

The Planning Inspectorate

12 March 2024

our ref: ESCC/GAL/NRP/DCO

Dear Sir/Madam

### **Written Representation - East Sussex County Council (Deadline 1)**

Please accept this letter as a Written Representation on behalf of East Sussex County Council (ESCC) in respect of Deadline 1. This Written Representation (WR) will refer to the Statement of Common Ground (SOCG) and the Local Impact Report (LIR).

#### **Overview**

ESCC is a neighbouring authority in respect of the application, and as such is a category 'B' local authority under section 43(1) of the Planning Act 2008, responsible for local highways, waste and minerals planning, county planning, lead on local flooding, fire authority (including public safety), public health, education and social services.

This WR sets out our current position on Gatwick Airport Limited (GAL's) proposal, which is that we remain impartial to the Northern Runway Project (NRP), because we do not feel that all of our concerns at this stage have been reasonably assessed and addressed. Also, where we do have concerns, we want assurances that the impacts arising will be suitably mitigated.

ESCC has a SOCG with GAL, which includes the areas of agreement and disagreement as well as items which are under discussion. The matters still to be agreed include issues relating to (and in no particular order):

- Modelling and assessment (notably transport, air quality, carbon)
  - Forecasting and demand
  - Need for an Air Quality Action Plan
  - Operational reporting, mitigation and uncertainty
  - Impacts of the proposals on special and protected areas (noise, dark skies)
  - Carbon – calculations and assessment of impacts
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- Health Impact Assessment requirement
- Noise assessments and impacts (on local communities)
- More details on the economic impacts, benefits and opportunities
- Surface access commitments and target mode shares
- Public transport improvements and support for Electric Vehicles

## **Written Representations – Topic Areas**

### Noise (and Vibration)

Although aircraft noise is audible in Wealden District within East Sussex, the outcome of GAL's assessment that it is not of sufficient magnitude to result in adverse effects on health and quality of life. Whilst we acknowledge this assessment, we remain cautious of the impacts of aircraft noise on local communities - particularly in Wealden – and wish for our concerns to be recorded in the event unacceptable levels of noise are recorded in the future.

Of greatest concern would be if aircraft operated on the northern runway between the hours of 23:00 and 06:00. ESCC notes Requirement 19(3) which provides that 'the northern runway must not be *routinely* used between the hours of 23:00 – 06:00; however, it can be used between those hours when the southern runway is not available *for any reason*'.

ESCC is not satisfied with the requirement and considers "routinely" should be omitted because it is vague and so unlikely to satisfy the test of precision in Circular 11/95: Use of conditions in planning permission. In addition, the term "for any reason" is too broad, and ESCC considers the use of the northern runway between these times should only be used when the southern runway is not available because of planned maintenance and engineering works.

In the light of the above, ESCC considers Requirement 19(3) should be redrafted as follows:-

*"The northern runway (Work No.1) must not be routinely used between the hours of 23:00 – 06:00 but may be used between these hours where the southern runway (being the airport's main runway at the date of this Order is made) is not available for use for any reason because of planned engineering and maintenance works".*

The A22/A264 is used as a route for accessing Gatwick Airport by car from East Sussex, and the proposed expansion may result in increases in road traffic noise - notably in Wealden District - as the traffic becomes more concentrated on its approach to the airport.

### Socio economics

Paragraph 1.1.7 of the Employment, Business and Skills Strategy (ESBS) states that its activation would be set out within an Implementation Plan which "would describe, in detail, how GAL will collaborate with partners to deliver the ESBS. The Implementation Plan would be developed pursuant to the agreement of ESBS mitigations. The ESBS Implementation Plan will be secured via the Section 106 agreement". However, as ESCC will not be a signatory of the S106 agreement, we would suggest this is made a condition of the DCO should it receive consent from the Secretary of State. Refer to Table 2 (S1) of the LIR.

It has not been possible to assess the economic impacts and opportunities for East Sussex due to the lack of details available, including how the initiatives would be tailored to local needs. Therefore it has not been possible to determine in the LIR whether the proposals will have a negative, neutral or positive economic impact.

ESCC notes from paragraph 5.3.26 of the ESBS that GAL is currently working with “the Coast to Capital LEP Careers Hub to ensure young people in [GAL’s] region have access to employer insight and understand the potential opportunities open to them”. ESCC is pleased to note GAL’s work with the Careers Hub and requests confirmation as to how that work will continue and be secured in the Implementation Plan.

ESCC considers it would be helpful if the Implementation Plan is governed by a multi-agency board. It is suggested that this is made a condition of the DCO as referred to in impact Table 2 (S1) in the ESCC LIR. This is to ensure East Sussex’s needs and requirements are taken into consideration when developing business, skills and employment opportunities, so that these benefit neighbouring authorities in addition to adjoining authorities. The East Sussex Growth Strategy currently being developed will also need to be taken into account.

### **Greenhouse Gases (Carbon)**

Significant concern remains over the carbon assessment and methodology for the Transport Assessment, and GAL should be required to update this, and assess all material emissions over the whole life of the proposed scheme. Further details can be found at section Table 3 (C1-C3) of the LIR.

Greater commitment needs to be made to EV infrastructure. This will help to support an increase in uptake of EVs and will reduce surface transport emissions and help to achieve national and local policies for decarbonisation – see Table 3 (C6) and Table 5 (T7) of the LIR.

### **Air Quality**

There are a number of clarifications required to understand the Assessment Scenarios sub-section of the air quality chapter. Paragraph 13.5.23 of the air quality chapter includes a bullet point list of assessment scenarios. This includes scenarios covering 2029 for both the construction and operation of the proposed development. Paragraph 13.5.24 provides further detail for the 2029 scenarios, noting there are two assessment scenarios for this year.

There are concerns that the scenarios assessed in the Environment Statement (ES) do not provide a realistic worst case assessment. This is of particular concern in regard to the impacts of the NRP on Ashdown Forest, which is a Special Protected Area (SPA). Further detail on this concern, and the clarifications required to understand the assessment scenarios, can be found in the Traffic and Transport section, in Table 5 (T2) of the LIR.

An Air Quality Action Plan (AQAP) is required to collate all the proposed air quality mitigation measures together, identify any further opportunities to maximise air quality benefits and avoid any unintended consequences. Further detail can be found at section Table 4 (A2) of the LIR.

### **Traffic and Transport**

From an East Sussex perspective, there is insufficient mitigation proposed to encourage substantial modal shift towards sustainable travel to and from an expanded airport. The focus of mitigation has been on the provision of services rather than implementing measures, within GAL’s control, to increase the attractiveness of alternative modes of travel, i.e. bus priority measures to deliver journey time savings.

We are seeking commitment from GAL to have the appropriate infrastructure or services in place prior to the commencement of the operation of the northern runway should the Secretary of State consent to this. This primarily includes extending existing

bus services to the airport and electric vehicle charging provision, and ensuring the rail network can accommodate any increase in capacity associated with the increase in demand arising from the NRP. See Table 5 of the LIR for more detail.

### **Road**

Information is provided in paragraph 13.5.25 which states that there are two separate scenarios for operational and construction situations, due to limitations within the traffic modelling. Paragraph 13.5.26 then provides information on a slow fleet transition (SFT) case relating to airline fleet assumptions, referencing 2029 as the first full year of opening, 2032 as an interim year and 2038 a design year. No mention is made in relation to the 2032 scenario that some construction works will still be ongoing (See ES Appendix 5.3.3: Indicative Construction Sequencing). The concern is that the scenarios assessed in the ES do not provide a realistic worst case assessment.

East Sussex residents are heavily reliant on the private car to access Gatwick Airport for employment, business and leisure purposes due to there being limited public transport options available.

### **Public transport**

It is unacceptable that there is no commitment from Gatwick Airport that our suggested bus service improvements will be implemented – see Table 5 (T1) of our LIR.

There is currently no direct bus service from East Sussex to Gatwick Airport. Introducing bus service improvements from East Sussex to the airport would help improve modal shift from car to public transport. This aligns with NPPF – 9, East Sussex Local Transport Plan (LTP) 3, ESCC draft LTP4, ESCC's Bus Service Improvement Plan (BSIP) – Appendix Table 3 - Bus Service Availability: Concerns and Proposals, the High Weald AONB Management Plan 2019-2024 Objective G3; and Wealden District Core Strategy Local Plan (2013) Spatial planning objective SPO7, Policies WCS7 and TR3.

Increasing opportunities to travel to the airport by bus will reduce the number of car journeys and also provide travel choices, thereby reducing carbon emissions and helping to meet decarbonisation and climate change targets. As outlined in Table 5 (T1) of our LIR we outline mitigation in relation to bus service improvements between the following locations:

- Uckfield and Gatwick Airport.
- Forest Row and Coleman's Hatch.
- Gatwick – Crowborough
- link to Heathfield

It would be helpful to get clarification from GAL on how bus service improvements could be funded through the Sustainable Transport Fund (STF) – ESCC are inclined to seek the securing of bus service enhancements through a legal agreement as part of the DCO process. There is concern that the STF is not legally binding and therefore the bus service improvements as requested run the risk of not being introduced via the STF approach.

It would be beneficial for Gatwick to provide a long term Masterplan which will consider surface access improvements from East Sussex to Gatwick Airport as airport passenger numbers increase, and as public transport opportunities and demand increases.

GAL needs to mitigate the impacts of approaching traffic from the surrounding road network, including routes in East Sussex such as the A22 and A264 which feed into the A23/M23 corridor. GAL must also assess the impacts of airport growth on the strategic road network (e.g. M25) and ESCC's highway network beyond the immediate environment of the airport.

Whilst Gatwick Airport has sought to assess the impacts of the NRP on Ashdown Forest, and cites the impacts, ESCC requires measures that reduce traffic through sensitive locations near and through Ashdown Forest Special Area of Conservation (SAC) / Special Protection Area (SPA), which is a popular route to the airport and avoids travel along the and along the A22, which is a preferred strategic route to the airport.

ESCC wish to support West Sussex County Council's (WSCC) request for a sensitivity test on the implications of a continuation of the flat public transport mode share of "around 45%" for air passengers prior to the pandemic, which Diagram 6.2.4 of the Transport Assessment [AS-079] indicates has been fairly consistent since 2012. There is concern that the 55% public transport mode share targets are too ambitious. Having a sensitivity analysis will enable WSCC to fully understand the effects on their road network, and for ESCC to consider whether these impacts would have repercussions on the East Sussex road network.

### **Rail**

There is concern that rail infrastructure and service provision has not been properly considered by GAL. There is a risk that Network Rail's infrastructure, and the service pattern that Govia Thameslink Railway (GTR) can operate on, may not be able to accommodate the increase in demand and capacity from passengers that will arise should the NRP become operational. This must be considered alongside wider demands for rail travel.

There is no funding associated with rail mitigation in GAL's proposals (like there is for highways). As outlined in Table 5 (T3 & T4) in our LIR, we would wish to see Gatwick's level of commitment to highways also extended to rail, especially given their sustainable modal share targets. GAL could take a more proactive role in driving mode shift to rail.

GAL state that the rail network has sufficient capacity. However, we understand NR will be undertaking their own modelling to assess the validity of this statement. ESCC support Network Rail's independent modelling work to identify what the impacts of the NRP would have on the rail network, and consideration will subsequently need to be given as to how the impacts could be mitigated.

In regard to any mitigation being agreed between the applicant and East Sussex County Council, this should be secured through an appropriate legal agreement or condition of the development consent order and introduced prior to the commencement of the operation of the northern runway.

### **Health and Wellbeing**

In East Sussex there is concern that night time noise impacts on local communities will be exacerbated. Generally, sleep disturbance affects physical and mental health and wellbeing, and from aircraft overflights this includes through impacts of noise and vibration. We do not feel that the impacts on East Sussex have been adequately assessed and remain concerned over the impacts on local communities who will be affected by noise.

A Health Impact Assessment (HIA) should outline population health impacts for East Sussex and appropriate mitigation proposed and provided to protect population health and any impact on local services and infrastructure.

Whilst we acknowledge that there is not a statutory duty on the applicant to undertake a specific HIA, given the scale of this project and its catchment area for businesses, staff and passengers, we would strongly recommend an HIA be carried out for East Sussex and each affected local authority area. This would ensure that the local health impacts for each area can be clearly identified and communicated, and appropriate mitigation proposed and provided to protect population health and any impact on local services and infrastructure. Further detail can be seen in section H1 of the LIR.

### Landscape Townscape and Visual

#### ***Dark skies***

Whilst Gatwick Airport's assessment deems there to be minor adverse effects on dark skies, any effect should be appropriately mitigated as this could have an impact on the protected landscapes including the High Weald National Landscape (formerly known as Area's of Outstanding Natural Beauty) and the South Downs National Park.

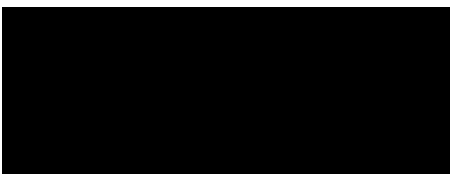
The increase in overflights at up to 7,000 feet, compared to the future baseline scenario in 2032, is estimated to be up to approximately 20% during daytime and up to 10% during night time, which is considered to result in minor adverse effects (see Table 8.8.1).

### Conclusion

Our LIR contains details on the anticipated impacts of the NRP on East Sussex and the appropriate measures required to mitigate these. This WR should be read in conjunction with our WR and the SOCG between GAL and ESCC.

We confirm that will continue to engage with the applicant and in the Examination hearings coming forward.

Yours sincerely



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