

Gatwick Airport Northern Runway project Written Representation from Gatwick Obviously Not

Summary

Gatwick Obviously Not (GON) is a community group that campaigns on behalf of people living in west Kent and surrounding areas whose health, wellbeing and quality of life is adversely affected by Gatwick Airport.

GON strongly opposes Gatwick's proposals. Expansion would blight the areas in which GON operates and cause huge wider environmental damage.

This representation focuses on the climate and noise aspects of Gatwick's proposals. However, we also oppose the application on other grounds including:

- a. Gatwick has not put forward a policy compliant needs case. The ANPS requires airports (other than Heathrow) that are seeking to expand to demonstrate sufficient need for their proposals, additional to (or different from) the need which would be met by the provision of a Northwest Runway at Heathrow. Gatwick has instead assumed that there will be no development at Heathrow.
- b. In our view there is not a credible needs case for the proposed development because the airport has substantial surplus passenger and ATM capacity without it. Gatwick's projects that it can handle 67.2m passengers and 326,000 ATMs without the proposed development. It is, therefore currently using less than 79% of its current ATM capacity and only some 61% of current passenger capacity. Our analysis of historic growth rates shows that it took over 24 years, pre-COVID, i.e. from 1995 to 2019, for the airport to grow by the amount of surplus passenger capacity that currently exists and over 20 years for it to grow by the amount of ATM capacity that still exists. Based on historic growth, we estimate that Gatwick will not utilise its existing surplus passenger capacity until the 2050s and its existing ATM capacity until the 2040s. When allowance is made for impacts of the pandemic and increasing climate awareness on air travel, and for future economic or other shocks, it is very likely that there will never be a need for additional capacity at Gatwick. By contrast, Gatwick's air passenger and ATM forecasts are characterised by excessive and unsubstantiated optimism. They assume sustained levels of growth in the period before and after 2029 that are substantially out of line with recent pre-pandemic growth and which Gatwick has not achieved historically.
- c. We dispute Gatwick's assessment of the economic and employment benefits of the project. GON believes that the economic benefits are overstated and the economic and environmental downsides are understated. When the relevant scheme costs, benefits, their balance of equity, and the long-term societal risks are taken into account, we believe the scheme's overall balance is negative and entails

unreasonable levels of risk to local, national and international wellbeing. Many of the arguments set out here are supported by evidence set out in NEF's recent report titled *Losing Altitude: The Economics of Air Transport in Great Britain*.

- d. We are concerned about the effects of the project on local roads and air quality near the airport, on water supply and flooding and on congestion on the rail and trunk networks which airport traffic uses but which are vital for communities much more widely.

In relation to climate change issues:

- a. The proposed development is incompatible with the Government's objective to ensure that the aviation sector makes a significant and cost-effective contribution towards reducing emissions.
- b. The proposed development would have a material impact on the Government's ability to meet its carbon reduction targets. It is therefore incompatible with the ANPS and consent should be refused.
- c. IEMA guidance requires assessments to consider the certainty of mitigation proposals and whether they are realistic and achievable. Neither Gatwick nor the government have carried out any such assessment. It is highly likely that an IEMA assessment would conclude that the Jet Zero assumptions relied upon by GAL are subject to significant uncertainty, not supported by credible evidence, inconsistent with the precautionary principle and beyond the Government's and the applicant's control. Consequently, Gatwick's mitigation assumptions do not comply with IEMA guidance and should be reassessed on a compliant basis.
- d. The Climate Change Committee's most recent Progress Report characterised the approach of the Jet Zero Strategy as "high risk due to its reliance on nascent technology".
- e. Gatwick has failed to quantify the non-CO₂ effects of the project. These should be modelled, costed and weighed in the planning balance. The CCC states in its sixth carbon budget advice that "non-CO₂ effects contribute around two-thirds of the total aviation effective radiative forcing – twice as much as historical CO₂ emissions from aviation."
- f. If development consent is it should be subject to a binding set of annual emissions caps in line - at least - with the Government's proposed CO₂ trajectory for aviation.

In relation to noise issues:

- a. We believe the Applicant has failed to apply government aircraft noise policy properly in several key respects and that its proposals therefore require significant revision.
- b. The Applicant's choice of the level at which significant adverse effects are experienced by people is not consistent with government policy. The 57dB LAeq 16 hour contour should be regarded as the level from which significant adverse effects occur and accordingly, in accordance with the

- Airports National Policy Statement (ANPS), development consent should not be granted unless effects above that level are avoided.
- c. The Applicant's has applied the government's Lowest Observed Adverse Effects Level (LOAEL) metrics improperly. As a result, it has materially understated the effects of aircraft noise. It should be required to report and cost noise impacts using the limits strongly recommended by the World Health Organisation. In addition, the CAA should be asked to advise whether the ongoing Aircraft Noise Attitudes Survey suggests any change in attitudes to aircraft noise.
 - d. The Applicant should be required to engage properly, under independent chairmanship, to develop new noise envelope proposals. To comply with policy, if development consent was granted, the noise envelope should ensure that noise reduces as capacity grows, at a pace that achieves a genuine sharing of the benefits of growth between industry and communities. In addition, the noise envelope should cover all periods of the year and reflect a best-case fleet transition that incentivises airlines to introduce quieter aircraft quickly. The noise envelope should be based on a suite of metrics and limits to be agreed with all stakeholders, not a single average noise metric. New noise envelope review, compliance and breach arrangements should be developed and agreed.
 - e. In compliance with the Airports National Policy Statement there should be a ban on night flights as a condition to any approval of the DCO.

Baseline

We are not confident that Gatwick's ATM and passenger volumes baseline is achievable with existing consented infrastructure, i.e. without the proposed development. If baseline conditions are not achievable, the environmental and noise effects of the proposed development will be understated.

Climate impacts

We oppose this application on the basis that it is likely to generate a significant increase in greenhouse gas emissions, and other climate impacts, that run counter to the UK's net zero obligations. There is a high risk that the carbon dioxide (CO₂) emissions reductions from aircraft, relied upon by GAL in its forecasts, will not be achieved.

The proposed expansion is also inconsistent with CCC advice that no airport expansions should proceed until a UK-wide capacity management framework is in place to assess and, if required, control sector emissions and non-CO₂ effects.

The Government's objective is to ensure that the aviation sector makes a significant and cost-effective contribution towards reducing emissions. Gatwick's proposal would materially increase emissions and is therefore incompatible with the government's objective. In fact, Gatwick's proposals envisage emissions facilitated by the airport being very different from the national trajectory the

government envisages for aviation - increasing from current emissions levels and then flattening out but not falling nearly as steeply as the average across all airports

The ANPS states that an increase in carbon emissions that would have a material impact on the Government's ability to meet its carbon reduction targets would be a reason to refuse development consent. In our view Gatwick's proposals clearly have the potential to have such a material impact.

This proposal would generate a larger increase in both passengers and emissions than any airport expansion proposal since the passing of net zero legislation in the UK. Prior to mitigation CO₂ emissions attributable to Gatwick in 2038 are forecast to be 2.5 million tonnes pa higher than in 2018, an increase of nearly 50%. Emissions attributable to Gatwick would grow from less than 1% of total UK emissions to over 5.5% of the CCC's recommended total UK emissions in 2038. Much of this is attributable to the project. An increase in emissions of this magnitude would plainly be so significant that it would have a material impact on the UK's ability to meet its carbon reduction targets.

We recognise that some emissions mitigation may be possible. However, there are presently no proven measures by which emissions on the scale forecast by Gatwick could be mitigated.

IEMA guidance requires assessments to consider the certainty of mitigation proposals and whether they are realistic and achievable. Neither Gatwick nor the government have carried out any such assessment. In fact the modelling assumptions on alternative fuels and more efficient aircraft used in Jet Zero and therefore by GAL are significantly more optimistic than earlier forecasts, subject to significant uncertainty, not supported by credible evidence, inconsistent with the precautionary principle and beyond the Government's and the applicant's control. The Climate Change Committee's most recent Progress Report characterised the approach of the Jet Zero Strategy as "high risk due to its reliance on nascent technology". Consequently, Gatwick's mitigation assumptions do not comply with IEMA guidance and should be reassessed on a compliant basis.

For these reasons Gatwick's assumption that the emissions reductions modelled in Jet Zero will be achieved is neither reasonable nor consistent with the precautionary principle and IEMA guidance. Jet Zero outcomes are "illustrative scenarios", not a set of policies that can be relied on to reduce aviation emissions. Gatwick should recognise the uncertainty and high risk in Jet Zero and model alternative scenarios.

Gatwick has failed to quantify the non-CO₂ effects of the project. These should be modelled, costed and weighed in the planning balance. The CCC states in its sixth carbon budget advice that "non-CO₂ effects contribute around two-thirds of the total aviation effective radiative forcing – twice as much as historical CO₂ emissions from aviation."

In addition to the impacts of this proposal, the planning process should assess the scale and impacts of emissions from all proposed UK airport expansions against global and national targets and commitments.

If the airport feels confident that in fact the emissions increases will be aligned with Government's policies and measures then it should agree to a binding set of annual emissions caps in line - at least - with the Government's proposed CO₂ trajectory for aviation. The setting of an emissions condition would help to provide accountability for the claims and assumptions being made. While this approach would be new, and would require some additional work to be done in terms of developing the appropriate wording for a planning condition, we see a strong case for introducing it if the scheme is approved given the importance of the climate change issue and the current lack of enforceability of hoped-for emissions reductions.

All statements of Government support for airport expansion are qualified with wording about justification and sustainability to be judged by the relevant planning authority. There is nowhere in Government policy that states that climate considerations should be excluded or given zero weight in the planning process for airport expansion. Instead, the Government establishes a clear test that the expansion of any airport must meet its climate change obligations. We further argue that if the scheme is given approval, it must come with enforceable conditions that greenhouse gas emissions will be capped, at least in line with the emissions forecast presented by the Applicant.

Noise

We comment below on government policy in relation to the levels at which aircraft noise has community effects, the extent of those effects, and the Applicant's use of those limits.

Significant Observed Adverse Effects Level (SOAEL)

The ANPS says (paragraph 5.68) that development consent should not be granted unless the Secretary of State is satisfied that a proposed airport development avoids significant adverse impacts on health and quality of life from noise, within the context of Government policy on sustainable development.

The Applicant's ES (paragraph 14.2.53) states that "Government guidance, as summarised above, does not explicitly define SOAEL for aviation noise". The Applicant argues, by reference to planning precedents, that SOAEL is 63 dB LAeq, 16 hour. We do not agree with this view.

The Noise Policy Statement for England says that it is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations and consequently that SOAEL is likely to be different for different noise sources, for different receptors and at different times.

It is therefore necessary to consider what aviation policy says about the level at which significant adverse effects occur in relation to aviation noise. The Aviation Policy Framework says (paragraph 3.17) “We will continue to treat the 57dB LAeq 16 hour contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance” (emphasis added). As far as we are aware this is the only reference to significant adverse effects levels in government aviation noise policy.

The 57dB LAeq 16 hour contour should therefore be regarded as the level from which significant adverse effects occur (i.e.SOEL) and accordingly, in accordance with the ANPS, development consent should not be granted unless effects above that level are avoided.

We note that some past planning cases have determined aviation SOEL to be 63 dB LAeq, 16 hour but consider that this view is not properly rooted in policy.

We note with concern the fact that the Applicant has failed to reference in its ES the APF policy on the level at which significant impacts occur.

Lowest Observed Adverse Effects Level (LOEL)

The Consultation Response on UK Airspace Policy: A Framework for Balanced Decisions on the Design and Use of Airspace, October 2017, (Consultation Response) sets LOELs for aircraft noise at 51 dB LAeq 16 hour for daytime, and 45 dB LAeq, 8 hour for night-time.

The Applicant asserts that by using these LOEL metrics it will have ensured that the total adverse air noise effects on people arising from the proposed development have been assessed. It justifies this view by reference to the comment in the Consultation Response that “*These metrics [LOEL] will ensure that the total adverse effects on people can be assessed and airspace options compared.*” We do not agree with the Applicant’s interpretation of this comment.

It is widely acknowledged in UK government aviation policy documents and consultations, and in research, that some people living in areas outside LOEL contours are adversely impacted by aviation noise. The 2014 Survey of Noise Attitudes (SONA) shows that some 7% of people were highly annoyed by aircraft noise at levels below 51 dB LAeq 16 hour.

In addition, the World Health Organisation’s strong recommendations, following a comprehensive review of the scientific evidence, is that noise exposure averaged across the day, evening and night, should be reduced to below 45 dB Lden, as aircraft noise above this level is associated with adverse health effects, and that night noise exposure should be reduced to below 40 dB Lnight, as aircraft noise above this level is associated with adverse effects on sleep.

At Gatwick specifically there is clear evidence from complaint data that many people living in areas outside LOEL contours regard themselves as being

significantly adversely impacted. Virtually all campaign groups set up around Gatwick since 2014 have been based in areas outside LOAEL contours.

More broadly we do not believe that the LOAEL levels the government has set have been sufficiently robustly derived to be used as the exclusive measure of air noise impacts in a planning process and we urge the Authority to take account of wider evidence, as it is entitled to do,

The LOAEL levels derive from SONA. SONA is both now old and its conclusions are subject to significant doubt particularly in circumstances where noise is increasing or changing as it would if Gatwick was allowed to expand. Amongst other things SONA did not survey people in areas below 51dB LAeq. It therefore did not generate any data on levels of annoyance in populations outside LOAEL. Crucially, it also did not assess attitudes to aircraft noise in areas in which there had been change or expansion.

There is wide and authoritative acceptance that LOAEL metrics are not reliable measures of annoyance in the circumstances in which the Applicant has used them, i.e. in support of an application for expansion. The Independent Commission on Civil Aviation Noise (ICCAN) stated that SONA was not designed to consider the change in noise attitudes caused by an airport undergoing a period of volatility in its operation, such as expansion. The International Civil Aviation Organisation (ICAO) is clear that exposure-response relationships are not applicable to assess the effects of a change in the noise climate, for instance where a new runway is opened, and that common noise exposure variables (such as Leq) only account for about one third of community impacts.

For all these reasons it is clear that aircraft noise below LOAEL has adverse impacts on large numbers of people which should be taken into account in planning assessments. By excluding these people, the Applicant has materially understated the effects of aircraft noise. We note that the relevant representation from the UK Health Security Agency (UKHSA) made clear that many people in areas outside LOAEL contours are adversely affected by aircraft noise, and particularly highlighted vulnerable subgroups, including those that are highly noise sensitive.

We therefore propose:

- First that the Applicant should be asked to report and cost noise impacts using the limits strongly recommended by the World Health Organisation in 2018, being 45 dB Lden across the full day and 40 dB Lnight, as aircraft noise above this level is associated with adverse health effects and adverse effects on sleep. Although these targets have not yet been adopted by the UK government, they are likely to provide a more accurate indication of noise impacts than LOAEL.
- Secondly that the Authority asks the CAA to advise whether the ongoing Aircraft Noise Attitudes Survey suggests any change in attitudes to aircraft noise. ANAS is being conducted in two waves the first of which

was undertaken in September 2023. We understand there were over 3,000 responses in the Gatwick area. The CAA therefore now has the data from that survey wave and has had time to analyse it. It would be unfortunate if data that the CAA and government possesses was not made available to the Authority so it could be properly taken into account.

Noise envelope consultation

The ANPS requires noise envelopes to be “*defined in consultation with local communities*”.

The CAA’s guidance on noise envelopes, CAP 1129, states that “*... it is essential that full agreement is achieved between all stakeholders on the envelope’s criteria, limit values and means of implementation and enforcement*”.

Although the Applicant consulted and engaged on its noise envelope proposals its process did not meet either of those tests.

Community groups repeatedly requested changes in Gatwick’s noise envelope engagement process in order to align it with CAA guidance and the ANPS. For example, we asked for:

- the terms of reference to be changed to comply with CAP 1129
- the process to be independently chaired
- additional time to allow issues to be explored in necessary detail; and
- independent technical advisory support.

The applicant refused each of these requests.

Community groups also requested additional data and analysis that was essential to effective noise envelope engagement and which only Gatwick was able to provide. This was also refused. We made clear that the lack of additional data and analysis precluded informed engagement and meant that GAL’s process would not be able to generate policy-compliant outputs.

Finally, Gatwick rejected the overwhelming majority of comments on its noise envelope proposals. It also rejected most of our comments on its Noise Envelope Group Output Report which does not reflect community group views.

We note that there were nearly 6,000 comments on noise in response to the Applicant’s 2021 consultation and that less than 10% of respondees supported its noise envelope proposals. Despite this overwhelming opposition the noise envelope presented to the Authority is in all material respects the same as the one proposed in the 2021 consultation.

For the reasons above the Applicant has failed to engaged on its noise envelope proposals in a meaningful or policy compliant way. It should be required to engage properly, under independent chairmanship, to develop new noise envelope proposals. We note that the UK Health Security Agency

also encourages the Applicant to continue engaging with local stakeholders to define a noise envelope that best meets their needs.

Non-compliance with noise envelope policy

The Aviation Policy Framework (APF) states that *“as a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows.”*

The Applicant contends that these policy principles were removed by the 2023 Overarching Aviation Noise Policy. We do not agree. The new Overarching Policy clearly replaces the overall objective on noise set out in the APF. However, it does not, in our view, replace the policy principles set out above. In the APF the government’s noise objective and the policy principles are stated separately. The latter can best be seen as providing guidance on the meaning and practical application of the former. We believe the same applies now, with the principles providing guidance on the application of the new overarching policy. We note that the Government has not suggested removal of the policy principles in any consultation and that the announcement of the new Overarching Policy did not state or imply that the principles had been removed.

In addition, the ANPS says that noise envelopes must *“... achieve a balance between growth and noise reduction”* and states *“the Airports NPS must be used as the primary policy on noise when considering the Heathrow Northwest Runway scheme, and has primacy over other wider noise policy sources”*.

The Applicant’s noise envelope proposals do not achieve the APF policy principles or achieve a balance between growth and noise reduction.

In the first noise envelope period the benefits of growth would accrue almost entirely to the industry, which would benefit from a 62% increase in passenger capacity while communities suffer substantial increases in noise.

In the second noise envelope period the noise impacts on communities would continue to be substantially greater than in 2019 once account was taken of the frequency of aircraft, a key measure of community annoyance. Thereafter, the proposed review process would allow noise to increase above the 2019 base year level on any measure.

Rather than the airport reducing noise as capacity grows, noise would increase very substantially and potentially indefinitely. And rather than the benefits of growth being shared, benefits would flow almost entirely to the industry.

The APF also requires noise envelopes to give communities certainty about future levels of noise. The Applicant’s proposals do not do so. There are no restrictions on noise in the winter period and future noise envelope reviews could increase noise without limit.

Policy additionally requires noise envelopes to incentivise airlines to introduce the quietest suitable aircraft as quickly as reasonably practicable. Gatwick's has assumed a slow transition from current to less noisy aircraft in its noise envelope proposals. This would remove any incentive for airlines to introduce quieter aircraft at Gatwick, and might motivate them to do so at other airports first.

New noise envelope proposals must comply with policy. Specifically, noise should reduce as capacity grows, at a pace that achieves a genuine sharing of the benefits of growth between industry and communities. New proposals should cover all periods of the year and reflect a best-case fleet transition that incentivises airlines to introduce quieter aircraft quickly.

Noise envelope metrics

The Applicant's proposed noise envelope uses a single, average noise, metric, Leq. It is widely accepted that Leq does not portray aircraft noise as experienced by communities, and all relevant policy and guidance advises against its use as a sole metric.

The APF says "... we recommend that average noise contours should not be the only measure used when airports seek to explain how locations under flight paths are affected by aircraft noise. Instead the Government encourages airport operators to use alternative measures which better reflect how aircraft noise is experienced in different localities, developing these measures in consultation with their consultative committee and local communities. The objective should be to ensure a better understanding of noise impacts and to inform the development of targeted noise mitigation measures".

The CAA's noise envelope guidance, CAP 1129, recommends using a "combination of parameters" and states that "where unilateral agreement cannot be achieved using standard metrics, consideration should be given to designing envelopes using other metrics provided that they are scientifically valid and robust".

The ANPS requires noise envelopes to be tailored to local priorities and to be defined in consultation with local communities.

The Applicant's proposed noise envelope is based solely on Leq metrics and therefore does not meet any of these tests.

We note the Applicant's assertion that use of Leq is supported by SONA but do not believe the evidence supports that claim. ICCAN stated that SoNA was not designed to consider the change in noise attitudes caused by an airport undergoing a period of volatility in its operation, such as expansion. ICAO is clear that exposure-response relationships are not applicable to assess the effects of a change in the noise climate, for instance where a new runway is opened and that common noise exposure variables (such as Leq) only account for about one third

of community impacts. In our view SoNA provides no evidence that Leq is a reliable indicator of community impact over a period in which an airport is growing in the way the Applicant proposes.

The Applicant's proposal to report secondary metrics is irrelevant because no limits would be set for those metrics and they would impose no obligations or noise limits on the airport.

Revised noise envelope proposals should include a suite of metrics and limits to be agreed with all stakeholders.

Noise envelope reviews

The Applicant has proposed noise envelope review, compliance and breach arrangements that are wholly one sided and do not comply with policy. **New review, compliance and breach arrangements should be developed and agreed.**

Noise objective

We do not support the regulation 598 noise objective the Applicant has proposed, because it selectively omits key elements of government policy. **The objective should be amended to refer to and reflect all relevant government policy.**

Night flights

The ANPS requires a ban on scheduled night flights between 11pm and 7am. That requirement clearly applies to any Heathrow third runway project. However, the ANPS is also clearly stated to be an important and relevant consideration for applications for any airport nationally significant infrastructure project in the South East of England, not just Heathrow.

The Applicant has not proposed a ban on night flights or made any other night flight commitment other than the summer night noise envelope, which provides headroom for additional night flights in the summer period and offers no protection in the winter period. It has instead assumed that government night flight restrictions will limit growth in night flights, but made no commitment to limit the number of night flights it might seek in the future. In fact, the Applicant envisages growth in night flight numbers over the full eight-hour night period.

By making specific reference to a night flight ban in the ANPS the Government has made clear that relying solely on future government night flight restrictions is not a sufficient measure and does not provide sufficient community protection where an airport is seeking consent for major expansion.

The Authority should therefore, in our view, advise that there should be a ban on night flights as a condition to any approval of the DCO. In addition, the Authority should require that a comprehensive package of measures is

put in place to incentivise the use of the quietest aircraft at night outside the hours of a ban, as also required by the ANPS.

Conditions

There should be no expansion at Gatwick. However, if consent for the development was granted it should be conditional on a wide range of additional measures including:

- A ban on all night flights for a full eight-hour period every night.
- A noise envelope agreed with local communities which achieves the government's policy requirements that noise must be reduced and mitigated as capacity grows and the benefits of growth shared.
- A enforceable, progressive and material reduction in the emissions and total climate impacts attributable to the airport from a 2019 baseline.
- No increase in road traffic to the airport.
- A legally binding commitment that there would be no further runway, terminal or associated development at Gatwick including no full new runway.