

The Planning Inspectorate  
Major Applications and Plans  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

**Our ref:** KT/2023/130482/01-L01  
**Your ref:** TR020005  
**Date:** 12 March 2024

Dear Planning Inspectorate Team

**Gatwick Airport Northern Runway Development Consent Order Application -  
Written Representations on behalf of the Environment Agency – Deadline 1, 12  
March 2024**

- **Summary of Gatwick Airport Northern Runway Development Consent Order Application -Written Representations: Environment Agency (Interested Party Reference 20044454) - attached**
- **Comments on Environmental Statement Chapter 5 - Project Description (Version 2) and Environmental Statement Chapter 11: Water Environment**
- **Comments on the draft Development Consent Order (version 3)**
- **Proposed Project Changes - Project Change 3: Revision to the proposed Water Treatment Works**
- **Statement of Common Ground – The Applicant and the Environment Agency**

Please find below our Written Representation on behalf of the Environment Agency in relation to the application for a Development Consent Order (DCO) for the Gatwick Airport Northern Runway made by Gatwick Airport Limited (GAL).

The above matters are to be addressed by Deadline 1 (12 March 2024) as part of the DCO examination.

The following pages will address each of the above points.

If you have any questions, please do not hesitate to contact me.

Yours sincerely

**Michelle Waterman-Gay**  
**Planning Advisor – Sustainable Places, Kent**

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- **Written Representations on behalf of the Environment Agency**

- 1.1. We will support the Examining Authority by advising them if the application is in line with our role and objectives to create better places for people and wildlife. This is so that the Examining Authority can be satisfied that their recommendation to the Secretary of State for Transport in relation to the application for the Development Consent Order (DCO) can be made taking full account of environmental impacts.
- 1.2. Following the submission of our Relevant Representation on 26 October 2023 we have continued to work with Gatwick Airport Limited (GAL) in respect of the issues raised. The purpose of this Written Representation is to provide an update on our Relevant Representation and provide further information where we have outstanding areas of concern. All matters agreed with GAL are set out in the Statement of Common Ground.
- 1.3. There remain a few outstanding issues that we are still working through with the applicant and there is still further information to be submitted around these and other areas of interest to us. This is in part to do with the complicated nature of the environmental conditions in relation to the needs of the project and partly due to the timescales for solutions to be found as these issues are worked through.

### **Structure of the Environment Agency Response**

- 1.4. In the body of the detailed comments we have updated matters set out in our Relevant Representation, including matters which have now been agreed and those which are still outstanding or not agreed, which we would like the Examining Authority to take into account when considering this DCO application. In some cases, we need more information to advise the Examining Authority and we request it be provided to be considered during the examination.

### **Summary of Issues resolved since Relevant Representation**

We wish to reiterate the previous matters raised in your Relevant Representation document dated 26 October 2023.

In addition, we have the following comment to make on documents submitted by the applicant since our Relevant Representation submission. These are as follows:

- **Environmental Statement Chapter 5 - Project Description (Version 2)**

**Page 5-40 Paragraph 5.2.165 Museum Field and  
Page 5-41 Paragraph 5.2.173 Car Park X Flood Compensation Areas:**

These Paragraphs seem reasonable. We have noted that the proposed capacities of both the FCAs are different in the updated Project Description to those in the November 2023 Flood Risk Assessment. We would question what capacities of FCA's were modelled as part of the with scheme modelling.

**Page 5-42 Paragraph 5.2.178** We welcome the description of Weir and Fish Pass to the River Mole and that reference is now made on ES Figure 5.2.1e (which is an updated map). The wording on Figure 5.2.1e states 'weir on the River Mole Runway Culvert' and doesn't specifically mention the additional fish pass to the weir slightly upstream. This should be included in the description.

Note: We cannot find any reference in the updated Project Description regarding proposed syphons on Taxiway East, Taxiway West, through the Noise Bund and as part of the active travel scheme at Longbridge roundabout. This is a point of concern as these syphons/culvert were proposed to maintain floodplain connectivity and flow paths.

The applicant referenced in the November 2023 Flood Risk Assessment paragraphs 7.2.9, 7.2.10 and 7.2.11) and are shown in ES Appendix 11.9.6 (the FRA) Figure 7.2.1.

**Page 5-67 Paragraph 5.3.131:** The following text should be amended as follows:

The drainage would be designed to attenuate runoff rates in rainfall events up to the 1% (1 in 100) annual exceedance probability event to rates no higher than existing and to ensure any discharge to local watercourses or the existing drainage network is similarly attenuated. Suitable treatment must also be provided to manage the water quality of discharges to watercourses.

**Page 5:41: Paragraph 5.2.176:** This describes the Car park Y flood storage tank but there is no reference to it in the Environmental Statement Chapter 11: Water Environment or the Development Consent Order document.

**Informative:** Fine sediment will deposit in a flood storage tank fed by a river. Removal of this from a tank may be very difficult. Careful thought should be given to the design in terms of desilting.

**Page 5-42 Paragraph 5.2.178:**

The effect of the weir on the eastern culvert is not only about enabling fish passage but also to prevent the culvert(s) from silting up and therefore reduce Gatwick Airport's expenditure and decrease the chance of environmental incidents during desilting works.

- **Environmental Statement Chapter 11: Water Environment**

**Page 11-107 Paragraph 11.9.17:**

**Requirement:** If flow into the Car Park X and Y flood compensation area is to be taken directly off the Crawters Brook, this will highly likely cause a shoal of sediment in the Crawters Brook directly opposite the offtake. This is because the Crawters Brooks is morphologically damaged and highly prone to siltation. A bathymetric survey should be conducted each time the flood storage area is used and necessary dredging conducted to ensure that the channel bathymetry and therefore flood risk remains the same.

**Informative:** To avoid the need for the above requirement, it is recommended that this flood compensation area is fed either from the River Mole (which is less damaged morphologically) or from surface water.

- **Proposed Project Changes - Project Change 3: Revision to the proposed Water Treatment Works**

We are concerned about Project Change 3 which proposes the construction of 6 reedbeds to the south of Crawley Sewerage Treatment works.

There is not enough information on the new proposal and what is being proposed. We would like to see information on the following:

- Details of the potential drainage impacts to the watercourse and nearby floodplain.
- Information on the impact the change will make to fish and biodiversity.
- Clarity on pollution prevention methods proposed.

The proposed reed bed treatment process for de icer would require a permit. As this is not clean rain or groundwater, a water discharge permit would be required to cover the activity as there is a treatment taking place to remove pollutants.

The discharge would have to satisfy the criteria which is decided separately by our National Permitting Team.

- **Comments on the draft Development Consent Order (version 3)**

#### **Part 4 Supplemental Powers**

##### **Paragraph 22 Discharge of Water**

**Section 6**, This section states '*The undertaker must not, in carrying out or maintaining works under this article, damage or interfere with the bed or banks of any watercourse forming part of a main river, save where such damage or interference is required for the purpose of carrying out works authorised under this Order*'. This could potentially avoid possible damage to main river if the works fall under the DCO.

**Section 10**, Not applicable.

##### **Paragraph 24 Authority to survey and investigate the land**

This paragraph describes trial pits and boreholes. It may be necessary to gain a FRAP or an Exemption for trial pits and boreholes on the floodplain or in proximity to main river. This isn't currently mentioned.

#### **SCHEDULE 1 Authorised Development (Article 2)**

##### **1 Description of Works.**

We cannot find any reference amongst the numbered list of Works to the proposed syphons. For example, **Works No.18** references the removal and replacement of the western noise mitigation bund, but there is no reference in the description regarding the provision of syphons.

**Work No.31 Car Park X**, the description seems reasonable but there is no reference to the approximate storage capacity (given as 55,000m<sup>3</sup> in the updated project description). There is an approximate capacity associated with Car Park Y which is for surface water storage. We request this approximate storage volume for Car Park X is written into the Draft DCO.

Proposed works to bridges over the River Mole are referenced in **Works No. 36, No.37 and No. 40**.

**Work No.38 Museum Field Flood Compensation Areas**. The description appears reasonable, but like Car Park X, an approximate capacity of 57,600m<sup>3</sup> is described in the updated Project Description. We request this approximate storage volume is written into the Draft DCO.

**Works to River Mole**, no further comment.

#### **SCHEDULE 2 Requirements (Article 3)**

**Page 63 Paragraph 23 Flood Compensation Areas**. In (1), various Work Numbers are listed indicating that none of those should commence until the Flood Compensation Areas (FCAs) are in place. For Works 36 and 37, there are some works highlighted to the Longbridge Roundabout and the North Terminal access works but we request confirmation that the FCA's do not need to be put in place prior to the works taking

place to the existing road bridge over the River Mole, otherwise those should also be added to Paragraph 23.

We consider that **Work No.18 Western Noise Bund** could be added here. This is associated with the syphons which are not referenced in this paragraph. Reference to the syphons could also be made in this Paragraph There is currently no reference in Schedule 2 which covers syphons.

In addition to a flood compensation delivery plan being required which is already set out in the draft wording, we would request that 'must be submitted to and approved by the relevant planning authority in consultation with the Environment Agency'. Is added to the FRA to both Section (1) and (2) of Paragraph 23.

We would request to amend the text 'flood compensation delivery plan' to flood compensation and mitigation delivery plan'.

It is not clear how the temporary works, such as construction compounds, which are proposed for flood risk areas are covered by a proposed planning requirement? Flood risk should not be increased throughout the duration of the works and it has been highlighted that at least one of the construction compounds is located within the floodplain.

Further provision should be made for the Environment Agency under Schedule 9 Protective Provisions, so we are able to exercise our permissive powers as required throughout the duration of the works.

### **Part 3 Streets**

**Page 14 (a): Street Works:** break up or open the street, or any sewer, drain or tunnel under it.

**Requirement:** For watercourses (i.e. not pipes going to sewage treatment), breaking up should include adequate pollution mitigation, with fine sediment trapping devices e.g. Sedimat or similar to capture fine. There should also be monitoring of silt pollution including baseline check of suspended solids before works start and then a daily check of the suspended solids in the watercourse in comparison to this. Works should cease and fine sediment trapping devices should be adjusted if there is a notable difference from the baseline.

### **Part 4 Supplemental Powers**

#### **Discharge of water**

**Page 21 point 6:** Flood Risk Activity Permits will be required for any construction which falls under this area of regulation, in which case the Environmental management of these activities can be considered specifically.

**Page 21 points 8 and 10.** The Environment Agency do not own any of the sewers/watercourses involved in the Project scope. Note that existing permits may need revision if the activity changes to the extent that a permit variation might be required. Any variation would be considered on its merits, and it is not a given that the variation would be accepted.

**Page 22 point 10:** The Environment Agency is deemed to have granted consent under paragraph (3) where the watercourse, public sewer or drain belongs to the Environment Agency and an environmental permit under regulation 12(1)(b) (requirement for an environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016 has been granted in respect of the discharge.

Note: The Environment Agency do not own any of the sewers/watercourses involved in the Project scope

**Authority to survey and investigate the land**

**Page 23 Point b):** Groundwater Investigation Consent may be required to carry out borehole investigations.

**Page 42: Works No. 1:**

**Request for more information:** This should reference the additional open culvert extension to the River Mole with associated mitigations.

**Page 46 Work Nos. 30 and 31:** – There are limited details here.

**Page 51 (a):** divert and extend river course; **(b)** construct culverts and syphons.

**Request for more information:** These should have grid references and locations specified.

**Page 47 Work no. 35:** The widening and realignment of the mainline carriageway of Gatwick Spur/Airport Way, approximately 1740m long, to include a new flyover over the South Terminal Roundabout and the provision of a third lane eastbound on Gatwick Spur between South Terminal Roundabout and M23 Junction 9;

Note: This should reference the additional culvert section for the Gatwick Stream.

**Page 50: Works No. 37:** The widening and realignment of the existing A23 London Road between Longbridge Roundabout and the A23 London Road bridge over the River Mole, approximately 130m long, to include the provision of three lanes northbound;

Note: This should state as bridge rather than culvert.

**Page 50: drainage (n)** The modification of the existing A23 Brighton Road Culvert located to the east of the River Mole.

**Request for more information:** The exact modification should be specified. Lengthening? By how much?

**Page 51 Work no. 43 – to construct water treatment works.**

This is for a reed bed system which is a form of water treatment works but not as originally described. More details are required before it can be scoped and agreed. Any new discharge activity from a treatment facility will require an Environmental Permit application.

**Page 108 SCHEDULE 9 Article 50, Protective Provisions**

Further provision should be made for the Environment Agency under Schedule 9 Protective Provisions, so we are able to exercise our permissive powers as required throughout the duration of the works.

The Environment Agency should have greater mention under this section.

**55 9-(3) to be amended to read:**

(3) Where the conclusions of the risk assessment required and approved under subparagraph (2) determines that remediation of contamination identified in, on, or under land from detailed site investigations, or as an unexpected discovery, is necessary, a remediation strategy comprising a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be submitted

to and approved in writing by the relevant planning authority, following consultation with the Environment Agency on matters related to its functions.

- **Statement of Common Ground (SoCG) – The Applicant and the Environment Agency (Interested Party Ref: 20044454)**

The Environment Agency and the Applicant have a current draft SoCG that is likely to be subject to change as the examination progresses.

The Applicant will be submitting a further draft in due course.

## **Summary of Gatwick Airport Northern Runway Development Consent Order Application -Written Representations: Environment Agency (Interested Party Reference 20044454)**

We will support the Examining Authority by advising them if the application is in line with our objectives to create better places for people and wildlife.

Following the submission of our Relevant Representation on 26 October 2023 we have continued to work with Gatwick Airport Limited (GAL) in respect of the issues raised.

In summary

- We reiterate our concerns identified in our Relevant Representation -26 October 2023.
- We have reviewed the new information provided by the applicant specifically: Environmental Statement Chapter 5 - Project Description (Version 2); Environmental Statement Chapter 11: Water Environment
- We have reviewed the draft Development Consent Order (version 3)
- We have reviewed the Proposed Project Changes - Project Change 3: Revision to the proposed Water Treatment Works
- We have been working with the applicant on Statement of Common Ground

There remain a few outstanding issues that we are still working through with the applicant and there is still further information to be submitted around these and other areas of interest to us. This is in part to do with the complicated nature of the environmental conditions in relation to the needs of the project and partly due to the timescales for solutions to be found as these issues are worked through.

### **Environmental Statement Chapter 5 - Project Description (Version 2)**

There matters to be addressed in relation to the

- flood risk model, and other matter relating to flood risk including flood storage and compensation,
- the proposed fish pass,
- suitable treatment must also be provided to manage the water quality of discharges to watercourses.

We are working on with the applicant on these.

### **Environmental Statement Chapter 11: Water Environment**

If flow into the Car Park X and Y flood compensation area is to be taken directly off the Crawters Brook, this will highly likely cause a shoal of sediment in the Crawters Brook directly opposite the offtake. Again a matter that will require addressing.

### **Proposed Project Changes - Project Change 3: Revision to the proposed Water Treatment Works**

We are concerned about Project Change 3 which proposes the construction of 6 reedbeds to the south of Crawley Sewerage Treatment works.

There is not enough information on the new proposal and what is being proposed.

### **Draft Development Consent Order (version 3)**

We have reviewed the draft DCO and identified matters that are missing that will require clarification from our perspective.

## **Statement of Common Ground (SoCG) – The Applicant and the Environment Agency (Interested Party Ref: 20044454)**



The Environment Agency and the Applicant have a current draft SoCG that is likely to be subject to change as the examination progresses.

The Applicant will be submitting a further draft in due course.