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FULL TRANSCRIPT (with timecode)

00:00:05:00 - 00:00:37:08

Good morning. Can all those present? Hear me clearly. Okay. Can I confirm with the case team that the live streaming of this event has commenced? Please? Thank you. It is now 930. Welcome to issues specific hearing to on control documents and the draft development consent order in relation to the application made by Gatwick Airport Limited, who will refer to as the applicant for an order granting development consent for the Gatwick Airport Northern Runway project.

00:00:38:13 - 00:01:10:05

As described in the application form. The application seeks powers to enable dual runway operations at Gatwick Airport through altering the existing northern runway, lifting restriction on the northern runways, use and delivering the upgrades or additional facilities and infrastructure required to increase the passenger throughput capacity of the airport. This includes the substantial upgrade works to certain surface access routes which lead to the airport.

00:01:10:27 - 00:01:24:03

My name is Helen Cassini. I'm a charter town planner and member of the Royal Town Planning Institute. I'll be sharing this hearing and making some introductory comments. Can I now ask my colleagues to introduce themselves, please?

00:01:25:25 - 00:01:26:15

Good morning.

00:01:27:21 - 00:01:34:23

My name is Doctor Philip River. I have a PhD in applied acoustics and am a member of the Institute of Acoustics.

00:01:36:10 - 00:01:48:16

Good morning. My name is Kevin Gleason. I'm a town planner, a member of the Royal Town Planning Institute, and the lead member of the panel appointed to examine this application. I'll be asking the majority of the questions today.

00:01:50:08 - 00:01:54:25

Good morning everybody. My name is John Hockley. I'm a charter town planner and a member of the Royal Town Planning Institute.

00:01:55:25 - 00:02:01:20

Good morning. My name is Neil Humphrey. I'm a chartered civil engineer and a fellow of the Institution of Civil Engineers.

00:02:02:16 - 00:02:33:11

Thank you. We have all been appointed by the Secretary of State to be members of this panel, and we constitute the examining authority, or EXR, for this application. We'll be reporting to the Secretary of State for transport as to whether the development consent Order should be made. For those of you here in the venue, you may have met Mr. George Harrold, who is a case manager at the Planning Inspectorate for this project. He supported today by Mrs. Jennifer Savage and Mr. Stephen Parker from the case team.

00:02:33:15 - 00:03:04:08

For those of you who've joined online and been present in the Arrangements Conference, you'll have been introduced to Mr. Elliott Booth. If you have any questions about the examination process or the technology we're using, the case team should be your first point of contact. Before we consider the items on the agenda, there are a few housekeeping matters we need to deal with. Firstly, can I ask that everybody sets all devices and mobile phones to silent? There were no scheduled fire alarm tests or drills today.

00:03:04:10 - 00:03:23:04

So in the event of a fire alarm, please exit the doors and the fire evacuation assembly point is just outside the main entrance on the left hand side. Toilets are located on this floor and under the ground floor. When using the desk, microphones could ask that you remember to position the microphone near to you.

00:03:24:27 - 00:03:58:17

In addition to this in-person event, this hearing is taking place on the Microsoft Teams platform and is being both live streamed and recorded. For those persons joining online, you may switch cameras and microphones off if you are not participating specifically in the discussion. Should you wish to raise a question, please raise the Microsoft Teams hand function and when invited, please turn your microphone and camera on. On that note, please be advised that the chat function on Microsoft Teams is disabled and cannot be used.

00:03:59:19 - 00:04:13:04

If we have to adjourn proceedings today, including for brakes, we will have to stop the live stream. When we recommence the meeting and restart the live stream. You will need to refresh your browser page to view the restarted stream.

00:04:14:25 - 00:04:46:13

Because the digital recordings that we make are retained and published. They form a public record that can contain your personal information and to which the General Data Protection Regulation apply. The planning Inspectorate's practice is to retain and publish recordings for a period of five years when the Secretary of State's decision. Consequently, if you participate in today's hearing, it is important that you understand that you will be live streamed and recorded and that the digital recording will be published.

00:04:47:03 - 00:04:50:11

If you don't want your image to be recorded, you can switch off your camera.

00:04:51:28 - 00:05:29:24

If any individual or group wishes to use social media, report, film or record during today's meeting or any subsequent hearing, they are free to do so. But please do so responsibly and with proper consideration for other parties. This must not be disruptive and the material must not be misused. The only official recording of the proceedings is this recording, which will be uploaded onto the Inspectorate's website as soon as possible after the hearing. Tweets, blogs and similar communications arising out of this meeting will not be accepted as evidence in the examination of this application.

00:05:31:00 - 00:06:12:04

The hearing today will be structured discussion with which the expert will lead based on the agenda that has already been published. We'll be asking our questions to ensure that we have all the information we need to make our recommendation to the Secretary of State. We are familiar with the documents already submitted. So when answering a question you do not need to repeat at length something that has already been submitted. When referencing a document, please give the appropriate pins. Examination library reference. Also, the first time you used an abbreviation or an acronym, can you give the full title as there will be people participating or observing that may not be as familiar with the documents as you are.

00:06:13:26 - 00:06:47:11

This hearing will focus on issues which we wish to address primarily to the applicant. We acknowledge that interested parties have not submitted written representations, and local authorities have not yet submitted their local impact reports. Matters arising from such such submissions and residual matters arising from this hearing will be addressed subsequently if necessary. Through further issues, specific hearings or written questions. We looked. We're going to look to take a break about 1045, and we tend to close the hearing no later than 1 p.m..

00:06:48:18 - 00:07:34:00

The Acsa has a list of those persons present today who wish to speak in relation to various item agendas, and we note that the majority of people who have given advance notice of wishing to attend are present, but we are aware there are some traffic issues this morning. So people we accept that people will be coming in late and we will try and accommodate them as best as we can. It is not our intention to do full introductions at this point. However, for the purpose of identification and for the benefit of those who may be watching the digital recording later, those intending to speak are asked to state your name, who you represent, and any preference on how you wish to be addressed the first time you speak, please speak clearly into the microphone.

00:07:34:26 - 00:07:44:21

Additionally, please give your name and any organization you are representing every time you are asked to speak during the hearing. I'd now like to turn to the agenda for the hearing.

00:07:46:07 - 00:08:21:26

Each end of this hearing was published and placed on the Planning Inspectorate's website on the 30th of January this year. The Acsa has decided to hold this issue specific hearing because we wish to discuss matters relating to control documents and the draft development Consent Order. We consider that the main items for discussions are future airport operations. The Authorized Development

Schedule, one of the draft DCO, Managed Growth legal agreements, control documents, and subsequent approvals and stakeholder engagement.

00:08:23:15 - 00:09:09:07

We will seek to allocate sufficient time to each issue to allow proper consideration of it. We will conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. But if the discussions can't be completed or to take longer than anticipated today, it may be necessary to prioritize matters and defer other matters to written questions. It is important that we get the right answers to the questions we are going to ask. Therefore, if you cannot answer the questions that are being asked or require time to get information requested, then rather than giving a restricted or potentially wrong answer for the smooth running of the examination, can you please indicate that you need to respond in writing? And we can then defer the question to the next round of written questions or a later hearing.

00:09:10:12 - 00:09:40:19

As noted at the preliminary meeting, the examination is predominantly a written process, supplemented where necessary by hearings. The avoidance of doubt. To conclude each agenda item, we will be asking the applicant for any final comments they have on any representations made during the discussion on each item. Finally, this is a hearing and not an inquiry, and therefore there will be no formal presentation of cases or cross questioning of other parties.

00:09:40:27 - 00:09:58:03

As such, any questions that you may have for other parties need to be asked to the EXR. This approach is set out in section 94 of the Planning Act 2008. But now I'd like to move to agenda item two, and I'll pass to Mr. Gleason to take us through the next agenda items.

00:09:59:29 - 00:10:37:06

Thank you very much. So item two is the purpose of the hearing. As already outlined, this hearing will focus on issues which we wish to address primarily to the applicant. Although interested parties and in particular the local authorities will be asked for their views where appropriate. This hearing is intended to obtain an early understanding of the applicant's approach, not just to the DCO, legal agreements or other control documents, but to understand how future airport operations sit alongside existing controls over the operation of the airport in various ways.

00:10:39:06 - 00:10:55:08

We have some questions for the applicants about how the proposed growth of the airport might be managed. We need to understand these positions before we can consider the precise wording of the DCO and other control documents, which were likely to do through written questions.

00:10:57:06 - 00:11:35:21

The draft DCO is an important document. This hearing is being held on a held on or without prejudice basis. So in essence, even if your position is that development consents should not be granted and therefore that the Secretary of State should not make the DCO. You can make representations in this hearing and in writing on the drafting of the DCO. Without conceding your wider point, the DCO should not be made. This is important because we are under a duty to provide the Secretary of State with the best drafted DCO that we can.

00:11:36:08 - 00:12:04:24

Even if we end up recommending that the Secretary of State should not make the DCO. This is because we don't decide the application. We make recommendations to the Secretary of State and he or she makes the decision. So even if our reports were to recommend that the development consents should not be granted, we must still append a draft DCO, ensuring that the Secretary of State can decide to make the order if he or she wishes.

00:12:07:00 - 00:12:32:12

Consequently, interested parties are advised to propose matters which they would wish to see in the DCO, any other control documents or illegal agreements early in the examination so that we can consider them at the earliest opportunity. Please be specific as you can be. If you wish to propose amended wording to the draft DCO or other controlled documents.

00:12:35:23 - 00:12:53:27

Reference. The key documents for this hearing are the draft DCO, which has a reference. So for the explanatory memorandum, which is SO6 and chapter five of the planning statements, which is app. 245.

00:12:56:05 - 00:13:00:05

So I'll now move on to item three. Future airport operations.

00:13:02:16 - 00:13:17:28

The agenda says the applicant will be asked about its approach to land use and planning controls over future airport operations, and how these relate to existing controls over the use of the airport. So just to provide some context to this.

00:13:21:00 - 00:13:59:29

Because the DCO application proposes an extension to the existing use of the airport, and understanding of existing controls is required. Existing use is controlled through both land use and planning regulations and other legislation. We know that the controls through other legislation or regulations may affect matters which fall within the remit of the DCO application. For example. Controls over flight paths, which are not within the scope of the DCO application, will affect noise, which is within the remit of the DCO.

00:14:00:23 - 00:14:15:00

So understanding the existing controls and how they are applied also has relevance to what controls should be applied. In the case of the future use of the airports through the DCO application and other legislation.

00:14:19:05 - 00:14:45:29

So I'm going to go through a series of questions under this item on the agenda. These are all essentially directed to the applicant. And when I've gone through all of the questions, I'll come back and invite interested parties to comment or ask for the questions themselves. So let's start with the issue of controls of the existing use of the airports.

00:14:47:27 - 00:15:04:22

Are there any planning via the controls which would govern the growth in passenger numbers? And 46.6 million passengers per annum MPA in 2019 to 67.2 mapr in the absence of the proposed development.

00:15:07:02 - 00:15:20:28

Uh, Scott Linus for the applicants. The short answer is no. And perhaps I can put a little more flesh on the bones as far as planning controls over the existing airport are concerned.

00:15:22:18 - 00:15:32:27

You know, saying that you ask some questions, uh, to ask us for more information on this, which we did in a response to the 18th of December document as one on five.

00:15:34:28 - 00:16:07:12

Um, by way of overview, the current land use control for airport operations specifically consists in the form of the 1979 permission relating to the northern runway that stipulates that northern runway could not be used simultaneously with the main runways here for identified circumstances, but there is no overall planning permission relating to the operation of the airport, and there are no controls on the under any consent relating to the growth of the airport or other matters, including number of flights per year, hours of operation, etc..

00:16:07:14 - 00:16:09:08

So in short, the answer is no.

00:16:09:16 - 00:16:24:19

Okay. Thank you. So the application documentation is. Indicating that by 2047, Gatwick could serve 80.2 million passengers. Um.

00:16:26:26 - 00:16:32:20

That's not specified in the DCO. Should it be? If not, why not?

00:16:33:29 - 00:17:02:15

As Scott Lyons for the applicant. So the answer to that is no. The form of control that's being proposed under the DCO is the ATM, uh, cap, which has been identified in the, uh, in the DCU itself. Uh, the proposition we put is that that is the appropriate, uh, means of controlling the growth of the airport, and it's the basis upon which, uh, the scheme has been assessed.

00:17:03:04 - 00:17:29:20

Okay. So, um, you're looking to control numbers of ATMs, traffic movements and other airport consents such as Stansted, Luton and Bristol provide the cap in terms of passenger numbers. Why is it not proposed to do that here? Why have you chosen to control ATMs instead of numbers? Scott. Linus.

00:17:29:24 - 00:18:14:08

Scott. Linus. For the applicant. We do not consider a passenger cap as necessary. Given the circumstances of this case where there is no forecast significant effects in relation to transport or air

quality, and these matters are more sensitive to passenger throughput. The approach we've taken is the effect of surface access mitigation proposed, which is contained in the surface access commitments. And it wouldn't be proportionate to impose a passenger cap on top of an ATM cap when there's general policy support for airport growth and the surface access commitments on the monitoring and enforcement of those provides the appropriate means of dealing with effects which aren't forecast to be significant in any event.

00:18:14:10 - 00:18:36:25

So we would draw distinction between other cases where passenger cap may have been imposed for various reasons. But in the circumstance of this case where we are not forecasting significant effects of the mitigation, we propose a passenger cap wouldn't be proportionate or unnecessary, at least because there's already an ATM cap, which will, of course have an influence itself on the overall growth of the airport.

00:18:38:16 - 00:18:39:13

Okay. Thank you.

00:18:46:02 - 00:19:03:06

So total aircraft movements in 2019 was 285,000. Um. There were no existing controls through either planning permission or legal agreements, which limits numbers going forward. Is that correct?

00:19:04:02 - 00:19:06:21

That's correct sir. Scotland. Applicant. Yes.

00:19:08:11 - 00:19:32:21

And in the absence of the proposed developments, you're anticipating that the number of commercial ATMs could rise to 326,000 per annum, plus 2000 non-commercial. Um, is there any control through. Planning permission or legal agreement to limits those future numbers.

00:19:34:03 - 00:19:35:24

Scott Linus the applicant? No, sir.

00:19:37:16 - 00:19:42:00

So you can get up to 326. Thousands.

00:19:43:17 - 00:20:04:03

Through any existing. It isn't a consent. They're not just no controls. There's no controls. You can keep growing. Absolutely. So. Is then the the constraints your own operational capacity. Other aspects of the airport Scotland.

00:20:04:05 - 00:20:27:20

For the applicant. Yes. As we heard yesterday, there are there are factors which influence the way in which the airport will, uh, will grow. Um, and there are no formal controls through planning permission or the section 106, which would limit growth. It's essentially the matters that were debated, uh, yesterday relating to the practical operational capacity of the airport.

00:20:28:20 - 00:20:52:20

Okay. Thank you. So if planes keep getting bigger, as we stated yesterday, then could that ATM limits only lead to more passengers? And the 80.2 million. And therefore resultant impacts on transports and other. Elements, scheme and.

00:20:53:15 - 00:21:29:05

Scope of the applicant. So the approach has been taken in this work. Aim is to consider the potential worst case from a variety of environmental topics, including transport, and to mitigate them accordingly. And we've taken the view that the surface access commitments, which will come on to a little bit later, are sufficient to cope with that. And worst case, and that worst case has taken into account. Um, the forecasts that we have produced and which were debated yesterday.

00:21:29:09 - 00:21:43:25

So we've had a look at what the realistic forecasts are going to be. Those have been translated into an assessment of the worst case on transport, for example, and we've mitigated accordingly. So these matters have been taken into account as part of the forecasts and the assessment work.

00:21:44:24 - 00:21:45:14

Okay. Thank you.

00:21:49:14 - 00:22:00:28

The DCO proposes a cap of 386,000 commercial ATMs per annum. Should the DCO place a cap on future noncommercial ATMs?

00:22:11:17 - 00:22:18:26

Uh, Scott lives for the applicant. Perhaps we can take that away and come back and answer that separately, if you may. Thank you.

00:22:26:20 - 00:22:48:03

So you've talked about the difference between, um, approaches which control. ATMs rather than passenger numbers. Um. Are you aware of any planning permissions or legal agreements? Other airports? Which tie both together, or is it generally one or the other?

00:23:01:02 - 00:23:16:18

We're not in a position to say that there are airports, uh, operating at the moment under an ATM combination of ATM and passenger, uh, cap. So may have been debated in other context, but we're not aware of any existing airports which do both, but we can check on that. Sir.

00:23:16:29 - 00:23:18:10

If you could, please. Thank you.

00:23:22:00 - 00:23:26:19

So you touched on night flights restrictions? Um.

00:23:28:19 - 00:23:37:15



Apart from those, are there any other existing controls over the hours of operation of the runway and other airfield activities?

00:23:40:11 - 00:23:42:23

It's called African News or nothing.

00:23:43:15 - 00:24:15:06

And then looking at the night flight restrictions, how are they monitored and. All these night flights, planned flights? Or are they situations where there's an exception, something like a delay to a service? Is there any? Breakdown of that information. Or you can explain to me what the concept of night flights encompasses.

00:24:15:17 - 00:24:20:25

Scotland. For the applicant, perhaps I could introduce Mr. Tim Norwood from the airport onto that, please.

00:24:25:10 - 00:25:09:28

Morning, Sir Tim. Not from the Afghan. Um, yeah. So, um, night flights? Uh, we're one of three London airports. This is regulated, uh, for night flights, along with, um, Heathrow and Stansted. Uh, and we have what we call a movement cap and a quota, uh, cap, which is based on the noise of the aircraft. So this is set for a summer season and for a winter season as well. And the, um, number of, um, night flights that are allowed, uh, at Gatwick, uh, during the, um, during the summer season, uh, the number of movements that are allowed is about something 11,000.

00:25:10:23 - 00:25:12:21

I'm just trying to find my reference.

00:25:14:21 - 00:25:16:09

11,200.

00:25:18:21 - 00:25:23:24

And in the winter season it drops down to just over 3000.

00:25:25:25 - 00:25:58:26

Um, we have to report that, uh, to the to the DFT. Um, and we have to remain within that, uh, limit. Um, but there are what we call, uh, dispensations that we can apply for. So if, for instance, there has been, um. Uh, an emergency has come in at night. We can apply for that to be dispensed so it doesn't count towards the the movement number in that in that period.

00:25:59:01 - 00:26:30:28

So there are exceptions which the government allow. We have to report those uh, again to, to the DFT as well. Um, and what's um, uh, the night flight regime I guess is um, consulted on probably every 3 or 4 years by the DFT. Uh, and just recently, uh, about a week ago, the government have, um, reconstructed on that night flight regime. Um, so on the 22nd of September.

00:26:31:28 - 00:27:01:02

As 22nd of February. Sorry. Um, the government, um, produced a consultation on the night flight regime. Um, that's because the the current night flight regime ends at the in 2025. And the consultation is a proposal to extend the regime, uh, up to 2028. Okay. And that will move. The, uh, the proposal is to keep the existing movement numbers on the quota the same as it is today.

00:27:02:04 - 00:27:22:12

Okay, so it is a quote, a quota. Then you're using those numbers to accommodate flights, scheduled flights during the nighttime periods. Then anything which is a service delay is an extra. And that's reported. So you're using that capacity in the night time. Correct.

00:27:22:14 - 00:27:27:29

So so airlines do schedule flights in the night period both arrivals and departures.

00:27:28:01 - 00:27:37:16

And then you mentioned summer season and winter season can just clarify that the dates for those when when does each. Take place.

00:27:37:29 - 00:27:47:00

I think well, I think it's summer is, um, 30th of March through to the end of, um, October.

00:27:48:23 - 00:27:50:02

Which means you can check that.

00:27:50:04 - 00:27:50:25

Yes, Scotland

00:27:52:13 - 00:27:56:12

and Claire is at the table. Perhaps you can clarify that why we're here. Thank you sir.

00:27:58:10 - 00:28:12:24

Good morning, Sir Andy Sinclair, on behalf of the applicant, just to confirm that the summer and winter seasons change, um, each year. So, uh, the, the seasons can vary. Um, and it depends on when Easter comes.

00:28:13:14 - 00:28:15:01

Okay, fine. Thank you.

00:28:16:17 - 00:28:20:27

Um. All right. So if those.

00:28:23:28 - 00:28:43:12

If dispensations are required, then is there any other control which is exercised? What happens? What does the DFT do? Does it are the sanctions or. And how how many of these, um, dispensations occur? Each year. Roughly.

00:28:44:03 - 00:28:47:07

Scotland for the applicant allows Mr. Sinclair to pick that one up as well as.

00:28:49:14 - 00:29:23:25

Thank you, sir. Andy Sinclair, on behalf of the applicant. Um, as you've already heard from Mr. Norwood, there is a regime that's in place. Um, it's sanctioned by the Department for transport. Every week, uh, we supply a report to the Department for transport, um, specifically in relation to dispensations. So that lists each individual flight and the reason for dispensation. Uh, the number of dispensations fluctuates, uh, depending on the circumstances. And dispensations, uh, may be required for all sorts of reasons.

00:29:24:06 - 00:29:49:17

Um, this also the last summer season, there are particularly high number of dispensations. And I think I alluded to some of the reasons for that yesterday when I spoke about, um, the airspace restrictions across Europe, uh, the war in Ukraine. Um. The number of dispensations in the summer of 2023, uh were over 1000. But I can come back with a precise figure.

00:29:50:23 - 00:29:54:06

Okay. Thank you. So if.

00:29:55:28 - 00:30:13:28

The growth which the applicant is expecting without the scheme of the next so many years takes place up to the 67 million. Um, is there an expectation that there will be an increase in the number of night flights? Um.

00:30:16:03 - 00:30:27:18

Given that, as Mr. North has explained, the there is an ongoing consultation. Are you expecting the numbers to go up? Generally.

00:30:29:12 - 00:31:03:28

But Sir Andy Sinclair on behalf of the applicant. The project has been taken forward on the basis of the existing light controls. Mr. Norwood has already referred to the current government consultation on a future regime, which doesn't seek to change the current controls. Um, it's probably also worth mentioning that some of the initiatives that I talked through yesterday, which, um, aimed to enhance the resilience of the airport, we would expect to have an impact in terms of reducing the number of dispensations.

00:31:04:26 - 00:31:05:14

They think you.

00:31:16:19 - 00:31:28:14

And can I just check that any of these controls have just been talking about including night flights? Um. Are any of those controls?

00:31:30:00 - 00:31:34:13

Currently imposed through the Civil Aviation Authority. Was it directly through the Department of Transport?

00:31:38:13 - 00:32:12:09

Sir Andy Sinclair on behalf of the applicant. So the the scheme that we've just talked through is a government scheme administered by the Department of Transport, overseen by the Department for the transport and and if you like, implemented by the airport. There are, of course, other controls, uh, some of which, um, are in place 24 hours a day, but they may be modified specific for the period of night flight. So for example, we have a scheme called departure noise limits.

00:32:12:27 - 00:32:34:19

That scheme exists 24 hours a day. But there are nuances to the scheme in the night period. So there are a range of schemes we have to manage. Um mitigating control noise impacts. The ones we have just discussed were specific to the Department of Transport. There are others in place which are either under control of the Department of Transport or the Civil Aviation Authority.

00:32:34:28 - 00:32:39:17

Thank you and will commence in noise issues next week in detail. Thank you.

00:32:41:11 - 00:32:54:18

Uh, those are all the questions I had on that initial topic on future airport operations. So if we can turn to interested parties and start with, uh, the local authorities, Mr. Bedford.

00:32:57:00 - 00:33:01:10

Thank you, Sir Michael Bedford, for the joint local authorities.

00:33:02:26 - 00:33:08:01

Hmm. To. I think it is

00:33:09:25 - 00:33:43:20

important to recognize that there is a difference between, um. A control which directly specifies. A number or a ceiling, and a control, which indirectly has the effect of imposing a number or ceiling. And whilst we would agree with what the applicant has said that in terms of the planning regime. There is no planning condition.

00:33:44:17 - 00:34:14:17

For term of a section 106 agreement which provides a numerical control. On either numbers of movements or numbers of passengers. That being the current position there have been in the past. But you've seen that in the planning history. We don't, um, for the reasons that were rehearsed yesterday, except that it's as simple as that. Because in relation to the permitted use of the current. Um.

00:34:15:20 - 00:34:57:26

Emergency strike standby runway that is subject to a control in a planning permission, which is a current planning permission which prevents it from being used simultaneously with the main runway. And that imposes, I say, indirectly rather than directly, a ceiling on the quantum of movements that can then take place. And obviously, as you heard yesterday from Miss Condon, she and the applicants

are not at the moment in agreement with the realism of the 67 million passengers figure for for a whole variety of reasons.

00:34:57:28 - 00:35:29:11

But that restriction on the use of the um, existing standby runway is one of those factors. So that's a, as it were, a regulatory point. There is a planning control. And the fact that the planning control doesn't specifically refer to numbers doesn't mean that it doesn't have the effect of imposing some restriction on numbers. Um, so that was um, the first observation we want to make about, um, what you were being, um.

00:35:30:13 - 00:35:44:23

I'm told. On behalf of the applicants. Um, there are other planning permissions which, uh, impose some, uh, controls, um, on, um.

00:35:46:12 - 00:36:13:03

Activities within the airport, which might also indirectly have a similar effect. If I can give an example, and I think we'll probably try to give you a bit more flesh on the bones in a post hearing submission. But the Boeing hangar. Has a restriction on the way in which.

00:36:14:19 - 00:36:18:07

Uh, that, um, can, um.

00:36:20:03 - 00:36:56:20

Be used, such that aircraft are only permitted to be towed to and from it during certain hours of the day. And we think, obviously we don't know, but we think that it would be likely to achieve the numbers that are being spoken about that you may need to exceed. That restriction. And there are other planning permissions with conditions which restrict what type of maintenance activity can take place, in which areas, and so on.

00:36:56:22 - 00:37:47:14

So I say we don't think it's quite so simple as just to say that this is an unconstrained airport at the moment. And therefore, um, that should be your starting assumption. But we do accept that we can't point to specific planning permissions and say there is a number. It's, as it were, an accumulation of a number of matters. And we were proposing in the local Impact report, which you will receive at deadline one, to provide a bit more of the history on the planning history, because at the moment we don't think that the material provided to you by the applicant is comprehensive to identify all of the planning permissions, which might have the potential to have some relevance as to particularly what the baseline position will be moving forward.

00:37:47:28 - 00:38:22:15

So that that's an initial point. Then secondly, we have noted obviously. Uh, the applicant, uh, is proposing an air transport movement limit, but not a passenger numbers limit. And you've obviously proved that. Um, I think our position as matters stand at the moment. Is obviously we recognize that an ATM limit.

00:38:24:11 - 00:38:39:15

In isolation, as it were, allows what you might call a band of passenger numbers that can then be achieved because it depends on the fleet mix and the size of the planes and so on.

00:38:40:12 - 00:38:40:27

Um.

00:38:41:08 - 00:39:16:15

If I do stress that word. If. If there was a robust system of surface access commitments in place. Then it may be that an ATM control with those surface access commitments would be sufficient to regulate that, as it were, that band. However, certainly our present position is that the surface access commitments, which I know it's later on in the agenda, but the surface access commitments are not adequate and are not robust.

00:39:17:03 - 00:39:53:21

And so that does leave us with some nervousness as to whether simply the ATM control would suffice. But we think obviously there's a dialogue to be had there. And I say we're not saying that it's impossible to achieve robust surface access commitments. And we also know and again, it's a separate item for your agenda. The managed growth issue is also going to be a relevant factor in that dialogue. There's a I think on um, the issues on operations.

00:39:53:23 - 00:39:58:27

I think those were the. The two main comments we'd want to make. Thank you. Thank you very.

00:39:58:29 - 00:40:06:11

Much. Um, I've also got Mr. Lateef and National Highways downers wishing to speak on this item.

00:40:07:12 - 00:40:49:08

Thanks. Thank you. Sir. Uh, as you've just said, my name is Mustafa Lateef Ramesh. And I'm here on behalf of National Highways. Um, I should just flag a few preliminary comments. So we had asked to speak on agenda item three. Um, some of the. We've got five issues to raise. Um, but some of them are more relevant to agenda item four. So with your permission, I'll park those for now. Um, the second preliminary comment to make is, um, just just for the avoidance of doubt, National Highways does not object in principle to, um, the application that is currently before you for development consent.

00:40:49:23 - 00:41:28:23

Um. The concerns that we're going to outline relate directly to the safe and efficient operation of the strategic road network. And we're hopeful that once these concerns have been addressed, that we will be able to withdraw the objection that we currently have. And I should also flag that, um, there is a meeting proposed later today with the applicant in which we hope to resolve, um, a few of the issues which I will only briefly touch on. Um, and as you'll appreciate, given the status of National highways, there is inevitably an overlap between the controls that we would like to see and surface access, which is being dealt with next Tuesday.

00:41:29:20 - 00:41:48:14

Um, so the, the, the issue that I'd like to focus on under this agenda item and then the, the four that I would like to return to, uh, in the next agenda item. Um, the first of those relates to a control that is proposed in the Surface Access Commitments document. That's app 090.

00:41:50:02 - 00:42:18:14

So. National Highways considers that the approach to planning controls over future airport operations is currently, um, too vague. And again, we'll return to some of the concerns that we have about the modelling next week, subject to the discussion that we have this afternoon, but we've not yet seen conclusive evidence that the applicant's proposals will not have a detrimental impact on the safe and effective operation of the strategic road network.

00:42:20:21 - 00:42:54:24

The particular concern that we have in relation to the Surface Access Commitments document, which is secured under requirement 20 of the Draft Development Consent Order, is that it is currently drafted in broad and in some cases vague terms. Um, just just as an example, um, the document contains a number of definitions. Um, and those definitions don't always assist in ensuring that there will be effective controls. So public transport, for example, is defined as a journey.

00:42:55:09 - 00:43:26:14

Um, is a journey where the majority of the journey is made by rail, local uh, bus, regional express bus, coach, or any other commercially operated transport service. Now, what that means is that there's the potential that, for example, for people coming into Redhill station and then driving the rest of the way, that wouldn't necessarily count as part of the controls that should be included. And large parts of the document are undefined, um, giving rise to uncertainty.

00:43:26:16 - 00:43:49:04

So, for example, commitments five, six and seven of that document, um, contain references to reasonable financial support. So get to get to the crux of the issue that National Highways is concerned about is the robustness of that document and in particular the scope of the Transport Mitigation Fund, which is commitment number 14. In that document.

00:43:50:19 - 00:44:21:28

Um, we think the, the, the scope of that commitment should be spelt out in greater detail, which includes the level of commitment, the the relevant triggers for the activation of the Transport Mitigation Fund, um, the parties to be consulted during the distributions of those funds, as well as the approval of the funds. Now, at the moment, the applicant explains that the Transport Mitigation Fund would be secured under a section 106 agreement.

00:44:22:29 - 00:44:31:21

It's not clear how national highways would, um, be a party to that. Um, we haven't had a clear explanation of of that approach.

00:44:32:09 - 00:44:32:24

Um.

00:44:34:03 - 00:45:05:27

I understand all those concerns and we have obviously reviewed the service access commitments as well. I think we're getting to a level of detail that's. We can either address through written submissions or we can pick up at a further hearing. So I do want to focus more on the we have got a larger agenda. So it's I'm conscious of time and want to make sure we get through those, but fully understand what you're saying. None of that is a surprise to us to hear that, but if you don't mind, we.

00:45:06:20 - 00:45:10:25

I'd prefer to move on. Thank you. Having considered those high level.

00:45:10:27 - 00:45:17:11

Thank you sir. Thankfully, I'm I'm near the end of my comments, but the fundamental concern is the security and robustness of that document.

00:45:17:13 - 00:45:24:20

And we will come on to how documents are secured later in the agenda, including legal agreements. Thank you.

00:45:26:05 - 00:45:31:10

Uh, is there anyone else who wishes to speak under this topic? Yes.

00:45:33:13 - 00:45:34:14

Thank you and good morning.

00:45:35:04 - 00:45:36:14

Peter Barclay from the Gatwick.

00:45:36:16 - 00:45:42:27

Area conservation campaign. Um, you have raised the question of night flights and I would just like to bring to your.

00:45:42:29 - 00:45:51:27

Attention it is our intention to ask that a condition be placed in the event the DCO is granted, that there would be a complete.

00:45:51:29 - 00:45:54:24

Removal of all nine flights in a period from.

00:45:54:26 - 00:45:57:05

2300 to 700.

00:45:57:15 - 00:45:59:04

Thank you. Thank you.

00:46:04:06 - 00:46:05:15

And Cagney.



00:46:07:20 - 00:46:43:08

I think so. Sally Pavey for Cagney. Um, may I ask the applicant? Um, they mentioned lots of details about night flights, and I appreciate there's a government consultation currently on night flights. Um, do they have, um, current figures of, uh, the residue of the winter night movements that they're intending to move into the summer period for this year or for perhaps last year to give us, um, clarity on exactly the the number of night flights that actually they do fly during the summer, which is beyond the 11,200 which they're allowed by government.

00:46:43:17 - 00:46:52:24

Um, again, I echo. Um, night flights. Obviously, one of the restrictions we will be seeking is, is for a total night ban. Thank you very much. Thank you.

00:46:53:26 - 00:46:55:14

Are there any of the comments? Yes.

00:46:56:22 - 00:47:34:20

Malcolm Fillmore. I'm speaking on behalf of Russell Parish Council. Uh, Russell is, of course, the, uh, the parish, which is immediately adjacent to the runway. Uh, and obviously, night flights is one of the major concerns of the, of our community. Uh, and I'd just like to make it be aware that that, um, that Gatwick has a much higher level of night flight permissions than Heathrow and Stansted. Um, and there is a, uh, Pavey, uh, alluded to, um.

00:47:35:27 - 00:48:09:08

In this year, 2019 2023, the number of night flights in the summer period were exceeded, and apparently the the way they deal with that is to claw into the summer period allocations from the winter period, where, of course there are very few night flights in practice. So there is some smoke and mirrors there, which does really concern us because obviously night flights during the summer period where people tend to have their windows open, are a matter of major concern to our parish.

00:48:09:24 - 00:48:12:24

Thank you. Thank you very much. And next gentleman.

00:48:13:16 - 00:48:35:02

Ed Windsor from plain Wrong. Uh, we're a community group, um, representing people to the north of Gatwick. And this DCO goes ahead. Um, we already have over half the departures flying over our area, and that number will increase tremendously, causing huge suffering to the people in that area. But then to suffer at nighttime as well would be totally unfair.

00:48:36:09 - 00:48:43:16

Thank you. And anyone else wish to comment before I go back to the applicant? No. Mr. Linus.

00:48:44:02 - 00:49:15:15

Scott. Linus. Thank you sir. Goodbye to what Mr. Bedford was saying. I think we'd be inclined to accept his first point. That to some degree, you would regard the control over the use of the northern runway at the moment as a form of indirect control. But that doesn't take away from our case on the

ability to achieve the future baseline, the way we've been put out, that's all been assumed as part of as part of our evidence. We are answering your questions which related more to direct controls.

00:49:15:29 - 00:49:45:24

And second point, as far as the information on other permissions is concerned. We've set out our understanding of the position in chapter four of the environmental statement, as well as a to the planning statement. Obviously, if the local authorities think there are any other historic permissions or otherwise which need to be understood, we'll see that information in the in the law when it comes forward. And we can we can deal with that in due course.

00:49:47:11 - 00:50:20:18

Um, as for, um, the issue of the passenger cap, I mean, I think we welcome, uh, the point made by Mr. Bedford of the robust systems of sacs in place that would be, uh, that would be sufficient. And we anticipate the sacs themselves will be the subject of debate and other and other sessions. Um, turning to national highways. Um, I don't want to get into points of detail, but, um, others anticipated there is going to be a relationship between the sacs and the 106 which is yet to be produced.

00:50:20:20 - 00:50:53:29

So further details on the Transport Mitigation Fund and its operation will appear in the 106. And I think we will discuss that with National Highways in due course. And any points of detail can look at those two documents. Working, working together when the document is, is produced. Um, as for Garch and night flights, as far as we are concerned, these are a separate regimes subject to separate regular control. This project is not going to, um affect.

00:50:54:12 - 00:51:36:19

Um, the only extra point I would make is to note that under the DCO requirement, 1903, um, does impose an additional restriction on the routine use of the northern runway between the hours of 11 and six. So there is an additional component added there. But it's not. We say if this DCO to move into the area of existing regulatory control and the night flight regimes, and so far as information has been requested, uh, by Cagney in relation to the, uh, relationship between the winter and the summer, uh, flights, we're not sure, given that this is a separate area of control, the relevance of that, this application.

00:51:36:21 - 00:52:00:01

And rather than offer to provide it, we suggest that you reflect on that. And if there's any relevance, that information, if you want to find out more information, we assume that would come forward. Any written questions. But we're not convinced that they need to provide that. But having said that, as far as the overall approach that's taken to the relationship between the winter and the summer flights. You can ask Mr. Sinclair to explain how that operates, if that would help.

00:52:03:16 - 00:52:33:26

Sir Andy Sinclair on behalf of the applicant. Um, just to go back to my earlier statement about how the system works and the difference between the winter and the summer seasons than the variability. So I think Mr. Norwood explained earlier that there were 11,200 night flights in the summer season, and 3250 in the winter season. Um, the government accepts as part of this regime because of the variability in the summer.

00:52:34:01 - 00:53:10:24

So 32 or 31 week summer airlines schedule on a weekly basis. So they allow, as part of the regime, the airport to shift 10% of the winter season to the summer season to accommodate that variability in time. So that means that, um, you can have a summer season quota period. Uh, sorry, a 31 week summer period, uh, with 11,525 flights allocated. Um, and if I may also go back to the point about dispensations, because I now have the the exact figure for summer 23.

00:53:10:26 - 00:53:42:29

So the summer season 23, which was a really unusual season. Um, it has been mentioned about the breach, uh, of numbers. And that was the first time that's happened in exceptional circumstances, as I've previously talked about the network constraints and, and the war in Ukraine, that's had a significant effect on our airline partners. Uh, so the number of dispensations, uh, uh, allowed by the scheme was 1293. And just to be clear, there are very strict criteria about the acceptance of dispensations.

00:53:43:01 - 00:54:01:17

So it's also worth saying that at the same time, the airport refused 3723 um dispensation applications for the airlines. And what that means is they must take those off the allocation of flights to have within that 11,200. Thank you.

00:54:03:15 - 00:54:39:02

Scotland and just returning to a question you asked about, um, non-commercial air passport movements. Um, for your note schedule. Um, to, uh, to the draft, DCO has a definition of the commercial air transport movements that are the subject of the cap. That means air transport movements, with the exception of diverted or emergency flight. So it covers all air transport movements and emergency flights are those relating to flights or government or relief organizations or the armed forces, which cannot be the subject of any sort of forecasting anyway.

00:54:39:04 - 00:54:44:27

So although commercial air transport movements is the term used in the DC that actually covers all transport movements. Okay.

00:54:44:29 - 00:55:23:12

Thank you. That's helpful. Okay, let's move on then to. Agenda item four, which is the Authorized Development and Schedule one. And I'm going to ask about the scope of schedule one, whether any specific works should be subject to controls over timing. Again, we could spend a lot of time going into the level of levels of detail. I don't particularly want to do that. We haven't time today. We will pick up a lot of these issues through written questions, but there was some high level questions I'd like to ask to begin with.

00:55:24:11 - 00:55:54:03

So schedule one of DCO specifies. Numbered works which comprise the authorized developments and other associated developments. In section 2.4 of the Explanatory Memorandum provides a summary of these works. Works. Numbers. Work numbers 1 to 7 of schedule one cover airfield works with work number one being worked to reposition the northern runway.

00:55:56:07 - 00:56:14:08

Is it appropriate to consider works numbers? Work numbers 2 to 7 as necessary to facilitate the user use of northern runway. Is that what they are about? What did I. It operates in isolation.

00:56:18:28 - 00:57:01:28

Um, so, uh, Catherine Howard, uh, Herbert Smith Freehills for the applicant. Uh, yes, they are, um, they comprise, uh, works that are airfield support facilities. So they include works that are essentially being repositioned or removed to accommodate the moving north by 12m of the, uh, existing runway. Um, so work authorizes the removal of various airside support facilities to facilitate that moving 9 to 13 or the replacement of those facilities and then, um, 14 to 20 or a variety of um, construction, relocation and reconfiguration of the various facilities.

00:57:02:00 - 00:57:08:29

So things like the fire training ground, satellite air fire, um, facility, new hangars, etc..

00:57:10:01 - 00:57:10:22

Okay. Thank you.

00:57:11:00 - 00:57:11:21

So if we.

00:57:11:23 - 00:57:16:24

Just focus initially on the airfield works 1 to 7.

00:57:18:19 - 00:57:28:06

Um. And we separate out work. Number one is the. Repositioning northern runway.

00:57:30:17 - 00:57:37:14

Should the commencement of dual runway operation be dependent upon the implementation of work numbers 2 to 7?

00:57:47:04 - 00:58:04:12

Uh, Scotland. I think the answer to that is yes, sir, because those those works are effectively ancillary and related to the work to reposition the runway. They're not going to take place other than in connection with that. So we would see a link between all those, um, all those works.

00:58:04:24 - 00:58:15:27

That's the thought. So is the requirements appropriate to ensure that before dual runway operations commence? That works. Work numbers 2 to 7 must be completed.

00:58:19:15 - 00:58:50:18

So John Rhodes for the applicant? I don't think so. Um, and I say that because of the controls that are exercised by the CIA over these works. So we'll submit information to you at deadline one, but works have to comply with CIA controls under a document called cap 791, that requires the CIA to be

completely satisfied that all of the works necessary for the safe operation of board and runway are in place for runway operations can commence.

00:58:51:15 - 00:59:10:02

Okay. Um, but that's that's separate from the DCO. The DCO is the document that would authorize the work. So why shouldn't there be a requirement? You just admitted that the works 2 to 7 are necessary. Facilitates the use.

00:59:10:20 - 00:59:17:17

I think we would say, sorry, John Rose, for the applicant, that the requirement wouldn't be necessary because that is already secured by other controls.

00:59:18:06 - 00:59:22:03

Okay. Well, wait to see your submissions and deadline. Thank you.

00:59:23:25 - 00:59:41:04

Um, moving on to work. Numbers 8 to 34. These are described as reconfiguration of existing airport facilities. Should the use of any of these facilities be related to the proposed increase in commercial ATMs or passenger numbers?

00:59:58:00 - 01:00:02:02

Would you mind if we take that away? I just need to check on that. We'll come back.

01:00:03:15 - 01:00:05:00

Yeah. That's fine, thank you.

01:00:06:05 - 01:00:15:07

Baton Rouge. Can I just check the. I've understood the question. Um, are you asking whether they are related to the growth in commercial ATM numbers or whether they should?

01:00:15:09 - 01:00:23:04

They should be whether they should be. Yes. Again, it is a question of, um.

01:00:25:01 - 01:00:31:02

The need for those works in relation to evolving growth. You're proposing.

01:00:36:25 - 01:00:54:06

As I said, we have got lots of other comments on, um, various work numbers, but I want to move forward to, um, work numbers 26, 27, 28 and 29. Two new hotels and offices.

01:00:57:23 - 01:01:03:28

My question here is, could those actually be built prior to the commencement of the dual runway operation?

01:01:11:02 - 01:01:13:12

John Rhodes for the applicants. Yes, they could be.

01:01:14:10 - 01:01:21:17

So shouldn't they be dependent upon the proposed growth in commercial? ATMs.

01:01:23:25 - 01:01:59:26

It's a matter for the exa. But I wonder if that's a necessary level of control. Um, they form part as. As Mr. Han said yesterday of a, uh, a wider provision to cope with, uh, airport related demand on and off airport. And there may be some benefit. I mean, if it was thought that some of them may be built earlier in anticipation that demand, there may be some benefit by. Wondering, as you're asking the question, what the harm would be if some of them came forward sooner? But we'll reflect on the question, sir.

01:01:59:29 - 01:02:00:14

Yes.

01:02:00:16 - 01:02:01:06

That's fine, thank you.

01:02:01:15 - 01:02:04:25

I don't think my sense is that a control isn't necessary.

01:02:06:04 - 01:02:06:29

Okay. Thank you.

01:02:11:26 - 01:02:41:28

And schedule one generally is very limited on detail in some work numbers, particularly 26, 27, 28, and 29. Um, could the description of these works be expanded to include further detail on each of those work numbers to reflect the descriptions, um, of the different sites, for instance, in section 510. The design and access statements.

01:02:42:14 - 01:03:15:08

So. What I'm getting at is. At the moment. For instance, work number 26 works to construct a hotel. Very vague. And yet there are further controls within design and access statements, which work together to impose a degree of control generally. And one of the issues in examining authority. We want to push you towards is including more information in the develop consent order, rather than having it in lots of different places.

01:03:15:26 - 01:03:47:29

So, for instance, the hotel, we know that, um. You could look at. Um, controls over the number of rooms, and maybe it would be split between the different sites, but at least the information would be there. Other things that go with the hotel, such as access roads, pedestrian access. Um, in the case of work number 26, uh. Ferries, crossings and landscaping.

01:03:48:08 - 01:04:11:05

So there's a whole series of information which is elsewhere, which we feel might be more appropriate in the DCO. And I think if you could work your way through the, um, schedule one on that basis. It might then provide. Oh, come on to the local authorities. But I suspect that might be more helpful for them in having everything in one place.

01:04:12:13 - 01:04:43:02

And Scotland. We'll take that away and consider it. I think the approach that's been taken thus far is to use the. Which of design principles to balance a degree of flexibility, but using that as a mechanism whereby further details come through. Our approach that was the more appropriate mechanism for securing an appropriate level of of detail and whether or not one can provide more. Selves.

01:04:43:16 - 01:05:11:09

Consider that our starting point is the effective mechanism for detailing at the form of control that's going to be applied to the design of. For example, hotels will be secured through the design principles, and we wouldn't want to move too far away from that in favour of adding detail and description of the works, because it then starts to defeat the purpose of the design principles. But we'll we will. But.

01:05:12:17 - 01:05:27:19

One thing I'd like you to do. Well, it depends on the views of local authorities, but at the moment you seem to have a very high degree of flexibility. And I think that that needs testing whether this is appropriate.

01:05:28:09 - 01:05:34:15

Scotland for the applicant. Um, we'll look at that. Uh, if there are.

01:05:36:07 - 01:06:00:08

Questions about the flexibility. I think we would maintain our position that that. Would be better resolved by consideration of the design principles themselves, rather than loading detail into the DCU itself. Um, we're keen to make sure that design principles work effectively rather than loading wording into the description of work. But as I said, we will we will consider that.

01:06:01:08 - 01:06:10:10

And again, my next question was about design principles in annex one, which again are fairly broad based. Um.

01:06:12:01 - 01:06:32:12

So if you could look at those and how they work together, please. And then moving on from that design parameters, um, could be used to secure. Maximum work numbers and dimensions. They aren't included in the DCO itself, whereas a number of other DCO do include that level of detail.

01:06:34:13 - 01:06:39:11

That would be applicable to works 15, 16, 19, and 20, for instance.

01:06:40:19 - 01:06:47:22

As for the applicant, perhaps we can consider that as part of the same piece. Yes, we consider the same point. Thank you.

01:06:50:13 - 01:07:13:17

Moving on to works number 8 to 34. Proposed various changes to existing car parks. The creation of new car parks. And should the maximum number of spaces for each proposed car park be specified. Um, should the creation of additional parking spaces be related to the proposed increase in commercial ATMs?

01:07:23:03 - 01:08:07:20

Uh, John Rhodes for the applicant. So again, we will consider that. But I think it would be helpful to discuss that at the surface access session we have because, well, Parking's interesting issue at Gatwick in that, um, there are benefits in having more car parking in order to reduce off airport car parking. And local authorities. And the applicant, I think, have a joint interest in ensuring that there's enough but not too much car parking. But equally, the provision of car parking is one of several tools available to the applicant to ensure that the mode share is achieved, so pinning down one of those tools might remove the necessary flexibility.

01:08:08:07 - 01:08:17:24

But I think it's something that we recognize we should debate through this examination. Um, and perhaps better when we have the relevant surface access experts with us.

01:08:18:14 - 01:08:19:11

That's fine, thank you.

01:08:24:11 - 01:08:40:27

Moving On, which works identified as reconfiguration of existing airport facilities or mitigation to address adverse effects and which are associated developments. Under section 115 of the act.

01:08:57:11 - 01:09:28:10

So I think as Scotland for the applicant, as one looks through the works, I think you have to look at it forensically because some are mitigation for all work. Number 18 is works to remove and replace the Western Noise Mitigation Fund. I don't think it would necessarily apply that to all of the work. So perhaps this is again a reverse take away where we explain which would, which um descriptor would apply to which one of those works.

01:09:28:23 - 01:09:30:03

Happy to take that away.

01:09:30:05 - 01:09:34:14

Thank you. Uh, it's just submission deadline one, please. Okay.

01:09:52:08 - 01:09:54:10

So I think those are all the questions I had on the.

01:09:56:05 - 01:09:57:06

Point one.



01:09:58:14 - 01:10:00:14

Um. Mr. Bedford.

01:10:04:02 - 01:10:42:17

Thank you, Sir Michael Bedford, joint authorities. The leader. You've raised some very specific questions which we will want back, particularly on the applicants answers to those questions. Both the things that they've said in this hearing session, but also what they then say in their deadline one submissions where they indicated to you they want to take matters away. Um, and so I'm not intending in what I say now to provide any kind of comprehensive response to those, uh, detail points.

01:10:43:14 - 01:11:21:05

But, sir, I think we we certainly share, uh, the underlying concern, uh, that at the moment there is a lack of sufficient detail in the way that the, the DCO is structured, uh, so as to tie, uh, some of the works which are authorized, uh, to, um, the, uh, stages of the growth, which is said to be enabled by the works.

01:11:21:26 - 01:12:00:27

And we certainly think, therefore, that there is a role, um, for ensuring that certain elements are not provided unless and until there is a need for them, and that that is particularly the case in relation to what we see as the net, uh, additional quantum of parking, which we think is a figure of 1100. Um, in net terms, uh, which we've taken from, I think table 5.2.3 of the transport assessment.

01:12:01:13 - 01:12:21:22

Um, and we've been looking at the version PD LA007, uh, for the, uh, the T um, and we think that there should be triggers related to the surface access commitments in relation to the provision of any additional, uh, parking.

01:12:23:18 - 01:12:28:01

Uh, there is also, um, a, um.

01:12:30:18 - 01:12:31:21

Concern

01:12:33:13 - 01:12:45:01

in relation to the interrelationship between what is proposed by way of the authorized works.

01:12:47:09 - 01:12:52:23

And, um, the terms of article nine for.

01:12:54:18 - 01:12:55:03

Um.

01:12:55:11 - 01:13:13:24

And although this isn't directly on the scope of the works, uh, article nine for uh, allows the DCO, uh, to prevail over any existing planning permission. At which is incompatible.

01:13:16:06 - 01:13:35:08

But there isn't any schedule. Of relevant planning permissions. Or, uh, the extent of their controls. The extent to which they may be incompatible with the powers in the development consent order.

01:13:37:22 - 01:14:12:10

Uh. And so we're left at the moment in some degree of uncertainty as to how, if the DCO is made, um, and the various works are then authorised, that cuts across any existing planning permissions which fall within the area of the order limits. And an understanding that we think is important to then understanding to what extent there is a need for further controls.

01:14:12:26 - 01:14:40:06

So we would certainly welcome, uh, the applicant providing information. On which planning permissions it considers. Fall within the scope of article nine for. And therefore would be said to fall away if article nine four takes effect.

01:14:42:09 - 01:15:09:01

And obviously once we've got that understanding, we can then form a judgment as to whether any of that is acceptable. Um, I think we have got a separate point, but it's very much a detailed point about who decides that issue of incompatibility and whether that's a matter that falls for adjudication through the courts or through arbitration or some other mechanism. But that's a detailed point. So I'll leave that. Um, then.

01:15:13:00 - 01:15:20:27

There are. There are timing issues which don't relate directly to the works but do relate to um.

01:15:22:20 - 01:15:27:06

Some of the, um. Mitigations.

01:15:29:08 - 01:15:54:04

And there's a particular concern in relation to the employment, skills and business strategy measures that SAP 198 wanting to ensure matters in relation to um. Construction and the supply chain. Are implemented at an appropriate time. So that's again it's a detailed matter. But that is.

01:15:54:06 - 01:15:55:09

We will pick that up.

01:15:55:14 - 01:16:32:29

And I believe that for now. Yes. And there are similar things in terms of some of the noise attenuation measures. I know that's coming up as a late stage. So so I say generally we do have concerns about the, uh, the timing of some of the works and how they fit together. Um. And can I just also mention but just mention rather than develop? We have a particular concern about how the works for one of the construction compounds.

01:16:33:07 - 01:16:53:03

That is the contractor, the contractors construction compound, which sits to the north of the southern roundabout, works. Impacts on a proposed local Plan allocation for a business park in Reigate and Banstead.

01:16:54:23 - 01:17:24:24

At the moment we see the two as incompatible. And we don't think that's acceptable, because we think that the construction compound frustrates the ability to bring forward an important local plan allocation. And that's both an overlap point. And there's also a timing point in relation to that. So so there's a variety of points. I think we'll develop some of those in the post hearing submissions. But essentially we do think that there is a need for a greater degree of specificity.

01:17:24:26 - 01:17:25:11

Yes.

01:17:25:13 - 01:17:33:03

Okay. Thank you. Says. Anyone else wish to speak on this particular part of item four? Yes.

01:17:34:28 - 01:18:05:25

Thank you, sir. Mr. Latif Ramesh, for, uh, National highways. Taking your steer that, um, once a detail, um, a better left to the written representations. I just want to summarize the four issues I mentioned before. Um, three of them relate to timing, and one of them relates to scope. So, um, the first of those issues in, in brief, relates to the timing of works 35 to 37, which are the surface access works. At present they are controlled under requirement six.

01:18:06:04 - 01:18:46:03

Um, National highways are not yet persuaded that that uh requirement is appropriately drafted in terms of the timing of when those works have to be in place. Um, that requirement sets out. They have to be in place three years following the commencement of the second runway operations. And we're not sure, um, that the modelling supports that specific timing. The second issue, um, which is again, a question about timing, but also touches on scope is, um, uh, you'll know from the transport assessment put forward by the applicant that there is a reliance on what they refer to as the business as usual upgrades.

01:18:46:05 - 01:19:17:00

Those don't fall within the scope of schedule one, nor the, uh, provisions of requirements six on timing. And what we'd like to see is both security that those works will be carried out. But we also want to, um, obtain further information about when they would be necessary. Um, the third element, uh, or the third issue from National Highways perspective is relates to the timing of the highway works and traffic management. And you've heard Mr.

01:19:17:02 - 01:20:09:25

Bedford, uh, reference some of the construction related, uh. Issues that arise specifically at the at the roundabouts. Um, again, we haven't seen the modelling which gives us sufficient confidence that. A reasonable worst case has been put before you. Uh, and that obviously has a knock on implication in terms of the controls that are being suggested and the scope of the works that may be required. And then fourth and final issue in in, in summary relates to um, the scope of schedule one and whether

appropriate environmental mitigation has been included in particular um whilst the applicant is providing a uh net gain across the project, National Highways is being placed in a worse off position because there is a loss on the strategic road network in biodiversity.

01:20:10:05 - 01:20:27:14

Uh, impact terms will provide the specific policy references for why we think there needs to be specific mitigation or compensation in our written representation, but we think that's another element of schedule one, which currently doesn't contain, uh, essential mitigation.

01:20:27:20 - 01:20:28:16

Thank you very much.

01:20:30:11 - 01:20:34:02

Is there anyone else who wishes to comment here before I ask the applicant?

01:20:36:24 - 01:21:12:25

Mr. Linus Scotland of the applicant. Thank you sir. And as far as Mr. Bedford's broad point is concerned, that essentially reflects questions that you yourself put, um, we don't accept at this stage anyway, that there is a comprehensive need across the piece to link aspects of the development which you mentioned, to the growth of the airport hotels being one example. There are other issues with car parking, which can be debated a little bit more next week. Um, as for his second point in relation to um, article nine at four, um.

01:21:14:16 - 01:21:47:22

We haven't at this stage identified any specific permissions where one would need to avail themselves of known for. But the purpose of that broad provision, and its intentionally broad and nonspecific drafting, was to act as a failsafe in case there, in case there were permissions found with conditions which um, uh needed to be considered. And the purpose of the provision is just to make clear that those conditions aren't intended to have any effect in the light of being superseded by the by the DCU.

01:21:47:28 - 01:22:19:12

So in some ways, it would defeat the purpose of that general provision to start looking at very specific permissions and making specific provision for each and every, uh, permission that may be listed either in the planning statement or in any information that is produced by local authorities. Mr. Bedford says in some way, there's a degree of cut across between wanting more specificity on the one hand, on the other, having the benefits of a broad provision which does the job, um, and generally.

01:22:19:15 - 01:22:53:09

So we will I think the best way forward is we'll look at, at the first stage of the information that's produced by the local authorities on the specific permissions. Compare that with their own review the position. But our current position is you're better off having a general catchall provision rather than making specific provision. As for other points you read, I think these are detailed knowledge of your perspective outside today allows for national highways rather than give any specific response. Now, um, there are helpful points of indicating the subject of the meeting that's going to take place later today.

01:22:53:16 - 01:22:54:10

Thank you. Okay.

01:23:00:00 - 01:23:13:07

Okay. Thank you. Um, given the time is now 1053, I'm going to suggest we take a break now, and we come back at 11:10. Well, gentlemen, thank you very much.