



**Horsham
District
Council**



Gatwick Airport Northern Runway Project

Planning Inspectorate's Reference: TR020005

Issue Specific Hearing 2: Control Documents and the DCO Post Hearing Submission

Deadline 1: 12 March 2024

Crawley Borough Council (GATW-AFP107)
Horsham District Council (20044739)
Mid Sussex District Council (20044737)
West Sussex County Council (20044715)
Reigate and Banstead Borough Council (20044474)
Surrey County Council (20044665)
East Sussex County Council (20044514)

Issue Specific Hearing 2 (“ISH2”) on Control Documents and the DCO – 01 March 2024

Post Hearing Submissions including written summary of the Legal Partnership Authorities’ Oral Case

Note: These submissions are made by the Legal Partnership Authorities. The Legal Partnership Authorities are comprised of the following host and neighbouring Authorities who are jointly represented by Michael Bedford KC and Sharpe Pritchard LLP for the purposes of the Examination:

- Crawley Borough Council
- Horsham District Council
- Mid Sussex District Council
- West Sussex County Council
- Reigate and Banstead Borough Council
- Surrey County Council
- East Sussex County Council

In these submissions, the Legal Partnership Authorities may be referred to as the “*Legal Partnership Authorities*”, the “*Authorities*”, the “*Joint Authorities*” or the “*Councils*”. Please note that Mole Valley District Council are also part of the Legal Partnership Authorities for some parts of the Examination (namely, those aspects relating to legal agreements entered into between the Applicant and any of the Legal Partnership Authorities) but not all parts and were therefore separately represented in relation to ISH2.

Purpose of this Submission

The purpose of these post-hearing submissions is to provide a written summary of the Legal Partnership Authorities positions on the Agenda Items discussed at the ISH. This includes both a summary of the Legal Partnership Authorities oral representations and, in some cases, further comments on the oral representations made by the Applicant at the ISH.

Whilst the structure of these submissions follows the order of the Agenda Items, they do not include all of the Legal Partnership Authorities’ concerns in relation to each Agenda Item as not all of these positions were rehearsed orally at the ISH due to the need to keep oral representations succinct.

Where the Legal Partnership Authorities positions were not rehearsed orally, these submissions sometimes include references to the relevant sections of the Local Impact Reports (“LIRs”) where a position is set out in further detail. The Legal Partnership Authorities would also be happy to provide answers in writing to any specific further questions which the Examining Authority (“ExA”) may have.

Attendance: ISH2 was attended by Michael Bedford KC for the Legal Partnership Authorities, instructed by Emyr Thomas, Partner and Parliamentary Agent, of Sharpe Pritchard LLP. The ISH was attended by various other representatives from the Legal Partnership Authorities who did not make oral representations.

Examining Authority's Agenda Item / Questions	Legal Partnership Authorities Post-Hearing Submissions	References
<p>3. Future Airport Operations</p> <p>3.1. The Applicant will be asked about its approach to land use/ planning controls over future airport operations and how these relate to existing controls over the use of the airport.</p>	<p><u>Planning Controls on the Number of Movements</u></p> <p>In the Authorities' view, it is important to recognise that there is a difference between a planning control which directly specifies a number, or a ceiling, on movements/passengers and a planning control which indirectly has the effect of imposing a number or a ceiling.</p> <p>The Authorities understand that, in terms of the planning regime, there is no current planning condition or term of a section 106 agreement which provides a numerical control on either the numbers of movements or numbers of passengers. That is the current position although there have been such controls in the past as per the planning history set out in the Joint West Sussex Local Impact Report. However, to state that there are no controls on the numbers of movements or passengers would be an oversimplification because the current emergency, or standby, runway is subject to a control in a planning permission in relation to its permitted use, which prevents it from being used simultaneously with the main runway. This imposes, indirectly rather than directly, a ceiling on the quantum of movements that can then take place. Louise Condon, Managing Partner of York Aviation LLP instructed by the Authorities, has disputed (at ISH1) the realism of the 67 million passengers' figure for a number of reasons. One of these reasons has been this restriction on the use of the existing standby runway. As such, the Authorities would argue that there is in fact a planning control which has the effect of imposing some restriction on numbers, even if it does not specifically refer to those numbers.</p> <p>There are also other planning permissions which impose some controls on activities within the airport, which might also indirectly have a similar effect. One example would be the Boeing hangar which is restricted in that aircraft are only permitted to be towed to and from it during certain hours of the day. The Authorities consider it likely that, in order to achieve the numbers that are being discussed, this current restriction will need to be exceeded. There are also other planning permissions with conditions which restrict the type of maintenance activities that can take place, in which areas, and so on.</p> <p>Therefore, the Authorities do not consider it is right to say that this is an unconstrained airport. Whilst the Authorities do accept that they cannot point to a specific planning permission that</p>	

	<p>limits the number of passengers it is an accumulation of several matters which does so by effect.</p> <p>As the material provided by the Applicant does not comprehensively identify all of the planning permissions which might have relevance as to what the baseline position will be moving forward, the Authorities have included further planning history in their LIRS. This information can be found in Section 4 “Planning History” of the Joint West Sussex LIR and tables at Appendices C and D</p> <p><u>Airport Transport Movements</u></p> <p>The Applicant is also proposing an air transport movement (“ATM”) limit, but not a passenger numbers limit. The Authorities recognise that an ATM limit in isolation allows a ‘band’ of passenger numbers that can be achieved, based on the fleet mix and size of the planes etc. If, and only if, there was a robust system of surface access commitments in place, it may be that an ATM control coupled with surface access commitments would be sufficient to regulate that ‘band’. However, the Authorities consider that the surface access commitments as proposed by the Applicant are inadequate and are not robust and so are concerned as to whether the ATM control alone would suffice.</p> <p>The Authorities engage in further dialogue with the Applicant and are not arguing that it is impossible to achieve robust surface access commitments. The managed growth issue is also going to be a relevant factor in that dialogue.</p>	
<p>4. The Authorised Development – Schedule 1</p> <p>4.1. the Applicant will be asked about the scope of Schedule 1 and whether any specific works should be subject</p>	<p><u>Scope Of Schedule 1 And Whether Any Specific Works Should Be Subject To Controls Over Timing.</u></p> <p>The Authorities currently consider there to be a lack of detail in the way that the DCO is structured so as to tie some of the works which are authorised to the stages of the growth which is said to be enabled by the works.</p> <p>The Authorities would argue that it would be beneficial to ensure that certain elements of the DCO are not provided unless and until there is a need for them. A particular example of this would be the net additional quantum of parking, which the Authorities understand is a figure</p>	<p>Table 5.2.3 of the Transport Assessment version PD LA007</p>

<p>to controls over timing.</p> <p>4.2. The Applicant and Crawley Borough Council will be asked about “excepted development” and the scope of permitted development rights.</p>	<p>of 1,100 in net terms. The Authorities contend there should be triggers related to the surface access commitments in relation to the provision of any additional parking, as discussed at ISH4 in relation to agenda item 3</p> <p>There is also a concern in relation to the interrelationship between what is proposed by way of the authorised works and the terms of Article 9(4) of the Draft DCO (“dDCO”). As currently drafted, Article 9(4) would allow the DCO to prevail over any existing planning permission which is incompatible, but no schedule of relevant planning permissions – or the extent of their controls or to which they may be incompatible with the DCO powers – has been provided. As such, there is a degree of uncertainty as to how, if the DCO is made and the various works are then authorised, this Article cuts across any existing planning permissions which fall within the area of the order limits. The Authorities need to understand this issue to inform their view as to the extent of further controls which are necessary. As such, the Authorities would welcome the Applicant providing information on which planning permissions it considers fall within the scope of Article 9(4) and therefore would be said to fall away if Article 9(4) takes effect before they can form a judgment as to whether any of that is acceptable. It would also then need to be agreed who determines that issue of incompatibility.</p> <p>There are also timing issues in relation to the mitigations and a particular concern in relation to the Employment, Skills and Business Strategy measures and ensuring that matters in relation to construction and the supply chain are implemented at an appropriate time. There are similar issues in terms of some of the noise attenuation measures. Generally, the Authorities have concerns about the timing of some works and how they fit together.</p> <p>The Authorities’ concerns in relation to the ESBS are set out in further detail in the Authorities’ post-hearing submission for ISH4 under Agenda Items 4.1 and 4.2.</p> <p>The Authorities have a particular concern as to how the works for the contractors’ construction compound, which sits to the north of the southern roundabout works (as shown in figure 5.2.1.f in PDLA-008), impacts on a proposed Local Plan allocation for a business park in Reigate and Banstead. Currently, the Authorities see the two as incompatible which is unacceptable because the construction compound frustrates the ability to bring forward an important Local Plan allocation.</p>	
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In general terms, the Authorities would note that there is a need for a greater degree of specificity across Schedule 1 and specific concerns in relation to timing are further detailed in the Authorities respective LIRS.

The Authorities also have concerns regarding controls over timing in relation to Acoustic Bunds and the Start Date of the DCO as set out below. Whilst these points were not discussed in oral representations in depth, they are set out below for the ExA's ease of review:

Acoustic Bunds : Many were required to be installed prior to development (some connected with North Terminal). Of particular concern is the bund at the western end of the runway. North Terminal expansion Application CR/125/79 condition 4 required an earth bank to be erected at the western end of the northern runways as noise baffle. It was thereafter to be retained with no alterations to its height or position to take place without prior approval of LPA.

The DCO seeks to amend this noise feature at the western end of runway. The method of implementation of any alteration to this feature will be key to ensure the nearby residents continue to be safeguarded from noise. In addition, officers consider replacement will need to take place prior to the runway being operational (as soon as possible after commencement).

Start Date : The Authorities have concerns regarding the meaning of "start date" (which is defined in article 2(1) (interpretation) of the dDCO as follows: "Start date" is the later of the day after (a) the day on which the period for legal challenge of the Order under PA2008 has expired; or (b) the final determination of any legal challenge under PA2008.

The justification is provided at para 7.18 of the Explanatory Memorandum [AS-006]. (While that para concerns compulsory acquisition, the principle is relevant to this definition also). Para 7.18 states – "This [i.e. the particular definition of "start date"] is necessary following experience of recent legal challenges made to DCOs, which may delay the exercise of compulsory purchase powers and in so doing, reduce the length of time within which those

Planning Statement (AP-245) Paragraph 1.5.18

powers may be exercised, if the period relates (as it usually does) to the date on which the Order is made”.

Regarding the exercise of compulsory purchase powers, since article 31 (time limit for exercise of authority to acquire land compulsorily) of the dDCO provides the undertaker with 10 years (beginning on the “start date”) to exercise its powers to acquire land or interests, the Councils are not convinced by the justification.

The Authorities also consider the start date should commence, in the usual way, when the Order comes into force; however, the time limit for exercising compulsory powers in that Order is 1 year).

In article 26 of the D11 Luton dDCO [REP11-092] similar arrangements to those in the instant dDCO are included i.e. 10 years for exercising compulsory powers, with runs from the later of the expiry of the legal challenge period under section 118 of PA 2008, or the final determination of any legal challenge under that provision.

The Authorities also consider the 10-year period for exercising compulsory acquisition powers is too long.

“Excepted Development” and the Scope of Permitted Development Rights.

The Authorities are concerned by the terms of the dDCO in relation to Excepted Development. For the ExA’s convenience, Excepted Development is defined for the purposes of the DCO in paragraph 1 of Schedule 2 (requirements) as “any part of the authorised development which falls within Schedule 2, Part 8, Class F [development at an airport] of the [Town and Country Planning (General Permitted Development) (England) Order 2015 (the “GPDO”)] and does not fall within the description of development in F1 of those Regulations”.

The Authorities are not aware of a precedent which supports the Applicant’s approach. The Applicant has presented the project as a single, integrated project that is indivisible. In particular, the planning statement states that the project is not severable and is indivisible.

It is quite clear that the project is EIA development and there is no disagreement about this. Under the General Permitted Development Order (“GPDO”) any activity which one might ordinarily be able to carry out as permitted development, a developer cannot carry out, under either Schedule 1 or Schedule 2 of the GPDO, if it is EIA development. The Applicant has put forward a DCO for a single indivisible project, for EIA development, and that includes all of its component parts. However, it appears the Applicant wants to use the DCO to give it authority to carry out those works but carve out of the DCO any controls for elements of those works.

Design is completely excluded in relation to the authorised work which would otherwise fall to be regulated by Requirement 4 and drainage matters are completely excluded under Requirement 10. The Authorities consider this to be unacceptable. The Applicant has a choice and could have done these things as permitted development. However, if it is recognised that these elements are in fact integral things which are part of a wider project, which is EIA development, then it cannot do those works as permitted development, and it should not seek to have the freedoms that the permitted development regime gives.

Operational Land

The Authorities also consider that there is a need for greater clarity from the Applicant in relation to the extent of operational land. The Authorities need clarity from the Applicant on this issue because the red line of the order limits is not necessarily coterminous with what the Applicant would regard as its operational land.

For example, there is an area of car parking to the south east of Horley Road referred to in the documents as ‘Holiday’ parking’, but this is about 1,500 spaces and can be seen on table 4.2.2 of chapter 4 of the Environmental Statement (APP-055). It is shown as a retained car park in the project description on figure 5.2.1 b in PD LR 008. However, that car park is shown as outside of the red line of the order limits. In view of these issues, the Authorities do not consider that the order limits plan delineates what the Applicant might regard as operational land, and there is a need for clarity on this point.

Other Concerns Regarding Planning Permission.

The Authorities also have concerns regarding Article 9(5) and requirements 4 and 10 of the dDCO which were not discussed at length during the ISH, but which the Authorities would like to draw to the ExA's attention in these submissions.

Article 9(5)

Article 9(5) (planning permission) of the dDCO provides (amongst other things) that nothing in the Order restricts the future exercise of GAL's permitted development rights. The explanatory memorandum justifies this as follows: *"This provision is necessary to ensure that the airport operator can continue, in particular, to rely on its extant permitted development rights to facilitate the ongoing operation of the airport and to allow for minor works to be separately consented without needing to rely on an amendment to the Order which would be disproportionate and impractical in the circumstances."* [Para 4.28].

In the Statement of Common Ground between the Applicant and Crawley BC, dated September 2023 – Version 1.0 (row 20.1), the Applicant stated that Article 9(5) would "allow for minor works to be separately consented without needing to rely on an amendment to the Order, which would be disproportionate and impractical". [Our emphasis].

In the Authorities' view, the potential scope of development permitted by the provisions cited in article 9(5) cannot be dismissed as "minor works" and there is therefore a question as to whether this provision should be retained. If further development, which is not authorised by the DCO, is to take place at the airport, it should be subject to control by the local planning authority. Furthermore, if the applicant wants the DCO to authorise yet further works, these should be included in Schedule 1 in the usual way (and their effects assessed). This approach is consistent with *Advice note thirteen: Preparation of a draft order granting development consent and explanatory memorandum* (Republished February 2019 (version 3)) which states (at paragraph 2.9) the dDCO should include the following –

- "A full, precise and complete description of each element of the NSIP, preferably itemised in a Schedule to the DCO; and
- A full, precise and complete description of each element of any necessary "associated development".

	<p>The Authorities would argue that the retention of permitted development rights could, contrary to <i>Advice note thirteen</i>, result in a partial and incomplete description of the proposed development being included in the dDCO”.</p> <p><u>Requirement 4 (detailed design)</u></p> <p>The Authorities’ concerns with “excepted development” are set out in the commentary on article 9(4) and 9(5) and are relevant to this provision. In the light of these concerns, the Councils consider R4(1) should be amended as follows –</p> <p>“No part of the authorised development (except for the highway works and excepted development) is to commence until details of the layout, siting, scale and external appearance of the buildings, structures and works within that part have been submitted to and approved in writing by the relevant planning authority”.</p> <p><u>Requirement 10 (surface and foul water drainage)</u></p> <p>Requirement 10 is drafted similarly to requirement 4: it provides that no part of the authorised development may commence until written details of the surface and foul water drainage for that part have been approved by the LLFA, following consultation with the Environment Agency. Again, works are defined with 'excepted development' outside the scope of this requirement.</p> <p>**</p> <p>In view of these concerns, the Authorities suggest removing the exceptions within article 9(5) and requirements 4 and 10 and including drafting which provides the permitted development rights do not apply.</p>	
<p>5. Managed Growth</p> <p>5.1. The Applicant will be asked to address whether any growth authorised by the Development Consent Order</p>	<p>The issue of managed growth is a key concern for the Authorities and an area of difference between the Authorities and the Applicant.</p> <p>In the Authorities view, the DCO gives too much flexibility in allowing the development to proceed with only retrospective checks to see if the mitigation proposed is delivering results. This approach is reactive and ineffective, in particular in considering whether the development is appropriate for the communities who may be affected by the adverse impacts of the development and whether there is sufficient amelioration of those impacts.</p>	

should be subject to limits related to environmental effects.

Example: Surface Access Commitments

An example of this concern relates to surface access. Requirement 20 appears to say that the operation can only be carried on if there is adherence to the Surface Access Commitments (Environmental Statement – Appendix 5.4.1 **APP-090**), but when those surface access commitments are considered more carefully they lack appropriate enforcement mechanisms to provide the Authorities with certainty that any non-compliant activity at the airport would be constrained. The intention is that the Surface Access Commitments will be a certified document, and Requirement 20 requires the operation to be in accordance with those commitments. For example, the mode shift target of 55% has to be tested three years after the commencement of operations. If this is not then achieved, the monitoring arrangements in the surface access commitments envisage a reporting process and preparation of action plans for future activity. However, there is no commitment to curtail operations either during the period of the preparation of action plans or until such time as the targets are met. Therefore, this target does not actually constrain the operation of the airport.

There are other elements of the Surface Access Commitments which are too broadly expressed and too vague. Given the way in which the aviation industry functions, within a particular cap (the ATM cap) there can be a wide variety of ways in which the activity can manifest itself, i.e. it depends what type of fleet mix there is, what type of destinations are served and so on and this can all happen in a variety of different ways. As such it is possible to have the adverse environmental impacts without the economic benefits, depending on how that mix works. As such the Authorities contend it would be more appropriate to have clear steps set out in the DCO to regulate the growth and clear sanctions should the mitigation measures not be achieved.

Luton dDCO as Example

The Luton Airport expansion is currently before the Secretary of State with proposals which seek to manage growth as the Authorities suggest, i.e. green controlled growth. The Secretary of State will have to decide, in deciding that development consent order, whether those controls are necessary, but it is clearly relevant that the operator and promoter of that development considers that that managed growth is workable and they are putting that

	<p>forward as the way in which they will achieve both their growth but also achieve the environmental objectives.</p> <p>The Authorities would welcome dialogue with the Applicant about how to fashion the controls on growth, but there needs to be clear linkage between the growth and the delivery of the mitigation.</p> <p>At ISH2, the Applicant stated that the managed growth approach that has been proposed in the Luton DCO is as an alternative to an Air Traffic Movement cap. In response to the Applicant's comments, the Authorities would note that the Luton dDCO does in fact include an overall passenger cap alongside the green controlled growth measures and there is no reason that the ATM cap proposed by the Applicant should prevent the parties exploring the benefits of a managed growth approach.</p> <p>The Authorities would be happy to provide further detail as to how the green controlled growth measures in the Luton dDCO are intended to work should this be of assistance to the ExA.</p>	
<p>6. Legal Agreements</p> <p>6.1. The Applicant will be asked about the scope of proposed legal agreements and their progress.</p>	<p>The Authorities and the Applicant are engaged in dialogue regarding legal agreements. A first draft of Section 106 agreement was provided to the Authorities by the Applicant on 01 Feb 2024. The agreement applies for the most part to the Authorised Development and is time-limited to (in practice) 2038. However, there are obligations which apply more generally to Airport operations and are not time-limited.</p> <p>The legal agreement includes schedules relating to:</p> <ul style="list-style-type: none"> • Noise • Air quality • Surface access • ESBS • Community Funds <p>The Authorities have responded on all topics. The Authorities' comments were provided in the form of tables with questions raised on the various obligations; general principles need to be settled before a response on the drafting of the legal agreement can be provided.</p>	

	<p>At this stage, the Authorities have no reason to think it will not be possible to reach a satisfactory resolution; however, the Authorities observe that there are numerous points on which there is significant divergence between the parties. In particular, there are several matters which the Authorities consider ought to be covered in the prospective Section 106 Agreement which are not currently mentioned in the draft produced by the Applicant. These matters relate to:</p> <ul style="list-style-type: none"> • Biodiversity and Landscaping; • Greenhouse Gas and Climate Change; and • Socioeconomics (beyond the ESBS). <p>The Authorities therefore note that, rather than merely drafting disagreements, there remain fundamental, structural differences between how the two parties see the scope of the proposed agreement and these differences will need to be resolved.</p> <p>Nonetheless, the Authorities note there has been positive dialogue which they hope continues as the Examination progresses.</p> <p><u>Highways Agreements</u></p> <p>Article 21 of the dDCO allows the applicant and highways authorities to enter into Highways Agreements for highways works related to the Authorised Development.</p> <p>The Applicant has agreed, in principle, to these being based on West Sussex County Council and Surrey County Council’s usual section 278 and section 38 agreements, albeit “revised to reflect the powers and mitigation required under the DCO to ensure there is no conflict”.</p> <p>It was agreed on 28 February 2024 that the parties will try to agree templates (one with WSCC and one with SCC) during the Examination.</p>	
<p>7. Control Documents and Subsequent Approvals</p>	<p>This Agenda item was not discussed at ISH 2 due to timing. The Authorities would be happy to provide answers in writing to any specific questions the Examining Authority may have. The Examining Authority can find information about the Authorities’ position in relation to many of the control documents in their respective LIRs.</p>	

<p>7.1. The Applicant and local authorities will be asked about the approach to the approval of control documents.</p>		
<p>8. Stakeholder Engagement</p> <p>8.1. The Applicant will be asked about its existing and proposed approach to community and stakeholder engagement during both the proposed construction and operational phases.</p> <p>8.2. Interested Parties will be invited to respond</p>	<p><u>Applicant's existing and proposed approach to community and stakeholder engagement during both the proposed construction and operational phases.</u></p> <p>The Authorities would emphasise the importance of engagement given that the Northern Runway Project would be a 14 –15-year construction project leading to a very substantial change to the local environment if it is approved.</p> <p>Whilst the Authorities respect and acknowledge the past work that has been done in terms of existing engagement, they do consider that something bespoke and fit for purpose is required in relation to managing the extent of the change proposed, particularly in terms of how the phasing of the different elements is going to impact on the different communities across a wide area.</p> <p>Within the Code of Construction Practice, the Authorities note that there is a reference to a communications and engagement plan to be agreed prior to construction. However, the Authorities do not consider that this is sufficient. Instead, an outline, communications and management plan is needed as part of the Examination which indicates who is going to be engaged with and by what mechanisms in relation to the different aspects of the overall construction process.</p> <p>A document of this nature should be submitted into the Examination so that it can be considered and commented on by potential stakeholders through a formal process, and the ExA can then look at that in the light of the comments received to see whether it is adequate. There is time given that this is at the very beginning of the examination. The Authorities consider that this is necessary and would encourage the Applicant to produce such a document to a suitable deadline.</p>	<p>Code of Construction Practice, Environmental Statement Appendix 5.3.2 (APP-082)</p>

Whilst the Authorities acknowledge that the section 61 process has its merits, but the Authorities do not consider the process to be as comprehensive as might be implied from the Applicant's statements at the ISH. In particular, the Authorities do not consider that this captures travel disruption issues and observe that this would, in any case, be provided too late in the process to have a meaningful impact.

The Applicant should therefore be doing something else now to lay the ground for that more detailed work once it has a contractor. There are very few DCO projects where there is already a contractor on board at the stage of the DCO examination, but others promoting very large-scale projects have done far better than this Applicant on this particular topic.

Interested Parties Response

The West Sussex County Council ("WSCC") Relevant Representation [RR-4733] sets out its concerns regarding stakeholder input in respect of design, the proposed extent of community engagement during the construction phase, the lack of stakeholder input in respect of the DAS and noise envelope, and the lack of clarity in respect of how stakeholder input has been dealt with in the ES section on health and wellbeing. The relevant paragraphs are set out below –

- Since the development of the proposals, there have been limited opportunities for stakeholders to understand and influence the design, including for the chosen options taking forward (paragraph 3.5 i).
- WSCC is concerned that a significant amount of development to facilitate the Project is proposed, which has not been fully justified and would require a lengthy construction period. The necessary mitigation is lacking in detail and is not sufficiently controlled through the dDCO. Key concerns are as follows:
- Lack of clarity or outline control document with regard to community engagement through the construction phase, which would help mitigate some of the above concerns. The Code of Construction Practice (CoCP) (APP-082) states that the Applicant will take 'reasonable steps to engage with the community' but that only prior to construction, it will develop a Communications and Engagement Management Plan. **WSCC requests that this is secured through an outline control document, which is discussed with the relevant stakeholders during the examination (paragraph 3.6 v).**

	<ul style="list-style-type: none"> • Although the Design and Access Statement (DAS) (APP-253-257) is a separate DCO control document, the design principles upon which the detailed design would be secured against, have had no input from stakeholders. They are currently not detailed enough and contain ambiguous wording, which does not ensure that a high-quality development can be secured. This is further discussed within this representation with regard to the CARE facility. (paragraph 3.8 iii) • Noise envelope: A mechanism should be included in the DCO to require the CAA to involve the local authorities and other key stakeholders in scrutinising noise envelope reporting (para 3.19 xix. g.) Also East Sussex CC's RR states the noise envelope review document should include clearly defined terms of referenced and include a requirement for engagement and consultation with key stakeholders as part of the review process. • Health and Well Being: iv. The DCO application does not evidence engagement with the affected communities and how the outcome of those engagements have influenced the Applicant's assumptions used as a basis for the assessment findings and decisions on mitigation measures to reduce these impacts. (para 3.24 iv). 	
9. Action Points arising from the Hearing	There were no action points noted for the Authorities.	
10. Any Other Business		