



Our ref: SHARE/100334353/

Your ref: TR020005

Kevin Gleeson
Lead Member of the Examining Authority
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Liz Garlinge
Strategic Customer Projects
Director
National Highways
The Cube
199 Wharfside Street
Birmingham
B1 1RN

27 October 2023

Via E-Mail to:

GatwickAirport@planninginspectorate.gov.uk

Dear Mr Gleeson,

GATWICK NORTHERN RUNWAY PROJECT - RELEVANT REPRESENTATION

This letter constitutes National Highways' Relevant Representation in respect of the Development Consent Order (DCO) application by Gatwick Airport Limited (the Applicant) for consent to expand Gatwick Airport (the Airport). National Highways is a statutory consultee in the planning process and is responsible for infrastructure that is directly impacted by the Applicant's proposals.

National Highways is the government-owned company that operates, maintains, and improves the Strategic Road Network (SRN) as the strategic highway company appointed under the provisions of the Infrastructure Act (2015) and in accordance with the Licence¹ issued by the Secretary of State for Transport.

It has a specific obligation to deliver economic growth through the provision of a safe and reliable SRN, following the provisions set out in DfT Circular 01/2022: "Strategic road network and the delivery of sustainable development"². The Circular sets out how National Highways will work with developers to ensure that specific tests are met when promoting a scheme. This includes ensuring the transport impact is understood, any mitigation (or other infrastructure) is secured and designed in accordance with the

¹ [Highways England: licence \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/108422/highways-england-licence.pdf)

² [Strategic road network and the delivery of sustainable development - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/108422/strategic-road-network-and-the-delivery-of-sustainable-development.pdf)

relevant standards and that environmental impacts are appraised and mitigated accordingly.

This response comprises:

- This letter
- **Annex A** – Principal Areas of Disagreement Summary (in table form)
- **Annex B** – Full articulation of National Highways’ representations
- **Annex C** – Glossary of terms used

National Highways has regularly met with the Applicant during the pre-application period to understand the impact of the proposed development on the SRN. A Statement of Common Ground (SoCG) has been drafted by the Applicant and is currently under revision. However, at this stage, National Highways has not formally agreed to any matter being resolved and does not believe that the range of issues set out in the current draft SoCG by the Applicant fully reflects the concerns previously communicated. National Highways will continue to collaborate with the Applicant through the pre-examination stage to ensure that the agreed-upon version of the SoCG submitted to the Examining Authority is a complete and accurate representation of National Highways’ position.

National Highways’ principal concerns were detailed in National Highways’ responses to the Applicant’s Autumn 2021 and Summer 2022 consultations. These concerns have not yet been addressed to National Highways’ satisfaction and they have therefore been reiterated within this Relevant Representation and updated to reflect the Applicant’s latest application material. National Highways requires a successful resolution of all these matters. The principal areas of concern can be summarised as follows:

1. **Drafting of the DCO:** National Highways seeks to ensure that the Applicant’s proposals do not impact the safe and efficient operation and maintenance of the SRN. Consequently, National Highways has identified several areas where the current wording in both the draft Development Consent Order and protective provisions does not adequately protect National Highways’ statutory position. This could limit National Highways’ ability to discharge its duties under its licence to maintain the safe operation of the SRN.
2. **Traffic Modelling:** The predicted usage of the SRN is fundamental to our understanding of the impacts of the Scheme and any mitigation required. Robust demand and traffic modelling are essential prerequisites for National Highways to support the DCO application. Additional work is still required to understand the impacts of proposals on the wider SRN (e.g., M23/M25) and any necessary mitigation measures (beyond those proposed by the Applicant adjacent to the Airport) will also need to be agreed. The future baseline model is an essential foundation that informs the Transport Assessment Report.

National Highways considers this future baseline in its current form to be flawed as it overestimates the potential capacity on the SRN due to incorrect assumptions, including the inclusion of the M25 J10-16 Smart Motorway, which is no longer programmed for implementation.

Further, National Highways notes that the Applicant has not submitted any sensitivity testing results as part of the Application, which are required to provide confidence that the proposed mitigation would withstand the demand should the forecasts prove to be an underestimate.

National Highways also requires the Applicant to demonstrate the methodology used to determine the modal split and the parking provision for surface access is both reasonable and achievable to provide assurance in respect of the forecast demand on the SRN. As the Applicant is not able to rely on wider Government funding mechanisms, is itself responsible for trip generation, and does not have a statutory obligation in relation to the wider road network, the Applicant will need to demonstrate that the proposed mitigation measures are sufficient to avoid adverse traffic impacts and ensure the continued safe and efficient operation of the SRN.

The Applicant has made a series of commitments regarding mode share aspirations that National Highways considers to be ambitious, with no clear long-term strategy as to how these commitments will be both delivered and maintained. The Applicant will need to provide evidence which shows these ambitions are reasonable, and that appropriate mechanisms to meet those ambitions are secured.

3. **Highway Design:** We welcome the approach taken by the Applicant to engage with National Highways on the design of the SRN mitigations. However, a range of outstanding concerns need to be addressed by the Applicant for National Highways to conclude that the proposals will not impact adversely on the safety, operation, resilience and long-term maintenance of the SRN.

This includes M23 Junction 9, for which the Applicant will need to be able to demonstrate how additional traffic arising from airport growth can be accommodated. Further clarification is also required in respect of active travel provision and drainage.

4. **Environmental Impacts:** In accordance with the Design Manual for Roads and Bridges (DMRB), a moderate adverse effect is significant unless deemed acceptable by a competent expert. The Applicant reports several moderate adverse effects across several chapters of the Environmental Statement to users of the SRN, but evidence justifying the conclusions has not been provided in each instance to support the decision not to mitigate the effects further. National Highways requests that the Applicant identifies all reported moderate adverse effects and provides a full justification so that National Highways can consider the validity of each conclusion. The approach adopted by the Applicant, if justification is not provided to the satisfaction of National Highways, could demonstrate an under-reporting of the significant outcomes relating to the SRN.

Whilst the Applicant concludes that biodiversity net gain will be attained across the whole Airport scheme, National Highways itself has a biodiversity Key Performance Indicator (KPI) to achieve no net loss to the SRN by 2025, and to have a net positive impact on nature in Roads Period 3 and beyond. National Highways considers that land forming part of the SRN can be used and could deliver a route for providing enhancement, which the Applicant should provide in light of the specific policies in the Airports National Policy Statement (ANPS) (paragraph 5.91, 5.96, 5.104) which are important and relevant policies for the Applicant's application. In light of those policies in the ANPS, National Highways therefore requires the Applicant to provide further information to demonstrate that, within the limits of the SRN, that the proposed mitigation conserves and enhances habitats to maximise biodiversity and achieves at least no net loss.

National Highways also requires the Applicant to provide further details on a range of environmental matters identified in this Relevant Representation to demonstrate that any adverse impacts relating to the SRN have been suitably mitigated in accordance with the latest guidelines and best practice.

5. **Construction:** National Highways recognises the efforts of the Applicant to provide further detail regarding construction phasing and the traffic management works required to implement the Scheme. However, there remains a series of constructability matters which the Applicant will need to address in order to assure National Highways that the construction of the surface access works will not impact on the safe operation and capacity of the SRN.

National Highways also requests the establishment of a Traffic Management Forum, with the inclusion of all relevant Local Authorities to provide an integrated transport plan during the construction phase of the project to ensure that the SRN or local road network is not adversely impacted, and to co-ordinate other planned works in the area.

6. **Compulsory Acquisition Powers:** National Highways has reviewed the Land Plans (**TR020005/APP/AS-015**) and Book of Reference (**TR020005/APP/AS-010**) and notes that the Applicant is seeking to exercise compulsory acquisition powers over the Strategic Road Network and other National Highways land. This approach is wholly unacceptable and unnecessary. National Highways requests that the Applicant revert any existing National Highways land to temporary possession only in order to facilitate the surface access works. At this stage no conversations with the Applicant regarding voluntary agreements have taken place. Outstanding issues on compulsory acquisition and protective provisions will need to be resolved. Until such time, National Highways maintains an objection to these powers and reserves its position under section 127 of the Planning Act 2008.

7. **“Business-As-Usual” Airport Works:** National Highways recognises that the Applicant, alongside the proposed surface access works, also has a programme of “business-as-usual” upgrades that are required to ensure that there is sufficient capacity in the highway network in the short-term. These works are detailed in Section 8.2 of the Transport Assessment Report **(TR020005/APP/258)**. Insofar as the Applicant’s assessment relies on these upgrades, they must be secured under the terms of the DCO. National Highways has suggested wording for a Requirement to this effect as part of this Relevant Representation.

The issues outlined above are set out in full in **Annex B** to this letter.

As requested by the Examining Authority in its Notification of Procedural Decision made on the 8 September 2023, National Highways has summarised this Relevant Representation in the form of a Principal Areas of Disagreement Summary Statement (PADSS), which is included in **Annex A** to this letter.

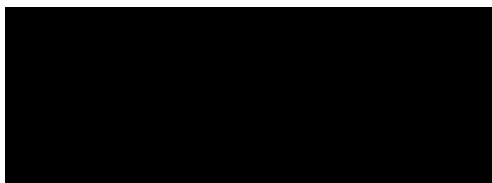
For the aid of the reader, a list of acronyms and abbreviations used in this Relevant Representation is included in **Annex C** to this letter.

In conclusion, given the outstanding issues summarised above, National Highways is not yet satisfied that the impacts of the proposed development on the SRN are sufficiently explained and, in the absence of that information, cannot confirm that no further intervention is required. National Highways reserves the right to produce additional grounds of objection to the Examining Authority as the DCO application progresses.

National Highways is keen to resolve the concerns raised within this Relevant Representation to enable the development to proceed, whilst safeguarding the safe and efficient operation of the SRN in accordance with our statutory obligations.

Should it assist the Examining Authority, National Highways will respond to any written questions that the panel may have and is willing to attend an appropriate hearing to detail the impacts of the Authorised Development on the SRN.

Yours sincerely,



Liz Garlinge
Strategic Customer Projects Director

Principal Areas of Disagreement Summary Statement

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
Draft Development Consent Order (TR020005/APP/AS-004) Article 6 – Limits of Deviation (LoD)	Subparagraph (4) applies LoD's that appear excessive for the proposed highways works. Without information, or justification, National Highways has a concern that a design which is not compliant with DMRB may be permitted under the terms of the DCO.	National Highways requests that the Applicant either justifies this flexibility or reduces the LoD's accordingly and presents any updates in a table format similar to that utilised as part of the A66 Northern Tran-Pennine Project (TR010062/APP/REP9-013) . Alternatively, conditions would need to be in place and secured in the DCO whereby utilisation of wider LoD's would require the express consent of National Highways where deviation may impact the SRN.	Medium
Land Plans (TR020005/APP/AS-015)	National Highways has reviewed the Land Plans (TR020005/APP/AS-015) and Book of Reference (TR020005/APP/AS-010) and notes that the Applicant is wishing to exercise compulsory acquisition powers over existing National Highways land and by association the SRN. National Highways considers the breadth of the rights to be acquired under Schedule 7 to the dDCO are currently too wide.	National Highways cannot accept this approach and recommends that the Applicant: <ul style="list-style-type: none"> revert within the Land Plans any existing land under National Highways ownership to solely temporary possession in line with the approach that has been undertaken on the London Luton Airport Expansion Scheme that is currently in examination (TR020001/APP/AS-011). Seek to agree with NH temporary possession of the land required for the construction of the scheme. Where, exceptionally, the Applicant requires permanent rights over any existing National Highways land ownership, these are to be identified and communicated to National Highways, with a clear justification provided, to demonstrate the need for a permanent right being acquired. This will be considered by National Highways and any concerns will be highlighted to the Examining Authority.	High

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
Draft Development Consent Order (TR020005/APP/AS-004) Schedule 7 - Land in Which Only New Rights etc. May be Acquired	The purpose for which powers are taken over land is unclear.	The Applicant should set out the specific rights it is seeking over National Highways interests.	High
Draft Development Consent Order (TR020005/APP/AS-004) Article 27 – Compulsory acquisition of land	It is not clear what ancillary purposes the Applicant seeks to “use” all of the Order land. The relevant compulsory acquisition guidance (Planning Act 2008: procedures for the compulsory acquisition of land (September 2013 Department for Communities and Local Government) makes clear, that the Applicant will need to demonstrate that the interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate.	National Highways seeks clarification on article 27(1)(b) and National Highways considers that article 27 (1)(b) should be deleted in its entirety.	High
Draft Development Consent Order (TR020005/APP/AS-004) Article 31 – Time limit for exercise of authority to acquire land compulsorily.	10 years is an excessively long period of time for land to be subject to compulsory acquisition powers given the limited scale of the development. Schemes which have obtained periods longer than 5 years are typically those which are significantly more complex and linear.	National Highways recommends this is reduced to 5 years unless the Applicant is able to provide a reasonable justification.	High
Draft Development Consent Order (TR020005/APP/AS-004) Schedule 2, Requirement 20	The Applicant’s approach to securing its proposed Transport Mitigation Fund is unclear. The provision secures the Surface Access Commitments which includes “Commitment 14: Transport Mitigation Fund” but there is no securing mechanism under the DCO or detail regarding what this would comprise. The Planning Statement suggests that this would further be secured by the Section 106, but again no details are provided and it is difficult to see how this would secure necessary interventions on the Strategic Road Network.	The Applicant should clarify the scope of the Transport Mitigation Fund and, seek to implement a Requirement which defines: <ul style="list-style-type: none"> • The scope of the Transport Mitigation Fund • The level of commitment within the Transport Mitigation Fund. • The relevant thresholds which would trigger the activation of the Transport Mitigation Fund. • The parties to be consulted during the development of any Transport Mitigation Fund proposals. • The parties that would act as the approval body for the Transport Mitigation Fund proposals. 	Medium

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
<p>Draft Development Consent Order (TR020005/APP/AS-004) and Transport Assessment Report (TR020005/APP/258)</p> <p>Business as Usual Upgrades</p>	<p>The Transport Assessment sets out that the future baseline “also includes improvements planned as part of the Applicants Capital Investment Plan (CIP), intended to address increases in airport-related and background demand that would occur without the Project. These comprise the signalisation of North Terminal and South Terminal roundabouts and associated physical changes to increase capacity.”</p> <p>As powers for this work are not being taken in the DCO, they will not be delivered under the terms of the DCO nor is there any certainty of when or how this would be delivered. National Highways seeks:</p> <ul style="list-style-type: none"> a) a sensitivity test to show impacts if this was not delivered and / or: b) a requirement as set out in the column to the right. 	<p>National Highways therefore requests the insertion of the following Requirement, to secure the assumption made in the Applicant’s Transport Assessment. The wording is provided below.</p> <p>“24. Gatwick North Terminal and South Terminal Roundabout Signalisation</p> <p><i>24. (1) No part of the airport may operate above the passenger capacity permitted at the airport on the date of this Order coming into force, until the North Terminal and the South Terminal roundabout signalisation scheme is completed and open for traffic.</i></p> <p><i>(2) In this paragraph, “the North Terminal and the South Terminal roundabout signalisation scheme” means the proposed intervention referred to in paragraph 13.2.8 to 13.2.11 of the Transport Assessment and shown diagrams 13.3.1 and 13.3.2 of the Transport Assessment, or any other intervention on those roundabouts agreed with National Highways.</i></p>	<p>Medium</p>
<p>Draft Development Consent Order (TR020005/APP/AS-004)</p> <p>Schedule 9 – Protective Provisions</p> <p>Clause 2 - Interpretation</p>	<p>National Highways disagrees with the current definition of condition surveys within the Protective Provisions drafted by the Applicant.</p> <p>National Highways is concerned that it does not make clear, all aspects which must be covered in the condition survey and excludes a number of assets, including drainage which are critical to the safe operation of the SRN.</p>	<p>National Highways requests that the section relating to condition survey be updated to include the following:</p> <p>“condition survey” means a survey of the condition of National Highways’ structures and assets (<i>including, but not limited to, drainage and cabling</i>) and pavements within the Order limits that <i>in the reasonable opinion of National Highways</i>, may be affected by the specified works <i>and further to include, where the undertaker, following due diligence and assessment, identifies a specific part of the highways drainage system maintained by National Highways, that National Highways reasonably considers may be materially and adversely affected by a specified work, a CCTV survey of specified drains;</i></p>	<p>High</p>
<p>Draft Development Consent Order (TR020005/APP/AS-004)</p> <p>Schedule 9 – Protective Provisions</p> <p>Clause 5 – Prior approvals and security</p>	<p>It is National Highways’ view that the list of elements that are subject to prior approval by National Highways is insufficient to protect National Highways’ interests.</p>	<p>National Highways requires the inclusion of:</p> <ul style="list-style-type: none"> Article 32 (Private Rights of Way) Article 35 (Acquisition of subsoil or airspace only) Article 36 (Rights under or over streets) Article 45 (Use of airspace within the Order Land) 	<p>High</p>

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
<p>Statement of Reasons (TR020005/APP/AS-008)</p> <p>Appendix B – Status of Engagement with Statutory Undertakers</p>	<p>National Highways is concerned that in a few cases land ownership is not captured correctly within the Application documents.</p> <p>National Highways has reviewed the Land Plans, Book of Reference and Statement of Reasons and has identified a number of inconsistencies such as those listed below:</p> <p>Identifies plot 1/014 as being a National Highways' plot. National Highways is not listed in the Book of Reference (BoR) against this plot and Surrey CC are the highway authority. Similarly, plot 1/036 is listed against National Highways name in Appendix B but not Appendix A.</p> <p>As part of National Highways review of the Land Plans, Book of Reference and Statement of Reasons, National Highways has also identified discrepancies in title ownership, ownership boundaries and third-party rights. National Highways will issue to the Applicant a comprehensive list of these inconsistencies in order for these matters to be addressed in full.</p>	<p>National Highways recommends that the Applicant carry out a review of the plots referred to in Appendix B and confirm to National Highways that it is accurate.</p> <p>National Highways will be undertaking a parallel review and reserves the right to highlight any additional issues during the examination period.</p>	<p>Medium</p>

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
<p>Transport Assessment (TR020005/APP/258)</p> <p>Cumulative Sensitivity Test</p>	<p>National Highways considers that the application is not accompanied with sufficient modelling information to enable National Highways, nor the Examining Authority, to understand the impact of the Scheme.</p> <p>National Highways has been in receipt of a series of sensitivity tests that have not been included in the Applicant's DCO application. However, National Highways believes that these sensitivity tests conducted in isolation, do not demonstrate a reasonable worst-case scenario to assess the impacts to the SRN.</p>	<p>National Highways therefore requests that a cumulative sensitivity test is conducted by the Applicant which includes the following:</p> <ul style="list-style-type: none"> • TAG Unit M4 – Appendix B.3 to account for the impact of covid on traffic demand. • The removal of the M25 J10-16 Smart Motorway scheme. • The rephrasing of the completion of Lower Thames Crossing in 2032. • M23 Junction 9 sensitivity testing. • The latest published forecasts included in the National Trip End Model (NTEM) 8.0. • The latest published National Road Traffic Projections (NRTP) 2022. <p>Subject to the results of the above sensitivity test, National Highways may require the Applicant to undertake further assessments.</p> <p>It is important that the outcomes of these assessments are provided in a timely manner, to enable National Highways to review the information within the examination timeframe.</p>	<p>Medium</p>
<p>Transport Assessment (TR020005/APP/258)</p> <p>Staff Travel Survey</p>	<p>The Transport Assessment Report outlines that there is an existing Airport Surface Access Strategy (ASAS) requirement to undertake a staff travel survey in early 2023. However, National Highways notes that this information has not been included in the Applicant's submission.</p> <p>National Highways is concerned that, without sight of this information, National Highways cannot assess whether the assessments relying on historical data remain an accurate depiction which may undermine the conclusion of the Transport Assessment (TR020005/APP/258).</p>	<p>National Highways requests an update on the status of this travel survey. If completed, National Highways requests an update to the report, to outline how the updated survey data impacted any reporting.</p> <p>If this survey has not been completed, National Highways requests that this survey is completed at the earliest opportunity to allow the updated survey data to be reviewed within the timescales of the examination.</p>	<p>Medium</p>

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
<p>Transport Assessment (TR020005/APP/258)</p> <p>Section 14</p>	<p>Key to mode split assumptions for employee trips to Gatwick, are the packages of interventions to incentivise the use of sustainable travel modes, over car travel for staff.</p> <p>Section 14.5.2 states that the Applicant “is committed to implemented incentives for active travel. The precise nature of those measures will need to be defined in due course and in future ASAS, In consultation with employers and staff.”</p> <p>The Applicant is therefore basing their mode split assumptions on incentivisation measures which have not been defined, agreed or secured. Furthermore, the Applicant does not give clear detail in this section on how active travel assumptions affect forecast work trips to Gatwick.</p>	<p>National Highways requests that the Applicant provides further detail on the possible incentivisation measures and how any active travel assumptions relate to an increase in non-car work trips to Gatwick.</p>	<p>Medium</p>
<p>Transport Assessment (TR020005/APP/258)</p> <p>Section 15</p>	<p>Whilst Annual Average Daily Traffic (AADT) flow changes have been reported, these are aggregate in nature and peak hour flow changes are considered by National Highways, to be more appropriate in the case of the Airport. There is also no reporting by the Applicant regarding delay or journey time changes, associated with the change in flows due to construction traffic, but also associated with changes to the road layout during the highway works.</p>	<p>National Highways requires more detail on for the construction phase traffic flows to enable sufficient understanding of the impacts on the highway network and any associated mitigation required.</p>	<p>Medium</p>
<p>Transport Assessment Report Annex B: Strategic Transport Modelling Report (TR020005/APP/260)</p> <p>Section 6.8</p>	<p>In Section 6.8, the Applicant describes the issues with the use of the data for the base model. National Highways notes that the rail model has not been updated using post-Covid rail and passenger data.</p>	<p>National Highways therefore requests that the Applicant justify this approach and consider any corresponding impacts on the traffic forecasts. Furthermore, National Highways requests that the Applicant confirms whether this approach has been considered as acceptable by other relevant interested parties, notably Network Rail.</p>	<p>Medium</p>

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
<p>Transport Assessment Report Annex B: Strategic Transport Modelling Report (TR020005/APP/260)</p> <p>Paragraph 7.2.3 and 7.2.4</p>	<p>In paragraph 7.2.3, the Applicant states “However, by 2047, there would be little difference between air passenger demand at Gatwick with or without Heathrow R3.” Also, paragraph 7.2.4 states “In terms of public transport, the network and catchments serving the two airports are different and therefore the cumulative effects of additional runways at Gatwick and Heathrow are unlikely to be significantly different to those modelled for the Project”.</p> <p>National Highways is concerned that this conclusion is not supported by any detail to enable National Highways to make an informed assessment.</p>	<p>The Applicant is requested to provide additional information to justify this position.</p>	<p>High</p>
<p>Transport Assessment Report Annex B: Strategic Transport Modelling Report (TR020005/APP/260)</p> <p>Paragraph 7.3.18</p>	<p>The Applicant states “However, an August day is not the busiest in terms of the local road network where traffic volumes can be 1-2% below the annual average condition.” However, National Highways notes that, in Figure 31, the information presented demonstrates that weekday arrivals by car are 41% in August and 27% in June.</p>	<p>National Highways therefore requests that the Applicant clarify why June provides the reasonable worst-case scenario for traffic when reporting the associated impact on the SRN.</p>	<p>High</p>
<p>Transport Assessment Report Annex B: Strategic Transport Modelling Report (TR020005/APP/260)</p> <p>Paragraphs 8.3.4, 8.3.5 and 8.3.6</p>	<p>In section 8.3 of this report, the Applicant notes that “the busiest month for construction vehicle activity is December 2026 with 38,450 construction vehicles for the busiest shift across that month, comprising 16,360 construction workforce or Person Owned Vehicles (POVs) and 22,090 other construction vehicles as a mix of HGVs, LGVs and Livered Vans and a two-shift day”.</p> <p>National Highways notes that the Applicant has provided no explanation as to how these figures are derived and therefore cannot assess the accuracy of these figures.</p>	<p>National Highways therefore requests that the Applicant provides the justification for how these figures are derived.</p> <p>If these figures are based on an outline construction plan, this should be shared with National Highways.</p>	<p>High</p>
<p>Transport Assessment Report Annex E: Highway Junction Review (TR020005/APP/263)</p> <p>General</p>	<p>National Highways has previously requested that the Applicant provide maximum queue length profiles (at one-to-five-minute intervals) throughout all modelled periods for the M23 SB off-slip approach to the signals from the VISSIM model. This information has not been provided by the Applicant in either Annex C or Annex E of the Transport Assessment Report.</p>	<p>National Highways requests that this information is provided.</p>	<p>Medium</p>

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
<p>Environmental Statement Appendix 5.4.1: Surface Access Commitments (TR020005/APP/090)</p> <p>Section 4</p>	<p>The mode share aspirations used by the Applicant are ambitious and currently the measures do not give National Highways the confidence that these commitments can be achieved.</p> <p>National Highways notes that these commitments will include the need to provide additional bus/coach services. However, this is not in the Applicant's remit to provide.</p> <p>The biggest mode share shift reported by the Applicant is to rail journeys. However, the Applicant only outlines the possible measures that could be implemented to meet this commitment.</p> <p>The Applicant notes that they would only provide reasonable funding for a minimum of five years for any additional services.</p>	<p>National Highways requests details as to how these measures could be secured, in order to ensure that this commitment can be achieved.</p> <p>National Highways requests additional details on any agreements that are in place or alternatively what securities can be established for the continuity of this programme after the five-year commitment ends.</p>	<p>Low</p>
<p>Environmental Statement Appendix 5.4.1: Surface Access Commitments (TR020005/APP/090)</p> <p>Paragraph 5.2.7</p>	<p>National Highways notes that the Applicant reports that additional parking provision would only be provided where there is demand.</p> <p>National Highways is concerned that the Applicant has not outlined how this demand would be assessed nor what thresholds would trigger the need for additional parking. Furthermore, the Applicant does not provide details on how any additional parking provision would be secured.</p>	<p>National Highways asks that the Applicant provides additional information regarding how additional parking needs would be assessed and secured.</p>	<p>Medium</p>
<p>General</p>	<p>National Highways notes that only minor improvements are proposed at M23 Junction 9 and that no further works are currently proposed.</p> <p>National Highways has not yet seen conclusive evidence (through modelling) that the Applicant's proposals will not have a detrimental impact on the safe and effective operation of the wider SRN. National Highways' concern is that it is currently not able to confirm whether further mitigations beyond the current limits of the proposed highway enhancements are necessary.</p>	<p>National Highways requests that the Applicant provide justification, through modelling, for the works at M23 Junction 9.</p>	<p>Medium</p>

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
General	<p>Where the eastbound carriageway meets M23 Junction 9, National Highways has reviewed its records and highlights the presence of a number of existing departures from standards being in effect in this area.</p> <p>Based upon the Applicant's documentation, National Highways is not able to conclude whether these departures from standard remain in the end-state design, are modified but still feature sub-standard components or have been removed as part of the proposals.</p> <p>Any departure from standard needs to be brought to National Highways' attention at the earliest opportunity to ensure appropriate mitigation is implemented to ensure the safe operation and maintenance of the SRN.</p>	National Highways requests that Applicant review these existing departures in the context of the proposed surface access works to ensure that these departures are either removed or updated to reflect the proposed works, including any additional mitigation requirements.	High
Environmental Statement Appendix 5.2.2: Operational Lighting Framework (TR020005/APP/077) Paragraph 5.1.3	National Highways notes that a consultation exercise with existing users could be considered appropriate by the lighting designer. However, it is National Highways' view that the Applicant should be engaging with National Highways and other Local Authorities. Without such engagement, critical elements of lighting which could be highlighted by the operators of the road network, may be omitted or excluded from the operational lighting strategy.	National Highways requests that the Applicant implements a working group with both National Highways and the affected Local Authorities to ensure that the lighting strategy is holistic.	High
Parameter Plans (TR020005/APP/019)	The Applicant's proposals are to introduce and refine the three-lane entry to the M23 Junction 9 circulatory. However, the proposals do not demonstrate what, or if any, alterations to the circulatory and / or Northbound merge are required. Currently there is a segregated left turn lane into the Northbound merge from the existing Eastbound Spur arrangement, but it is not clear based upon the Applicant's proposals if this is to be retained, removed or altered.	National Highways requests that the Applicant provides further detail for this location and incorporate any of these associated works as a listed works number in the Work Plans and the dDCO.	High
Streets, Rights of Way and Access Plans (TR020005/APP/018)	The Applicant has identified through the use of pink linework that the proposed footway or cycleway improvements are part of the surface access works. However, this detail does not allow National Highways to distinguish between different types of features such as footpaths, shared footway / cycleways or segregated footway / cycleways.	National Highways requests that the Applicant distinguish clearly on the Streets, Rights of Way and Access Plans, the different types of pedestrian and cyclist routes to be implemented. Cross section or details of the width of each provision is also requested for National Highways to consider the suitability of these provisions in accordance with the DMRB CD143.	High

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
Environmental Statement Appendix 5.3.1: Buildability Report Part B (TR020005/APP/080)	<p>For the Airport Way Eastbound Link from the A23, the Applicant is proposing extensive works to this section of the SRN which seemingly arise from a need to include the new footway link below the road along the embankment.</p> <p>National Highways is concerned of the level of disruption that the works would generate to implement a new footway link in this area and whether any alternative solutions were considered.</p>	The Applicant is to provide clarity on whether this is the sole reason for the change and whether alternative solutions were considered in this area that would not require extensive works to realign the carriageway.	High
Environmental Statement Appendix 11.9.6: Flood Risk Assessment Annex 2 Surface Water Drainage Strategy (TR020005/APP/148) General	<p>The Applicant is proposing a series of attenuation ponds and detention basins in proximity to an operating airport.</p> <p>The presence of open attenuation ponds risks an increase in migrating birds in the vicinity of the airport, which in turn risks an increase in the risk of bird strikes for landing or departing aircraft.</p>	The Applicant will need to confirm whether these systems will have a permanent water level and what measures are proposed to minimise the risk of bird strikes to aircraft, given any new open water features proposed for the SRN.	High
Environmental Statement Appendix 11.9.6: Flood Risk Assessment Annex 2 Surface Water Drainage Strategy (TR020005/APP/148) General	<p>Changes to the highway alignment may result in existing drainage chambers being sited in running lanes.</p> <p>Chambers in running lanes present a safety risk to road users and maintenance operatives and it is National Highways position that all chambers are sited outside of running lanes to ensure the safe operation and maintenance of the SRN.</p>	National Highways requests that all drainage chambers in running lanes are relocated out of traffic areas.	High
Environmental Statement Appendix 11.9.6: Flood Risk Assessment Annex 2 Surface Water Drainage Strategy (TR020005/APP/148) General	<p>Third party connections to the SRN drainage network should not form part of the proposed drainage strategy.</p> <p>National Highways cannot confirm, based upon the details provided in the Applicant's submission that third party connections do not connect into National Highways SRN network. Any third-party connection represents a liability to National Highways which may impact the performance of the SRN network if not properly maintained or designed in accordance with National Highways requirements.</p>	National Highways mandates that there should be no new third-party connections to the SRN drainage network, and any existing third-party connections should be removed where possible.	High

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
Environmental Statement Appendix 11.9.6: Flood Risk Assessment Annex 2 Surface Water Drainage Strategy (TR020005/APP/148) Catchment 4	National Highways requires any surface access works to mitigate the impact of climate change, ensuring no increase in flood risk as a consequence of changes to the SRN. Furthermore, National Highways has a responsibility to ensure that highway runoff is treated sufficiently prior to discharge. Based upon the Applicant's submission, National Highways is not able to assess whether the Applicant's proposals for Catchment 4 accord with National Highways water quality requirements.	National Highways requests clarification from the Applicant regarding which attenuation or treatment measures are proposed for the runoff from Catchment 4.	Medium
Environmental Statement Appendix 11.9.6: Flood Risk Assessment Annex 2 Surface Water Drainage Strategy (TR020005/APP/148) Catchments 4 and 5	All existing networks should be reviewed and brought in line with the latest allowances for climate change.	The Applicant will need to confirm that the drainage edge of pavement and conveyance systems in existing highway areas will be designed to DMRB CG501. This should be secured under one of the control documents.	High
Environmental Statement Appendix 11.9.6: Flood Risk Assessment Annex 2 Surface Water Drainage Strategy (TR020005/APP/148) Catchment 1	It is not clear to National Highways what, if any changes, are being undertaken to the existing basin serving Catchment 1.	National Highways requests that the Applicant clarifies whether any amendments to the existing basin serving Catchment 1 is proposed and that the capacity of the existing edge collection and conveyance systems have been assessed, to ensure that they confirm to DMRB CG501.	High
Surface Access Highways Plans – General Arrangements (TR020005/APP/020) Airport Way Rail Bridge Parapets	The Applicant proposes to widen the Westbound deck and provide parapets to the latest design requirements of DMRB CD377 – Requirements for Road Restraint Systems. However, the Applicant makes no reference to the Eastbound carriageway. Failure to identify this, risks the Applicant underestimating the scope of the works and therefore the level of disruption to the SRN	If no assessment has taken place, National Highways requests that the Applicant implement a Road Restraint Risk Assessment Process (RRRAP) for the Eastbound alignment to assess if the existing parapet and approach road restraint system will meet current standards.	Medium
Surface Access Highways Plans – General Arrangements (TR020005/APP/020) Balcombe Road Underbridge	National Highways notes that the mainline and slip road bridges will be sited near one another. National Highways is concerned that the proximity of these structures will generate additional maintenance challenges or restrictions.	National Highways requests that the Applicant considers maintenance requirements and agree these principles with National Highways, to provide confidence that all activities can be undertaken safely.	Medium
Structure Section Drawings (TR020005/APP/022) Drawing 41700-XX-B-LLO-GA-200178	This drawing provides a section through the Balcombe Road Underbridge. For the Gatwick Spur Eastbound carriageway Section C - C, this section denotes the presence of the noise barrier but does not indicate there being any structural parapet or edge restraint system on the parapet edge beam.	The Applicant is to confirm whether there is edge restraint being provided on this area and, if required, ensure that this drawing is updated.	High

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
Structure Section Drawings (TR020005/APP/022) Drawing 41700-XX-B-LLO-GA-200175	This drawing provides a section; however, the section does not indicate there being any structural parapet on the north side of the noise barrier.	The Applicant is to confirm whether there is edge restraint being provided on this area and, if required, ensure that this drawing is updated.	High
Structure Section Drawings (TR020005/APP/022) General	All engineering sections do not outline that headroom requirements have been met in accordance with DMRB CD127.	National Highways requests that the Applicant incorporate labels or linework which denotes the headroom envelope on the elevation detail.	High
Geotechnical Design Matters General	With regards to geology and ground condition impacts, a moderate risk of slope instability for an area along the A23 has been identified. This could create a potential safety risk to the SRN and its users.	National Highways requests details from the Applicant to be assured that the design has put in place appropriate mitigation, in order to ensure that any issues of slope instability are managed.	Medium
Environmental Statement Chapter 13: Air Quality (TR020005/APP/038) General	National Highways has an air quality KPI, agreed with the Department for Transport and based on the Pollution Control Mapping model, to bring links into compliance with legal NO ₂ limits in the shortest possible time. There are six compliance links surrounding the proposed site boundary, with one located within the Applicants site. These are located on roads including the A23 (located within the proposed site boundary), A264, A2220, A2004, A2011 and A2219. All these compliance links were predicted to comply with the set standard (EU Limit Value of 40µg/m ³ as an annual mean for NO ₂) in 2018 and National Highways is concerned that the Applicant's proposals risk an exceedance being generated to the EU Limit Value.	National Highways requires the Applicant to provide evidence that the proposed SRN mitigation scheme will not exacerbate pollutant levels along these links and that the proposed scheme will not lead to an exceedance in the EU Limit Value of 40µg/m ³ as an annual mean for NO ₂ along these links.	Medium
Environmental Statement Chapter 13: Air Quality (TR020005/APP/038) Paragraph 13.10.25	In Paragraph 13.10.25, the largest change in all pollutants due to the construction 2024 scenario is predicted to be at R_147 Sutton Common Road, 12km to the north of the M25, which is reported to experience a moderate adverse impact. National Highways is concerned that anomalous results like the above, demonstrates uncertainty which undermines the validity of the traffic model used for the assessment.	National Highways therefore requests that the Applicant outlines how the largest air quality impact associated with the Scheme, will be at a location that is 12km to the north of the M25 and therefore not in the localised proximity of the Scheme.	Medium
Environmental Statement Appendix 13.4.1 Air Quality Assessment Methodology (TR020005/APP/158) Paragraph 4.15	National Highways notes a dispersion site roughness of 0.2m has been used in the air quality dispersion modelling, however there is a limitation associated with this method choice. Sensitive receptor locations associated with National Highways' network may not be suited to a roughness factor of only 0.2 and therefore turbulence on the SRN may be underestimated.	National Highways requests that the Applicant justify the use of the 0.2m site roughness factor and how this can be considered for the SRN as a reasonable worst case for assessing any impacts to air quality.	Medium

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
Environmental Statement Appendix 13.4.1 Air Quality Assessment Methodology (TR020005/APP/158) Paragraph 3.10.7 to 3.10.13	The Defra Emissions Factors Toolkit (EFT) has been used to derive emission factors. DMRB LA 105 guidance does not appear to have been referenced by the Applicant nor the use of the recommended gap analysis tool for long term trends emission calculation.	National Highways requests that the Applicant provides evidence that local monitoring data has been assessed to confirm that the direction taken to adopt the approach to future rates of improvement in air quality is appropriate.	Medium
Environmental Statement Chapter 8: Landscape, Townscape and Visual Resources (TR020005/APP/038) Paragraph 8.4.22 to 8.4.24	National Highways has reviewed Chapter 8 of the Environmental Statement and notes that the magnitude of impact and sensitivity are stated as being derived from DMRB methodologies. However, upon review it does not appear that the Applicant's LVIA methodology accords to this DMRB guidance. The Applicant's assessment methodology is based upon approaching sensitive and susceptibility as the same. This is not in accordance with the Guidelines for Landscape and Visual Impact Assessment.	National Highways requests that the Applicant separate out the criteria of landscape and visual value, susceptibility, and sensitivity in accordance with DMRB and GLVIA3 and the thresholds for significance reviewed and justified, given the current approaches negates significant effects to all but high or very high receptors.	Medium
Environmental Statement Chapter 8: Landscape, Townscape and Visual Resources (TR020005/APP/038) Paragraph 8.4.5	National Highways notes that the Applicant has assessed the magnitude of landscape and visual impacts together. This does not reflect stated industry guidelines and it is important that these criteria are assessed separately to allow National Highways the ability to review and understand the relevant impact to the SRN.	National Highways requests that the criteria should be separated out, to reflect stated industry guidelines which require separate assessments of landscape and visual matters.	Medium
Environmental Statement Chapter 8: Landscape, Townscape and Visual Resources (TR020005/APP/038) Paragraph 8.4.6	The assessment matrix sets out the likely effects based upon receptor sensitivity and the magnitude of impact. National Highways notes that the Applicant's supporting text outlines that only effects of major or substantial are significant. This means that of a total 25 assessment scenarios only 5 (20%) can be significant. National Highways considers this to be disproportionately low to the scale of the proposed development.	National Highways recommends that the Applicant alters the criteria of significant effects to allow for moderate to contribute to the classification of significant. The current assessment approach risks the Applicant not being proportionate in their assessment of potential effects on customers.	Low

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
<p>Environmental Statement Chapter 8: Landscape, Townscape and Visual Resources (TR020005/APP/038)</p> <p>Paragraph 8.4.33</p>	<p>National Highways notes that the Applicant establishes in paragraph 8.4.33 the principle that an accumulation of moderate effects, e.g., as experienced by a visual receptor during a journey may be regarded as a significant cumulative effect when considered in combination. This principle is further reinforced by paragraph 8.4.32's third bullet, which sets out that cumulative moderate effects may increase the overall adverse effect on a receptor.</p> <p>However, National Highways notes that in paragraph 8.11.16, the Applicant states that motorists on the A23/M23 spur would have moderate cumulative effects, but these would not be significant. National Highways notes that this conclusion is contrary to the above principles, and it is National Highways view that the Applicant has not provided the appropriate supporting information to justify the impact not being significant.</p> <p>National Highways are concerned that the predicted medium and long term effects associated with this assessment have been underestimated by the Applicant.</p>	<p>National Highways requests that the Applicant justifies why vehicle users on the A23/M23 with medium to long term cumulative views, and therefore sequential moderate effects, would not result in significant effects as per the DMRB methodology.</p>	<p>Medium</p>
<p>Environmental Statement Chapter 8: Landscape, Townscape and Visual Resources (TR020005/APP/038)</p> <p>Paragraph 8.9.159</p>	<p>The Applicant notes that pedestrians adjacent to the A23 and in proximity to Longbridge Roundabout are predicted to experience a discordant change across the majority of their view, yet the magnitude of impact is predicted to be medium. With reference to the LVIA methodology in Table 8.4.5, this could be classified as a high magnitude.</p> <p>National Highways is concerned that the Applicant is underestimating the magnitude of this impact.</p>	<p>National Highways requests that the Applicant justifies the conclusion of a medium magnitude of impact and provides additional detail to demonstrate why the impact is not higher, given the stated change and proximity to receptors.</p>	<p>Medium</p>

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
Environmental Statement Appendix 8.8.1: Outline Landscape and Ecology Management Plan – Part 1 (TR02005/APP/113)	<p>National Highways notes that, as part of the Applicant's surface access landscape proposals, the Applicant is proposing to provide a series of environmental features such as amenity grassland, meadow grassland, wet grassland, scrub / woodland edge. Intermittent scrub, woodland and hedgerows.</p> <p>National Highways has reviewed the Applicant's material and are not able to confirm, based upon the level of information provided, that the SRN verge design proposals meet the below standards in ensuring that the strategy is feasible for the long term management of the SRN by National Highways maintenance operatives. The Applicant will therefore need to provide further detail to demonstrate to National Highways that all environmental mitigation areas comply with:</p> <ul style="list-style-type: none"> • DMRB LD 117 – Landscape Design • GS 701 – Asset Delivery Asset Maintenance Requirements • GN 801 – Asset Delivery Asset Inspection Requirements 	National Highways requests that the Applicant provide further detail to demonstrate that the SRN verge proposals align to the referenced design criteria and follow National Highways maintenance requirements.	Medium
Environmental Statement Chapter 7: Historic Environment (TR020005/APP/032) Paragraphs 7.9 to 7.13	This chapter fails to use the unique identifiers from the Historic Environment Baseline and therefore it is not clear which heritage assets on Figures 7.6.1 and 7.6.2 are impacted or changed. This prevents proper assessment by National Highways	National Highways requests that a clear heritage asset-by-asset impact assessment needs to be prepared, so that the balancing of harm against public benefit can be assessed in areas that are relevant to the SRN.	High
Environmental Statement Appendix 14.9.4: Road Traffic Noise Modelling (TR020005/APP/174) Table 8.4.1	National Highways has reviewed the appendix to the Noise and Vibration chapter of the Environmental Statement and notes that in Table 8.4.1 surveys were of 10-minute durations. It is National Highway's view that 10-minute survey periods are not sufficient to provide data suitable for validation of the road traffic noise model in the case of the Airport.	National Highways requests that the Applicant justifies what steps have been taken to independently validate the road traffic noise calculations and, if National Highways judge this to be insufficient, then it is requested that longer term monitoring, close to the A23 and M23 where road noise can be said to dominate over aircraft noise, be undertaken.	Medium
Environmental Statement Chapter 9: Ecology and Nature Conservation (TR020005/APP/034) Paragraph 9.15 and 9.9.187	A total of 43 trees within the surface access improvements boundary were identified as having bat roost suitability (9 high and 28 medium). In line with Bat Conservation Trust (BCT) Guidelines, National Highways would normally expect those trees to have been further surveyed and assessed to determine if there are any roosting bats present. This is typically achieved through tree climbing and presence / absence emergence / re-entry surveys.	National Highways requests that the Applicant confirms whether any further surveys have been conducted on those trees having been identified of having bat roost suitability and can the Applicant advise if a letter of no impediment has been obtained for any loss of roost and whether this has been agreed with Natural England.	Medium

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
Environmental Statement Chapter 9: Ecology and Nature Conservation (TR020005/APP/034) Paragraph 9.4.29	The Applicant has undertaken a badger survey of the site area; however, National Highways would expect badger surveys to cover 250m either side of the centreline of the works as in a minimum, in relation to the proposed surface access works in accordance with DMRB LA118 Appendix A.1.1.	National Highways requests that the Applicant should therefore justify the decision that has been made and why the guidance in DMRB LA118 Appendix A.1.1 has not been followed.	Medium
Environmental Statement Chapter 9: Ecology and Nature Conservation (TR020005/APP/034) Paragraph 9.6.115	The Applicant notes that crossing point surveys were conducted at two locations, the River Mole Corridor and Riverside Park based upon radio tracking surveys undertaken in 2019. However, National Highways notes that no such assessment was considered for the South Terminal Junction. National Highways are concerned that the exclusion of the South Terminal Roundabout may result in an underreporting of potential effects.	National Highways queries why the South Terminal Junction, which will elevate the carriageway above existing conditions, was not considered under the same monitoring regime.	Medium
Environmental Statement Chapter 9: Ecology and Nature Conservation TR020005/APP/034 Paragraph 3.13.10	Overall, the Project claims to provide 20% Biodiversity Net Gain (BNG), however given the significant effects of woodland, particularly in association with woodland loss during enabling works for the surface access improvements along the A23, there is a concern that National Highways will fail to meet the requirement to have no net loss on its estate affected by the Applicant's proposals.	National Highways itself has a biodiversity Key Performance Indicator (KPI) to achieve no net loss to the SRN by 2025, and to have a net positive impact on nature in Roads Period 3 and beyond. National Highways considers that land forming part of the SRN can be used and could deliver a route for providing enhancement, which the Applicant should provide in light of the specific policies in the Airports National Policy Statement (ANPS) (paragraph 5.91, 5.96, 5.104) which are important and relevant policies for the Applicant's application. In light of those policies in the ANPS, National Highways therefore requires the Applicant to provide further information to demonstrate that, within the limits of the SRN, that the proposed mitigation conserves and enhances habitats to maximise biodiversity and achieves at least no net loss.	Medium

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
Appendix 9.9.2: Biodiversity Net Gain Statement (TR020005/APP/136) Paragraphs 3.1.5 and 3.1.6	National Highways notes that the baseline habitat score for the area is 332.48 units and baseline watercourse score is reported at 4.20 biodiversity units. However, metric 4.0 was used for the condition assessment of area-based habitats and metric 3.1 was used for the watercourses. National Highways are concerned as to the reasoning behind why the same metric has not been used by the Applicant and furthermore, why ditches have not been considered as part of this assessment.	National Highways requests that the Applicant justifies the use of different metrics for the condition assessment of area-based habitats versus that used for the watercourses.	Medium
Appendix 9.9.2: Biodiversity Net Gain Statement (TR020005/APP/136) Paragraphs 4.5	Woodland losses of -66.54 units are highlighted as a concern for National Highways, as most of these units are roadside and are not sufficiently replaced.	National Highways therefore seeks clarification as to how the Applicant has ensured that no net loss has been achieved on the SRN regarding the surface access works.	Low
Appendix 9.9.2: Biodiversity Net Gain Statement (TR020005/APP/136) Annex 1	All area-based habitats have been assigned by the Applicant of having low strategic significance (SS) without a justification for why. National Highways notes that the Baseline River Units have considered the River Mole and Gatwick Stream to have high SS, therefore there is a potential undervaluation of habitats within the Applicant's assessment for the SRN.	National Highways requests that the Applicant justifies their assessment.	Medium
Appendix 9.9.2: Biodiversity Net Gain Statement (TR020005/APP/136) Annex 3	Chapter 9 and Annex 3 states that habitats will be lost and recreated between 2024 and 2038, with the Applicant's assessment stating that certain areas of the site will be lost and created throughout this period. The Applicant has not utilised the 'delay in starting habitat creation' format to provide clarity to National Highways when this mitigation is proposed to be implemented.	To appropriately report this, the 'delay in starting habitat creation' function should be used to clearly set out when these habitats will be created. National Highways requests that the Applicant addresses this, by means of a table detailing the phasing of habitat lost and created.	Medium

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
<p>Environmental Statement Chapter 19: Agricultural Land Use and Recreation (TR020005/APP/044)</p> <p>Paragraph 19.4.1 and Table 19.13.1</p>	<p>The Applicant notes that the assessment has considered DMRB LA109, Geology and Soils, amongst other guidance documents. However, in Table 19.13.1 a moderate adverse effect has been determined for agricultural land quality (temporary medium term and permanent term) but has nevertheless been considered by the Applicant as 'not significant' since Best and Most Versatile (BMV) land is not affected.</p> <p>National Highways is concerned that the level of justification provided by the Applicant, in accordance with DMRB LA109, is insufficient in order to enable National Highways to make a judgement on whether this effect is significant or not significant.</p>	<p>The Applicant will need to provide further justification to demonstrate to National Highways, why this moderate impact is not considered a significant effect.</p>	<p>Medium</p>
<p>Environmental Statement Appendix 11.9.2: Water Framework Directive Compliance Assessment (TR020005/APP/143)</p> <p>Table 4.3.1</p>	<p>National Highways has reviewed the assessment completed by the Applicant and notes that the assessment does not include the lengths of existing culverts for the subject watercourses.</p>	<p>National Highways therefore requests that the Applicant add length-for-length impacts and mitigation / re-naturalisation assessments to demonstrate the overall benefits more clearly.</p>	<p>Medium</p>
<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment (TR020005/APP/147)</p> <p>Paragraph 5.2.11</p>	<p>This section of the appendix outlines that the calibration of the River Mole fluvial model has been carried out using the 'undefended' scenario. As any defences would normally be present and thus reflected in any observed levels or flows, it is not clear why the Applicant has utilised an undefended scenario for calibration.</p> <p>National Highways understands that the calibration events will have occurred prior to the construction of the Flood Alleviation Scheme, but the undefended scenario described in Annex 5 has many flood storage areas and defences removed.</p>	<p>National Highways therefore requests that the Applicant provides additional detail on this calibration process to provide confidence in the results and the quality of the input data used in the design.</p>	<p>Medium</p>

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment (TR020005/APP/147)</p> <p>Paragraph 6.3.4</p>	<p>National Highways notes that the storage volume of Pond F is proposed to be reduced by the scheme due to widening of Airport Way. The conclusion in this assessment that this does not impact flood risk is based on a 'conceptual model', using conservative assumptions.</p> <p>National Highways questions why the impact on the reduction in volume at Pond F has not been explicitly modelled using one of the InfoWorks Integrated Catchment Models (ICM).</p> <p>The use of a conceptual model, in National Highway's view, could potentially provide an underestimation of the attenuation volume needed to accommodate storm events (including an allowance for climate change) in accordance with the Design Manual for Roads and Bridges.</p>	<p>The Applicant is therefore requested to provide justification for the assessment methodology used relating to the reduction in volume at Pond F.</p>	<p>Medium</p>
<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment (TR020005/APP/147)</p> <p>Paragraphs 7.2.31 and 7.2.32</p>	<p>This section of the flood risk assessment provides peak water levels compared to road levels. However, National Highways notes that the Applicant has not completed any blockage assessments to understand the impact on water levels and by association any SRN assets if a blockage at these structures were to occur.</p> <p>Furthermore, freeboard is stated to be in excess of 400mm, but all of the crossing points are not referred to in this section. It is also National Highways' view that it is not uncommon for the uncertainties in the hydraulic modelling to cause changes in peak water levels of similar orders of magnitude to the reported 400mm freeboard figure (for example headloss assumptions at structures, uncertainties in flow estimates).</p>	<p>National Highways requests that the Applicant justifies the use of 400mm freeboard and complete blockage assessments, to quantify the residual flood risk should a blockage occur at the structures listed in Paragraph 7.2.31.</p>	<p>Medium</p>
<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment (TR020005/APP/147)</p> <p>Annex 2 Figure 10.1.8 and 10.1.9</p>	<p>In Annex 2 Figure 10.1.8 and 10.1.9 provided by Applicant, the figures depict two culverts over watercourses (EX-CU1 and EX-CU2), however no details have been provided by the Applicant in regard to their sizing or whether they have been assessed.</p> <p>It is not clear how these existing culverts have been assessed from a flood risk assessment perspective.</p>	<p>The Applicant is to confirm sizing and provide details of any assessment of the impact on flood risk and freeboard for EX-CU1 and EX-CU2 on Gatwick Spur road.</p>	<p>Medium</p>

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment Annexes 1-2 (TR020005/APP/148)</p> <p>Annex 2 A2.42</p>	<p>Concerning existing culverts EX-CU2 and EX-CU4, the Applicant outlines that these culverts are to be “extended to accommodate proposed road widening at these locations. Further information on the condition and capacity of the existing culverts are to be obtained following completion of the DCO process to inform the detailed design proposals.”</p> <p>National Highways is concerned that the assessment is based on assumptions that have not been validated and may underestimate the flood risk impacts and any subsequent remedial works required.</p>	<p>The Applicant is requested to clarify when these surveys will be conducted and whether there is a risk that the proposed order limits are sufficient to accommodate any mitigation that may be required.</p>	<p>Medium</p>
<p>Environmental Statement Appendix 11.9.3: HEWRAT Water Quality Assessment (TR020005/APP/144)</p> <p>General</p>	<p>In accordance with the HEWRAT guidance, the Applicant’s assessment should consider National Highways’ outfalls beyond the works, which fall within the cumulative assessment ranges of 100m/1km.</p> <p>National Highways concern is that the Applicant has not considered all outfalls that fall within the cumulative assessment ranges of 100m/1km. This is crucial to National Highways, in order to ensure that the SRN is not put in a position as a consequence of the Scheme that thresholds or Environmental Quality Standards (EQS’s) are breached.</p>	<p>The Applicant shall therefore need to consider all National Highways’ outfalls within the cumulative assessment and also if there are discharges within 100m/1km of these on the same reach of a watercourse.</p>	<p>Medium</p>
<p>Environmental Statement Appendix 11.9.3: HEWRAT Water Quality Assessment (TR020005/APP/144)</p> <p>Table 3.4.1</p>	<p>National Highways notes that the spillage risk assessments have been limited to outfalls 0 to 11 but does not consider outfalls 12 and 13.</p>	<p>National Highways requests clarity from the Applicant as to why all outfalls have not had spillage risk assessments completed.</p>	<p>Medium</p>
<p>Environmental Statement Chapter 12: Traffic and Transport (TR02005/APP/037)</p> <p>Section 12.1.3</p>	<p>National Highways notes that Chapter 12 of the Environmental Statement has been undertaken in accordance with the Guidelines for the Institute of Environmental Management and Assessment (IEMA) Guidelines for the Environmental Assessment of Road Traffic 1993. This guidance has subsequently been superseded by the new IEMA guidance document Environmental Assessment of Traffic and Movement which was published in July 2023.</p> <p>National Highways is concerned that the Applicant has not provided any reference to the latest revised guidance in their application and how this may have changed the assessment or conclusions.</p>	<p>National Highways request that the Applicant undertakes a review of Chapter 12 in accordance with the latest IEMA guidance and amend the chapter where necessary.</p>	<p>Medium</p>

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
<p>Environmental Statement Chapter 15: Climate Change (TR020005/APP/040)</p> <p>Table 15.4.1</p>	<p>In Table 15.4.1, issues considered within the assessment, the Applicant has considered the following aspects:</p> <ul style="list-style-type: none"> • Construction Period: Construction and Demolition within Airport Boundary • Construction Period: Delivery of construction and demolition activities within existing airport boundary, including construction of upgraded highway junctions. • Operational Period: Performance of the Project with respect to climate change resilience and adaptation. • Operational Period: Mitigation areas beyond existing airport boundary. <p>National Highways is concerned that the Applicant's assessment does not consider the ongoing impact of maintaining any of the proposed assets.</p>	<p>The Applicant should clarify whether the assessment has considered the ongoing impact of maintaining any proposed assets, as well as the adjacent SRN as a consequence of the increase in vehicle traffic caused by the development.</p>	<p>Medium</p>
<p>Environmental Statement Chapter 15: Climate Change (TR020005/APP/040)</p> <p>Table 15.5.4</p>	<p>The Applicant has applied the methodology of temperature points to inform the Urban Heat Island (UHI) Assessment, however this assessment compares the Scheme to London City Airport which is a significant distance away from the cell grid used for the other two points of comparison.</p>	<p>National Highways proposes that it would be more prudent to include the Crawley datapoints mentioned in the UHI assessment, at the datapoints available. This would enable the Applicant to undertake a comparison against the Crawley data points. Furthermore, the Applicant could build upon this with a comparison of a rural area near London City Airport against London City Airport, where the differences between airport and rural area for the two locations can be compared.</p>	<p>Medium</p>
<p>Environmental Statement Chapter 15: Climate Change (TR020005/APP/040)</p> <p>Table 15.9.1</p>	<p>The Applicant has reviewed Table 15.9.1, which outlines the mitigation, monitoring and enhancement measures for In-combination Climate Change Impacts (ICCI) assessment. National Highways notes that there is little evidence in terms of operation preparedness or embedded mitigation in place which is accounted for in this table.</p>	<p>National Highways requests that the Applicant clarifies the existing plans within the submission or submits additional plans into the examination which look at similar impacts from an operational point of view for National Highways to assess.</p>	<p>Medium</p>

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
Environmental Statement Chapter 16: Greenhouse Gases (TR020005/APP/041) General	<p>National Highways has reviewed both chapters 15 and 16 of the Environmental Statement and notes that the conclusions drawn within the greenhouse gasses assessment and all the emissions categories as being Minor Adverse.</p> <p>It is National Highways' view that the reporting of the Applicant's proposals as Minor Adverse does not align to the decision-making framework that is set by the Government in the National Planning Policy Statement for National Networks (NPSNN).</p>	<p>National Highways requests further detail from the Applicant on the assumptions and calculations for these matters reported in the Environmental Statement.</p> <p>Whilst National Highways notes that the reporting appears to align to the IEMA guidance, National Highways requests clarity on how this Minor Adverse effect align to the Applicant's decision-making framework.</p>	Medium
Environmental Statement Chapter 16: Greenhouse Gases (TR020005/APP/041) LA 114 compliance for changes to traffic flow	<p>For the reporting of carbon and greenhouse gas emissions, the Applicant needs to be clear on whether the proposed changes to traffic flow are sufficient in order to trigger the scoping criteria in LA 114 Climate. If these thresholds outlined in LA 114 are triggered, then National Highways may need to account for operational greenhouse gas emissions as part of its corporate reporting.</p>	<p>National Highways therefore requests clarity from the Applicant on the changes to traffic flows in respect to the criteria set out in LA 114.</p>	Medium
Environmental Statement Chapter 16: Greenhouse Gases (TR020005/APP/041) Paragraph 16.1.2, Table 16.2.1 and 6.4.1	<p>The Applicant summarises the emission sources covered by this chapter and concludes that it will cover the following:</p> <ul style="list-style-type: none"> • Construction • Airport buildings and ground operations • Surface access areas • Air traffic movements <p>However, the assessment fails to consider both long term operation and maintenance.</p>	<p>National Highways requests that the Applicant clarifies whether B2-B5 emissions in accordance with BS EN 17472 have been included in this assessment.</p> <p>Further to the above, the Applicant should also clarify if the assessment has considered modules D emissions in accordance with BS EN 17472 relating to effects beyond the boundary of the Scheme.</p>	Medium

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
Environmental Statement Appendix 16.9.3: Assessment of Surface Access Greenhouse Gases (TR020005/APP/193) Paragraph 3.1.8	National Highways notes that this paragraph indicated that the Transport Decarbonisation Plan (TDP) has been used to represent a realistic worst case. For National Highways schemes, the TDP would typically only be utilised as a sensitivity test. As a consequence, this could lead to the assessment having not taken a realistic worst-case assessment based upon greenhouse gas emissions from road traffic. Furthermore, National Highways queries what emission factor toolkit has been utilised in this assessment, as the use of a higher percentage change in fleet mix could impact the modelling outcomes for air quality as well as greenhouse gas emissions.	National Highways therefore requests that the Applicant provides details of which emissions factor toolkit has been utilised in this assessment and provide additional details to demonstrate how their assessment constitutes a worst-case assessment.	Medium
General Matters	National Highways notes that the surface access works will require extensive utility works, however no details have been provided by the Applicant which outlines when these works could be undertaken.	National Highways requests the Applicant advises when any utility works are proposed to take place. This will enable National Highways to determine when works are likely to commence on the SRN.	High
Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 1 (TR020005/APP/080) Section 7.0	National Highways recognises that, due to the complex works that comprise the surface access works, there will be a need to undertake works during night time closures. However National Highways notes that the Applicant's submission provides insufficient detail on the required closures to enable National Highways to fully understand the impact on the operation of the SRN.	Whilst it is acknowledged that any construction assumptions would be illustrative, a reasonable worst-case scenario should be provided in order to determine there are no severe impacts on the SRN. Where mitigation is shown to be required, this should be secured in a framework, noting that construction methodology may need to be adapted.	High
Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 1 (TR020005/APP/080) Section 7.3	For the proposed North Terminal Roundabout, although construction of some elements are covered in detail and associated phasing schedules / graphic are provided. National Highways notes that there is little detail relating to how the works to the roundabout itself will be undertaken. Roundabouts are considered to be higher risk locations during normal operation, however when roundabouts are then subject to a complicated and multiple phased series of roadworks, these associated risks increase, and the overall capacity reduces.	National Highways requests that the Applicant provides evidence and phasing information that demonstrates that the works to the roundabout can be undertaken safely, with minimal disruption and within the programme timescales allocated for the works.	Medium
Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 1 (TR020005/APP/080) Section 7.3	For the Inter-Terminal Shuttle Viaduct, the proposed Westbound realignment of Airport Way results in the alignment moving closer to the railway viaduct, with a proposed retaining feature to be installed between these two assets. National Highways notes that the proposed phasing plans or associated text in the buildability report does not provide details on how this might be built and maintained.	National Highways requests details of how the proposed retaining wall will interact with the existing structure and its associated foundations and how this may impact both construction and long-term maintenance activities.	Medium

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 1 (TR020005/APP/080) Section 7.3	For the Airport Way Bridge over A23 in the Westbound direction, the Applicant's submission does not provide details relating to the proposed vertical profile, cross section and crossfalls. National Highways therefore does not have sufficient information to demonstrate that these elements meet required standards.	National Highways requests these details to ensure that the proposed works will meet the required standards and can be deemed to not have a negative impact on the existing structure and the cross section of the structural deck.	Medium
Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 1 (TR020005/APP/080) Section 7.3.28	National Highways notes that the construction phasing of the Airport Way Rail Bridge works would require the operation of the carriageway to be reduced to a single lane, which would include peak time operation. However National Highways notes that the Applicant's submission provides insufficient detail on the required traffic management to enable National Highways to fully understand the impact on the operation of the SRN.	Whilst it is acknowledged that any construction assumptions would be illustrative, a reasonable worst-case scenario should be provided in order to determine there are no severe impacts on the SRN. Where mitigation is shown to be required, this should be secured in a framework, noting that construction methodology may need to be adapted.	High
Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 1 (TR020005/APP/080) Section 7.4.50	For the works to widen the M23 above Balcombe Road, National Highways notes that a single-lane contraflow may be necessary to enable the installation of sheet piles. However National Highways notes that the Applicant's submission provides insufficient detail on the required traffic management to enable National Highways to fully understand the impact on the operation of the SRN.	Whilst it is acknowledged that any construction assumptions would be illustrative, a reasonable worst-case scenario should be provided in order to determine there are no severe impacts on the SRN. Where mitigation is shown to be required, this should be secured in a framework, noting that construction methodology may need to be adapted.	High
Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 1 (TR020005/APP/080) Appendix B and C	For the A23 River Mole & Long Bridge works, the Applicant has outlined a series of construction phases that will require complex traffic management. National Highways are concerned that the reduction in capacity during construction will have an adverse impact on both the local road network and SRN.	National Highways requests that the Applicant provides details of any assessments undertaken to confirm that these works and associated traffic restrictions will not result in West bound traffic backing up onto the SRN link to the North Terminal roundabout, resulting in subsequent disruption to the operation of this critical roundabout into Gatwick Airport.	Medium
Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 2 (TR020005/APP/081) Appendix F	For the proposed Airport Way Railway Bridge Works, National Highways notes that Stage two would require lane one of the Westbound carriageway to have a full-closure. During Stages eight and nine, the Westbound edge beam and parapet is proposed to be removed. National Highways are concerned that the reduction in capacity during construction will have an adverse impact on both the local road network and SRN.	National Highways requires that the Applicant demonstrates that the proposed traffic management works will not have an adverse impact on the operation of the SRN and, where a significant impact is anticipated, agree the proposed mitigation actions in combination with National Highways and the affected Local Authorities.	Medium

Principal Areas of Disagreement Summary Statement (PADSS) from National Highways			
Principal Issue in Question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during examination
<p>Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 2 (TR020005/APP/081)</p> <p>Appendix G</p>	<p>For the South Terminal Roundabout Access, vehicle access is required to both the central island and the compound from the roundabout circulatory carriageway.</p> <p>National Highways is concerned that the Applicant has not provided sufficient information to demonstrate how construction vehicle movements associated with the works in the central island and the site compound will safely access the SRN in a controlled manner. National Highways will require these principles to be fully detailed and agreed with National Highways.</p>	<p>National Highways requests that the Applicant provide additional detail regarding construction vehicle movements at the South Terminal Roundabout. This access and egress strategy will need to be agreed with National Highways and the agreed principles incorporated into the Outline Construction Traffic Management Plan (TR020005/APP/085).</p>	<p>Medium</p>
<p>Environmental Statement Appendix 5.3.2: Code of Construction Practice (TR020005/APP/082)</p> <p>Section 6.2</p>	<p>The Applicant commits to establish a Traffic Management Working Group. However, the Applicant does not provide details of how this group would operate or which parties would be involved in this working group.</p>	<p>National Highways requests that this working group also include National Highways, and each affected Local Authority in order to ensure that each party can contribute, and a collective decision can be made to ensure that no part of the SRN or local road network are adversely impacted.</p>	<p>High</p>
<p>Environmental Statement Appendix 5.3.2: Code of Construction Practice (TR020005/APP/082)</p> <p>Annex 1</p>	<p>The Applicant has not provided any specific details or strategy to ensure that the road network remains adequately drained and that the water quality at discharge points is maintained during the execution of the works.</p>	<p>National Highways requests that the Applicant provides further details on how the drainage network will function during this transitional period and how water quality will be maintained and monitored.</p>	<p>Low</p>
<p>Environmental Statement Appendix 5.3.2: Code of Construction Practice (TR020005/APP/082)</p> <p>Annex 3</p>	<p>National Highways notes that there are significant airside works planned to be undertaken concurrently with the surface access works. These activities are likely to introduce significant additional traffic to the SRN at a time when network capacity will be constrained by temporary traffic management and lane closures.</p>	<p>National Highways requests that the Applicant shares their detailed construction phase modelling in order for National Highways to review the implications to the operation of the SRN. This will then enable National Highways, in conjunction with the Applicant, to seek to agree any potential programme changes which could mitigate the impact of construction activities on the SRN.</p>	<p>Medium</p>

**DETAILED NATIONAL HIGHWAYS RESPONSE TO GATWICK AIRPORT
NORTHERN RUNWAY PROJECT DEVELOPMENT CONSENT ORDER
APPLICATION**

**DEVELOPMENT CONSENT ORDER, PLANNING AND PROTECTIVE PROVISION
RELATION MATTERS**

Draft Development Consent Order (TR020005/APP/AS-004)

National Highways has reviewed the dDCO which outlines the powers that the Applicant is seeking to acquire as part of the proposals. National Highways has concluded that the following matters need to be addressed, in order to protect National Highways' position and the long-term operation and maintenance of the SRN.

Part 1 Preliminary – Interpretation

National Highways has been unable to identify an airport boundary plan forming part of the DCO application. There is no reference to such a plan within Schedule 12 – Documents to be certified. National Highways requests that a copy of the airport boundary plan is provided and included within the Application. The definition of airport road refers to roads within the airport and parts of roads included within the airport. While National Highways considers it unlikely that part of the SRN would be within the scope of the airport, a plan should be provided for confirmation and to assist in the interpretation of the DCO.

Article 6 – Limits of Deviation (LoD)

The works specified directly relate to National Highways' land interests. The drafting of this article raises several concerns:

Subparagraph (2) uses the phrase "taken as a whole". This is unclear and gives rise to confusion; it is not clear whether the drafting, for example, permits the limits of Work No. 35 to be used in connection with Works No. 37.

It is not clear why paragraph (2) is not drafted identically to subparagraphs (2)-(5) (i.e., paragraph (2) states that the work "may be situated", in contrast to paragraphs (3) to (5) which all begin with "in constructing."). National Highways would prefer the drafting to be standardised, or have the Applicant explain its distinct drafting approach.

(4) the scope of these LoD appear excessive for highways works. The Applicant is asked to justify these limits of deviation, particularly whether such limits of deviation are compatible with safe and effective highway designs required by the standards contained in the Design Manual for Roads and Bridges (DMRB). For context, the general LoD's applied go beyond what is commonly included for highways works and are considered too broad given that the Scheme will be heavily constrained by existing junctions and structures. National Highways requests that the Applicant either justifies this flexibility or reduces the LoD's accordingly and presents any updates in a table format similar to that utilised as part of the A66 Northern Tran-Pennine Project (**TR010062/APP/REP9-013**). Alternatively, conditions would need to be in place and secured in the DCO whereby utilisation of wider LoD's would require the express consent of National Highways where deviation may impact the SRN.

In subparagraph (4), the Applicant should specifically refer to the requirement they are referencing, rather than cross-referring to all of the requirements in Schedule 2, as it is unclear whether there is any other way to approve a variation to the lateral LoDs. National Highways is reserving its position on this matter, and in the absence of a specific reference may request that the tailpiece is removed, to ensure it maintains control over the SRN.

Article 8 – Consent to transfer benefit of Order

National Highways should receive advanced notice of any transfer of the benefit of the Order over its land or where any interest of National Highways is impacted. This is a reasonable and proportionate amendment which ensures that National Highways remains aware of who retains compulsory acquisition powers over its interests. It would be unreasonable for a third party to gain control over National Highways interests without National Highways prior knowledge.

While National Highways acknowledges that transfers to National Highways should not require Secretary of State (SoS) consent, National Highways finds it odd that powers over certain works can be transferred to “any registered company”. While those works do not specifically relate to National Highways, this is considered to be an excessively wide power.

Article 13 – Stopping up and Schedule 3 (Permanent Stopping up of Highways and Private Means of Access & Provisions of New Highways and Private Means of Access)

Article 13 refers to stopping up, but it specifically relates to permanent stopping up. National Highways requests that the article name is amended for clarity.

Schedule 3 and Rights of way and access plans

The schedules refer to sheets but not the plan names, National Highways requests that the schedules specifically refer to the rights of way and access plans (or other plans as appropriate) to avoid ambiguity.

Article 16 – Access to works

The Applicant, in light of its functions as a commercial entity with no statutory highway's authority powers, should not be able to exercise such powers over highway land without the consent of the street authority. This is in accordance with well precedented drafting, including the Manston Airport Order 2022 which the Applicant refers to in its explanatory memorandum. National Highways requests the insertion of “and with the consent of the relevant highway authority” in article 16(1).

Article 18 – Traffic Regulations

National Highways notes that the notice periods specified in article 18(5) are significantly less than on other schemes, such as the Manston Airport DCO 2022 or the M25 junction 28 DCO 2022. Permanent changes should require 12 weeks' notice in order to provide National Highways and any other traffic authority sufficient time to make the necessary arrangements. National Highways presumes all of these traffic restrictions are permanent, as the corresponding plans do not refer to temporary interference. It is also common for the traffic authority to have 28 days to specify publication requirements in writing for permanent works rather than 7.

The deemed consent provision here (and throughout the dDCO) should be amended so that the 56 days starts to run from receipt of application, rather than “the date on which the application was made”.

Schedule 7 – Land in Which Only New Rights etc. May be acquired

The purposes for which permanent rights can be acquired (set out in Schedule 7) is unclear. Permanent rights should not be obtained for “minor works”, instead the Applicant should set out the specific rights that it is seeking over National Highways interests, or altogether remove references to “minor works” in Schedule 7 insofar as they relate to plots on the SRN.

Article 20 – Construction and Maintenance of local highway works

The Applicant is asked to confirm whether any part of the Strategic Road Network is caught by this article, and if not, whether the basis for that exclusion is that this matter is dealt with under the Protective Provisions included for the benefit of National Highways.

Article 27 – Compulsory acquisition of land

National Highways seeks clarification on article 27(1)(b). It is not clear what ancillary purposes the Applicant seeks to “use” all of the Order land. The relevant compulsory acquisition guidance (Planning Act 2008: procedures for the compulsory acquisition of land (September 2013 Department for Communities and Local Government) makes clear that the Applicant will need to demonstrate that the interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate. Any acquisition of land, including National Highways land, should be limited to the specific purposes set out within the application for development consent. The reference to “use” also suggests that the provision is intended to deal with either temporary possession (in which case article 37 applies) or relates to authorising operation use (in which case article 3 applies). In effect, the Applicant is obviating the need to specify the purposes for which land is proposed to be used through this wide-ranging drafting. National Highways considers that article 27 (1)(b) should be deleted in its entirety. National Highways further notes that the provision does not appear in the Manston Airport Development Consent Order 2023, nor the recent draft Luton Airport Expansion Development Consent Order, which is currently part way through examination.

Article 31 – Time limit for exercise of authority to acquire land compulsorily

10 years is an excessively long period of time for land to be subject to compulsory acquisition powers given the limited scale of the development. Schemes which have obtained periods longer than 5 years are typically those which are significantly more complex and linear (e.g., Hinkley Point C Connection, Thames Tideway).

The Applicant has not provided a reasoned justification in either the statement of reasons or explanatory memorandum for why they specifically need this amount of time. The Applicant has referred to the complex nature and scale of its scheme. Whilst National Highways acknowledges this, there is no specific explanation on why this scheme is different to other schemes. National Highways recommends that this is reduced to 5 years, unless the Applicant is able to provide a reasonable justification.

Article 32 – Private rights of way

The Applicant should set out which, if any, National Highways rights of way it proposes to extinguish and where the justification for this is set out in the application documents. Alternatively, National Highways requests either the insertion of “National Highways” in article 20(5), or the following provision be inserted into its protective provisions:

“The undertaker must, before carrying out any activity authorised by this Order or the taking of possession of any Order land, exercise its powers under article 32(6) to ensure that no private right of way belonging to National Highways is extinguished under subparagraphs (1) to (4) of that article.”

Article 34 – Application of the 1981 Act and modification of the 2017 Regulations

National Highways supports the application of the 1981 Act and modification of the 2017 Regulations and requests that the Applicant amends the explanatory memorandum to note that National Highways requires their use as per para 18(4) of the protective provisions.

Article 37 – Temporary use of land for carrying out the authorised development

National Highways notes that no plots are subject to temporary possession only. The Applicant should justify why it is seeking blanket temporary possession powers and specific acquisition powers only. In accordance with the relevant guidance, National Highways would have expected the Applicant to seek temporary powers to reduce the burden of its land acquisition powers. For example, National Highways queries why highway works within the existing boundaries and where no change is being made to the classification of the highway, are subject to permanent acquisition when they could conceivably be carried out just as efficiently using temporary powers.

Article 45 – Use of Airspace within the Order Land

National Highways queries where in the Application details of airspace acquisition are set out. The Applicant should set out which areas of airspace it requires and whether this power is proposed to be used in connection with the SRN (and if it is not, then the SRN should be so excluded). It is unclear if this is proposed to be a permanent acquisition power (use of “maintenance”) or a temporary power. National Highways also queries the need for this article in light of article 35 (Acquisition of subsoil or airspace only).

Schedule 2, Requirement 6

A provisional certificate is defined in the protective provisions (PP) but not in the main body of the dDCO. National Highways suggests that this is defined in the main body of dDCO or in schedule 2.

The requirement to use reasonable endeavours should be deleted. It is not enough for the Applicant to simply use reasonable endeavours to obtain a certificate, without a requirement to actually obtain the certificate. If works are carried out to the SRN, a certificate must be obtained. In fact, the PP (currently not agreed), para 8 (part 3, Schedule 9) require the Applicant to apply for a certificate. It is unclear why the requirement could seemingly be discharged by only using reasonable endeavours. This is an unreasonable requirement which is inconsistent with the PP and should be amended accordingly, otherwise the SRN could be subject to works that have not been approved by National Highways.

National Highways has updated the PP to ensure that the road cannot be opened without the certificate.

Schedule 2, Requirement 20

As set out further below, the Applicant's approach to securing its proposed Transport Mitigation Fund is unclear. The provision secures the Surface Access Commitments which includes "Commitment 14: Transport Mitigation Fund" but there is no securing mechanism under the DCO or detail regarding what this would comprise of. The Planning Statement suggests that this would further be secured by the Section 106, but again no details are provided, and it is difficult to see how this would secure necessary interventions on the SRN.

The Applicant should clarify the scope of the Transport Mitigation Fund and, seek to implement a Requirement which defines:

- The scope of the Transport Mitigation Fund
- The level of commitment within the Transport Mitigation Fund.
- The relevant criteria which would trigger the activation of the Transport Mitigation Fund which accords with DfT Circular 01/2022 (specifically explaining the relationship between National Highways and developers in respect of development such as this).
- The parties to be consulted during the development of any Transport Mitigation Fund proposals.
- The parties that would act as the approval body for the Transport Mitigation Fund proposals.

Business as Usual Upgrades – New Requirement 24:

The Transport Assessment sets out that the future baseline "also includes improvements planned as part of the Applicants Capital Investment Plan (CIP), intended to address increases in airport-related and background demand that would occur without the Project. These comprise the signalisation of North Terminal and South Terminal roundabouts and associated physical changes to increase capacity." As powers for this work are not being taken in the DCO, they will not be delivered under the terms of the DOC nor is there any certainty of when or how this would be delivered. National highways seeks:

- a) a sensitivity test to show impacts if this was not delivered and / or:
- b) a requirement as set out below.

“24. Gatwick North Terminal and South Terminal Roundabout Signalisation

24. (1) No part of the airport may operate above the passenger capacity permitted at the airport on the date of this Order coming into force, until the North Terminal and South Terminal roundabout signalisation scheme is completed and open for traffic.

(2) In this paragraph, “the North Terminal and South Terminal roundabout signalisation scheme “means the proposed intervention referred to in paragraph 13.2.8 to 13.2.11 of the Transport Assessment and shown diagrams 13.3.1 and 13.3.2 of the Transport Assessment, or any other intervention on those roundabouts agreed with National Highways.

Schedule 9 - Protective Provisions

National Highways has been in receipt of advance copies of the Applicant’s intended protective provisions in order to agree the principles to protect National Highways and the SRN. However, there remain a number of areas below which the Applicant needs to address in order for these matters to be considered resolved in the best interest of both parties:

Paragraph 2 - Interpretation

National Highways disagrees with the current definition of condition surveys within the Protective Provisions drafted by the Applicant.

National Highways is concerned that it does not make clear all aspects which must be covered in the condition survey and excludes a number of assets including drainage, which are critical to the safe operation of the SRN.

National Highways requests that the section relating to conditions survey be updated to include the following:

“condition survey” means a survey of the condition of National Highways’ structures and assets *(including, but not limited to, drainage and cabling) and pavements* within the Order limits that *in the reasonable opinion of National Highways* may be affected by the specified works *and further to include, where the undertaker, following due diligence and assessment, identifies a specified part of the highways drainage system maintained by National Highways that National Highways reasonably considers may be materially and adversely affected by a specified work, a CCTV survey of specified drains;*

Paragraph 5 – Prior approvals and security

Regarding clause 5, subsection (2), National Highways requests that the following articles are also included to the list of elements that the undertaker must not exercise without the consent of National Highways:

Article 32 (Private Rights of Way)

Article 35 (Acquisition of subsoil or airspace only)

Article 36 (Rights under or over streets)

Article 45 (Use of airspace within the Order Land)

National Highways also requests the insertion of “(7) Notwithstanding the limits of deviation permitted pursuant to article [] of this Order, no works in carrying out, maintaining or diverting the authorised development may be carried out under the strategic road network at a distance within 4 metres of the lowest point of the ground unless agreed by National Highways” into this provision. It is imperative that there be no presumption that services required for the wider operation of the SRN are affected.

Paragraph 7 – Payments

For Clause 7 subsection (2), National Highways requests the following amendment to the current Protective Provision wording:

The undertaker must pay to National Highways *promptly, but in any case* within 28 days of demand and prior to such costs being incurred, pay to National Highways the total costs that National Highways believes will be properly and necessarily incurred by National Highways in undertaking any statutory procedure or preparing and bringing into force any traffic regulation order or orders necessary to carry out or for effectively implementing the authorised development.

Within subsection (6), National Highways requests that the following wording is removed:

Within 28 days of the issue of the final account ~~(other than where a genuine dispute is raised as to the account)~~

Paragraph 10 – Final Condition Survey

National Highways requests that the following wording is amended in subsections (3) and (4) in order to protect National Highways’ position in respect to condition survey’s:

If the undertaker fails to carry out the remedial work in accordance with the approved scheme, National Highways may carry out the steps required of the undertaker and may recover any expenditure it *properly reasonably* incurs in so doing.

National Highways may, where agreed with the undertaker, at the same time as giving its approval to the re-surveys pursuant to paragraph 10(1) give notice in writing that National Highways will remedy any damage identified in the re-surveys and National Highways may recover any expenditure it *properly reasonably* incurs in so doing.

Paragraph 11 – Defects Period

National Highways requests that the following section in sub-section (1) is removed from the Applicant’s proposed Protective Provisions:

The undertaker must at its own expense, remedy any defects in the strategic road network resulting from the specified works ~~as are reasonably~~ required by National Highways to be remedied during the defects period. All identified defects must be remedied in accordance with the following timescales.

Paragraph 12 – Final Certificate

National Highways requests the following amendments to subsection (5):

The undertaker must pay to National Highways within 28 days of demand, the costs *properly reasonably* incurred by National Highways in identifying the defects and supervising and inspecting the undertaker’s work, to remedy the defects that it is required to remedy pursuant to these provisions.

Land Plans (TR020005/APP/AS-015)

National Highways has reviewed the Land Plans **(TR020005/APP/AS-015)** and Book of Reference **(TR020005/APP/AS-010)** and notes that the Applicant is wishing to exercise compulsory acquisition powers of the National Highways land and by association the SRN. National Highways considers the breadth of the rights to be acquired under Schedule 7 of the dDCO are currently too wide.

National Highways cannot accept this approach and recommends that the Applicant:

- Revert within the Land Plans any existing land under National Highways ownership, to solely temporary possession in line with the approach that has been undertaken on the London Luton Airport Expansion Scheme that is currently in examination **(TR020001/APP/AS-011)**.
- Seek to agree with National Highways temporary possession of the land required for the construction of the Scheme.

Where, exceptionally, the Applicant requires permanent rights over any existing National Highways land ownership, these are to be identified and communicated to National Highways, with a clear justification provided to demonstrate the need for a permanent right being acquired. This will be considered by National Highways and any concerns will be highlighted to the Examining Authority.

Statement of Reasons (TR020005/APP/AS-008)

Appendix B – Status of Engagement with Statutory Undertakers

National Highways is concerned that, in a few cases, land ownership is not captured correctly within the Applicant documents. National Highways has reviewed the Land Plans, Book of Reference and Statement of Reasons and has identified a number of inconsistencies such as those listed below:

Identifies plot 1/014 as being a National Highways plot. National Highways is not listed in the Book of Reference (BoR) against this plot and Surrey CC are highway authority. Similarly, plot 1/036 is listed against National Highways name in Appendix B but not Appendix A. National Highways is unable to verify if it belongs to National Highways without access to the BoR (see BoR section below).

National Highways recommends that the Applicant carry out a review of the plots referred to in Appendix B and confirm to National Highways that it is accurate. As part of National Highways review of the Land Plans, Book of Reference and Statement of Reasons, National Highways has also identified discrepancies in title ownership, ownership boundaries and third-party rights. National Highways will issue to the Applicant a comprehensive list of these inconsistencies in order for these matters to be addressed in full.

National Highways notes that this is not an exhaustive list of inconsistencies between the Book of Reference and Statement of Reasons. National Highways reserves the right to introduce further representations into the examination.

TRAFFIC MODELLING MATTERS

National Highways considers that robust demand and traffic modelling is essential in order to gauge the predicted usage of the road network and understand the subsequent impacts that the Applicant's proposals will have.

National Highways has collaborated with the Applicant through preliminary design, to understand how the Applicant's development proposals will impact upon the operation of the SRN. However, to date National Highways has not seen conclusive evidence that the Applicant's proposals will not result in a detrimental impact on the safe and effective operation of the wider road network, and a number of matters related to the modelling are yet to be agreed.

National Highways has therefore highlighted the following matters which the Applicant needs to address in order for National Highways to determine the impact of the Scheme and to have confidence that no additional interventions on the Strategic Road Network are necessary in order for the Applicant's proposals to operate safely.

National Highways has outlined the primary list of issues or concerns in the following "key issues" section. Additional targeted matters are subsequently aligned to the relevant Applicant document and the respective paragraph or section for ease of reference.

Key Issues

Future Baseline Model Issues

The future baseline model, which is a principal component necessary for the Applicant to generate the Transport Assessment Report, is considered flawed due to the following factors:

- The future baseline model includes the National Highways Smart Motorway M25 J10-16 scheme. As publicised by the Department for Transport on the 15 April 2023, all new Smart Motorway schemes are to be removed from government road building plans. As a consequence, the future baseline model potentially assumes greater capacity on the Strategic Road Network in the vicinity of Gatwick Airport than would be present in reality. Therefore, National Highways requires, as a minimum, a sensitivity test to be undertaken by the Applicant to test the removal of the M25 J10-16 Smart Motorway scheme.
- The future baseline model assumes that the National Highways Lower Thames Crossing Scheme will be open prior to 2029. However, the National Highways DCO for Lower Thames Crossing identifies the opening year as 2032. Therefore, the opening year for the Applicant's model will be assessed based upon an incorrect vehicle distribution on both the Strategic and Local Road Network. Therefore, National Highways requires, as a minimum, a sensitivity test to be undertaken by the Applicant for Lower Thames Crossing not being available for the opening year.
- National Highways notes that staff travel data used in the production of this report is based upon 2016 data. Whilst the use of such data is not inherently flawed, the Applicant should justify what factors have been taken into account in ensuring that remains an appropriate database to utilise. The Transport Assessment Report outlines that there is an existing ASAS requirement to undertake a staff travel survey in early 2023. However, National Highways notes that this information has not been included in the Applicants submission and it is not clear how it has been included in the scope or reporting within the Transport Assessment. National Highways is concerned that,

without sight of this information, National Highways cannot assess whether the assessment relying on historical data remain an accurate depiction which may undermine the conclusion of the Transport Assessment **(TR020005/APP/258)**. National Highways requests an update on the status of this travel survey. If completed, National Highways requests an update to the report, to outline how the updated survey data impacted any reporting. If the survey has not been completed, National Highways requests that this survey is completed at the earliest opportunity to allow the updated survey data to be reviewed within the timescales of the examination.

In addition to the above issues, National Highways' specialists recognise that the results identify some areas of the network as being close to capacity. As a consequence, National Highways is concerned that the exclusion of the above from the future baseline model will not result in an accurate representation of the future condition of the network.

National Highways requests that the above matters are addressed, and the outputs of this assessment entered into the DCO for consideration.

Sensitivity Testing Issues

National Highways notes that, whilst it is not unusual for scheme forecasts to use input data which can be considered out of date, largely arising due to programme and timescales pressures, the common mitigation for this is to conduct a series of sensitivity tests using the latest input forecast datasets. Whilst National Highways has engaged with the Applicant and has received a series of sensitivity tests through the design development process, it is noted that no evidence has been included by the Applicant into the Transport Assessment Report **(TR020005/APP/258)**.

National Highways has reviewed the information prepared by the Applicant and the forecasts have been prepared utilising the following input data:

- Tempo Version 7.2
- Road Traffic Forecast (RTF) 18 for the Freight Growth Rates
- An uncertainty log where it is unclear to National Highways when this was last updated by the Applicant.

It is essential that sensitivity testing considers both the latest available input data and considers a reasonable worst-case scenario. Sensitivity testing undertaken to date by the Applicant has been conducted into specific case-studies and it is the view of National Highways that a combination of scenarios may adversely impact the overall capacity and performance of the SRN. Therefore, National Highways requests that a cumulative sensitivity test is conducted by the Applicant which includes the following:

- Sensitivity testing for the removal of M25 Junction 10-16 Smart Motorway scheme from the future baseline model.
- Sensitivity testing for the change to the proposed opening date of the Lower Thames Crossing Scheme, which is projected to be 2032, not 2029.
- The Department for Transport TAG Unit M4 Forecasting and Uncertainty May 2023
 - National Highways requests that the Applicant consider Appendix B.3 for the proportionate accounting for COVID-19 in prior calibrated models. Of the approaches to take advised in Unit M4, National Highways recommends that

the Applicant undertakes sensitivity testing utilising Option 3, which is to apply the adjustment globally to model results as a post-model adjustment.

- The latest published forecast datasets, which include, National Trip End Model (NTEM) 8.0 and National Road Traffic Projections (N RTP) 2023.
- Little information is provided by the Applicant to enable National Highways to understand how the proposed surface access works will impact the capacity and operation of M23 Junction 9. National Highways requests that the Applicant undertake sensitivity tests to assess the impacts of the proposals to this junction. National Highways has previously requested maximum queue length profiles (at one to five minute intervals) throughout all modelled periods to be provided on the M23 Southbound off-slip approach to the signals from the VISSIM model. This information has not yet been provided to National Highways for consideration. This sensitivity testing will therefore enable National Highways to determine if further interventions at this Junction are required.

Subject to the results of the above sensitivity test, National Highways may require the Applicant to undertake further assessments.

It is best practice for a Transport Assessment Report to provide in the introductory section, a summary of the assumptions that have been made for the modelling, covering both baseline and project scenarios. National Highways requests that the Applicant provides this in order to ensure that all assumptions made by the Applicant are readily identifiable for assessment.

Transport Assessment (TR020005/APP/258)

Paragraph 7.3.2

In Paragraph 7.3.2, the Applicant provides a summary of commitments as part of the surface access works. The final bullet point refers to a “Transport Mitigation Fund to support additional measures should these be needed as a result of growth related to the Airport.”, which aligns to Commitment 14 in the Surface Access Commitments document **(TR020005/APP/090)**.

Though National Highways welcomes this commitment by the Applicant, there is no further detail provided. The Planning Statement **(TR020005/APP/245)** sets out that “The draft Heads of Terms for the new NRP Section 106 Agreement sets out the planning obligations which are not considered appropriate to be secured as requirements to the DCO, for instance monetary obligations which will either require the Applicant to provide a financial contribution towards the provision of mitigation or to secure the provision of certain services or works”. However, section 106 obligations may not be appropriate to secure interventions on the SRN, and no detailed explanation is provided. Indeed, Table 5.2 of the Planning Statement appears to conflate what will be included in a section 106 Agreement with what is secured under the terms of the DCO: under the “Traffic and Transport” column it states that the fund will be secured under the s106, but the DCO obligations referenced include the “Surface Access Commitments” which are secured under Requirement but also include the Transport Mitigation Fund. This confused approach raises questions about how much reliance should be placed on the commitment.

National Highways further requests that the Applicant considers, in conjunction with National Highways, what process and criteria can be added to this commitment, in order to clearly demonstrate when this fund would be activated. This would be resolved by a Requirement or side Agreement in relation to the impacts on the SRN.

Unlike public sector developments, or proposals put forward by highway authorities, the expansion of the Airport by the Applicant generates new trips as a result of private sector development, and the Applicant cannot rely on the Road Investment Strategies or other Government frameworks for ensuring the wider impact of the road network is managed. The Applicant, unlike National Highways and other local authorities, does not have a pre-existing statutory obligation to manage the wider road network. In this context, National Highways will work with the Applicant to ensure that appropriate measures are put in place. In light of the requirements on the Applicant in that context, further evidence is required to ensure reasonable mitigation is secured.

Furthermore, the surface access commitments focus upon hitting the mode share targets, but if mode share targets not being hit also results in a detrimental impact on the highway network. National Highways is therefore clear that this commitment needs further refinement in order to be acceptable.

Section 13

In Section 13, it is requested that the Applicant also provide queue information, as the speed plots show little information to the reader. It is noted that this information is included in the VISSIM report as an appendix but centralising this information into Section 13 would enable the reader to avoid having to cross reference to complete their assessment of the Applicant's proposals.

Section 14

Key to mode split assumptions for employee trips to Gatwick are the packages of interventions to incentivise the use sustainable travel modes over car travel for staff.

Section 14.5.2 states that the Applicant "is committed to implemented incentives for active travel. The precise nature of those measures will need to be defined in due course and in future ASAS, In consultation with employers and staff."

The Applicant is therefore basing their mode split assumptions on incentivisation measures which have not been defined, agreed or secured. Furthermore, the Applicant does not give clear detail in this section on how active travel assumptions affect forecast work trips to Gatwick.

National Highways requests that the Applicant provides further detail on the possible incentivisation measures and how any active travel assumptions, relate to an increase in non-car work trips to Gatwick.

Section 15

This section of the Applicant's submission deals with the impacts from the construction phase of the highway and runway elements. However, the detail which is provided on highway impacts from the construction phase is sparse.

Whilst Annual Average Daily Traffic (AADT) flow changes have been reported, these are aggregate in nature and peak hour flow changes are considered by National Highways to be more appropriate. There is also no reporting by the Applicant regarding delay or journey time changes, associated with the change in flows due to construction traffic, but also associated with changes to the road layout during the highway works. National Highways requires more

detail on the construction phase traffic flows to enable sufficient understanding of impacts on the highway network and any associated mitigation required.

Section 15.4

In this section, the Applicant presents traffic flow changes as part of the impact of the construction of the northern runway. However, it is difficult to discern what the flow changes are in Figure 15.4.1.

National Highways requests that a revised figure is provided by the Applicant which presents a clearer and more detailed demonstration of the flow changes than that which is currently provided.

Section 15.5

In this section, the Applicant presents traffic flow changes as part of the construction of the surface access works. However, it is difficult to discern what the flow changes are in Figure 15.5.2.

In addition, the Applicant presents traffic flow changes as AADT changes in flow. Peak hour flow changes, particularly for when there is expected to be peak flows in construction worker car trips, would be expected.

National Highways requests that a revised figure is provided by the Applicant which presents a clearer and more detailed demonstration of the flow changes than that which is currently provided. Furthermore, National Highway requests a new figure is provided to present a clearer and more detailed demonstration of the flow changes than that which is shown in Figure 15.5.2.

Paragraph 17.1.30 to 17.1.32 and Paragraph 6.6.6

The Applicant references an M25 South West Quadrant Study being undertaken by National Highways. It is requested that this reference is removed as it is currently not being taken forward by National Highways and will therefore not have a bearing on the Applicant's documentation.

Transport Assessment Report Annex B: Strategic Transport Modelling Report (TR020005/APP/260)

Section 6.8

It is National Highways view that the Applicant must be able to demonstrate that the methodology used to determine the modal splits for the traffic forecasts is reasonable and the splits are achievable.

In Section 6.8, the Applicant describes the issues with the use of the data for the base model. National Highways notes that the rail model has also not been updated using post-Covid rail and passenger data. This could create issues and limitations with the use of the rail data, National Highways therefore requests that the Applicant justifies this approach and considers any corresponding impacts on the traffic forecasts.

Furthermore, National Highways requests that the Applicant confirms whether this approach has been considered as acceptable by other relevant interested parties, notably Network Rail.

Paragraph 7.2.3 and 7.2.4

In paragraph 7.2.3, the Applicant states “However, by 2047, there would be little difference between air passenger demand at Gatwick with or without Heathrow R3.” Also, paragraph 7.2.4 states “In terms of public transport, the network and catchments serving the two airports are different and therefore the cumulative effects of additional runways at Gatwick and Heathrow are unlikely to be significantly different to those modelled for the Project”.

National Highways is concerned that this justification is not supported by any detail to enable National Highways to make an informed assessment. The Applicant is therefore requested to provide additional information to justify this position.

Paragraph 7.3.18

In paragraph 7.3.18, the Applicant states ‘However, an August day is not the busiest in terms of the local road network where traffic volumes can be 1-2% below the annual average condition.’ National Highways notes that, in Figure 31, the information presented demonstrates that weekday arrivals by car are 41% in August and 27% in June.

National Highways therefore requests that the Applicant provides further evidence to clarify why June, as agreed with National Highways, provides the reasonable worst-case scenario for traffic when reporting the associated impacts on the SRN.

Paragraphs 8.3.4, 8.3.5 and 8.3.6

In section 8.3 of this report, the Applicant outlined that “the busiest month for construction vehicle activity is December 2026 with 38,450 construction vehicles for the busiest shift across that month, comprising 16,360 construction workforce or Person Owned Vehicles (POVs) and 22,090 other construction vehicles as a mix of HGVs, LGVs and Livered Vans and a two-shift day”.

National Highways notes that the Applicant has provided no explanation as to how these figures are derived and therefore cannot assess the accuracy of these figures.

National Highways therefore requests that the Applicant provides the justification for how these figures are derived. If these figures are based on an outline construction plan, this should be shared with National Highways.

Table 57

The Applicant makes reference to the M25 Junction 10-16 Smart Motorway scheme, as noted in the opening future baseline model section of this document, this scheme is no longer a committed development. National Highways therefore requests that the Applicant remove this scheme from this list and its future baseline model.

Furthermore, the Applicant makes reference to the Lower Thames Crossing project, the projected opening year in Table 57 needs to be updated to reflect the current project opening year of 2032.

Transport Assessment Report Annex C: VISSIM Forecasting Report (TR020005/APP/261)

Section 5.5

In this section, National Highways notes that the report identifies that there are unreleased vehicles in the future baseline scenarios. National Highways requests that the Applicant justify this point and outline where vehicles are unable to enter the network.

Furthermore, it is noted that the number of unreleased vehicles significantly reduces in the “with project” scenario. However, in 2047 there are still some unreleased vehicles and therefore National Highways requests that the Applicant justify this point and outline where vehicles are unable to enter the network.

Transport Assessment Report Annex E: Highway Junction Review (TR020005/APP/263)

General

National Highways has previously requested that the Applicant provide maximum queue length profiles (at one-to-five-minute intervals) throughout all modelled periods for the M23 Southbound off-slip approach to the signals from the VISSIM model. This information has not been provided by the Applicant in either Annex C or Annex E of the Transport Assessment Report.

Environmental Statement Appendix 5.4.1: Surface Access Commitments (TR020005/APP/090)

General

National Highways was consulted on a range of preliminary design information prior to the DCO application. Of these documents, National Highways reviewed the Surface Access Commitments report (TR020005/APP/090) and has the following concerns:

Section 4

The mode share aspirations used by the Applicant are ambitious and currently the measures do not give National Highways the confidence that these commitments can be achieved.

GAL commits to achieving the following annualised mode shares three years after the opening of the new northern runway and on an on-going basis thereafter:

- **Commitment 1** - A minimum of 55% of air passenger journeys to and from the Airport to be made by public transport.
- **Commitment 2** - A minimum of 55% of airport staff journeys to and from the Airport to be made by public transport, shared travel and active modes.
- **Commitment 3** - A reduction of air passenger drop-off and pick-up car journeys at the Airport to a mode share of no more than 12% of surface access journeys; and
- **Commitment 4** - At least 15% of airport staff journeys originating within 8km of the Airport to be made by active modes.

National Highways has the following concerns that need to be addressed to determine the viability of the Applicant meeting these commitments:

- National Highways notes that these commitments will include the need to provide additional bus/coach services. However, this is not in the Applicant's remit to provide. National Highways therefore requests details of what engagement or agreements have been undertaken to determine the viability of meeting this commitment. This information is necessary for National Highways to understand how likely it is for the Applicant to achieve this commitment and assess the resulting impact on the Strategic Road Network.
- The biggest mode share shift reported by the Applicant is to rail journeys. However, the Applicant only outlines the possible measures that could be implemented to meet this commitment. National Highways requests details as to how these measures could be secured in order to ensure that this commitment can be achieved.
- The Applicant notes that they would only provide reasonable funding for a minimum of five years for any additional services. Therefore, National Highways requests additional detail on any agreements that are in place or alternatively what securities can be established for the continuity of this programme after the five-year commitment ends.
- In line with the comments on the Transport Mitigation Fund, there are no clear indications of steps which would be taken if these targets are not met. The Applicant should explain this, and also consider what demand management measures on airport capacity increases would be implemented if those targets are missed. National Highways considers the commitments in this context are weak as compared to the Luton Airport expansion proposals.

Paragraph 5.2.7

National Highways notes that the Applicant reports that additional parking provision would only be provided where there is demand.

National Highways is concerned that the Applicant has not outlined how this demand would be assessed nor what thresholds would trigger the need for additional parking. Furthermore, the Applicant does not provide details on how any additional parking provisions would be secured.

National Highways asks that the Applicant provides additional information regarding how additional parking needs would be assessed and secured. Additionally, National Highways requests further information on how the Applicant will manage the timing of car park projects to accommodate growth at the airport, while also not providing more spaces than required or displacing car parking to unsafe locations.

HIGHWAY DESIGN MATTERS

National Highways has been involved in pre-application discussions with the Applicant with regards to the surface access works. While comments have been provided to the Applicant on a number of reports, no matters relating to design are formally agreed, and National Highways will strive to work with the Applicant to resolve these matters which are summarised in this section.

General

National Highways considers the proposed declassification of the M23 Spur from Motorway to All-Purpose Trunk Road (APTR) will better reflect the nature and geometric characteristics of the road.

The proposals for the M23 Spur Road also include the provision of a third lane on the Eastbound carriageway (utilising the existing hard shoulder), which is similar to the Westbound carriageway. National Highways requires that the three lanes match the widths of the Westbound carriageway, which will ultimately need to involve the widening of the existing carriageway. This is required in order to ensure that this section of the network operates safely for both road users and maintenance operatives.

Where the Eastbound carriageway meets Junction 9, National Highways has reviewed its records and highlights the presence of a number of existing departures from standards being in effect in this area. Based upon the Applicant's documentation, National Highways is not able to conclude whether these departures from standard remain in the end-state design, are modified but still feature sub-standard components or have been removed as part of the proposals. Any departure from standard needs to be brought to National Highways attention at the earliest opportunity to ensure appropriate mitigation is implemented to ensure the safe operation and maintenance of the SRN. National Highways therefore requests that the Applicant review these existing departures in the context of the proposed surface access works to ensure that these departures are either removed or updated to reflect the proposed works. This is required in order to agree any mitigation works with National Highways to ensure that the proposals are safe for road users and maintenance operatives.

National Highways notes that only minor improvements are proposed at M23 Junction 9 and that no further works are currently proposed. National Highways has not yet seen conclusive evidence (through modelling) that the Applicant's proposals will not have a detrimental impact on the safe and effective operation of the wider SRN. National Highways' concern is that it is currently not able to confirm whether further mitigations beyond the current limits of the proposed highway enhancements are necessary. National Highways requests that the Applicant provide justification, through modelling, for the works at M23 Junction 9.

Environmental Statement Appendix 5.2.2: Operational Lighting Framework (TR020005/APP/077)

General

National Highways requests details of the lighting design on all structures where applicable in order to review and confirm that the proposals meet design standards and meet best practice for long term operation and maintenance.

National Highways requires clarity on the proposed maintenance boundaries between the respective parties, to enable proactive discussions between the Applicant, to continue to ensure that all maintenance interface points are agreed.

Paragraph 3.9.1, 3.9.7 and 3.9.15

National Highways notes that 4,000K colour temperature Light Emitting Diode (LED) is the existing standard and that alternatives may be considered. However, later paragraphs such as 3.9.7 detail the use of 4,000K on crossings to make them distinct from 3,000K surroundings. Subsequent sections within section 3.9 then talk to the subject of colour temperatures of 2,700K and lower.

Paragraph 3.9.15 provides a summary of the LED requirements, however the Applicant does not mention colour temperature despite the detail that has been provided prior.

National Highways therefore seeks clarity from the Applicant regarding the colour temperature of LED's to be applied on the SRN and where this is secured under the terms of the DCO.

Paragraph 5.1.3

National Highways notes that the Applicant outlines that a consultation exercise with existing users 'may be' considered appropriate. It is expected that for a scheme of this nature several public consultations will be undertaken.

National Highways requests that the Applicant implements a working group with both National Highways and the affected Local Authorities. Without such engagement, critical elements of lighting which could be highlighted by the operators of the road network may be omitted or excluded from the operational lighting strategy.

Table A.1.1

In Table A.1.1, the Standard and Guidance Documents does not list BS7671 18th Edition IET Wiring Regulations. Furthermore, National Highways notes that no reference to electrical infrastructure for street lighting is included in this framework document.

National Highways requests that the Applicant ensures BS7671 18th Edition IET Wiring Regulations is referenced, and a specific signpost to where such compliance is secured under the terms of the DCO.

Parameter Plans (TR020005/APP/019)

The Applicant's proposals are to introduce and refine the three-lane entry to the M23 Junction 9 circulatory. However, the proposals do not demonstrate what, or if any, alterations to the circulatory and / or Northbound merge are required. Currently there is a segregated left turn lane into the Northbound merge from the existing Eastbound Spur arrangement, but it is not clear based upon the Applicant's proposals if this is to be retained or altered.

National Highways requests that the Applicant provides further detail for this location and incorporate any of these associated works as a listed works number in the Work Plans **(TR020005/APP/AS-017)** and the dDCO **(TR020005/APP/AS-004)**.

Streets, Rights of Way and Access Plans (TR020005/APP/018)

The Applicant has identified through the use of pink linework that the proposed footway or cycleway improvements are part of the surface access works. However, this detail does not allow National Highways to distinguish between different types of features such as footpaths, shared footway / cycleways or segregated footway / cycleways.

National Highways requests that the Applicant distinguishes clearly on the Streets, Rights of Way and Access Plans, the different types of pedestrian and cyclist routes to be implemented. Cross section or details of the width of each provision is also requested for National Highways to consider the suitability of these provisions in accordance with DMRB CD143 Designing for walking, cycling and horse-riding.

Environmental Statement Appendix 5.3.1: Buildability Report Part B (TR020005/APP/080)

For the Airport Way Eastbound Link from the A23, the Applicant is proposing extensive works to this section of the SRN which looks to originate by the need to include the new footway link below the road along the embankment. Can the Applicant please provide clarity as to whether the sole reason for the change and whether alternative solutions were considered in this area that would not require extensive works to realign the carriageway.

National Highways is concerned of the level of disruption that the works would generate to implement a new footway link in this area and whether any alternative solutions were considered.

The preservation of the carriageway as close as possible to its current alignment would reduce the disturbance to road users during construction and lower the overall material requirements, therefore reducing the carbon impact of the proposed works.

Environmental Statement Appendix 11.9.6: Flood Risk Assessment Annex 2 Surface Water Drainage Strategy (TR020005/APP/148)

General

National Highways notes that the surface water drainage strategy refers to the use of slot drain surface water collection systems. These systems are no longer a preferred method of edge of pavement collection system and the Applicant would need to both evidence what alternatives have been considered and agree each system for use with National Highways.

Where linear slot drain systems are agreed with National Highways, the Applicant will need to ensure that their use conforms to Chapter 9 of DMRB CD524 Edge of Pavement Details.

The Applicant is proposing a series of attenuation ponds and detention basins, the presence of open attenuation ponds risks an increase in migrating birds in the vicinity of the airport which in turns risks an increase in the risk of bird strikes for landing or departing aircraft. The Applicant will need to confirm whether these systems will have a permanent water level and what measures are proposed to minimise the risk of bird strikes to aircraft, given any new open water features proposed for the SRN pose a risk.

National Highways requests that all drainage chambers in running lanes are relocated out of live traffic lanes. Chambers in running lanes present a safety risk to road users and

maintenance operatives and it is National Highways position that all chambers are sited outside of running lanes to ensure the safe operation and maintenance of the SRN. This will ensure the longevity of the drainage assets and enable future maintenance to be more efficient.

National Highways cannot confirm, based upon the details provided in the Applicant's submission that third party connections do not connect into National Highways SRN network. Any third-party connections represent a liability to National Highways which may impact the performance of the SRN network if not properly maintained or design in accordance with National Highways requirements. National Highways mandates that there should be no new third-party connections to the SRN drainage network, and any existing third-party connections should be removed where possible. This will ensure that the risk from any changes to the upstream catchment does not impact the SRN.

Catchment 4

National Highways requests clarification from the Applicant regarding which attenuation or treatment measures are proposed for the runoff from Catchment 4 prior to discharge. Based upon the Applicant's submission, National Highway is not able to assess whether the Applicant's proposals for Catchment 4 accords with National Highways water quality requirements.

National Highways requires any surface access works to mitigate the impact of climate change, ensuring no increase in flood risk as a consequence of changes to the SRN. Furthermore, National Highways has a responsibility to ensure that highway runoff is treated sufficiently prior to discharge. Can the Applicant therefore confirm that the proposals will not increase discharge rates at this location, what measures are in place to attenuate surface water runoff and whether vegetative treatment systems were considered.

Catchments 4 and 5

Can the Applicant confirm that the drainage edge of pavement and conveyance systems in existing highway areas will be designed to DMRB CG501, Design of Highway Drainage Systems, requirements. This will ensure that existing networks are brought in line with the latest allowances for climate change.

Catchment 1

National Highways requests that the Applicant clarifies what, if any, changes to the existing basin serving Catchment 1 is proposed and that the capacity of the existing edge collection and conveyance systems have been assessed to ensure that they confirm to DMRB CG501.

Oversized pipes are not the preferred system to attenuate surface water runoff on National Highways' networks due to the increased maintenance costs and risks. National Highways would like the Applicant to advise if other forms of vegetated treatment systems considered by the Applicant.

Surface Access Highways Plans – General Arrangements (TR020005/APP/020)

National Highways recognises that the Applicant has engaged proactively to address concerns relating to the surface access works to ensure that the operation of the SRN aligns with National Highways requirements. However, the following matters or concerns require further clarification from the Applicant in order to assure National Highways that the network will continue to operate safely for road users.

Airport Way Rail Bridge Parapets

The Applicant proposes to widen the Westbound deck and provide parapets to the latest design requirements of DMRB CD377, Requirements for Road Restraint Systems. However, the Applicant makes no reference to the Eastbound carriageway, although this section of the structure is not physically altered, the nature of the works adjacent and resulting increase in traffic may alter the risk profile. Therefore, can the Applicant please clarify whether the eastbound parapets will be subject to assessment.

Failure to identify this risks the Applicant underestimating the scope of the works and therefore the level of disruption to the SRN.

If no assessment has taken place, National Highways requests that the Applicant implement a Road Restraint Risk Assessment Process (RRRAP) for the Eastbound alignment to assess if the existing parapet and approach road restraint system will meet current standards.

Furthermore, can the Applicant confirm an assessment against DMRB CS461, Assessment and upgrading of in-surface parapets, has been undertaken to confirm the parapet suitability.

Balcombe Road Underbridge

National Highways notes that the mainline and slip road bridges will be sited in close proximity to one another. National Highways is concerned that the proximity of these structures will generate additional maintenance challenges or restrictions. National Highways requests that the Applicant considers maintenance requirements and agree these principles with National Highways, to provide confidence that all activities can be undertaken safely and in accordance with standards.

Environmental Statement Alternative Considered Figures (TR020005/APP/049)

Options N1 to N3

For the South Terminal Roundabout, the Applicant provides a drawing which indicates that alternatives were considered. The current proposal involves reconstruction of a significant length of the SRN with considerable imported fill required for the construction of the embankment and the requirement for three new bridges.

For the grade separation, was an option considered by the Applicant to leave the Spur and Airport Way close to existing levels with the junction cut beneath considered? Such an option could provide a balance to the quantum of imported fill required when considered against the works proposed at the North Terminal Roundabout.

STRUCTURAL DESIGN MATTERS

Structure Section Drawings (TR020005/APP/022)

The proposed surface access works will require amendments to existing highway structures and the construction of new structures, which will need to be operated and maintained post construction by National Highways. Prior to construction, any options and the final design proposals for these structures will need to be agreed with National Highways in accordance with the Protective Provisions.

National Highways has reviewed the structural section drawings and have the following comments:

Drawing 41700-XX-B-LLO-GA-200178 provides a section through the Balcombe Road Underbridge. For the Gatwick Spur Eastbound carriageway Section C - C, this section denotes the presence of the noise barrier but does not indicate there being any structural parapet or edge restraint system on the parapet edge beam. The Applicant is to confirm whether there is edge restraint being provided on this area and, if required, ensure that this drawing is updated.

Drawing 41700-XX-B-LLO-GA-200175 provides a section, however the section does not indicate there being any structural parapet on the north side of the noise barrier. The Applicant is to confirm whether there is edge restraint being provided on this area and, if required, ensure that this drawing is updated.

For all drawings included in this package, National Highways requests that the Applicant incorporate labels or linework which denotes the headroom envelope on the elevation detail.

GEOTECHNICAL DESIGN MATTERS

General

The proposed surface access works will require amendments to existing highway structures and the construction of new structures, which will need to be operated and maintained post construction by National Highways. Prior to construction, any options and the final design proposals for these structures and associated geotechnical works will need to be agreed with National Highways.

With regards to geology and ground condition impacts, a moderate risk of slope instability for an area along the A23 has been identified. This could create a potential safety risk to the SRN and its users. National Highways requests details from the Applicant to be assured that the design has put in place appropriate mitigation, in order to ensure that any issues of slope instability are managed.

National Highways requests that any ground investigation work on, or relating to, the SRN must be planned and executed in accordance with current British Standards and the applicable DMRB and Manual of Contract Documents for Highways Works (MCHW) requirements.

ENVIRONMENTAL DESIGN MATTERS

The reporting of any impacts on the surrounding environment is an important component of the Applicant's DCO submission. National Highways has completed a thorough review of the Applicant's documentation and wish to highlight the following points of concern which National Highways requires further detail in order to understand the holistic impacts to the SRN and National Highways obligations to the environment, landscape, biodiversity climate change and the carbon impacts highways infrastructure.

Environmental Statement Chapter 13: Air Quality (TR020005/APP/038)

General

National Highways has an air quality KPI, agreed with the Department for Transport and based on the Pollution Control Mapping model, to bring links into compliance with legal NO₂ limits in the shortest possible time. There are six compliance links surrounding the proposed site boundary, with one located within the Applicants site. These are located on roads including the A23 (located within the proposed site boundary), A264, A2220, A2004, A2011 and A2219.

All these compliance links were predicted to comply with the set standard (EU Limit Value of 40µg/m³ as an annual mean for NO₂) in 2018 and National Highways is concerned that the Applicant's proposals risk an exceedance being generated in the EU Limit Value. National Highways requires the Applicant to provide evidence that the proposed SRN mitigation scheme will not exacerbate pollutant levels along these links and that the proposed scheme will not lead to an exceedance in the EU Limit Value of 40µg/m³ as an annual mean for NO₂ along these links.

General comment citing example in paragraph 13.10.30.

National Highways has reviewed this document and the locations of highest predicted pollutant concentrations and most significant impacts are not fully clear.

The interpretation of the assessment and results throughout this chapter is not possible with the reader having to undertake their own analysis of the many associated figures and appendices which leads to the risk of inconsistencies in interpretation.

National Highways notes that in Paragraph 13.10.30, the compliance receptor results for the construction traffic assessment year 2024 reports that the project is not predicted to impact compliance with the air quality standards, without any discussion of the predicted concentrations at compliance receptors or the maximum impact location. However, National Highways notes that cross-referencing to Appendix 13.9.1 air quality results tables and Figure P2, there is one compliance receptor with annual mean NO₂ concentrations above the air quality standards the assessment has utilised and multiple receptors with concentrations above the annual mean PM2.5 standard referenced.

National Highways therefore requests that the Applicant should clearly set out within Chapter 13 the predicted pollutant concentrations and maximum impact locations for all receptor types and for all scenarios. This information should also be supported by an explanation of what the origin root cause of these results are (e.g., traffic changes).

Paragraph 13.10.25

In Paragraph 13.10.25, the largest change in all pollutants due to the construction 2024 scenario is predicted to be at R_147 Sutton Common Road, 12km to the north of the M25, which is reported to experience a moderate adverse impact. The assessment states that this is due to traffic model noise with reference to Chapter 12 Traffic and Transport (TR020005/APP/037). National Highways is concerned that anomalous results like the above, demonstrates uncertainty which undermines the validity of the traffic model used for the assessment.

National Highways therefore requests that the Applicant outlines how the largest air quality impact associated with the Scheme, will be at a location that is 12km to the north of the M25 and therefore not in the localised proximity of the Scheme.

Paragraph 13.10.33 And Paragraph 13.10.36

National Highways notes that 139 ecological receptors are identified by the Air Quality Chapter's assessment of the 2024 construction scenario as predicted to experience concentrations above the critical level, with 26 sites where a change of 1% of the lower critical local criterion is predicted.

National Highways requests that the Applicant outlines how many of each ecological site type exceed the above criteria and, of those identified, whether an assessment by ecology specialists considering both construction and operational phases was undertaken to demonstrate that no significant effects were identified.

Furthermore, National Highways requests that the Applicant clarifies whether the outcomes of these additional assessments have been accepted by Natural England.

Environmental Statement Appendix 13.4.1 Air Quality Assessment Methodology (TR020005/APP/158)

Paragraph 4.15

National Highways notes a dispersion site roughness of 0.2m has been used in the air quality dispersion modelling, however there is a limitation associated with this method choice. Sensitive receptor locations associated with National Highways' network may not be suited to a roughness factor of only 0.2 and therefore turbulence on the SRN may be underestimated.

National Highways requests that the Applicant justify the use of the 0.2m site roughness factor and how this can be considered for the SRN as a reasonable worst case for assessing any impacts to air quality.

Paragraph 3.10.11

National Highways notes that speed data in kph is understood to have been used, as opposed to the speed banding approach required by the DMRB LA 105, Air Quality. National Highways requests that the Applicant justifies this approach.

There are likely to be occasions and locations where congestion occurs during construction and therefore elevated pollutant concentrations. The Applicant is requested to provide evidence to ensure that this has been considered as part of the air quality assessment.

Paragraph 3.10.7 to 3.10.13

The Defra Emissions Factors Toolkit (EFT) has been used to derive emission factors. DMRB LA 105 guidance does not appear to have been referenced by the Applicant nor the use of the recommended gap analysis tool for long term trends emission calculation.

National Highways requests that the Applicant provides evidence that local monitoring data has been assessed, to confirm that the direction taken to adopt the approach to future rates of improvement in air quality is appropriate.

Environmental Statement Chapter 8: Landscape, Townscape and Visual Resources (TR020005/APP/038)

General

The Applicant's proposals will result in additional loss of vegetation and related significant effects on the Sussex Border Path, Riverside Garden Park, and residents on Balcombe Road. Therefore, National Highways requests that any planting within the highway boundary will need to offset the adverse impacts arising from the associated surface access works.

Paragraph 8.4.22 to 8.4.24

National Highways has reviewed Chapter 8 of the Environmental Statement and notes that the magnitude of impact and sensitivity are stated as being derived from DMRB methodologies. However, upon review it does not appear that the Applicant's LVIA methodology accords to this DMRB guidance.

The Applicant's assessment methodology is based upon approaching sensitive and susceptibility as the same. This is not in accordance with the Guidelines for Landscape and Visual Impact Assessment (GLVIA3).

National Highways requests that the Applicant separates out the criteria of landscape and visual value, susceptibility and sensitivity in accordance with DMRB and GLVIA3 and the thresholds for significance reviewed and justified, given the current approaches negates significant effects to all but high or very high receptors.

Paragraph 8.4.5

National Highways notes that the Applicant has assessed the magnitude of landscape and visual impacts together. This does not reflect stated industry guidelines and it is important that these criteria are assessed separately to allow National Highways the ability to review and understand the relevant impact to the SRN.

National Highways requests that the criteria for the magnitude of impact should be separated out between landscape and visual change to enable clarity for the reader and to reflect stated industry guidelines which require separate assessments of landscape and visual matters.

Paragraph 8.4.6

The assessment matrix sets out the likely effects based upon receptor sensitivity and the magnitude of impact. National Highways notes that the Applicant's supporting text outlines that only effects of major or substantial are significant. This means that of a total 25 assessment scenario's only 5 (20%) can be significant.

National Highways considers this to be disproportionately low to the scale of the proposed development. In addition, only high or very high sensitivity receptors can experience a significant effect (except for medium receptors experiencing a high impact). National Highways recommends that the Applicant alters the criteria of significant effects to allow for moderate to contribute to the classification of significant. The current assessment approach risks the Applicant not being proportionate in their assessment of potential effects on customers.

Paragraph 8.4.33

National Highways notes that the Applicant established in paragraph 8.4.33 the principle that an accumulation of moderate effects, e.g., as experienced by a visual receptor during a journey may be regarded as a significant cumulative effect when considered in combination. This principle is further reinforced by paragraph 8.4.32's third bullet, which sets out that cumulative moderate effects may increase the overall adverse effect on a receptor. However, National Highways notes that in paragraph 8.11.16, the Applicant states that motorists on the A23/M23 spur would have moderate cumulative effects, but these would not be significant. National Highways notes that this conclusion is contrary to the above principles, and it is National Highways view that the Applicant has not provided the appropriate supporting information to justify the impact not being significant. National Highways are concerned that the predicted medium and long term effects associated with this assessment have been underestimated by the Applicant.

National Highways requests that the Applicant justifies why vehicle users on the A23/M23 with medium to long term cumulative views, and therefore sequential moderate effects, would not result in significant effects as per the DMRB methodology.

Paragraph 8.9.159

The Applicant notes that pedestrians adjacent to the A23 and in proximity to Longbridge Roundabout are predicted to experience a discordant change across the majority of their view, yet the magnitude of impact is predicted to be medium. With reference to the LVIA methodology in Table 8.4.5, this could be classified as a high magnitude. National Highways is concerned that the Applicant is underestimating the magnitude of this impact.

National Highways requests that the Applicant justifies the conclusion of a medium magnitude of impact and provides additional details to demonstrate why the impact is not higher, given the stated change and proximity to receptors.

Environmental Statement Appendix 8.8.1: Outline Landscape and Ecology Management Plan – Part 1 (TR02005/APP/113)

General

National Highways notes that as part of the Applicant's surface access landscape proposals, the Applicant is proposing to provide a series of environmental features such as amenity grassland, meadow grassland, wet grassland, scrub / woodland edge. Intermittent scrub, woodland and hedgerows.

National Highways has reviewed the Applicant's material and are not able to confirm, based upon the level of information provided, that the SRN verge design proposals meet the below standards in ensuring that the strategy is feasible for the long term management of the SRN

by National Highways maintenance operatives. The Applicant will therefore need to provide further detail to demonstrate to National Highways that all environmental mitigation areas comply with:

- DMRB LD 117 – Landscape Design
- GS 701 – Asset Delivery Asset Maintenance Requirements
- GN 801 – Asset Delivery Asset Inspection Requirements

National Highways requests that the Applicant provide further detail to demonstrate that the SRN verge proposals align to the referenced design criteria and follow National Highways maintenance requirements, and where this is secured in the DCO application.

Environmental Statement Chapter 7: Historic Environment (TR020005/APP/032)

Paragraphs 7.9 to 7.13

National Highways has reviewed Chapter 7 of the Environmental Statement and notes that paragraphs 7.9 to 7.13 discuss things using the construction and operational activity and the impacts that these will have on buried archaeological remains, historic buildings and historic landscapes.

However, this chapter fails to use the unique identifiers from the Historic Environment Baseline and therefore, it is not clear which heritage assets on Figures 7.6.1 and 7.6.2 are impacted or changed. This prevents proper assessment by National Highways.

The assessment of impacts and effects on each individual heritage assets (whether designated or non-designated) are not clear in the summary of effects table (Table 7.13.1), with heritage resources being grouped together generally into the 'buried archaeological remains' or 'The Setting of Heritage Assets' at construction locations.

It is therefore National Highways' view that it is not possible from Table 7.13.1 to understand clearly what the adverse impact or change is to the significance of each individual heritage asset, what the proposed mitigation is and what the residual effect will be from the scheme. National Highways requests that a clear heritage asset-by-asset impact assessment needs to be prepared, so that the balancing of harm against public benefit can be assessed in areas that are relevant to the SRN.

Environmental Statement Appendix 14.9.4: Road Traffic Noise Modelling (TR020005/APP/174)

General

The Applicant proposes to introduce noise barriers in order to mitigate any noise impacts. National Highways requests that the Applicant provides further information/details to outline the noise impacts on adjacent sensitive receptors as a result of the proposals, discuss all options to minimise noise as far as reasonably practicable, and specifically mitigate impacts for households within Noise Important Areas (NIAs).

National Highways has advised the Applicant prior to application that there are two NIAs located along the SRN (ID4641 and ID4640) as well as others located along the M23 and A23 that the Applicant will need to consider and provide mitigation against noise impacts if required by assessment.

National Highways and the Applicant have had discussions with regards to other environmental impacts, but at this stage National Highways has not formally agreed whether the environmental impacts on the SRN as a result of these proposals have been adequately assessed or mitigated.

Paragraph 6.3.6

The figure referenced in this chapter of the Appendix is incorrect. It appears they refer to contour plots of absolute road traffic noise levels rather than the change plots suggested by the text.

National Highways therefore requests that Applicant provides clarification or updates the relevant cross references to this section of the report.

Table 8.4.1

National Highways has reviewed the appendix to the Noise and Vibration chapter of the Environmental Statement and notes that in Table 8.4.1 surveys were of 10-minute durations. It is National Highway's view that 10-minute survey periods are not sufficient to provide data suitable for validation of the road traffic noise model and indeed furthermore they do not appear to have been used as such.

National Highways requests that the Applicant justifies what steps have been taken to independently validate the road traffic noise calculations and, if National Highways judge this to be insufficient, then it is requested that longer term monitoring, close to the A23 and M23 where road noise can be said to dominate over aircraft noise, be undertaken.

Environmental Statement Chapter 9: Ecology and Nature Conservation (TR020005/APP/034)

General

Copies of protected species licences need to be provided to National Highways fourteen days prior to undertaking any works impacting on European protected species.

Paragraph 9.15 and 9.9.187

The Applicant notes that preliminary bat roost surveys have been undertaken to consider and identify potential bat roost features (PRF). National Highways requires further detail on the types of survey having been undertaken by the Applicant as a minimum where applicable.

A total of 43 trees within the surface access improvements boundary were identified as having bat roost suitability (9 high and 28 medium). In line with Bat Conservation Trust (BCT) Guidelines, National Highways would expect those trees to have been further surveyed and assessed to determine if there are any roosting bats present. This is typically achieved through tree climbing and presence / absence emergence / re-entry surveys. National Highways requests that the Applicant confirms whether further surveys on those trees having been identified of having bat roost suitability.

Furthermore, where applicable, can the Applicant advise if a letter of no impediment has been obtained for any loss of roost and whether this has been agreed with Natural England. This is important for National Highways to understand that all Natural England's concerns as a statutory body have been addressed.

Paragraph 9.4.29

The Applicant has undertaken a badger survey of the site area; however, National Highways would expect badger surveys to cover 250m either side of the centreline of the works as in a minimum in relation to the proposed surface access works. National Highways requests that the Applicant should therefore justify the decision that has been made and why the guidance in DMRB LA118, Biodiversity Design, Appendix A.1.1 has not been followed.

Paragraph 9.6.115

The Applicant notes that crossing point surveys were conducted at two locations, the River Mole Corridor and Riverside Park based upon radio tracking surveys undertaken in 2019. National Highways requests that the Applicant identifies the relevant figure or appendix where both the radio tracking and crossing point surveys results have been included in the application materials.

However National Highways notes that no such assessment was considered for the South Terminal Roundabout. National Highways is concerned that the exclusion of the South Terminal Roundabout may result in an underreporting of effects.

National Highways queries why the South Terminal Junction, which will elevate the carriageway above existing conditions, was not considered under the same monitoring regime.

Paragraph 3.13.10

Overall, the Project claims to provide 20% Biodiversity Net Gain (BNG), however given the significant effects of woodland, particularly in association with woodland loss during enabling works for the surface access improvements along the A23, there is a concern that National Highways will fail to meet the requirement to have no net loss on its estate affected by the Applicant's proposals.

National Highways itself has a biodiversity Key Performance Indicator (KPI) to achieve no net loss to the SRN by 2025, and to have a net positive impact on nature in Roads Period 3 and beyond. National Highways considers that land forming part of the SRN can be used and could deliver a route for providing enhancement, which the Applicant should provide in light of the specific policies in the Airports National Policy Statement (ANPS) (paragraph 5.91, 5.96, 5.104) which are important and relevant policies for the Applicant's application.

In light of those policies in the ANPS, National Highways therefore requires the Applicant to provide further information to demonstrate that, within the limits of the SRN, that the proposed mitigation conserves and enhances habitats to maximise biodiversity and achieves at least no net loss.

Tables 9.81 and Paragraphs 9.9.53, 9.9.54 and 9.9.93 to 9.9.101

Building on the above summary paragraph, National Highways key concern is in respect to woodland and those areas that are lost due to the proposed surface access works. The Applicant must demonstrate that the loss of woodland when factored alongside the proposed new woodland created within the National Highways ownership boundary sufficiently compensates to achieve no net loss in order to ensure that National Highways continues to align to its biodiversity targets to deliver no net loss across the SRN by 2025.

For Table 9.8.1 the compensation area in relation to highway habitat loss is not clear which habitats and by associated how much is required to achieve no net loss in relation to the SRN.

Paragraph 9.9.87 and 9.9.88

For the matters raised previously in relation to woodland habitat, National Highways also requests clarity on the status of semi-improved grassland, as it is unclear in the Applicant's submission whether no net loss is achieved in relation to the SRN.

Appendix 9.6.2: Ecology Survey Report – Part 1 (TR020005/APP/125)

Paragraph 3.10.2

Building upon the comments raised in Chapter 9 of the Environmental Statement, 32 trees were identified along the A23 from ground assessments as having potential for roosting bats. 27 of these were assessed by the Applicant of having high/moderate potential but no further climbing assessments or emergence re-entry surveys were conducted on them. Can the Applicant please justify why these surveys have not been undertaken to date and the intended timelines for their completion.

Appendix 9.9.2: Biodiversity Net Gain Statement (TR020005/APP/136)

Paragraphs 3.1.5 and 3.1.6

National Highways notes that the baseline habitat score for the area is 332.48 units and baseline watercourse score is reported at 4.20 biodiversity units. However metric 4.0 was used for the condition assessment of area-based habitats and metric 3.1 was used for the watercourses. National Highways seeks clarification why the same metric has not been used by the Applicant and furthermore, why ditches have not been considered as part of this assessment. This is particularly relevant along for assets along the A23 and National Highways would expect ditches to also be included in the watercourse baseline assessment report.

Furthermore, National Highways requests that the Applicant also provides clarity as to why the Gatwick Stream is mentioned within Annex 2 (habitat condition assessment), but the Gatwick Stream is not mentioned within this section of the Biodiversity Net Gain Statement.

Paragraph 4.5

Woodland losses of -66.54 units are highlighted as a concern for National Highways, as most of these units are roadside and are not sufficiently replaced. National Highways therefore seeks clarification as to how the Applicant has ensured that no net loss has been achieved on the SRN in regards to the surface access works.

Annex 1

All area-based habitats have been assigned by the Applicant of having low strategic significance (SS) without justification. It is National Highways opinion that this contravenes guidance and therefore requests that the Applicant justify their assessment. National Highways notes that the Baseline River Units have considered the River Mole and Gatwick Stream to have high SS, therefore there is a potential undervaluation of habitats within the Applicant's assessment for the SRN.

Annex 3

Chapter 9 and Annex 3 states that habitats will be lost and recreated between 2024 and 2038, with the Applicant's assessment stating that certain areas of the site will be lost and created throughout this period. The Applicant has not utilised the 'delay in starting habitat creation' format to provide clarity to National Highways when this mitigation is proposed to be implemented.

To appropriately report this, the 'delay in starting habitat creation' function should be used to clearly set out when these habitats will be created. National Highways requests that the Applicant addresses this, by means of a table detailing the phasing of habitat lost and created.

National Highways considers this to be an omission, as the application of these functions will impact and likely reduce the BNG score, resulting in the Applicant's assessment potentially inflating the valuation of proposed habitats on the SRN. This is an important consideration in the context of the Applicant justifying their BNG score, whilst demonstrating to National Highways that no net loss is achieved on the SRN.

Environmental Statement Chapter 19: Agricultural Land Use and Recreation (TR020005/APP/044)

Paragraph 19.4.1 and Table 19.13.1

Linking to previous comments made in regards to the Environmental Statement, the Applicant notes that the assessment has considered DMRB LA109, Geology and Soils, amongst other guidance documents. However, in Table 19.13.1 a moderate adverse effect has been determined for agricultural land quality (temporary medium term and permanent term) but has nevertheless been considered by the Applicant as 'not significant' since Best and Most Versatile (BMV) land is not affected.

National Highways is concerned that the level of justification provided by the Applicant, in accordance with DMRB LA109, is insufficient in order to enable National Highways to make a judgement on whether this effect is significant or not significant.

It is National Highways' view that this assessment deviates from the guidance within DMRB LA109. The Applicant will need to provide further justification to demonstrate to National Highways, why this moderate impact is not considered a significant effect.

Environmental Statement Appendix 11.9.2: Water Framework Directive Compliance Assessment (TR020005/APP/143)

Table 4.3.1

National Highways has reviewed the assessments completed by the Applicant and notes that the assessment does not include the lengths of existing culverts for the subject watercourses. Including these lengths, and the proportional effects of the required culvert extensions, would clearly demonstrate context and that the culvert impacts exist already. Similarly, reporting the relatively high length of River Mole re-naturalisation in proportion to short culvert extensions would help justify the magnitude of benefits.

National Highways therefore requests that the Applicant adds length-for-length impact and mitigation / re-naturalisation assessments to demonstrate the overall benefits more clearly.

This comment will also need to be reflected in Environmental Statement Appendix 11.9.1: Geomorphology Assessment (TR020005/APP/142).

Environmental Statement Appendix 11.9.6: Flood Risk Assessment (TR020005/APP/147)

Paragraph 5.2.11

This section of the appendix outlines that the calibration of the River Mole fluvial model has been carried out using the 'undefended' scenario. As any defences would normally be present and thus reflected in any observed levels or flows, it is not clear why the Applicant has utilised an undefended scenario for calibration.

National Highways understands that the calibration events will have occurred prior to the construction of the Flood Alleviation Scheme, but the undefended scenario described in Annex 5 has many flood storage areas and defences removed. National Highways therefore requests that the Applicant provides additional detail on this calibration process to provide confidence in the results and the quality of the input data used in the design.

National Highways also notes that the full River Mole model build report has not been made available for review as part of this submission, the Applicant should justify this decision.

Paragraph 6.3.4

National Highways notes that the storage volume of Pond F is proposed to be reduced by the scheme due to the widening of Airport Way. The conclusion in this assessment that this does not impact flood risk is based on a 'conceptual model', using conservative assumptions.

National Highways questions why the impact on the reduction in volume at Pond F has not been explicitly modelled using one of the InfoWorks Integrated Catchment Models (ICM). The use of a conceptual model, in National Highway's view, could potentially provide an underestimation of the attenuation volume needed to accommodate storm events (including an allowance for climate change) in accordance with the Design Manual for Roads and Bridges.

The Applicant is therefore requested to provide justification for the assessment methodology used relating to the reduction in volume at Pond F.

Paragraph 7.2.5

There is no mention in the Applicant's submission of the project encroaching on the tributary of the Burstow Stream, despite this watercourse falling within the DCO boundary and is crossed by M23.

The Applicant is requested to include assessment of impact on flood risk associated with the Tributary of the Burstow Stream, due to its interface with the SRN.

Paragraph 7.2.3

Based upon the information provided by the Applicant, depth difference mapping has not quantified the impact on flood risk on the works to the culverts on the Gatwick Spur trunk road.

The Applicant is requested therefore to quantify the impacts of flood risk on the works to the culverts associated with the M23 Spur Road to ensure that the assessment is comprehensive.

Paragraph 7.2.6

National Highways has observed that Flood Compensation Areas (FCA's), designed to mitigate the increase in fluvial flooding, are shown Environmental Statement Figure 11.6.5 to be partially flooded by surface water. This may have been considered using the Integrated Model, but as a rain-on-mesh approach has not been used it's not clear.

National Highways requests clarity on the assessment approach undertaken by the Applicant, to confirm that all FCA's provide adequate mitigation when considering flooding from overland flow.

Paragraph 7.2.31 and 7.2.32

This section of the flood risk assessment provides peak water levels compared to road levels. However, National Highways notes that the Applicant has not completed any blockage assessments to understand the impact on water levels, and by association any SRN assets, if a blockage at these structures were to occur.

Furthermore, freeboard is stated to be in excess of 400mm, but all of the crossing points are not referred to in this section. It is also National Highways' view that it is not uncommon for the uncertainties in the hydraulic modelling to cause changes in peak water levels of similar orders of magnitude to the reported 400mm freeboard figure (for example headloss assumptions at structures, uncertainties in flow estimates).

National Highways requests that the Applicant justifies the use of 400mm freeboard and complete blockage assessments, to quantify the residual flood risk should a blockage occur at the structures listed in Paragraph 7.2.31.

Annex 2 Figure 10.1.8 and 10.1.9

In Annex 2 Figure 10.1.8 and 10.1.9 provided by the Applicant, the figures depict two culverts over watercourses (EX-CU1 and EX-CU2), however no details have been provided by the Applicant in regards to their sizing or whether they have been assessed as part of the flood risk assessment.

The Applicant is to confirm sizing and provide details of any assessment of the impact on flood risk and freeboard for EX-CU1 and EX-CU2 on Gatwick Spur road.

Annex 5 Paragraph 1.1.5

This paragraph of the flood risk assessment annex documents that the River Mole fluvial model has been produced in partnership with the Environment Agency, but not whether the Environment Agency has formally 'signed-off' the fluvial model.

Furthermore, the Applicant has provided no information in the report on both the source data used in the River Mole fluvial model and whether the River Mole model and hydrology was assessed prior to use on the Scheme. This is typically carried out to determine whether the channel and structure geometry is representative of reality today and subsequently that the model is suitable for the use.

National Highways therefore requests:

- That the Applicant confirm the data of source data used to build the River Model fluvial model
- That the Applicant confirm the fluvial model and hydrology was reviewed prior to use, or if no review was undertaken, provide justification for this decision.
- Clarity from both the Applicant and Environment Agency that the River Mole fluvial model has been agreed and signed off by both parties. If sign off has not been achieved to date, National Highways additionally requests details on the outstanding comments and their respective significance to the Environment Agency.

Environmental Statement Appendix 11.9.6: Flood Risk Assessment Annexes 1-2 (TR020005/APP/148)

Annex 2 A2.42

Concerning existing culverts EX-CU2 and EX-CU4, the Applicant outlines that these culverts are to be “extended to accommodate proposed road widening at these locations. Further information on the condition and capacity of the existing culverts are to be obtained following completion of the DCO process to inform the detailed design proposals”. National Highways is concerned that the assessment is based on assumptions that have not been validated and may underestimate the flood risk impacts and any subsequent remedial works required.

The capacity of these existing culverts has therefore not been assessed by the Applicant and there is potential risk that an opportunity has been missed at this stage to mitigate any material impacts on the risk of flooding to the SRN and surrounding land. The Applicant is requested to clarify when these surveys will be conducted and whether there is a risk that the proposed order limits are sufficient to accommodate any mitigation that may be required.

Environmental Statement Appendix 11.9.3: HEWRAT Water Quality Assessment (TR020005/APP/144)

General

In accordance with the HEWRAT guidance, the Applicant’s assessment should consider National Highways’ outfalls beyond the works which fall within the cumulative assessment ranges of 100m/1km.

National Highways concern is that the Applicant has not considered all outfalls that fall within the cumulative assessment ranges of 100m/1km. This is crucial to National Highways, in order to ensure that the SRN is not put in a position as a consequence of the Scheme that thresholds or Environmental Quality Standards (EQS’s) are breached.

The Applicant shall therefore need to consider all National Highways’ outfalls within the cumulative assessment and also if there are discharges within 100m/1km of these on the same reach of a watercourse.

Table 3.4.1

National Highways notes that the spillage risk assessments have been limited to outfalls 0 to 11 but does not consider outfalls 12 and 13.

National Highways requests clarity from the Applicant as to why all outfalls have not had spillage risk assessments completed.

Outfall 11

National Highways notes that the outfall location appears to be labelled incorrectly. This outfall should read 527546, 142556 in order to align with drainage strategy location. It is requested that the Applicant therefore update this section of the Highways England Water Risk Assessment Tool (HEWRAT) Water Quality Assessment.

Paragraph A1.2 states that a default Q95 and Base Flow Index (BFI) host has been applied to catchment 11 and that it discharges to Whitley Brook. National Highways requests that the Applicant clarify this, as it assumed that this should reference Catchment 14.

Outfall 12

The Applicant's report suggests that no treatment is provided for this outfall, however the Applicant's documentation has presented treatment efficiencies for this catchment. National Highways requests that the Applicant clarifies the status of any treatment devices for this outfall.

For this outfall, can the Applicant clarify whether the highways ditch is proposed to carry some flows from the road, or whether it is required to capture runoff solely from the adjacent field.

For clarity relating to all outfalls, National Highways requests that the Applicant clearly outlines within the appendix which outfalls will require to be surveyed.

Environmental Statement Chapter 12: Traffic and Transport (TR02005/APP/037)

Section 12.1.3

National Highways notes that Chapter 12 of the Environmental Statement has been undertaken in accordance with the Guidelines for the Institute of Environmental Management and Assessment (IEMA) Guidelines for the Environmental Assessment of Road Traffic 1993. This guidance has subsequently been superseded by the new IEMA guidance document Environmental Assessment of Traffic and Movement which was published in July 2023.

National Highways is concerned that the Applicant has not provided any reference to the latest revised guidance in their application and how this may have changed the assessment or conclusions.

Environmental Statement Chapter 15: Climate Change (TR02005/APP/040)

Table 15.4.1

In Table 15.4.1, issues considered within the assessment, the Applicant has considered the following aspects:

- Construction Period: Construction and Demolition within Airport Boundary

- Construction Period: Delivery of construction and demolition activities within existing airport boundary, including construction of upgraded highway junctions.
- Operational Period: Performance of the Project with respect to climate change resilience and adaptation.
- Operational Period: Mitigation areas beyond existing airport boundary

National Highways is concerned that the Applicant's assessment does not consider the ongoing impact of maintaining any of the proposed assets.

The Applicant should clarify whether the above has considered the ongoing impact of maintaining any proposed assets, as well as the adjacent SRN, as a consequence of the increase in vehicle traffic caused by the development.

National Highways requests that the Applicant's submission considers how the proposed development has incorporated the SRN within its Climate Change Risk assessment, due to the associated increase in assets that will require long term maintenance.

Table 15.5.4

The Applicant has applied the methodology of temperature points to inform the Urban Heat Island (UHI) Assessment, however this assessment compares the Scheme to London City Airport which is a significant distance away from the cell grid used for the other two points of comparison.

National Highways proposes that it would be more prudent to include the Crawley datapoints mentioned in the UHI assessment, at the datapoints available. This would enable the Applicant to undertake a comparison against the Crawley data points. Furthermore, the Applicant could build upon this with a comparison of a rural area near London City Airport against London City Airport, where the differences between airport and rural area for the two locations can be compared.

Table 15.9.1

National Highways has reviewed Table 15.9.1, which outlines the mitigation, monitoring and enhancement measures for In-combination Climate Change Impacts (ICCI) assessment. National Highways notes that there is little evidence in terms of operation preparedness or embedded mitigation in place which is accounted for in this table.

National Highways requests that the Applicant clarifies the existing plans within the submission or submits additional plans into the examination which look at similar impacts from an operational point of view for National Highways to assess. Given the surrounding road network is of vital importance to the SRN and Gatwick Airport, National Highways would have expected this to be factored into Table 15.9.1.

Environmental Statement Chapter 16: Greenhouse Gases (TR020005/APP/041)

General

National Highways has reviewed both chapters 15 and 16 of the Environmental Statement and notes that the conclusions drawn within the greenhouse gasses assessment and all the emissions categories as being Minor Adverse. It is National Highways view that the reporting of the Applicant's proposals as Minor Adverse does not align to the decision-making framework that is set by the Government in the National Planning Policy Statement for National Networks (NPSNN). Whilst National Highways notes that the reporting appears to align to the IEMA guidance, National Highways requests clarity on how this Minor Adverse effect align to the Applicant's decision making framework.

In the following sections, National Highways has outlined areas of concern where the Applicant's assessment may have omitted any maintenance related emissions. Any underestimation of the effects of greenhouse gasses are likely to be detrimental to the SRN and National Highways.

National Highways therefore requests further detail from the Applicant on the assumptions and calculations for these matters reported in the Environmental Statement.

LA 114 compliance for changes to traffic flow

For the reporting of carbon and greenhouse gas emissions, the Applicant needs to be clear on whether the proposed changes to traffic flow are sufficient in order to trigger the scoping criteria in LA 114 Climate. If these thresholds outlined in LA 114 are triggered, then National Highways may need to account for operational greenhouse gas emissions as part of its corporate reporting.

National Highways therefore requests clarity from the Applicant on the changes to traffic flows in respect to the criteria set out in LA 114.

Paragraph 16.1.2, Table 16.2.1 and 16.4.1

The Applicant summarises the emission sources covered by this chapter and concludes that it will cover the following:

- Construction
- Airport buildings and ground operations
- Surface access areas
- Air traffic movements

Building upon the representation made in the Climate section of National Highways Relevant Representation, given that this is an expansion which is resulting in new areas being developed by the airport, National Highways would expect that maintenance emissions would be prevalent over its life. National Highways therefore requests that the Applicant clarifies whether B2-B5 emissions in accordance with BS EN 17472 have been included in this assessment.

Further to the above, the Applicant should also clarify if the assessment has considered modules D emissions in accordance with BS EN 17472 relating to effects beyond the boundary of the Scheme.

Environmental Statement Appendix 16.9.3: Assessment of Surface Access Greenhouse Gases (TR020005/APP/193)

Paragraph 3.1.8

National Highways notes that this paragraph indicated that the Transport Decarbonisation Plan (TDP) has been used to represent a realistic worst case. For National Highways schemes, the TDP would typically only be utilised as a sensitivity test. As a consequence, this could lead to the assessment having not taken a realistic worst-case assessment based upon greenhouse gas emissions from road traffic. Furthermore, the Applicant should clarify what EFT has been utilised in this assessment, as the use of a higher percentage change in fleet mix could impact the modelling outcomes for air quality as well as greenhouse gas emissions.

National Highways therefore requests that the Applicant provides details of which EFT has been utilised in this assessment and provide additional details to demonstrate how their assessment constitutes a worst-case assessment.

CONSTRUCTION AND BUILDABILITY MATTERS

National Highways has reviewed the Applicant's buildability and construction phasing related materials and have identified the following matters where further clarity is required by the Applicant to demonstrate that the Scheme will mitigate any impact on the immediate and wider SRN in conjunction with the Local Road Network (LRN). The Applicant will in addition need to ensure that each phase of the construction and the overall designs comply with National Highways DMRB GD904, the use of highest safe speed limits including advance on using 60mph at/through road works, in relation to safety and customer impacts of roadworks.

General Matters

National Highways notes that the surface access works will require extensive utility works, however no details have been provided by the Applicant which outlines how or when these works could be undertaken. National Highways requests the Applicant advises when any utility works are proposed to take place.

National Highways requires further details to determine how any programmed utility works align or interact with the proposed sequence of works to ensure that any traffic management required mitigates any impact to the SRN.

Environmental Statement Appendix 5.3.1: Buildability Report Part A (TR020005/APP/079)

Section 7.6

In section 7.6, the Applicant outlines that Carpark Y is to be used for the processing of hard materials from airside works, but there is no mention as to whether this area is also to be used for the surface access works. Could the Applicant clarify whether the proposed temporary construction compound in the land to the north of the roundabout will have the required space for the processing and storing of all excavated materials.

Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 1 (TR020005/APP/080)

Section 7.0

National Highways recognises that, due to the complex works that comprise the surface access works, there will be a need to undertake works during night time closures. However National Highways notes that the Applicant's submission provides insufficient detail on the required closures to enable National highways to fully understand the impact on the operation of the SRN.

Whilst it is acknowledged that any construction assumptions would be illustrative, a reasonable worst-case scenario should be provided in order to determine there are no severe impacts on the SRN. Where mitigation is shown to be required, this should be secured in a framework, noting that construction methodology may need to be adapted.

Section 7.3

For the proposed North Terminal Roundabout, although construction of some elements is covered in detail and associated phasing schedules / graphic are provided. National Highways notes that there is little detail relating to how the works to the roundabout itself will be undertaken. Roundabouts are considered to be higher risk locations during normal operation, however when roundabouts are then subject to a complicated and multiple phased series of roadworks, these associated risks increase, and the overall capacity reduces. National Highways requests that the Applicant provides evidence and phasing information that demonstrates that the works to the roundabout can be undertaken safely, with minimal disruption and within the programme timescales allocated for the works.

For the Inter-Terminal Shuttle Viaduct, the proposed Westbound realignment of Airport Way results in the alignment moving closer to the railway viaduct, with a proposed retaining feature to be installed between these two assets. National Highways notes that the proposed phasing plans or associated text in the buildability report does not provide details on how this might be built and maintained. National Highways requests details of how the proposed retaining wall will interact with the existing structure and its associated foundations.

For the Airport Way Bridge over A23 in the Westbound direction, the Applicant's submission does not provide details relating to the proposed vertical profile, cross section and cross falls. National Highways therefore does not have sufficient information to demonstrate that these elements meet required standard. National Highways requests these details to ensure that the proposed works will meet the required standards and can be deemed to not have a negative impact on the existing structure and the cross section of the structural deck.

Paragraph 7.3.28

National Highways notes that the construction phasing of the Airport Way Rail Bridge works would require the operation of the carriageway to be reduced to a single lane, which would include peak time operation.

However, National Highways notes that the Applicant's submission provides insufficient detail on the required traffic management to enable National Highways to fully understand the impact on the operations of the SRN.

Whilst it is acknowledged that any construction assumptions would be illustrative, a reasonable worst-case scenario should be provided in order to determine there are no severe impacts on the SRN. Where mitigation is shown to be required, this should be secured in a framework, noting that construction methodology may need to be adapted.

Paragraph 7.4.50

For the works to widen the M23 above Balcombe Road, National Highways notes that a single-lane contraflow may be necessary to enable the installation of sheet piles. However, National Highways notes that the Applicant's submission provides insufficient detail on the required traffic management to enable National Highways to fully understand the impact on the operations of the SRN.

Whilst it is acknowledged that any construction assumptions would be illustrative, a reasonable worst-case scenario should be provided in order to determine there are no severe impacts on the SRN. Where mitigation is shown to be required, this should be secured in a framework, noting that construction methodology may need to be adapted.

Appendix B and C

For the A23 River Mole & Long Bridge works, the Applicant has outlined a series of construction phases that will require complex traffic management. National Highways are concerned that the reduction in capacity during construction will have an adverse impact on both the local road network and SRN.

National Highways requests that the Applicant provides details of any assessments undertaken to confirm that these works and associated traffic restrictions will not result in West bound traffic backing up onto the SRN link to the North Terminal roundabout, resulting in subsequent disruption to the operation of this critical roundabout into Gatwick Airport.

Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 2 (TR020005/APP/081)

Appendix F

For the proposed Airport Way Railway Bridge Works, National Highways notes that Stage two would require lane one of the Westbound carriageway to have a full closure. Could the Applicant please provide indicative details regarding both the duration of this closure and what the anticipated impact of this closure would be during peak time traffic?

Furthermore, during Stages eight and nine, the Westbound edge beam and parapet is proposed to be removed. Could the Applicant clarify how this will be undertaken, the anticipated duration and whether these works would require narrow lanes, lane closures or the full closure of the carriageway to ensure that road users are protected?

National Highways are concerned that the reduction in capacity during construction will have an adverse impact on both the local road network and SRN.

National Highways requires that the Applicant demonstrates that the proposed traffic management works will not have an adverse impact on the operation of the SRN and, where a significant impact is anticipated, agree the proposed mitigation actions in combination with National Highways and the affected Local Authorities.

Appendix G

For the South Terminal Roundabout Access, vehicle access is required to both the central island and the compound from the roundabout circulatory carriageway. National Highways is concerned that the Applicant has not provided sufficient information to demonstrate how construction vehicle movements associated with the works in the central island and the site compound will safely access the SRN in a controlled manner. National Highways will require these principles to be fully detailed and agreed with National Highways.

National Highways requests that the Applicant provide additional detail regarding construction vehicle movements at the South Terminal Roundabout. This access and egress strategy will need to be agreed with National Highways and the agreed principles incorporated into the Outline Construction Traffic Management Plan **(TR020005/APP/085)**.

Environmental Statement Appendix 5.3.2: Code of Construction Practice (TR020005/APP/082)

Section 6.2

In this section, the Applicant commits to establish a Traffic Management Working Group. However, the Applicant does not provide details of how this group would operate or which parties would be involved in this working group. National Highways requests that this working group also include National Highways, and each affected Local Authority in order to ensure that each party can contribute, and a collective decision can be made to ensure that no part of the SRN or local road network are adversely impacted and such that other planned works are coordinated.

Annex 1

In the Water Management Plan which forms Annex 1 of this document, the Applicant has not provided any specific details or strategy to ensure that the road network remains adequately drained and that the water quality at discharge points is maintained during the execution of the works.

Due to the complex traffic management phases of the Scheme, National Highways requests that the Applicant provides further details on how the drainage network will function during this transitional period and how water quality will be maintained and monitored.

Annex 3

National Highways notes that there are significant airside works planned to be undertaken concurrently with the surface access works. These activities are likely to introduce significant additional traffic to the SRN at a time when network capacity will be constrained by temporary traffic management and lane closures. National Highways requests that the Applicant shares their detailed construction phase modelling in order for National Highways to review the implications to the operation of the SRN. This will then enable National Highways, in conjunction with the Applicant, to seek to agree any potential programme changes which could mitigate the impact of construction activities on the SRN.

Although the Outline Construction Traffic Management Plan **(TR020005/APP/085)** references the undertaking of the surface access works programme, it does not adequately cover the



coordination of both programmes of work, or the impact the surface access work restrictions could have on the airside works construction traffic and airport users.

Table of Acronyms

Acronym	Description
AADT	Annual Average Daily Traffic
ANPS	Airports National Policy Statement
ASAS	Airport Surface Access Strategy
BCT	Bat Conservation Trust
BFI	Base Flow Index
BMV	Best and Most Versatile
BoR	Book of Reference
BNG	Biodiversity Net Gain
CIP	Capital Investment Plan
DCO	Development Consent Order
dDCO	draft Development Consent Order
DMRB	Design Manual for Roads and Bridges
EFT	Emissions Factors Toolkit
EQS	Environmental Quality Standard
HEWRAT	Highways England Risk Assessment Tool
ICCI	In-combination Climate Change Impacts
ICM	Integrated Catchment Model
IEMA	Institute of Environmental Management and Assessment
KPI	Key Performance Indicator
LED	Light Emitting Diode
LRN	Local Road Network
LVIA	Landscape and Visual Impact Assessment
NIA	Noise Important Area
NPSNN	National Planning Policy Statement for National Networks
NRTP	National Road Traffic Projections
NTEM	National Trip End Model
PP	Protective Provisions
PRF	Potential bat Roost Feature
RRRAP	Road Restraint Risk Assessment Process
RTF	Road Traffic Forecasts
SRN	Strategic Road Network
SS	Strategic Significance
TAG	Transport Analysis Guidance
TDP	Transport Decarbonisation Plan
UHI	Urban Heat Island
VISSIM	Verkehr In Städten – SIMulationsmodel (modelling software)