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At the time is now 11:10 times resume. This hearing. So if we move on to item 4.2 on the agenda, which says the applicants can clearly borough council will be asked about accepted developments and the scope of permitted development rights. So accepted. Development is defined in schedule two as any part of the authorized development which falls within schedule two. Part eight. Class F of the 2015 regulations, and does not fall within the description of development in F1 of those regulations.

00:00:45:19 - 00:00:59:09

A reference is made to that in paragraph 9.9 of the explanation memorandum. Um, stating that accepted developments are outside the scope of the requirements. Requirements.

00:01:00:29 - 00:01:28:05

And if we look at scheduled two party class F, it says permitted development is the carrying out on operational lands. Of developments in connection with the provision of services and facilities at a relevant airport. Development is not permitted by class F if it would consist of or include various elements A to E, which includes the construction or extension of a runway.

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So.

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Because that context hopefully, uh, helps to understand some of the concept behind this. Uh, this phrase I'd like to ask. Well, first of all, it's a technical question about the operational lands shown. That's.

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Accepted development relates to.

00:01:59:17 - 00:02:03:17

Where is that operational land shown on any application plans?

00:02:09:19 - 00:02:19:13

That Catherine Howard for the applicant. Um, that would be the airport boundary. We do have, I believe, have a certified plan of that. I'll just check that with the airport boundary.

00:02:21:18 - 00:02:24:07

And do you have a reference for that plan, please?

00:02:44:13 - 00:02:52:21

We'll give you the sorry apologies. Catherine. Have the applicant. We'll then we'll give you the reference in the submissions. We think it's one of the certified documents, but we can't name it at the moment.

00:02:52:23 - 00:02:53:28

That's fine. Thank you very much.

00:02:57:00 - 00:03:04:10

So looking at schedule A which works listed there would fall within the description of accepted development.

00:03:08:18 - 00:03:54:20

Katherine have the applicant you meet in schedule one, which would and which would not yet. Okay. So, um, I think the ones which would not would be, um, the runway itself, the hotels, the international departure lounge extensions and the highway works. None of those would be accepted development. The majority of the airfield, um works piers, etc. um, rapid exit taxiways and car parks would form part of accepted development, those being the sorts of things that the applicant already and in fact recently has got, um, has used permitted development rights to implement.

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So on that basis. There are. Quite a number of identified works in schedule one, which could be constructed without the DCO.

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Yes. That's correct.

00:04:13:08 - 00:04:21:19

Um, okay. I think it would be helpful if you could clarify exactly which works. They are. The deadline one. Please.

00:04:21:21 - 00:04:23:03

Yes, we're happy to do that.

00:04:24:00 - 00:04:24:15

Um.

00:04:29:20 - 00:04:39:18

And how does that relate then to requirements for and requirements ten? They seem to be the ones. It's that phrase applies to.

00:04:41:22 - 00:05:17:07

Thank you. Catherine, have the applicant. Uh, yes. That's correct for and ten. So requirement for deals with detailed design and requires in general all of the applicant to make submissions to get details approved of design um from Crawley Borough Council in consultation with others. Um and there's an exception made as we propose it, for accepted development. The logic being that that's the position

for permitted development rights when those types of works, which we call accepted development, are currently applied for car parks, piers, etc.,

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there is no right of design approval for the local planning authority. Um, there is a duty on the applicant to consult and they do. In fact, as I understand it, Gatwick does submit, um, a lot of information in fact, in relation to its proposals and waits seeks um, uh, takes the informative information and in effect uses that as conditions when they actually then implement the development. So there is uh, the existing regime we think works well, but we're not proposing we don't think it would be proportionate or effective for the applicant to be subject to a stricter planning control regime under the DCO for works.

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It quite frankly, could otherwise get consent for, or rather execute under permitted development rights.

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Okay. Thank you. So if they are permitted development works, why are they subject to other requirements?

00:06:14:07 - 00:06:44:24

You mean why they've got a subject to requirements as part of this DCO. Um, because they are. We have taken the approach of applying for the project holistically and assessing it holistically as part of our environmental impact assessment, which we think is the only right and fair way to do things. Um, and therefore, as a whole, all of those elements of the development, it's right that they're controlled through the various control documents, including controls that they wouldn't be subject to where they done alone.

00:06:45:09 - 00:06:46:00

Okay. Thank you.

00:06:54:23 - 00:06:55:08

You think you.

00:07:00:07 - 00:07:05:00

So on on that. Mr. Bedford, do you want to comment from local authorities point of view?

00:07:05:17 - 00:07:36:21

Thank you sir. Michael Bedford, joint local authorities. So we are troubled by the terms of the DCO in relation to accepted development. Uh, we think that it's not precedented. Um, obviously we're alive to being corrected on that if the reserve president. But we don't we're not aware of a precedent, and we think there's a fundamental difficulty with it.

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The applicant has presented what it regards rightly, as a single. Integrated project.

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And that project, it tells us, is indivisible. And our various references, in particular in the planning statement at 245.

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Paragraph 1.5.8 teen tells us the project is not severable, and paragraph 1.5 19 tells us about the individual, indivisible nature of the project.

00:08:23:11 - 00:08:58:07

And. It is quite clear that the project. Is EIA development and there's no disagreement about that. And the normal way that the General Permitted Development Order works. And this is article 310 of the 2015 order. Is that any? Activity. Which you might ordinarily be able to do as permitted development.

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You're not able to do under either schedule one or schedule two of the GPO. If it is EIA development, unless you go through a process of getting a screening decision from the either the local authority or the Secretary state to the effect that notwithstanding that it might be within one of the schedules, it isn't actually EIA development. But clearly that is not this case, because what is being put before you in the DCO is a single indivisible project, which is for EIA development, and that includes all of its component parts.

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And what the applicant seems to be wanting to do is to use the DCO to give it authority to carry out those works.

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But then carve out of the DCO any controls. For elements of those works.

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And you obviously particularly picked up on requirement for and requirement ten where this um, uh, bites. And what one sees is that design is completely excluded. Um, in relation to the authorized works, uh, which would otherwise fall to be regulated by requirement for and drainage matters are completely excluded, but we don't consider that that's acceptable.

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Effectively, the applicant has got a choice if it wanted to do these things as permitted development. It could do them as permitted development if it's recognized that they're actually integral things which are part of a wider project, which is EIA development, then it can't do them as permitted development, and it shouldn't seek to have the freedoms that the permitted development regime gives for things which are not actually permitted development because they are part of a DCO project.

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So I think that's our problem with what the applicant is proposing. Um, there is a separate point if I can just touch on it, which turns on your first question, which is, well, what is the extent of the operational land? And there we think that there is some, um, well, there is certainly a need for greater clarity from the applicant on that, because we don't understand that the red line of the order limits is necessarily coterminous with what the applicant would regard as its operational land.

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And I'm just going to give you one, uh, instance. There is an area of car parking to the south west of Charnwood Road. Uh, it's referred to in the documents as holiday parking, but it's about 1500, uh, spaces. And it can be seen, I think, on table 4.2.2 of chapter four of the Environmental Statement.

00:12:12:20 - 00:12:27:02

And it's shown as a retained car park, uh, in the description. The project description on figure 5.2.1 b in PD LR 008.

00:12:28:18 - 00:12:33:14

But that car park is shown as outside of the red line of the order limits.

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And so I said, we don't think that the order limits plan, um, delineate what the applicant might regard as operational land. And we think there was a need for clarity on that. We think that they should be brought together. Uh, but they're not at the moment. So those are our, um, principal concerns about this issue.

00:12:59:13 - 00:13:06:06

Thank you very much. Is there anyone else who wishes to speak in relation to item 4.2? Before I go back to the applicant.

00:13:08:26 - 00:13:09:27

No thank you.

00:13:12:22 - 00:13:16:04

Specifically, I wish to respond to Mr. Bedford's comments.

00:13:19:18 - 00:13:53:06

Thank you, sir. Catherine Howard for the applicant. It's, um, it's obviously a completely different situation where, um, one is applying for a holistic set of work. I think we're agreed on that. The right thing to do was to apply for all of these works together. As we've explained, many of this airport airside reconfiguration works are necessitated by the moving of the runway. So they're insignificant in themselves. But, um, there are a lot of them, and it would have been very strange if we'd instead decided to use permitted development rights and go for them individually.

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It wouldn't have worked at all. It would have been subject to criticism for that, I'm sure. But the big difference is here. Of course, we have carried out an environmental impact assessment of those works holistically. So while I'm well aware of article 310 and its application, where one's seeking to use permitted developments for individual works, airport works or any sort of works, and there is that caveat where it's EIA development, I would suggest that is inapplicable here. Where we have we are not salami slicing.

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We're not seeking to get away with doing works without assessment. Quite the opposite. We've deliberately brought them into the project and we've assessed them and all of the other controls say for a requirements for intent which relate to design, will in fact control this development, this accepted what would otherwise be permitted development. So we have assessed it. The impacts are controlled. And just to add one more thing, we are happy to add in the next draft of the requirements that, um, any accepted development must come forward in accordance with the design principles.

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So that adds another layer of security and control on the only one aspect which was otherwise not controlled, which is design.

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Okay. Thank you.

00:15:15:00 - 00:15:21:20

Is Scotland the applicant on the operational land point? Mr. Bedford is. We'll just take that away and confirm it, sir. Thank you.

00:15:22:03 - 00:16:05:19

Thank you. Okay, so I think that's as far as we can take that item 4.2 for now. We'll wait for the submissions on that. Thank you. So let's move on then to item five managed growth. And the agenda item here says the applicant will be asked to address whether any growth authorised by the Development Consent Order should be subject to limits related to environmental effects. The background to this is that an environmentally managed growth approach has been proposed by Surrey County Council and West Sussex County Council, which would place controls on four categories of environmental effects.

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These being air quality, greenhouse gas emissions, aircraft noise and surface access. The submission state that if any limits is breached, further growth would be stopped. Mitigation would be required and ultimately airport capacity would be constrained until the environmental performance returns below the limits.

00:16:31:22 - 00:16:47:24

So the basic question to the applicant. Is, should the growth of the airport, in terms of increases in commercial ATMs, be subject to limits which relate to environmental effects? If not, why not?

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Ask for the applicant. Uh, so we said growth authorized by the DCU is already proposed to be subject to limits related to environmental effects and explained how. But insofar as it may be suggested that a different approach should be taken, such as that suggested by the authorities. We don't consider it to be necessary or appropriate, and we resist it very strongly. And perhaps I can explain why just by setting out, in very broad terms, the proposed mitigation approach that we have in relation to those four areas.

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The approach taken in this case is based on, uh, generally the ATM cap, which is secured under regulation 19, requirement 19. Sorry, noise. The noise envelope is secured by requirement 15 and 16 carbon. The carbon Action Plan through requirement 21 surface access the SACs we've heard secure three requirement 20. As I've indicated, there is no specific mitigation or control at document in respect of air quality because we haven't reported any significant effects in relation to air quality, albeit the section 106 agreement, when you see it will commit to the continuation and supplement supplement.

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The monitoring at specified locations and other project control documents have related to air quality mitigation measures. But setting air quality to one side. If I take those controls and turn the DCU cap on ATM movements does place an effective operational constraint on the growth of the airport, which, as we've heard today, um, would not otherwise exist given the absence of any other control under the, uh, existing permission at the moment.

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And that provides a level of assurance and, uh, in respect of carbon and noise impacts in particular, given that those are most sensitive to ATMs, as far as the noise envelope is concerned, that will inherently limit the overall noise that may be made by aircraft using the airport. And the fundamental purpose of the envelope is to limit environmental effects by the total area of land experiencing noise above a certain threshold. And as we will come on to next week, um, the envelope sets limits for initial period after opening and then set down subject to periodic reviews.

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In the event that an envelope limits has been shown to be exceeded, or where a compliant is not forecast to be achieved. Master submit an action plan for approval by the CAA and in specific circumstances, there is a sanction for the applicant not being able to declare any further capacity for additional ATMs, so limits are therefore applied as appropriate. Um, through those successive reviews, as well as through controls on capacity declaration.

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So that's that's noise as far as carbon is concerned. There's a series of commitments set out in the, uh, in the Cap carbon action plan. Construction emissions are capped at the airport buildings, and ground operation controls are successively tightened for the periods 2030 and 2040. No specific emissions commitments made in respect of the scope three aviation emissions. And importantly, the reason for that is that it reflects the relative lack of control that the airport has over these emissions and the role of central government in controlling them.

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So we would produce and submit to government an annual monitoring report on compliance with the commitments and the event. That report shows an adequate process or a failure to comply, to produce an action plan and a review process as well every five years. But ultimately, it's government which has the ultimate responsibility for ensuring the aviation sector decarbonise is in line with Jet at zero. And if government isn't content with the progress being made, it can take appropriate steps and it's already anticipating that monitoring will occur pursuant to jet zero.

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And as for surface access, we have the SACs, which comprise commitments to achieve specific travel mode shares. But beyond those headline commitments, it's important to appreciate there are strong commitments to implementing certain measures, which we've discussed already. Um, again, annual monitoring reporting processes and the annual monitoring shows commitments may not be met. We have to prepare an action plan and ultimately have approval required by the Transport Forum Steering Group.

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So in that context, we would resist strongly any suggestion that GC growth approaches being called green control growth is necessary to make the gateway proposals acceptable. And the starting point, sir, is that the fundamental question for you to ask whether what we're proposing, um, is acceptable in terms that I've outlined? Um. We don't think it is necessary because we're achieving something similar in form and effect in any event. As we said, the DCU cap players is an effective operational constraint on the airport, which wouldn't exist otherwise.

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In the case of the noise envelope, as I said, there are potentially capacity restrictions on declarations of further capacity and the event that that mitigation isn't operating at successfully in the case of carbon. As I said, we have committed to specific limits, uh, in relation to, um, airport buildings and ground operations at 2030 and 2040, which reflect the timescale within carbon reduction measures will come forward.

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I've explained the position in relation to aviation emissions. Fundamentally, we say there is no policy justification for relating any green control growth, um, to carbon, because there's nothing in policy which suggests that carbon emissions cannot be, um, uh, or must be controlled through constraints on the growth at airports. Therefore, there's no reason for a GC approach to be applied in relation to carbon policy from government.

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Is saying that growth of airports can be allowed, and that's not inconsistent with control over carbon emissions. And yet zero sets out a number of ways in which that can be achieved. If when we report to government on what we're doing under the Cap, government has any concerns about that. The Cap allows government to bring forward measures consistent with net zero. Therefore, it's not appropriate for any control on the growth of the airport to be managed, um, in the way that the authority suggests, because ultimately for government to do that and they can do so similarly under, um, surface access commitments, we've got mode share commitments which applied all stages of the growth of the airports.

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They don't progressively, um, uh, change, albeit that achieving those minimum targets, uh, requires an improvement and essentially has to be met as and when the airport grows, it would be disproportionate, we say, for it to be a constraint on growth, uh, applied to adherence to those commitments. And the event that growth did result in a failure to meet the commitments is far more



appropriate for specific mitigation measures to be identified through action plans and escalating commitments, which go up to the transport, um, uh, Fund Steering Group for that growth to be measured in the form of delivering additional mitigation.

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Again, there's no policy requirement to constrain growth automatically. Instead of using a mitigation approach to deal with with growth on the SACs allow for that mechanism to to be followed. So for those reasons, we say entirely unnecessary for the green control growth to be implemented, as the county councils suggest, because we're either proposing something which is similar in effect through the cap um, or the noise envelope, or the more appropriate approach is to allow for specific mitigation to address growth in the form of the SACs and the carbon action plan that we've submitted.

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Thank you. Okay. Thank you for that. I mean, I'm not going to go through, um. In detail any of those four topics, but I just want to. Uh, make a couple of comments, starting with the air quality. It's not subject to any specific DCO requirements, but it is included in the heads of terms, the legal agreements that relates to monitoring of air quality standards. Um, could that not be used as a control mechanism to not allow growth beyond identified emissions?

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Scotland for the applicant. And our position is that that's not necessary because fundamentally the air quality assessment work does not identify significant effects which need to be mitigated. And if that's the case, then there's no justification for any growth to be limited in connection with that. The monitoring is a as a separate, um, matter, which is at least in part a hangover from the existing section 106. But it's not something that we say should be linked with growth, because there aren't significant effects which require it.

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Okay, so I suspect that's your answer to the question that I ask about, um, the cap itself as well then, um, the measures in the cap being linked to proposed growth. You're not in favour of.

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Um, Scotland for the applicant. So, no, fundamentally, I'm sure we'll come back to this when we're looking at greenhouse gases generally. And when it comes to um, in particular of the aviation emissions, but, um, carbon emissions that relate to the operations of airports, um, government is the body that is, uh, charged effectively with ensuring compliance with, uh, statutory obligations. And it is set out policy through Jet zero to enable airports to achieve that.

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That policy is going to apply to any airport, whether it's they're considering a permission for for new development or not. What the Cap does is provides for the airport to report and to government. And we knew already from jet Zero that it envisages a number of measures will be coming forward in order for net zero to be or net zero to be achieved, and there's no need for a separate constraint on growth in the airport within the DCU, when all these matters will be the subject of measures from the from the government.

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If it thinks that Gatwick is making inadequate progress, it will be doing that in the context of wider look at the aviation sector so that Gatwick, um, would be part of wider controls that apply to all airports. We say that's the appropriate approach.

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Okay. So. Paragraphs 1.211.22 of the Carbon Action Plan sets out that the cap is aligned with the zero strategy. The commitments to the Jet Zero trajectory are not contained, not contingent on the projects being consented.

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So again.

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51 consent granted that could be tied to jet zero, but you're not in favor of it.

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Uh, Scott Lyons, for the applicant, knows of the reasons I suggested. The approach that would be taken is one reports to government that it's up to government to decide whether or not the actions that are being taken by Gatwick under the act cap require particular interventions. That's the purpose of the Cap. Okay.

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I understand your position on that then. Thank you. Aircraft noise um, will be dealing with that at issue specific hearing five. Um, there may be potential controls tied to air noise envelope, but again, I understand your position, so no need to comment on that surface access. Um, again, we'll pick up through issues specific hearing for um.

00:29:30:11 - 00:29:55:14

Requirement 20 draft DCO requests that from the date of commencement of children or operations, the operation. The authorized development must be carried out in accordance with the service access commitments. Um, so I've heard again what you say about that, but I'm sure there will be further debate about whether those commitments could be used to manage growth in Scotland.

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Yes, we anticipate that. I think the broad point, sir, that we're making is that insofar as the assay sees anticipate a mechanism by which the growth of the airports and delivery of the air sacs can be secured, the better approach is to do that through adherence to the sustainable transport initiatives. And if more needs to be done to deal with growth, the SACs provide for that. That's a far better way of dealing with growth than moving automatically the position that you control the growth of the airport.

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Just on the opposition. Thank you, Mr. Bedford.

00:30:35:28 - 00:31:07:21

Thank you, Sir Michael Batchelor, for the joint local authorities. So as you've clearly identified, this is a key concern, an area of difference between the authorities and the applicant. And you've also identified the four topics that are of particular concern. And it's also obviously the case that we're going to be talking about surface access and noise further next week.

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Uh, and, um, we may well be talking about greenhouse gases at a particular issue specific area.

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So so I'm just making general remarks rather than trying to get too bogged down into the detail. Um, but the issue as we see it is that if you step back from the, um, detail, the development consent order gives a great deal of flexibility. We see and say too much flexibility to allow the development to proceed.

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So the expansion can proceed, but with only in reality retrospective checks to see if the mitigation proposed is delivering results.

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And we see that as being reactive and ineffective. When one seeks to see whether or not it is appropriate for particularly the communities who may be affected by the adverse impacts of the development, to have, um, sufficient amelioration of those impacts. And obviously, I've put in carbon on one side for that because that's more of a national stroke, international issue, whereas the other matters are more matters that affect the affected communities.

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Um, and so I know that we are going to talk about surface access more next week, but I'll just use it briefly as an example of the sort of concerns that we've got. Um, as you've rightly identified, we've got the requirement 20. Which. Appears to say that the operation can only be carried on if there is adherence to the surface access commitments. But when you then look at the surface access commitments, they are, with respect at the moment, toothless in terms of actually constraining any activity at the airport.

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It's intended that the surface commitments will be a certified document, and requirement 10 to 20 requires operation in accordance with those commitments. The, uh. And I'll take just one measure. At the moment. There are a number of measures in there, but the mode shift target, the 55%. This is in app zero 90 at first has to be tested three years after the commencement of operations.

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If it's then not achieved, then the monitoring arrangements in the SAC envisage a reporting process and the preparation of action plans for future activity. But there's no actual commitment to curtail operations either during the period of the preparation of action plans or until such time as the targets are met. So it doesn't actually constrain the operation of the airport.

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Notwithstanding the terms of requirement 20. And then without going through the detail and Mr. Latif Ramesh made some of these points, there are other elements of the service access commitments which are too broadly expressed, too vague and so on. So what what we see is a position that the applicant is authorized to carry out the development. We know particularly from, uh, as it were, the, um, the way in which the aviation industry functions that within a particular cap, which is the ATM cap, there can be a wide variety of ways in which the activity can manifest itself.

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Because of this whole point about, well, it depends what type of fleet mix there is, it depends what type of destinations are served and so on. It can all happen in a variety of different ways. And so you could have the adverse environmental impacts without, for example, the economic benefits depending on how that mix works. And what we see is more appropriate is to have clear steps set out in the DCO. To regulate the growth and clear sanctions.

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Uh, should, uh, the mitigation measures not be achieved?

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And it is also worth noting, and I think we will cover some of this ground in our post hearing submission.

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There is at the moment before the Secretary of State.

00:36:23:17 - 00:36:59:15

Proposals which seek to do exactly the sort of thing that we are talking about, that's to say manage growth. And that is the proposals being brought forward, uh, in relation to the Luton airport expansion and the phrase which Mr. Um. Clients referred to of, uh, green controlled growth. That's their phrase for this kind of managed regime. Um, obviously the Secretary of State will have to decide in deciding that development consent order, uh, whether those controls are necessary, but it's clearly relevant.

00:36:59:17 - 00:37:39:12

We would say that the operator and promoter of that development considers that that is workable. And they are putting that forward as the way in which they will achieve both their growth but also achieve the environmental objectives. So, so this is an area of concern to us. Um, there is obviously a dialogue to be had about how to fashion the controls, but we see that a need to have a clear, uh, linkage between the growth and the delivery of the mitigation.

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Thank you, sir.

00:37:40:20 - 00:37:41:17

Thank you very much.

00:37:43:07 - 00:37:46:23

Are there any other parties who wish to speak? Yes, please.

00:37:48:14 - 00:38:11:11

Thank you, sir. Sorry for Cagney. Um, I wanted to touch on the air quality. Um, obviously, we will be putting in a full submission on air quality. It is a concern. It was a concern back in 2015. And historically, Gatwick has breached, um, air quality to to the north. Um, also just touching on policy and if I may offer a little bit of clarification. Um.

00:38:13:05 - 00:38:37:11

The. There's no part of government policy that states that climate consideration should be excluded from the planning process for airport expansion, or that they should be given no weight and the airport capacity assumption included in government jet series model do not, it is made clear, prejudice the outcome of any future planning applications. So I just wanted to sort of throw that in as policy was mentioned. Thank you sir.

00:38:37:17 - 00:38:40:06

Sorry. What was that reference you're reading from?

00:38:40:20 - 00:38:43:27

Um, it's a reference to the actual government's jet zero policy.

00:38:44:06 - 00:38:45:19

Taken from jet zero. It is.

00:38:45:21 - 00:38:46:20

Indeed. Thank you.

00:38:50:28 - 00:38:57:06

Any other comments from interested parties? No. Mr. Lance.

00:38:58:02 - 00:39:34:18

Scotland. Uh, thank you sir. Um. Deal with, uh, Mr. Bedford. General point, first of all, and fundamentally, we've conducted an environmental impact assessment, which is based on ensuring the environmental effect of the proposed development, including the carpet. Three at 6000 annual ATMs is acceptable. Having regard to mitigation measures proposed during the summarised um earlier, provided that we have assessed that proposal and identified worst case impacts mitigated accordingly, it's not necessary for us to do anything more.

00:39:35:24 - 00:40:10:05

And insofar as ATM growth takes place up to the cap we've proposed, uh, we've looked at the environmental effects with the proposed mitigation in place, including the cap, the SACs. Uh, we've looked at the noise envelope operating in conjunction with the noise insulation scheme. We've allowed for the effects of mitigation throughout the time period of the development on the assumption that they will be in place throughout. A new case for unacceptable adverse effects shown. So nothing else in the way of mitigation or control is required.

00:40:10:18 - 00:40:44:12

And whether through GC, g, as it's been called or otherwise. And as for the complaint that we'd be imposing retrospective checks. Again, this can be looked at in more detail under the different subjects. But for example, on the noise envelope, it's not retrospective because there is forecasting required um, ahead five years and the controls on the noise envelope um at pretend to circumstances where exceedances of the noise envelope are forecast not only where they have already occurred.

00:40:44:18 - 00:41:22:02

Similarly with both the air sacs on the cap. Um, there is provision made within them. Such that if I surface access mode shares or the performance of the airport is on a trajectory where the airports acting reasonably thinks that there is potentially an issue, um, at the provisions of the both the CCS and the Cap allow for that to be taken into account. So the measures that we are proposing are not designed to be retrospective in a way that's been has been suggested.

00:41:22:29 - 00:42:01:09

Um. As for the sax in particular, I think context here is very important. But again, for reasons that will probably be looked at next week, the airport performs very well and has done historically in achieving, uh, good mood share. And it has aspirations to start to continue, um, even outside the project. And it is achieving a strong mood share at targets through working well with other bodies already to achieve those.

00:42:01:11 - 00:42:37:27

So when one looks at the quality of the surface, access compounds that have been at that have been entered into and the strengths of the mitigation that we're proposing, it's important to see that in the light of an airport that is performing well and a system that's operating very effectively and has done to date, there's no reason to suggest that that won't continue in the form of which we are proposing. As for Luton, again, I go back to my initial point at the fundamental task for the Excel in this case is to determine whether what we are proposing, um, is acceptable.

00:42:37:29 - 00:43:09:25

But insofar as mention has been made of, Luton is worth noting, saying that that approach is without precedent from a consenting perspective. Um, and it's not known whether operationally it's going to, um, succeed, but fundamentally as without precedent from a consenting perspective. So we can't whatever choices may have been made for whatever reasons, for the applicant in that case, bringing it forward, uh, fundamentally has never been tested before. Um, and that's all I need to say at this stage.

00:43:10:14 - 00:43:12:12

Mr. Rhodes, I'd like to add something.

00:43:14:04 - 00:43:45:23

Sir, if I may, John Rhodes for the applicant. I'd like to make four brief points without repeating what Mr. Linus has said. Um, the first is, I think it may be interesting or helpful to know that the. Concept of green control growth or environmentally managed growth. Um. First appeared at Heathrow in their consultation in relation to the third runway, and the concept has been replicated at Luton almost entirely in its structure and language and approach.

00:43:46:14 - 00:44:18:22

Luton have chosen to do that. It's not been imposed on them. They've volunteered that. Regime for their DCO application, but both at Heathrow and at Luton, and particularly in Heathrow, environmentally managed growth, as it was called, was put forward. Instead of an ATM cap, Heathrow did not want an ATM cap and put forward a regime instead to argue that you could manage the effects of aviation through managing the environmental effects without controlling the number of flights.

00:44:19:19 - 00:44:50:15

Although that would have been successful, don't we? We don't know. But environmentally managed growth was put forward in order to avoid an ATM cap. We're not seeking to do that here. As you know, we're not. But equally Luton to avoid an ATM company here. We chose not to have that debate. It's not the way we've phrased our application. We do and will limit the ATMs. Second point I wanted to make was it's it's not what you call it that's important is what you commit to.

00:44:51:04 - 00:45:22:13

So and comparisons may be unnecessary, but just very briefly. The measures that we put forward, we do think are appropriate and fortunate. But for example, in relation to carbon as compared with Luton, we do put forward a limit on construction carbon. In relation to moksha, we commit to much more impressive mode shares than green controlled growth does at Luton. Based on noise envelope, it steps down. With the growth of flights at Luton, it stepped up.

00:45:23:14 - 00:45:54:13

And in relation to airport operation carbon commitments. Those put forward in the cap go further. Go further than Luton. Go further than government policy into committing to net zero at 2030. So we're proud of the commitments we put forward and don't want to suggest that any rejection of green control growth is any signal that we don't take environmental issues a very seriously. Third point I wanted to make.

00:45:54:19 - 00:46:25:00

Um, was that, um, an in response to Cagney? We definitely don't suggest that carbon is not relevant to this examination. We know that you'll examine it. We have assessed the effects of carbon in full in our assessment and reached conclusions of not significant impact, but only after the assessment. But the particular point I wanted to make is that the A and is clear that where there are other regimes, we should assume these purposes, that they work effectively.

00:46:25:02 - 00:47:06:09

That's paragraph 4.54 of the and that paragraph has been used. And there's a similar paragraph as you know, in the NPF. The news, both at Bristol and in the more recent Luton decision. All the decision makers there to say that there are other regimes controlling carbon regime particularly, and that we should assume that they operate effectively and that operation does not need to be replicated in the decision, and therefore it at Manston or the recent loosened decision or its stance that there is no linkage of growth to a carbon trajectory in the decision makers.

00:47:06:11 - 00:47:17:09

There have not considered that necessary, partly for that reason, but I think also partly because of their conclusions about. Not significant effects.

00:47:18:24 - 00:47:54:27

Um, and the fourth point I wanted to make was that, as Mr. Linus said. Where I'm sure we'll examine the enforcement of each of these control documents. But the language of curtailing operations or imposing sanctions doesn't sit well with government guidance in which to consider the appropriateness of allegations or conditions. And I would say, particularly having regard to the outcome of the environmental assessment in this case, which identifies limited significant environmental effects.

00:47:56:00 - 00:48:05:27

Any measures need to be proportionate. They obviously need to be effective, but they need to be proportionate. Those measures go way beyond what would be proportionate in this case.

00:48:10:08 - 00:48:10:25

Thank you. Mr..

00:48:13:17 - 00:48:19:13

Let's then move on to item six on the agenda, which is legal agreements.

00:48:23:29 - 00:49:16:06

And the agenda item here says the applicant will be asked about the scope of proposed legal agreements and the progress. And just for clarity, we're only talking about section 106 agreements. We are referring to section 106 of the Town and Country Planning Act, 1990. Whereas references we've made recently to sections 104 and 105. Um, relate to the 2008 Planning Act. That's not sequential. Um. So following the expiry of the existing section 106 agreements, the the applicant is proposing an extension to existing agreements to operate from 1st of January 2025 until the proposed development is commenced and a new section 106 agreements in respect of the northern runway projects.

00:49:18:15 - 00:49:20:08

My first question on this topic is.

00:49:21:25 - 00:49:32:09

The applicant. Why have you decided to adopt the legal agreements approach rather than committing through DCO applications?

00:49:38:02 - 00:49:48:00

Katherine, half the applicant. Um. Sorry, sir. Do you mean why are we retaining an existing? We're renewing the existing 106 and having a separate DCO 106. Why are you.

00:49:48:02 - 00:49:55:22

Having a new section 106 agreements? What is it covering that's can't go in the DCO itself?

00:49:56:26 - 00:50:32:07

Right. Um, there are payments, there are engagement groups and so on, I suppose. So you're suggesting that either have we thought carefully about whether requirements could do the job of most of what's in the 106 agreement? Yes. Um, and we can we can think we have thought about that, but



just generally, um, with the approach that we've adopted to to the DCO and the 106, I think. Yes. Um, there are a lot of, um, management groups of things like air quality, um, and parking.

00:50:32:09 - 00:50:43:17

There's lots of payments, there's the setting up of, um, community benefit funds and, um, none of those things. I think those types of things would be appropriate for requirements.

00:50:44:11 - 00:50:59:26

Okay. I'll leave that for now. We'll come into some more detail. Can you just clarify for me? Are you proposing a single agreement with all relevant local authorities? Or are you intending having separate agreements?

00:51:01:24 - 00:51:14:20

There'll be one single agreement. But any party, any local authority who has obligations or will be the beneficiary of commitments under it will be a party to that agreement. And that's a live issue under discussion.

00:51:15:03 - 00:51:21:20

How many local authorities are currently expecting to commit to that, or do you think need to be involved?

00:51:21:22 - 00:51:40:16

So there are currently two in our in our current draft. So that's West Sussex as the county council highway Authority and Crawley Borough Council as the local planning authority. But we're under discussion about, um, adding in potentially other parties where, um, they are the direct recipients of mitigation.

00:51:42:18 - 00:51:44:03

Okay. Um.

00:51:45:22 - 00:51:55:28

And the heads of terms have been set out in table 5.2 of the planning statement. How have these been progressed with local authorities so far? What progress has been made?

00:51:58:20 - 00:52:30:17

That's one half the applicant. Um, yes. So a draft 106 agreement was sent on the first, 1st of February, um, to the local authorities, to Sharpe Richard, who were acting on behalf of them. Um, we've received comments back, uh, last Friday, which we're going through at the moment. And, um, they we're in the process of negotiations, reviewing their comments currently, and we are happy to submit a draft. I think it's at that deadline to a draft to the examining authority.

00:52:30:19 - 00:52:32:11

So you can see our progress.

00:52:32:22 - 00:52:45:29

Okay. Thank you. That's good to hear. Um, and so, are you confident that it will be completed by the end of the examination? Million dollar question, but.

00:52:47:06 - 00:52:51:18

Everyone's confident on that at the start of the examination. So yes, we are. We are.

00:52:54:04 - 00:53:27:07

Um. I will ask as clear the sides about their confidence shortly on that, I mean. Our concern is that agreements with greatest will in the world sometimes don't get completed by the end, and it's how we have to deal with the situation. Um, so can I ask you then what is the fallback position if agreement isn't reached? Well, you said you were going to provide us with draft, which is very helpful.

00:53:27:13 - 00:53:29:11

Will you be identifying?

00:53:31:03 - 00:53:38:21

Maybe separately from that then issues that are agreed but not formally signed as part of an agreement.

00:53:40:22 - 00:53:47:17

I'm interested in the steps that will be taken to give us as much confidence that things are agreed as possible.

00:54:00:09 - 00:54:32:14

I don't know if the applicant. Yes. Um, we will be giving thought to that. I mean, we're optimistic at the moment that we will reach agreement. So to be honest, we haven't turned our mind being to that pessimistic scenario where what we would do in the fallback situation, but we're aware of there are techniques that other applicants for other CEOs have used, including unilateral undertakings or two agreements, one unilateral for the matters not agreed, and another one that's bilateral for matters that are agreed. Um, so we will give consideration to that in due course if we need to.

00:54:32:24 - 00:54:33:24

Thank you very much.

00:54:39:26 - 00:54:57:15

And picking up on my previous points. Um, just request that all parties involved in the agreements ensure that the obligations cover matters which are not considered appropriate, speak as secured as requirements. That would be our starting point. Um.

00:55:01:15 - 00:55:05:17

And that's obviously they comply with relevant statutory tests.

00:55:17:22 - 00:55:19:05

And then, um.

00:55:21:22 - 00:55:26:21

Is the applicant intending to have a separate legal agreements with National Highways?

00:55:31:09 - 00:55:57:00

So. Well, we're meeting to discuss this afternoon, but at the moment the Protective Provisions operates, I believe, like a legal agreement in effect. So one shouldn't be needed, their approval processes and so on. So I'm not anticipating we'd also need a legal agreement on top. But um, I suppose that's something that we might carry on discussing if a side agreement were needed for any matters that weren't covered or appropriate in the protective provisions. I don't think we'd rule that out.

00:55:57:05 - 00:55:59:25

Okay. And the same, uh.

00:56:01:13 - 00:56:03:04

Request that if.

00:56:04:26 - 00:56:23:11

If you go down the protective provisions routes that you keep discussing and trying to narrow issues down, rather than leaving us with too much to sort out at the end. Please. Thank you. Okay, I think those are the questions I had for the applicant. I turned to the local authorities, please. Mr..

00:56:26:14 - 00:57:03:16

Thank you, Sir Michael Bedford, for the joint local authorities. So it's right to say that there is an ongoing dialogue, which I hope is being productive. Uh, and uh, certainly, uh, at this stage of the process, uh, we don't, uh, have any reason for thinking that, uh, it's not capable of reaching, uh, a satisfactory resolution, albeit there clearly are things that at the moment are not, um, common ground between the two sides.

00:57:03:18 - 00:57:37:07

And there is obviously quite a lot of work to be done on, uh, the detail. Uh, and so in that context, I don't want to say too much because I'm not sure it's terribly helpful to, as it were, strike as it were. Um, an adversarial note, but I would just identify that, um, there are some topics which we think, uh, ought to be covered by the section 106, which are topics not currently covered biodiversity matters, landscaping matters, greenhouse gas matters and socio economic matters.

00:57:37:09 - 00:58:06:03

So it's not just a question of there's a draft that's traveling between the two with clauses and so on that they are chewing the cud over. There is actually some, what you might say, structural elements which also need to be, um, progressed. But I say the fact is that there is a positive dialogue and a fruitful process. And so rather than at this stage getting into kind of battle lines, I think it's probably better to let that continue and say at this stage of the examination.

00:58:06:21 - 00:58:07:28

That's fine. Thank you very much.

00:58:09:19 - 00:58:15:05

Does anyone else want to comment on legal agreements? Yes. Cagney.

00:58:16:24 - 00:58:52:20

Yes. Good morning. So good afternoon. Now I'm Miss Rebecca Clayton. I'm appearing on behalf of Marathon Asset Management at HHI, London Gatwick Limited and HCP limited, who you are aware of collectively, the owners and operators of the holiday in Gatwick. And really my purpose today is just to draw to your attention. You'll have seen the relevant representations submitted by holiday, in our view, that it is necessary for there to be a legal agreement between Holiday Inn and the applicant in order to address the issues of concern that we've identified.

00:58:52:22 - 00:59:28:02

I just wanted to touch briefly on the scope of that agreement where we are and importantly for your purposes. So what the implications of that would be for the examining authority if it wasn't agreed. I'm just turning first to the scope. Our anticipation is that that would need to cover commitments in relation to land, take mitigation and controls relating to construction phase impacts, including in particular provision or alternative access arrangements, and also mitigation for operational noise impacts.

00:59:28:07 - 00:59:59:11

And we'd also hope that it would be able to address the land and rights needed for the project on a mutually acceptable and voluntary basis and, of course, related compensation matters in terms of where we are with that now, the agreement is not yet progressed at all because of a lack of clarity regarding those impacts. But we are grateful for the recent contact that we've had with the applicant, and I'd hope to be able to provide you with a more positive updates at future deadlines, or indeed at future hearings if necessary.

01:00:00:06 - 01:00:33:04

The reason, really, for mentioning that today, apart from providing you with our view on why one is necessary, is just because if there is a failure to to reach legal agreement, we will be seeking protective provisions on the face of the order in the alternative. Now, in my view, there's no need at this stage for us to, um, prepare any. Hopefully that would be abortive work if it were undertaken, but I do just want to flag that with you now so that you're aware the examining authorities are aware that that may be on the horizon, if appropriate, agreement can't be reached.

01:00:33:19 - 01:00:37:27

But I say I hope that I'll be able to provide you with a more positive update in due course.

01:00:38:05 - 01:00:39:02

Thank you very much.

01:00:41:03 - 01:01:11:24

Anyone else wishing to comment? Yes. Mr. Barclay, uh, Peter Barclay, on behalf of Gchq. Um, I'm hoping this would be the right place to put this in. Um, historically, Gchq were involved in section 106 discussions. Obviously not a signatory. Um, and we were involved, I think I mentioned earlier in this week in the original 1979, um, agreement, legal agreement. Uh, more recently, we are not involved much as we would like to be.

01:01:11:26 - 01:01:23:18

Now, this may not be a question for the applicant to decide, but it is possibly something that you is examining authority could recommend if you'd agree with us that we should have some.

01:01:23:20 - 01:01:50:20

Part in the consultation on the DCO on the section 106, because we have knowledge, much more knowledge from our members and particularly from parish councils, on specific items that will miss the greater bodies, such as the county council and even district councils. So we'd like to see, uh, more involvement at our level and a parish council level within the section 106 discussions. Thank you.

01:01:51:10 - 01:01:53:10

Thank you very much. Yes, councillor.

01:01:54:15 - 01:02:29:11

Uh, Malcolm Fillmore, Omaha, Nebraska parish council. I'd like to endorse entirely what Mr. Barclay was saying. And I did note that there was a suggestion that other people are being asked to be consulted. But it wasn't clear to me who you were thinking of. In in that consultation, I would hope it would be, um, you know, more, uh, local councils and parish councils. At the moment it is simply between garbage, airport, Paulie, Borough councilman, West Sussex County council.

01:02:30:22 - 01:02:32:29

That can be clarified, I understand that.

01:02:33:01 - 01:02:46:21

Thank you. Um, if the document is being submitted as an examination documents anyway, then parties will be able to comment on it. But back to the applicants you wish to answer.

01:02:48:13 - 01:02:51:28

Sorry. Yes. Just before you do that. Um, Miss Pavey.

01:02:54:14 - 01:02:55:20

Thank you. Sir. Sally Paver.

01:02:55:22 - 01:03:28:05

For Cagney. Um, just a quick point on the 1 to 6 agreement. Um, the problem with the 106 agreement, um, currently is that the parishes that are impacted by Gatwick don't actually see much of the benefits of any 106 agreement. And so we would ask that, um, that we be involved in any 106 agreement going forward so that the parish councils and town councils can be represented because they have been ignored in a lot of aspects when it comes to Gatwick Airport. Um, and obviously noise will go on to next week.

01:03:28:07 - 01:03:29:09

Thank you sir. Okay. Yeah.

01:03:29:28 - 01:03:41:09

Thank you. So. The same point applies that the documents, draft documents will be an examination document and anyone can comment on it. But Mr. Lyness.

01:03:42:00 - 01:04:06:23

That's Scotland for the applicant. Yes. So that's going to be my main point. This is going to be a travelling document between the authorities. But other parties will have the chance to comment on it as the examination progresses. But we don't see any particular jurisdiction or other need for parties other than those that have been discussed already to be on the agreement itself. It's sufficient for other parties to comment on the draft as it goes through examination.

01:04:07:20 - 01:04:08:05

Thank you.

01:04:11:04 - 01:04:42:09

Is there anything else then on. Item six. Legal agreements. No. In that case, I think I'm going to. If it's now 1215 and we need to finish at. On the clock, and we had a number of people who wanted to talk about stakeholder engagement. I'm going to bring that forward in the agenda. Parties are happy with that. There was less, uh, less request to talk about control documents.

01:04:42:11 - 01:05:14:29

We can pick that up at the end if we've got time. So let's just. Go ahead then to stakeholder engagement, which was listed at item eight on the agenda, which says the applicant will be asked about its existing and proposed approach to community and stakeholder engagements during both the proposed construction and operational phases. Interested parties will be invited to respond so.

01:05:15:20 - 01:05:18:18

Backgrounds. This is that. That's.

01:05:20:28 - 01:05:52:18

Uh. Then what stage? The applicant responded to our procedural decision letter to zero seven. The applicant's response at Rs. 115 provided a range of existing engagement mechanisms between the airport's local authorities and the wider community. That's been helpful. Summary for the examination provides the background to this. So my first question is, um.

01:05:53:20 - 01:06:16:15

To the applicants and other all parties involved in the engagement with the application. Envisage any change to existing engagement mechanisms should development consent be granted. So what you presented to us is the existing arrangements for engagement. Are you envisaging any changes to that going forward?

01:06:19:00 - 01:06:22:02

Uh, Scotland allows Mr.. No. Return to that, please.

01:06:24:03 - 01:06:54:25

Uh, thank you sir. Yes. So, um, document as 115 sets out what we do existing today and broadly that will continue going forward. So our principal, uh, engagement mechanism is through the Gatwick

Airport Consultative Committee. That's the statutory body, sir, which, uh, we, um, uh, which meets four times a year, is made up of, um, local authorities, individual business groups and residents groups.

01:06:55:05 - 01:06:58:08

Uh, and that, um, sir, is the principle.

01:06:58:10 - 01:06:59:24

Mechanism which we.

01:06:59:26 - 01:07:21:16

Use for the formal engagement, um, that, uh, Gatwick Airport Consultative Committee, um, also has a number of subgroups that are linked to it. So it has a passenger advisory group. It also has a steering group. And the airport takes its responsibility to attend that group very seriously. It's attended by myself and.

01:07:21:18 - 01:07:31:04

The chief executive of the airport. Uh, and in the 14 years that the chief executive has been at the airport, he has missed one meeting to attend a funeral.

01:07:31:09 - 01:07:32:22

So it is.

01:07:32:24 - 01:07:36:02

Attended by the most senior people at the.

01:07:36:07 - 01:07:37:03

Airport.

01:07:37:10 - 01:08:09:15

But of course, whilst there is a the statutory um consultative committee, there are also a large number of informal mechanisms that we have now, a number of those informal mechanisms are, uh, more formalized than others because they are reported in the section 106 agreement. So we have things like the air quality annual meeting, we have a transport forum meeting, uh, and we meet with the local authorities to discuss land use planning matters and transport related matters.

01:08:09:17 - 01:08:40:22

And that's an ongoing dialogue that we have on a on a regular basis. Um, there are also other informal mechanisms that would continue, um, and in particular around noise. So we have a number of um, uh, groups that we discuss noise issues with the local community, uh, a group called nutmeg, which is the Noise and Track Monitoring Advisory group. And those types of groups will also continue so broadly.

01:08:40:24 - 01:08:43:14

So a lot of the engagement will just flow through.

01:08:44:02 - 01:08:44:17

Thank you.

01:08:47:24 - 01:08:48:17

So.

01:08:50:11 - 01:08:58:08

I suppose what I want to look at next is should developing consent be granted then?

01:09:00:00 - 01:09:36:22

You are looking at a major construction program. Over 15 years? I think it is. And. Are you? Existing mechanisms sufficient to deal with that. And the specific issue of identified is that. The proposed Community and Engagement Management Plan, which is identified in the Code of Construction Practice at paragraph 2.2.9.

01:09:37:16 - 01:09:41:05

That's a reference app 082.

01:09:42:20 - 01:09:55:09

So the Community Engagement Management Plan is identified as being an internal compliance document, and it specifically stated that such documents do not require approval by local planning authorities.

01:09:56:26 - 01:10:05:05

Given the scale of this project, why is there no approval required for that? Documents.

01:10:07:10 - 01:10:14:02

And are there any other community consultation approaches that you have in mind?

01:10:23:14 - 01:11:08:25

Allison added. For the applicant, I'm the head of external engagement and public policy. Uh, so the obviously the code of construction practice covers that management plan. Um, as part of the development of that, we will actually, um, obviously take reasonable steps to engage with, uh, community representatives, um, including the local authorities. Uh, particularly those that are most affected by construction impacts. Um, and that will include community groups, residents, businesses, landowners. Um, it's also worth noting that, as we do today, for any significant works, our contractors, um, would apply to the local planning authority to, well, to local authority Crawley Borough Council for a section 61 consent under the Control of Pollution Act.

01:11:08:27 - 01:11:27:26

And that sets out some very we're we're able to agree some very detailed, um actions in relation to the construction project. And we've got some good examples of recent activity on that or delivery on that with the, um, resurfacing of the main runway in 2022, which I can share further details on.

01:11:28:20 - 01:12:00:27

But that that covers works on airport. What I'm talking about is you are proposing. Highway elements which in themselves with constitutes an end slip. It is an enormous project. And yet you haven't at this



stage developed any sort of community engagement plan that the strikers. What we would expect you to see. Something at this stage is a draft documents. Have you not given consideration to that?

01:12:08:26 - 01:12:26:06

Of Scotland is for the applicant. As you will recognise, sir, the intentions as far as engagement are concerned have been set out in the Code of construction and Practice. Obviously, as we go through the examination, if we need to flesh that out any more detail, we will consider that.

01:12:26:08 - 01:12:27:03

Okay. Thank you.

01:12:29:11 - 01:12:32:01

That's fine. Thank you. Uh, Mr. Bedford.

01:12:35:02 - 01:13:32:25

Thank you, Sir Michael Bedford for the joint local authorities. So your last question. Um, if I can say so precisely, focused on the key point that we wanted to raise. Um. This is a 14 year or 15 year project. It is. But a very substantial change to the local environment if it's approved. And whilst we certainly, um, respect and acknowledge the good work that's been done in terms of existing engagement, we do think something rather more bespoke and fit for purpose is required in relation to managing that, particularly in terms of how, uh, the phasing of the different elements is going to impact on the different communities across quite a wide campus.

01:13:33:24 - 01:14:08:28

Um, and whilst obviously, uh, at this stage there's only so much that can be done. What we think really needs to be done by the applicant is bringing forward, uh, where the reference in the CoC is to a communications and engagement plan prior to construction. We just don't think that's good enough. We think that what is needed in this examination is an outline, communications and management plan that has got Coart form to it.

01:14:10:02 - 01:14:49:18

That indicates who is going to be engaged with and by what mechanisms in relation to the different aspects of the overall construction process. That should therefore be submitted into the examination so that it can be considered commented on by, as it were, potential stakeholders, um, through a formal process, and the examining authority can then look at that in the light of the comments received, uh, to see whether it is actually adequate to do what, as you have indicated, you would have expected to see done.

01:14:50:08 - 01:15:14:25

Uh, there's clearly time, uh, given that this is at the very beginning of the examination for it to be done. But we do think it is very necessary that the applicant moves forward from its its present position and does produce such a document to a suitable deadline, uh, so that we can then comment on it as Indique and the other participants to the examination. Thank you sir. Thank you.

01:15:16:26 - 01:15:20:00

Any comments from other interested parties? Yes.

01:15:22:15 - 01:15:24:25

Thank you, sir Sally Pavey for for Cagney.

01:15:25:09 - 01:16:02:18

Um, we were just like to raise that. We are concerned about the lack of anything that we have seen. And apologies if we've missed it. Um, for the whole construction process of what we believe is 14 years, and we would echo that, we would like to see some sort of form of engagement with residents that may be impacted by the construction and by the parking of, of construction workers. And I'd also just like to touch on the applicant's point about Gatcombe and the NAB. Both of those, um, really do not provide, uh, communities with a fair and balanced forum or the environments.

01:16:02:20 - 01:16:10:01

So we would like to see some other body or those to be expanded upon, to be more embracing. Please. Thank you.

01:16:10:06 - 01:16:14:03

Thank you. Uh, this gentleman at the back with the microphone.

01:16:18:21 - 01:16:55:02

Yeah. Yes, sir. Rob Evans, uh, mole Valley District Council. Um, I think from our point of view, as a local authority, there's, uh, insufficient consideration of how this plan would be operated and in particular, in relation to a phasing plan. And there's no indications, really, from what we can easily see about where high impact works will be carried out. And we'd like the applicant to do this in advance as an overall plan and then review it on an annual basis. And we would like some sort of management body because we don't think they offered meetings are sufficient.

01:16:55:25 - 01:16:56:16

Thank you, sir.

01:16:56:29 - 01:17:03:06

Thank you. And I've got two other people just to speak. Councillor Lockwood's online.

01:17:08:00 - 01:17:39:06

Uh, yes. Good afternoon. Um, I'm councillor Liz Lockwood. I represent Lingfield parish, but I'm also a parish councillor on dormant land. Parish council. Um, and my preferred name is Liz Lockwood. For the record, I was the Tandridge District councillor for Lingfield and for much of this time was the uh representative for Tandridge Council on several of the Gatwick related bodies, such as the uh Gatcombe that's been mentioned and the NLB that's been mentioned.

01:17:39:08 - 01:18:16:20

And I will reiterate, they are incredibly distant from, uh, the the day to day lives of the residents because of the, uh, procedural loop, uh, hoops that you have to jump through to get things up on those, those, uh, bodies. Um, I've lived in and the points I want to make are relevant to the future consultation, uh, that Gatwick is going to have to do on the construction management. Um, I've lived

in the parish for more than 30 years. And note that there is a residual support for Gatwick here locally, with historically many having worked at Gatwick, particularly on the airlines.

01:18:17:07 - 01:18:48:15

However, for many of us, we have no choice but to live in this area, to work in our local schools, retail units, care homes, etc. and are not in a financial position to move should the aircraft noise and frequency, along with all the other knock on effects, get much worse. Um. They, uh, so historically, um, Tandridge have a, uh, have tended to ignore this area around Lingfield, specifically East Surrey and especially South Tandridge.

01:18:48:17 - 01:19:22:21

And this is where they do need to pick up on going forward. Um, and we particularly suffer from the knock on effect of any congestion on the M23 as a result of road work issues and whatever. So any, any construction work is going to impact on the south of Tandridge, with the traffic detouring up into East Grinstead and along the A22 up to the M25. So the comments I want to wish make about Gatwick engagement process so far are relevant, and they're essentially that a huge number of people are going to be hugely impacted by these proposals.

01:19:22:23 - 01:19:53:12

And the Gatwick so far their engagement has been inadequate, ineffective and inappropriate. Firstly, inadequate engagement. When Gatwick launched their masterplan prior to this DCO several public venues were identified for dropping events. None, however, in East Surrey two additional were added, but again not in East Surrey as an afterthought then, uh, this mistake was repeated with the public engagement for this DCO mobile project.

01:19:53:14 - 01:20:25:05

Officers were positioned across a huge region, including two in Brighton, um uh, and only in one venue in the whole of the south of Tandridge in Lingfield. And it popped up between 2 and 5 on a Friday afternoon in September. I witnessed only 14 residents attend in person. The rest of the visitors were all locally elected representatives. It was hosted by a community engagement company who were clearly not fully briefed.

01:20:25:07 - 01:21:01:21

They were astonished by the noise and number of overflights, the site being right under the ILS, and we would recommend you visit the High Street in Lingfield to see what I'm talking about. The poor turnout was evidence of the inadequate engagement. Leaflet drops to every household clearly didn't catch the eye of residents amongst all the other junk mail, uh, that we get. And not everybody does social, social media and even today people don't read newspapers. Um, with reference to the engagement with stakeholders being ineffective, was the intention to include.

01:21:02:25 - 01:21:04:17

Uh, let's make sure I got the right piece of paper.

01:21:06:23 - 01:21:09:08

What's the other one? Sorry.

01:21:10:27 - 01:21:11:12

Oh.

01:21:14:24 - 01:21:15:12

Right.

01:21:15:26 - 01:21:18:04

Uh oh.

01:21:18:12 - 01:21:56:07

I had written it all out. Hang on. So it's, uh. So the, uh. I'll drop that for the inappropriateness of the consultation. It's perhaps not entirely the fault of Gatwick, but because government and non-government organisations insist on all engagement being digital. However, that being accepted there is still remains. At any given time, up to 12% of the population who do not have internet access at home. Lingfield has an above average 24%, as opposed to the 16% people over the age of 65 who traditionally do not use digital communication regularly.

01:21:56:14 - 01:22:26:28

At the mobile project offices, memory sticks containing the documents were being offered to people who couldn't take advantage of them because they didn't have the appropriate technology. Others who don't have bandwidth or the data download allowances to read the documents or submit comments online. There are still large areas of East Surrey considered far too rural to have anything other than dial up internet, and we still do have download speeds of less than ten per second.

01:22:27:08 - 01:22:40:17

Um, so these very same areas are potentially going to see a massive increase in the over flying. Should the DCO be approved? I quite like to find that one, but it doesn't really matter. I can put it in my written representation. Thank you.

01:22:40:19 - 01:22:46:18

Please. Thank you. Thank you. Uh, we also have Mr. Crowley online who wishes to speak.

01:22:50:27 - 01:22:51:12

Uh.

01:22:51:24 - 01:22:54:26

Uh, thank you sir. I can't, uh, turn my camera on.

01:22:55:21 - 01:22:56:20

I'll speak my name.

01:22:57:01 - 01:23:46:16

Oh, yeah. Oh, thank you and good afternoon. My name is Tom Crowley. I chair Gatcombe, which is the statutory independent, uh, Gatwick Airport Consultative Committee. I just wanted to make a comment to clarify the point about community representation on the Gatcombe committee. 14 of our 28 members are local authority representatives. They represent four parish councils surrounding the

airport, six district and borough council's surrounding the airport and indeed Crawley, which is the council which within which the airport is located, and for county councils East and West Sussex, Surrey and Kent, and those local authority representatives and their local authorities represent the communities which they're elected to serve.

01:23:46:18 - 01:23:49:02

I thought it was important just to make that point. Thank you, sir.

01:23:49:27 - 01:23:56:11

Thank you very much. Are there any other comments on? Besides from stakeholder engagements.

01:23:58:08 - 01:23:59:22

It just aligns.

01:24:00:09 - 01:24:04:00

Scotland. The applicant under Mr. Norris has appointed like to make.

01:24:04:27 - 01:24:35:25

Yes, please, sir. If I could just sort of, um, give you a bit of context to explain what we do in practice, which might be helpful because obviously we we take engagement extremely seriously at the airport. I have a team that is headed up by Mrs. Adi at the right end of the table that literally all their job is, is to do engagement. So we do take it really seriously in terms of we try and tailor our engagement to a specific project or a specific, um, requirement.

01:24:35:27 - 01:25:08:09

So not all of our engagement is the same. We do try and tailor it to the specific circumstances of the of the activity, and we do work very closely with the other bodies. So for instance, in terms of the recent works of the railway station, we worked with Network Rail, uh, over a 2 or 3 year period to make sure that the, the communications, largely to the passenger, were properly communicated so that they could, um, plan their journeys.

01:25:08:11 - 01:25:45:26

They could understand when there may be delays or shutting of the station, or where there may be a bus operation service to get to Gatwick. So we we make sure we work with those bodies to make sure that the, the information is provided well in advance. It's communicated to all of our other partners. So the service access provision can be taken on board with additional busing operation or taxi operation whilst that station was closed. But in terms of something that would happen on the airport, sir, um, I think I've mentioned before, um, over the last year or so, we have resurfaced our main runway.

01:25:46:11 - 01:26:37:13

Um, and as part of that resurfacing of that runway, we would work with the contractor. So once we've appointed a contractor, the contractor would then apply for what we call a section 61 certificate, which is section 61 of the Control of Pollution Act. And within that there is a requirement to provide a bespoke stakeholder engagement plan. And we would see that many elements of the project, the DCO project would also we'd go through that same process of applying for a section 61 notice, and we would work with the local authority, as we did with the um, runway resurfacing project, to agree a

specific and tailored bespoke set of requirements so that people in the vicinity and more generally will understand the the project.

01:26:37:15 - 01:27:12:19

So in terms of the runway resurfacing work, we agreed the area of consultation or engagement with the local authority, with the local authority, um who and that was based on predicted noise levels of the runway resurfacing work. And then we tailored our, um, letter drop to all of those properties that we had agreed with the local authority, but we also made sure that we put it in our, um, what we call our Keeping in Touch newsletter that goes out to all 250 parishes that are located around Gatwick.

01:27:12:27 - 01:27:46:02

And the team also met with the chair of the Childhood Parish Council to inform them of the works and to talk them through that project. And then, of course, we have the normal things like the website and the email engagement, um, address, where people can respond if they need to or have got any questions. So we very much take a very tailored and bespoke approach to each of the projects, uh, working with the contractor, because largely it's understanding the construction methods that would be taking place.

01:27:46:08 - 01:28:11:24

And then once we've got that, then we will start the process of potentially applying for a section 61. We don't always do it depending on the nature of the project, but once we do that process, we would then agree that with the local authorities. So that's why at this stage, we haven't gone into that much detail. Obviously, we don't have the contractor on board for this, but this is a standard type of a process. And and the approach that we've taken, you know, over the last, you know, many years.

01:28:11:26 - 01:28:16:11

Okay, I understand that. Thank you. That's helpful. We'll take away those thoughts. Thank you.

01:28:19:12 - 01:28:24:14

And. So, yes, there is another hand up. Um. Mary. Caleb.

01:28:26:06 - 01:28:27:20

Yes. Apologies, sir.

01:28:27:22 - 01:28:31:03

If I could just come back on that point. That's just been made, I think.

01:28:31:26 - 01:29:03:16

Um, Rory Killip, on behalf of Mill Valley, um, I think the most significant thing here is that there are questions around whether the section 61 process is actually appropriate in terms of keeping people informed, that's taking place, um, when work's already to begin on the ground. And the fact is, is something of this scale, people need to be kept informed. We discussed at the preliminary hearing earlier this week about how the consultation around the proposed changes had not been particularly far reaching.

01:29:04:00 - 01:29:41:20

Um, and it's elements like that that our community and the council are particularly concerned about, especially considering how the pre-application process went. And so I think there is a real plea from, um, certainly from the council, and I would imagine a number of others that there needs to be more forethought. We can't think about. Right. Okay. The contract has been appointed and then everything's going to happen. That engagement needs to take place prior to that happening, alongside appointing that contractor, so that people are aware that this is coming downstream, not we're going to roll the bulldozers out tomorrow.

01:29:42:00 - 01:29:48:19

Um, and so I think a real, a better proportionate consideration and forethought needs to be put into that engagement. Thank you.

01:29:49:07 - 01:29:49:23

Thank you.

01:29:51:10 - 01:29:54:06

It was. Come back on that. No.

01:29:54:22 - 01:29:57:02

Sir. Perhaps before Mr..

01:29:59:03 - 01:30:29:07

No, sir. Can I just add a point, sir? Yes. Michael Bedford for the joint local authorities. So clearly the section 61 process does have its merits, but we don't consider the GDS as all embracing, as you might have implied from the way that it was being described to you. We don't think that that would capture particularly travel disruption issues and so on. So there's that aspect to it. But then also the timing aspect, which you just heard about from Mole Valley.

01:30:29:17 - 01:31:00:19

It's too late in the process. We're not saying that that shouldn't happen, but it's that the applicant should be doing something else now to lay the ground for that more detailed work. Once it's got a contractor and the panel will be very familiar. There are very few DCO projects where there is already a contractor and brought on board at the stage of the DCO examination, but others promoting very large scale projects have done far better than this applicant on this particular topic.

01:31:00:21 - 01:31:01:07

Thank you.

01:31:02:29 - 01:31:52:12

Asking for the applicant. Just final couple of points. As far as any points with the section 61 process concerned. One must not lose sight of the fact that Gatcombe is the overarching body whose quarterly reports on the progression of this project, and for the reasons that have been given with Mr. Norwood and others. We see it as a very competent, unsuccessful organisation. I understand that in 2023, the DFT undertook an information gathering exercise on the effectiveness of the airport consultative committees, and following that research, the umbrella body reflected on the results and undertook

online research to check if committees were meeting government guidelines and concluded that Gatcombe was meeting DFT expectations.

01:31:52:14 - 01:32:02:13

We can provide more details in due course and a deadline one, but we acknowledge the point you raised earlier on. Sir, we're going to be taking that away. Thank you, thank you.

01:32:04:09 - 01:32:34:29

So the time is now. 1242. I think, given that we've few issues to wrap up. Um. Time is limited to deal with item seven on the agenda, control documents and subsequent approvals. I'm going to suggest that I set out as written questions the questions I did have on that, rather than delaying us further. We do need to get away by 1:00. Um, so there will be written questions.

01:32:35:08 - 01:32:44:03

So on that basis, I'm now going to um, move on to item nine, Action Points, which Doctor Brewer will outline.

01:32:45:20 - 01:33:15:24

Thank you. Thank you. Uh, Mr. Gleason. Um, I'm sure I'll be glad to hear. Um. I won't be going through all these in detail. I'm. I'm. I fully expect the applicant would have been keeping track of the action points. Um, I think they have them all. Um, for the avoidance of doubt. Um, and we have been recording them also. Um, the team here. So rather than run through them and compare notes, what we will do is we view internally and publish them on the pins website as soon as we can. So they're available to you.

01:33:16:18 - 01:33:17:03

Um.

01:33:18:29 - 01:33:23:02

I think at that point I'll hand back to Mr. Gleason to complete the hearing.

01:33:31:09 - 01:33:35:03

Is there any other business relevant to this hearing that anyone wishes to raise?

01:33:38:29 - 01:33:39:29

Oh. Thank you.

01:33:41:05 - 01:33:45:10

Which case, all hands on to Miss Cassini's close.

01:33:47:09 - 01:33:48:14

Thank you, Mr. Gleason.

01:33:48:23 - 01:34:20:08

May I remind you that the timetable for this examination requires that parties provide any post, hearing documents on or before deadline one, which is Tuesday, the 12th of March 24. And I also



remind you that the recording of this hearing will be placed on the Inspectorate's website as soon as possible after this meeting. And thank you all very much for your participation today, which we found very helpful. The time is now. 1244 and this issue specific hearing two is now closed.