The focus of this section is on the socio-economic implications of the Project, namely construction, employment, economic output, and the associated Employment, Skills and Business Strategy (APP-198). Key areas of concern are as follows:

- i. Baseline data sources being out-of-date, given the reliance on these sources to inform the various assessments. Up-to-date baseline data should be sourced to inform assessments. This should include obtaining relevant data from local authorities.

- ii. The approach to estimating construction employment, given reliance on old data and not accounting for local variations.
- iii. The Applicant’s approach to operational employment calculations, which need further clarification.
- iv. The Applicant’s approach to sensitivity and magnitude gradings for several assessments.
- v. The assessment of housing and population relies on out-of-date data. Up-to-date data should be used because it will impact on labour supply/housing conclusions. The assessment also makes optimistic projections on housing and does not appear to fully consider existing constraints.
- vi. The Employment, Skills and Business Strategy is generic, lacking detail and clarity, and does not provide sufficient detail on elements such as, local baseline, tailored local initiatives, outputs, and approach to monitoring.

**T. Health and Well Being**

3.24 The focus of this section is on the assessment of the communities affected by the Project and the lack of detail and evidence of the community concerns informing the assumptions made whilst designing the Project infrastructure.

***Assessment of Significant Effects***

- i. An Equality Impact Assessment is essential to understand how the Project may impact different groups and ensure that certain individuals are not put at a disadvantage or discriminated against because of the construction or operation of the Project.
- ii. WSCC expects to see data relating to the study area, specifically the feedback from the individual vulnerable groups. This would ensure that their feedback had been included in the assumptions made in relation to changes in green space locations, active travel and access, to support the wellbeing of the communities affected.
- iii. Though the impact from construction staff on primary care and secondary care services is set out, the increased footfall of passengers when increased flights are operational, and the impact on emergency attendances for this group within secondary care A&E services, is not clear or evidenced satisfactorily.
- iv. The DCO application does not evidence engagement with the affected communities and how the outcome of those engagements have influenced the Applicant’s assumptions used as a basis for the assessment findings and decisions on mitigation measures to reduce these impacts.

**U. Planning Statement**

3.25 WSCC has the following queries in relation to the Planning Statement (APP-245):



- i. When the Applicant expects the CAA to confirm there are no obvious safety-related impediments and provide a Letter of No Impediment.
- ii. How the changes mentioned in paragraphs 1.3.7 and 1.3.8 will be secured and appropriately controlled.
- iii. Whether there is any legal precedent for the statement that it is "*appropriate to use the policy framework of the [Airports National Policy Statement] as the primary framework against which the Project as a whole should be tested*" (paragraph 1.5.19).
- iv. When further information regarding the proposed Section 106 agreement will come forward and when negotiations will begin in earnest.
- v. Why the Applicant considers the provision of hotels (Works 26, 27, 28 and 29) falls within the scope of the DCO regime. The same point applies to the proposed commercial space.
- vi. Whether an updated Mitigation Route Map will be prepared (stating, for example, which parts of the dDCO are relevant).
- vii. Why the Planning Policy Compliance Tables appear to make no reference at all to local plan policies (contrasting with the Manston DCO where, in the decision letter, the Secretary of State listed the Thanet Local Plan as an important and relevant matter in the context of policy compliance).
- viii. Why there is no reference to local plan policies in a number of ES chapters.
- ix. Why the dDCO does not make any provision for securing that Site Waste Management Plans following the template in the Construction Resources and Waste Management Plan.
- x. It is not clear how the mitigation referred to in paragraph 8.17.11 (Artificial Light, Smoke and Steam) will be secured.

## **V. Draft Development Consent Order (APP-006)**

- 3.26 WSCC has wide-ranging concerns about the dDCO. These will be shared with the Applicant in due course and set out in the LIR. A summary of the main concerns (which is not exhaustive) is set out below:
- i. The definition of '*commencement*' and, in particular, the implications arising from certain operations that fall outside that definition and which do not appear to be controlled (article 2(1), interpretation).
  - ii. Clarification of other definitions relating to various airport and boundary plans listed in the order and extent of operational land.
  - iii. The drafting of article 3 (development consent etc. granted by Order).
  - iv. The drafting of article 6 limit of works which appears to give the Applicant the ability to exceed parameters beyond the ES.
  - v. The drafting of article 9 (planning permission) and confirmation regarding which planning permission and conditions the Applicant is concerned about.

- vi. The disapplication of several provisions of the New Roads and Street Works Act 1991 without the application of the relevant highway authority's permit scheme (article 10; application of the 1991 Act).
- vii. The way in which street works are controlled under article 11 (street works).
- viii. The inclusion of deeming provisions in articles 12(4) (power to alter layout, etc. of streets), article 14(8) (temporary closure of streets), 18(10) (traffic regulations), 22(5) (discharge of water), and 24(6) (authority to survey and investigate the land).
- ix. The standard to which alternative routes must be provided under article 14(5) (temporary closure of streets).
- x. The proposal to allow the Applicant to create new means of access without the street authority's consent under article 16 (access to works).
- xi. How the "instrument" referred to in article 18(6)(a)(traffic regulations) will be accessed.
- xii. The need for highway authorities to agree template agreements before the end of the Examination with the Applicant under article 21 (agreements with highway authorities).
- xiii. The drafting of article 23, which concerns trees and hedgerows.
- xiv. The inclusion of Work Nos. 26, 27, 28 and 29 (which all concern hotels) in Schedule 1 (authorised development).
- xv. The drafting of several requirements (Schedule 2) including: the drafting of "start date" (R.3(2) (time limits and notifications); the 14-day notification period in R3(2); why some documents must be produced "in accordance with" the certified documents and others must be produced either "in general accordance" or "in substantial accordance" with them; the drafting of R.14 (archaeological remains); and of those which concern noise (e.g. R.15 (air noise envelope), R.18 (noise insulation scheme)); the ambiguous drafting in R.19 (airport operations).
- xvi. The 8-week deadline in Schedule 11 (procedure for approvals, consents and appeals) for determining significant applications (e.g. the waste recycling facility).
- xvii. Principal areas of disagreement remain in relation to the wording in of the proposed highway works and traffic regulation orders, including speed limits.
- xviii. There is currently no mechanism to allow the Flood Resilience Statement to be secured through the dDCO.
- xix. Regarding the proposed flood risk mitigation, it is not clear how the timing of the River Mole works (Work No.39) and Car Park Y attenuation tank (Work No. 30(a)) will be secured; similarly, it is not clear where the culverts and syphons are secured.
- xx. The current wording in Part 4 article 25, is of significant concern due to the impacts on: secondary legislation which would subsequently be overridden, the lack of reference made to the quality of future permitted tree works; and the permitted removal of any hedgerow within the order limits that is required to be removed. This section should refer to

relevant submitted 'approved plans' to limit the broad permissions which would currently be permitted.

Gatwick Airport Northern Runway Project (Project Reference: TR020005)  
Relevant Representation  
West Sussex County Council  
Submitted on 27 October 2023