

The Planning Inspectorate
 National Infrastructure Applications Team
 Temple Quay House
 Temple Quay
 Bristol
 BS1 6PN

FAO: Kevin Gleeson (Lead Member of the Examining Authority)
 18 December 2023

Dear Mr Gleeson,

Application for a Development Consent Order by Gatwick Airport Limited for the Gatwick Airport Northern Runway Project (Ref. TR020005) – Response to a Procedural Decision made by the Examining Authority under section 89(3) of the Planning Act 2008

We are writing in response to your Procedural Decision letter of 1 December 2023 [\[PD-007\]](#) in which the Examining Authority has requested further information relating to controls over the existing use of the airport. A separate response has been submitted to the Examining Authority, dated 8 December 2023, relating to the other matters set out in PD-007.

Controls over the Existing Use of the Airport

The Examining Authority has requested information on the controls over the existing use of the Airport from the Applicant to further understand the Applicant's approach to securing mitigation as part of the DCO Application. The table sets out the individual requests and the Applicant's response. Where relevant, the Applicant has also included copies of supporting documents.

Item	Request for Information	Applicant's Response
1	Paragraph 5.5.3 of the Planning Statement refers to an existing section 106 agreement which is used to manage and mitigate the operational aspects of the airport and airport related development on the environment. A copy of the legal	Please see Annex A for a copy of the current Section 106 Agreement dated 24 th May 2022 between Gatwick Airport Ltd (the Applicant), Crawley Borough Council (CBC) and West Sussex County Council (WSCC). Agreements have been in place since 2001 and are updated approximately every four to six years. Separately, the Applicant is preparing a legal agreement in relation to the Northern Runway DCO, with the intention of submitting a final, signed version, before the close of the DCO examination.

	agreement is requested.	
2	Details of any existing controls over the number of flights (commercial air transport movements (ATM) or other ATMs) per annum, if not included in the s106 agreement.	<p>There are no existing controls over the number of flights (ATMs) at Gatwick Airport pursuant either to any operative planning permission or the Section 106 Agreement.</p> <p>There are night flight restrictions at Gatwick Airport which are set periodically by Government. Gatwick Airport (along with Heathrow and Stansted) is designated for the purposes of section 78 of the Civil Aviation Act 1982 which allows the Secretary of State to require action to be taken to avoid, limit or mitigate the effect of noise from aircraft. In July 2021, the Department for Transport published its Decision Document (Annex B) in relation to night flight restrictions at Gatwick and set a movement limit which runs to October 2025 and restricts the number of movements at Gatwick to 11,200 in the summer and 3,250 in the winter in the night quota period (23:30 to 06:00).</p>
3	Details of any controls over the total number of passengers (million passengers per annum) if not included in the s106 agreement.	There are no controls over the total number of passengers or equivalent passenger restriction imposed on Gatwick Airport pursuant to either any operative planning permission or the Section 106 Agreement.
4	Details of any restrictions on the hours of operation of the main runway and any defined exceptions beyond these hours.	Gatwick Airport operates on a 24-hour basis. There are no restrictions on the hours of operation on the main runway; however, as noted in the response to Item 2 above, there are night flight restrictions which impose controls on the number of movements during specified periods.
5	Details of any departure and arrival routes for aircraft, including the corridor widths and the height below which such controls operate.	A full description of Gatwick Airport arrivals and departures - including the descriptions of the Noise Preferential Routes is included at Annex C and Annex D respectively. Further information is available via the London Gatwick Noise Information Portal .
6	Any existing air or ground based noise controls and any thresholds for mitigation including noise insulation schemes.	<p>Noise controls for Gatwick Airport are detailed in the UK Aeronautical Information Publication (AIP) (AIS EGKK). The most relevant sections are UK AIP sections:</p> <ul style="list-style-type: none"> • AD2.20 for Airport Regulations; • AD2.21 Noise Abatement Procedures; • AD2.22 Flight Procedures; and

		<ul style="list-style-type: none"> the Noise Preferential Routes (see Item 5 response). <p>These set out the Secretary of State’s powers conferred on him by Section 78 (1) and (12) of the Civil Aviation Act 1982 and in particular the practical aspects of the controls in force.</p> <p>These include controls for both departing and arriving flights. Of particular note are:</p> <ul style="list-style-type: none"> minimum joining points for arrivals 2000ft day (6.1 nautical miles) and 3000ft/10nm night (UK AIP EGKK 2.21); and after take-off a minimum height 1000ft above aerodrome level at 6.5km from start of roll (UK AIP EGKK 2.21). <p>Under the Environmental Noise (England) Regulations 2006, the Applicant is required to provide Strategic Noise Mapping and Noise Action Plans every five years (in 2024, 2029, 2034, etc.) and whenever a major development occurs affecting the existing noise situation.</p> <p>Schedule 4 of the Section 106 Agreement (Annex A) sets out the Applicant’s obligations in respect of minimising noise impacts. Obligation 4.4 sets out measures controlling ground run engine testing.</p> <p>The current Gatwick Noise Insulation Scheme was based on a Leq 16hr 60dB contour forecast in 2014 for growth to 46 million passengers per year, with 15km extensions to cover areas under the extended runway centreline and adjusted to accommodate various residential areas. The details of the scheme are set out on the Gatwick website along with an interactive noise insulation scheme map showing the full extent to which the scheme is applied.</p> <p>Section 3 of ES Appendix 14.9.2 Air Noise Modelling [APP-172] sets out the noise management system and summarises all the Applicant’s current noise controls, for example landing charges by ICAO Chapter 3 margin.</p>
7	Existing engagement mechanisms between Gatwick Airport Limited and local authorities and between Gatwick Airport Limited and the wider community.	<p>There are a wide range of existing engagement mechanisms between the Applicant and Local Authorities, and between the Applicant and the wider communities.</p> <p>The below sections summarise those mechanisms.</p> <p>The Gatwick Airport Consultative Committee (GATCOM) is the principal means of engagement and is constituted to meet the requirements of Section 35 of the Civil Aviation Act 1982 for an airport ‘to provide adequate facilities for consultation with respect to any matter concerning the management or administration of the airport which affects the interests of users of the airport, local authorities and any other organisation representing the interests of persons concerned with the locality in which the airport is situated’.</p> <p>GATCOM meets (in public) on a quarterly basis, has an independent Chair and Secretariat (funded by the Applicant) and also comprises two subgroups - a Steering Group and a Passenger Advisory Group.</p>

		<p>GATCOM consists of 28 appointed representatives from a wide range of interests including local authorities, civil aviation, passenger, business, tourism and community and environmental groups. GAL senior management attend every meeting, provide updates on airport related matters and respond to member questions. Further details on GATCOM can be found on their website https://www.gatcom.org.uk/about-gatcom/</p> <p>Engagement between the Applicant and Local Authorities</p> <p>The existing Section 106 Agreement (Annex A) includes a number of obligations on the Applicant and the local authorities regarding how they engage with each other. These obligations include, among other things, reporting, working together and regular meetings. The regular meetings include:</p> <ul style="list-style-type: none"> • Bi-annual parking meeting: Obligations 10.1 and 11.1 require CBC and WSCC to meet with the Applicant and the Adjoining Authorities¹ twice a year to discuss parking. • Bi-annual CBC/GAL meeting: Obligation 10.2 requires CBC to meet with the Applicant twice a year to provide feedback on issues being raised through the Gatwick Join Local Authorities (JLAs) meeting and Gatwick Officers Group (GOG). • Annual air quality meeting: Obligation 10.6 requires CBC to hold an annual meeting with WSCC, the Adjoining Authorities and the Applicant (required to attend by Obligation 3.2) to discuss air quality. • Bi-annual Reigate and Banstead Borough Council (RBBC)/GAL air quality monitoring meeting: Obligation 3.3 requires the Applicant to arrange a twice-yearly meeting with RBBC to discuss air quality monitoring. <p>Beyond the Section 106 Agreement, the Applicant and the local authorities have established a number of other engagement mechanisms including:</p> <ul style="list-style-type: none"> • Specific engagement on the Northern Runway Project is contained in a Planning Performance Agreement (PPA). There have been two PPAs dated 24th November 2022 and 12th September 2023. Annex E contains a copy of the current PPA dated 12 September 2023). • Gateway Gatwick – meeting with local authority tourism officers from Surrey County Council, East Sussex County Council, West Sussex County Council and Kent County Council to promote tourism initiatives and venues across the region. • Economic Development – quarterly meetings between the Applicant and local authority economic development officers to share insights, discuss priorities and opportunities for joint working.
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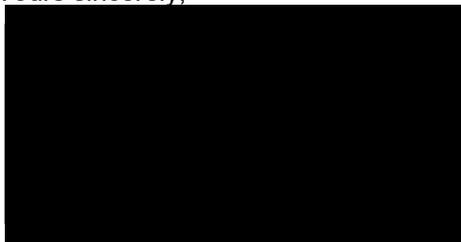
¹ The 'Adjoining Authorities' refers to Surrey County Council, Mole Valley District Council, Reigate and Banstead Borough Council, Tandridge District Council, Horsham District Council, Mid Sussex District Council, and East Sussex County Council.

		<p>Engagement between the Applicant and the wider community (as well as the Local Authorities)</p> <p>The existing Section 106 Agreement includes obligations on the Applicant and the local authorities regarding engagement with the wider community including:</p> <ul style="list-style-type: none"> • The Applicant is required to undertake an annual programme of engagement with local authority members, members of Gatwick Airport Consultative Committee (GATCOM) and other invited guests about noise issues and airspace change at the Airport (Obligation 4.5.1). • As part of the Noise Management Executive Board, an annual Noise (and Airspace) Public Meeting is held as required under Obligation 4.5.2 of the Section 106 Agreement. • Gatwick Area Transport Forum – the Applicant is required to hold an annual event to discuss surface access and transport issues relevant to Gatwick and the wider region, as set out in Obligation 5.1 of the Section 106 Agreement. • Transport Forum Steering Group – the Applicant is required to hold a meeting of a small representative group of the Gatwick Area Transport Forum that meets quarterly to progress topical issues and emerging policies and is consulted on initiatives proposed by the Applicant through the Airport Surface Access Strategy (set out under Obligations 5.1 and 5.3). <p>Beyond the existing Section 106 Agreement, the Applicant has established further mechanisms for engaging with the wider community including:</p> <ul style="list-style-type: none"> • The Noise and Track Monitoring Group (NATMAG) is chaired by the Applicant and made up of officials from the Applicant, the Department for Transport, NATS, air traffic control, airlines, and Local Authorities – with seven seats provided to GATCOM members. The group meets quarterly to monitor and discuss a wide range of issues, including: track keeping performance; continuous descent operations; night engine testing; ground noise; and noise complaints. Copies of NATMAG reports are found at: https://www.gatwickairport.com/company/reports/noise-reports.html • The Gatwick Noise Monitoring Group (GNMG) is a sub-group of NATMAG. It involves members from the Applicant, Environmental Health Officers from the Local Authorities, and the Independent Technical Advisor to GATCOM. They evaluate and discuss the data collected from noise monitors around Gatwick Airport. The group also discusses potential locations for future noise monitors. The group's findings are given to NATMAG for ratification.
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		<ul style="list-style-type: none"> • The Noise Management Board (NMB) connects all stakeholders who manage and mitigate aircraft noise. Board membership comprises representatives from across the aviation industry, the Department for Transport, elected public delegates, and local community noise action groups. The NMB is independently chaired and consists of an: <ul style="list-style-type: none"> ○ Executive Board; ○ Community Forum; and ○ Delivery Group. • The Community Transport Stakeholder Group brings together the Applicant and its immediate neighbours in a collaborative forum to discuss issues relating to local transport and to identify potential solutions for action by the Applicant, the Local Authorities, transport operators and others. • The Economic Summit is an annual event bringing together approximately 200 partners from across the region, including Local Authorities and representatives from across the business/economic community, to discuss the key challenges and opportunities for the local economy. • Discover Gatwick is a regular half day engagement event for community representatives (including parishes and local authorities) to visit the airport, learn more about our business and operations and ask questions/raise issues on behalf of the community.
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The Applicant considers that the responses above address the requests for information in the Procedural Decision issued by the Examining Authority dated 1 December 2023. However, if the Applicant can be of any further assistance or the Examining Authority considers any further clarification is required in response to the information and documentation submitted as part of this response, please do not hesitate to contact the Applicant using the details already provided.

Yours sincerely,



Jonathan Deegan
NRP Programme Lead
Gatwick Airport Limited



LONDON GATWICK

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Enclosed as part of this letter:

- Annex A: Section 106 Agreement between Gatwick Airport Limited, West Sussex County Council and Crawley Borough Council dated 24 May 2022.
- Annex B: Night Flight Restrictions at Heathrow, Gatwick and Stansted – Decision Document, July 2021.
- Annex C: Arrivals Description.
- Annex D: Noise Preferential Routes – Departures.
- Annex E: Planning Performance Agreement dated 12 September 2023.



LONDON GATWICK

POWERED BY VINCI AIRPORTS | GLOBAL INFRASTRUCTURE PARTNERS

Annex A: Section 106 Agreement between Gatwick Airport Limited, West Sussex County Council and Crawley Borough Council dated 24 May 2022

Dated - 24th May 2022

GATWICK AIRPORT LIMITED

and

WEST SUSSEX COUNTY COUNCIL

and

CRAWLEY BOROUGH COUNCIL

Agreement in relation to Gatwick Airport
Under Section 106 of the Town and Country Planning Act
1990 and other powers.

A Kershaw
Director of Law and Assurance
West Sussex County Council

THIS AGREEMENT is made the 24th May 2022

BETWEEN:

- (1) GATWICK AIRPORT LIMITED** whose registered office is at Destinations Place, Gatwick Airport, Crawley, West Sussex, RH6 0NP ("the Company");
- (2) WEST SUSSEX COUNTY COUNCIL** of County Hall, West Street, Chichester, West Sussex, PO19 1RQ ("the County Council"); and
- (3) CRAWLEY BOROUGH COUNCIL** of Town Hall, The Boulevard, Crawley, West Sussex, RH10 1UZ ("the Borough Council").

RECITALS:

- A. The Company operates the Airport and is the freehold owner of the Land.
- B. The County Council is: the Highway Authority within the meaning of Section 1(2) of the Highways Act 1980 for the area in which the Land is situated; a Local Planning Authority within the meaning of Section 1 of the Act; a local authority for the purposes of Section 111 of the Local Government Act 1972; and a local authority for the purposes of Section 1 of the Localism Act 2011.
- C. The Borough Council: is the Local Planning Authority for the area in which the Land is situated; is a Local Planning Authority within the meaning of Section 1 of the Act; is a local authority for the purposes of Section 111 of the Local Government Act 1972; is a local authority for the purposes of Section 1 of the Localism Act 2011; and has planning and other policies that relate to the Land and its use as an airport.
- D. On 30 April 2019, the parties hereto entered into an agreement (the '2019 Agreement') that contained various obligations on the parties. The 2019 Agreement expired on 31 December 2021 and the parties have agreed to enter into this Agreement to update but otherwise to continue the arrangements set out in the 2019 Agreement until 31 December 2024 or until a new agreement involving the parties comes into effect (whichever is the sooner).
- E. On 12 January 2009, a Memorandum of Understanding (the '2009 MoU') was entered into between the County Council, the Borough Council, and the Adjoining Authorities. To ensure that the interests of the Adjoining Authorities continue to be taken fully into account, it is intended that a new Memorandum of Understanding in substantially the same form will be entered into to replace the 2009 MoU.
- F. The parties hereto are agreed that there are three Principal Objectives that drive the terms of this Agreement, which are:
 - the desire to see the Airport continue to grow by making best use of its existing one runway, two terminal configuration; it being acknowledged that the Company has announced its intention to seek a Development Consent Order to bring the existing northern runway

into routine use alongside the main runway.

- the need to ensure that as the Airport grows, measures are in place to minimise, so far as possible, its short and longer-term environmental impacts; and
- the importance of maintaining and enhancing the ways in which the parties to this Agreement share information and work together and with other stakeholders to bring significant benefits to the Airport and the communities it serves and affects.

1. DEFINITIONS and INTERPRETATION

1.1 In this Agreement, the following expressions (arranged in alphabetical order) shall, unless the context otherwise requires, have the following meaning:

"Act" means the Town and Country Planning Act 1990 as amended.

"Adjoining Authorities" means the following Local Authorities:

- (a) SURREY COUNTY COUNCIL of County Hall, Kingston upon Thames, Surrey, KT1 2DY ("Surrey").
- (b) MOLE VALLEY DISTRICT COUNCIL of Pippbrook, Dorking, Surrey, RH4 1SJ ("Mole Valley").
- (c) REIGATE & BANSTEAD BOROUGH COUNCIL of Town Hall, Reigate, Surrey, RH2 0SH ("Reigate & Banstead").
- (d) TANDRIDGE DISTRICT COUNCIL of Council Offices, Station Road, East Oxted, Surrey, RH8 0BT ("Tandridge").
- (e) HORSHAM DISTRICT COUNCIL of Parkside, Chart Way, Horsham, West Sussex, RH12 1RL ("Horsham").
- (f) MID SUSSEX DISTRICT COUNCIL of Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS ("Mid Sussex").
- (g) EAST SUSSEX COUNTY COUNCIL of Pelham House, St Andrews Lane, Lewes, East Sussex, BN7 1UN ("East Sussex").

"Action Plans" means those plans produced as amended and extended from time to time by the Company pursuant to this Agreement and containing Commitments that will be nominated by the Company following consultation with the Councils.

"ANS" means Air Navigation Solution Limited, (the Airport's control tower operator) and any replacement supplier of such services.

"Air Noise" means noise attributable to aircraft in flight to and from the Airport including that occurring on the runway during their landing and take-off.

"Aircraft Stand" means an area on-Airport provided for the stationing of aircraft, for the embarkation and disembarkation of passengers, the loading and unloading of cargo, and for parking which, for the avoidance of doubt,

(i) does not preclude the simultaneous use of a large ("MARS") Aircraft Stand by two aircraft of smaller size than the large aircraft types for which the Aircraft Stand is principally configured and (ii) does not include apron areas leased to airlines or located within maintenance zones.

"Airport" means that Land defined in Schedule 1 hereto.

"Airport Surface Access Strategy" means the Airport Surface Access Strategy dated May 2018 as may be updated from time to time.

"Auxiliary Power Unit" means an auxiliary engine on an aircraft used to provide electrical energy to the aircraft whilst the aircraft is on stand (used for air-conditioning the aircraft while on stand for supplying electrical power and other aircraft services and for engine start-up).

"Borough Council's Obligations" means those Obligations named as such in Schedule 10.

"Bus Operator" means an individual or undertaking providing stage express or contract road passenger carriage services as defined in the Public Passenger Vehicles Act 1981 and the Transport Act 1985.

"Commitments" means those additional assurances, supplementing its Obligations in Schedules 2-9 inclusive hereto, that the Company will specify within the Action Plans.

"Community Trust" means the Trust to be supported in accordance with Schedule 7 hereto.

"Company's Car Parking Strategy" means the car parking strategy published by the Company from time to time following consultation with the Councils.

"Company's Objective/s" means those Objectives named as such in Part 1 of Schedules 2-9 inclusive, which set the context for the Company's Obligations which appear in Part 2 of the Schedules.

"Company's Obligation/s" means those Obligations named as such in Part 2 of Schedules 2-9 inclusive.

"Councils" means the County Council and the Borough Council acting together.

"County Council's Obligations" means those Obligations named as such in Schedule 11.

"Development" shall have the meaning ascribed to it in Section 55 of the Act.

"Development Consent Order" is the means of obtaining permission under the Planning Act 2008 for developments categorised as Nationally

Significant Infrastructure Projects (NSIP). This includes energy, transport, water and waste projects. A single DCO is required for a NSIP rather than other consents, such as planning permission, listed building consent and compulsory purchase orders. A DCO application is determined by the relevant Secretary of State, rather than by the relevant planning authority.

"Development Plan" shall have the meaning ascribed to it by Section 38 of the Planning and Compulsory Purchase Act 2004.

"Engine Testing" means the testing of an aircraft engine at any power above ground idle.

"Environmental Consultant" means an independent environmental consultant or consultants appointed jointly by the Company, the County Council, and the Borough Council.

"Fastway" means the branded, dedicated bus service currently operating in the Crawley/Gatwick/Horley area including segregation from other road traffic with sections of bus priority and guided trackway.

"Fixed Electrical Ground Power" means a system by which electrical power is provided to an aircraft whilst the aircraft is on stand to be distinguished from Auxiliary Power Units and Ground Power Units.

"Fixed Noise Monitoring Locations" means those locations currently defined in the Civil Aviation Authority Document UK AIP (24/05/2018) EGKK AD 2.21 NOISE ABATEMENT PROCEDURES. The OS co-ordinates currently being TQ2227 3923; TQ2166 3878; TQ2170 3939; TQ3180 4140; TQ3176 417 or as may be amended.

"Flight Operations Performance and Safety Committee" means the Committee established by the Company with Gatwick airlines, ANS, NATS, Civil Aviation Authority, and the Department of Transport to ensure the development of best practice in flight operations by all airlines using the Airport in order to minimise the effect on the local community and maximise efficient operations whilst ensuring that safety continues to be given the highest priority at all times.

"Gatwick Area Transport Forum" means a forum of airport and local interests set up under the Transport Act 2000 and Government guidelines to draw up targets for decreasing the proportion of private car journeys to the airport, to devise a strategy to achieve the targets, and to oversee its implementation.

"Gatwick Diamond" means the economic sub-region around the Airport.

"Gatwick Greenspace Partnership" means the Sussex Wildlife Trust's Living Landscape project that works across 200 square kilometres of countryside between Horsham, Crawley, Horley, Reigate, and Dorking.

"Ground Noise" means noise generated by operations at the Airport (other

than by aircraft in flight taking-off or landing but including Ground Noise Caused by Aircraft Operations).

"Ground Power Unit" means mobile equipment used to provide electrical power to aircraft on stand.

"Highway Authority" means a highway authority as defined in Section 1 of the Highways Act 1980.

"Land" means that land described in Schedule 1 hereto.

"Local Authority" means a Local Authority as defined in Section 1 of the Act and Section 1 of the Local Government Act 2000.

"Master Plan" means the Airport Master Plan published by the Company from time to time with the objective of guiding the future commercial development of the Airport following the Aviation White Paper published in December 2003.

"NATS" means NATS Holdings Ltd that comprises of NATS En-Route PLC (NERL) that operates civilian en-route air traffic over the UK and NATS Services Ltd (NSL) that competes for contracts to provide air traffic control services at airports.

"Network Rail" means the company currently owning the railway station serving the Airport.

"Noise Supplements" means supplements to the charges normally paid by aircraft operators for the landing taking-off and parking of aircraft to which operators may be subject in respect of aircraft departures that infringe noise thresholds promulgated in the UK AIP and measured by the airport noise and track keeping system.

"Obligations" those various matters described as such in Part 2 to Schedules 2-9 inclusive hereto and in Schedules 10 and 11 hereto.

"Off-Airport Parking" means parking provided primarily for airport users other than on the Airport.

"Plan 1" means the plan attached hereto and referred to in Schedule 1.

"Povey Cross" means the point at which road access to the Airport is gained from Povey Cross Bridge.

"Sites RG1, RG2, and RG3" are the identities given to three permanent air quality monitoring sites, the first two in the Horley Gardens Estate and the third to the south of the Airport.

"South Terminal" means the terminal designated as such by the Company at the Airport.

"Staff" means persons whose employment is based at the Airport.

"Staff Car Park Pass Holder" means a person authorised to use one or more of the staff car parks at the Airport for their personal use when required to be at the Airport on duty at or from the Airport and at no other time.

"Supplementary Planning Document" means a document that add further detail to the policies in a Local Plan. It can be used to provide further guidance for development on a specific site, or on a particular issue, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

"Transport Forum Steering Group" means a small representative group of the Gatwick Area Transport Forum that meets quarterly to progress topical issues and emerging policy.

Reference to any Act includes a reference to any Act for the time being in force amending or replacing the same; and

Reference to the Company shall include reference to its successors in title and reference to the County Council and the Borough Council shall include their respective successors to their statutory duties and powers.

- 1.2 If any of the definitions of the words and phrases in Clause 1.1 above is rendered obsolete prior to the determination of this Agreement, replacement definitions may be substituted by agreement between the parties evidenced in writing and signed by the Company, the County Council, and the Borough Council and, in that event, a copy thereof shall be placed with the Agreement and shall be recorded by the Borough Council in the Land Charges register.
- 1.3 References herein to the singular include the plural and vice versa.
- 1.4 The headings in this Agreement are for convenience only and shall not be taken into account in the construction and/or the interpretation of this Agreement

2. DECLARATION

- 2.1 For the avoidance of doubt, nothing contained in this Agreement shall remove or limit any legal requirement for the Company to obtain planning permission or any other necessary consents or approvals for any development proposed on the Land or in connection with the Airport AND nor shall it fetter the exercise by any Local Authority of its discretion in relation to any matter relating to the Land or the Airport.
- 2.2 The parties hereto hereby agree and declare that with effect from the commencement of this Agreement, the 2019 Agreement shall determine and shall cease to have any force and effect SAVE as to any antecedent breach thereof.

3. OPERATIVE PROVISIONS

- 3.1 This Deed is made pursuant to Section 106 of the Act, Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011 and any obligations contained herein falling within the provisions of Section 106 of the Act are planning obligations for the purposes of that section.
- 3.2 This Agreement is enforceable by both the Borough Council and the County Council as local planning authorities for the area in which the Land is situated.
- 3.3 The Company shall not be liable for breach of any Obligation provision requirement condition or other burden (hereinafter collectively referred to as 'the Obligations') contained in this Agreement after it shall have parted with any interest in the Land or the part in respect of which such breach occurs but without prejudice to liability for any subsisting breach prior to parting with such interest.
- 3.4 Recognising the enforceability of the Obligations (or any of them) against a person deriving title from the Company, the Company shall, prior to the sale of the Company, the Airport or any part thereof, ensure that the purchaser of such interest is notified in writing of the existence and content of this Agreement.
- 3.5 Obligations contained in this Agreement shall commence on the date of this Agreement and end on 31 December 2024 and no party to this Agreement shall be bound by any Obligation contained herein after that date unless:
- (i) if earlier, three months has expired from the date on which the Company serves written notice on the Borough Council and the County Council (or if the Borough Council and the County Council are served such notice on different dates the expiry of three months from the later of the two dates) stating that in the Company's opinion the Borough Council and/ or (as appropriate) the County Council (as appropriate) have/has adopted any policy (or policies) in a Development Plan or in further Supplementary Planning Documents that affects (or affect), either directly or indirectly, the potential for the number of passengers using the Airport to continue to grow (based on a single runway), and which is (or are) materially different in form and/or effect to those contained in the current Development Plan and Supplementary Planning Document and that any such policy (or policies) has (or have) not been adopted to accord with the requirements of Government regulations and/or Policy and/or EU Directives; Save that the parties to this Agreement shall not be discharged by reason of the operation of this sub-clause if before the expiry of the above three month period the Borough Council and/or the County Council shall serve a written counter-notice on the Company stating that in its opinion no such policy (or policies) has (or have) been adopted or that any such policy (or policies) as has (or have) been adopted accord with Government regulations and/ or Policy and/ or EU Directives whereupon the matter may be referred to arbitration in accordance with the provisions of

Clause 5.2, 5.3, 5.4 and 5.5; or

(ii) if earlier, an agreement is entered into involving the parties hereto in substitution for this Agreement.

3.6 Not later than 31 December 2023, the parties hereto shall, in good faith, commence a process of negotiation with the aim of extending the life of this Agreement beyond 31 December 2024 for a fixed period to be agreed or until such time that a new agreement relating to the matters contained in this Agreement involving the parties comes into force.

3.7 This Agreement is a land charge and shall be registered by the Borough Council as such.

4. COVENANTS

4.1 The Company hereby covenants to comply with the Company's Obligations set out in Part 2 to Schedules 2, 3, 4, 5, 6, 7, 8 and 9 hereto.

4.2 The Borough Council hereby covenants to comply with the Borough Council's Obligations set out in Schedule 10 hereto.

4.3 The County Council hereby covenants to comply with the County Council's Obligations set out in Schedule 11 hereto.

5. RESOLUTION OF DISPUTES

5.1 In the event of any dispute between the parties to this Agreement which cannot be resolved at senior management level as to any of the provisions of this Agreement, any of the parties may refer such dispute to arbitration whereupon Clauses 5.3 and 5.4 shall apply.

5.2 In the event that a counter-notice is served under Clause 3.5(ii) above, the question of whether the Borough Council and/or (as appropriate) the County Council have/has adopted any policy (or policies) in a development plan or in a Supplementary Planning Document that affects (or affect) either directly or indirectly the potential for the Airport to optimise its capacity based on a single runway, two terminal configuration and which is (or are) materially different in form and/ or effect to those contained in the development plan ('the Question'), may be referred to arbitration by any of the parties to this Agreement whereupon Clauses 5.3, 5.4 and 5.5 below shall apply.

5.3 Such dispute as is mentioned in Clause 5.1 and 5.2 above shall only be referred to some independent and fit person holding appropriate professional qualifications to be appointed (in the absence of agreement between the parties to this Agreement) by the President (or equivalent person) for the time being of the professional body chiefly relevant in England to such qualifications and such person shall act as an expert, and his decision shall be final and binding on the parties to this Agreement as to the dispute, and his costs shall be payable by the parties to this Agreement in such proportion as he shall determine (or failing such determination in equal shares).

- 5.4 In the absence of agreement between the parties to this Agreement as to the appropriate professional qualifications of the person to whom the dispute is to be referred or as to the appropriate professional body, then the question of the appropriate professional qualifications or professional body shall be referred to a solicitor to be appointed by the President (or equivalent person) for the time being of the Law Society of England and Wales on the application of any of the parties to the Agreement, and the decision of the solicitor as to the professional qualifications or the appropriate professional body shall be final and binding on the parties to the Agreement, and his costs shall be payable by the parties to the Agreement in such proportion as he shall determine (or failing such determination in equal shares).
- 5.5 If in the opinion of the person to whom the Question is referred, the Borough Council and/or (as appropriate) the County Council have/has adopted any policy (or policies) in a development plan or in a Supplementary Planning Document other than to accord with the requirements of Government Regulations and/or Policy and/or EU Directives which affects (or affect) either directly or indirectly the potential for the number of passengers using the Airport to grow (based on a single runway) and which is (or are) materially different in form or effect to those contained in the development plan, no party to this Agreement shall be bound by any obligation contained herein from the date of the Arbitrator's decision and the obligations contained in this Agreement shall be discharged on that date. For the avoidance of doubt, if the appointed person is not of the above opinion, this Agreement shall continue in force as if a notice under paragraph 3.5(ii) above had not been served.

6. COMMUNITY INFRASTRUCTURE LEVY

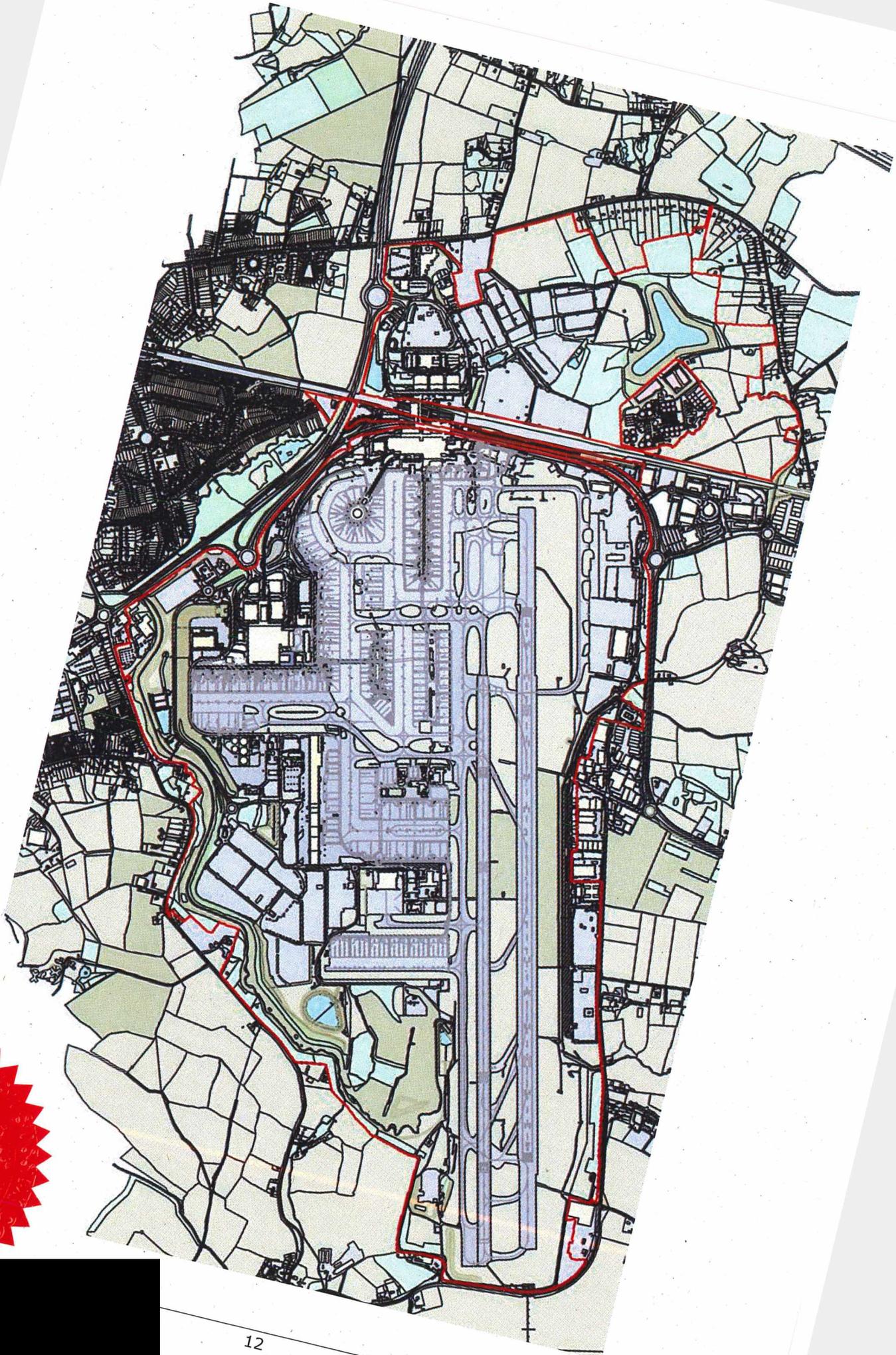
- 6.1 It is agreed that the Company should not be left or put in a position where it is in a worse financial position as a consequence of the introduction of the Community Infrastructure Levy (CIL) such that the Company is paying CIL and financial contributions under this S106 Agreement for the same infrastructure in relation to the same development.
- 6.2 If such a situation should arise, the parties hereto will use all reasonable endeavours to agree variations to this Agreement with the intention that the Company shall receive relief from such double jeopardy.

IN WITNESS of which the parties have duly executed this Deed which is delivered on the date first before written.

SCHEDULE 1

GATWICK AIRPORT

For the purposes of this agreement, Gatwick Airport is all the land that is edged red (for identification purposes only) on Plan 1 annexed hereto.



30152/3/4/2022



SCHEDULE 2

CLIMATE CHANGE

Part 1

The Company's Objectives:

To reduce the Company's climate impact and help to reduce the impacts of the aviation industry as a whole.

To manage the Company's assets and activities to mitigate the Airport's impact on the water environment.

Part 2

The Company's Obligation:

Obligation 2

The Company will, by 30 June 2024, unless otherwise agreed in writing between the parties, update and publish its report on the Airport and climate change; and thereafter continue an ongoing dialogue on climate change initiatives with local authorities and other key stakeholders.

SCHEDULE 3

AIR QUALITY

Part 1

The Company's Objective:

In operating and growing the Airport, to take reasonable steps to manage emissions to air from airport activities, driving compliance with prevailing air quality standards and seeking, where practicable, to improve on those standards.

Part 2

The Company's Obligations:

Obligation 3.1

3.1.1 The Company will provide a Fixed Electrical Ground Power supply to any new Aircraft Stand.

3.1.2 The Company will not allow the use of Ground Power Units at any Aircraft Stand unless:

- 3.1.2.1 there is no Fixed Electrical Ground Power installed at the Aircraft Stand; or
- 3.1.2.2 the Fixed Electrical Ground Power which has been installed at the Aircraft Stand is temporarily out of service; or
- 3.1.2.3 the relevant aircraft is incapable of utilising Fixed Electrical Ground Power by reason of its design or a technical malfunction or the power so supplied is insufficient for the aircraft.

Obligation 3.2

The Company will participate actively with the County Council, Borough Council and Adjoining Authorities:

- 3.2.1 to avoid breaching the EU Limit value for NO₂.
- 3.2.2 to ensure that all other relevant air quality standards continue to be met.
- 3.2.3 to develop and implement any local Air Quality Management Area (AQMA) action plan that may be required to address air quality in the vicinity of the Airport where evidence demonstrates that air quality is materially affected by airport-derived emissions including those from airport operations fixed plant and surface access.
- 3.2.4 provided the necessary standards have been promulgated, to participate in a project to quantify residential exposure within the Horley AQMA to aviation derived ultrafine particles and to provide 50% of the cost of such project to Reigate and Banstead.
- 3.2.5 to attend the Annual Gatwick Air Quality Joint Authorities Meeting.

Obligation 3.3

The Company will, during the period of this Agreement, provide Reigate and Banstead Borough Council (RBBC) with the following financial support for their activities relating to air quality in the vicinity of the Airport:

- 3.3.1 a payment of sixty-eight thousand pounds (£68,000) on or before 31 May in each calendar year 2022 to 2024 inclusive for revenue costs, including staff time, data management, servicing, and consumables as outlined in a schedule with associated indicative costs provided on or before 31 March each year.
- 3.3.2 purchasing in accordance with a specification and programme set by RBBC and thereafter leasing to RBBC at nominal cost (say £1 per site per annum), such equipment (not covered under paragraph 3.3.1 and as agreed between the parties - such agreement not to be unreasonably withheld) as is needed to be replaced in order to maintain the current programme of air quality monitoring on three permanent sites.
- 3.3.3 the Company will arrange twice-yearly meetings with RBBC to discuss

progress with air quality monitoring, the results thereof and any further initiatives that may be deemed appropriate, as well as the Company's progress with implementing its Air Quality Action Plan.

Obligation 3.4

The Company will undertake a programme of studies of NO_x/NO₂, PM₁₀ and PM_{2.5} attributable to activity at the Airport as detailed in the Air Quality Action Plan.

SCHEDULE 4

NOISE

Part 1

The Company's Objective:

The Company will employ all reasonably practicable means of minimising the aircraft noise impacts associated with maximum use of Gatwick Airport's runway capacity, within the framework established by Government.

Part 2

The Company's Obligations:

Obligation 4.1

With the aim of providing a continuing incentive to airline operators to reduce the noise impact of departing aircraft at the Fixed Noise Monitoring Locations and subject to any requirements imposed by the Company's appropriate regulator, the Company will give due consideration when preparing and reviewing the Noise Action Plan to the retention and possible increase of the Noise Supplements payable by such operators on account of infringement by their aircraft of noise thresholds on departure.

Obligation 4.2

The Company will maintain differentials in the charges on aircraft movements at the Airport, subject to any requirements of the Company's appropriate regulator so as to encourage airlines to use quieter and cleaner aircraft types.

Obligation 4.3

With the aim of managing the impact of air noise and restricting (so far as is reasonably practicable) the extent of the air noise contours associated with full use of the Airport's runway, the Company will engage with airlines, ANS, NATS, and other relevant parties through the Flight Operations Performance and Safety Committee and, or by other appropriate means, use all reasonable endeavours to secure the benefits to be derived from existing or future regulations procedures

and codes of practice applicable to aircraft in flight.

Obligation 4.4

With the aim of mitigating the possible impact of future growth in aircraft engine testing at the Airport:

4.4.1 If the annual number of ground run engine tests occurring within any rolling six month period reaches 250 and remains at, or in excess of, that number for six successive months or if such a situation is forecast in consequence of confirmed airline plans to undertake additional aircraft maintenance at the Airport, the Company shall, within the following nine months, undertake and conclude a process of discussion and consultation with the Councils with the objective of:

4.4.1.1 assessing the impact of such testing on local communities;

4.4.1.2 evaluating the feasibility and benefits of alternative means of managing or mitigating any material impact including:

- increased restrictions on the times of day when tests would be permitted;
- changes to the locations favoured for engine tests;
- the construction and operation of a ground run pen; and

4.4.1.3 identifying the preferred means of managing or mitigating any material impact.

4.4.2 The Company will subsequently, and if reasonably practicable within six months in accordance with a programme to be agreed with the Councils, introduce such measures as may be agreed with the Councils as appropriate to manage or mitigate the impact of ground noise arising from engine testing saving that:

4.4.3 In the event of the construction of a ground run pen being the agreed means of mitigation, the Company will, within six months of agreeing the mitigation programme with the Councils, seek and following permission implement the planning permission for a ground run pen as soon as is reasonably practicable and thereafter maintain it in use.

Obligation 4.5

4.5.1 The Company will undertake an annual programme of engagement to explain and educate local authority members, members of GATCOM, and other invited guests about noise issues and airspace change at the Airport.

4.5.2 To fund and support the continued existence of the Noise Management Executive Board, including holding an annual meeting, unless the Chair of the Noise Management Executive Board decides to recommend to the Airport to disband the Board, for whatever reason.

SCHEDULE 5

SURFACE ACCESS TO THE AIRPORT

Part 1

The Company's Objective:

To ensure that the Airport's passengers and employees have access to a range of travel options that meet their particular needs and in so doing to:

- reduce the rate of growth of trips by private car and taxi to and from the airport by encouraging greater use of public transport;
- ease congestion by better traffic management and implementing strategic road improvements; and
- manage on-site traffic emissions.

Part 2

The Company's Obligations:

Obligation 5.1

The Company will hold an annual meeting of the Gatwick Area Transport Forum and meetings of the Transport Forum Steering Group at quarterly intervals unless agreed otherwise by the Steering Group.

Obligation 5.2

The Company will maintain an Airport Surface Access Strategy and will review the Strategy alongside the publication of a new Master Plan.

Obligation 5.3

5.3.1 The Company will bring forward initiatives (to be the subject of consultation with the Transport Forum Steering Group and with the Councils) that promote, in accordance with the Airport Surface Access Strategy, the use by passengers and staff travelling overland to and from the Airport by modes of transport other than the private car and, with regard to staff travel, the encouragement and promotion of car sharing.

5.3.2 The Company will set aside funds (to be known as the 'Sustainable Transport Fund' - STF) to be used for the initiatives referred to in paragraph 5.3.1 above in each calendar year from 2022 to 2024. Such funds will be based on the sum of:

5.3.2.1 £10 per annum for each pass validated for entry to a staff car park operated by or on behalf of the Company;

- 5.3.2.2 a levy on the total supply of spaces in public car parks operated or available for operation by or on behalf of the Company on 30 September in the preceding year at the rate per space of:
 - £33.25 in 2022
 - £34.00 in 2023; and
 - £34.75 in 2024
 - 5.3.2.3 1.8% of the total fees collected each calendar year from the drivers of vehicles using the terminal forecourt passenger drop off zones;
 - 5.2.3.4 100% of the funds generated through fines for red route contraventions; and
 - 5.3.2.5 any sums brought forward from previous years.
- 5.3.3 Unless otherwise agreed with the Councils, the Company will:
- 5.3.3.1 each year, invest in the chosen initiatives referred to in Paragraph 5.3.1 a substantial proportion being no less than 50% of the STF in that year or such lesser sum if the expenditure of further sums is not justified by the outcomes achieved; and
 - 5.3.3.2 by the end of the period of this Agreement, have used a substantial proportion being no less than 50% of total Residual Funds to support the introduction or operation or use of bus services that promise to facilitate a material increase in the proportion of airport staff or air passengers choosing to use public transport for their surface journeys between the Airport and neighbouring communities or such lesser percentage if the expenditure of further sums is not justified by the outcomes achieved; and
 - 5.3.3.3 by the 30 June in each year, submit to the County Council and the Borough Council a statement of the funds contributed to the STF in the previous calendar year, the details of all expenditure of the STF, and the balance remaining.

In clause 5.3.3, 'Residual Funds' shall mean the funds to be provided by the Company as calculated in accordance with clause 5.3.2 less the sums paid or allocated (whether or not retrospectively) by the Company in the relevant year towards the funding of works at Gatwick Airport Railway Station, which shall be no more than 75% of the STF in that year. 'Works at Gatwick Airport Railway Station' includes those provided for in the agreement of 19 July 2011 and those provided for in planning application CR/2018/0273/FUL, which was permitted by Crawley Borough Council on 19 March 2019.

Obligation 5.4

The Company will work with Network Rail and other stakeholders including the Councils to assist the planning and implementation of a project to redevelop the railway station serving the Airport including potential use of funds from the STF in a manner which, in conjunction with the Company's proposals for South Terminal and its landside infrastructure including that serving Fastway and other local bus services, provides the Airport with an efficient transport interchange suiting the needs of all users.

Obligation 5.5

The Company will restrict the use of the Airport entrance/exit at Povey Cross to buses, emergency service vehicles, Airport operational users and a maximum of 350 staff car park pass holders, subject to these users satisfying the criteria specified in Appendix A to this Agreement and to report annually on the number of passes issued to staff and readily available data on vehicular use of the entrance/exit.

Obligation 5.6

Having regard to the Company's Car Parking Strategy, the Company will:

- 5.6.1 Provide sufficient but no more on-Airport public car parking spaces than necessary to achieve a combined on and off airport supply that is proportionate to 48% of non-transfer passengers choosing to use public transport for their journeys to and from the airport by end of 2024.
- 5.6.2 Provide sufficient but no more Company-managed on-airport staff car parking spaces than is consistent with achieving 42% of staff journeys to work by sustainable modes by end of 2024, and subject to working with stakeholders to revise the local bus target in line with agreed service enhancements.

Obligation 5.7

- 5.7.1 The Company will actively engage with the Local Highway Authorities with the objective of:
 - 5.7.1.1 reaching agreement on the location and characteristics of such improvements to the highway access to the Airport as may be justified by growth in the volume of Airport related traffic and on the anticipated timeframe for their implementation; and
 - 5.7.1.2 subject to there being reliable estimates of the costs of the said improvements, agreeing the financial contributions that the Company is to make towards the cost of the agreed works.
- 5.7.2 Prior to the commencement of the calendar year in which the works are to be carried out, the Company will use reasonable endeavours to enter into appropriate agreements with the relevant Local Highway Authority for the works concerned

SCHEDULE 6

DEVELOPMENT

Part 1

The Company's Objective:

To develop the Airport in a manner that achieves efficiencies in the use of land and resources whilst seeking to minimise adverse visual and environmental impacts

Part 2

The Company's Obligation:

Obligation 6:

In devising and bringing forward proposals for Airport development, the Company will:

- 6.1 have due regard to relevant national and local planning policies and guidance.
- 6.2 attend to the visual impact of the development in terms of its urban design, landscaping, and relationship with its surroundings.
- 6.3 support its proposals with information about the management of any particularly significant ongoing impacts that would be attributable to the development in question, e.g. ground noise, light pollution, flood risk, and energy consumption.
- 6.4 replace or otherwise compensate for any loss of trees as a consequence of the development.
- 6.5 have regard to the impact of flooding, and design such development and, where necessary, include mitigation measures to avoid any harmful impact on surrounding communities.

SCHEDULE 7

COMMUNITY AND THE ECONOMY

Part 1

The Company's Objective:

To make a positive contribution to the economy and quality of life in and beyond

the Gatwick Diamond area.

Part 2

The Company's Obligations:

Obligation 7.1

- 7.1.1 The Company will nominate (in accordance with the terms of the Gatwick Community Trust deed) two persons to be considered for appointment as trustees by the board of the Community Trust.
- 7.1.2 The Company will pay to the Community Trust all revenue received by the Company as a result of infringements by aircraft of departure noise thresholds imposed by the Government.
- 7.1.3 The Company will pay to the Community Trust no later than 31 May in the calendar years 2022 to 2024 inclusive, £50,000 for every 10 million of departing or arriving passengers per annum ("ppa") based on published CAA passenger data for the preceeding year:
- £50,000 for up to 10mppa
 - £100,000 for between 10,000,001 and 20,000,000 ppa
 - £150,000 for between 20,000,001 and 30,000,000 ppa
 - £200,000 for between 30,000,001 and 40,000,000 ppa
 - £250,000 for between 40,000,001 and 50,000,000 ppa, and
 - £300,000 for above 50,000,001 ppa.

Obligation 7.2

In each calendar year up to and including 2024, the Company will support the Gatwick Greenspace Partnership either financially or in value terms to a figure that is the lesser of:

- 7.2.1 20% of the total sums paid by local authorities to the said Partnership for the purposes of its activities in the twelve months ending 31 March in the year in question; and
- 7.2.2 twelve thousand five hundred pounds (£12,500).

SAVE that this Obligation shall determine absolutely if annual local authority support should reduce to a sum less than twenty five thousand pounds (£25,000)

SCHEDULE 8

ACTION PLANNING

Part 1

The Company's Objectives:

To secure the appropriate and timely compilation, and implementation of the Company's Action Plans.

Part 2

The Company's Obligation:

Obligation 8

8.1 The Company will continue to keep under review and update, as necessary, the following Action Plans:

- Air quality.
- Noise (for the purpose of this Agreement, the Company's Environmental Noise Directive Noise Action Plan as approved from time to time).
- Surface Access Action Plan (being the actions described in the Airport Surface Access Strategy).
- Water management.
- Waste management.
- Energy management.

8.2 As part of preparing the Monitoring Report referred to in Obligation 9.2, the Company will identify the latest version of each Action Plan and any significant updates that have taken place in the preceding year.

SCHEDULE 9

MONITORING AND REPORTING

Part 1

The Company's Objective:

To ensure appropriate monitoring and reporting of the Company's activities in relation to its Obligations and Commitments.

Part 2

The Company's Obligation:

Obligation 9

- 9.1 To monitor compliance with the Obligations of the Company contained in this Agreement and to report the results to the County Council and the Borough Council in accordance with the following provisions.
- 9.2 The report ("the Monitoring Report") shall list:
- 9.2.1 each Obligation.
- 9.2.2 the Company's assessment of whether the Obligation has been met or the progress made towards the Obligation including any remedial action proposed in the Monitoring Report for the preceding year.
- 9.2.3 as a minimum, the following environmental indicators:
- the results of both its continuous and random monitoring of the air quality impact of the operation of the Airport with regard to the levels of carbon monoxide PM10, oxides of nitrogen/nitrogen dioxide, and periodic monitoring of benzene, 1,3-butadiene and other hydro-carbons;
 - the availability and serviceability of Fixed Electrical Ground Power;
 - engine testing (including time place duration and need);
 - complaints related to the impact of ground noise;
 - waste collected by the Company's contractor and the proportions recovered and disposed to landfill;
 - the number of reports made by the Environment Agency on non-compliance by the Company with discharge consents;
 - the average biological oxygen demand discharged at the Outfall; and
 - the energy consumption of infrastructure within the Company's control.
- 9.2.4 any proposed remedial action where the Obligation has not been met together with an appropriate timescale or, where no remedial action is proposed, the reasons why the Company considers remedial action is not appropriate.
- 9.3 The Monitoring Report shall be prepared by the Company for each calendar year 2021 to 2023 and shall be issued to the County Council, the Borough Council and, as necessary, the Environmental Consultant by 31 March in the year next following.
- 9.4 The County Council and the Borough Council shall each produce in a format

similar to that of the Company, a Monitoring Report relating to their Obligations.

9.5 The Monitoring Reports for 2022 and 2023 shall be reviewed by the Environmental Consultant who, subject to the provisions of paragraph 9.6, will select a sample of ten of the Company's Obligations.

9.6 In selecting those of the Company's Obligations for review, the Environmental Consultant shall each year include no fewer than two relating to each of:

- surface access;
- aircraft noise; and
- air quality.

9.7 In reviewing and reporting on the selected Obligations, the Environmental Consultant shall:

9.7.1 seek to verify the accuracy of the information included in the Monitoring Report; and

9.7.2 comment on the adequacy of the work undertaken pursuant to the Obligation and, in the case of remedial actions, the adequacy of the work that they propose.

9.8 The Company will compile into the Monitoring Report for 2022 and 2023, the Environmental Consultant's recommendations and conclusions and its own response to such recommendations and issue the combined document to the County Council and the Borough Council by 31 August in the year following the year being reported.

9.9 The cost of the Environmental Consultant shall be paid in the following proportions:

- 50% by the Company
- 25% by the County Council
- 25% by the Borough Council

SCHEDULE 10

THE BOROUGH COUNCIL

The Borough Council's Obligations:

Obligation 10.1

To meet with the Company, the County Council and the Adjoining Authorities on at least two occasions a year, unless agreed otherwise by the Company and the Councils, in order to discuss issues relating to long-term Airport parking both on

and off-Airport in order to minimise the level of unauthorised parking.

Obligation 10.2

To meet with the Company (Chief Planning Officer and / or Planning Manager) on at least two occasions a year, unless agreed otherwise, in order to provide feedback on issues being raised through the Gatwick Joint Local Authorities meetings and Gatwick Officers Group and to consider:

- any emerging planning, transport or environmental policies or issues of relevance to the operation and development of the Airport;
- employment trends and other matters bearing on the economy of the sub-region; and
- progress on the implementation of Obligations and Commitments.

Obligation 10.3

To run a Gatwick Officers Group comprising officers from the Borough Council, the County Council and the Adjoining Authorities, charged with discussing and considering amongst other things:

- Implementation of the Master Plan, S106 Agreement, and Action Plans referred to in this Agreement;
- Current and emerging issues related to the operation, growth and development of the Airport including future forecasts and topics;
- To invite the Company, as appropriate, to discuss the above;
- Preparing reports and issues to be discussed by Councillors at the Gatwick Joint Local Authorities meeting.

Obligation 10.4

To maintain appropriate mechanisms to consult with the County Council and Adjoining Authorities on any proposals for development at the Airport.

Obligation 10.5

To consult the Company on any future Council proposals for road user charges that would apply to staff or passengers travelling to or from the Airport and to give fair consideration to the Company's response on the appropriateness and use of such charges.

Obligation 10.6

To hold an annual meeting with other relevant local authorities and the Company on issues relating to air quality impact of operations at the Airport and to exchange all relevant data/information at the time.

Obligation 10.7

To use reasonable endeavours to work with Network Rail and/or the Company

regarding the redevelopment of the railway station serving the Airport in order to provide the Airport with an efficient railway interchange that suits the needs of all users and, where opportunities arise, to improve the multi-modal interchangeability of the Airport.

Obligation 10.8

To work with the Company on the implementation of its investment plans, in particular those directed at the enhancement of the Airport's Terminals forecourt areas.

Obligation 10.9

To monitor compliance with the obligations of the Borough Council and to provide the results of that monitoring to the Company for inclusion in the Monitoring Report to be prepared by the Company in accordance with the timetable and requirements set out in Schedule 9.

Obligation 10.10

To pay an equal contribution with the County Council towards the 50% cost of the Environmental Consultant to be appointed pursuant to Schedule 9.

SCHEDULE 11

THE COUNTY COUNCIL

The County Council's Obligations:

Obligation 11.1

To meet with the Company (Chief Planning Officer and/or Planning Manager) on at least two occasions a year, unless agreed otherwise, in order to provide feedback on issues being raised through the Gatwick Joint Local Authorities meetings and Gatwick Officers Group and to consider:

- any emerging planning, transport or environmental policies or issues of relevance to the operation and development of the Airport.
- employment trends and other matters bearing on the economy of the sub-region.
- progress on the implementation of Obligations and Commitments.

Obligation 11.2

To consult the Company on any future County Council proposals for road user charges that would apply to staff or passengers travelling to or from the Airport and to give fair consideration to the Company's response on the appropriateness and use of such charges.

Obligation 11.3

To use all monies received by the County Council from the Company pursuant to Obligation 5.7.2 strictly towards the cost of the transport or highway scheme in respect of which the payment or payments were made, provided that the payment to a relevant Highway Authority for such purpose will release the County Council from any further obligation in respect thereof.

Obligation 11 .4

To use reasonable endeavours to work with Network Rail and/or the Company regarding the redevelopment of the railway station serving the Airport in order to provide the Airport with an efficient railway interchange which suits the needs of all users and, where opportunities arise, to improve the multi-modal interchangeability of the Airport.

Obligation 11.5

To work with the Company on the implementation of its investment plans, in particular those directed at the enhancement of the Airport's Terminals forecourt areas.

Obligation 11.6

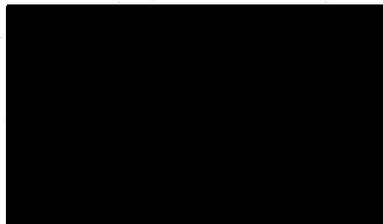
To monitor compliance with the obligations of the County Council and to provide the results of that monitoring to the Company for inclusion in the Monitoring Report to be prepared by the Company in accordance with the timetable and requirements set out in Schedule 9.

Obligation 11.7

To pay an equal contribution with the Borough Council towards the 50% cost of the Environmental Consultant to be appointed pursuant to Schedule 9.

EXECUTED as a **DEED** by
GATWICK AIRPORT LIMITED
acting by

Chief Executive Officer



17/5/22

Company Secretary



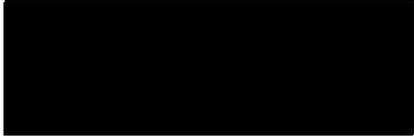
THE COMMON SEAL of WEST SUSSEX COUNTY COUNCIL was hereunto affixed in the presence of:



Authorised Signatory



THE COMMON SEAL of CRAWLEY BOROUGH COUNCIL was hereunto affixed in the presence of:



Authorised Signatory



APPENDIX A TO THE LEGAL AGREEMENT

POVEY CROSS ACCESS CRITERIA (OBLIGATION 5.5)

- (i) up to 350 staff car park passholders that satisfy all the following requirements:
 - (a) their main place of work is located in those parts of the airport to which access is provided via the section of Perimeter Road North situated west of the Povey Cross entrance.
 - (b) they are entitled to park within those parts of the airport.
 - (c) their home residence is in postcode areas RH1 to RH6 inclusive.
 - (d) there is no local bus service between their home and main place of work at times consistently aligned with their working hours.
 - (e) excepting operational duties (as in (ii) (a) below), their use of their pass is for travel between their home and place of work only.
- (ii) Airport operational users, which comprise:
 - (a) the Company's operational staff and its contractors and/or agents while on duty.
 - (b) H.M. Customs.
 - (c) H.M. Immigration.
 - (d) Port Health.
 - (e) National Air Traffic Service.
 - (f) the Police.
- (iii) existing local public service bus vehicles, Fastway, and any new local public bus service as shall first be approved by West Sussex County Council (following consultation with Surrey County Council).
- (iv) emergency service vehicles on duty.
- (v) other vehicles in exceptional circumstances.
- (vi) such other user(s) including the operators of courtesy bus services as the Company may approve following prior consultation with Surrey, Mole Valley, West Sussex County Council, and Crawley Borough Council.



LONDON GATWICK

POWERED BY VINCI AIRPORTS | GLOBAL INFRASTRUCTURE PARTNERS

Annex B: Night Flight Restrictions at Heathrow, Gatwick and Stansted – Decision Document, July 2021



Department
for Transport

Night Flight Restrictions at Heathrow, Gatwick and Stansted

Decision Document

July 2021

Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR



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Any enquiries regarding this publication should be sent to us at www.gov.uk/government/organisations/department-for-transport

Contents

Executive summary	4
1. Overview of consultation responses	7
2. Proposal to maintain the existing night noise objective for the designated airports for two years, from October 2022 to October 2024	12
3. Measurement of the noise objective for the designated airports	16
4. Proposal to maintain the existing regime for the designated airports for two years, from October 2022 to October 2024	20
5. Proposal to ban QC4 rated aircraft movements from operating at the designated airports between 23:30 and 06:00	30
6. Glossary	38

Executive summary

This government response follows the consultation launched on 2 December 2020 which sought views on the night flights regime at the designated airports (Heathrow, Gatwick and Stansted) beyond 2022, and night flights in the national context. This government response is in relation to Part One of that consultation, which closed on 3 March 2021. Respondents were able to reply via online SmartSurvey, e-mail and by post.

Part One of our consultation featured two main proposals. Firstly, the proposed rolling over of existing night flight restrictions for the designated airports from 2022 to 2024. This would mean that the current limits in place at Heathrow, Gatwick and Stansted airports would remain unchanged (aside from the proposal to ban QC4 rated aircraft movements during the night quota period as discussed below) between October 2022 and October 2024. We considered that maintaining the existing restrictions would mean minimal change for communities that are overflowed compared to the period of the current regime (2017-2022) and would be the fairest approach given the uncertainty around post-COVID-19 consumer behavioural changes and the recovery of the aviation sector. We also noted that there is an argument for not changing limits at this stage, in so far as we do not have sufficient evidence to support a substantial change in policy.

The second main proposal within Part One of the consultation was to place an operational ban on QC4 rated aircraft movements at the designated airports during the night quota period (23:30 – 06:00). We proposed to take advantage of the withdrawal of QC4 rated aircraft (e.g. a Boeing 747-400 on departure) from most scheduled services due to the COVID-19 pandemic, by banning movements of such aircraft during the night quota period. We presented our view that this will have minimal negative impacts for industry but would benefit communities by removing the noisiest aircraft from operating during the night quota period.

Following this consultation and taking into account responses from industry, community groups and individuals, the following decisions have been reached. Firstly, the night noise objective and existing restrictions will be rolled over for a period of three years rather than two as originally proposed in our consultation. A two-year rollover, which would have necessitated consultation on new proposals in 2022, would no longer provide enough time for the government to have conducted

thorough research to properly inform and develop a new evidence-based night noise regime. This is because of a change in the government's view on the pace and trajectory of the aviation sector's recovery. By rolling over for three years, the extra year will allow the government to develop a more meaningful evaluation of the costs and benefits of night flights (as called for in a number of consultation responses from community groups), taking into account the effects of the pandemic and the extent and speed with which aviation demand returns. This will enable decisions to be taken against a background of a wider evidence base, including on the negative impacts on sleep and health, against which the economic benefits of night flights have to be balanced.

Some recovery is necessary to allow for research which is representative of pre-pandemic times, and which can therefore accurately examine the benefits of night flights, alongside how night flights at, or closer to, their normal level would impact on local communities. Although many individuals urged the government to implement change now as skies are quieter, basing policies on a time when the UK was in full or partial lockdown and most international travel had been halted, would not be representative of future demand for aviation services and would be likely to have negative longer-term economic effects. In reaching this decision we took into account the views of community groups and considered that it was likely that a longer extension would increase the strength of feeling expressed by consultees opposed to any extension. Nonetheless, even considering this our decision is that time must be allowed for the sector to recover to enable an accurate analysis of the benefits of night flights and associated negative impacts for communities. The restrictions will be reassessed in time for a new regime to commence in October 2025, by which time we would have a better understanding of how COVID-19 has impacted the aviation sector.

Secondly, the government will proceed with the implementation of a ban on QC4 rated aircraft movements, at the designated airports, during the night quota period. Despite receiving some opposition to the proposal from industry, the government has not received robust evidence that this would have more than a minimal impact on industry, while benefitting communities by taking the noisiest aircraft out of operation during the night quota period.

The rules for the next regime are summarised in the table below:

Table 1 – Structure of the night flights regime, October 2022-2025

		Movement Limit	Noise Quota Limit
Heathrow	Winter	2,550	2,415
	Summer	3,250	2,735
Gatwick	Winter	3,250	1,785
	Summer	11,200	5,150
Stansted	Winter	5,600	3,310
	Summer	8,100	4,650

Part Two of the consultation, which sought early views and evidence on policy options for the government's future night flight policy at the designated airports beyond 2024, and nationally, remains open until 3 September 2021. Work is now underway to analyse the responses to this part of the consultation, which will be used to shape long-term policy proposals for the period beyond 2025.

Consultation responses received on revisions to our night flight dispensation guidance will be used to revise the guidance for airport operators with a view to providing better clarity. We will publish this updated guidance before the new night flight regime takes effect in October 2022.

We now aim to publish a further night flight restrictions consultation during 2023, and it is at this stage that we will set out firm proposals for longer-term policy reform.

1. Overview of consultation responses

This section provides an overview of the consultation responses received on our proposals. The following chapters then summarise the responses received to individual questions on our consultation proposals, along with the government's response on these matters.

Overall, 950 responses to our consultation were received. 414 of these were via the Smart Survey, while 535 were received via email, and one via post. Approximately 165 of the e-mail responses were part of campaigns by community groups.

91% of the online SmartSurvey responses were individual respondents and 9% were on behalf of an organisation. Almost 70% of online SmartSurvey respondents were located in the South East of England.

The breakdown of respondent type is given below:

Table 2 – Breakdown of responses by organisation type and individual

Individual	820
Aircraft noise community group or other environmental group	36
Airline	7
Airport	7
Business organisation or Trade Union	6
Freight carrier or express service	6
Public body, MPs, Councils and Local Authorities	63
Consultative committees	5
Grand Total	950

Overall themes

Many individuals and community groups called for a total ban on night flights, except in exceptional circumstances, between the hours of 23:00 and 07:00. They often stated that the World Health Organization (WHO) recommend a period of 8 hours of uninterrupted sleep.¹ These respondents argued that a two year wait for change is too long and would simply delay meaningful and beneficial policy being implemented. They argued that it would be easier to put in place a reduced quota for night flights from the current position of the heavily reduced night time flying levels, rather than allowing those night flight movements to return to pre-pandemic levels before then trying to reduce them.

Residents in rural areas state that due to less ambient noise, aircraft noise is even more of a disturbance for them. Gatwick residents pointed out that the majority of night flights that cause them disturbance are passenger leisure-related flights. They argued that these flights do not bring significant financial benefit to the UK, and that the sleep of local residents should be prioritised over this. They point out that a bad night's sleep affects productivity at work and has a negative impact on the economy.

Some respondents argued that their health and wellbeing is negatively impacted by aircraft noise at night and that regular poor sleep pre-disposes obesity, heart disease, diabetes and a shorter life expectancy. Some respondents argued that there is a direct link between noise and certain health conditions.

Following the COVID-19 pandemic, some respondents argued that this is a good time to implement change and prevent noise levels from going back to previous levels. As quieter skies have been enjoyed by residents for the past year, many fear a return to how things used to be, and believe that they are now more aware of noise.

There was some concern expressed in responses surrounding the contribution that night flights make to climate change, with some respondents expressing the viewpoint that there is a need to reduce flying and further environmental damage.

There was also a call from respondents for government to conduct an in-depth study into the economic benefits of night flights and to measure any benefits against the negative impacts that night flights have on residents, such as lower productivity at work by residents affected by aircraft noise and potential future NHS costs due to increased risks of residents impacted by night noise developing serious health conditions.

On the other hand, some respondents saw the value of night flights in providing global connectivity for both passengers and freight. They argued that quieter aircraft have been introduced in recent years proving the commitment of industry to lowering noise and reducing the environmental impact of aviation and therefore favoured the proposal to rollover existing restrictions. These respondents also argued that the proposed rollover of existing restrictions made sense in terms of rebuilding the economy and allowing the aviation sector to recover from the COVID-19 pandemic.

¹ We believe respondents are referring to the WHO 2009 "Night Noise guidelines for Europe". These do not specifically recommend a period of 8 hours interrupted sleep but instead note the impacts associated with sleep of less than this period. https://www.euro.who.int/_data/assets/pdf_file/0017/43316/E92845.pdf

Industry pointed to significant progress having been made with the introduction of quieter aircraft in recent years. This represents billions of pounds of investment by the aviation industry. Industry urged the government to consider extending the existing regime until the aviation sector has recovered from the COVID-19 pandemic. They spoke of substantial uncertainty surrounding the pandemic, and called for continuity of regulations and the requirement to maintain a flexible operating environment for dealing with the potentially prolonged effects.

Additional detail

Community groups do not agree with rolling over the existing night flight regime. They argue that the government has not made any changes to this regime for the past 15 years despite serious health and economic impacts on communities near airports and under flight paths. Despite some aircraft becoming quieter, night flights are still regarded by communities as a major issue.

Due to the COVID-19 pandemic, there has been a large reduction in night flights at the designated airports, as shown in table 3:

Airport	Summer			Winter		
	2019	2020	% Change	2019/20	2020/21	% Change
London Heathrow	3,052	986	-67.7%	2,716	835	-69%
London Gatwick	11,566	1,284	-88.9%	1,910	302	-84%
London Stansted	8,837	3,403	-61.5%	3,862	2,516	-35%

Table 3 - Annual comparison of air traffic movements during the Night Quota Period (NQP) at the designated airports, by season

This reduction has been greatly welcomed by communities affected by aircraft noise. They view this as a great opportunity for government to impose further night restrictions at airports and show a commitment to delivering improved night noise outcomes for communities, looking ahead to when the sector has recovered.

They stated that government's role as noise regulator should be to carry out costs and benefits analysis and strike an appropriate balance. Further maintaining the current regime appears as though there is a bias in favour of the aviation industry and a disregard for those significantly negatively affected by aircraft noise. They believe that airlines will not have any meaningful incentives to use quieter aircraft at night if current regulations are rolled over.

Furthermore, at Gatwick, community groups commented that most flights are leisure related and thus do not warrant night flights as they do not have significant economic nor trade value directly to the UK. The health risks and disturbance caused is too high a price to pay for airlines to be able to offer slightly reduced prices.

Communities raised that in the short-term, government should make it clear to airports that they are expected to reduce night flights substantially and limit night flights to those of 'genuine economic importance' and emergencies. Others gave the view that a phased reduction in night flights should occur, working up to a total ban of night flights between 11pm to 7am and that maintaining the current restrictions is not enough. Community

groups feel that the impact of COVID-19 on the industry, does not constitute a reason for government to delay reform of the night flight regime further. They feel that a review should take place this year which considers the mental and physical impacts of night flights and balance this against the economic benefits of night flights to the aviation industry.

They argued that allowing the night flights restrictions to lapse would be 'unbearable' for many people many miles around. This would significantly harm mental well-being and physical health and is likely to result in legal challenges. Community groups also questioned whether the 'Balanced Approach'² is being met. They pointed out that the consultation has not explained why night flights are so important and why they cannot be switched to daytime flights, which would allow the UK to trade just as well while allowing communities to have improved sleep. Additionally, communities referred to a 2018 report of the World Health Organization, Environmental Noise Guidelines for the European Region³, which for night noise exposure strongly recommended reducing noise levels produced by aircraft during the night-time to 40dB L_{night} . Communities argued that for the government to have an accurate costs and benefits analysis, this noise contour needs to be considered rather than the current 48dB L_{night} contour.

Community groups are supportive of the ban on QC4 rated movements but believe QC2 rated aircraft movements should also be included and that the ban should last for an 8-hour period, and some questioned why this ban could not begin immediately. They also added that pricing disincentives should be implemented for airlines operating at night - only the quietest aircraft should be used if necessary.

The three designated airports expressed support for the rationale behind the proposed roll over of existing restrictions, giving the view that they regard this as a pragmatic response. Airlines also agreed with the proposal to extend the current regime and welcomed the certainty that this would afford them as they sought to return to pre-COVID-19 schedules without the extra challenge of stricter regulations. Some industry stakeholders argued that the next regime should be extended even further, to allow time for them to be fully recovered from the impacts of COVID-19 before any new restrictions were to be put in place. Some airlines made the point that they are investing in quieter, cleaner aircraft and were supportive of the environmental agenda, but this goal could be worked towards while still allowing night flights to take place and without further operational restrictions on those flights.

When developing night flight policy, airlines argued that overly restrictive operating constraints would work against the government's goal of a 'Global Britain'. They pointed out that night flights play an important role in connecting markets around the world and allowing the UK to effectively compete in trade. Some argued that instead of outright bans on night flights, less restrictive ways of minimising noise for local communities should be

² The government recognises the International Civil Aviation Organization (ICAO) Assembly's Balanced Approach to aircraft noise management. The Balanced Approach consists of identifying noise problems that exist at an airport and then assessing the cost-effectiveness of the various measures available to reduce noise through the exploration of four principal elements, which are reduction of noise at source, land-use planning and management, noise abatement operational procedures and operating restrictions. <https://www.icao.int/environmental-protection/Pages/noise.aspx>

³ https://www.euro.who.int/_data/assets/pdf_file/0008/383921/noise-guidelines-eng.pdf

introduced instead of operational restrictions. They pointed out that the Sustainable Aviation noise roadmap states it is possible to achieve growth in night flights without increasing noise above current levels.

They referred to the Balanced Approach and stated that any decisions around night flights must be based on a comprehensive assessment of the costs and benefits of the proposal. Some airlines added that if further restrictions on night flights were implemented, this could lead to fewer destinations being served resulting in reduced regional and international connectivity for UK consumers and associated impacts upon the economy.

Overall, freight carriers agreed with the proposal to roll over current restrictions for two years. However, they also requested the roll over period be extended further to allow time to assess the impact of COVID-19, to provide evidence, and for policies to be made based on this. They backed this up by noting that the International Air Transport Association (IATA) have stated that global passenger traffic will not 'return to pre-COVID levels until 2024'. One freight carrier went even further than this and suggested the UK should allow restrictions to lapse, allowing more flexibility to support the aviation industry's recovery.

Freight carriers made it a point to differentiate cargo flights from passenger flights. Their business model is very time-sensitive and requires overnight flying to pick up orders late afternoon, fly them overnight and deliver them the next morning. This is particularly essential for items of high importance and with sensitive time frames that freight carriers tend to deliver. They also point out that cargo operations do not benefit from the same flexibility that passenger flights do, thus more restrictions would make it difficult for them to continue business efficiently. They adhere to narrow schedule windows at various hubs that they use for international deliveries and being unable to run certain flights may mean missing this window.

2. Proposal to maintain the existing night noise objective for the designated airports for two years, from October 2022 to October 2024

We asked the following question:

Do you agree with our October 2022 to 2024 night noise objective for the designated airports?

“Limit or reduce the number of people significantly affected by aircraft noise at night, including through encouraging the use of quieter aircraft, while maintaining the existing benefits of night flights”

The majority of individuals and members of community groups expressed the view that the proposed objective is not ambitious enough and called for an objective which was stricter and for the night flight regime to be tightened significantly to bring progress in reducing the number of night flights.

To keep the objective the same as the current one was seen as an absolute minimum, but many in this group believe that noise from aircraft at night is still too intrusive and damaging. Some suggested that people living near to airports are adversely affected more than had previously been understood and suggested that the benefits that accrue from night flights do not compensate for the significant costs that these flights impose on the local community.

There were some who felt that there is no justification for any night flights at any airport, and many who made the point that sleep is vital to good health, and their view that people need eight hours a night of undisturbed sleep. They questioned why the night flight quota and restrictions do not apply to the whole eight-hour night period. Others suggested that the objective should cover normal bedtime hours for children, such as 20:00 – 07:00.

Some would like to see a gradual decrease in the number of flights before midnight, stating that these flights often disturb sleep early in the night which then influences their sleep pattern for the remainder of the night. Others mentioned that they wanted to see a reduction of the number of flights taking place early in the morning, adding that in the early

hours there is no such thing as a quiet aircraft engine. Some respondents added that it is not just an issue of the noise that comes from aircraft taking off or landing, and that they would like to see a reduction in the noise of aircraft on the ground and noise from associated vehicles travelling to and from the airport during the night. Others remarked that noise from aircraft prevented them leaving windows open during the summer months, and wrote of the stress and disruption that night flights cause to them.

Some expressed the opinion that the objective is one-sided and subjective, by requiring what they regard to be the unsubstantiated benefits of night flights to be maintained. These respondents also felt that the objective is inconsistent with the government's assertion that it takes aircraft noise at night very seriously. They added that the working hours of most noise generating commercial operations are much more robustly controlled by regulations or planning conditions, than are night flights. Others stated that the role of the government as noise regulator at the designated airports should be to assess the costs and benefits of night flights and look to find an appropriate balance. They claimed that the government has not carried out this type of cost/benefit assessment for over 15 years. In their view, maintaining the current objective as proposed in the consultation, would further defer a meaningful evaluation of the costs and benefits of night flights. They added that the government should not ignore the growing evidence on the health impacts resulting from night time aviation noise, in favour of preserving what these respondents regard as the unnecessary and unjustified benefits for the aviation industry. Some argued that the current objective should be more clearly orientated to reducing night noise to driving continuous improvement.

A community group argued that the proposed objective to "limit or reduce the number of people significantly affected by aircraft noise at night" needs to be strengthened. The second part of the proposed objective, "while maintaining the existing benefits of night flights" they considered to be biased towards the aviation industry and suggested that this would in effect guarantee no reduction in night flight numbers.

Others argued that the objective is obsolete as it does not reflect current Air Navigation Guidance, which requires the avoidance, minimisation and mitigation of significant adverse impacts. They were critical of the government not producing a health impact study, without which it was not in a position to assess the effects of night flights. They also noted that the CAA had not yet published the Survey of Noise Attitudes (SoNA) Night report, an evidence base without which, in their opinion, the public could not be consulted in a meaningful way on night flights. Several respondents did ask that Part Two of this consultation on the longer-term regime be put on hold until publication of the SoNA Night report was available.

Some felt that the night flight regime over the last 10 years has failed to create a balance between industry and community interests, while some expressed disappointment that the objective lacked a quantified target for the levels of night noise or for the numbers of people affected. In their view, the objective should specify target figures for the area of and number of people in the 48dB L_{Aeq} 8hr night contour (23:00-07:00) and the number of movements in the 8hr night period, so that the measures can be used to monitor progress towards these targets.

One county council was of the opinion that the noise objective fails to consider the differences between airports located in urban, densely populated areas (where ambient noise levels are much greater), compared to airports located in more rural, less populated areas (with correspondingly lower ambient noise levels).

There were number of individual respondents on the community side who also recognised that COVID-19 has heavily impacted upon the UK economy, and upon the aviation industry in particular. Some of these responses argued that major operational change to the night flight regime should be avoided at the present time, while others argued that fewer restrictions and more night flights should be allowed to assist the aviation industry during the current period of financial difficulty. Others were of the view that the current balance between community impact, and the economic benefit of night flights should be maintained. Some respondents made the point that newer models of aircraft are quieter and more efficient. While others regarded restrictions on night flights as placing a limit on the UK economy, at a time when the economy needing to recover quickly following the impact of COVID-19.

The airline community were generally supportive in principle of the proposed night noise objective. Some made the point that when the objective is revised, the contribution of the other elements of the International Civil Aviation Organization (ICAO) Assembly's Balanced Approach should be explicitly integrated. They felt that the emphasis in the current wording on noise reduction at source fails to properly recognise the role of the other measures contained within the Balanced Approach.

Airlines were of the opinion that they have demonstrated continual and substantial improvements in the noise performance of the aircraft which they operate in the UK. They pointed out that if aircraft delivered in the early 2000s are compared with those arriving today, it is clear that innovation and technology are delivering quieter and more efficient aircraft.

Government response

Having taken into account the responses received to the consultation, the government intends to proceed as per the consultation proposal. For the purpose of the next night flight regime, we intend maintaining the existing night noise objective for the designated airports, to **“Limit or reduce the number of people significantly affected by aircraft noise at night, including through encouraging the use of quieter aircraft, while maintaining the existing benefits of night flights”**.

We have noted the strength of feeling expressed by the individual and community responses, who are seeking reductions in night noise limits sooner rather than later. However, as a result of the impact COVID-19 has had on the aviation sector, and the uncertainty around the timing of the sector's recovery, we believe that maintaining the existing objective is the correct course of action. The government continues to believe the proposed approach to limiting or reducing the number of people significantly affected by aircraft noise, while maintaining the existing benefits of night flights, remains the correct approach for the 2022-2025 night flights regime. In the longer-term we remain open to revision of the night noise objective.

In Part Two of the consultation, as part of the section on our national night flight policy, we have asked a question about a proposal to include a night noise reference in our noise objective. We continue to analyse responses to this part of the consultation and will come forward with firm proposals in due course.

A reason for extending the closing date of Part Two of the night flight consultation on longer-term policy reform to 3 September 2021, was to allow consideration of the SoNA

Night report⁴. We will ensure that the SoNA Night report is taken into account, together with other relevant new evidence, in formulating proposals for the second stage consultation.

⁴ CAP 2161: Survey of Noise Attitudes 2014: Aircraft Noise and Sleep Disturbance

3. Measurement of the noise objective for the designated airports

We asked the following question:

Do you agree with how our October 2022 to 2024 draft noise objective for the designated airports will be measured?

Many of those responding from the local communities who said that they did not agree with the proposed objective, said it would therefore be inconsistent to agree the means of measurement of that objective. Some who expressed a view that there should be no night flights, felt that measurement should therefore be unnecessary.

A common theme from the community side was that it is individual flights which wake people, rather than average noise levels, and that they would like to see a measurement of peak noise. Some community responses expressed the view that the current noise metrics fail to take into account the frequency of noise impacts at night. The average noise metric fails to provide an adequate indication of the number of noise events experienced each night. A common view expressed was that 'Number above' contours are more representative of the impact of night flights. It was suggested that a number above metric should be used to provide an indication of the number of people exposed to a number of aircraft noise events louder than a certain decibel level. One metric suggested was N60 to show the number of events each night where the noise level exceeds 60dB, a level which some respondents suggested causes the most harm in terms of sleep disturbance and awakenings.

Some felt that the QC system is not based on sleep disturbance or health impacts and that in practice the QC categories do not reflect the reality of the level of disturbance caused. A respondent added that while consideration of the average noise quota is a measure of the aircraft fleet that operated, it does not take into account how those aircraft were operated. It relates to the aircraft when being certificated, and not when operating at an airport. This could be assessed using the noise monitors around the airport, either to determine average noise levels, or by considering the departure noise limits which could be reviewed.

Others suggested that given the night period is 8 hours (23:00 – 07:00), then the night contour for measuring achievement should also relate to the same period, rather than 6.5 hours (23:30 – 06:00).

Some expressed the view that the 48dB L_{Aeq} 6.5hr night contour seriously under-reflects the area (and therefore the numbers of people) seriously affected by night flights and resulting sleep disturbance. It was suggested that for the next regime, the population and area impacted at 45dB L_{Aeq} 6.5hr night should be provided as well. It was pointed out that the Lowest Observed Adverse Effect Level – the point at which adverse effects begin to be seen – for assessing the noise implications of proposed airspace changes is 45dB L_{Aeq} 8hr, as per the Air Navigation Guidance of 2017. In addition, there were also calls for contours to be published to show the extent of adverse effects as indicated by the WHO 2018 Environmental Noise Guideline recommended level for the protection of human health, measuring down to 40dB L_{night}

Some used this section of their response to suggest that night flights over areas with low background noise levels, mean aircraft are more disruptive than over other areas and this should be taken into account. Others added that the current measurement fails to reflect the full impact on sleep quality of a plane overhead at for example, 4:30am, when other background noise levels are low.

A respondent pointed out how noise is very subjective, in that once the brain has made an association between a noise and an adverse outcome it is conditioned to respond to that noise and becomes more sensitive to it. A noise level that an average person finds non-intrusive can be very intrusive to someone who has been adversely affected.

Another respondent felt that measurement should not only be in terms of decibels but should also reflect the pitch of the noise. They stated that in South-East London landing aircraft emit a high-pitched whining that may not exceed the threshold mentioned in policy, but will still disrupt sleep and wake up people because it is high pitched.

From the community side, comments were also received suggesting that the Transport Appraisal Guidance (TAG)⁵ assessment methodology should be updated in order that the costs in terms of adverse health impacts can be calculated. A local authority raised concerns about the use of the TAG methodology, stating that it is unclear whether the methodology takes in consideration the economic benefits of night flights and the public health impact of the aircraft in the night time period on communities' health and wellbeing. One campaign group urged that TAG assessments be optimised by minimising the average noise per individual or household and not by minimising the total adverse impact across the population. In their view, the former results in dispersion of noise and the latter results in concentration.

Amongst the responses from industry, there was general recognition from the airports of what they considered to be a pragmatic approach taken by government, with support expressed for the proposal that the government continues to monitor achievement against the night noise objective using the metrics proposed in the consultation. Airlines made reference to the impact of the COVID-19 pandemic and the uncertainty which this has created, when expressing their support for the proposals on how the objective should be measured. It was said that at a time when the sector is working to combat the ongoing impact of the pandemic and focussing on re-start and recovery efforts, the need to

⁵ TAG is the Department for Transport's suite of guidance on how to assess the expected impacts of transport policy proposals and projects.

maintain a stable regulatory environment with a flexible operating environment has never been so critical.

Industry responses also included comment on the use of area and number of people in a contour. They suggested that the number of people in a contour area as a metric, can be influenced by many factors, not least the approval of planning permissions, and added that an airport does not have the final decision on this, and can only feed into the planning process by objecting. This could be unfair to the designated airports who may be working towards reducing the size of the noise contour but the population continues to grow. There was a call for more robust guidance to be given to local planning authorities about development within areas exposed to aircraft noise.

Government response

We intend to continue to measure our achievement against the objective by the metrics proposed in the consultation namely:

- The area of and number of people in the 48dB L_{Aeq} 6.5 hour night contour.
- Sleep disturbance impacts associated with night flights, assessed using TAG methodologies.
- The average noise of an aircraft (as measured by the average noise Quota Count per aircraft movement over the course of a season.)

Having considered responses to the consultation, in particular a theme in responses seeking contours that are more representative of the impact of night flights, we do acknowledge that number above metrics could be useful. We will produce number above metrics in the future, and look at how they can be used, but for this regime we will not currently use them to measure our achievement against the objective.

Some respondents made the incorrect assertion that the contours produced in this consultation exclude the noise impact of flights granted dispensations. All contours have been produced using actual flight times, irrespective of scheduled flight times. We intend to continue this as currently practised.

At present we consider the Quota Count (QC) system⁶ to be the best tool for categorising aircraft for noise purposes. However, in Part Two of this consultation, which will close on 3 September 2021, we do welcome views and evidence on how the system works in practice. We continue to review the responses to this part of the consultation, and will consider these responses to inform policy options for longer-term reform.

Similarly, as part of our longer-term reform, we are considering whether night flight restrictions should refer to the full night period of eight hours (23:00 – 07:00) rather than 23:30 – 06:00. This is a question which we have asked as part of our call for evidence in Part Two of this consultation and will be a point which we address in the longer-term.

In regard to comments received and set out above about the relevance of the WHO Environmental Noise Guidelines for the European Region (2018), which for night noise exposure strongly recommended reducing noise levels produced by aircraft during the

⁶ The Quota Count (QC) system was established in 1993. The system places limits on both movements, and the amount of noise energy that can be emitted.

night-time to 40dB L_{night} , these have always been intended as guidelines rather than binding limits. These levels also apply to noise from all sources and not just aviation. Addressing aviation noise in isolation is unlikely to achieve these levels given the totality of noise from all sources.

With regard to how progress against our objective will be measured, we recognise that some individuals will be disturbed by aircraft noise at night who are outside the 48dB L_{Aeq} 6.5hr contour. However, it is not possible to accurately produce noise contours for night time noise below this level. For the purposes of modelling, there is greater uncertainty about where precisely an aircraft will be at these further distances from airports so it is much harder to predict what the sound from an aircraft will be at an exact location. The CAA's model used to create noise contours requires validation from real aircraft noise events, which below these levels are hard to distinguish from other noise sources.

The 48dB L_{Aeq} 6.5 hour contour is therefore used to measure progress over time and assess the impacts of different options for the night flights regime. As required in the Air Navigation Guidance, our assessment of the health impacts associated with different airspace change options does measure impacts below this – down to 45dB L_{Aeq} 6.5 hr, which is consistent with the WHO's Methodological guidance for estimating the burden of disease from environmental noise. The level of accuracy is less critical for this purpose as it is about modelling future options rather than assessing past performance.

In regard to comments on the TAG assessment methodology, we are continually reviewing the evidence base and keeping on top of the latest developments. If a robust source of evidence is brought to our attention that suggests the current assessment methodology should be reviewed, we will do so and take it through the various stages required to change the TAG assessment methodology. Currently no new evidence has been provided that meets this criteria to trigger a change to the current assessment methodology.

4. Proposal to maintain the existing regime at the designated airports for two years, from October 2022 to October 2024

We asked the following question:

Do you agree that we should maintain the existing restrictions for two years from October 2022 to October 2024?

From the community responses, there was a strong message that they would like to see a significant reduction in the number of night flights, with some individuals calling for an immediate ban on night flights now, while others called for a phased reduction in the period 2022 to 2024, culminating in a ban on night flights at all UK airports for a full eight-hour period, with the exception of genuine emergencies. A common theme from respondents was that there should be eight hours per night without night flights, but some called for a quiet period between 21:00 and 08:00 to ensure that as many residents as possible are able to enjoy a restful sleep. Some pointed out that children too are entitled to a good night's sleep, and suggested that 23:30 for the start of the night quota period was too late. Others suggested that if night flights were to continue to be allowed, there should be at least a four-hour period of silence, with no flights except in exceptional circumstances, and a time of 01:00-05:00 was put forward for this.

If a total ban on night flights were to be rejected, then many of these respondents stated that there should be much lower limits on the number of night flights, restricting them to services which are genuinely essential for economic reasons or for emergencies. An opinion expressed was that it is the role of government to provide effective noise regulation and to afford communities the protection they need. In rolling forward the current regime, many community responses view the government as failing to meet these responsibilities.

While some community respondents recognised that time was required for the impacts of COVID-19 on the aviation industry to be fully understood, many felt that the pandemic should not be used as an excuse to delay long-term reform to night flight policy. Many expressed the view that prior to the pandemic, the number of night flights was already unacceptable. While the designated airports have spare capacity in the daytime, they questioned what was the justification for any flights in the night period.

Some expressed the view that extending the current restrictions would mean there is no meaningful incentive for the industry to use quieter aircraft at night. If aircraft are getting quieter, then in their view the noise quota limit needed to be reduced. One respondent pointed out that Annex D of the consultation shows that for some years all three designated airports have under-utilised their allocated quota count, adding that they regard this as a sign that the current limits are far too generous, and action is now needed to adjust them downwards. Some respondents called for noise quotas to be significantly reduced to make them relevant and effective. Others suggested that the night noise quotas for each airport need to be reviewed to take account of the banning of QC4 rated aircraft, and the general shift towards quieter aircraft, with the expectation that noise quotas could be reduced from 2022. As the current quotas were set in the knowledge that the Boeing 747-400, for example, was operating at the designated airports, so it was felt that with this aircraft now largely retired there would be scope for a reduction in quota point allocation.

Residents around Gatwick Airport were keen to point out that in the summer season Heathrow is permitted 3,250 movements, while the corresponding figure for Gatwick is more than three times as many, at 11,200. This level was felt to be excessive. Some acknowledged the reason for this being the different operating models of the different airports and the needs of low-cost carriers to have late night arrivals, but they still felt it unreasonable that the communities around Gatwick face what they consider to be an unfair burden. They added that the higher noise allowance in the summer allows for more travel and tourism, however it provides the biggest disruption to sleep and wellbeing when people are likely to sleep with windows open due to higher temperatures.

Local authorities and parish councils generally acknowledged the important role that the aviation industry plays in local, regional and national economies, in particular by supporting employment for their residents. Some noted the severe difficulties which the aviation industry has faced during the COVID-19 pandemic, and expressed their support for measures that would see their local airports return to full operations. However, many local authorities and parish councils, would not welcome a similar return to previous levels of night flying. Furthermore, many stated that they were not supportive of the proposed two-year roll-over of existing restrictions. They expressed the opinion that the proposals do not go far enough to protect the sleep, and the health, of their residents.

Other local authorities considered the proposed maintenance of the existing restrictions for two years to be an acceptable period of time, prior to the introduction of any further changes. Some recognised that recovery of the aviation sector may take time, and that further restrictions could inhibit this recovery. Some added that in the period facilitated by the proposed two-year rollover, they expected the government to carry out extensive research into the costs and benefits associated with night flying.

Amongst Gatwick local authorities, the point was made that historically Gatwick's winter quota has not been used in full and therefore should be reduced. The practice of carry-over from the winter season into the summer season at Gatwick, and an increased use of dispensations in recent years, has meant that the current limits do not fully reflect the true pattern of night flights at Gatwick, particularly in the summer months.

Others expressed concern that the consultation has presented no evidence in support of the need for continuing with a high level of night flights. They urge the government to reassess the balance between any economic benefits of night flights, against what they consider to be detrimental health and wellbeing impacts upon residents.

Some parish councils around Gatwick made the point that due to being in rural communities the noise impacts on residents are far greater than those experienced in urban communities such as those around Heathrow. They argued that the ambient noise in the rural environment is significantly lower than in the urban context. Another parish council close to Gatwick, commented that since the last review of night flights, noise levels have, on average, reduced. Therefore, this should now be reflected in a reduction of the existing night noise quotas. While such reductions now might be an interim measure ahead of a further review to be conducted before the introduction of a new regime, they would nevertheless act as a pointer to the way forward for the aviation industry. In their view, to maintain the existing level of restrictions for the period 2022-2024 would send entirely the wrong message, not only to the industry but also to the local community. One respondent added that a move to cut the maximum number of night flights movements by even just 10% would have negligible effect on the aviation industry whilst demonstrating a real commitment to communities impacted by excessive and intrusive aircraft noise.

One local authority close to Heathrow Airport is of the view that the precautionary and polluter pays principles should be followed whilst the evidence of the health impacts of sleep disturbance due to night flights remains unclear. For this reason, they argued that night flights at Heathrow should not take place until the airport has proven that these flights have no health impacts.

Another local authority expressed concern that the government could decide to roll forward the existing regime still further, beyond 2024, given the uncertainty of when air traffic levels will return to pre-pandemic levels, and therefore could reason that the impacts of the pandemic might not be fully understood in time for the planned consultation in 2022 on a new night flight regime to commence in October 2024. In their view, this would be unacceptable and they urged government to develop and engage urgently on a programme of work to ensure that there is a robust assessment of night flight costs and benefits, to allow for a properly informed consultation to take place in 2022. On the same issue, a representative group of local authorities stressed that the two-year roll-forward of the existing regime must not be a justification for inaction or further delay.

Many community responses referred to the health impacts of night flights, and studies which have highlighted the link between night flights and poor health, particularly around the risk of cardiovascular deaths. They felt that the WHO concerns on health must now be afforded a higher priority by government. The revised guidelines for aircraft noise, published by the WHO in 2018 recommended limits of 40dB L_{night} at night. One group felt that the tougher thresholds presented by the WHO are indicative of the strength of evidence relating to annoyance and sleep disturbance.

A parish council in the Stansted area suggested that the proposed rollover of existing restrictions would be complacent and irresponsible. In their view this is an indication that the government is neglecting the growing body of evidence that shows noise from aircraft at night has serious health consequences for overflowed communities.

Others living around Heathrow Airport made the point that the COVID-19 pandemic has demonstrated that a majority of the flights permitted in the Night Quota Period (NQP) at Heathrow are not vital to the UK. Some suggested that the COVID-19 pandemic may have resulted in a fundamental shift in the way that future business negotiations are conducted, with increased use of video conferencing. This must place in serious doubt the extent to which future business negotiations will require arrival from overseas destinations into

London before 06:00. A campaign group local to Heathrow stated that there would be little or no loss of economic value to the UK if all Heathrow night flights between 23:00 and 07:00 were to be re-timed into the day time.

Many of the community responses expressed how much they had enjoyed the more tranquil skies since the impact of COVID-19, describing the plane free skies as blissful and that the change had been astounding. They reported how sleep has improved hugely with the disturbance from aircraft noise being to a far lesser extent, with a corresponding increase in well-being. Some respondents said that the pandemic has made people re-evaluate the environment they want to live in, and they called for this improvement to be secured, with one suggestion that the government should impose an initial 60% cut in the current movement quotas from October 2022. Many felt that now is the ideal time to build back from the pandemic in a way that eliminates night flights.

As well as responding on the impacts of noise, some respondents also referred to the view that banning night flights would serve to reduce light pollution and cut emissions. They made the point that light pollution not only affects residents with the removal of dark skies, but is also damaging to wildlife and disruptive of wildlife's natural patterns.

There were a small number of community responses that argued that the latest generation of aircraft are quieter and so more night time movements should be allowed for that same noise level, so delivering benefit to the UK economy. Others recognised that with the uncertainties due to COVID-19 it would be sensible to maintain the existing restrictions for two years from October 2022 to October 2024, but that this period must be used to prepare for a totally new night-time regime to include more stringent quotas which should cover the whole 23:00 – 07:00 night-time period.

Others called on the aviation needs of the UK economy to be re-assessed, in light of major changes such as the impact of Brexit, and environmental developments such as the need to address climate change issues. Others agreed that having the existing restrictions in place would be a better outcome than having no restrictions, and recognised that agreeing significant changes to the regime in the time available would be very difficult.

The Independent Commission on Civil Aviation Noise (ICCAN) recognised the pressures that the COVID-19 pandemic has placed on the aviation industry, and the government's ability to make time for its officials to conduct a rigorous and robust consultation on the next regime, in time for this to be put into effect. In the circumstances, ICCAN agreed with the proposed two-year extension of the current regime (and with it the noise objective) to allow that time and noted that they would look to ensure that proper and due consideration is given to various options for the next regime.

On the industry side, the very challenging and uncertain conditions that the aviation industry is operating in at present was a dominant theme of the responses, with the proposed roll over of the existing restrictions being widely seen as a pragmatic approach. Industry responses noted that the disruption caused to the air transport system over the past year due to the COVID-19 pandemic has been unprecedented. They also added that the travel restrictions and other government aviation measures introduced to combat the spread of COVID-19 could continue for some time and that a point in time at which these would no longer be necessary remained highly uncertain.

With this in mind, airports and airlines welcomed the certainty that the proposed roll over would give them, assisting them in their planning for recovery. However, some on the industry

side recommended that the government consider a roll over period for longer than the two years proposed. Given the scale of the review of the existing restrictions, and the time and resources required to meet the legal obligations, as well as the ability to measure this accurately and secure data due to the pandemic they questioned whether a two year roll over would be sufficient to undertake the necessary steps adequately. They added that aviation is likely to take some years to recover from the COVID-19 pandemic, and believed it to be premature to assume there will be sufficient understanding of the recovery in 2022, noting that this is when the proposals for a new regime (post-October 2024), would be due for consultation.

Industry responses stressed the considerable uncertainty associated with the date of sector recovery, it being dependent on the effectiveness of global vaccine programmes and the necessity of maintaining travel restrictions and lockdowns in the coming years.

One industry body considered that a return to relative post-pandemic normality should be considered as a prerequisite for any meaningful impact analysis to inform subsequent consultations on proposed future regulatory regimes. Furthermore, the industry body added that the implementation of new regulations in an environment that is not representative of how the industry would otherwise operate or naturally evolve may risk no longer being relevant or fit-for-purpose once the global pandemic subsides and air transport begins to recover.

Other responses from industry felt it sensible to continue with the existing arrangements for the three designated airports for the next two years, while also suggesting that the government approach should remain flexible to allow the possibility of a further extension to the rollover, given that the pace of recovery from the COVID-19 pandemic is currently unknown.

Another industry viewpoint was that the existing regime has been an effective mechanism for reducing night noise over the period of the scheme. The rollover of the current regime would allow time for changes in the industry to transition before then implementing any changes to a future regime. Any change to the current regime whilst demand continues to be impacted by the COVID-19 pandemic could have long lasting impact on the efficient use of airport slots. Industry responses also argued that there is likely to be an increasing importance of night flights post-Brexit, as the UK establishes new agreements with trading blocs in different time zones.

Industry also wished it to be noted that controls set by government for the three designated airports are often replicated at other UK airports in various forms. They added that government should be mindful of how further restrictions could affect other UK airports, which in most cases will have locally agreed objectives for noise.

Government response

The government recognises the need to protect communities that are overflowed by aircraft at night from the negative impacts of night time airport operations. Aviation noise can negatively impact health in a number of ways including sleep disturbance, increased risk of cardiovascular disease and other health impacts, and can also impact amenity/annoyance levels. It is therefore understandable that communities would wish to lock in the benefits of fewer night flights associated with the pandemic.

However, the government also recognises that night flights do offer significant benefits to the UK. These include the benefits to consumers and the economy through both increased competition and choice for business and leisure customers as well as helping to preserve the UK's connectivity to a wide range of locations. All of which contribute to the UK's status as a great place to do business. Night flights also have wider economic benefits, for example those brought about by the freight sector and next day delivery services that these flights support. The fact that many of these benefits have been foregone during the pandemic in no way diminishes their future value to the UK economy.

The principle of the operating restrictions in place at the designated airports has therefore been to balance these negative impacts against the benefits of night flights. Given that the current night flight regime expires in October 2022, there is a need for the government to provide certainty on the future of night flight operations at the designated airports. This will allow airlines to plan ahead with certainty and will also provide reassurance to communities that night flights will not operate in an unrestricted way.

As a result of the impact which COVID-19 has had on the aviation sector and the uncertainty around the sector's recovery, making changes to movement and quota count limits now risks further upsetting the balance between the economic benefits of night flights and protecting communities from noise, particularly in what is already a very challenging period for the aviation sector. The government continues to believe that it would not be appropriate to make changes to the movement and quota limits at a time when the demand for aviation services after the pandemic is still unknown. To do so would mean assessing the costs and benefits against a baseline which is speculative.

We recognise that the removal of QC4 rated movements from the night period may leave headroom in total quota limits. However, we do not believe it would be appropriate to make changes to quota limits at this time. The designated airports are primarily constrained by their movement limit, rather than their quota limit. Given the small number of QC4 rated movements identified in recent seasons at the designated airports, to amend the limits now to account for the removal of those QC4 movements would have very little impact on an airport's total quota or movement limits, neither will it have a positive effect on driving the change to the use of quieter aircraft types. Given this, and the current uncertainty within the sector, we do not believe this is the right time to reassess those limits.

We had initially considered that a two-year rollover period would provide sufficient time for a complete consideration of the longer-term options for managing aviation noise at the designated airports, whilst continuing to comply with legal consultation and notification requirements that are required to be undertaken before any new operating restrictions (such as movement and quota limits) can be imposed. We consulted therefore on the basis of a two-year roll over period. However, at that time the impact, scale and duration of the pandemic were unknown and the extent of the impact on the aviation sector in particular was unknown.

Since we consulted those impacts have become clearer, although uncertainty still remains about the scale and duration of these impacts. We have also considered all consultation responses and our own data on the sector's recovery. On the basis of all this, we have reached the view that the proposed option of a two-year rollover of the existing regime, would not provide sufficient time for the impacts of the COVID-19 pandemic on the aviation

industry to be better understood and for a meaningful and detailed evidence base to emerge or be developed that can properly support longer-term policy development and change. Taking into account these factors and the consultation responses, including the call for proper analysis of costs and benefits from those opposed to the rollover but yet still seeking an evidence based analysis and consideration of the night flights impact, it is our view that in order to best meet both industry needs for certainty and to gather evidence that will enable the government to fully analyse, assess and determine a regime, that it is appropriate to rollover the existing regime for three years.

In reaching this decision we took into account the views of community groups and considered that it was likely that a longer extension would increase the strength of feeling expressed by consultees opposed to any extension. Nonetheless, even considering this our decision is that time must be allowed for the sector to recover to enable an accurate analysis of the benefits of night flights and associated negative impacts for communities.

There has been a change in the government's view on the pace and trajectory of the aviation sector's recovery relative to the view held at the time of consultation, which has been affected by international travel restrictions/measures. The UK government will hold "checkpoints" through to no later than October 2021 to review travel measures, taking into account the emerging evidence and domestic and international health picture. The report of the Global Travel Taskforce (GTT)⁷ states that this "could include, for example, considerations around self-isolation, the Managed Quarantine Service, and options at which differing measures or restrictions may apply for those with proof of vaccination". The report of the GTT also states that 68% of UK adults surveyed agree that they will only travel abroad when they feel totally confident that travel restrictions won't change, and that 65% will hold off travelling abroad until they have been fully vaccinated. Both the government's periodic review of travel restrictions via checkpoints and the condition of current consumer confidence are likely to dampen consumer demand and affect the aviation sector's pace of recovery.

The government has also heard very clearly from consultation responses that a top-down review of the costs and benefits of night flights is required. In order to have sufficient time to undertake this review, and for all stakeholders to be able to make a meaningful contribution to such a review, the government now intends to proceed with a three-year rollover of the existing night flight restrictions.

During this period, we will work to develop the wider evidence base in this area, particularly with respect to issues such as the wider economic costs and benefits of night flights, and how the health impacts of aviation noise vary by time and affect different groups.

The next night flight regime will therefore now commence in October 2022 and will continue until October 2025.

We asked the following question:

⁷ <https://www.gov.uk/government/publications/global-travel-taskforce-safe-return-of-international-travel>

What would be the impacts to you should the government maintain the existing restrictions for two years, from October 2022 to October 2024?

The most prominent theme expressed in responses from individuals and community groups on this question, was that they would have to endure continued disturbance from night noise, with corresponding impacts on quality of life. Responses spoke of continued night time noise levels leading to sleep deprivation and resulting difficulty in concentrating at work during the day. Other health impacts were referred to that would not be improved by a maintaining of the existing restrictions. These included ongoing mental health issues, raised blood pressure, anxiety, depression, stress and lower life expectancy. Fatigue, bad mood, loss of productivity at work, and poor performance in education with reduced reading comprehension amongst school children were also mentioned.

Many of the responses from individuals and community groups felt that maintaining the status quo would not be good enough, and demonstrated a failure of ambition on the part of the government who it was felt should be seeking to reduce the number of flights at night, not allowing them to continue at current levels. Some felt that the impacts of the COVID-19 pandemic on the aviation industry, with the current level of reduced night time movements, presented an opportunity for the government to be bold on night flights, and suggested government should now take action that would lock in the benefits communities have enjoyed during the quieter night skies owing to the pandemic.

One campaign group felt it likely that some airports would seek to artificially ensure full, or near-full, utilisation of their night flight movement and quota limits in order to support arguments for retaining (or increasing) those limits after 2024. Another campaign group suggested that as a priority an urgent review of the direct impacts of night flight noise to mental and physical health was needed.

Other individuals expressed concern that the financial impacts of COVID-19 may affect the ability of airlines to invest in new, quieter aircraft. However, there were some responses from individuals who said that anything that would help the aviation sector would be welcomed given how the industry has suffered since the COVID-19 pandemic. Others noted that there would be little impact on them either positively or negatively by rolling forward the existing restrictions, and that this seemed a sensible, if unambitious, target, and that two years appeared a reasonable period for the rollover.

On the industry side, the impact that maintaining the existing restrictions would have, was felt to be positive. The severe impact that COVID-19 has had on operations was again noted, alongside the considerable uncertainty faced by the aviation sector. Whilst airports and airlines are unlikely to fully utilise their night movement allowance in the near future, it was said that the maintenance of current limits would provide much needed certainty to industry. It would assist with the planning of future schedules at a time when so many external factors are negatively impacting air transport and contributing to unpredictability of future demand. Industry responses expressed the belief that extending the current regime would help facilitate the sector's recovery from the COVID-19 pandemic. It was said that both the passenger and freight sectors will be key to recovery and to re-building global connectivity in future years.

Government response

From the consultation responses received from individuals and communities, the government has heard the argument that there is an opportunity to reduce night movements and corresponding levels of night noise. However, taking all factors into account, particularly the uncertainty currently faced by the aviation sector, we believe that maintaining the existing limits is the fairest approach for the next regime. At present, the current uncertainty makes it difficult to assess the costs and benefits of different measures, and that evidence is needed to support making a change to future regimes.

We asked the following question:

What would be the impacts to you should the government allow the night flight restrictions in place at the designated airports to lapse?

The majority of responses from individuals and community groups gave the view that there must be night flight restrictions in place. Many felt that to allow the restrictions to lapse would be disastrous and abhorrent. Others described the thought of unregulated night flight activity as being unbearable for many people. Fear was expressed as to what the resulting health impacts of such a move could be. Responses made clear that the impact on local communities from such a decision would be huge, triggering a loss of quality of life and a worsening of physical and mental health.

Some respondents remarked that they were surprised that such a question had been included in the consultation, so unimaginable was the outcome of the restrictions being allowed to lapse. The point was made that unregulated night flight activity would be inconsistent with previous government policy statements, would be a serious dereliction of duty by government, and should be inconceivable. Many respondents feared that with no restrictions in place, airports would have free-reign to fill the night period with flights, with an unacceptable effect on noise, air and light pollution.

There were a minority of responses from individuals who referred to airports being crucial to local and national economies, and which suggested the government should allow them to flourish, pointing out that parts of the world operate night flights without any restrictions.

On the industry side, airports recognised the importance of controls on night noise. In the absence of government controls, it was said that locally agreed noise controls could be implemented, but with the limited time available, the view was given that it would not be practical to develop, consult on and implement such locally agreed controls in time for the new regime to commence in 2022.

One respondent felt that if the government allowed the current restrictions to lapse, and then subsequently looked to introduce a new scheme for future seasons, the limits for that future season would need to be set at levels that could accommodate all existing historic slot entitlements, which may have increased due to the previous lapse of restrictions. The view put forward stated that at the designated airports, demand is greater than supply and so without any restrictions it is likely that slots would be allocated in the night period. If those flights were operated as per UK Slot Regulations, they would gain historic entitlement for the subsequent season. However, that is based on an incorrect understanding of the interaction of the various legislation governing slots and operating

restrictions. Operating restrictions could still be subsequently implemented even if the regime lapsed.

Government response

The current night flight regime is due to expire in October 2022. Without agreeing a new regime for the period beyond 2022, the default situation is that the designated airports would operate without operating restrictions.

The government recognises the International Civil Aviation Organization (ICAO) Assembly's "Balanced Approach" to aircraft noise management. The Balanced Approach consists of identifying noise problems that exist at an airport and then assessing the cost-effectiveness of the various measures available to reduce noise through the exploration of four principal elements, which are:

- Reduction of noise at source (quieter aircraft)
- Land-use planning and management
- Noise abatement operational procedures (optimising how aircraft are flown and the routes they follow to limit the noise impacts)
- Operating restrictions (including night flight restrictions)

Where there is a noise problem at an airport, UK law⁸ requires it to be addressed in accordance with the Balanced Approach and to be managed in a cost-efficient manner. Under the Balanced Approach operating restrictions should only be introduced at airports if there are no other ways of achieving the desired benefits.

In terms of reduction of noise at source, advances in aircraft technology have delivered improvements to the level of noise experienced on the ground, but we consider that this has not been enough to address the noise problem. Land use planning is an important mechanism in influencing the populations affected by aircraft noise and in the assessment (and appropriate mitigation) of environmental impacts resulting from aviation activity. However, in the time available, there is insufficient time for changes to be made. Further work on land use planning will be developed through the Aviation Strategy. The work on finalising the Aviation Strategy has been paused because of COVID-19, but we expect to resume work on developing those proposals later this year.

Noise abatement procedures have been set at the designated airports, and having reviewed these procedures, at present, other than ongoing work at some airports regarding departure noise limits, we do not consider significant changes to noise abatement procedures will help to meet the objective. Therefore, we remain of the view that operating restrictions are necessary, and that it would not be appropriate to let the current regime lapse. This could lead to night flights being restricted only by airport operational capacity, and this is not a position supported by the government. Therefore, the existing restrictions will be carried over into a new regime to take effect from October 2022.

⁸ EU Regulation 598/2014 as retained in UK law; see section 3 of the European Union (Withdrawal) Act 2018. Direct EU legislation, so far as operative immediately before exit day, forms part of domestic law on and after exit day.

5. Proposal to ban QC4 rated aircraft movements from operating at the designated airports between 23:30 and 06:00 from October 2022

We asked the following question:

Do you agree we should ban QC4 rated aircraft movements from operating at the designated airports between 23:30 and 06:00 from October 2022?

The overwhelming majority of respondents agreed with the proposal to ban QC4 rated aircraft movements at the designated airports between 23:30 and 06:00, noting that it would help reduce potential health risks as a result of not getting enough sleep and stress caused by sleep disturbance. A common feeling expressed was that it is right that the regulations are tightened to encourage the phasing out of older and noisier aircraft.

However, several responses stated that this proposal did not go far enough. Community groups argued that, considering the great disturbance night flights cause to local residents, night flights should only occur in cases of emergency or of genuine economic importance. There were calls for the night quota period to be extended to reflect what respondents have interpreted as World Health Organization guidance recommending 8 hours of uninterrupted sleep. This is in fact a misrepresentation of the guidance and takes the guidance out of the context for which it was intended. Respondents also questioned why this ban on QC4 rated aircraft movements could not begin sooner than 2022. They note that a majority of these movements are not currently being used due to COVID-19 and encourage government to take advantage of this and commence the ban of QC4 rated aircraft movements at the designated airports as soon as possible.

An environmental group were of the view that the impact of COVID-19 has meant many new aircraft orders being cancelled or delayed, and they feared that this could impact on the speed of transition to quieter aircraft. They acknowledged that the pandemic has accelerated the phasing out of older, less efficient - and comparatively noisier – aircraft from commercial passenger service, but the reduction in available ‘bellyhold’ freight capacity has seen many of these aircraft picked up by logistic companies whose business has grown considerably during the pandemic.

Some respondents were sceptical about this proposal and expressed that the benefits of this to communities would be minimal as most night flights are not QC4 aircraft. They state that the ban should be widened to include QC2 rated aircraft movements to noticeably improve the level of noise at night. There were some respondents confused as to why louder aircraft are being used at night when much quieter aircraft exists.

On the other hand, industry representatives were concerned about this proposed ban. QC4 rated aircraft movements are mainly used for cargo, and some industry responses suggested that banning these would mean the UK is unable to compete efficiently with major international cargo airlines. A ban on QC4 rated aircraft movements would mean smaller aircraft would be used, substantially reducing bellyhold capacity for freight. They point out that although QC4 rated aircraft movements are not typically used, they are vital when moving large volumes of cargo - for example, medical equipment during the COVID-19 pandemic. Industry responses noted that there are many Boeing 747-400 freighters still operating at UK airports that have supported the COVID-19 response. They asked that government demonstrate what the impact of banning these movements would be and what is to be achieved by this restriction within the framework of the ICAO balanced approach.

An industry body was of the opinion that an operational ban on QC4 rated aircraft movements is not necessary at this time. They note that the pandemic has prompted many airlines to accelerate the retirement of their older aircraft. They also added that there are cases where an operational ban would severely impact the ability of some operators to transport perishables, pharmaceuticals, medical equipment, and live animals to and from the UK.

Industry responses also pointed out that pre-pandemic, QC4 rated aircraft movements were only allowed to operate during the night quota period if delayed. Banning these aircraft from flying during the night even when delayed may have detrimental effects for freight and UK trade. They point out ICAO's balanced approach requires less restrictive means to be examined before implementing this ban which would disproportionately impact freight.

Industry pointed out that airlines are already in a difficult position due to the pandemic and imposing strict restrictions during this time would cause them further financial difficulty. They point out that some airlines may continue to use QC4 rated aircraft movements as the pandemic has forced them to delay the purchase of newer aircraft. Additionally, many airlines have leases that cannot be terminated at such short notice and would instead benefit from a longer transition period. There was some concern that banning QC4 rated aircraft movements at the designated airports would lead to airlines simply moving them to other airports, causing the noise issue to remain. Overall, most members of industry see this ban as going too far, particularly since QC4 rated aircraft movements are not commonly used for passenger flights and thus are not the main source of night noise.

One local authority made the point that whilst they are supportive of the ban on QC4 rated aircraft movements at night, they expressed concern that if the noise quota limit remains unchanged then the number of night flights could increase. They added that it is not just the volume of the noise but also the number of overflights that causes disturbance to local communities.

Government response

Prior to the pandemic, QC4 rated aircraft movements were the noisiest in regular service at any of the designated airports. Although they could not be scheduled during the night quota period (23:30 to 6:00), they could operate if delayed. To prevent these aircraft operating at night in the future, the government proposed to ban QC4 rated aircraft movements during the night quota period, at the designated airports, from October 2022. This proposal intended to benefit communities by removing the noisiest aircraft between 23:30 and 06:00, while having a minimal negative impact upon industry.

After considering the consultation responses received, we will, as proposed in our consultation, be going ahead with the introduction of a ban on QC4 rated aircraft movements. The response from community groups and individuals was largely supportive of this proposal, although some questioned why such a ban could not begin sooner. As this operational ban will be a new operating restriction, it had to be consulted on under the regulations, and then the required notification and lead in times for slot committees taken into account, meaning that the ban will be introduced alongside the new night flight regime in October 2022.

We believe that the introduction of a ban on QC4 rated aircraft movements will help in limiting the number of people significantly affected by aircraft noise at night, by preventing the noisiest aircraft from operating. Figures 1 to 6 illustrate the 60 dB L_{Amax} noise footprints⁹ for departures at Heathrow, Gatwick and Stansted. For each airport, separate footprints are shown for a single easterly departure and a single westerly departure for both a QC4 rated aircraft movement and a QC2-rated aircraft movement. The comparison drawn between QC4 and QC2 aircraft is based on the assumption that an operational ban to QC4 aircraft movements would result in airlines operating the next noisiest aircraft type, which in this instance would be QC2-rated. The modelled departure routes at each airport were based primarily on the most commonly used routes for the B747-400 over the combined summer 2020 and winter 2020/2021 seasons (day or night).

Results are summarised in Tables 4, 5 and 6, which show the area, population and number of households within each 60dB L_{Amax} departure footprint at each of the designated airports. Differences in footprint areas for the same aircraft type (i.e. B747-400/-400F or B777-300ER/B777F) can be explained by operational differences at each airport. These could include differences in airline departure procedures (causing differences in engine thrust and noise), differences in take-off weight (generally a more heavily loaded aircraft will be lower over the ground compared to a lighter aircraft), and different airspace constraints (delaying climb along some airport departure routes, meaning that aircraft are lower).

These results indicate that the noise footprint of a QC2 rated aircraft at each airport is considerably smaller than for a QC4 aircraft, and thus the associated noise impacts of a QC2 aircraft are therefore significantly less. The figures assume there would be a one-for-one replacement of QC4 to QC2 aircraft.

⁹ Footprints are used to compare the noise characteristics of different aircraft and are helpful in depicting their relative contributions to noise exposure. While it is standard practice to plot 60dB L_{Amax} noise footprints for aircraft operations at night, the footprint boundaries for the B747-400 extend significantly beyond the point at which the ANCON aircraft noise model has been validated (see www.caa.co.uk/CAP1149). The results are therefore subject to some uncertainty.

Figure 1. Illustrative 60dB L_{Amax} easterly departure footprints for QC4 and QC2 aircraft at Heathrow (09R BPK)

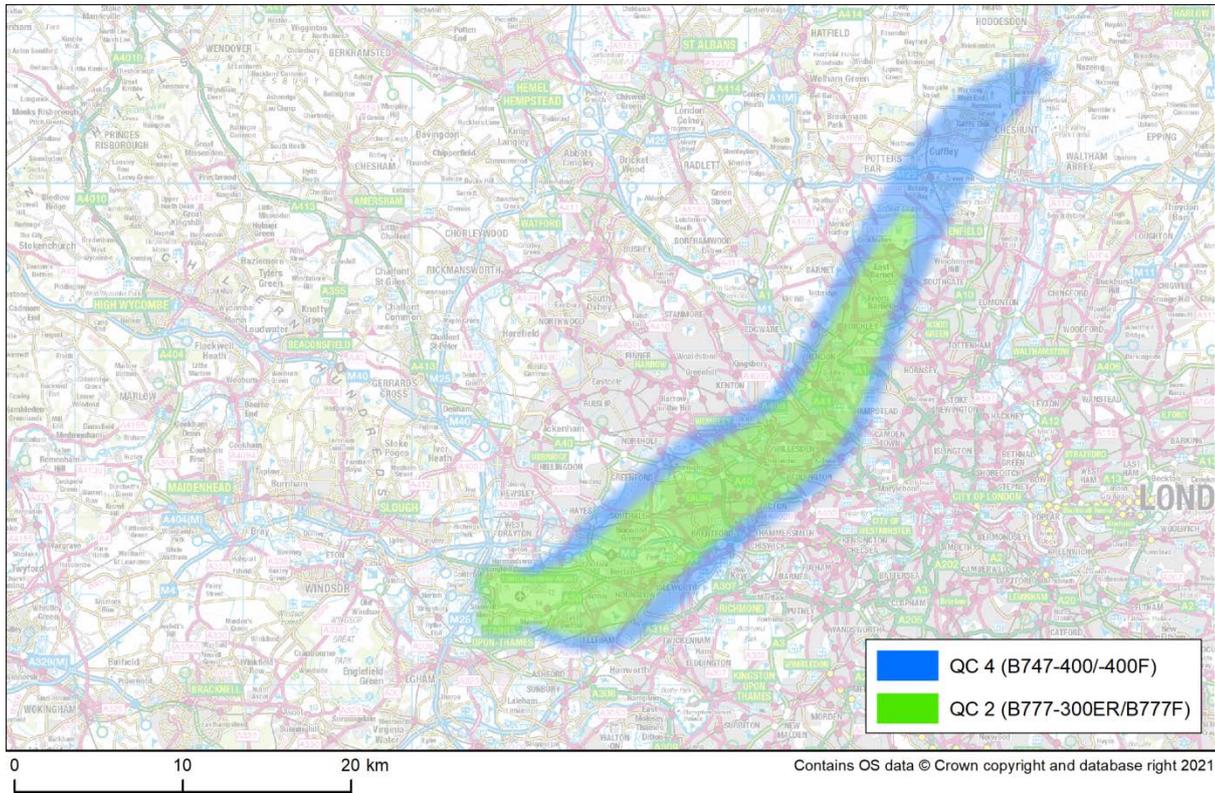


Figure 2. Illustrative 60dB L_{Amax} westerly departure footprints for QC4 and QC2 aircraft at Heathrow (27R BPK)

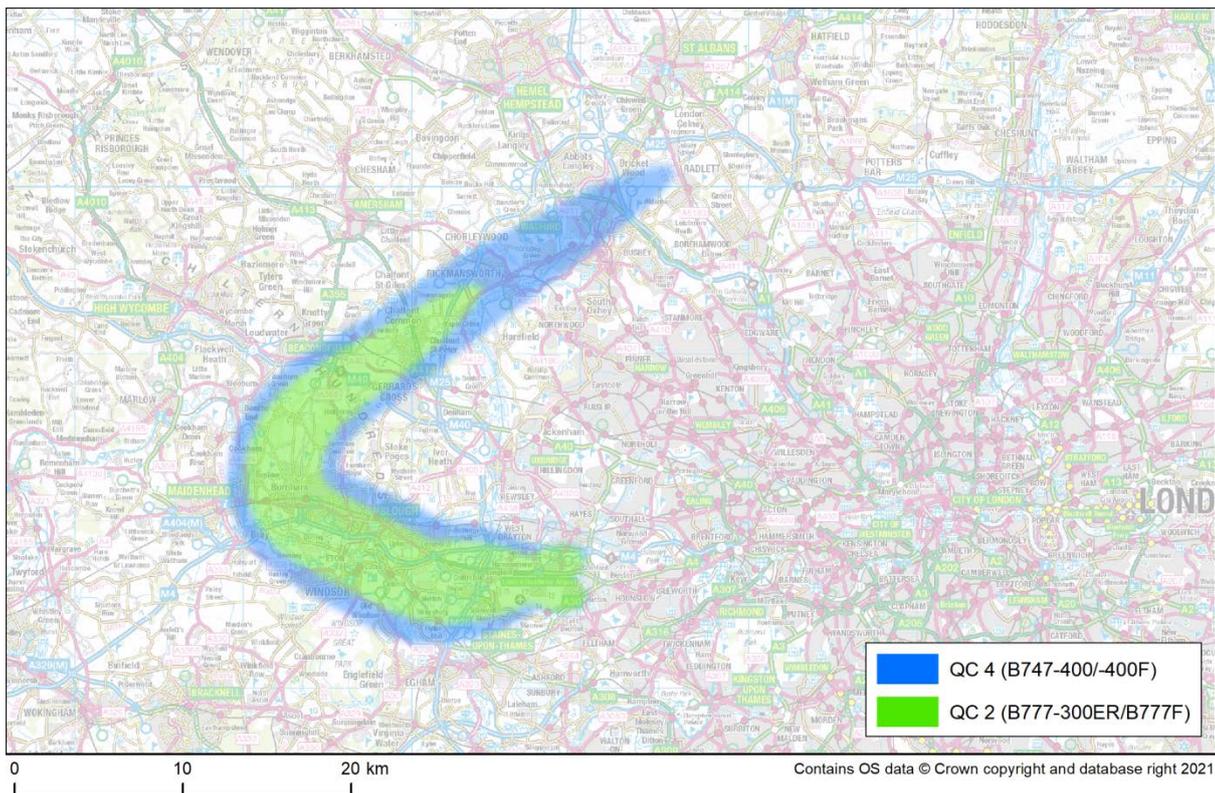


Figure 3. Illustrative 60dB L_{Amax} easterly departure footprints for QC4 and QC2 aircraft at Gatwick (08 LAM)

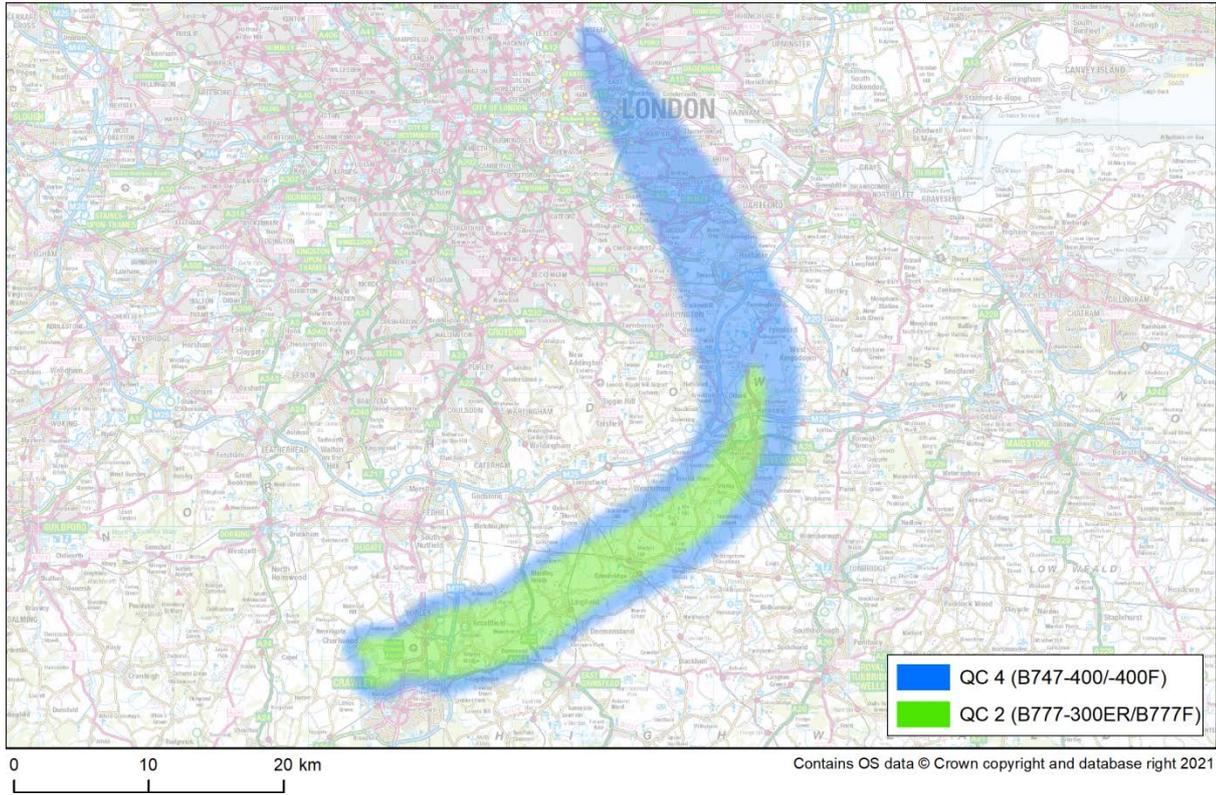


Figure 4. Illustrative 60dB L_{Amax} westerly departure footprints for QC4 and QC2 aircraft at Gatwick (26 LAM)

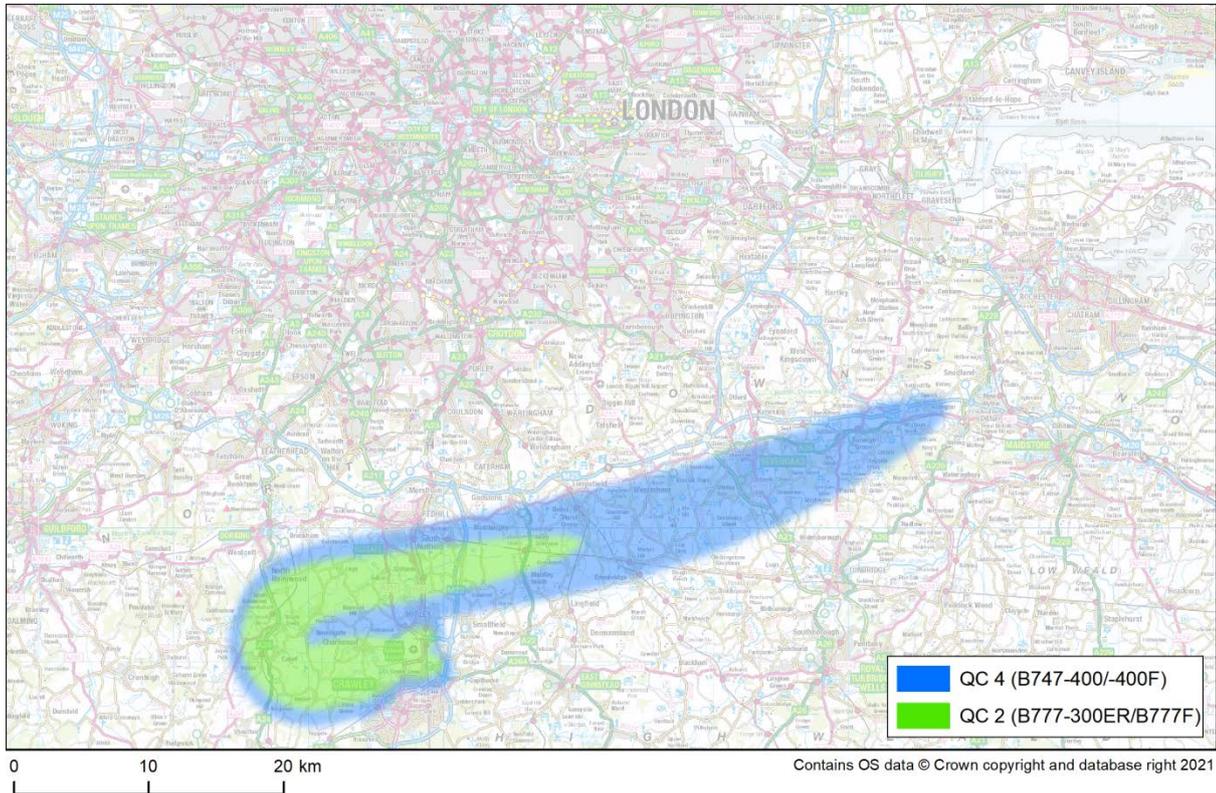


Figure 5. Illustrative 60dB L_{Amax} north-easterly departure footprints for QC4 and QC2 aircraft at Stansted (04 CLN)

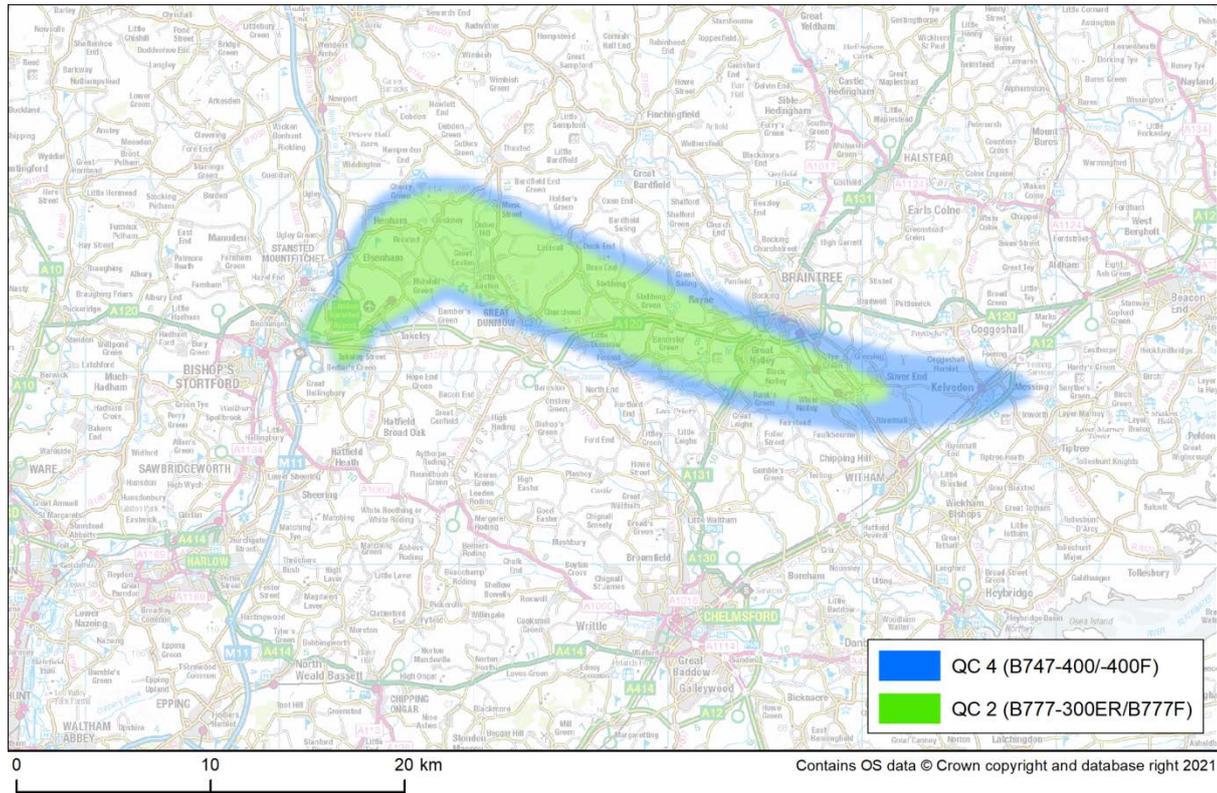


Figure 6. Illustrative 60dB L_{Amax} south-westerly departure footprints for QC4 and QC2 aircraft at Stansted (22 CLN)

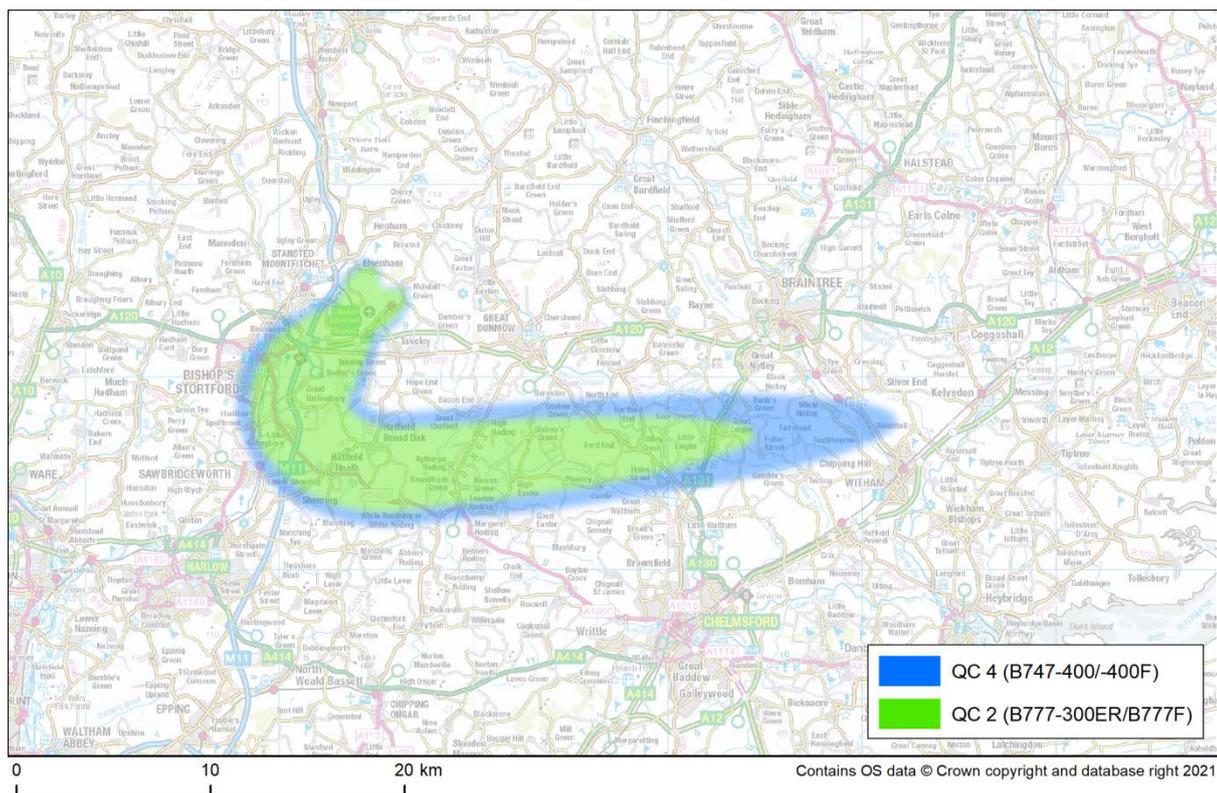


Table 4. 60dB L_{Amax} departure footprint areas for QC4 and QC2 aircraft at Heathrow

Aircraft	Footprint	Area, sq km	Population, 1000s	Households, 1000s
QC 4 (B747-400/-400F)	Easterly (09R BPK)	270	1,280	480
	Westerly (27R BPK)	270	390	150
QC 2 (B777-300ER/B777F)	Easterly (09R BPK)	150	790	290
	Westerly (27R BPK)	150	170	66
Differences	Easterly (09R BPK)	-44%	-38%	-40%
	Westerly (27R BPK)	-44%	-56%	-56%

Table 5. 60dB L_{Amax} departure footprint areas for QC4 and QC2 aircraft at Gatwick

Aircraft	Footprint	Area, sq km	Population, 1000s	Households, 1000s
QC 4 (B747-400/-400F)	Easterly (08 LAM)	440	710	250
	Westerly (26 LAM)	440	160	63
QC 2 (B777-300ER/B777F)	Easterly (08 LAM)	150	66	27
	Westerly (26 LAM)	150	29	11
Differences	Easterly (08 LAM)	-66%	-91%	-89%
	Westerly (26 LAM)	-66%	-82%	-83%

Table 6. 60dB L_{Amax} departure footprint areas for QC4 and QC2 aircraft at Stansted

Aircraft	Footprint	Area, sq km	Population, 1000s	Households, 1000s
QC 4 (B747-400/-400F)	Easterly (04 CLN)	200	54	22
	Westerly (22 CLN)	200	43	17
QC 2 (B777-300ER/B777F)	Easterly (04 CLN)	120	22	8
	Westerly (22 CLN)	120	23	9
Differences	Easterly (04 CLN)	-40%	-59%	-64%
	Westerly (22 CLN)	-40%	-47%	-47%

We have considered the concerns raised by industry, such as the proposed ban leading to less capacity for freight to move in the bellyhold of passenger flights, that more smaller aircraft would need to be flown instead of fewer larger aircraft, and that if airlines are no longer able to use their current fleet this could limit their flexibility and future growth. However, we did not receive strong evidence to suggest the impact on the aviation industry of the proposed ban on QC4 rated aircraft movements in the night quota period at the designated airports would outweigh the benefits in improved night noise, such as to dissuade government from proceeding with this proposal. We maintain that this proposal will have a minimal impact on the majority of the aviation industry. We have also considered the point on dispersal of QC4 rated aircraft movements to other (non-designated) airports elsewhere but note that all bans displace aircraft to other airports.

Due to the small number of QC4 rated aircraft movements that have taken place in the NQP in recent years, a ban of QC4 rated movements would represent minimal costs to airlines

whilst providing communities with the reassurance that in the future they will not experience the noisiest aircraft at night and the associated health impacts. Additionally, it ensures that airlines will not be able to reintroduce these aircraft at night as aviation demand recovers, but will still be able to deliver capacity through quieter aircraft.

It is notable that some industry respondents did agree with our proposal and saw it as the next logical step towards fleet modernisation. Amongst the responses from freight carriers, it was noted that QC4 rated aircraft movements are not regularly used by them at the designated airports. The government is fully appreciative of the support the freight industry has provided during the pandemic, such as in delivering critical medical equipment and supplies, for which we understand that QC4 rated aircraft movements have at times been deployed. It is possible for dispensations to be granted in these rare cases of emergency, which in this instance would allow QC4 rated aircraft movements to continue to be used for this specific type of flight.

6. Glossary

Balanced Approach	Guidance developed by ICAO to address aircraft noise problems at individual airports in an environmentally responsive and economically responsible way
CAA	Civil Aviation Authority
dB	Unit of relative sound level or changes in sound level
dBA	Unit of sound pressure level measured on the A weighted scale, i.e. as measured on an instrument that applies a weighting to the electrical signal as a way of simulating the way a typical human ear responds to a range of acoustic frequencies.
Designated airport	Any airport designated for the purposes of section 78 of the Civil Aviation Act 1982 which allows the Secretary of State to require action to be taken to avoid, limit or mitigate the effect of noise from aircraft. Heathrow, Gatwick and Stansted are the three airports currently designated for these purposes
EPNdB	Effective Perceived Noise Decibels. A specialised noise unit used for aircraft noise certification tests.
ERCD	Environmental Research and Consultancy Department of the Civil Aviation Authority.

ICAO	International Civil Aviation Organisation.
L_{eq}	A measure of long-term average noise exposure. For aircraft it is the level of a steady sound which, if heard continuously over the same period of time, would contain the same total sound energy as all the aircraft noise events. L _{eq} is most commonly used with the A-weighted scale (as measured on an instrument that applies a weighting to the electrical signal as a way of simulating the way a typical human ear responds to a range of acoustic frequencies), expressed as L _{Aeq} . L _{Aeq 6.5hr night} is used in this consultation to refer to the noise levels in the period of the night, 23:30-06:00, that movement and noise quota limits apply to.
L_{Amax}	The maximum A-weighted sound level (in dBA) measured during an aircraft flyby
L_{night}	Usually, the eight hour L _{eq} average noise level from a specified source or sources as defined in Directive 2002/49/EC, in the UK defined to cover 23:00-07:00 local time; sometimes defined over other periods at night.
Movement Limit	The number of movements allowed during a season between 23:30 and 06:00 (the Night Quota Period).
Noise Contour	Aircraft noise maps which show lines joining points of equal noise to illustrate the impact of aircraft noise around airports.
Night Period	Defined as 23:00-07:00 local time.
Night Quota Period	Defined as 23:30-06:00 local time unless the context indicates otherwise.
Noise Quota	An aggregation of quota count for individual aircraft, used to define a seasonal limit or usage by comparison with the applicable limit.

Operating Restriction

Noise related action that limits or reduces access of civil subsonic jet aeroplanes to an airport. It includes operating restrictions aimed at the withdrawal from operations of marginally compliant aircraft at specific airports as well as operating restrictions of a partial nature, affecting the operation of civil subsonic aeroplanes according to time period

Quota Count (or QC)

The weighting attributed to the arrival or departure of a specified aircraft type by reference to its certificated noise performance, divided into 3EPNdB bands.

Scheduling committee

Responsible for formulating scheduling policies specific to a particular airport.

TAG

TAG is the Department for Transport's suite of guidance on how to assess the expected impacts of transport policy proposals and projects.

WHO

World Health Organization.



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Annex C: –Arrivals Description

Arrivals

Information on how aircraft arrive at Gatwick

Unlike the initial stages of flight for departing aircraft, there are no set routes to follow for inbound aircraft nor are there noise limits or fixed heights. This is because inbound aircraft arrive into UK airspace in a random pattern and need to be managed by Air Traffic Control (ATC). When the airport is busy, arriving aircraft may be put into a holding pattern as part of a 'stack' by ATC before being told to make their final approach. ATC also sequence the aircraft for safe separation by providing speed and direction instructions to join the Instrument Landing System (ILS).

ILS is a beam which extends out a horizontal distance of 25 nautical miles (nm) from the airport. It is aligned with the runway centreline to guide aircraft to land. Landing is a very busy and critical stage of the flight so it's vital that aircraft are set up for landing (with flaps correctly configured) and at the right speed some distance from touchdown. To achieve this ATC

has discretion over where they direct aircraft to join the ILS in the interests of both safety and separation. This means any area beneath the ILS will have arriving aircraft flying over as well as areas to the side as aircraft are directed on to the ILS. Note that aircraft arriving at Gatwick will usually join the ILS from the south to avoid the proximity of Heathrow Airport to the north.

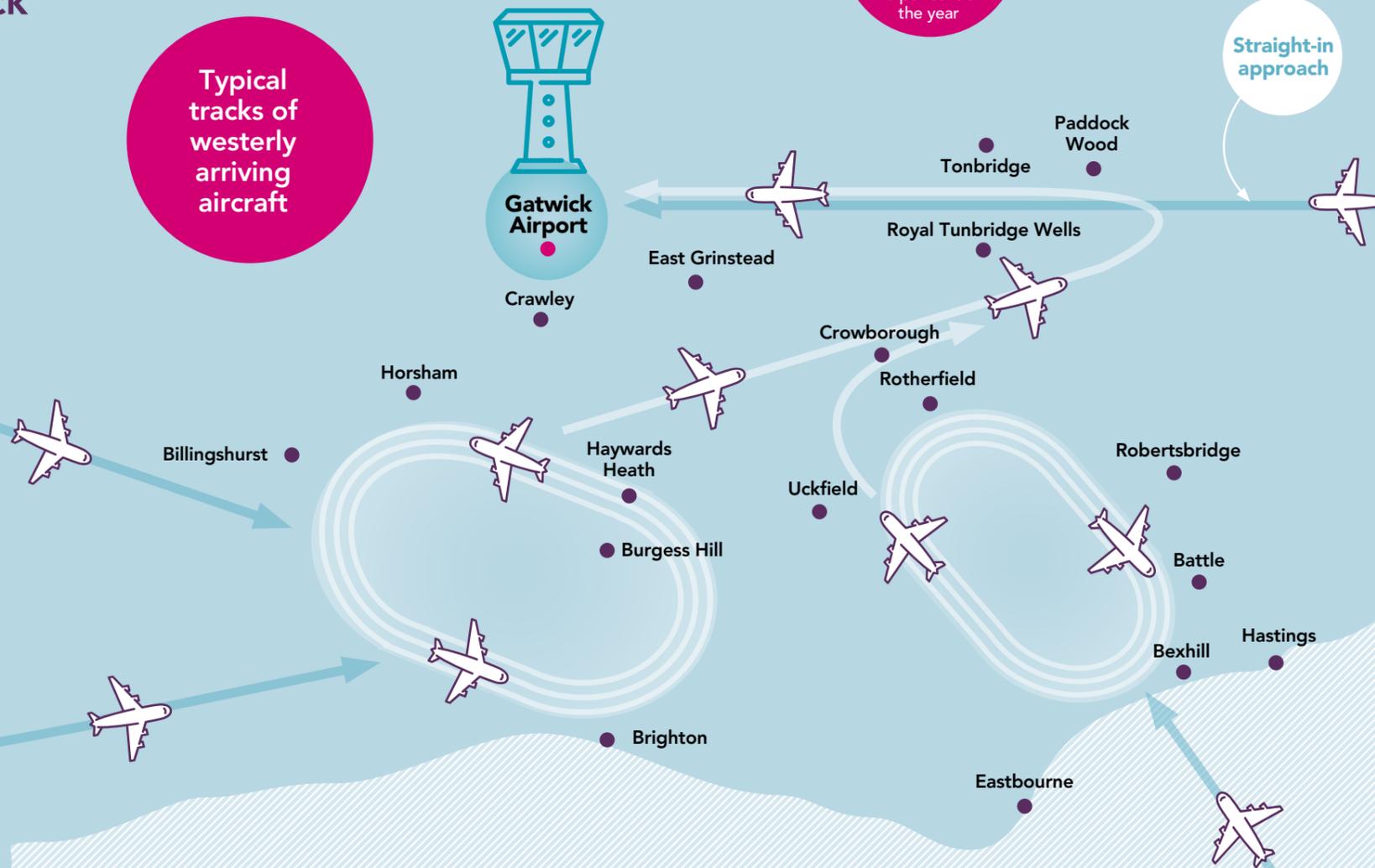
To operate safely aircraft must land and take-off into wind. For take-off it will increase the lift-off produced by the wings. For landing it will create lift, required until touchdown, while also helping to control airspeed. The direction the airport operates in is therefore driven by wind direction: if the

wind is from the west, aircraft will approach Gatwick from the east and depart, initially, towards the west. This is called 'westerly operations' (as shown above). If it's from the east, they will approach from the west and depart towards the east which is called 'easterly operations' (as shown on the next page).

Typical tracks of westerly arriving aircraft

Note: Aircraft approach the airport from a westerly direction for approximately 70 per cent of the year

Straight-in approach



Over the last decade, on average, around 70 per cent of aircraft operations have been in a westerly direction although this does fluctuate and conditions may see a prolonged period of one direction over another. The direction of operations is decided by ATC with help from aircrew reports. They must take into account wind at airfield level and at 1,000 and 2,000 ft which are the initial stages of take-off and final stages of approach. Wind speed at 2,000 ft is much faster than that on the ground and can vary a lot in direction. So wind direction you may experience at home or see on local weather reports won't determine in which direction Gatwick will be operating in. You can track the current operational direction of the airport using our flight tracking website.

FLIGHT TRACKING:
webtrak.emsbk.com/lgw2
GATWICK WEBSITE:
www.gatwickairport.com/noise

Although there are no noise limits for arriving aircraft, there are noise abatement procedures to reduce the impact on the community. These were created by an Advisory Code of Practice (ACoP) made up of representatives from airlines, ATC, Civil Aviation Authority and Government representatives. You can read this at www.gatwickairport.com/noise

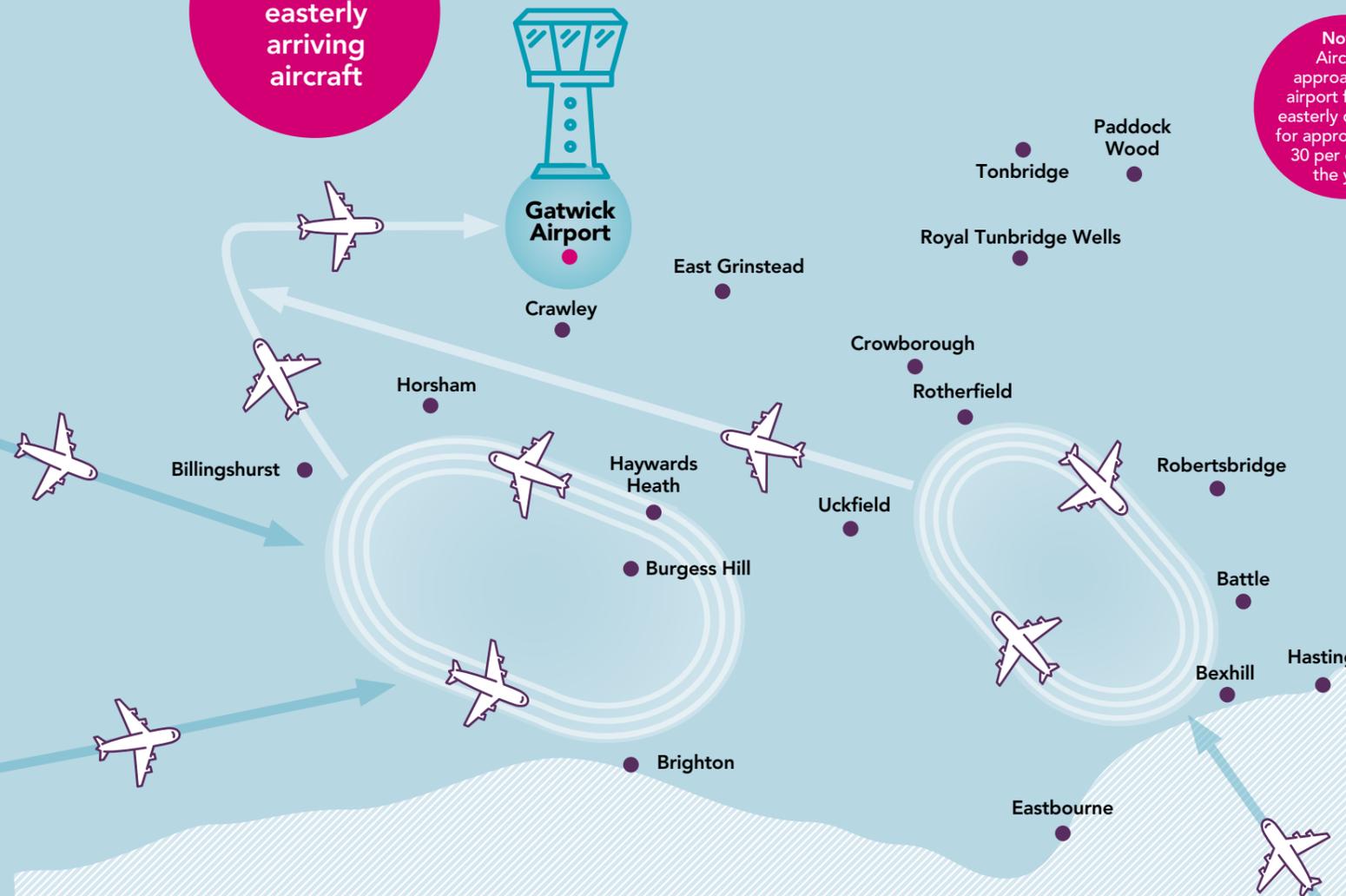
Arrivals continued

One of the main noise reduction measures, subject to safety requirements, is Continuous Descent Approach (CDA) which involves avoiding prolonged periods of level flight, which is noisier than CDA.

CDA sees the pilot continuously descending to join the ILS at the correct height. This avoids the need for long periods of level flight and means the aircraft can stay higher for longer. Not only does it help with noise reduction, but it also reduces fuel burn, so cutting emissions. At Gatwick we measure CDA performance from 7,000ft and report our performance in our quarterly and annual flight performance reports available on our website www.gatwickairport.com/noise. In recent years more than 90 per cent of aircraft performed a CDA during the 24-hour period.

There are other long-standing procedures to reduce noise. These apply to night-time operations where we aim to keep aircraft as high as possible for as long as possible. For example, between 23:30 and 05:59 aircraft must join the ILS at no less than 3,000ft and not within 10nm of the airport.

Typical tracks of easterly arriving aircraft



Note: Aircraft approach the airport from an easterly direction for approximately 30 per cent of the year

Gatwick is committed to reducing airport noise as much as it can for the local community. All procedures are monitored by a noise and track keeping system at Gatwick and any non-compliance is reported to the ATC and/or the airlines. Performance is also reported at the bi-monthly meetings of our Flight Operations Performance & Safety Committee. This was created to ensure the development of best practice by airline operators using Gatwick and is made up of airport representatives plus those from the Department for Transport, ATC service providers and major airlines operating at the airport.

This is just one part of Gatwick's extensive Noise Action Plan. Now in its third iteration having commenced in 2010, the five-year plan contains 55 actions to manage noise at Gatwick. You can read more about this plan and progress towards its implementation on our website: www.gatwickairport.com/noise

There are also restrictions around reverse thrust which is a way of slowing aircraft down once they've landed. Pilots have been asked to avoid using reverse thrust between 23:30 and 06:00 local time unless required for safety reasons, such as if the runway is wet.

We also charge noisier aircraft more to land as an incentive to the airlines to introduce quieter fleets. The Independent Arrivals Review, published in January 2016, recommended a charge to encourage airlines

operating A320 family aircraft to modify their aircraft to reduce a high pitched whining noise on approach. Since introducing the charge on 1 January 2018, 97 per cent of A320 family aircraft have been modified.

This map is a graphical representation, actual flight tracks may vary



LONDON GATWICK

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Annex D: Noise Preferential Routes - Departures

Departures

Information on how aircraft depart at Gatwick

Introduction

Gatwick has approximately 450 departures a day during the summer period and around 300 in the winter. Most of these happen between 06:00 and 23:30 local time.

Take-off

To operate safely aircraft must land and take-off into wind. For take-off it will increase the lift-off produced by the wings. The direction the airport operates in is therefore driven by wind direction: if the wind is from the west, aircraft will approach Gatwick from the east and depart, initially towards the west. This is called 'westerly operations' and is shown opposite. If it's from the east, they will approach from the west and depart towards the east. This is called 'easterly operations' and is shown on the next page.

Direction

The direction of operations is decided by Air Traffic Control (ATC) with help from aircrew reports. They must take into account wind at airfield level and at 1,000 and 2,000 ft which are the initial stages of take-off and final stages of approach. Wind speed at 2,000 ft is much faster than that on the ground and can vary a lot in direction. So, wind direction you may experience at home or see on local weather reports won't determine in which direction Gatwick will be operating in. You can track the current operational direction of the airport using our flight tracking website at webtrak.emsbk.com/lgw2

Flight paths

Aircraft follow flight paths known as Noise Preferential Routes (NPRs) up to 3,000ft or 4,000ft depending on the route. NPRs were set by the Department for Transport in the 1960s to avoid over-flight of built-up areas where possible.

Each one consists of a 'centreline' and accompanying compliance monitoring swathe which at 3km across allows 1.5km either side of the NPR centreline. If each aircraft remains within this 'swathe' they are on track.

The location of NPRs remains the responsibility of the Government and Gatwick has no authority to change them. Any significant changes would be subject to a public consultation.

ATC is responsible for the routing of aircraft once they are airborne and when they reach 3,000 or 4,000ft may give a flight a more direct heading – known as vectoring – off the route. This may also happen below these altitudes if safety, weather or traffic demand it and may mean aircraft exiting the NPR below the vectoring altitude and flying over areas nearby.

Route 9 NPR

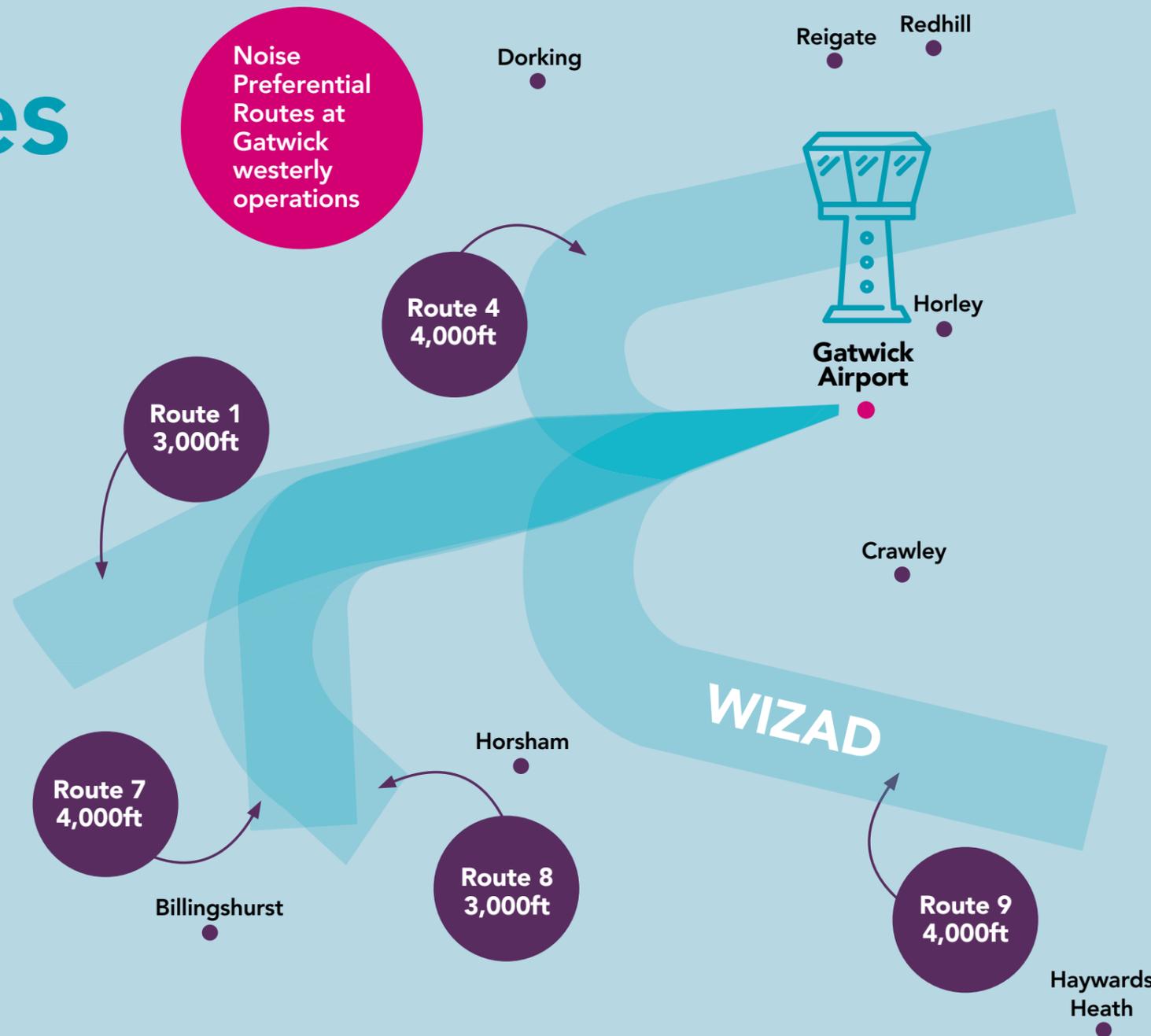
Also known as the WIZAD, Route 9 is a Tactical Offload Route and is not usually offered as a flight path. So, for example, if Route 4, to the north of Horley, is very busy, Route 9 may be offered as a last-minute alternative to ease the load. It may also be used if there are thunderstorms on other routes which aircraft should not fly through. It's not used from 23:30 through to 07:00 local time.

Track deviations

Any flights leaving the NPRs below the required altitudes are recorded as track deviations and automatically flagged by Gatwick's Noise and Track Keeping Systems. These are discussed by the Flight Operations Performance & Safety Committee, made up of representatives from Gatwick, the Department for Transport, ATC service providers and major airlines.

There are no financial sanctions for flying off track. Speed, wind, weight and temperature can all affect the performance of an aircraft. ATC may also authorise an aircraft to leave a route early for safety reasons.

We take track keeping very seriously and work with poor-performing airlines to improve. In recent years more than 98 per cent of our departures were on track.



Departures continued

P-RNAV

Gatwick implemented Precision Route Navigation (P-RNAV) on all departure routes in May 2014 granted following a consultation in 2012 and subsequent assessment by the Civil Aviation Authority (CAA). P-RNAV follows Government policy which says that airports should aim "to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise".

This supports the Future Airspace Strategy (FAS), an aviation industry collaboration led by the CAA, which is looking at modernising airspace routes and making them more efficient.

After P-RNAV was introduced, the CAA began a Post-Implementation Review (PIR) which is standard practice after an airspace change. You can read updates on P-RNAV at www.gatwickairport.com/noise

Noise in your area

Noise can affect people in different way – some can tolerate it to a certain level while it can cause disturbance to others.

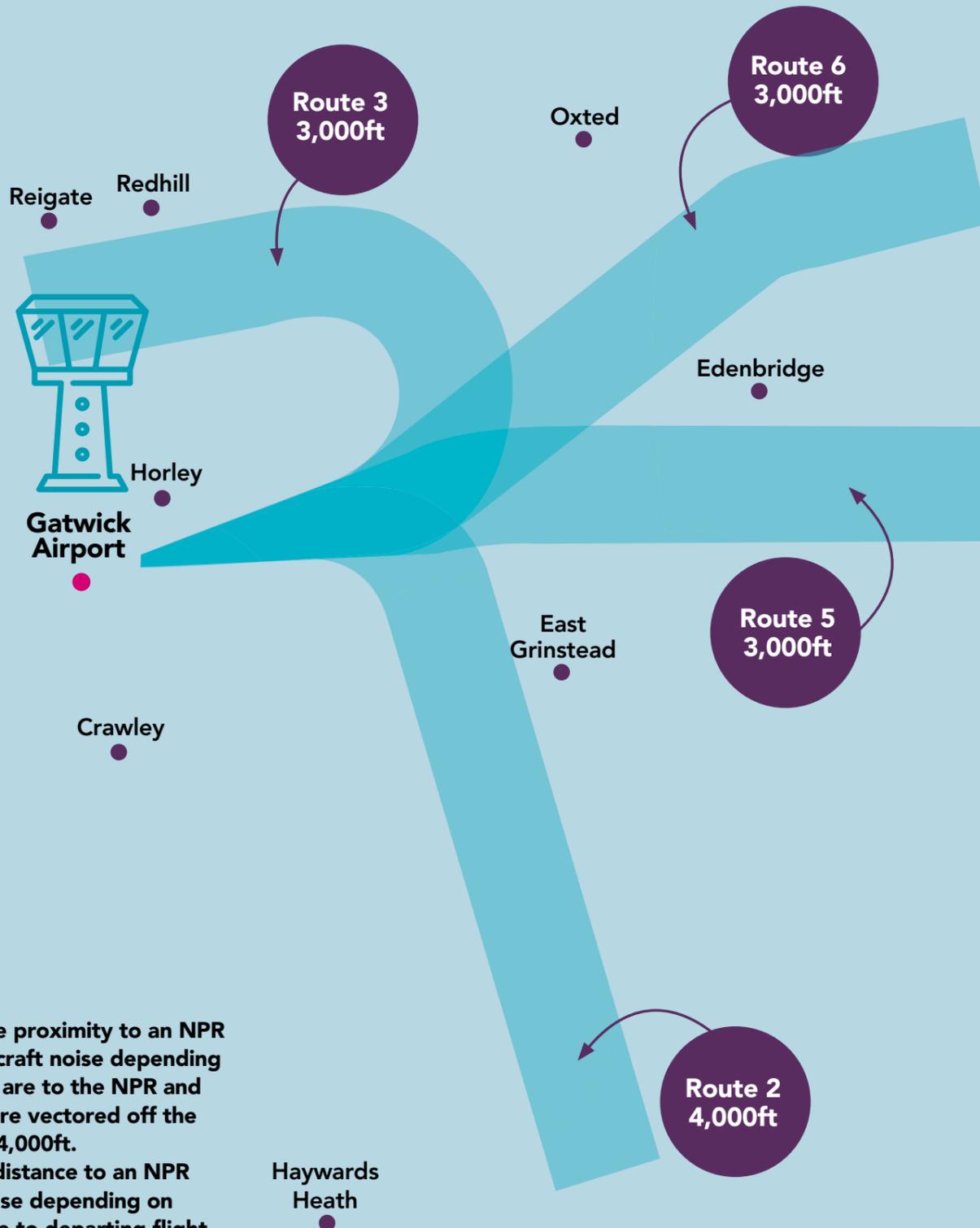
- If you live beneath an NPR, you will see aircraft taking off and you may hear noise when that NPR is being used. How often a particular NPR is used is decided by ATC taking into account the aircraft's final destination, traffic, weather, both locally and along the intended route.

Noise Preferential Routes at Gatwick easterly operations

- If you live in close proximity to an NPR you may hear aircraft noise depending on how near you are to the NPR and if/when aircraft are vectored off the NPR at 3,000 or 4,000ft.
- If you live some distance to an NPR you may hear noise depending on how close you are to departing flight tracks that have been vectored off the NPR after reaching 3,000/4,000ft depending on route.

To learn more about noise in your area use our flight tracking system at webtrak.emsbk.com/lgw2

This map is a graphical representation, actual flight tracks may vary



Monitoring noise

Set by the DfT, noise limits only apply to departing aircraft and differ during the day (07:00 to 22:59 local time), night (23:30 to 05:59 local time) and 'shoulder periods' (06:00 to 06:59 and 23:00 to 23:29 local time). The noise is monitored at fixed sites at either end of the runway.

If an aircraft breaches the legal noise limits at the fixed sites, the airline is fined. All proceeds from these fines are passed to the independently run Gatwick Airport Community Trust, which together with other money raised at the airport, helps local charity and community projects. There have only been isolated infringements of these limits in recent years with fines levied against airlines.

In addition after take-off aircraft must climb to at least 1,000 ft above the airport level by 6.5km from when they begin moving on the runway. This encourages airlines to gain height as fast as possible so they can reduce engine power and noise as soon as possible.

We continue to work with our airline partners to encourage best practice in noise management and the continuing introduction of quieter aircraft types such as the Airbus A320 Neo family and Boeing 737-800 MAX, operating at our airport.

Data and reports from our current and historical noise monitoring sites is available via our website at www.gatwickairport.com/noise



LONDON GATWICK

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Annex E: Planning Performance Agreement dated 12 September 2023

12-Sep-2023 | 11:10:09 BST

.....

GATWICK AIRPORT LIMITED

and

CRAWLEY BOROUGH COUNCIL

REIGATE & BANSTEAD BOROUGH COUNCIL

MOLE VALLEY DISTRICT COUNCIL

TANDRIDGE DISTRICT COUNCIL

WEST SUSSEX COUNTY COUNCIL

SURREY COUNTY COUNCIL

MID SUSSEX DISTRICT COUNCIL

HORSHAM DISTRICT COUNCIL

EAST SUSSEX COUNTY COUNCIL

KENT COUNTY COUNCIL

**PLANNING PERFORMANCE AGREEMENT
IN RELATION TO DEVELOPMENT
PROPOSALS AT NORTHERN RUNWAY,
GATWICK AIRPORT**

including

INFORMATION AGREEMENT

**PURSUANT TO SECTION 111 OF THE LOCAL
GOVERNMENT ACT 1972, SECTION 2 OF THE
LOCAL GOVERNMENT ACT 2000 AND
SECTION 93 OF THE LOCAL GOVERNMENT
ACT 2003**

Herbert Smith Freehills LLP

THIS PLANNING PERFORMANCE AGREEMENT including the INFORMATION AGREEMENT
is made on 12-Sep-2023 | 11:10:09 BST

BETWEEN:

- (1) **GATWICK AIRPORT LIMITED** a company incorporated and registered in England (with company number 01991018) and whose registered office is 5th Floor, Destinations Place, Gatwick Airport, Gatwick, West Sussex, RH6 0NP (the "**Developer**");
 - (2) **CRAWLEY BOROUGH COUNCIL** of Town Hall, The Boulevard, Crawley, West Sussex, RH10 1UZ;
 - (3) **REIGATE & BANSTEAD BOROUGH COUNCIL** of Town Hall, Castlefield Road, Reigate, Surrey RH2 0SH;
 - (4) **MOLE VALLEY DISTRICT COUNCIL** of Pippbrook, Dorking, Surrey, RH4 1SJ;
 - (5) **TANDRIDGE DISTRICT COUNCIL** of Council Offices, 8 Station Road East, Oxted, Surrey RH8 0BT;
 - (6) **WEST SUSSEX COUNTY COUNCIL** of County Hall, West Street, Chichester, PO19 1RQ;
 - (7) **SURREY COUNTY COUNCIL** of Woodhatch Place, 11 Cockshot Hill, Woodhatch, Reigate, RH2 8EF;
 - (8) **MID SUSSEX DISTRICT COUNCIL** of Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS;
 - (9) **HORSHAM DISTRICT COUNCIL** of Parkside, Chart Way, Horsham, West Sussex, RH12 1RL;
 - (10) **EAST SUSSEX COUNTY COUNCIL** of County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE; and
 - (11) **KENT COUNTY COUNCIL** of County Hall, Maidstone Kent, ME14 1XQ,
- (and for the purposes of this Planning Performance Agreement each of the Parties numbered (2) to (11) shall be referred to as an "**Authority**" and together they shall be referred to as the "**Authorities**").

RECITALS:

- (A) The Developer intends to submit an application for development consent to the Secretary of State in relation to the Northern Runway Project (the "**DCO Application**").
- (B) In order to engage with the DCO Application, the Authorities will require resources for which the Developer is prepared to pay in accordance with the terms of this Planning Performance Agreement ("**PPA**"). It is important for the Developer's engagement with the Authorities that the Authorities are able to perform their functions and to engage with the DCO Application promptly.
- (C) This PPA covers the stages of the preparation of the DCO Application from 1 July 2022 to DCO Submission.
- (D) This PPA does not in any way fetter the Authorities' discretion in the exercise of their statutory powers.

1. DEFINITIONS

"**Business Days**" means a day, other than a Saturday or Sunday, on which banks are open for general business in London;

"**CIPFA**" means the Chartered Institute of Public Finance and Accountancy;

"**Committee**" means the committee of the Authority's councillors with responsibility for planning functions;

"Confidential Information" means: (a) the contents of this PPA (including the Information Agreement); and (b) any information relating to the Northern Runway Project made available in any form (including in writing, orally, visually, electronically or by any other means) and which relates to the business, finances, assets, liabilities, dealings, know how, customers, suppliers, processes or affairs of the Developer or the Authorities and which is notified to the recipient as being confidential Provided That any information within the public domain shall not comprise Confidential Information.

"DCO Submission " means the submission of the DCO Application to the Secretary of State

"Dispute" means any dispute, claim, controversy or difference arising out of or in connection with this PPA (including the Information Agreement), including any question regarding its existence, validity, subject matter, interpretation, negotiation, termination or enforceability and any dispute, claim, controversy or difference regarding any non-contractual obligations arising out of or in connection with it;

"Funding" means funding made available by the Developer to the Authorities up to the sum of £141,000 (plus VAT (where applicable in accordance with Clause 8.6)) to cover the Authorities' reasonable costs in accordance with Clause 8;

"Information Agreement" means the legally binding agreement relating to the sharing and licencing of information between the Developer and the Authorities in Clause 9 of this PPA;

"Intellectual Property" means patents, trademarks, rights in designs, copyright, database rights (whether or not any of these is registered and including applications for registration of any of them) and all rights or forms of protection of a similar nature or having equivalent or similar effect to any of them anywhere in the world;

"Invoice" means an invoice prepared by Crawley Borough Council which is eligible for payment by the Developer through the Funding as accompanied with the relevant details and evidence of expenditure and costs in accordance with Clause 8.4, and as may be agreed between the Parties;

"Northern Runway Project" means the proposed development of the northern runway at Gatwick Airport to enable dual runway operations;

"Northern Runway Project Coordinator" means the individual appointed by Crawley Borough Council (on behalf of all the Authorities) and funded through this PPA and who will be responsible for coordinating the Authorities' performance of their obligations under this PPA;

"Project Programme" means the indicative programme for the preparation of the DCO Application as set out in Schedule 2.

2. **COMMENCEMENT OF THIS AGREEMENT**

2.1 This PPA and Information Agreement comes into effect on the date hereof.

3. **VISION STATEMENT**

3.1 The Developer's overarching vision for the Northern Runway Project is the sustainable growth of Gatwick Airport, ensuring likely significant adverse impacts are mitigated and benefits to the local and regional economy are maximised.

4. **GENERAL PRINCIPLES**

4.1 Each Party agrees to the following principles:

4.1.1 **Principle 1:** To seek to ensure a smooth, collaborative process of joint working in support of the Developer and the Authorities fulfilling their respective roles and duties in the context of the Planning Act 2008 efficiently, robustly and effectively and within agreed timescales;

4.1.2 **Principle 2:** To commit to transparency to the Developer of the costs incurred that will be reimbursed by the Developer via this PPA;

- 4.1.3 **Principle 3:** To be transparent in decision making throughout the process, to achieve outcomes that are evidenced, robust, justifiable and easily understood;
- 4.1.4 **Principle 4:** As far as possible, key members of the team for the Authorities and the Developer will remain as agreed on the date of this PPA; and
- 4.1.5 **Principle 5:** Nothing in this PPA and Information Agreement shall fetter or prejudice the Authorities in the exercise and discharge of their statutory powers, duties and responsibilities,
(together the "**General Principles**").

5. **DEVELOPER'S OBLIGATIONS**

- 5.1 The Developer shall:
 - 5.1.1 comply with the General Principles and the performance standards set out in Part A of Schedule 1;
 - 5.1.2 use reasonable endeavours to facilitate the Authorities' compliance with the General Principles;
 - 5.1.3 provide Funding in accordance with the terms of this PPA;
 - 5.1.4 use reasonable endeavours to adhere to the indicative Project Programme; and
 - 5.1.5 agree the completion of the Work Packages with the Authorities.

6. **AUTHORITIES' OBLIGATIONS**

- 6.1 Each Authority shall:
 - 6.1.1 comply with the General Principles and the performance standards set out in Part B of Schedule 1;
 - 6.1.2 use reasonable endeavours to facilitate the Developer's compliance with the General Principles;
 - 6.1.3 use reasonable endeavours to adhere to the indicative Project Programme;
 - 6.1.4 agree the completion of the Work Packages with the Developer;
 - 6.1.5 provide a dedicated point of contact who shall be responsible for carrying out or coordinating the Authority's functions in accordance with this PPA; and
 - 6.1.6 provide details and evidence of relevant expenditure and costs (where such expenditure and costs are to be reimbursed by the Developer pursuant to the terms of this PPA) in a manner as agreed between the Parties.

7. **WORK PACKAGES**

- 7.1 The Parties' engagement and work pursuant to the terms of this PPA shall be divided into the following work packages:
 - 7.1.1 Work Package 1: Project Co-ordination;
 - 7.1.2 Work Package 2: Pre-DCO Submission engagement (including but not limited to the holding of topic working groups and other meetings in relation to the Northern Runway Project).

(each a "**Work Package**" and together the "**Work Packages**").

- 7.2 The Authorities shall use reasonable endeavours to provide or otherwise procure the resources required to facilitate the completion of the Work Packages, subject to the Developer providing Funding in accordance with the terms of this PPA.
- 7.3 The Parties may by agreement terminate a specified Work Package on a specified date.

8. **FUNDING**

- 8.1 The Developer shall make the Funding available to the Authorities.

- 8.2 Subject to Clauses 8.3 and 8.4, the Authorities shall have discretion as to how to allocate the Funding PROVIDED THAT:
- 8.2.1 the Funding may only be used towards funding work carried out by the Authorities in delivering the agreed Work Packages
- 8.3 The Funding may not be used by the Authorities to cover any work carried out or costs incurred before 1 July 2022 or after the DCO Preliminary Meeting.
- 8.4 Crawley Borough Council shall issue an Invoice to the Developer for approval and payment in respect of the Funding and include with such Invoice details of the proposed allocation of the Funding between the Authorities and Invoice details of the costs of employing the Northern Runway Project Coordinator.
- 8.5 The Developer shall pay to Crawley Borough Council the approved Invoice as soon as reasonably practicable and in any event within 20 Business Days of receipt.
- 8.6 The Developer shall be responsible for paying the VAT element of the Invoice PROVIDED THAT it shall not be required to pay the VAT element where it is attributable to the fees of any external consultant appointed by the Authorities' in order to carry out work pursuant to the Work Packages, and in such circumstances the Authorities shall issue a separate Invoice (or Invoices) in respect of external consultant fees.
- 8.7 Any charging by the Authorities under this PPA shall be carried out in accordance with the provisions of section 93 of the Local Government Act 2003, any relevant Government guidance and the guidance and requirements of the professional codes of practice issued by the CIPFA from time to time.

9. INFORMATION AGREEMENT

9.1 Confidentiality

- 9.1.1 No Party shall use any other Party's Confidential Information for any purpose other than to exercise its rights and perform its obligations under or in connection with this PPA (including this Information Agreement).
- 9.1.2 Each Authority undertakes that it shall not at any time, disclose to any person any Confidential Information concerning the Northern Runway Project or the business, affairs, customers, clients or suppliers of the Developer, except as permitted by Clause 9.1.3.
- 9.1.3 Each Authority may disclose the Developer's Confidential Information:
- (A) to the other Authorities;
 - (B) to its employees, officers, representatives or advisers who need to know such information for the purposes of implementing this PPA (including this Information Agreement). Each Authority shall ensure that its employees, officers, representatives or advisers to whom it discloses the other Party's Confidential Information comply with Clauses 9.1 and 9.2; and
 - (C) as may be required by law, a court of competent jurisdiction, or any governmental or regulatory authority.

9.2 Freedom of Information

- 9.2.1 The Developer acknowledges that the Authorities are subject to the requirements of the Freedom of Information Act 2000 ("**FOIA**") and the Environmental Information Regulations 2004 ("**EIR**") and shall provide all necessary assistance and cooperation as reasonably requested by an Authority to enable it to comply with its obligations under FOIA and EIR.
- 9.2.2 The Developer acknowledges that an Authority may be required under FOIA and EIR to disclose information concerning the subject matter of this PPA (including this Information Agreement). In these circumstances the Authority shall:

- (A) inform the Developer of the information request;
- (B) provide an opportunity for the Developer to make written representations on whether the information concerning the subject matter of this PPA (including this Information Agreement) is exempt from disclosure, such representations to be provided within five Business Days; and
- (C) take into account any such representations when determining whether to disclose the information.

9.2.3 Notwithstanding any other provision in the PPA (including this Information Agreement), each Authority shall be ultimately responsible for determining whether any information relating to the Developer or otherwise to the PPA (including this Information Agreement) is exempt from disclosure in accordance with FOIA and EIR.

9.3 Intellectual Property

9.3.1 All Intellectual Property created by or generated by an Authority (including any of their consultants, employees or advisors) in the course of or as a result of the performance of any Work Package (the "**Developed IP**") shall vest in and be the absolute property of the Authorities jointly so that each Authority may use the other Authorities' Developed IP.

9.3.2 All Intellectual Property created by or generated by the Developer (including by any of its consultants, employees or advisors) in the course of or as a result of the performance of any Work Package shall vest in and be the absolute property of the Developer.

10. LEGAL EFFECT

10.1 The Parties agree that the Information Agreement and clause 8 of this PPA are legally binding and is made pursuant to Section 111 of the Local Government Act 1972, Section 93 of the Local Government Act 2003 and Section 1 of the Localism Act 2011.

10.2 The rights and obligations of the Authorities under the PPA and Information Agreement are personal to the Authorities (and to their statutory successors).

10.3 Nothing in this PPA and Information Agreement or in any matter or any arrangement contemplated by it is intended to constitute a partnership, association, joint venture, fiduciary relationship or other co-operative entity between the Parties for any purpose whatsoever.

10.4 No term of this PPA and Information Agreement is enforceable under the Contracts (Rights of Third Parties) Act 1999 by a person who is not a Party to this PPA.

10.5 This PPA and Information Agreement may be executed in any number of counterparts and by each Party on separate counterparts, each of which when executed and dated shall be an original, but all the counterparts together constitute one instrument.

10.6 This Information Agreement and PPA and any Dispute shall be governed by, and construed in accordance with, English law.

10.7 If any provision of this PPA and Information Agreement is declared by any judicial or other competent authority to be void, voidable, illegal or otherwise unenforceable, or indications of this are received by any of the Parties from any relevant competent authority, the remaining provisions of this PPA and Information Agreement are to remain in full force and effect, subject to Clause 10.8.

10.8 In the event of a change in the law affecting the operation of this PPA and Information Agreement the Parties shall negotiate in good faith to amend the PPA and Information

Agreement so as to preserve as far as possible the intentions of the Parties as evidenced by this PPA and Information Agreement.

11. DISPUTE RESOLUTION

- 11.1 Any Dispute shall be resolved in accordance with the procedure in this Clause 11.
- 11.2 The Party raising any Dispute shall first serve written notification of the Dispute to the other party to the Dispute (a "**Dispute Notice**"). Within 10 Business Days of the service of a Dispute Notice one senior representative of each party to the Dispute with authority to settle the Dispute (to the extent that the constitution and scheme of delegation of an Authority provides a single person with authority to settle the Dispute) shall meet to seek to resolve the Dispute in good faith.
- 11.3 If the parties to the Dispute are unable to agree within 20 Business Days of service of the Dispute Notice, any party to the Dispute may give the other parties a written notice of referral to expert determination.
- 11.4 The expert shall be an independent and fit person holding appropriate professional qualifications relevant to the Dispute and shall be appointed by agreement between the parties within 15 Business Days of the notice of referral or, failing such agreement, by the President (or equivalent person) for the time being of the professional body chiefly relevant in England to such qualifications.
- 11.5 The expert shall have the power to determine the Dispute.
- 11.6 The expert shall be entitled to determine the procedure to be followed in arriving at his decision (in the absence of agreement between the parties) and to appoint legal or other advisers if the parties to the Dispute agree.
- 11.7 The expert shall produce a decision within 30 Business Days of his appointment and shall give written reasons for his decision transmitted to the parties to the Dispute on the date of his decision. Any sum ordered to be payable shall be paid within 15 Business Days of the date of the decision.
- 11.8 The expert's decision shall be final and binding, save in the case of fraud or manifest error.
- 11.9 The expert shall act in the capacity of an expert not an arbitrator.
- 11.10 The expert shall have the power to award costs as well as interest on any sums awarded as he shall think appropriate. The fees of the expert shall be shared equally unless he determines otherwise.

12. COUNTERPARTS

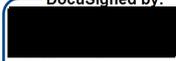
- 12.1 This PPA may be executed in any number of counterparts and by each Party on separate counterparts, each of which when executed and dated shall be an original, but all the counterparts together constitute one instrument.

This PPA, including the Information Agreement, has been duly executed by the Parties on the date specified at the beginning of this PPA.

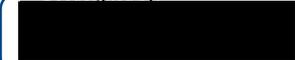
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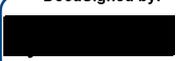
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MID SUSSEX DISTRICT COUNCIL

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EAST SUSSEX COUNTY COUNCIL

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SCHEDULE 1: PERFORMANCE STANDARDS

PART A: DEVELOPER'S PERFORMANCE STANDARDS

1. The Developer agrees to use its reasonable endeavours to achieve the following performance standards at all times:
 - 1.1 to wherever possible respond to any concerns raised by the Authorities prior to the submission of the DCO Application to the Secretary of State;
 - 1.2 to provide each Authority with such reasonable additional information as may be requested within 10 Business Days of such written request from any Authority (or such other time period as may be reasonably agreed) where such information is necessary in order to enable the Authority to discharge its obligations under this PPA;
 - 1.3 to provide to each Authority at least 5 Business Days prior to any meeting to be attended by that Authority all substantive and relevant documents which are relevant to that meeting and which relate to any relevant action points or agenda item identified for discussion at that meeting;
 - 1.4 to provide to each Authority within 10 Business Days of any meeting attended by that Authority, the minutes or action points arising from that meeting;
 - 1.5 to respond to all emails, letters and telephone calls from the Authorities in relation to the Northern Runway Project as soon as reasonably practicable after receipt. When providing comments on technical aspects the Developer shall use reasonable endeavours to ensure these responses are provided within no more than 15 Business Days. Where circumstances beyond the reasonable control of the Developer prevent its compliance with this Performance Standard, the Developer shall in each case notify the Authority of such circumstances; and
 - 1.6 where reasonably requested by an Authority and as required, the Developer shall use reasonable endeavours to make available, within 10 Business Days, a representative with an appropriate level of authority to attend meetings with the Authority (or Authorities) in respect of the DCO Application.

PART B: AUTHORITIES' PERFORMANCE STANDARDS

2. Each Authority agrees to use its reasonable endeavours to achieve the following performance standards at all times:
 - 2.1 to respond to all emails, letters and telephone calls in relation to the Northern Runway Project as soon as reasonably practicable after receipt, whether received from the Developer or the Planning Inspectorate. When providing comments on technical aspects the Authority shall use reasonable endeavours to ensure these responses are provided within no more than 15 Business Days of receipt of such information. Where circumstances beyond the reasonable control of the Authority prevent its compliance with this Performance Standard, the Authority shall in each case notify the Developer of such circumstances;
 - 2.2 where reasonably requested by the Developer and as required, each Authority shall use reasonable endeavours to make available, within 10 Business Days, an officer with an appropriate level of seniority to attend meetings with the Developer or external third parties in respect of the DCO Application; and
 - 2.3 notify the Developer at least 5 Business Days prior to any public meeting of the Committee at which any report or matter relevant to the Northern Runway Project will be discussed and / or considered and to provide the Developer with a copy of any public report to the Committee at that time or, where any such report has not been published at that time, as soon as reasonably practicable thereafter and in any event prior to the meeting of the Committee taking place.

SCHEDULE 2: PROJECT INFORMATION**1. DEVELOPER: PROJECT CORE TEAM**

Name	Position and Role	Contact Details
Jonathan Deegan	DCO Programme Lead	[REDACTED]

2. AUTHORITIES: CORE TEAM

Authority	Name	Position and Role	Contact Details
Crawley Borough Council	Natalie Brahma-Pearl	Chief Executive	[REDACTED]
Reigate & Banstead Borough Council	Mari Roberts-Wood	Acting Chief Executive	[REDACTED]
Mole Valley District Council	Karen Brimacombe	Chief Executive	[REDACTED]
Tandridge District Council	David Ford	Chief Executive	[REDACTED]
West Sussex County Council	Lee Harris	Executive Director	[REDACTED]
Surrey County Council	Michael Coughlin	Executive Director	[REDACTED]
Mid Sussex District Council	Kathryn Hall	Chief Executive	[REDACTED]
Horsham District Council	Jane Eaton	Chief Executive	[REDACTED]
East Sussex County Council	Rupert Clubb	Director of Communities, Economy and Transport	[REDACTED]
Kent County Council	Simon Jones	Corporate Director Growth, Environment and Transport	[REDACTED]

3. INDICATIVE PROJECT PROGRAMME

The Parties to this PPA shall use reasonable endeavours to adhere to the following programme for the Northern Runway Project.

Action/task	Timetable/Target Date
WP 1 : Project Co-ordination	1 July 2022 to DCO Submission
WP 2 : Pre-DCO Submission engagement (including	1 July 2022 to DCO

but not limited to the holding of topic working groups and other meetings in relation to the Northern Runway Project).	Submission
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