



Gatwick Airport Northern Runway Project

Statement of Common Ground Between Gatwick Airport Limited and National Highways

Book 10

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1 Introduction

1.1.1 This Statement of Common Ground (SoCG) has been prepared in support of the examination phase for the proposed Gatwick Northern Runway Project (NRP). The Application was made by Gatwick Airport Limited (the Applicant) to the Secretary of State for the Department for Transport (the Secretary of State) pursuant to Section 37 of the Planning Act 2008 (PA 2008).

1.1.2 The Application comprises alterations to the existing northern runway which, together with the lifting of the current restrictions on its use, would enable dual runway operations. It also includes the development of a range of infrastructure and facilities which, with the alterations to the northern runway, would enable an increase in the airport's passenger throughput capacity. This includes substantial upgrade works to certain surface access routes which lead to the airport. A full description of the Proposed Development is included in **ES Chapter 5: Project Description** (Doc Ref. 5.1).

1.1.3 SoCGs are an established means in the planning process of allowing all parties to identify and focus on specific issues that may need to be considered during the Examination. The purpose and possible content of SoCG is detailed in the Department for Communities and Local Government's guidance entitled 'Planning Act 2008: examination of applications for development consent' (2015), stating:

"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence."

1.1.4 The Statement of Commonality provides details of the structure and status of the SoCG between all the relevant Interested Parties, including the local authorities. Naturally, the level of detail across the suite of SoCG varies to reflect the nature and complexity of the matter, as well as the position between the parties.

1.1.5 This document relates to matters between the Applicant and National Highways. Where matters would require the involvement of other third parties in order to come to an agreement, these dependencies are noted. A summary of the meetings and correspondence that has taken place between the parties is detailed in **Appendix 1** of this document.

1.1.6 Proactive engagement between the parties across the breadth of matters, including design, modelling, and environmental impacts, is ongoing. Therefore, the SoCG is an evolving document and the detailed wording within it is still being discussed in detail between the parties. Iterations are intended to be submitted at future examination deadlines; and both parties reserve the right to supplement the matters identified as discussions progress, to ensure it is comprehensive and up to date. However, both parties believe it is possible that the matters that have been outlined in this SoCG are resolvable during the confines of the examination process.

1.1.7 This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties, and where agreement has not (yet) been reached, and is presented in a tabular form. This SoCG does not seek to replicate information that is available

elsewhere, either within the Application and/or Examination documents, referring out where appropriate. The terminology used within the SoCG to reflect the status between the parties is either:

- “Agreed” to indicate where a matter has been resolved to the satisfaction of the parties.
- “Not Agreed” to indicate a final position where parties cannot agree.
- “Under discussion” to indicate where matters are subject of on-going discussion with the aim to either resolve or refine the extent of disagreement between the parties.

2 Current Position

2.1. Agricultural Land Use and Recreation

2.1.1 **Table 2.1** sets out the position of both parties in relation to agricultural land use and recreation matters.

Table 2.1 Statement of Common Ground – Agricultural Land use and Recreation Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
There are no issues relating to the baseline for this topic within this Statement of Common Ground.					
Assessment Methodology					
There are no issues relating to the assessment methodology for this topic within this Statement of Common Ground.					
Assessment					
2.1.3.1	Environmental Statement Chapter 19: Agricultural Land Use and Recreation Paragraph 19.4.1 and Table 19.13.1	<p>Relevant Representation (Oct 23): The Applicant notes that the assessment has considered DMRB LA109, Geology and Soils, amongst other guidance documents. However, in Table 19.13.1 a moderate adverse effect has been determined for agricultural land quality (temporary medium term and permanent term) but has nevertheless been considered by the Applicant as 'not significant' since Best and Most Versatile (BMV) land is not affected. National Highways is concerned that the level of justification provided by the Applicant, in accordance with DMRB LA109, is insufficient in order to enable National Highways to make a judgement on whether this effect is significant or not significant. The Applicant will need to provide further justification to demonstrate to National Highways, why this moderate impact is not considered a significant effect.</p> <p>Updated position (Deadline 1): The position of the Applicant is noted in that no 'best and most versatile' (NPPF, 2023) (ALC Grades 1, 2, 3a) will be impacted. The Applicant's response satisfies the query.</p>	For this assessment, there would be some loss of agricultural land required temporarily and permanently for the Project. These are moderate adverse effects, however, they are not considered to be significant in EIA terms, as no best and most versatile land resource (Grades 1, 2 or 3a land) is affected as defined in the National Planning Policy Framework 2023 provided in Paragraph 19.2.5 of Chapter 19 of the ES: Agricultural Land Use and Recreation.	ES Chapter 19: Agricultural Land Use and Recreation [APP-044]	Agreed
Mitigation and Compensation					
There are no issues relating to the mitigation and compensation for this topic within this Statement of Common Ground.					
Other					
There are no other issues relating to this topic within this Statement of Common Ground.					

2.2. Air Quality

2.2.1 Table 2.2 sets out the position of both parties in relation to air quality matters.

Table 2.2 Statement of Common Ground – Air Quality Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
There are no issues relating to the baseline for this topic within this Statement of Common Ground.					
Assessment Methodology					
2.2.2.1	Environmental Statement Appendix 13.4.1 Air Quality Assessment Methodology Paragraph 4.15	<p>Relevant Representation (Oct 23): National Highways notes a dispersion site roughness of 0.2m has been used in the air quality dispersion modelling, however there is a limitation associated with this method choice. Sensitive receptor locations associated with National Highways’ network may not be suited to a roughness factor of only 0.2 and therefore turbulence on the SRN may be underestimated.</p> <p>National Highways requests that the Applicant justify the use of the 0.2m site roughness factor and how this can be considered for the SRN as a reasonable worst case for assessing any impacts to air quality.</p> <p>Updated position (Deadline 1): Can evidence please be provided that such an approach was agreed with National Highways? According to CERC, the publishers of the software used to model the dispersion of emissions, a surface roughness value of 0.2m can be used to represent agricultural areas. Whilst this is a reasonable assumption for open rural areas, it is not so for any urban areas or wooded areas, where a surface roughness of 0.5m to 1m would be more appropriate, or any large urban areas where a surface roughness of 1.5m would be more appropriate. From review of the air quality figures, it is clear that the model includes receptors located in areas characterised as urban, wooded and large urban. At receptors within these locations, the use of the 0.2m surface roughness in the model is likely to underpredict the contribution of emissions to pollutant concentrations. This would likely have repercussions on the model verification and potentially the total pollutant concentrations and impacts reported.</p>	<p>Consultation has been undertaken with stakeholders to agree the methodology as set out in the ES Appendix 13.4.1.</p> <p>The dispersion site roughness of 0.2 m is consistent with previous modelling assessments at Gatwick airport in 2005/6, 2010 and 2015 and is considered suitable for the assessment.</p>	ES Appendix 13.4.1: Air Quality Assessment Methodology [APP-158]	Under discussion
2.2.2.2	Environmental Statement Appendix 13.4.1 Air Quality Assessment Methodology Paragraph 3.10.7 to 3.10.13	<p>Relevant Representation (Oct 23): The Defra Emissions Factors Toolkit (EFT) has been used to derive emission factors. DMRB LA 105 guidance does not appear to have been referenced by the Applicant nor the use of the recommended gap analysis tool for long term trends emission calculation.</p> <p>National Highways requests that the Applicant provides evidence that local monitoring data has been assessed to confirm that the direction taken to adopt the approach to future rates of improvement in air quality is</p>	It is noted that the Project is not a National Highways scheme, so the use of the DMRB LA 105 guidance is not applicable. The same point applies to the use of the recommended gap analysis tool for long term trends emission calculation. Details of the use of the Defra Emissions Factors Toolkit (EFT) in the Air Quality Appendix, including reasoning for why the use of the EFT is appropriate.	ES Appendix 13.4.1: Air Quality Assessment Methodology [APP-158] ES Appendix 13.9.2: Air Quality	Under discussion

		<p>appropriate. This will enable National Highways specialists to consider any additional information provided.</p> <p>Updated position (Deadline 1): The use in previous modelling is not sufficient justification. The Applicant's response points out that the Project is not a National Highways scheme. Whilst this is the case, there is an argument that because the Project has such an impact on the Strategic Road Network, that use of guidance designed for the assessment of air quality impacts on the Strategic Road Network is an appropriate tool for use. It is noted that no sensitivity test has been applied to NOX emissions, beyond a comparison with the policy for decarbonisation. Some additional consideration of less optimistic NOx vehicle emission factors would have been beneficial.</p>	<p>Sensitivity of emissions including a quantitative assessment of the of the DfT Transport Decarbonisation Plan (TDP) is included in the Air Quality Appendix 13.9.2.</p>	<p>Sensitivity Tests [APP-168]</p>	
2.2.2.3	<p>Environmental Statement Appendix 13.4.1 Air Quality Assessment Methodology</p> <p>Paragraph 3.10.11</p>	<p>Relevant Representation (Oct 23): National Highways notes that speed data in kph is understood to have been used, as opposed to the speed banding approach required by the DMRB LA 105, Air Quality. National Highways requests that the Applicant justifies this approach. There are likely to be occasions and locations where congestion occurs during construction and therefore elevated pollutant concentrations. The Applicant is requested to provide evidence to ensure that this has been considered as part of the air quality assessment.</p> <p>Updated position (Deadline 1): LA105 is not merely for National Highways' schemes, but is used on a cross-sectoral basis, and is produced following engagement with statutory environmental bodies. The Applicant's response to this point is noted. The confirmation provided by the applicant that reduced speeds for congestion have been included in the assessment is appreciated.</p>	<p>DMRB LA 105 guidance is not applicable for the Project, given that it is not a National Highways scheme. The assessment has followed industry best practice methods as agreed with the local authorities.</p> <p>Section 13.10 of the air quality assessment methodology details speed data used for the assessment. Highway peak hours were used for four specific time periods to reflect congestion on the road network. Speeds at junctions and roundabouts were modelled at a reduced speed to reflect queuing and congestion.</p>	<p>ES Appendix 13.4.1: Air Quality Assessment Methodology [APP-158]</p>	Under discussion
Assessment					
2.2.3.1	<p>Environmental Statement Chapter 13: Air Quality</p> <p>General</p>	<p>Relevant Representation (Oct 23): National Highways has an air quality KPI, set by the Department for Transport and based on the Pollution Control Mapping model, to bring links into compliance with legal NO2 limits in the shortest possible time. There are six compliance links surrounding the proposed site boundary, with one located within the Applicants site. These are located on roads including the A23 (located within the proposed site boundary), A264, A2220, A2004, A2011 and A2219. All these compliance links were predicted to comply with the set standard (EU Limit Value of 40µg/m3 as an annual mean for NO2) in 2018 and National Highways is concerned that the Applicant's proposals risk an exceedance being generated to the EU Limit Value.</p>	<p>It is proposed that a technical note is provided to set out the requested information.</p> <p>Updated position (Deadline 1): This technical note is contained in Appendix C of the Supporting Air Quality Technical Notes to the SoCGs (Doc Ref. 10.4) submitted at Deadline 1.</p>	<p>Appendix C of the Supporting Air Quality Technical Notes to the SoCGs (Doc Ref. 10.4)</p>	Under discussion

		<p>National Highways requires the Applicant to provide evidence that the proposed SRN mitigation scheme will not exacerbate pollutant levels along these links and that the proposed scheme will not lead to an exceedance in the EU Limit Value of 40µg/m³ as an annual mean for NO₂ along these links.</p> <p>Updated position (Deadline 1): This matter remains under discussion, and National Highways will await receipt of the Applicant's technical note.</p>			
2.2.3.2	<p>Environmental Statement Chapter 13: Air Quality</p> <p>Paragraph 13.10.25</p>	<p>Relevant Representation (Oct 23): In Paragraph 13.10.25, the largest change in all pollutants due to the construction 2024 scenario is predicted to be at R_147 Sutton Common Road, 12km to the north of the M25, which is reported to experience a moderate adverse impact.</p> <p>National Highways is concerned that anomalous results like the above, demonstrates uncertainty which undermines the validity of the traffic model used for the assessment.</p> <p>National Highways therefore requests that the Applicant outlines how the largest air quality impact associated with the Scheme, will be at a location that is 12km to the north of the M25 and therefore not in the localised proximity of the Scheme.</p> <p>Updated position (Deadline 1): National Highways believe this issue should remain open for discussion. The Applicants response highlights an issue that should have been considered in model verification. The risk to National Highways is that anomalous reporting could lead to stakeholder challenge in future that National Highways may be responsible for responding to. Publication of anomalous results would make this position harder to refute.</p>	<p>Section 12.5 of the Transport Assessment includes assumptions and limitations of the assessment, including details on localised model noise identified in Croydon and Steyning.</p> <p>Section 12.4.7 and 12.4.8 of the Transport Assessment includes assumptions and limitations of the assessment, specifically relating to model noise in congested areas which includes Croydon and Steyning. Therefore, large changes of traffic flow in these areas are due to background traffic switching between routes with very similar journey times in the model, when in practice this is very unlikely to happen. This is explained in paragraph 13.10.28 of the ES Chapter 13: Air Quality for Sutton Common Road.</p>	<p>Section 12.5 of ES Chapter 12 Traffic and Transport [APP-037]</p> <p>Transport Assessment [AS-079]</p> <p>ES Chapter 13 Air Quality [APP-038]</p>	Under discussion
2.2.3.3	<p>Environmental Statement Chapter 13: Air Quality</p> <p>General comment citing example in paragraph 13.10.30.</p>	<p>Relevant Representation (Oct 23) National Highways has reviewed this document and the locations of highest predicted pollutant concentrations and most significant impacts are not fully clear.</p> <p>The interpretation of the assessment and results throughout this chapter is not possible with the reader having to undertake their own analysis of the many associated figures and appendices which leads to the risk of inconsistencies in interpretation.</p>	<p>ES Chapter 13: Air Quality has provided an assessment of air quality impacts from all related sources (road vehicles, aircraft and airport sources) following the methodology agreed with the local councils. A robust assessment presenting reasonable worst case effects has been provided in line with best practice guidance and available data. The assessment concludes that the impact of the Proposed Development would not be significant.</p> <p>The applicant is happy to provide National Highways with a technical note to set out the information requested and this can be provided via the SOCG process.</p>	<p>ES Chapter 13 Air Quality [APP-038]</p> <p>Appendix C of the Supporting Air Quality Technical Notes to the SoCGs (Doc Ref. 10.4)</p>	Under discussion

		<p>National Highways notes that in Paragraph 13.10.30, the compliance receptor results for the construction traffic assessment year 2024 reports that the project is not predicted to impact compliance with the air quality standards, without any discussion of the predicted concentrations at compliance receptors or the maximum impact location. However, National Highways notes that cross-referencing to Appendix 13.9.1 air quality results tables and Figure P2, there is one compliance receptor with annual mean NO2 concentrations above the air quality standards the assessment has utilised and multiple receptors with concentrations above the annual mean PM2.5 standard referenced.</p> <p>National Highways therefore requests that the Applicant should clearly set out within Chapter 13 the predicted pollutant concentrations and maximum impact locations for all receptor types and for all scenarios. This information should also be supported by an explanation of what the origin root cause of these results are (e.g., traffic changes).</p> <p>Updated position (Deadline 1): National Highways request that the Applicant provides a technical note as outlined in their position statement to facilitate further discussions.</p>	<p>Updated position (Deadline 1): This technical note is contained in Appendix C of the Supporting Air Quality Technical Notes to the SoCGs (Doc Ref. 10.4) submitted at Deadline 1.</p>		
<p>2.2.3.4</p>	<p>Environmental Statement Chapter 13: Air Quality</p> <p>Paragraph 13.10.33 And Paragraph 13.10.36</p>	<p>Relevant Representation (Oct 23) National Highways notes that 139 ecological receptors are identified by the Air Quality Chapter's assessment of the 2024 construction scenario as predicted to experience concentrations above the critical level, with 26 sites where a change of 1% of the lower critical local criterion is predicted.</p> <p>National Highways requests that the Applicant outlines how many of each ecological site type exceed the above criteria and, of those identified, whether an assessment by ecology specialists considering both construction and operational phases was undertaken to demonstrate that no significant effects were identified.</p> <p>Furthermore, National Highways requests that the Applicant clarifies whether the outcomes of these additional assessments have been accepted by Natural England.</p> <p>Updated position (Deadline 1): National Highways notes the response provided by the Applicant confirming non-significant outcomes for receptors in scope and acceptance of the methodology by Natural England. National Highways advises the Applicant it has had substantial challenge from Natural England with regards to this matter and requests sight of the assessment methodology used and the NOx / NH3 values with and without the project.</p>	<p>For ecological sites, where changes are greater than 1% of the critical load, the assessment off effects have been considered in the ecology and nature conservation assessment to determine significance. The impacts were determined by the scheme ecologist to be not significant.</p> <p>The methodology to assess the air quality effects has been agreed with Natural England and will be provided in the SoCG with Natural England.</p>	<p>ES Chapter 9: Ecology and Nature Conservation [APP-034]</p>	<p>Under discussion</p>
<p>Mitigation and Compensation</p>					

<i>There are no issues relating to the mitigation and compensation for this topic within this Statement of Common Ground.</i>
Other
<i>There are no other issues relating to this topic within this Statement of Common Ground.</i>

2.3. Capacity and Operations

2.3.1 Table 2.3 sets out the position of both parties in relation to capacity and operations matters.

Table 2.3 Statement of Common Ground – Capacity and Operations Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
<i>There are no issues relating to Capacity and Operations within this Statement of Common Ground.</i>					

2.4. Climate Change

2.4.1 Table 2.4 sets out the position of both parties in relation to climate change matters.

Table 2.4 Statement of Common Ground – Climate Change Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
<i>There are no issues relating to the baseline for this topic within this Statement of Common Ground.</i>					
Assessment Methodology					
2.4.2.1	Environmental Statement Chapter 15: Climate Change Table 15.5.4	<p>Relevant Representation (Oct 23): The Applicant has applied the methodology of temperature points to inform the Urban Heat Island (UHI) Assessment, however this assessment compares the Scheme to London City Airport which is a significant distance away from the cell grid used for the other two points of comparison.</p> <p>National Highways proposes that it would be more prudent to include the Crawley datapoints mentioned in the UHI assessment, at the datapoints available. This would enable the Applicant to undertake a comparison against the Crawley data points. Furthermore, the Applicant could build upon this with a comparison of a rural area near London City Airport against London City Airport, where the differences between airport and rural area for the two locations can be compared.</p> <p>Updated position (Deadline 1): Matter remains under discussion..</p> <p>National Highways interest in this matter would be to understand whether any resilience measures intended for our network comply with our standards, including allowances required for climate change in drainage infrastructure and flood resilience. Critical to this is provision of information that satisfies National Highways that none of the changes proposed to our network would create new or exacerbate existing flooding hotspots.</p>	<p>This analysis aimed to compare an urban location and a rural location to Gatwick Airport to determine whether a UHI existed. These sites were selected because a rural area within London would not be distinct from London City Airport and therefore would not present a useful comparison.</p> <p>A range of weather station sites were considered for the analysis which employed the NOAA dataset, but also cross referenced with the Met Office MIDAS data.</p> <p>The coverage aimed for 20 years of data since 2022, with hourly resolution to determine day time and night time UHI effects. Temperature data were obtained from weather station sites at relevant points. London City Airport was selected to represent an urban environment and Charlwood a rural location. Crawley datapoints were not used because they cover a limited temporal range (2002-2007) and the time series is relatively incomplete. Other sites had good hourly resolution which allows more accurate analysis.</p>	<p>ES Chapter 15 Climate Change [APP-040]</p>	Under discussion
Assessment					
2.4.3.1	Environmental Statement Chapter 15: Climate Change Table 15.4.1	<p>Relevant Representation (Oct 23): In Table 15.4.1, issues considered within the assessment, the Applicant has considered the following aspects: Construction Period: Construction and Demolition within Airport Boundary</p> <ul style="list-style-type: none"> Construction Period: Delivery of construction and demolition activities within existing airport boundary, including construction of upgraded highway junctions. Operational Period: Performance of the Project with respect to climate change resilience and adaptation. 	<p>The methodology for the assessment was structured to follow the ANPS classification of emissions into four categories, and the assessment of Construction impacts was limited within the ES to those impacts prior to opening. The assessment was not seeking to provide a Whole Life Carbon assessment of the Project - a point explicitly noted within the ES.</p> <p>Maintenance and repair of the newly constructed elements within the Project will be required. A full life cycle carbon assessment</p>	<p>ES Appendix 5.4.2 Carbon Action Plan [APP-091]</p> <p>ES Chapter 15 Climate Change [APP-040]</p>	Under discussion

		<ul style="list-style-type: none"> Operational Period: Mitigation areas beyond existing airport boundary. <p>National Highways is concerned that the Applicant's assessment does not consider the ongoing impact of maintaining any of the proposed assets.</p> <p>The Applicant should clarify whether the assessment has considered the ongoing impact of maintaining any proposed assets, as well as the adjacent SRN as a consequence of the increase in vehicle traffic caused by the development.</p> <p>Updated position (Deadline 1): Matter remains under discussion.</p> <p>Presumably the Applicant will be expecting any emissions from increases to vehicle traffic and maintenance of the road network to be attributed to the relevant highway authority. Where this is National Highways, we would expect to see whole life carbon calculation and assessment to ensure consistency with our requirements for carbon accounting.</p>	<p>would seek to quantify this over a defined study period, which would likely extend beyond the 2050 assessment period (which is used based on assessing risk to UK achieving carbon targets). Within the timescales between opening year (2029) and the end of the assessment year (2050) it is considered unlikely that maintenance, repair, replacement, and refurbishment GHG emissions would be so great as to materially change the assessment of operational emissions. The mitigation set out in the Carbon Action Plan, specifically regarding to employing PAS2080 as a Carbon Management System, would necessitate GAL adopting a whole life carbon approach in the management and mitigation of emissions from Modules B2-B5 as part of their wider carbon management approach.</p> <p>Paragraph 15.8.17 in Chapter 15 of the ES (Climate Change) highlights that GAL has procedures in place to check the efficacy of embedded mitigation measures and to keep them under review on account of regulator change, other circumstances or the prevailing climate changes to ensure that passenger and operational safety are preserved and business continuity is ensured.</p> <p>It is also noted that all medium risks require regular review in the future to ensure they do not move to high or very high ratings. This can be formalised during operation through alignment with GAL's Task Force for Climate-related Financial Disclosures and GAL's 5-year review cycle for the Climate Adaptation Risk Assessment (GAL, 2021).</p> <p>The CCR Assessment has considered the strategic road network (SRN) and was included as part of the ICCI assessment (refer to ES Chapter 12: Traffic and Transport). The ICCI Assessment (ES Appendix 15.9.1) also highlights that the SRN will be designed to standard road and material specifications in line with the design life of the asset and climate change regulations as set out in the Design Manual for Roads and Bridges (DMRB). At this stage we do not know which elements of the asset will be susceptible to softening due to higher temperatures. However, the effects of warmer temperatures on road materials in the future is considered negligible because the choice of materials would be based on relevant design standards and appropriate climate change considerations as set out in the Code of Construction Practice. Where necessary climate resilience would be built into the material mix and frequency of resurfacing when required in the future to account for higher temperature extremes as part of the usual renewal process.</p>	<p>ES Chapter 12: Traffic and Transport [APP-037]</p> <p>ES Appendix 15.9.1 In-Combination Climate Change Impacts Assessment [APP-188]</p> <p>ES Appendix 5.3.2 Code of Construction Practice (Doc Ref. 5.3)</p>	
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Mitigation and Compensation					
2.4.4.1	<p>Environmental Statement Chapter 15: Climate Change</p> <p>Table 15.9.1</p>	<p>Relevant Representation (Oct 23): The Applicant has reviewed Table 15.9.1, which outlines the mitigation, monitoring and enhancement measures for In-combination Climate Change Impacts (ICCI) assessment. National Highways notes that there is little evidence in terms of operation preparedness or embedded mitigation in place which is accounted for in this table.</p> <p>National Highways requests that the Applicant clarifies the existing plans within the submission or submits additional plans into the examination which look at similar impacts from an operational point of view for National Highways to assess.</p> <p>Updated position (Deadline 1): Matter remains under discussion.</p> <p>National Highways interest in this matter would be to understand whether any resilience measures intended for our network comply with our standards, including allowances required for climate change in drainage infrastructure and flood resilience. Critical to this is provision of information that satisfies National Highways that none of the changes proposed to our network would create new or exacerbate existing flooding hotspots.</p>	<p>No significant in-combination climate impacts were identified during the construction or operational periods and therefore no further mitigation (beyond that which will be embedded) was proposed. Embedded mitigation for various topics can be found in the various topic chapters. Additionally, new highway infrastructure will be designed to appropriate climate change allowances, therefore minimising any future flood risk to the highway network during the operation of the Project. Further information can be found in ES Appendix 11.9.6: Flood Risk Assessment and ES Appendix 11.9.6: Flood Risk Assessment - Annex 6. This will be supported by existing measures that are in place to ensure the airport remains operational (e.g. The Gatwick Operations Adverse Weather Plan, GAL, 2021).</p> <p>It is noted within the ICCI that GAL has procedures in place to check the efficacy of embedded mitigation measures to keep them under review on account of regulator change, other circumstances change or the prevailing climate changes; to preserve passenger and operational safety and business continuity.</p>	<p>ES Appendix 11.9.6: Flood Risk Assessment [APP-147]</p> <p>ES Appendix 11.9.6: Flood Risk Assessment - Annex 6 [APP-149]</p>	Under discussion
Other					
<i>There are no other issues relating to this topic within this Statement of Common Ground.</i>					

2.5. Construction

2.5.1 Table 2.5 sets out the position of both parties in relation to construction matters.

Table 2.5 Statement of Common Ground – Construction Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
2.5.1.1	Environmental Statement Appendix 5.3.1: Buildability Report Part B	<p>Relevant Representation (Oct 23)</p> <p>For the Airport Way Eastbound Link from the A23, the Applicant is proposing extensive works to this section of the SRN which seemingly arise from a need to include the new footway link below the road along the embankment. National Highways is concerned of the level of disruption that the works would generate to implement a new footway link in this area and whether any alternative solutions were considered.</p> <p>The Applicant is to provide clarity on whether this is the sole reason for the change and whether alternative solutions were considered in this area that would not require extensive works to realign the carriageway. Alternatively, National Highways would seek a commitment that is secured in the Development Consent Order that this section of the network will be investigated during detailed design.</p> <p>Updated position (Deadline 1):</p> <p>National Highways request that the Applicants position is updated to reflect the latest stages of negotiations as shown below:</p> <p>As agreed at the design TWG on 9th January, the final alignment for this link will be reviewed and developed at the detailed design stage in consultation with National Highways. The vertical and horizontal alignments of the link combined with the design of the footway link to the north all influence the nature of the scheme impacts at this location and will require additional ground investigations and contractor input to determine the final solution. Design refinement can be accommodated within the Limits of Deviation for the scheme.</p> <p>This has been added to the scheme action tracker as an action to be addressed at the detailed design stage after the DCO has been granted.</p>	<p>The design at this location underwent extensive design discussions with NH between the Autumn 2021 consultation and Summer 2022 consultation following on from NH comments on the North Terminal design proposals. The majority of the works at this location are driven by the changes to the A23 London Road slip road connection onto Airport Way Eastbound (including horizontal and vertical alignment changes) which will lead to some disruption at this location during construction. The key factors influencing the relocation of the highway further south at this location are:</p> <p>(i) The upgrade of the A23 London Road southbound diverge onto Airport Way Eastbound from a taper diverge to a ghost island lane drop diverge that shifts the diverge footprint further south and influences the diverge link alignment; and</p> <p>(ii) the replacement of the diverge link merge onto Airport Way Eastbound with a free flow link connection.</p> <p>Changing the taper merge to a free flow link with a 510m radius requires kerb line changes. However, it should be noted that the new link seeks to tie-in the existing eastbound carriageway over as short a distance as possible on an alignment that was optimised for tying into the high radius mainline curve further east. The proposed eastbound link does not cross over into the existing westbound carriageway. (minimising disruption to the westbound carriageway during construction) The proposed design changes result in a net decrease in the overall carriageway pavement area at this location with most of the pavement proposed to be removed from the existing taper footprint on the northern side of the carriageway. The design proposals for the verge provision and earthworks side slope on the northern side of Airport Way between the highway and the WCH path will be subject to refinement at the detailed design stage in consultation with NH. The current preliminary design proposal is to minimise the earthworks side slope gradient through embankment modifications, minimising future maintenance costs and risks. Alternative proposals that could be considered include wider verge provision, steeper embankment side slopes and / or the addition of a retaining wall adjacent to the proposed WCH</p>	<p>ES Appendix 5.3.2</p> <p>Code of Construction</p> <p>Practice Annex 2 –</p> <p>Outline Construction</p> <p>Workforce Travel</p> <p>Plan [APP-084]</p>	Under discussion

			route. This will be developed at the detailed design stage in consultation with National Highways.		
2.5.1.2	General Matters	<p>Relevant Representation (Oct 23): National Highways notes that the surface access works will require extensive utility works, however no details have been provided by the Applicant which outlines when these works could be undertaken.</p> <p>Updated position (Deadline 1): National Highways request clarity whether the utility works will be undertaken as part of either the programmed surface access works, airside works or would require their own enabling works. National Highways also request clarity regarding whether the utility works at present consider the need for any temporary diversions which may create more onerous construction and traffic management phases.</p>	<p>ES Chapter 5 Project Description, along with its Appendices 5.3.1, Buildability Report, and 5.3.3, Indicative Construction Sequencing, provide indicative information on the proposed construction phasing.</p> <p>The detailed construction phasing and construction programme will be finalised during the detailed design and pre-construction stages, through engagement with Local Highway Authorities, West Sussex County Council (WSSCC), and National Highways.</p> <p>A National Highways Statutory Undertakers Diversions PCF Product (C3 Stage) produced and submitted to National Highways to ascertain the extent to which proposed route options are likely to affect or be affected by existing Utilities apparatus, including Statutory Undertakers for water, sewage, gas, electricity, and telecommunications, as well as other utility providers including, but not limited to, pipeline operators and other telecommunication providers.</p>	<p>ES Chapter 5 Project Description (Doc Ref. 5.1)</p> <p>ES Appendix 5.3.1 Buildability Report Part B [APP-080]</p> <p>ES Appendix 5.3.3 Indicative Construction Sequencing [APP-088]</p>	Under discussion
2.5.1.3	Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 1 Section 7.0	<p>Relevant Representation (Oct 23) National Highways recognises that, due to the complex works that comprise the surface access works, there will be a need to undertake works during night time closures. However National Highways notes that the Applicant's submission provides insufficient detail on the required closures to enable National Highways to fully understand the impact on the operation of the SRN.</p> <p>Updated position (Deadline 1): National Highways request any modelling that has been undertaken is provided in order for National Highways to review.</p>	<p>ES Chapter 5 Project Description, along with its Appendices 5.3.1, Buildability Report, and 5.3.3, Indicative Construction Sequencing, provide indicative information on the proposed construction phasing.</p> <p>The detailed construction phasing will be finalised during the detailed design and pre-construction stages, through engagement with Local Highway Authorities, West Sussex County Council (WSSCC), and National Highways.</p>	<p>ES Chapter 5 Project Description (Doc Ref. 5.1)</p> <p>ES Appendix 5.3.1 Buildability Report Part B [APP-080]</p> <p>ES Appendix 5.3.3 Indicative Construction Sequencing [APP-088]</p>	Under discussion
2.5.1.4	Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 1 Section 7.3	<p>Relevant Representation (Oct 23) For the proposed North Terminal Roundabout, although construction of some elements are covered in detail and associated phasing schedules / graphic are provided. National Highways notes that there is little detail relating to how the works to the roundabout itself will be undertaken. Roundabouts are considered to be higher risk locations during normal operation, however when roundabouts are then subject to a complicated and multiple phased series of roadworks, these associated risks increase, and the overall capacity reduces.</p>	<p>ES Chapter 5 Project Description, along with its Appendices 5.3.1, Buildability Report, and 5.3.3, Indicative Construction Sequencing, provide indicative information on the proposed construction phasing.</p> <p>The detailed construction phasing will be finalised during the detailed design and pre-construction stages, through engagement with Local Highway Authorities, West Sussex County Council (WSSCC), and National Highways.</p>	<p>ES Chapter 5 Project Description (Doc Ref. 5.1)</p> <p>ES Appendix 5.3.1 Buildability Report Part B [APP-080]</p> <p>ES Appendix 5.3.3 Indicative</p>	Under discussion

		<p>Updated position (Deadline 1): National Highways request any detailed VISSIM modelling that has been undertaken for the construction phasing in order for National Highways to review.</p>		<p>Construction Sequencing [APP-088]</p>	
2.5.1.5	<p>Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 1</p> <p>Section 7.3</p>	<p>Relevant Representation (Oct 23) For the Inter-Terminal Shuttle Viaduct, the proposed Westbound realignment of Airport Way results in the alignment moving closer to the railway viaduct, with a proposed retaining feature to be installed between these two assets. National Highways notes that the proposed phasing plans or associated text in the buildability report does not provide details on how this might be built and maintained. National Highways requests details of how the proposed retaining wall will interact with the existing structure and its associated foundations and how this may impact both construction and long-term maintenance activities.</p> <p>Updated position (Deadline 1): National Highways don't feel that the current information sign posted within the Applicants position provides enough detail National Highways request that the Applicants position is discussed further as part of on-going discussions on the proposed structures.</p>	<p>ES Chapter 5 Project Description, along with its Appendices 5.3.1, Buildability Report, and 5.3.3, Indicative Construction Sequencing, provide indicative information on the proposed construction phasing.</p> <p>The detailed construction phasing will be finalised during the detailed design and pre-construction stages, through engagement with Local Highway Authorities, West Sussex County Council (WSCC), and National Highways.</p>	<p>ES Chapter 5 Project Description (Doc Ref. 5.1)</p> <p>ES Appendix 5.3.1 Buildability Report Part B Part 1 [APP-080]</p> <p>ES Appendix 5.3.3 Indicative Construction Sequencing [APP-088]</p>	Under discussion
2.5.1.6	<p>Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 1</p> <p>Section 7.3</p>	<p>Relevant Representation (Oct 23) For the Airport Way Bridge over A23 in the Westbound direction, the Applicant's submission does not provide details relating to the proposed vertical profile, cross section and crossfalls.</p> <p>National Highways therefore does not have sufficient information to demonstrate that these elements meet required standards.</p> <p>National Highways requests these details to ensure that the proposed works will meet the required standards and can be deemed to not have a negative impact on the existing structure and the cross section of the structural deck.</p> <p>Updated position (Deadline 1): National Highways requests a dimensioned cross-section for that part of the proposal, to ensure that it aligns with CD 127.</p>	<p>The proposed vertical profile at this location is illustrated in Section 7 on Sheet 3 of the Surface Access Highways Plans – Engineering Section Drawings with chainage information provided on Sheet 1 of this drawing set. Structure sections for this bridge are provided in Sheet 4 of the Surface Access Highways Plans – Structure Section Drawing. The proposed Airport Way westbound carriageway is to be at a similar level to the existing Airport Way carriageway over the bridge deck, noting the removal of the eastbound carriageway provision and the realignment of the westbound carriageway. No structural changes are proposed to the existing reinforced concrete slab bridge deck at this stage.</p> <p>The design proposals at this location have formed part of ongoing technical engagement with the NH SES Structures Team. The detailed design of the bridge including the final vertical profile, cross section and crossfall provision will be subject to approval by NH in accordance with the process set out in the National Highways Protective Provisions included in Schedule 9 Part 3 of the draft DCO following relevant guidance and standards.</p>	<p>Surface Access Highways Plans – Structure Section Drawings [APP-021]</p> <p>Schedule 9 Part 3 of the Draft DCO (Doc Ref. 2.1)</p>	Under discussion
2.5.1.7	<p>Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 1</p>	<p>Relevant Representation (Oct 23)</p>	<p>ES Chapter 5 Project Description, along with its Appendices 5.3.1, Buildability Report Part B provide indicative information on the proposed construction phasing.</p>	<p>ES Chapter 5 Project Description (Doc Ref. 5.1)</p>	Under discussion

	Section 7.3.28	<p>National Highways notes that the construction phasing of the Airport Way Rail Bridge works would require the operation of the carriageway to be reduced to a single lane, which would include peak time operation.</p> <p>However National Highways notes that the Applicant's submission provides insufficient detail on the required traffic management to enable National Highways to fully understand the impact on the operation of the SRN.</p> <p>Updated position (Deadline 1): National Highways request any detailed VISSIM modelling that has been undertaken for the construction phasing in order for National Highways to review.</p>	The detailed construction phasing will be finalized during the detailed design and pre-construction stages, alright engagement with Local Highway Authorities, West Sussex County Council (WSCC), and National Highways.	<p>ES Appendix 5.3.1 Buildability Report Part B Part 1 [APP-080]</p> <p>ES Appendix 5.3.3 Indicative Construction Sequencing [APP-088]</p>	
2.5.1.8	<p>Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 1</p> <p>Section 7.4.50</p>	<p>Relevant Representation (Oct 23) For the works to widen the M23 above Balcombe Road, National Highways notes that a single-lane contraflow may be necessary to enable the installation of sheet piles.</p> <p>However National Highways notes that the Applicant's submission provides insufficient detail on the required traffic management to enable National Highways to fully understand the impact on the operation of the SRN.</p> <p>Updated position (Deadline 1): National Highways request any detailed VISSIM modelling that has been undertaken for the construction phasing in order for National Highways to review.</p>	<p>ES Chapter 5 Project Description, along with its Appendices 5.3.1, Buildability Report Part B provide indicative information on the proposed construction phasing.</p> <p>The detailed construction phasing will be finalised during the detailed design and pre-construction stages, through engagement with Local Highway Authorities, West Sussex County Council (WSCC), and National Highways.</p>	<p>ES Chapter 5 Project Description (Doc Ref. 5.1)</p> <p>ES Appendix 5.3.1 Buildability Report Part B [APP-080]</p> <p>ES Appendix 5.3.3 Indicative Construction Sequencing [APP-088]</p>	Under discussion
2.5.1.9	<p>Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 1</p> <p>Appendix B and C</p>	<p>Relevant Representation (Oct 23) For the A23 River Mole & Long Bridge works, the Applicant has outlined a series of construction phases that will require complex traffic management.</p> <p>National Highways are concerned that the reduction in capacity during construction will have an adverse impact on both the local road network and SRN.</p> <p>Updated position (Deadline 1): National Highways request any detailed VISSIM modelling that has been undertaken for the construction phasing in order for National Highways to review.</p>	Assessment of the highway operation during highway construction was undertaken using the strategic highway model and is presented in Section 8.3 and 13.3 of Annex B of the Transport Assessment. Further analysis can be undertaken as part of detailed design stages as appropriate.	Sections 8.3 and 13.3 of Annex B Strategic Transport Modelling Report [APP-260]	Under discussion

<p>2.5.1.10</p>	<p>Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 2</p> <p>Appendix F</p>	<p>Relevant Representation (Oct 23)</p> <p>For the proposed Airport Way Railway Bridge Works, National Highways notes that Stage two would require lane one of the Westbound carriageway to have a full closure. During Stages eight and nine, the Westbound edge beam and parapet is proposed to be removed.</p> <p>National Highways are concerned that the reduction in capacity during construction will have an adverse impact on both the local road network and SRN.</p> <p>Updated position (Deadline 1):</p> <p>National Highways request any detailed VISSIM modelling that has been undertaken for the construction phasing in order for National Highways to review.</p>	<p>ES Appendix 5.3.1, Buildability Report Part B provide indicative information on the proposed construction phasing.</p> <p>The detailed construction phasing will be finalised during the detailed design and pre-construction stages, through engagement with Local Highway Authorities, West Sussex County Council (WSCC), and National Highways.</p>	<p>ES Appendix 5.3.1 Buildability Report Part B Part 1 [APP-080]</p> <p>ES Appendix 5.3.1 Buildability Report Part B Part 2 [APP-081]</p>	<p>Under discussion</p>
<p>2.5.1.11</p>	<p>Environmental Statement Appendix 5.3.1: Buildability Report Part B Part 2</p> <p>Appendix G</p>	<p>Relevant Representation (Oct 23)</p> <p>For the South Terminal Roundabout Access, vehicle access is required to both the central island and the compound from the roundabout circulatory carriageway.</p> <p>National Highways is concerned that the Applicant has not provided sufficient information to demonstrate how construction vehicle movements associated with the works in the central island and the site compound will safely access the SRN in a controlled manner. National Highways will require these principles to be fully detailed and agreed with National Highways</p> <p>Updated position (Deadline 1):</p> <p>National Highways request any detailed VISSIM modelling that has been undertaken for the construction phasing in order for National Highways to review. Furthermore, National Highways requests that the Applicant provide additional detail regarding construction vehicle movements at the South Terminal Roundabout. This access and egress strategy will need to be agreed with National Highways and the agreed principles incorporated into the Outline Construction Traffic Management Plan.</p> <p>National Highways sent comments to the applicant on the study on 8th February 24, and awaits a response to matters raised.</p>	<p>Arup prepared a study regarding STR Compound. They have met with National Highways to discuss the impact of the construction works to STR on 29th November.</p>	<p>n/a</p>	<p>Under discussion</p>
<p>2.5.1.12</p>	<p>Environmental Statement Appendix 5.3.2: Code of Construction Practice</p> <p>Section 6.2</p>	<p>Relevant Representation (Oct 23)</p> <p>The Applicant commits to establish a Traffic Management Working Group. However, the Applicant does not provide details of how this group would operate or which parties would be involved in this working group. National Highways requests that this working group also include National Highways, and each affected Local Authority in order to ensure that each</p>	<p>GAL will establish a Traffic Management Working Group (TMWG) prior to construction commencing.</p> <p>The TMWG will be responsible for coordinating and managing material and people movement in accordance with this CoCP and other relevant controls including the oCTMP and oCWTP.</p>	<p>ES Appendix 5.3.2 Annex 3 Outline Construction Traffic Management Plan [APP-085]</p>	<p>Under discussion</p>

		<p>party can contribute, and a collective decision can be made to ensure that no part of the SRN or local road network are adversely impacted.</p> <p>Updated position (Deadline 1): National Highways notes the Applicant's position that the TMWG will be established prior to construction commencing. However, to inform the CTMP, these meetings will need to be held well in advance and regularly during the construction preparation stage to agree on principles before the Scheme moves to construction.</p>	<p>The CTMP and CWTP will be detailed and finalised during the detailed design and pre-construction stages in collaboration with National Highways and Local Highway Authorities.</p>	<p>ES Appendix 5.3.2 Annex 2 Outline Construction Workforce Travel Plan [APP-084]</p>	
2.5.1.13	<p>Environmental Statement Appendix 5.3.2: Code of Construction Practice</p> <p>Annex 1</p>	<p>Relevant Representation (Oct 23) The Applicant has not provided any specific details or strategy to ensure that the road network remains adequately drained and that the water quality at discharge points is maintained during the execution of the works.</p> <p>National Highways requests that the Applicant provides further details on how the drainage network will function during this transitional period and how water quality will be maintained and monitored.</p> <p>Updated position (Deadline 1): National Highways request the Applicant outlines where in the DCO commitment is provided to ensure water quality will be monitored and maintained during construction. If there is no commitment, then National Highways welcomes further discussion with the Applicant on how this can be secured.</p>	<p>At the current stage, we do not have detailed information on the temporary drainage system for construction. These details will be developed in consultation with National Highways and Local Highway Authorities.</p>	n/a	Under discussion
2.5.1.14	<p>Environmental Statement Appendix 5.3.2: Code of Construction Practice</p> <p>Annex 3</p>	<p>Relevant Representation (Oct 23) National Highways notes that there are significant airside works planned to be undertaken concurrently with the surface access works. These activities are likely to introduce significant additional traffic to the SRN at a time when network capacity will be constrained by temporary traffic management and lane closures.</p> <p>Updated position (Deadline 1): National Highways request any detailed VISSIM modelling that has been undertaken for the construction phasing in order for National Highways to review.</p>	<p>Assessment of the highway operation during highway construction was undertaken using the strategic highway model and is presented in Section 8.3 and 13.3 of Annex B of the Transport Assessment. Further analysis can be undertaken as part of detailed design stages as appropriate.</p>	<p>Sections 8.3 and Section 13.3 of the Strategic Transport Modelling Report [APP-260]</p>	Under discussion
2.5.1.15	<p>Environmental Statement Appendix 5.3.1: Buildability Report Part A</p> <p>Section 7.6</p>	<p>Relevant Representation (Oct 23) In section 7.6, the Applicant outlines that Carpark Y is to be used for the processing of hard materials from airside works, but there is no mention as to whether this area is also to be used for the surface access works.</p>	<p>The main compound for the Surface Access works will be South Terminal Roundabout Contractor Compound.</p> <p>Paragraph 7.6.2 of ES 5.3.1 Buildability Report Part A gives indicative proposed information how Car Park Y will be utilised during construction period.</p>	<p>ES Appendix 5.3.1 Buildability Report Part A [APP-079]</p>	Under discussion

		<p>Could the Applicant clarify whether the proposed temporary construction compound in the land to the north of the roundabout will have the required space for the processing and storing of all excavated materials.</p> <p>Updated position (Deadline 1): Whilst clarity has been provided on the purpose of Carpark Y, the proximity of this site for the use of concrete crushing equipment to both the Premier Inn and Travelodge raises the question of disturbance. Can the Applicant confirm if this has been factored within their decision making and have any discussions taken place with the affected parties.</p>	<p>Excavated concrete will be crushed and reused. A temporary mobile crushing unit will be set up on the site alongside the laydown area for the reprocessed materials. The location will also be used as a welfare area during the construction of North Terminal Roundabout Junction.</p>		
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2.6. Cumulative Effects and Interrelationships

2.6.1 Table 2.6 sets out the position of both parties in relation to cumulative effects and interrelationships matters.

Table 2.6 Statement of Common Ground – Cumulative Effects and Interrelationships Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
<i>There are no issues relating to Cumulative Effects and Interrelationships within this Statement of Common Ground.</i>					

2.7. Draft DCO and Explanatory Memorandum

2.7.1 Table 2.7 sets out the position of both parties in relation to Draft DCO and Explanatory Memorandum matters.

Table 2.7 Statement of Common Ground – Draft DCO and Explanatory Memorandum Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
2.7.1.1	Article 6 – Limits of Deviation (LoD)	<p>Relevant Representation (Oct 23) Subparagraph (4) applies LoD's that appear excessive for the proposed highways works. Without information, or justification, National Highways has a concern that a design which is not compliant with DMRB may be permitted under the terms of the DCO.</p> <p>National Highways requests that the Applicant either justifies this flexibility or reduces the LoD's accordingly and presents any updates in a table format similar to that utilised as part of the A66 Northern Tran-Pennine Project (TR010062/APP/REP9-013). Alternatively, conditions would need to be in place and secured in the DCO whereby utilisation of wider LoD's would require the express consent of National Highways where deviation may impact the SRN.</p> <p>Updated position (Deadline 1): National Highways request that Gatwick's position is updated to reflect the latest status of negotiations, whereby Gatwick have confirmed that revised Limits of Deviation are currently being discussed between both parties.</p>	<p>The proposed preliminary design for the surface access works has been developed in accordance with relevant design standards and guidance (including DMRB where appropriate) and has been informed by technical engagement with the relevant highway authorities (albeit National Highways did not respond to requests for feedback on the limits of deviation in advance of DCO application submission).</p> <p>The proposed limits of deviation reflect the design uncertainty that is inherent in a third-party infrastructure scheme that remains subject to the approval of highway authorities, a process which falls outside GAL's control. Modest changes to the position and/or vertical alignment for the flyover bridge structures would likely lead to a change to the location of the crest of the relevant section of highway vertical alignment and a resulting increase in surface levels relative to the preliminary design proposals at one end of the bridge (and the associated approach embankment) and a decrease in surface levels relative to the preliminary design proposals at the other end. The proposed magnitudes of vertical limits of deviation have been developed with such potential changes in mind and with due consideration to magnitudes of limits of deviation in other granted DCOs.</p> <p>The design of the national highway works has been subject to extensive engagement between GAL agents and National Highways, which is ongoing. The detailed design stage is envisaged also to be undertaken in close consultation with National Highways, including through the approvals process in Part 3 of Schedule 9 of the draft DCO. The flexibility offered by the limits of deviation in article 6 will best enable the scheme to address future design comments from National Highways.</p> <p>In any event, the detailed design of the surface access works will be subject to the approval of the local highway authority (pursuant to requirement 5 of the draft DCO) or National Highways (pursuant to requirement 6 and Part 3 of Schedule 9 of the draft DCO).</p>	Draft DCO (Doc Ref. 2.1)	Under discussion

<p>2.7.1.2</p>	<p>Land Plans (TR020005/APP/AS-015)</p>	<p>Relevant Representation (Oct 23) National Highways has reviewed the Land Plans (TR020005/APP/AS-015) and Book of Reference (TR020005/APP/AS-010) and notes that the Applicant is wishing to exercise compulsory acquisition powers over existing National Highways land and by association the SRN. National Highways considers the breadth of the rights to be acquired under Schedule 7 to the dDCO are currently too wide.</p> <p>National Highways cannot accept this approach and recommends that the Applicant:</p> <ul style="list-style-type: none"> revert within the Land Plans any existing land under National Highways ownership to solely temporary possession in line with the approach that has been undertaken on the London Luton Airport Expansion Scheme that is currently in examination (TR020001/APP/AS-011). Seek to agree with NH temporary possession of the land required for the construction of the scheme. <p>Where, exceptionally, the Applicant requires permanent rights over any existing National Highways land ownership, these are to be identified and communicated to National Highways, with a clear justification provided, to demonstrate the need for a permanent right being acquired. This will be considered by National Highways and any concerns will be highlighted to the Examining Authority.</p> <p>Updated position (Deadline 1): The existence of Protective Provisions does not provide a response to the requirement to provide a compelling case for acquisition.</p>	<p>The protective provisions for the benefit of National Highways (Part 3 of Schedule 9 of the draft DCO) (the "NH PPs") are still under negotiation between GAL and National Highways. However, the version included in the draft DCO and the latest draft in circulation between the parties requires that the undertaker obtain the consent of National Highways before exercising the powers of compulsory acquisition in articles 27 and 28 of the draft DCO over any part of the strategic road network (paragraph 5(2) of the NH PPs). This consent requirement should provide sufficient comfort regarding the issue expressed in this row and vitiate any need to amend the Land Plans or provide additional information at this stage.</p>	<p>Draft DCO (Doc Ref. 2.1)</p>	<p>Under discussion</p>
<p>2.7.1.3</p>	<p>Schedule 7 - Land in Which Only New Rights etc. May be Acquired</p>	<p>Relevant Representation (Oct 23) The purpose for which powers are taken over land is unclear. The Applicant should set out the specific rights it is seeking over National Highways interests.</p> <p>National Highways request that the Applicant provide a draft of the specific rights it is seeking over National Highways land for consideration. Additionally National Highways request a control over any acquisition of rights over National Highways' land by the Applicant in the protective provision whereby no rights or covenants to apply over National Highways' land without its prior consent.</p> <p>Updated position (Deadline 1): The Applicants response to this issue does not provide a compelling case in the public interest for the powers sought and does not comply with guidance that compulsory acquisition powers should be limited to what is</p>	<p>As above, the NH PPs (subject to agreement) require the consent of National Highways to any acquisition by the undertaker of rights over any part of the strategic road network. It is not, therefore, necessary for GAL to pre-emptively set out information about hypothetical acquisitions of rights for which it would in any event need National Highways' consent.</p>	<p>Draft DCO (Doc Ref. 2.1)</p>	<p>Under discussion</p>

		necessary. Advice Note 15 is clear that powers to acquire rights and impose restrictive covenants should not be justified in general terms.			
2.7.1.4	Article 27 – Compulsory acquisition of land	<p>Relevant Representation (Oct 23) It is not clear what ancillary purposes the Applicant seeks to “use” all of the Order land. The relevant compulsory acquisition guidance (Planning Act 2008: procedures for the compulsory acquisition of land (September 2013 Department for Communities and Local Government) makes clear, that the Applicant will need to demonstrate that the interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate.</p> <p>National Highways seeks clarification on article 27(1)(b) and National Highways considers that article 27 (1)(b) should be deleted in its entirety.</p> <p>Updated position (Deadline 1): The Applicants response does not respond to the unprecedented and unclear wording relating to “use”, nor does it provide a justification for its used. The mere fact that National Highways must consent to the use of the powers, does not circumvent for the scope of the powers being properly defined.</p>	As above, the NH PPs (subject to agreement) require the consent of National Highways to any acquisition by the undertaker of any land forming part of the strategic road network. This should address any concern of National Highways with article 27 without the need for amendments to the wording.		Under discussion
2.7.1.5	Article 31 – Time limit for exercise of authority to acquire land compulsorily.	<p>Relevant Representation (Oct 23) 10 years is an excessively long period of time for land to be subject to compulsory acquisition powers given the limited scale of the development. Schemes which have obtained periods longer than 5 years are typically those which are significantly more complex and linear.</p> <p>National Highways recommends this is reduced to 5 years unless the Applicant is able to provide a reasonable justification.</p> <p>Updated position (Deadline 1): The mere reference to precedent does not justify the use of the elongated period on this Scheme.</p>	The time period of ten years is justified in paragraphs 7.18 – 7.20 of the ExM. This is preceded as described in the ExM and it is further noted that the same approach has been taken in the emerging draft Luton Airport Expansion DCO (article 26).	Explanatory Memorandum to the Draft Development Consent Order [AS-006]	Under discussion
2.7.1.6	Schedule 2, Requirement 20	The Applicant’s approach to securing its proposed Transport Mitigation Fund is unclear. The provision secures the Surface Access Commitments which includes “Commitment 14: Transport Mitigation Fund” but there is no securing mechanism under the DCO or detail regarding what this would comprise. The Planning Statement suggests that this would further be secured by the Section 106, but again no details are provided and it is difficult to see how this would secure necessary interventions on the Strategic Road Network.	GAL is considering proposals in relation to the Transport Mitigation Fund and further information will be provided in due course. Updated position (Deadline 1): A draft Section 106 Agreement has been shared with the Local Authorities and discussions are ongoing. The draft legal agreement is to be submitted at Deadline 2.	n/a	Under discussion

		<p>The Applicant should clarify the scope of the Transport Mitigation Fund and, seek to implement a Requirement which defines:</p> <ul style="list-style-type: none"> • The scope of the Transport Mitigation Fund • The level of commitment within the Transport Mitigation Fund. • The relevant thresholds which would trigger the activation of the Transport Mitigation Fund. • The parties to be consulted during the development of any Transport Mitigation Fund proposals. • The parties that would act as the approval body for the Transport Mitigation Fund proposals. 			
2.7.1.7	Business as Usual Upgrades	<p>Relevant Representation (Oct 23)</p> <p>The Transport Assessment sets out that the future baseline “also includes improvements planned as part of the Applicants Capital Investment Plan (CIP), intended to address increases in airport-related and background demand that would occur without the Project. These comprise the signalisation of North Terminal and South Terminal roundabouts and associated physical changes to increase capacity.” As powers for this work are not being taken in the DCO, they will not be delivered under the terms of the DCO nor is there any certainty of when or how this would be delivered.</p> <p>Updated position (Deadline 1):</p> <p>National Highways requests a Requirement, to secure the assumption made in the Applicant’s Transport Assessment.</p> <p>Following receipt of both the Applicant’s response to Procedural Decision Notice PD-007 [TR020005/AS/114] and planning application reference CR/125/79, National Highways now understands that Gatwick is not constrained by a set passenger capacity. As a consequence, National Highways has updated this position to the following:</p> <p><i>24. Gatwick North Terminal and South Terminal Roundabout Signalisation</i> <i>24. (1) No part of the authorised development may begin, until the North Terminal and South Terminal roundabout signalisation scheme is completed and open for traffic</i></p> <p>This proposed requirement reflects the assumption made in the Applicants traffic modelling that the signalisation is in place prior to the construction of the Project.</p>	GAL will consider this further and revert in due course.	n/a	Under discussion

2.7.1.8	Schedule 9 – Protective Provisions Clause 2 - Interpretation	<p>Relevant Representation (Oct 23) National Highways disagrees with the current definition of condition surveys within the Protective Provisions drafted by the Applicant.</p> <p>National Highways is concerned that it does not make clear, all aspects which must be covered in the condition survey and excludes a number of assets, including drainage which are critical to the safe operation of the SRN.</p> <p>National Highways requests that the section relating to condition survey be updated to include the following:</p> <p>“condition survey” means a survey of the condition of National Highways’ structures and assets <i>(including, but not limited to, drainage and cabling) and pavements</i> within the Order limits that <i>in the reasonable opinion of National Highways</i>, may be affected by the specified works <i>and further to include, where the undertaker, following due diligence and assessment, identifies a specific part of the highways drainage system maintained by National Highways, that National Highways reasonably considers may be materially and adversely affected by a specified work, a CCTV survey of specified drains:</i>”</p> <p>Updated position (Deadline 1): Discussions between the parties on the wording of PPs is on-going.</p>	<p>The current definition of "condition survey" was drafted by National Highways as part of its standard protective provisions and provided to GAL for inclusion in the draft DCO.</p> <p>Nevertheless, discussions between GAL and National Highways regarding the wording of the NH PPs continues and this additional proposed wording has been noted in that context.</p>		Under discussion
2.7.1.9	Schedule 9 – Protective Provisions Clause 5 – Prior approvals and security	<p>Relevant Representation (Oct 23) It is National Highways’ view that the list of elements that are subject to prior approval by National Highways is insufficient to protect National Highways’ interests.</p> <p>National Highways requires the inclusion of:</p> <ul style="list-style-type: none"> • Article 32 (Private Rights of Way) • Article 35 (Acquisition of subsoil or airspace only) • Article 36 (Rights under or over streets) • Article 45 (Use of airspace within the Order Land) <p>Updated position (Deadline 1): Discussions between the parties on the wording of PPs is on-going.</p>	Discussions between GAL and National Highways regarding the wording of the NH PPs continues and this comment has been noted in that context.	n/a	Under discussion
2.7.1.10	Appendix B – Status of Engagement with Statutory Undertakers	National Highways is concerned that in a few cases land ownership is not captured correctly within the Application documents. National Highways has reviewed the Land Plans, Book of Reference and Statement of Reasons and has identified a number of inconsistencies such as those listed below:	Further discussions regarding land boundaries are ongoing between GAL and National Highways. This includes a review of possible differences between Land Registry information and National Highways sources of land ownership records.	n/a	Under discussion

		<ul style="list-style-type: none"> Identifies plot 1/014 as being a National Highways' plot. National Highways is not listed in the Book of Reference (BoR) against this plot and Surrey CC are the highway authority. Similarly, plot 1/036 is listed against <p>National Highways name in Appendix B but not Appendix A. As part of National Highways review of the Land Plans, Book of Reference and Statement of Reasons, National Highways has also identified discrepancies in title ownership, ownership boundaries and third-party rights. National Highways will issue to the Applicant a comprehensive list of these inconsistencies in order for these matters to be addressed in full.</p> <p>National Highways recommends that the Applicant carry out a review of the plots referred to in Appendix B and confirm to National Highways that it is accurate. National Highways will be undertaking a parallel review and reserves the right to highlight any additional issues during the examination period.</p>			
2.7.1.11	Part 1 Preliminary – Interpretation	<p>Relevant Representation (Oct 23) National Highways has been unable to identify an airport boundary plan forming part of the DCO application. There is no reference to such a plan within Schedule 12 – Documents to be certified. National Highways requests that a copy of the airport boundary plan is provided and included within the Application. The definition of airport road refers to roads within the airport and parts of roads included within the airport.</p> <p>While National Highways considers it unlikely that part of the SRN would be within the scope of the airport, a plan should be provided for confirmation and to assist in the interpretation of the DCO.</p> <p>Updated position (Deadline 1): The Applicant has confirmed that a plan has been included in Appendix 1 to the Glossary [APP-004]. National Highways expect the plan to be submitted separately as it is referred to in the draft DCO. National Highways are reviewing this plan to confirm that this matter can be closed and has no further comments.</p>	The airport boundary plan is included at Appendix 1 to the Glossary.	Appendix 1 to the Glossary [APP-004]	Under discussion
2.7.1.12	Article 6 – Limits of Deviation (LoD)	<p>Relevant Representation (Oct 23) Subparagraph (2) uses the phrase “taken as a whole”. This is unclear and gives rise to confusion; it is not clear whether the drafting, for example, permits the limits of Work No. 35 to be used in connection with Works No. 37.</p>	The works plans feature three distinct areas for Work Nos. 35, 36 and 37, and these Works are defined separately in Schedule 1 of the draft DCO. However, in practice, all three Works form one set of surface access works and are closely interlinked - there is no bright-line distinction between them for the purposes of construction.	Works Plans [AS-017] Surface Access Highways Plans – General Arrangements [APP-020]	Agreed

		<p>It is not clear why paragraph (2) is not drafted identically to subparagraphs (2)-(5) (i.e., paragraph (2) states that the work “may be situated”, in contrast to paragraphs (3) to (5) which all begin with “in constructing.”). National Highways would prefer the drafting to be standardised, or have the Applicant explain its distinct drafting approach.</p> <p>Updated position (Deadline 1): Following the explanation provided, National Highways is content to accept the drafting on the proviso that there is no further dilution of the protections (including consent provisions on the exercise of the powers under the dDCO).</p>	<p>Article 6(2) is therefore included to ensure that the separate descriptions and areas shown on the work plans do not impose unintended and arbitrary obstacles when carrying out the authorised development and constructing these works. It is for this reason that article 6(2) allows the surface access works to be situated within the limits on the three specified works plans “taken as a whole”.</p> <p>The flagged difference in drafting between the paragraphs of article 6 reflects that paragraphs (1) and (2) serve a different function to paragraphs (3) - (5). The former set the outer limits within which the works must be situated, as shown on the Works Plans. The latter authorise the specified degrees of deviation from the locations and levels shown on the approved plans (which include the Parameter Plans and Surface Access Highways Plans.</p>	<p>Surface Access Highways Plans – Engineering Section Drawings [APP-021]</p> <p>Surface Access Highways Plans – Structure Section Drawings [APP-022]</p>	
2.7.1.13	Article 6 – Limits of Deviation (LoD)	<p>Relevant Representation (Oct 23) In subparagraph (4), the Applicant should specifically refer to the requirement they are referencing, rather than cross-referring to all of the requirements in Schedule 2, as it is unclear whether there is any other way to approve a variation to the lateral LoDs.</p> <p>Updated position (Deadline 1): Following the explanation provided, National Highways is content to accept the drafting on the proviso that there is no further dilution of the protections (including consent provisions on the exercise of the powers under the dDCO).</p>	<p>The relevant requirements are requirements 4, 5 and 6. It is considered to be clear which requirements have a bearing on the detailed design of the proposed development and therefore any limits of works, but GAL will consider further making the requested amendment to article 6.</p>	Draft DCO (Doc Ref. 2.1)	Agreed
2.7.1.14	Article 8 – Consent to transfer benefit of Order	<p>Relevant Representation (Oct 23) National Highways should receive advanced notice of any transfer of the benefit of the Order over its land or where any interest of National Highways is impacted. This is a reasonable and proportionate amendment which ensures that National Highways remains aware of who retains compulsory acquisition powers over its interests. It would be unreasonable for a third party to gain control over National Highways interests without National Highways prior knowledge.</p> <p>Updated position (Deadline 1): The Applicants response does not grapple with the principle that there should be advance notice of a transfer.</p>	<p>As per article 8(3), the exercise by a person of any benefits or rights transferred or granted under article 8 are subject to the same restrictions, liabilities and obligations as would apply under the draft DCO if those benefits or rights were exercised by the undertaker. This includes the restrictions in the NH PPs.</p> <p>Therefore, any transferee or grantee would not be able to exercise the powers identified by National Highways as potentially impacting their interests that are listed in paragraph 5(2) of the NH PPs without the consent of National Highways.</p>	Draft DCO (Doc Ref. 2.1)	Under discussion
2.7.1.15	Article 8 – Consent to transfer benefit of Order	<p>Relevant Representation (Oct 23) While National Highways acknowledges that transfers to National Highways should not require Secretary of State (SoS) consent, National Highways finds it odd that powers over certain works can be transferred to</p>	<p>It is not apparent to what extent this wording impacts any interest of National Highways.</p>	n/a	Under discussion

		<p>"any registered company". While those works do not specifically relate to National Highways, this is considered to be an excessively wide power.</p> <p>Updated position (Deadline 1): The Applicants response is, with respect, failing to address the issue. The dDCO contains a number of provisions – connected with the delivery of a highways NSIP – and the ability to transfer such powers has a direct bearing on National Highways' undertaking.</p>			
2.7.1.16	Article 13 – Stopping up and Schedule 3 (Permanent Stopping up of Highways and Private Means of Access & Provisions of New Highways and Private Means of Access)	<p>Relevant Representation (Oct 23) Article 13 refers to stopping up, but it specifically relates to permanent stopping up. National Highways requests that the article name is amended for clarity.</p> <p>Updated position (Deadline 1): National Highways, having considered the Applicants response, welcomes an amendment to ensure consistency.</p>	GAL will ensure consistency between article 13 and Schedule 3. It is considered that the appropriate change will likely be to remove 'permanent' from the title of Schedule 3 rather than add it to article 13, as 'stopping up' is by its nature permanent so this additional wording is unnecessary.	n/a	Agreed
2.7.1.17	Schedule 3 and Rights of way and access plans	The schedules refer to sheets but not the plan names, National Highways requests that the schedules specifically refer to the rights of way and access plans (or other plans as appropriate) to avoid ambiguity.	In the latest version of the draft DCO Schedule 3 refers to the relevant type of plan.	n/a	Agreed
2.7.1.18	Article 16 – Access to works	<p>Relevant Representation (Oct 23) The Applicant, in light of its functions as a commercial entity with no statutory highway's authority powers, should not be able to exercise such powers over highway land without the consent of the street authority. This is in accordance with well precedented drafting, including the Manston Airport Order 2022 which the Applicant refers to in its explanatory memorandum. National Highways requests the insertion of "and with the consent of the relevant highway authority" in article 16(1).</p> <p>Updated position (Deadline 1): It is not clear why the Applicant is referencing article 27 and 28 in their response, as National Highways' concern relates to article 16. If the Applicant amends paragraph 5(2) of the Protective Provisions to include article 16, this matter can be resolved.</p>	The protective provisions for the benefit of National Highways (Part 3 of Schedule 9 of the draft DCO) (the "NH PPs") are still under negotiation between GAL and National Highways. However, the version included in the draft DCO and the latest draft in circulation between the parties requires that the undertaker obtain the consent of National Highways before exercising the powers of compulsory acquisition in articles 27 and 28 of the draft DCO over any part of the strategic road network (paragraph 5(2) of the NH PPs). This consent requirement should provide sufficient comfort regarding the issue expressed in this row and vitiate any need to amend the Land Plans or provide additional information at this stage.	Draft DCO (Doc Ref. 2.1)	Under discussion
2.7.1.19	Article 18 – Traffic Regulations	<p>Relevant Representation (Oct 23) National Highways notes that the notice periods specified in article 18(5) are significantly less than on other schemes, such as the Manston Airport DCO 2022 or the M25 junction 28 DCO 2022. Permanent changes should require 12 weeks' notice in order to provide National Highways and any other traffic authority sufficient time to make the necessary arrangements. National Highways presumes all of these traffic restrictions are permanent, as the corresponding plans do not refer to temporary</p>	<p>The time periods provided in article 18 are established in precedent DCOs including the Sizewell C (article 24) and Southampton to London Pipeline (article 16) DCOs.</p> <p>Further and as noted above, as airport operator GAL exercises a significant degree of autonomy over streets within the airport. The specified time periods are justified in this context, given that there</p>	Draft DCO (Doc Ref. 2.1)	Under discussion

		<p>interference. It is also common for the traffic authority to have 28 days to specify publication requirements in writing for permanent works rather than 7.</p> <p>Updated position (Deadline 1): The Applicants' response does not grapple with the issue that the provision applies outside of airport roads. If the Applicant restricted the shorter timescales to its own roads, National Highways would have no issue. The Applicant notes that the precedents cited are not transport DCOs, and Advice Note 15 specifically requires looking at precedents from the relevant Government department.</p>	<p>will be no involvement of a separate traffic authority for airport roads (as defined) pursuant to article 18(11).</p> <p>As regards all of the anticipated traffic restrictions being permanent, it is flagged that article 18(3) authorises the undertaker to impose temporary measures.</p>		
2.7.1.20	Article 18 – Traffic Regulations	<p>Relevant Representation (Oct 23) The deemed consent provision here (and throughout the dDCO) should be amended so that the 56 days starts to run from receipt of application, rather than “the date on which the application was made”.</p> <p>Updated position (Deadline 1): Matter remains under discussion. National Highways will await further information being provided by the Applicant.</p>	GAL will consider this further and respond in due course.	n/a	Under discussion
2.7.1.21	Article 20 – Construction and Maintenance of local highway works	<p>Relevant Representation (Oct 23) The Applicant is asked to confirm whether any part of the Strategic Road Network is caught by this article, and if not, whether the basis for that exclusion is that this matter is dealt with under the Protective Provisions included for the benefit of National Highways.</p> <p>Updated position (Deadline 1): Having reviewed the Applicant's response, this matter is agreed.</p>	<p>Article 20 applies solely to "local highways".</p> <p>A “local highway” is defined as a highway— (a) which is not an airport road; and (b) for which National Highways is not (and will not be upon completion of any relevant works) the highway authority.</p> <p>The equivalent subject matter to article 20 in relation to highways for which National Highways is or will be the highway authority is dealt with in the NH PPs.</p>	Draft DCO (Doc Ref. 2.1)	Agreed
2.7.1.22	Article 32 – Private rights of way	<p>Relevant Representation (Oct 23) The Applicant should set out which, if any, National Highways rights of way it proposes to extinguish and where the justification for this is set out in the application documents. Alternatively, National Highways requests either the insertion of “National Highways” in article 20(5), or the following provision be inserted into its protective provisions:</p> <p>“The undertaker must, before carrying out any activity authorised by this Order or the taking of possession of any Order land, exercise its powers under article 32(6) to ensure that no private right of way belonging to National Highways is extinguished under subparagraphs (1) to (4) of that article.”</p>	The latest draft of the NH PPs in circulation between GAL and National Highways (which remain subject to agreement) provides that article 32 shall not be exercised by the undertaker in respect of any part of the strategic road network or land owned by National Highways without the consent of National Highways. If this wording is agreed, it is anticipated that the need for amendments to article 32 itself falls away.	n/a	Under discussion

		<p>Updated position (Deadline 1): Whilst NH appreciates the inclusion of article 32 in paragraph 5(2) of its Protective Provisions, the inclusion in that paragraph is not sufficient. Article 32 operates without the exercise of powers (e.g., article 32(2)). It is not clear why, if the Applicant has accepted that the provision does not apply to statutory undertakers (as per article 32(5)), why this cannot be extended to National Highways.</p>			
2.7.1.23	Article 34 – Application of the 1981 Act and modification of the 2017 Regulations	<p>Relevant Representation (Oct 23) National Highways supports the application of the 1981 Act and modification of the 2017 Regulations and requests that the Applicant amends the explanatory memorandum to note that National Highways requires their use as per para 18(4) of the protective provisions.</p> <p>Updated position (Deadline 1): Matter remains under discussion. National Highways will await further information being provided by Gatwick</p>	Noted – GAL will consider this request further and respond in due course.	n/a	Under discussion
2.7.1.24	Article 37 – Temporary use of land for carrying out the authorised development	<p>Relevant Representation (Oct 23) National Highways notes that no plots are subject to temporary possession only. The Applicant should justify why it is seeking blanket temporary possession powers and specific acquisition powers only. In accordance with the relevant guidance, National Highways would have expected the Applicant to seek temporary powers to reduce the burden of its land acquisition powers. For example, National Highways queries why highway works within the existing boundaries and where no change is being made to the classification of the highway, are subject to permanent acquisition when they could conceivably be carried out just as efficiently using temporary powers.</p> <p>Updated position (Deadline 1): The Applicant’s generalised and unparticularised response, fails to respond to National Highways’ concern in this context. National Highways’ concerns about the Applicant’s failure to show a compelling case in the public interest for the acquisition of the land is set out above.</p>	<p>Through the draft DCO GAL seeks powers to compulsorily acquire so much of the Order land as is required for the authorised development (or as otherwise set out in article 27(1)(a)), alongside a power to temporarily use any Order land (article 37). The justification for the scope of compulsory acquisition powers sought is provided at section 6 of the Statement of Reasons [AS-008].</p> <p>Where it is not necessary to permanently acquire land or rights, GAL will instead utilise the temporary use power in article 37. However, at this stage GAL requires the flexibility of having compulsory acquisition powers available over the Order land so that it can accommodate works that are shown to be necessary during implementation.</p> <p>It is noted that article 37 cannot be exercised in respect of the strategic road network without the consent of National Highways (paragraph 5(2) of the NH PPs). The precise nature of National Highway’s concern about article 37 is therefore unclear.</p>	Statement of Reasons [AS-008]	Under discussion
2.7.1.25	Article 45 – Use of Airspace within the Order Land	<p>Relevant Representation (Oct 23) National Highways queries where in the Application details of airspace acquisition are set out. The Applicant should set out which areas of airspace it requires and whether this power is proposed to be used in connection with the SRN (and if it is not, then the SRN should be so excluded). It is unclear if this is proposed to be a permanent acquisition power (use of “maintenance”) or a temporary power. National Highways</p>	Article 45 provides a temporary power to enter into and use airspace over any Order land. As per article 45(2), this power may be exercised without the undertaker being required to acquire any land or easement or right in land. This distinguishes this power from that conferred by article 35, which authorises the compulsory acquisition of subsoil or airspace over land.	Draft DCO (Doc Ref. 2.1)	Under discussion

		<p>also queries the need for this article in light of article 35 (Acquisition of subsoil or airspace only).</p> <p>Updated position (Deadline 1): National Highways notes the Applicants position and discussions on PPs are on-going</p>	<p>The latest draft of the NH PPs in circulation between GAL and National Highways (which remain subject to agreement) provides that article 45 shall not be exercised by the undertaker in respect of any part of the strategic road network or land owned by National Highways without the consent of National Highways. It is anticipated that National Highways' concern with article 45 will fall away if this wording is agreed.</p>		
2.7.1.26	Schedule 2, Requirement 6	<p>Relevant Representation (Oct 23) A provisional certificate is defined in the protective provisions (PP) but not in the main body of the dDCO. National Highways suggests that this is defined in the main body of dDCO or in schedule 2.</p> <p>Updated position (Deadline 1): As per the comments directly below, National Highways' view is that there should be an absolute requirement to ensure the works are in place at the relevant time.</p>	<p>"Provisional certificate" is only used in the NH PPs and requirement 6 in Schedule 2, with the latter using the term alongside a specific cross-reference to the NH PPs. It is therefore not considered necessary to define "provisional certificate" in the main body of the draft DCO.</p>	Draft DCO (Doc Ref. 2.1)	Under discussion
2.7.1.27	Schedule 2, Requirement 6	<p>Relevant Representation (Oct 23) The requirement to use reasonable endeavours should be deleted. It is not enough for the Applicant to simply use reasonable endeavours to obtain a certificate, without a requirement to actually obtain the certificate. If works are carried out to the SRN, a certificate must be obtained. In fact, the PP (currently not agreed), para 8 (part 3, Schedule 9) require the Applicant to apply for a certificate. It is unclear why the requirement could seemingly be discharged by only using reasonable endeavours. This is an unreasonable requirement which is inconsistent with the PP and should be amended accordingly, otherwise the SRN could be subject to works that have not been approved by National Highways.</p> <p>National Highways has updated the PP to ensure that the road cannot be opened without the certificate.</p> <p>Updated position (Deadline 1): The Applicant's explanation of why there is a reasonable endeavours obligation does not make logical sense. The purpose of the requirement is to ensure that the relevant highway works are in place at the relevant time.</p> <p>National Highways considers that further modelling is required to confirm the timescale in which the highway works referenced in this Requirement should be in place. At present, the requirement may lead to a situation in which they are delivered after the point at which an adverse impact on the SRN arises. Once the timescale is determined, the Requirement should</p>	<p>Sub-paragraph (1) of requirement 6 specifies that the undertaker must carry out the national highway works (as defined) in accordance with Part 3 of Schedule 9 (the NH PPs). The NH PPs specify the process which the undertaker must follow, including obtaining a provisional certificate prior to reopening the relevant parts of the strategic road network.</p> <p>Sub-paragraph (2) of requirement 6 does not cut across or vitiate the procedural requirements of the NH PPs. Requirement 6 is intended to ensure that the national highway works are suitably progressed within three years of the commencement of dual runway operations (as defined) and the obtaining of a provisional certificate was selected as an appropriate milestone to use for this obligation.</p> <p>However, to ensure that it is within the undertaker's power to avoid breaching the DCO (and thus avoid the resultant criminal sanction), it is necessary to impose an obligation to use reasonable endeavours to obtain a provisional certificate within the specified timeframe, rather than a definitive obligation to obtain one, as the obtaining of a provisional certificate is not entirely within the control of the undertaker.</p>	Draft DCO (Doc Ref. 2.1)	Under discussion

		be re-drafted to ensure the works are in fact in place. There is simply no need to reference a provisional certificate at all.			
2.7.1.28	Schedule 9 - Protective Provisions	<p>Relevant Representation (Oct 23) National Highways has been in receipt of advance copies of the Applicant’s intended protective provisions in order to agree the principles to protect National Highways and the SRN. However, there remain a number of areas below which the Applicant needs to address in order for these matters to be considered resolved in the best interest of both parties.</p> <p>Updated position (Deadline 1): National Highways notes the Applicants position and discussions on PPs are on-going.</p>	The wording of the NH PPs is currently under negotiation between GAL and National Highways. This issue will be responded to (to the extent not already) in the context of those separate discussions.	n/a	Under discussion
2.7.1.29	Paragraph 5 – Prior approvals and security	<p>Relevant Representation (Oct 23) National Highways also requests the insertion of “(7) Notwithstanding the limits of deviation permitted pursuant to article [] of this Order, no works in carrying out, maintaining or diverting the authorised development may be carried out under the strategic road network at a distance within 4 metres of the lowest point of the ground unless agreed by National Highways” into this provision. It is imperative that there be no presumption that services required for the wider operation of the SRN are affected.</p> <p>Updated position (Deadline 1): National Highways notes the Applicants position and discussions on PPs are on-going.</p>	The wording of the NH PPs is currently under negotiation between GAL and National Highways. This issue will be responded to (to the extent not already) in the context of those separate discussions.	n/a	Under discussion
2.7.1.30	Paragraph 7 – Payments	<p>Relevant Representation (Oct 23) For Clause 7 subsection (2), National Highways requests the following amendment to the current Protective Provision wording:</p> <p>The undertaker must pay to National Highways <i>promptly, but in any case</i> within 28 days of demand and prior to such costs being incurred, pay to National Highways the total costs that National Highways believes will be properly and necessarily incurred by National Highways in undertaking any statutory procedure or preparing and bringing into force any traffic regulation order or orders necessary to carry out or for effectively implementing the authorised development.</p> <p>Updated position (Deadline 1): National Highways notes the Applicants position and discussions on PPs are on-going.</p>	The wording of the NH PPs is currently under negotiation between GAL and National Highways. This issue will be responded to (to the extent not already) in the context of those separate discussions.	n/a	Under discussion

2.7.1.31	Paragraph 7 – Payments	<p>Relevant Representation (Oct 23) Within subsection (6), National Highways requests that the following wording is removed:</p> <p>Within 28 days of the issue of the final account (other than where a genuine dispute is raised as to the account)</p> <p>Updated position (Deadline 1): National Highways notes the Applicants position and discussions on PPs are on-going.</p>	The wording of the NH PPs is currently under negotiation between GAL and National Highways. This issue will be responded to (to the extent not already) in the context of those separate discussions.	n/a	Under discussion
2.7.1.32	Paragraph 10 – Final Condition Survey	<p>Relevant Representation (Oct 23) National Highways requests that the following wording is amended in subsections (3) and (4) in order to protect National Highways' position in respect to condition survey's:</p> <p>If the undertaker fails to carry out the remedial work in accordance with the approved scheme, National Highways may carry out the steps required of the undertaker and may recover any expenditure it <u>properly</u> reasonably incurs in so doing.</p> <p>National Highways may, where agreed with the undertaker, at the same time as giving its approval to the re-surveys pursuant to paragraph 10(1) give notice in writing that National Highways will remedy any damage identified in the re-surveys and National Highways may recover any expenditure it <u>properly</u> reasonably incurs in so doing.</p> <p>Updated position (Deadline 1): National Highways notes the Applicants position and discussions on PPs are on-going.</p>	The wording of the NH PPs is currently under negotiation between GAL and National Highways. This issue will be responded to (to the extent not already) in the context of those separate discussions.	n/a	Under discussion
2.7.1.33	Paragraph 11 – Defects Period	<p>Relevant Representation (Oct 23) National Highways requests that the following section in sub-section (1) is removed from the Applicant's proposed Protective Provisions:</p> <p>The undertaker must at its own expense, remedy any defects in the strategic road network resulting from the specified works as are reasonably required by National Highways to be remedied during the defects period. All identified defects must be remedied in accordance with the following timescales.</p> <p>Updated position (Deadline 1): National Highways notes the Applicants position and discussions on PPs are on-going.</p>	The wording of the NH PPs is currently under negotiation between GAL and National Highways. This issue will be responded to (to the extent not already) in the context of those separate discussions.	n/a	Under discussion

2.7.1.34	Paragraph 12 – Final Certificate	<p>Relevant Representation (Oct 23) National Highways requests the following amendments to subsection (5):</p> <p>The undertaker must pay to National Highways within 28 days of demand, the costs properly <i>reasonably</i> incurred by National Highways in identifying the defects and supervising and inspecting the undertaker's work, to remedy the defects that it is required to remedy pursuant to these provisions.</p> <p>Updated position (Deadline 1): National Highways notes the Applicants position and discussions on PPs are on-going.</p>	The wording of the NH PPs is currently under negotiation between GAL and National Highways. This issue will be responded to (to the extent not already) in the context of those separate discussions.	n/a	Under discussion
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2.8. Ecology and Nature Conservation

2.8.1 Table 2.8 sets out the position of both parties in relation to ecology and nature conservation matters.

Table 2.8 Statement of Common Ground – Ecology and Nature Conservation Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
2.8.1.1	Environmental Statement Chapter 9: Ecology and Nature Conservation Paragraph 9.4.29	<p>Relevant Representation (Oct 23) The Applicant has undertaken a badger survey of the site area; however, National Highways would expect badger surveys to cover 250m either side of the centreline of the works as a minimum, in relation to the proposed surface access works in accordance with DMRB LD118 Appendix A.1.1.</p> <p>National Highways requests that the Applicant should therefore justify the decision that has been made and why the guidance in DMRB LD118 Appendix A.1.1 has not been followed.</p> <p>Updated position (Deadline 1): National Highways welcomes the commitment to carry out pre-condition surveys for badgers but requests confirmation from the Application how and where this is secured in the DCO / control documents. Should findings of any surveys generate any additional mitigation requirements on National Highways assets this is to be agreed with National Highways.</p>	<p>The survey scope and extents of survey have been agreed with stakeholders, including Natural England, during pre-submission consultation.</p> <p>Given the extent of the Project survey boundaries, much of the land covered by the highways works have been surveyed extensively in the surrounding landscape (ES Appendix 9.6.4 Badger Survey). Further pre-commencement surveys with respect to badger will be completed to ensure that an up to date baseline for any licence is established.</p>	ES Appendix 9.6.4 Badger Survey [APP-133]	Under discussion
2.8.1.2	Environmental Statement Chapter 9: Ecology and Nature Conservation Paragraph 9.6.115	<p>Relevant Representation (Oct 23) The Applicant notes that crossing point surveys were conducted at two locations, the River Mole Corridor and Riverside Park based upon radio tracking surveys undertaken in 2019.</p> <p>However, National Highways notes that no such assessment was considered for the South Terminal Junction. National Highways are concerned that the exclusion of the South Terminal Roundabout may result in an underreporting of potential effects.</p> <p>National Highways queries why the South Terminal Junction, which will elevate the carriageway above existing conditions, was not considered under the same monitoring regime.</p> <p>Updated position (Deadline 1): It is the Applicants responsibility to ensure they have sufficient information to secure a licence from Natural England. National Highways requests confirmation from the Applicant on how such mitigation/monitoring is secured in the DCO/control documents. Should the issue generate mitigation or monitoring actions which will be transferred to National</p>	The locations chosen for the crossing point surveys were based on the results of the radio tracking and landscape features that could be used by bats. Although the tree belt along the northern edge of the A23 is used by bats, the new elevated section is within the existing carriageway which is heavily lit and does not, therefore, represent quality foraging habitat.	n/a	Under discussion

		Highways then the Applicant must ensure this is discussed and agreed with National Highways.			
2.8.1.3	Appendix 9.6.2: Ecology Survey Report – Part 1 Paragraph 3.10.2	<p>Relevant Representation (Oct 23) Building upon the comments raised in Chapter 9 of the Environmental Statement, 32 trees were identified along the A23 from ground assessments as having potential for roosting bats. 27 of these were assessed by the Applicant of having high/moderate potential but no further climbing assessments or emergence re-entry surveys were conducted on them.</p> <p>Can the Applicant please justify why these surveys have not been undertaken to date and the intended timelines for their completion.</p> <p>Updated position (Deadline 1): National Highways notes the Applicants position and will await receipt of the report referenced..</p>	Bat surveys are being undertaken and will be reported when completed.	n/a	Under discussion
Assessment Methodology					
2.8.2.1	Appendix 9.9.2: Biodiversity Net Gain Statement Paragraphs 3.1.5 and 3.1.6	<p>Relevant Representation (Oct 23) National Highways notes that the baseline habitat score for the area is 332.48 units and baseline watercourse score is reported at 4.20 biodiversity units. However, metric 4.0 was used for the condition assessment of area-based habitats and metric 3.1 was used for the watercourses.</p> <p>National Highways are concerned as to the reasoning behind why the same metric has not been used by the Applicant and furthermore, why ditches have not been considered as part of this assessment.</p> <p>Updated position (Deadline 1): National Highways requests that Appendix 9.9.2 is updated to account for the typographical error. The Applicant needs to submit information using a consistent metric version otherwise the quantification of the change to units on National Highways land holding could be challenged.</p>	This was a typographical error – v4.0 was used for both.	n/a	Under discussion
Assessment					
2.8.3.1	Environmental Statement Chapter 9: Ecology and Nature Conservation Paragraph 9.15 and 9.9.187	<p>Relevant Representation (Oct 23) A total of 43 trees within the surface access improvements boundary were identified as having bat roost suitability (9 high and 28 medium). In line with Bat Conservation Trust (BCT) Guidelines, National Highways would normally expect those trees to have been further surveyed and assessed to determine if there are any roosting bats present. This is typically achieved through tree climbing and presence / absence emergence / re-entry surveys.</p>	Bat survey work is on-going and will be reported when completed.	n/a	Under discussion

		<p>National Highways requests that the Applicant confirms whether any further surveys have been conducted on those trees having been identified of having bat roost suitability and can the Applicant advise if a letter of no impediment has been obtained for any loss of roost and whether this has this been agreed with Natural England.</p> <p>Updated position (Deadline 1): National Highways notes the Applicants position and will await receipt of the report referenced.</p>			
2.8.3.2	<p>Appendix 9.9.2: Biodiversity Net Gain Statement</p> <p>Paragraphs 4.5</p>	<p>Relevant Representation (Oct 23) Woodland losses of -66.54 units are highlighted as a concern for National Highways, as most of these units are roadside and are not sufficiently replaced.</p> <p>National Highways therefore seeks clarification as to how the Applicant has ensured that no net loss has been achieved on the SRN regarding the surface access works.</p> <p>Updated position (Deadline 1): National Highways would welcome continued discussion on this point and a contribution from the Applicant to provision of woodland elsewhere to ensure the National Highways KPI is not compromised and to comply with the metric trading rules (noting the issue with safeguarding for the airport is likely to result in a trading issue for the Project).</p>	<p>The loss of woodland as a result of the Project has been minimised as far as is practicable. However, due to airport safeguarding concerns, further woodland planting is not possible. This position has been accepted by Natural England in their RR.</p>	n/a	Under discussion
2.8.3.3	<p>Appendix 9.9.2: Biodiversity Net Gain Statement</p> <p>Annex 1</p>	<p>Relevant Representation (Oct 23) All area-based habitats have been assigned by the Applicant of having low strategic significance (SS) without a justification for why.</p> <p>National Highways notes that the Baseline River Units have considered the River Mole and Gatwick Stream to have high SS, therefore there is a potential undervaluation of habitats within the Applicant's assessment for the SRN.</p> <p>Updated position (Deadline 1): National Highways requests that the Applicant justifies their assessment of SS. The Applicant must ensure compliance with the guidance published by Natural England to prevent any BNG outputs from being undervalued.</p>	<p>A low SS has been applied to all habitat features both before and after development to avoid biasing any aspect of the calculation. However, both the River Mole and Gatwick Stream are significant corridors at a landscape scale.</p>	n/a	Under discussion
2.8.3.4	<p>Appendix 9.9.2: Biodiversity Net Gain Statement</p> <p>Paragraphs 3.1.5 and 3.1.6</p>	<p>Relevant Representation (Oct 23) National Highways requests that the Applicant also provides clarity as to why the Gatwick Stream is mentioned within Annex 2 (habitat condition assessment), but the Gatwick Stream is not mentioned within this section of the Biodiversity Net Gain Statement.</p>	<p>No works are proposed to the Gatwick Stream. As such, no change in score attributable to this habitat would be included (i.e. the before and after development scores would be the same).</p>	n/a	Under discussion

		<p>National Highways expects clarity on the metrics used to provide a response.</p> <p>Updated position (Deadline 1): National Highways would welcome continued discussion on this point and a contribution from the Applicant to provision of woodland elsewhere to ensure the National Highways KPI is not compromised and to comply with the metric trading rules (noting the issue with safeguarding for the airport is likely to be resulting in a trading issue for the project).</p>			
Mitigation and Compensation					
2.8.4.1	<p>Environmental Statement Chapter 9: Ecology and Nature Conservation</p> <p>Paragraph 3.13.10</p>	<p>Relevant Representation (Oct 23) Overall, the Project claims to provide 20% Biodiversity Net Gain (BNG), however given the significant effects of woodland, particularly in association with woodland loss during enabling works for the surface access improvements along the A23, there is a concern that National Highways will fail to meet the requirement to have no net loss on its estate affected by the Applicant’s proposals.</p> <p>Updated position (Deadline 1): National Highways itself has a biodiversity Key Performance Indicator (KPI) to achieve no net loss to the SRN by 2025, and to have a net positive impact on nature in Roads Period 3 and beyond. National Highways considers that land forming part of the SRN can be used and could deliver a route for providing enhancement, which the Applicant should provide in light of the specific policies in the Airports National Policy Statement (ANPS) (paragraph 5.91, 5.96, 5.104) which are important and relevant policies for the Applicant’s application.</p> <p>In light of those policies in the ANPS, National Highways therefore requires the Applicant to provide further information to demonstrate that, within the limits of the SRN, that the proposed mitigation conserves and enhances habitats to maximise biodiversity and achieves at least no net loss.</p>	Noted.	n/a	Under discussion
2.8.4.2	<p>Appendix 9.9.2: Biodiversity Net Gain Statement</p> <p>Annex 3</p>	<p>Relevant Representation (Oct 23) Chapter 9 and Annex 3 states that habitats will be lost and recreated between 2024 and 2038, with the Applicant’s assessment stating that certain areas of the site will be lost and created throughout this period.</p> <p>The Applicant has not utilised the ‘delay in starting habitat creation’ format to provide clarity to National Highways when this mitigation is proposed to be implemented.</p> <p>Updated position (Deadline 1):</p>	An updated BNG Metric incorporating this feature and that relating to advance planting is being prepared and will be shared when complete.	n/a	Under discussion

		<p>National Highways notes the Applicants position and will await receipt of the updated BNG metric once work is complete.</p> <p>Note: To appropriately report this, the 'delay in starting habitat creation' function should be used to clearly set out when these habitats will be created. National Highways requests that the Applicant addresses this, by means of a table detailing the phasing of habitat lost and created.</p>			
2.8.4.3	<p>Environmental Statement Chapter 9: Ecology and Nature Conservation</p> <p>Tables 9.81 and Paragraphs 9.9.53, 9.9.54 and 9.9.93 to 9.9.101</p>	<p>Relevant Representation (Oct 23) National Highways key concern is in respect to woodland and those areas that are lost due to the proposed surface access works. The Applicant must demonstrate that the loss of woodland when factored alongside the proposed new woodland created within the National Highways ownership boundary sufficiently compensates to achieve no net loss in order to ensure that National Highways continues to align to its biodiversity targets to deliver no net loss across the SRN by 2025.</p> <p>For Table 9.8.1 the compensation area in relation to highway habitat loss is not clear which habitats and by associated how much is required to achieve no net loss in relation to the SRN.</p> <p>National Highways therefore requires the Applicant to provide further information to demonstrate that, within the limits of the SRN, that the proposed mitigation conserves and enhances habitats to maximise biodiversity and achieves at least no net loss.</p> <p>Updated position (Deadline 1): National Highways would welcome continued discussion on this point and a contribution from the Applicant provision of woodland elsewhere to ensure the National Highways KPI is not compromised and to comply with the metric trading rules (noting issue with safeguarding for the airport is likely to be resulting in a trading issue for the project, therefore this could offer a mutually beneficial solution).</p>	<p>The loss of woodland as a result of the Project has been minimised as far as is practicable. However, due to airport safeguarding concerns, further woodland planting is not possible. This position has been accepted by Natural England in their RR.</p>	n/a	Under discussion
2.8.4.4	<p>Environmental Statement Chapter 9: Ecology and Nature Conservation</p> <p>Paragraph 9.9.87 and 9.9.88</p>	<p>Relevant Representation (Oct 23) For the matters raised previously in relation to woodland habitat, National Highways also requests clarity on the status of semi-improved grassland, as it is unclear in the Applicant's submission whether no net loss is achieved in relation to the SRN. National Highways therefore requires the Applicant to provide further information to demonstrate that, within the limits of the SRN, that the proposed mitigation conserves and enhances habitats to maximise biodiversity and achieves at least no net loss.</p> <p>Updated position (Deadline 1):</p>	<p>The assessment of habitat loss/gain has been undertaken at a project level, not within the SRN. As shown in Annex 3 of Appendix 9.9.2 Biodiversity Net Gain Statement of the ES, although there is an overall loss of grassland area as a result of the Project, there is a significant gain in biodiversity value as poor value modified grassland is replaced by grassland with a higher ecological value.</p>	<p>ES Appendix 9.9.2 Biodiversity Net Gain Statement [APP-136]</p>	Under discussion

		<p>National Highways requests that the Applicant provides detail on the planting specification for new assets within its landholding. Whilst provision of more ecologically valuable grassland is welcomed it must be considered within the context of the operation of the SRN. Cutting regimes may be limited to once or twice a year and therefore the Applicant should ensure the target outcome is feasible in the long term.</p>			
<p>Other</p>					
<p><i>There are no other issues relating to this topic within this Statement of Common Ground.</i></p>					

2.9. Forecasting and Need

2.9.1 **Table 2.9** sets out the position of both parties in relation to forecasting and need matters.

Table 2.9 Statement of Common Ground – Forecasting and Need Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
<i>There are no issues relating to Forecasting and Need within this Statement of Common Ground.</i>					

2.10. Geology and Ground Conditions

2.10.1 Table 2.10 sets out the position of both parties in relation to geology and ground conditions matters.

Table 2.10 Statement of Common Ground – Geology and Ground Conditions Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
<i>There are no issues relating to the baseline for this topic within this Statement of Common Ground.</i>					
Assessment Methodology					
<i>There are no issues relating to the assessment methodology for this topic within this Statement of Common Ground.</i>					
Assessment					
2.10.3.1	Geotechnical Design Matters General	Relevant Representation (Oct 23) With regards to geology and ground condition impacts, a moderate risk of slope instability for an area along the A23 has been identified. This could create a potential safety risk to the SRN and its users. Updated position (Deadline 1): National Highways welcomes the commitment to carry out pre-condition surveys for badgers but requests confirmation from the Applicant on how and where this is secured in the DCO / control documents.	Mitigation in respect to the potential safety risk to the SRN and its users includes undertaking ground investigation and slope stability assessments for slopes forming part of the project design. Assessment and reporting will be undertaken in accordance with DMRB CD622 document Managing geotechnical risk, March 2020 Rev1.	ES Chapter 10 Geology and Ground Conditions [APP-035]	Under discussion
Mitigation and Compensation					
<i>There are no issues relating to mitigation and compensation for this topic within this Statement of Common Ground.</i>					
Other					
<i>There are no other issues relating to this topic within this Statement of Common Ground.</i>					

2.11. Greenhouse Gases

2.11.1 Table 2.11 sets out the position of both parties in relation to greenhouse gases matters.

Table 2.11 Statement of Common Ground – Greenhouse Gases Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
There are no issues relating to the baseline for this topic within this Statement of Common Ground.					
Assessment Methodology					
2.11.2.1	Environmental Statement Chapter 16: Greenhouse Gases Paragraph 16.1.2, Table 16.2.1 and 6.4.1	<p>Relevant Representation (Oct 23)</p> <p>The Applicant summarises the emission sources covered by this chapter and concludes that it will cover the following:</p> <ul style="list-style-type: none"> • Construction • Airport buildings and ground operations • Surface access areas • Air traffic movements <p>However, the assessment fails to consider both long term operation and maintenance.</p> <p>National Highways requests that the Applicant clarifies whether B2-B5 emissions in accordance with BS EN 17472 have been included in this assessment.</p> <p>Further to the above, the Applicant should also clarify if the assessment has considered modules D emissions in accordance with BS EN 17472 relating to effects beyond the boundary of the Scheme.</p> <p>Updated position (Deadline 1):</p> <p>Matter remains under discussion. National Highways will respond as part of a review of any further detail or clarification provided as part of the Applicant’s response to the Relevant Rep submitted at Deadline 1.</p>	<p>The methodology for the assessment was structured to follow the ANPS classification of emissions into four categories, and the assessment of Construction impacts was limited within the ES to those impacts prior to opening. The assessment was not seeking to provide a Whole Life Carbon assessment of the Project - a point explicitly noted within the ES.</p> <p>Maintenance and repair of the newly constructed elements within the Project will be required. A full life cycle carbon assessment would seek to quantify this over a defined study period, which would likely extend beyond the 2050 assessment period (which is used based on assessing risk to UK achieving carbon targets). Within the timescales between opening year (2029) and the end of the assessment year (2050) it is considered unlikely that maintenance, repair, replacement, and refurbishment GHG emissions would be so great as to materially change the assessment of operational emissions. The mitigation set out in the Carbon Action Plan, specifically regarding to employing PAS2080 as a Carbon Management System, would necessitate GAL adopting a whole life carbon approach in the management and mitigation of emissions from Modules B2-B5 as part of their wider carbon management approach.</p>	ES Appendix 5.4.2 Carbon Action Plan [APP-091]	Under discussion
2.11.2.2	Environmental Statement Appendix 16.9.3: Assessment of Surface Access Greenhouse Gases Paragraph 3.1.8	<p>Relevant Representation (Oct 23)</p> <p>National Highways notes that this paragraph indicated that the Transport Decarbonisation Plan (TDP) has been used to represent a realistic worst case. For National Highways schemes, the TDP would typically only be utilised as a sensitivity test. As a consequence, this could lead to the assessment having not taken a realistic worst-case assessment based upon greenhouse gas emissions from road traffic. Furthermore, National Highways queries what emission factor toolkit has been utilised in this assessment, as the use of a higher percentage change in fleet mix could impact the modelling outcomes for air quality as well as greenhouse gas emissions</p>	<p>The assessment has used vehicle.km carbon factors for converting aggregated vehicle trips (car, public transport, and freight vehicles) into estimated GHG emissions. Carbon factors are taken from DSNEZ corporate reporting guidance. Future decarbonisation rates are based on the Common Analytical Scenarios provided by DfT, and on the indicative decarbonisation trends for other vehicles set out in the Transport Decarbonisation Plan.</p>	n/a	Under discussion

		<p>National Highways therefore requests that the Applicant provides details of which emissions factor toolkit has been utilised in this assessment and provide additional details to demonstrate how their assessment constitutes a worst-case assessment.</p> <p>Updated position (Deadline 1): Matter remains under discussion. National Highways will respond as part of a review of any further detail or clarification provided as part of the Applicant’s response to the Relevant Rep submitted at Deadline 1..</p>			
Assessment					
2.11.3.1	<p>Environmental Statement Chapter 16: Greenhouse Gases</p> <p>General</p>	<p>Relevant Representation (Oct 23) National Highways has reviewed both chapters 15 and 16 of the Environmental Statement and notes that the conclusions drawn within the greenhouse gasses assessment and all the emissions categories as being Minor Adverse. It is National Highways’ view that the reporting of the Applicant’s proposals as Minor Adverse does not align to the decision-making framework that is set by the Government in the National Planning Policy Statement for National Networks (NPSNN).</p> <p>National Highways requests further detail from the Applicant on the assumptions and calculations for these matters reported in the Environmental Statement.</p> <p>Whilst National Highways notes that the reporting appears to align to the IEMA guidance, National Highways requests clarity on how this Minor Adverse effect align to the Applicant’s decision-making framework.</p> <p>Updated position (Deadline 1): Matter remains under discussion. National Highways will respond as part of a review of any further detail or clarification provided as part of the Applicant’s response to the Relevant Rep submitted at Deadline 1.</p>	<p>Within the GHG Chapter Table 16.2.1 summarises the relevance of NPSNN and states the significance test contained therein as being of relevance to this GHG Assessment. At Paragraphs 16.4.65 to 16.4.77 the approach to assessing and reporting on significance of impacts is presented, which is to align with guidance produced by IEMA. The appraisal of overall significance, presented in Paragraphs 16.9.93 to 16.9.97, then present the assessment in terms of the ANPS test which – effectively – aligns with the NPSNN test in that it relies on the direction (within ANPS) that assessment must confirm the Project “is not so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets, including Carbon Budgets”. Implicit within this is the NPSNN test that “any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme are so significant that it would have a material impact on the ability of the Government to meet its carbon reduction targets”.</p>	<p>ES Chapter 16 Greenhouse Gases [APP-041]</p>	<p>Under discussion</p>
2.11.3.2	<p>Environmental Statement Chapter 16: Greenhouse Gases</p> <p>LA 114 compliance for changes to traffic flow</p>	<p>Relevant Representation (Oct 23) For the reporting of carbon and greenhouse gas emissions, the Applicant needs to be clear on whether the proposed changes to traffic flow are sufficient in order to trigger the scoping criteria in LA 114 Climate. If these thresholds outlined in LA 114 are triggered, then National Highways may need to account for operational greenhouse gas emissions as part of its corporate reporting.</p> <p>National Highways therefore requests clarity from the Applicant on the changes to traffic flows in respect to the criteria set out in LA 114.</p> <p>Updated position (Deadline 1):</p>	<p>The traffic flows for the assessment years of 2032, 2038, and 2047 for passenger and staff travel indicate an increase in AADT from passengers and staff that are between 10.1% and 10.8% above the do-minimum (future baseline, in the absence of the Project) levels.</p>	<p>Transport Assessment [AS-079]</p>	<p>Under discussion</p>

		<p>Matter remains under discussion. National Highways will respond as part of a review of any further detail or clarification provided as part of the Applicant's response to the Relevant Rep submitted at Deadline 1.</p>			
Mitigation and Compensation					
<i>There are no issues relating to mitigation and compensation for this topic within this Statement of Common Ground.</i>					
Other					
<i>There are no other issues relating to this topic within this Statement of Common Ground.</i>					

2.12. Health and Wellbeing

2.12.1 Table 2.12 sets out the position of both parties in relation to health and wellbeing matters.

Table 2.12 Statement of Common Ground – Health and Wellbeing Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
<i>There are no issues relating to Health and Wellbeing within this Statement of Common Ground.</i>					

2.13. Historic Environment

2.13.1 Table 2.13 sets out the position of both parties in relation to historic environment matters.

Table 2.13 Statement of Common Ground – Historic Environment Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
2.13.1.1	Environmental Statement Chapter 7: Historic Environment Paragraphs 7.9 to 7.13	Relevant Representation (Oct 23) This chapter fails to use the unique identifiers from the Historic Environment Baseline and therefore it is not clear which heritage assets on Figures 7.6.1 and 7.6.2 are impacted or changed. This prevents proper assessment by National Highways Updated position (Deadline 1): National Highways requests that a clear heritage asset-by-asset impact assessment needs to be prepared, so that the balancing of harm against public benefit can be assessed in areas that are relevant to the SRN.	Section 7.9 of ES Chapter 7 Historic Environment does use the unique identifiers from the Historic Environment Baseline Report. It is clear within the text of that document which heritage assets are being referred to throughout the assessment. There is no need for an asset-by-asset approach to the impact assessment – the grouping together of assets where appropriate is an acceptable approach.	ES Chapter 7 Historic Environment [APP-032]	Under discussion
Assessment Methodology					
There are no issues relating to the assessment methodology for this topic within this Statement of Common Ground.					
Assessment					
There are no issues relating to the assessment for this topic within this Statement of Common Ground.					
Mitigation and Compensation					
There are no issues relating to mitigation and compensation for this topic within this Statement of Common Ground.					
Other					
There are no other issues relating to this topic within this Statement of Common Ground.					

2.14. Landscape, Townscape and Visual

2.14.1 Table 2.14 sets out the position of both parties in relation to landscape, townscape and visual matters.

Table 2.14 Statement of Common Ground – Landscape, Townscape and Visual Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
There are no issues relating to the baseline for this topic within this Statement of Common Ground.					
Assessment Methodology					
2.14.2.1	Environmental Statement Chapter 8: Landscape, Townscape and Visual Resources Paragraph 8.4.22 to 8.4.24	<p>Relevant Representation (Oct 23)</p> <p>National Highways has reviewed Chapter 8 of the Environmental Statement and notes that the magnitude of impact and sensitivity are stated as being derived from DMRB methodologies. However, upon review it does not appear that the Applicant’s LVIA methodology accords to this DMRB guidance.</p> <p>The Applicant’s assessment methodology is based upon approaching sensitive and susceptibility as the same. This is not in accordance with the Guidelines for Landscape and Visual Impact Assessment</p> <p>National Highways requests that the Applicant separate out the criteria of landscape and visual value, susceptibility, and sensitivity in accordance with DMRB and GLVIA3 and the thresholds for significance reviewed and justified, given the current approaches negates significant effects to all but high or very high receptors.</p> <p>Updated position (Deadline 1):</p> <p>National Highways notes to updated position of the Applicant, The Applicant should ensure sufficient information is available from the assessment for National Highways to understand the impact to its customers adjacent to the network who may be impacted by the works delivered by the Applicant. Of particular concern would be loss of assets providing a screening function for the SRN, which if not replaced would represent a risk for National Highways in future.</p>	<p>The LTVIA in ES Chapter 8 refers to magnitude of impact, sensitivity of receptor and significance of effect in the following documents:</p> <ul style="list-style-type: none"> ES Appendix 8.4.1 LTVIA The methodology includes; Table 2.2.1: Landscape/townscape value criteria. Table 2.2.2: Landscape/townscape condition criteria. Table 2.2.3: Landscape/townscape sensitivity criteria. Table 2.2.4: Visual sensitivity criteria. Table 2.2.5: Impact magnitude criteria (separate sections for landscape/townscape and visual receptors). The terms used within the tables listed above accords with guidance in GLVIA3 and DMRB Volume 11. Table 2.2.6: Assessment Matrix. Receptors of Very High, High and Medium sensitivity are defined as most likely to experience significant adverse effects. Receptors of Low sensitivity have the potential to experience significant adverse sequential effects, for example if a series of Moderate adverse effects are experienced by a person travelling along a road. Receptors of Negligible sensitivity are considered unlikely to experience significant adverse effects. <p>The Assessment Matrix is a guideline. All assessment conclusions are supported by reasoned justification.</p> <p>The LTVIA Methodology and ES chapter includes an appraisal of the landscape, townscape and visual baseline conditions within the study area and their value, condition, susceptibility and sensitivity to change as a result of the Project. The methodology uses the terms sensitivity and susceptibility appropriately throughout however, at paragraph 2.2.22 the term ‘sensitivity <u>or</u> susceptibility’ has been used, which incorrectly suggests the terms are interchangeable. The sensitivity of landscape/townscape and visual receptors and</p>	<p>ES Chapter 8 Landscape, Townscape and Visual [APP-033]</p> <p>ES Appendix 8.4.1 Landscape, Townscape and Visual Impact Assessment [APP-109]</p>	Under discussion

			how this contributes to significance of effect have been used correctly throughout the ES Chapter 8.		
2.14.2.2	Environmental Statement Chapter 8: Landscape, Townscape and Visual Resources Paragraph 8.4.5	<p>Relevant Representation (Oct 23) National Highways notes that the Applicant has assessed the magnitude of landscape and visual impacts together. This does not reflect stated industry guidelines and it is important that these criteria are assessed separately to allow National Highways the ability to review and understand the relevant impact to the SRN.</p> <p>National Highways requests that the criteria should be separated out, to reflect stated industry guidelines which require separate assessments of landscape and visual matters.</p> <p>Updated position (Deadline 1): The Applicant should ensure sufficient information is available from their assessment for National Highways to understand the impact to its customers adjacent to the network who may be impacted by the works delivered by the Applicant. Of particular concern would be loss of assets providing a screening function for the SRN, which if not replaced would represent a risk for National Highways in future.</p>	Landscape/townscape and visual resources are defined separately in ES Appendix 8.4.1 LTVIA Methodology and are assessed separately throughout ES Chapter 8 in accordance with GLVIA3.	<p>ES Appendix 8.4.1 Landscape, Townscape and Visual Impact Assessment Methodology [APP-109]</p> <p>ES Chapter 8 Landscape, Townscape and Visual [APP-033]</p>	Under discussion
Assessment					
2.14.3.1	Environmental Statement Chapter 8: Landscape, Townscape and Visual Resources Paragraph 8.4.6	<p>Relevant Representation (Oct 23) The assessment matrix sets out the likely effects based upon receptor sensitivity and the magnitude of impact. National Highways notes that the Applicant's supporting text outlines that only effects of major or substantial are significant. This means that of a total 25 assessment scenarios only 5 (20%) can be significant. National Highways considers this to be disproportionately low to the scale of the proposed development.</p> <p>National Highways notes that this approach, whilst not prescriptive, would be generally consistent with guidance. However National Highways recommends that the Applicant alters the criteria of significant effects to allow for moderate to contribute to the classification of significant. The current assessment approach risks the Applicant not being proportionate in their assessment of potential effects on customers.</p> <p>Updated position (Deadline 1): The Applicant should ensure sufficient information is available from their assessment for National Highways to understand the impact to its customers adjacent to the network who may be impacted by the works delivered by the Applicant. Of particular concern would be loss of assets providing a screening function for the SRN, which if not replaced would represent a risk for National Highways in future.</p>	<p>Guidance within GLVIA3 does not set a threshold for significance within a matrix. DMRB Volume 11 refers to moderate, large and very large effects to be typically categorised as significant, although this is not prescriptive. There is no pre-determined expectation of a number or percentage of significant effects.</p> <p>ES Chapter 8 includes a thorough and transparent analysis of the baseline landscape/townscape and visual resource within the study area and assesses the change that is likely to take place as a result of the Project. The Assessment Matrix is a guideline. All assessment conclusions are supported by reasoned justification.</p>	<p>ES Chapter 8 Landscape, Townscape and Visual Figures [APP-033]</p>	Under discussion

<p>2.14.3.2</p>	<p>Environmental Statement Chapter 8: Landscape, Townscape and Visual Resources</p> <p>Paragraph 8.4.33</p>	<p>Relevant Representation (Oct 23)</p> <p>National Highways notes that the Applicant establishes in paragraph 8.4.33 the principle that an accumulation of moderate effects, e.g., as experienced by a visual receptor during a journey may be regarded as a significant cumulative effect when considered in combination. This principle is further reinforced by paragraph 8.4.32's third bullet, which sets out that cumulative moderate effects may increase the overall adverse effect on a receptor. However, National Highways notes that in paragraph 8.11.16, the Applicant states that motorists on the A23/M23 spur would have moderate cumulative effects, but these would not be significant. National Highways notes that this conclusion is contrary to the above principles, and it is National Highways view that the Applicant has not provided the appropriate supporting information to justify the impact not being significant. National Highways are concerned that the predicted medium and long term effects associated with this assessment have been underestimated by the Applicant.</p> <p>National Highways requests that the Applicant justifies why vehicle users on the A23/M23 with medium to long term cumulative views, and therefore sequential moderate effects, would not result in significant effects as per the DMRB methodology.</p> <p>Updated position (Deadline 1):</p> <p>National Highways has highlighted a risk of non-compliance with industry standard guidance for landscape character and visual amenity assessment. National Highways request that the Applicant provides information from their assessment in order to enable National Highways to understand the impact to its customers adjacent to the network who may be impacted by the works delivered by the Applicant. Of particular concern would be loss of assets providing a screening function for the SRN, which if not replaced would represent a risk for National Highways in future.</p>	<ol style="list-style-type: none"> 1. Effects on occupiers of vehicles travelling on the A23/M23 are described in ES Chapter 8 Section 8.9. The removal of vegetation within the A23/M23 road corridor and the construction activities would result in a large scale magnitude of impact on low sensitivity occupiers of vehicles. The level of effect is considered to be Moderate adverse overall. Due to the short to medium term nature of the activities between 2030 and 2032 and the transient nature of views experienced from a moving vehicle the effect on the visual amenity of road users as a result of changes to an existing road corridor are not considered to be significant when considered as a sequence of views. The justification is that construction activities would be phased between Longbridge and South Terminal roundabouts (approximately 2 km) and experienced for a relatively brief length of time within a journey. 2. The level of effect reduces when the road is operational. 	<p>ES Chapter 8 Landscape, Townscape and Visual [APP-033]</p>	<p>Under discussion</p>
<p>2.14.3.3</p>	<p>Environmental Statement Chapter 8: Landscape, Townscape and Visual Resources</p> <p>Paragraph 8.9.159</p>	<p>Relevant Representation (Oct 23)</p> <p>The Applicant notes that pedestrians adjacent to the A23 and in proximity to Longbridge Roundabout are predicted to experience a discordant change across the majority of their view, yet the magnitude of impact is predicted to be medium. With reference to the LVIA methodology in Table 8.4.5, this could be classified as a high magnitude. National Highways is concerned that the Applicant is underestimating the magnitude of this impact.</p> <p>National Highways requests that the Applicant justifies the conclusion of a medium magnitude of impact and provides additional detail to demonstrate why the impact is not higher, given the stated change and proximity to receptors.</p>	<p>ES Chapter 8 para 8.9.159 states <i>'construction activities would be prominent within an open context following vegetation removal'</i> and <i>'construction of retaining walls and the attenuation basins, and the presence of the contractor's compound would be discordant in nature and occupy the majority of the view in the context of a busy road junction'</i>. ES Appendix 8.4.1 LT VIA Methodology includes Table 2.2.5 Impact Magnitude Criteria. A <i>'prominent'</i> change in view is considered to be a medium magnitude of change. The susceptibility of a receptor to change in the context of a busy road junction is considered to be lower than in an undeveloped location. Whilst the construction activities to improve the existing road junction would be prominent due to the close proximity of the receptor, the nature of the context would not significantly change.</p>	<p>ES Chapter 8 Landscape, Townscape and Visual Figures [APP-033]</p> <p>ES Appendix 8.4.1 Landscape, Townscape and Visual Impact Assessment Methodology [APP-109]</p>	<p>Under discussion</p>

		<p>Updated position (Deadline 1): National Highways has highlighted a risk of non-compliance with industry standard guidance for landscape character and visual amenity assessment. National Highways request that the Applicant provides information from their assessment in order to enable National Highways to understand the impact to its customers adjacent to the network who may be impacted by the works delivered by the Applicant. Of particular concern would be loss of assets providing a screening function for the SRN, which if not replaced would represent a risk for National Highways in future</p>			
<p>Mitigation and Compensation</p>					
<p>2.14.4.1</p>	<p>Environmental Statement Appendix 8.8.1: Outline Landscape and Ecology Management Plan – Part 1</p>	<p>Relevant Representation (Oct 23) National Highways notes that, as part of the Applicant’s surface access landscape proposals, the Applicant is proposing to provide a series of environmental features such as amenity grassland, meadow grassland, wet grassland, scrub / woodland edge. Intermittent scrub, woodland and hedgerows.</p> <p>National Highways has reviewed the Applicant’s material and are not able to confirm, based upon the level of information provided, that the SRN verge design proposals meet the below standards in ensuring that the strategy is feasible for the long term management of the SRN by National Highways maintenance operatives. The Applicant will therefore need to provide further detail to demonstrate to National Highways that all environmental mitigation areas comply with:</p> <ul style="list-style-type: none"> • DMRB LD 117 – Landscape Design • GS 701 – Asset Delivery Asset Maintenance Requirements • GN 801 – Asset Delivery Asset Inspection Requirements <p>National Highways requests that the Applicant provide further detail to demonstrate that the SRN verge proposals align to the referenced design criteria and follow National Highways maintenance requirements.</p> <p>Updated position (Deadline 1): National Highways request that the Applicant provide detail on the planting specification for new assets within its landholding. Whilst provision of more ecologically valuable grassland is welcomed it must be considered within the context of the operation of the SRN. Cutting regimes may be limited to once or twice a year and therefore the Applicant should ensure the target outcome is feasible in the long term. Any tree planting on verges must be spaced at a safe distance from the carriageway edge in accordance with LD 117 to ensure the planting does not represent a safety risk or maintenance liability.</p>	<p>ES Appendix 8.8.1 Outline LEMP includes Surface Access Landscape Proposals at Figures 1.2.4 to 1.2.15. The scheme is designed in accordance with Arup visibility/safety design. There is no clear conflict with National Highways, DMRB LD117 Landscape Design, the Manual of Contract Documents for Highways Works, Major Projects and National Highways, DMRB Asset Data Management Manual Volume 13 or DMRB GS 701 and GN 801.</p> <p>Further consultation will be undertaken with NH to understand refinements to design.</p> <p>It is intended that the principles within the oLEMP will be expanded and finalised, as necessary, during detailed design. The obligations within the oLEMP will be secured via Requirement 8 of the draft DCO, to be discharged by the relevant planning authorities.</p>	<p>ES Appendix 8.8.1 Outline Landscape and Ecology Management Plan Part 1 [APP-113]</p> <p>ES Appendix 8.8.1 Outline Landscape and Ecology Management Plan Part 2 [APP-114]</p> <p>ES Appendix 8.8.1 Outline Landscape and Ecology Management Plan Part 3 [APP-115]</p> <p>ES Appendix 8.8.1 Outline Landscape and Ecology Management Plan Part 4 [APP-116]</p>	<p>Under discussion</p>
<p>Other</p>					

There are no other issues relating to this topic within this Statement of Common Ground

2.15. Major Accidents and Disasters

2.15.1 **Table 2.15** sets out the position of both parties in relation to major accidents and disasters matters.

Table 2.15 Statement of Common Ground – Major Accidents and Disasters Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
<i>There are no issues relating to Major Accidents and Disasters within this Statement of Common Ground.</i>					

2.16. Noise and Vibration

2.16.1 Table 2.16 sets out the position of both parties in relation to noise and vibration matters.

Table 2.16 Statement of Common Ground – Noise and Vibration Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
2.16.1.1	Environmental Statement Appendix 14.9.4: Road Traffic Noise Modelling Table 8.4.1	<p>Relevant Representation (Oct 23) National Highways has reviewed the appendix to the Noise and Vibration chapter of the Environmental Statement and notes that in Table 8.4.1 surveys were of 10-minute durations. It is National Highway's view that 10-minute survey periods are not sufficient to provide data suitable for validation of the road traffic noise model in the case of the Airport</p> <p>National Highways requests that the Applicant justifies what steps have been taken to independently validate the road traffic noise calculations and, if National Highways judge this to be insufficient, then it is requested that longer term monitoring, close to the A23 and M23 where road noise can be said to dominate over aircraft noise, be undertaken.</p> <p>Updated position (Deadline 1): The Applicant needs to submit information using a consistent metric version otherwise the quantification of the change to units on National Highways land holding could be challenged. National Highways will await receipt of the Applicants technical note for review.</p>	<p>The noise surveys carried out in Riverside Garden Park were undertaken to better understand the overall noise environment in the park, not to calibrate the road traffic noise model. The road traffic noise model results have been reviewed by AECOM. In the TWG meeting on 29/11/2022 the applicant responded to various queries on the traffic noise model raised by two traffic noise modelling experts from AECOM.</p> <p>The 2016 ground noise baseline noise survey included 2 sites near the A23 where traffic noise was measured over period of approximately 2 weeks. The survey results compare well with baseline traffic noise modelling results. These results will be provided in a technical note shared with NH and the TWG.</p>	ES Appendix 14.9.6: Ground Noise Baseline Report [APP-176]	Under discussion
Assessment Methodology					
There are no issues relating to the assessment methodology for this topic within this Statement of Common Ground.					
Assessment					
2.16.3.1	Environmental Statement Appendix 14.9.4: Road Traffic Noise Modelling Paragraph 6.3.6	<p>Relevant Representation (Oct 23) The figure referenced in this chapter of the Appendix is incorrect. It appears they refer to contour plots of absolute road traffic noise levels rather than the change plots suggested by the text.</p> <p>Updated position (Deadline 1): National Highways request that this document is updated to correct the error. National Highways environment team believe this issue is not related to a typographical error but rather inappropriate use of the strategic significance factor of the metric calculation. The Applicant must ensure compliance with the guidance published by Natural England to prevent any BNG outputs from being undervalued.</p>	<p>Noted, the figure references in paragraph 6.3.6 are incorrect and should be as follows:</p> <p>A comparison in the <i>Short Term in 2032: Do Minimum (DMOY)</i> (i.e. the opening year without the Project) vs <i>Do Something (DSOY)</i> (i.e. the situation during the opening year with the Project and associated traffic changes) see Figure 14.9.335 for daytime and Figure 14.9.346 for night.</p> <p>A comparison in the <i>Long Term: Do Minimum (DMOY)</i> (i.e. the situation in 2032 on the date that the Project opens without the Project) vs <i>Do Something (DSFY)</i> (i.e. the situation 15 years after opening in 2047 with the Project and associated traffic changes), see Figure 14.9.543 for daytime and Figure 14.9.524 for night.</p>	n/a	Under discussion

			Non-project noise change: <i>Do Minimum Future Year (DMFY)</i> (i.e. the situation in 2047 which is 15 years after the Project opens without the Project) compared against <i>DMOY</i> , see Figure 14.9.535 for daytime and Figure 14.9.546 for night.		
Mitigation and Compensation					
2.16.4.1	Environmental Statement Appendix 14.9.4: Road Traffic Noise Modelling General	<p>Relevant Representation (Oct 23)</p> <p>The Applicant proposes to introduce noise barriers in order to mitigate any noise impacts. National Highways requests that the Applicant provides further information/details to outline the noise impacts on adjacent sensitive receptors as a result of the proposals, discuss all options to minimise noise as far as reasonably practicable, and specifically mitigate impacts for households within Noise Important Areas (NIAs). National Highways has advised the Applicant prior to application that there are two NIAs located along the SRN (ID4641 and ID4640) as well as others located along the M23 and A23 that the Applicant will need to consider and provide mitigation against noise impacts if required by assessment.</p> <p>National Highways request further details from the Applicant in regard to the NIA's in order to consider any effects.</p> <p>Updated position (Deadline 1):</p> <p>National Highways will await receipt of the Applicants technical note for review.</p> <p>National Highways would welcome continued discussion on this point and a contribution from the Applicant to provision of woodland elsewhere to ensure the National Highways KPI is not compromised and to comply with the metric trading rules (noting issue with safeguarding for the airport is likely to be resulting in a trading issue for the project, therefore this could offer a mutually beneficial solution).</p>	<p>The ES provides a full assessment of road traffic noise at receptors including those in the Noise Important Areas and concludes that suitable mitigation has been included within the scheme. GAL consulted with National Highways on the noise mitigation options in summer 2022 including noise barriers considered in arriving at the preferred mitigation package.</p> <p>However, to help clarify the options considered, two technical papers are being prepared to bring this information together, these will set out the traffic noise and important area assessment, and the traffic noise barrier options selection. These will be shared with the local authorities and National Highways once available.</p>	<p>ES Chapter 14: Noise and Vibration [APP-039]</p> <p>ES Appendix 14.9.4 Road Traffic Noise Modelling [APP-174]</p>	Under discussion
Other					
There are no other issues relating to this topic within this Statement of Common Ground.					

2.17. Planning and Policy

2.17.1 **Table 2.17** sets out the position of both parties in relation to planning and policy matters.

Table 2.17 Statement of Common Ground – Planning and Policy Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
<i>There are no issues relating to Planning and Policy within this Statement of Common Ground.</i>					

2.18. Project Elements and Approach to Mitigation

2.18.1 Table 2.18 sets out the position of both parties in relation to project elements and approach to mitigation matters.

Table 2.18 Statement of Common Ground – Project Elements and Approach to Mitigation Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
<i>There are no issues relating to Project Elements and Approach to Mitigation within this Statement of Common Ground.</i>					

2.19. Socio-Economics and Economics

2.19.1 Table 2.20 sets out the position of both parties in relation to socio-economics and economics matters.

Table 2.19 Statement of Common Ground – Socio-Economics and Economics Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
<i>There are no issues relating to Socio-Economics and Economics within this Statement of Common Ground.</i>					

2.20. Traffic and Transport

2.20.1 Table 2.1 sets out the position of both parties in relation to traffic and transport matters.

Table 2.20 Statement of Common Ground – Traffic and Transport Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
2.20.1.1	Staff Travel Survey	<p>Relevant Representation (Oct 23) The Transport Assessment Report outlines that there is an existing Airport Surface Access Strategy (ASAS) requirement to undertake a staff travel survey in early 2023. However, National Highways notes that this information has not been included in the Applicant's submission.</p> <p>National Highways is concerned that, without sight of this information, National Highways cannot assess whether the assessments relying on historical data remain an accurate depiction which may undermine the conclusion of the Transport Assessment (TR020005/APP/258).</p> <p>Updated position (Deadline 1): National Highways request that the 2023 Staff Travel Survey Data is introduced into the examination in order for National Highways to ascertain if staff travel patterns are representative of what is in the base model.</p>	<p>The 2023 staff travel survey is currently being analysed and will form part of the evidence base for monitoring related to the SACs when the Project commences. We do not currently plan to update the transport modelling to reflect 2023 staff survey results, as the SACs already set out the mode shares to which we are committing.</p>	n/a	Under discussion
2.20.1.2	<p>Transport Assessment Report Annex B: Strategic Transport Modelling Report</p> <p>Section 6.8</p>	<p>Relevant Representation (Oct 23) In Section 6.8, the Applicant describes the issues with the use of the data for the base model. National Highways notes that the rail model has not been updated using post-Covid rail and passenger data.</p> <p>Updated position (Deadline 1): National Highways therefore requests that the Applicant justifies this approach and considers any corresponding impacts on the traffic forecasts. Furthermore, National Highways requests that the Applicant confirms whether this approach has been considered as acceptable by other relevant interested parties, notably Network Rail.</p>	<p>The Examining Authority made a Procedural Decision dated 24 October 2023 to request the Applicant to look at accounting for COVID-19 in the transport modelling and corresponding sensitivity tests have been undertaken. GAL responded to the specific questions from the ExA at the end of January 2024. A summary of the approach taken is set out in the response to PD-006. GAL has shared the approach and outputs from the COVID-19 sensitivity tests with National Highways and discussions are ongoing.</p> <p>We have spoken to DfT regarding the impacts of Covid-19 on the rail model and have used the DfT's Covid forecasting tool for the work currently being undertaken for the sensitivity tests as outlined above, the details of which will be submitted to the ExA in due course.</p> <p>Updated response (Deadline 1): The response to the ExA's Procedural Decision on accounting for Covid-19 in the transport modelling has been submitted and is available on the Project Webpage.</p>	<p>Response to PD-006 - Cover letter in response to Procedural Decision [AS-073]</p> <p>Accounting for Covid-19 in Transport Modelling [AS-121] and its Appendices [AS-122]</p>	Under discussion

<p>2.20.1.3</p>	<p>Transport Assessment Report Annex B: Strategic Transport Modelling Report</p> <p>Paragraph 7.3.18</p>	<p>Relevant Representation (Oct 23)</p> <p>The Applicant states “However, an August day is not the busiest in terms of the local road network where traffic volumes can be 1-2% below the annual average condition.” However, National Highways notes that, in Figure 31, the information presented demonstrates that weekday arrivals by car are 41% in August and 27% in June.</p> <p>National Highways therefore requests that the Applicant clarify why June provides the reasonable worst-case scenario for traffic when reporting the associated impact on the SRN.</p> <p>Updated position (Deadline 1):</p> <p>National Highways welcome the clarification from the Applicant, and considers this matter now agreed. National Highways will consider any further response from the Applicant in its response to National Highways’ relevant representation.</p>	<p>The seasonality of car person demand on a weekday is shown as 41% above annual average conditions in August 2016 and 27% in June 2016 presented in Figures 31 and 33 of Strategic Transport Modelling Report. Figure 33 also shows that car vehicle demand is 27% in June 2016 and 37% in August 2016. This represents an 8% uplift on a June car vehicles value for the airport based on 2016 weekday data. As noted in paragraph 8.1.13 of the Transport Assessment, this variability is expected to reduce in the future as the air traffic forecasts include more busy days, and so the difference between June and August peak weekday demand is expected to reduce to between 1 and 2%. Given airport demand on the SRN is only a proportion of the overall demand, and taking the point that background demand on the local authority is significantly higher during June, we therefore consider that the June weekday provides a reasonable worst case scenario for assessment.</p>	<p>Chapter 8 of Transport Assessment [AS-079]</p> <p>Figures 31 and 33 of Transport Assessment Annex B Strategic Transport Modelling Report [APP-260]</p>	<p>Agreed</p>
<p>2.20.1.4</p>	<p>Transport Assessment Report Annex B: Strategic Transport Modelling Report</p> <p>Paragraphs 8.3.4, 8.3.5 and 8.3.6</p>	<p>Relevant Representation (Oct 23)</p> <p>In section 8.3 of this report, the Applicant notes that “the busiest month for construction vehicle activity is December 2026 with 38,450 construction vehicles for the busiest shift across that month, comprising 16,360 construction workforce or Person Owned Vehicles (POVs) and 22,090 other construction vehicles as a mix of HGVs, LGVs and Livered Vans and a two-shift day”. National Highways notes that the Applicant has provided no explanation as to how these figures are derived and therefore cannot assess the accuracy of these figures.</p> <p>National Highways therefore requests that the Applicant provides the justification for how these figures are derived.</p> <p>If these figures are based on an outline construction plan, this should be shared with National Highways.</p> <p>Updated position (Deadline 1):</p> <p>National Highways will await receipt of the Applicants further information for review.</p>	<p>As set out in paragraph 8.3.5, construction vehicle data has been generated on a monthly basis by Gatwick’s construction team in relation to core and non-core construction activities to deliver the Project. The construction numbers are indicative figures and further information is being prepared.</p>	<p>Section 8.3 of Transport Assessment Annex B Strategic Transport Modelling Report [APP-260]</p>	<p>Under discussion</p>
<p>2.20.1.5</p>	<p>Future Baseline Model Issues</p>	<p>Relevant Representation (Oct 23)</p> <p>The future baseline model, which is a principal component necessary for the Applicant to generate the Transport Assessment Report, is considered flawed due to the following factors:</p> <ul style="list-style-type: none"> The future baseline model includes the National Highways Smart Motorway M25 J10- 16 scheme. As publicised by the Department for Transport on the 15 April 2023, all new Smart Motorway schemes are to be removed from government road building plans. As a consequence, the future baseline model potentially assumes 	<p>The Examining Authority made a Procedural Decision dated 24 October 2023 to request the Applicant to look at accounting for COVID-19 in the transport modelling and corresponding sensitivity tests have been undertaken which also include the noted changes to assumptions around future SRN schemes, NTEM 8.0 and NRTP 2022. GAL responded to the specific questions from the ExA at the end of January 2024. A summary of the approach taken is set out in the response to PD-006. GAL has shared the approach and outputs from the COVID-19 sensitivity tests with National Highways and</p>	<p>Response to PD-006 - Cover letter in response to Procedural Decision [AS-073]</p> <p>Chapters 6 to 8 of Transport</p>	<p>Under discussion</p>

		<p>greater capacity on the Strategic Road Network in the vicinity of Gatwick Airport than would be present in reality. Therefore, National Highways requires, as a minimum, a sensitivity test to be undertaken by the Applicant to test the removal of the M25 J10-16 Smart Motorway scheme.</p> <ul style="list-style-type: none"> The future baseline model assumes that the National Highways Lower Thames Crossing Scheme will be open prior to 2029. However, the National Highways DCO for Lower Thames Crossing identifies the opening year as 2032. Therefore, the opening year for the Applicant’s model will be assessed based upon an incorrect vehicle distribution on both the Strategic and Local Road Network. Therefore, National Highways requires, as a minimum, a sensitivity test to be undertaken by the Applicant for Lower Thames Crossing not being available for the opening year. <p>National Highways notes that staff travel data used in the production of this report is based upon 2016 data. Whilst the use of such data is not inherently flawed, the Applicant should justify what factors have been taken into account in ensuring that remains an appropriate database to utilise. The Transport Assessment Report outlines that there is an existing ASAS requirement to undertake a staff travel survey in early 2023. However, National Highways notes that this information has not been included in the Applicants submission and it is not clear how it has been included in the scope or reporting within the Transport Assessment. National Highways is concerned that, without sight of this information, National Highways cannot assess whether the assessment relying on historical data remain an accurate depiction which may undermine the conclusion of the Transport Assessment (TR020005/APP/258). National Highways requests an update on the status of this travel survey. If completed, National Highways requests an update to the report, to outline how the updated survey data impacted any reporting. If the survey has not been completed, National Highways requests that this survey is completed at the earliest opportunity to allow the updated survey data to be reviewed within the timescales of the examination.</p> <p>Updated position (Deadline 1): National Highways has requested that VISSIM modelling is provided in order to enable National Highways to review the operational performance of the network under the cumulative sensitivity test scenario. Until such time National Highways can review this information, we cannot confirm acceptable impacts on the network.</p>	<p>discussions are ongoing.</p> <p>The transport modelling follows DfT’s Transport Appraisal Guidance advice relating to the treatment of growth, including specific developments that are “near certain” or “more than likely” in core scenarios. At the time the transport modelling was undertaken the assumptions regarding smart motorways between J10-16 were classified as “more than likely”. This and the forecasting assumptions are summarised in Chapters 6 to 8 of the Transport Assessment and set out in detail in Chapters 6 to 8 of Annex B (Strategic Transport Modelling Report) of the Transport Assessment.</p> <p>The 2023 staff travel survey is currently being analysed and will form part of the evidence base for monitoring related to the SACs when the Project commences. We do not currently plan to update the transport modelling to reflect 2023 staff survey results, as the SACs already set out the mode shares to which we are committing.</p>	<p>Assessment [AS-079]</p> <p>Chapters 5.2 & 6 to 8 of Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260]</p>	
<p>2.20.1.6</p>	<p>Future Baseline Model Issues</p>	<p>Relevant Representation (Oct 23) National Highways’ specialists recognise that the results identify some areas of the network as being close to capacity. As a consequence, National Highways is concerned that the future baseline model includes,</p>	<p>The Examining Authority made a Procedural Decision dated 24 October 2023 to request the Applicant to look at accounting for COVID-19 in the transport modelling and corresponding sensitivity tests have been undertaken which also include the noted changes</p>	<p>Response to PD-006 - Cover letter in response to</p>	<p>Under discussion</p>

		<p>National Highways Smart Motorway J10-16 scheme, but new Smart Motorway schemes are to be removed from government road building plans. It also assumes the Lower Thames Crossing scheme will be open prior to 2029, however, the Lower Thames Crossing DCO identifies the opening year as 2032.</p> <p>National Highways are concerned that the future baseline model will not result in an accurate representation of the future condition of the network.</p> <p>National Highways requests that the above matters are addressed, and the outputs of this assessment entered into the DCO for consideration.</p> <p>Updated position (Deadline 1): National Highways has requested that VISSIM modelling is provided in order to enable National Highways to review the operational performance of the network under the cumulative sensitivity test scenario. Until such time National Highways can review this information we cannot confirm acceptable impacts on the network.</p>	<p>to assumptions around future SRN schemes, NTEM 8.0 and NRTP 2022. GAL responded to the specific questions from the ExA at the end of January 2024. A summary of the approach taken is set out in the response to PD-006. GAL has shared the approach and outputs from the COVID-19 sensitivity tests with National Highways and discussions are ongoing.</p>	<p>Procedural Decision [AS-073]</p>	
2.20.1.7	<p>Transport Assessment</p> <p>Paragraph 17.1.30 to 17.1.32 and Paragraph 6.6.6</p>	<p>The Applicant references an M25 South West Quadrant Study being undertaken by National Highways. It is requested that this reference is removed as it is currently not being taken forward by National Highways and will therefore not have a bearing on the Applicant's documentation.</p>	<p>This is noted. The assessment contained in the Application does not rely on the M25 South West Quadrant Study and it does not rely on future improvements coming forward unless they are classified as sufficiently certain in the modelling Uncertainty Log, in line with the methodology indicated in TAG. The highway schemes included in the strategic model is set out in Appendix B of the Strategic Modelling report.</p>	<p>Appendix B of Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260]</p>	Agreed
2.20.1.8	<p>Transport Assessment Report Annex B: Strategic Transport Modelling Report</p> <p>Table 57</p>	<p>Relevant Representation (Oct 23) The Applicant makes reference to the M25 Junction 10-16 Smart Motorway scheme, as noted in the opening future baseline model section of this document, this scheme is no longer a committed development. National Highways therefore requests that the Applicant remove this scheme from this list and its future baseline model. Furthermore, the Applicant makes reference to the Lower Thames Crossing project, the projected opening year in Table 57 needs to be updated to reflect the current project opening year of 2032.</p> <p>Updated position (Deadline 1): National Highways has requested that VISSIM modelling is provided in order to enable National Highways to review the operational performance of the network under the cumulative sensitivity test scenario. Until such time National Highways can review this information we cannot confirm acceptable impacts on the network.</p>	<p>The transport modelling follows DfT's Transport Appraisal Guidance advice relating to the treatment of growth, including specific developments that are "near certain" or "more than likely" in core scenarios. At the time the transport modelling was undertaken the assumptions regarding smart motorways between J10-16 were classified as "more than likely". This and the forecasting assumptions are summarised in Chapters 6 to 8 of the Transport Assessment and set out in detail in Chapters 6 to 8 of Annex B (Strategic Transport Modelling Report) of the Transport Assessment.</p> <p>Given that the Examining Authority has made a Procedural Decision dated 24 October 2023 to request the Applicant to look at accounting for COVID-19 in the transport modelling, sensitivity tests are being undertaken which will also look at changes in infrastructure assumptions, NTEM 8.0 and NRTP 2022. This work is being undertaken with submission to the ExA expected at the end of January 2024. A summary of the approach is set out in the response to PD-006.</p>	<p>Chapters 6 to 8 of Transport Assessment [AS-079]</p> <p>Chapters 5.2 & 6 to 8 of Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260]</p> <p>Response to PD-006 - Cover letter in response to Procedural Decision [AS-073]</p>	Under discussion

2.20.1.9	<p>Transport Assessment Report Annex C: VISSIM Forecasting Report</p> <p>Section 5.5</p>	<p>Relevant Representation (Oct 23)</p> <p>In this section, National Highways notes that the report identifies that there are unreleased vehicles in the future baseline scenarios. National Highways requests that the Applicant justify this point and outline where vehicles are unable to enter the network. Furthermore, it is noted that the number of unreleased vehicles significantly reduces in the “with project” scenario. However, in 2047 there are still some unreleased vehicles and therefore National Highways requests that the Applicant justify this point and outline where vehicles are unable to enter the network.</p> <p>Updated position (Deadline 1):</p> <p>National Highways awaits further information to be provided by the Applicant as outlined in their position.</p>	<p>Further details of volume, and location of unreleased demand and 5-minute frequency queue length profile information for M23 J9 by scenario from the VISSIM modelling will be provided in a technical note to follow.</p>		Under discussion
Assessment Methodology					
2.20.2.1	<p>Cumulative Sensitivity Test</p>	<p>Relevant Representation (Oct 23)</p> <p>National Highways considers that the application is not accompanied with sufficient modelling information to enable National Highways, nor the Examining Authority, to understand the impact of the Scheme.</p> <p>National Highways has been in receipt of a series of sensitivity tests that have not been included in the Applicant’s DCO application. However, National Highways believes that these sensitivity tests conducted in isolation, do not demonstrate a reasonable worst case scenario to assess the impacts to the SRN.</p> <p>Updated position (Deadline 1):</p> <p>National Highways has requested that VISSIM modelling is provided in order to enable National Highways to review the operational performance of the network under the cumulative sensitivity test scenario. Until such time National Highways can review this information we cannot confirm acceptable impacts on the network.</p>	<p>The Examining Authority made a Procedural Decision dated 24 October 2023 to request the Applicant to look at accounting for COVID-19 in the transport modelling and corresponding sensitivity tests have been undertaken which also include the noted changes to assumptions around future SRN schemes, NTEM 8.0 and NRTP 2022. GAL responded to the specific questions from the ExA at the end of January 2024. A summary of the approach taken is set out in the response to PD-006. GAL has shared the approach and outputs from the COVID-19 sensitivity tests with National Highways and discussions are ongoing.</p> <p>The transport modelling follows DfT’s Transport Appraisal Guidance advice relating to the treatment of growth, including specific developments that are “near certain” or “more than likely” in core scenarios. At the time the transport modelling was undertaken the assumptions regarding smart motorways between J10-16 were classified as “more than likely”. This and the forecasting assumptions are summarised in Chapters 6 to 8 of the Transport Assessment and set out in detail in Chapters 6 to 8 of Annex B (Strategic Transport Modelling Report) of the Transport Assessment.</p>	<p>Response to PD-006 - Cover letter in response to Procedural Decision [AS-073]</p> <p>Chapters 6 to 8 of Transport Assessment [AS-079]</p> <p>Chapters 5.2 & 6 to 8 of Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260]</p>	Under discussion
2.20.2.2	<p>Sensitivity Testing Issues</p>	<p>It is essential that sensitivity testing considers both the latest available input data and considers a reasonable worst-case scenario. Sensitivity testing undertaken to date by the Applicant has been conducted into specific case-studies and it is the view of National Highways that a combination of scenarios may adversely impact the overall capacity and performance of the SRN. Therefore, National Highways requests that a cumulative sensitivity test is conducted by the Applicant which includes the following:</p>	<p>The Examining Authority made a Procedural Decision dated 24 October 2023 to request the Applicant to look at accounting for COVID-19 in the transport modelling and corresponding sensitivity tests have been undertaken which also include the noted changes to assumptions around future SRN schemes, NTEM 8.0 and NRTP 2022. GAL responded to the specific questions from the ExA at the end of January 2024. A summary of the approach taken is set out in the response to PD-006. GAL has shared the approach and outputs</p>	<p>Response to PD-006 - Cover letter in response to Procedural Decision [AS-073]</p>	Under discussion

		<ul style="list-style-type: none"> • Sensitivity testing for the removal of M25 Junction 10-16 Smart Motorway scheme from the future baseline model. • Sensitivity testing for the change to the proposed opening date of the Lower Thames Crossing Scheme, which is projected to be 2032, not 2029. <ul style="list-style-type: none"> ◦ The Department for Transport TAG Unit M4 Forecasting and Uncertainty May 2023 National Highways requests that the Applicant consider Appendix B.3 for the proportionate accounting for COVID-19 in prior calibrated models. Of the approaches to take advised in Unit M4, National Highways recommends that the Applicant undertakes sensitivity testing utilising Option 3, which is to apply the adjustment globally to model results as a post-model adjustment. • The latest published forecast datasets, which include, National Trip End Model (NTEM) 8.0 and National Road Traffic Projections (NRTP) 2023. • Little information is provided by the Applicant to enable National Highways to understand how the proposed surface access works will impact the capacity and operation of M23 Junction 9. National Highways requests that the Applicant undertake sensitivity tests to assess the impacts of the proposals to this junction. National Highways has previously requested maximum queue length profiles (at one to five minute intervals) throughout all modelled periods to be provided on the M23 Southbound off-slip approach to the signals from the VISSIM model. This information has not yet been provided to National Highways for consideration. This sensitivity testing will therefore enable National Highways to determine if further interventions at this Junction are required. Subject to the results of the above sensitivity test, National Highways may require the Applicant to undertake further assessments. <p>Updated position (Deadline 1): National Highways has requested that VISSIM modelling is provided in order to enable National Highways to review the operational performance of the network under the cumulative sensitivity test scenario. Until such time National Highways can review this information we cannot confirm acceptable impacts on the network. National Highways awaits further information to be provided by the Applicant as outlined in their position.</p>	<p>from the COVID-19 sensitivity tests with National Highways and discussions are ongoing.</p> <p>Sensitivity tests in relation to M23 J9 were undertaken in the strategic and VSSIM models in discussion with NH in early 2023, which showed no detrimental impact on the operation of M23 J9. 5-minute frequency queue length profile information from the VISSIM modelling for M23 J9 will be provided in a technical note to follow.</p>		
2.20.2.3	Transport Assessment	It is best practice for a Transport Assessment Report to provide in the introductory section, a summary of the assumptions that have been made for the modelling, covering both baseline and project scenarios.	The Transport Assessment provides an Executive Summary which details the assumptions that have been made for modelling please see pages 1-35 of the Transport Assessment.	Executive Summary of the Transport Assessment [AS-079] pg 1-35	Agreed

		<p>National Highways requests that the Applicant provides this in order to ensure that all assumptions made by the Applicant are readily identifiable for assessment.</p> <p>Updated Position (Deadline 1): National Highways considers that the executive summary contains what should be expected but refers to other items in this SoCG in relation to the validity to the assumptions made.</p>			
2.20.2.4	<p>Transport Assessment</p> <p>Section 15</p>	<p>Relevant Representation (Oct 23) This section of the Applicant’s submission deals with the impacts from the construction phase of the highway and runway elements. However, the detail which is provided on highway impacts from the construction phase is sparse. Whilst Annual Average Daily Traffic (AADT) flow changes have been reported, these are aggregate in nature and peak hour flow changes are considered by National Highways to be more appropriate. There is also no reporting by the Applicant regarding delay or journey time changes, associated with the change in flows due to construction traffic, but also associated with changes to the road layout during the highway works.</p> <p>National Highways requires more detail on the construction phase traffic flows to enable sufficient understanding of impacts on the highway network and any associated mitigation required.</p> <p>Updated position (Deadline 1): National Highways has requested that VISSIM modelling for the construction period is provided in order to enable National Highways to examine the operational performance of the network under the different construction phases.</p>	<p>Details are provided regarding changes by time period in chapter 13 of Annex B (Strategic Transport Modelling Report) of the Transport Assessment, this also includes a magnitude of impact assessment for each of the construction scenarios.</p>	<p>Chapter 13 of Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260]</p>	<p>Under discussion</p>
Assessment					
2.20.3.1	<p>Transport Assessment</p> <p>Section 15</p>	<p>Relevant Representation (Oct 23) Whilst Annual Average Daily Traffic (AADT) flow changes have been reported, these are aggregate in nature and peak hour flow changes are considered by National Highways, to be more appropriate in the case of the Airport. There is also no reporting by the Applicant regarding delay or journey time changes, associated with the change in flows due to construction traffic, but also associated with changes to the road layout during the highway works.</p> <p>Updated position (Deadline 1): National Highways has requested that VISSIM modelling for the construction period is provided in order to enable National Highways to examine the operational performance of the network under the different construction phases.</p>	<p>Plots which show the flow changes in the peak hours are contained in the Strategic Transport Modelling Report -Figures 196 to 199 for airfield construction, Figures 202-205 for highway construction. The magnitude of impact for junctions and nodes have been assessed for the construction assessment scenarios. We will continue to engage with National Highways in relation to additional information required</p>	<p>Figures 196-199 and 202-205 of Transport Assessment Annex B Strategic Transport Modelling Report [APP-260]</p>	<p>Under discussion</p>

2.20.3.2	<p>Transport Assessment Report Annex B: Strategic Transport Modelling Report</p> <p>Paragraph 7.2.3 and 7.2.4</p>	<p>Relevant Representation (Oct 23) In paragraph 7.2.3, the Applicant states “However, by 2047, there would be little difference between air passenger demand at Gatwick with or without Heathrow R3.” Also, paragraph 7.2.4 states “In terms of public transport, the network and catchments serving the two airports are different and therefore the cumulative effects of additional runways at Gatwick and Heathrow are unlikely to be significantly different to those modelled for the Project”. National Highways is concerned that this conclusion is not supported by any detail to enable National Highways to make an informed assessment.</p> <p>Updated position (Deadline 1): The Applicant has provided a sufficient response and clarification. This matter is agreed.</p>	<p>Paragraphs 8.1.4 to 8.1.6 of the Transport Assessment describe the approach taken to the third runway at Heathrow, which is not included in the assessment of the Project. This approach provides a conservative assessment from a traffic and transport perspective. If Heathrow’s third runway was to come forward, traffic levels at Gatwick would be likely to decline in the period immediately following the opening of the third runway, meaning that the impacts of the Project, such as traffic and therefore associated noise and emissions would be lower in the 2032 assessment year than are reported in the DCO Application. By not including the Heathrow third runway, the 2032 assessment is therefore conservative. However, by 2047, there would be little difference between demand at Gatwick Airport with or without the Heathrow third runway and accordingly the outcomes reported in the DCO Application for this scenario would be unchanged irrespective of developments at Heathrow.</p>	<p>Paragraphs 8.1.4 to 8.1.6 of the Transport Assessment [AS-079]</p>	<p>Agreed</p>
2.20.3.3	<p>Transport Assessment Report Annex E: Highway Junction Review</p> <p>General</p>	<p>Relevant Representation (Oct 23) National Highways has previously requested that the Applicant provide maximum queue length profiles (at one-to-five-minute intervals) throughout all modelled periods for the M23 SB off-slip approach to the signals from the VISSIM model. This information has not been provided by the Applicant in either Annex C or Annex E of the Transport Assessment Report.</p> <p>Updated position (Deadline 1): National Highways awaits further information to be provided by the Applicant as outlined in their position.</p>	<p>This information is being prepared and will be issued separately to NH.</p>	<p>n/a</p>	<p>Under discussion</p>
2.20.3.4	<p>General</p>	<p>Relevant Representation (Oct 23) National Highways notes that only minor improvements are proposed at M23 Junction 9 and that no further works are currently proposed.</p> <p>National Highways has not yet seen conclusive evidence (through modelling) that the Applicant’s proposals will not have a detrimental impact on the safe and effective operation of the wider SRN. National Highways’ concern is that it is currently not able to confirm whether further mitigations beyond the current limits of the proposed highway enhancements are necessary.</p> <p>Updated position (Deadline 1): National Highways awaits further information to be provided by the Applicant as outlined in their position.</p>	<p>Sensitivity tests in relation to M23 J9 were undertaken in the strategic and VISSIM models in discussion with NH in early 2023, which showed no detrimental impact on the operation of M23 J9. Following comments from NH, further information on M23 J9 including 5-minute frequency queue length profile information from the VISSIM modelling will be provided in a technical note to follow.</p>	<p>n/a</p>	<p>Under discussion</p>

<p>2.20.3.5</p>	<p>Environmental Statement Chapter 12: Traffic and Transport Section 12.1.3</p>	<p>Relevant Representation (Oct 23) National Highways notes that Chapter 12 of the Environmental Statement has been undertaken in accordance with the Guidelines for the Institute of Environmental Management and Assessment (IEMA) Guidelines for the Environmental Assessment of Road Traffic 1993. This guidance has subsequently been superseded by the new IEMA guidance document Environmental Assessment of Traffic and Movement which was published in July 2023. National Highways is concerned that the Applicant has not provided any reference to the latest revised guidance in their application and how this may have changed the assessment or conclusions. Updated position (Deadline 1): National Highways recognises that the Applicant has submitted a technical note on the Impact of the Latest IEMA Guidance in response to Procedural Decision Notice PD-006 (AS-119). National Highways has reviewed this information and has no further comments to make.</p>	<p>GA has undertaken a review of the Transport Assessment taking account of the differences in the latest version of the Institute of Environmental Management and Assessment (IEMA) Guidelines published in July 2023. The results of this review have been reported to National Highways and they responded on 17 January 2024 that it hasn't raised any concerns about its impact to the SRN network.</p>	<p>n/a</p>	<p>Agreed</p>
<p>2.20.3.6</p>	<p>Transport Assessment Section 13</p>	<p>Relevant Representation (Oct 23) In Section 13, it is requested that the Applicant also provide queue information, as the speed plots show little information to the reader. It is noted that this information is included in the VISSIM report as an appendix but centralising this information into Section 13 would enable the reader to avoid having to cross reference to complete their assessment of the Applicant's proposals. Updated position (Deadline 1): This matter remains under discussion. National Highways awaits receipt of queue length information requested.</p>	<p>This is noted. The intention is for the main Transport Assessment text to be a summary of the extensive technical work undertaken, with the more technical detail included in the annexes.</p>	<p>Chapter 13 of Transport Assessment [AS-079] Transport Assessment Annex C - VISSIM Forecasting Report [APP-261]</p>	<p>Under discussion</p>
<p>2.20.3.7</p>	<p>Transport Assessment Section 15.4</p>	<p>Relevant Representation (Oct 23) In this section, the Applicant presents traffic flow changes as part of the impact of the construction of the northern runway. However, it is difficult to discern what the flow changes are in Figure 15.4.1. National Highways requests that a revised figure is provided by the Applicant which presents a clearer and more detailed demonstration of the flow changes than that which is currently provided. Updated position (Deadline 1): This matter remains under discussion. National Highways awaits receipt of the information requested.</p>	<p>We will seek to provide a better resolution figure 15.4.1 following agreement with National Highways as to clarifications they require.</p>	<p>n/a</p>	<p>Under discussion</p>

2.20.3.8	Transport Assessment Section 15.5	<p>Relevant Representation (Oct 23) In this section, the Applicant presents traffic flow changes as part of the construction of the surface access works. However, it is difficult to discern what the flow changes are in Figure 15.5.2. In addition, the Applicant presents traffic flow changes as AADT changes in flow. Peak hour flow changes, particularly for when there is expected to be peak flows in construction worker car trips, would be expected.</p> <p>National Highways requests that a revised figure is provided by the Applicant which presents a clearer and more detailed demonstration of the flow changes than that which is currently provided. Furthermore, National Highway requests a new figure is provided to present a clearer and more detailed demonstration of the flow changes than that which is shown in Figure 15.5.2.</p> <p>Updated position (Deadline 1): This matter remains under discussion. National Highways awaits receipt of the information requested.</p>	<p>We will seek to provide a better resolution figure following agreement with National Highways as to clarifications they require.</p> <p>Details are provided regarding changes by time period in chapter 13 of Annex B (Strategic Transport Modelling Report) of the Transport Assessment, this also includes a magnitude of impact assessment for each of the construction scenarios.</p>	Chapter 13 of Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260]	Under discussion
Mitigation and Compensation					
2.20.4.1	Transport Assessment Section 14	<p>Relevant Representation (Oct 23) Key to mode split assumptions for employee trips to Gatwick, are the packages of interventions to incentivise the use of sustainable travel modes, over car travel for staff. Section 14.5.2 states that the Applicant “is committed to implemented incentives for active travel. The precise nature of those measures will need to be defined in due course and in future ASAS, In consultation with employers and staff.” The Applicant is therefore basing their mode split assumptions on incentivisation measures which have not been defined, agreed or secured. Furthermore, the Applicant does not give clear detail in this section on how active travel assumptions affect forecast work trips to Gatwick.</p> <p>National Highways requests that the Applicant provides further detail on the possible incentivisation measures and how any active travel assumptions relate to an increase in non-car work trips to Gatwick.</p> <p>Updated position (Deadline 1): National Highways request that additional clarity on how incentivisation measures are to be secured and welcomes updates from the Applicant in due course.</p>	<p>The highway works which form part of the Project include a number of enhancements to the active travel infrastructure around the Airport, which will improve routes for pedestrians and cyclists.</p> <p>GAL continually reviews other active travel provision and incentives at the Airport as part of its ASAS and intends to continue to do this when the future ASAS is developed for the Project. Engagement with employers and staff is important to ensure that measures can be targeted at both need and opportunity and so that they can be most effective. In the SAC GAL is committing to achieving an active travel mode share for journeys made by airport staff originating within 8km of the Airport. This is an absolute commitment and we will develop and provide active travel incentives and related measures as necessary to allow us to deliver this commitment.</p> <p>We will continue to develop potential options and can provide National Highways with an update on these in due course.</p>	n/a	Under discussion
2.20.4.2	Transport Assessment Paragraph 7.3.2	<p>Relevant Representation (Oct 23) In Paragraph 7.3.2, the Applicant provides a summary of commitments as part of the surface access works. The final bullet point refers to a “Transport Mitigation Fund to support additional measures should these</p>	Further information is being prepared on the application of the measures in support of the SAC.	ES Appendix 5.4.1: Surface Access Commitments [APP-090]	Under discussion

		<p>be needed as a result of growth related to the Airport.”, which aligns to Commitment 14 in the Surface Access Commitments document (TR020005/APP/090).</p> <p>Though National Highways welcomes this commitment by the Applicant, there is no further detail provided. The Planning Statement (TR020005/APP/245) sets out that “The draft Heads of Terms for the new NRP Section 106 Agreement sets out the planning obligations which are not considered appropriate to be secured as requirements to the DCO, for instance monetary obligations which will either require the Applicant to provide a financial contribution towards the provision of mitigation or to secure the provision of certain services or works”. However, section 106 obligations may not be appropriate to secure interventions on the SRN, and no detailed explanation is provided. Indeed, Table 5.2 of the Planning Statement appears to conflate what will be included in a section 106 Agreement with what is secured under the terms of the DCO: under the “Traffic and Transport” column it states that the fund will be secured under the s106, but the DCO obligations referenced include the “Surface Access Commitments” which are secured under Requirement but also include the Transport Mitigation Fund. This confused approach raises questions about how much reliance should be placed on the commitment.</p> <p>National Highways further requests that the Applicant considers, in conjunction with National Highways, what process and criteria can be added to this commitment, in order to clearly demonstrate when this fund would be activated. This would be resolved by a Requirement or side Agreement in relation to the impacts on the SRN.</p> <p>Updated position (Deadline 1): National Highways awaits further information from the Applicant to address the concern raised.</p>			
2.20.4.3	Transport Assessment Paragraph 7.3.2	<p>Relevant Representation (Oct 23) Unlike public sector developments, or proposals put forward by highway authorities, the expansion of the Airport by the Applicant generates new trips as a result of private sector development, and the Applicant cannot rely on the Road Investment Strategies or other Government frameworks for ensuring the wider impact of the road network is managed. The Applicant, unlike National Highways and other local authorities, does not have a pre-existing statutory obligation to manage the wider road network.</p> <p>In this context, National Highways will work with the Applicant to ensure that appropriate measures are put in place. In light of the requirements on the Applicant in that context, further evidence is required to ensure reasonable mitigation is secured.</p>	<p>In accordance with DfT TAG Unit M4, an Uncertainty Log has been prepared and technical details are set out in Chapter 9 of the Strategic Transport Modelling Report. Transport schemes which have a probability of 'near certain' or 'more than likely' are included in the future baseline. The major highway schemes included in the modelling work are set out in Table 57 and Appendix B of the Strategic Transport Modelling Report. The assessment of the Project includes these schemes in the future baseline and the proposed surface access improvements are also included in with Project scenarios. The extensive assessment includes in the Application shows that no further mitigation is required. On this basis, the Project is not relying on any new uncommitted or unfunded improvement to come forward to mitigate impact.</p>	Chapter 9 and Appendix B of Transport Assessment Annex B Strategic Transport Modelling Report [APP-260]	Under discussion

		<p>Updated position (Deadline 1): National Highways acknowledges the applicants' response. National Highways believes this comment is linked to wider concerns raised under traffic and transport, and until such time as those matters have been resolved, this concern should remain under discussion.</p>			
2.20.4.4	<p>Transport Assessment</p> <p>Paragraph 7.3.2</p>	<p>Relevant Representation (Oct 23) Furthermore, the surface access commitments focus upon hitting the mode share targets, but if mode share targets not being hit also results in a detrimental impact on the highway network.</p> <p>National Highways is therefore clear that this commitment needs further refinement in order to be acceptable.</p> <p>Updated position (Deadline 1): National Highways' acknowledges the response from the Applicant but requires confirmation of what would happen where the targets in the SAC document are not met, i.e. whether the Applicant would be obligated to action other commitments.</p>	<p>Our mode share commitments within the Surface Access Commitments (SAC) document represent the position we are committing to achieve, based on our modelling of mode choice and transport network operation. The SAC set out the monitoring strategy which is in keeping with the existing process for monitoring ASAS targets and the development of Actions Plans in consultation with the Transport Forum Steering Group. The SAC document is secured through a requirement to the draft DCO.</p>	<p>Requirement 20 of Schedule 2 to the draft DCO (Doc Ref. 2.1)</p> <p>ES Appendix 5.4.1: Surface Access Commitment [APP-090]</p>	Under discussion
2.20.4.5	<p>Environmental Statement</p> <p>Appendix 5.4.1: Surface Access Commitments</p> <p>Section 4</p>	<p>Relevant Representation (Oct 23) The mode share aspirations used by the Applicant are ambitious and currently the measures do not give National Highways the confidence that these commitments can be achieved.</p> <p><i>The Applicant commits to achieving the following annualised mode shares three years after the opening of the new northern runway and on an on-going basis thereafter:</i></p> <ul style="list-style-type: none"> • Commitment 1 - A minimum of 55% of air passenger journeys to and from the Airport to be made by public transport. • Commitment 2 - A minimum of 55% of airport staff journeys to and from the Airport to be made by public transport, shared travel and active modes. • Commitment 3 - A reduction of air passenger drop-off and pick-up car journeys at the Airport to a mode share of no more than 12% of surface access journeys; and • Commitment 4 - At least 15% of airport staff journeys originating within 8km of the Airport to be made by active modes. <p>National Highways has the following concerns that need to be addressed to determine the viability of the Applicant meeting these commitments:</p> <ul style="list-style-type: none"> • National Highways notes that these commitments will include the need to provide additional bus/coach services. However, this is not in the Applicant's remit to provide. National Highways 	<p>Addressing the comments in turn:</p> <ul style="list-style-type: none"> • Whilst the bus and coach services will not be delivered by GAL, Commitments 5 and 6 set out the commitments to provide reasonable financial support, and it is recognised that agreement with operators and/or local authorities will be needed on the detail of each route. The delivery of these routes would follow a similar approach to that which GAL has used successfully with operators to implement improvements and provide funding. • For rail, no further mitigation is required to achieve the committed mode shares. The rail assessment is contained in Chapter 9 of the Transport Assessment. • Bus and coach funding commitments are for a minimum of five years, but GAL is committed to achieving the mode shares by the third anniversary of the commencement of dual runway operations and on an annual basis thereafter. GAL will continue to provide reasonable support where required to deliver the committed mode shares. • On the Transport Mitigation Fund, further information is being prepared on the application of the measures in support of the SAC. 	<p>ES Appendix 5.4.1: Surface Access Commitments [APP-090]</p> <p>Chapter 9 of Transport Assessment [AS-079]</p>	Under discussion

		<p>therefore requests details of what engagement or agreements have been undertaken to determine the viability of meeting this commitment. This information is necessary for National Highways to understand how likely it is for the Applicant to achieve this commitment and assess the resulting impact on the Strategic Road Network.</p> <ul style="list-style-type: none"> • The biggest mode share shift reported by the Applicant is to rail journeys. However, the Applicant only outlines the possible measures that could be implemented to meet this commitment. National Highways requests details as to how these measures could be secured in order to ensure that this commitment can be achieved. • The Applicant notes that they would only provide reasonable funding for a minimum of five years for any additional services. Therefore, National Highways requests additional detail on any agreements that are in place or alternatively what securities can be established for the continuity of this programme after the five-year commitment ends. <p>In line with the comments on the Transport Mitigation Fund, there are no clear indications of steps which would be taken if these targets are not met. The Applicant should explain this, and also consider what demand management measures on airport capacity increases would be implemented if those targets are missed. National Highways considers the commitments in this context are weak as compared to the Luton Airport expansion proposals.</p> <p>Updated position (Deadline 1): National Highways requests details as to how these measures could be secured, in order to ensure that this commitment can be achieved.</p> <p>National Highways requests additional details on any agreements that are in place or alternatively what securities can be established for the continuity of this programme after the five-year commitment ends.</p>			
2.20.4.6	Environmental Statement Appendix 5.4.1: Surface Access Commitments Paragraph 5.2.7	<p>Relevant Representation (Oct 23) National Highways notes that the Applicant reports that additional parking provision would only be provided where there is demand. National Highways is concerned that the Applicant has not outlined how this demand would be assessed nor what thresholds would trigger the need for additional parking. Furthermore, the Applicant does not provide details on how any additional parking provisions would be secured.</p> <p>National Highways asks that the Applicant provides additional information regarding how additional parking needs would be assessed and secured. Additionally, National Highways requests further information on how the</p>	<p>Further information is being prepared on the car parking strategy. This will be shared with NH in due course.</p> <p>Updated position (Deadline 1): A Car Parking Strategy will be submitted as part of Deadline 1.</p>	<p>Car Parking Strategy (Doc Ref. 10.5)</p>	<p>Under discussion</p>

		<p>Applicant will manage the timing of car park projects to accommodate growth at the airport, while also not providing more spaces than required or displacing car parking to unsafe locations.</p> <p>Updated position (Deadline 1): National Highways notes the Applicants response and awaits further information.</p>			
Other					
2.20.5.1	General	<p>Relevant Representation (Oct 23) Where the eastbound carriageway meets M23 Junction 9, National Highways has reviewed its records and highlights the presence of a number of existing departures from standards being in effect in this area. Based upon the Applicant’s documentation, National Highways is not able to conclude whether these departures from standard remain in the end-state design, are modified but still feature sub-standard components or have been removed as part of the proposals. Any departure from standard needs to be brought to National Highways’ attention at the earliest opportunity to ensure appropriate mitigation is implemented to ensure the safe operation and maintenance of the SRN.</p> <p>National Highways requests that Applicant review these existing departures in the context of the proposed surface access works to ensure that these departures are either removed or updated to reflect the proposed works, including any additional mitigation requirements. National Highways will also maintain its position until a time where by the engagement meetings focusing on the M23 Spur Proposals are concluded to the satisfaction of both parties.</p> <p>Updated position (Deadline 1): National Highways notes the Applicants position and discussions are on-going.</p>	Discussions in relation to Departures from Standard at this location are ongoing with National Highways SES team. It is envisaged that a final list of departures for the proposed preliminary design will be agreed in parallel to Statement of Common Ground discussions with provisional agreements to be progressed at this stage where considered to be required. Full departure from standard application submissions will be progressed at the detailed design stage.	n/a	Under discussion
2.20.5.2	Parameter Plans	<p>Relevant Representation (Oct 23) The Applicant’s proposals are to introduce and refine the three-lane entry to the M23 Junction 9 circulatory. However, the proposals do not demonstrate what, or if any, alterations to the circulatory and / or Northbound merge are required. Currently there is a segregated left turn lane into the Northbound merge from the existing Eastbound Spur arrangement, but it is not clear based upon the Applicant’s proposals if this is to be retained, removed or altered.</p> <p>Updated position (Deadline 1):</p>	The preliminary design proposals at this location have been discussed with NH Safer Roads Team in a series of design engagement meetings focussing on the M23 Spur proposals. The current preliminary design proposes to modify the road markings at this location to remove the segregated lane and replace it with three priority give way lanes on the roundabout approach. The revised layout can be seen in the preliminary design general arrangement drawings. The existing nearside kerb line and central island at this location is proposed to be retained. The offside kerb line is to be relocated further into the central reserve. The layout at this location is subject to ongoing discussions with NH.	Sheet 2 of the Surface Access Highways Plans - General Arrangements [APP-020] Draft DCO (Doc Ref. 2.1)	Under discussion

		National Highways will maintain its position until a time where by the engagement meetings focusing on the M23 Spur Proposals are concluded to the satisfaction of both parties.	The proposed layout for the Gatwick Spur approach to M23 Junction 9 is included as part of Work No. 35 which encompasses the proposed improvements for South Terminal Roundabout and Gatwick Spur. A full description is given in the Draft Development Consent Order (Schedule 1 Authorised Development.)		
2.20.5.3	Streets, Rights of Way and Access Plans	<p>Relevant Representation (Oct 23) The Applicant has identified through the use of pink linework that the proposed footway or cycleway improvements are part of the surface access works. However, this detail does not allow National Highways to distinguish between different types of features such as footpaths, shared footway / cycleways or segregated footway / cycleways.</p> <p>National Highways requests that the Applicant distinguish clearly on the Streets, Rights of Way and Access Plans, the different types of pedestrian and cyclist routes to be implemented. Cross section or details of the width of each provision is also requested for National Highways to consider the suitability of these provisions in accordance with the DMRB CD143.</p> <p>Updated position (Deadline 1): National Highways will maintain its position until a time where the information is introduced into the DCO examination.</p>	<p>Rights of Way and Access plans, and DCO schedules will be updated to provide distinction between different types of footway / shared-used cycle track and segregated cycle track.</p> <p>Updated position (Deadline 1): The updated Rights of Way and Access Plans will be submitted as part of Deadline 1.</p>	Rights of Way and Access Plans (Doc Ref. 4.6)	Under discussion
2.20.5.4	Surface Access Highways Plans – General Arrangements Airport Way Rail Bridge Parapets	<p>Relevant Representation (Oct 23) The Applicant proposes to widen the Westbound deck and provide parapets to the latest design requirements of DMRB CD377 – Requirements for Road Restraint Systems. However, the Applicant makes no reference to the Eastbound carriageway. Failure to identify this, risks the Applicant underestimating the scope of the works and therefore the level of disruption to the SRN. National Highways requests that the Applicant will continue to engage with National Highways to streamline any replacement works to minimise disruption to road users where possible.</p> <p>Updated position (Deadline 1): National Highways request that the Applicants position is altered to the following: Gatwick are aware that the parapet in question is subject to a wider replacement programme and will continue to engage with National Highways to streamline any replacement works to minimise disruption to road users where possible.</p>	<p>This has been discussed previously with NH Operations Team. It is our understanding that the existing parapets are to be replaced by NH in the near term future as part of scheduled NH upgrades. It is assumed that NH will upgrade the design to be compliant with current design requirements and that the replacement parapet will have a sufficient design life. This will be subject to review at the detailed design stage.</p> <p>As set out in the course of technical design engagement, a preliminary assessment of indicative safety barrier requirements has been undertaken as part of the development of the preliminary design and a full RRRAP will be undertaken at the detailed design stage. Assumptions in relation to preliminary safety barrier extents have been shared through technical design engagement. The detailed design for VRS on the NH network will be developed in accordance with relevant sections of DMRB.</p>	n/a	Under discussion
2.20.5.5	Surface Access Highways Plans – General Arrangements	<p>Relevant Representation (Oct 23) National Highways notes that the mainline and slip road bridges will be sited near one another.</p>	The proposed preliminary design takes into account inspection and maintenance activities and has considered that there is sufficient space to allow visibility and access to the structures.	n/a	Agreed

	Balcombe Road Underbridge	<p>National Highways is concerned that the proximity of these structures will generate additional maintenance challenges or restrictions.</p> <p>National Highways requests that the Applicant considers maintenance requirements and agree these principles with National Highways, to provide confidence that all activities can be undertaken safely.</p> <p>Updated position (Deadline 1): National Highways notes the Applicant’s position and this matter can be agreed.</p>	<p>Adjacent decks are also at different vertical levels, which enables improved access and general inspection. Due consideration has been given to the relevant guidance, including that set out in DMRB CD350 and CIRIA C686. Further details in relation to maintenance access arrangements for this bridge will be discussed and agreed with NH as part of the development of the detailed design after the DCO has been granted.</p>		
2.20.5.6	<p>Structure Section Drawings</p> <p>Drawing 41700-XX-B-LLO-GA-200178</p>	<p>Relevant Representation (Oct 23) This drawing provides a section through the Balcombe Road Underbridge. For the Gatwick Spur Eastbound carriageway Section C - C, this section denotes the presence of the noise barrier but does not indicate there being any structural parapet or edge restraint system on the parapet edge beam.</p> <p>The Applicant is to confirm whether there is edge restraint being provided on this area and, if required, ensure that this drawing is updated.</p> <p>Updated position (Deadline 1): National Highways will consider the Applicant’s position in respect to its engineering standards and operational requirements and will provide a response.</p>	<p>For the preliminary design stage the approach taken was to eliminate maintenance where possible by not providing an additional edge restraint system such as bridge parapet or hand railing which themselves would require maintenance. A VRS is provided in front of the noise barrier in the verge and this infrastructure can be accessed for maintenance from the verge side - had a parapet or hand railings been provided beyond the noise barrier then this would require maintenance next to the retaining wall vertical face. If National Highways have a preference, an addition edge restraint system can be added in this location at the detailed design stage.</p> <p>Structure heights are illustrated and heights are stated via labels for existing and proposed structures on the Surface Access Highways Plans – Engineering Section Drawings submitted as part of the Draft DCO application. Headroom clearances for NH structures will be provided in accordance with DMRB requirements as set out during the course of technical engagement with NH SES Structures team.</p>	n/a	Under discussion
2.20.5.7	<p>Structure Section Drawings</p> <p>Drawing 41700-XX-B-LLO-GA-200175</p>	<p>Relevant Representation (Oct 23) This drawing provides a section; however, the section does not indicate there being any structural parapet on the north side of the noise barrier.</p> <p>The Applicant is to confirm whether there is edge restraint being provided on this area and, if required, ensure that this drawing is updated.</p> <p>Updated position (Deadline 1): National Highways will consider the Applicant’s position in respect to its engineering standards and operational requirements and will provide a response.</p>	<p>For the preliminary design stage the approach taken was to eliminate maintenance where possible by not providing an additional edge restraint system such as bridge parapet or hand railing which themselves would require maintenance. A VRS is provided in front of the noise barrier in the verge and this infrastructure can be accessed for maintenance from the verge side - had a parapet or railing been provided beyond the noise barrier then this would require maintenance next to the retaining wall vertical face. If National Highways have a preference, an addition edge restraint system can be added in this location at the detailed design stage.</p> <p>Structure heights are illustrated and heights are stated via labels for existing and proposed structures on the Surface Access Highways</p>	n/a	Under discussion

			Plans – Engineering Section Drawings submitted as part of the Draft DCO application. Headroom clearances for NH structures will be provided in accordance with DMRB requirements as set out during the course of technical engagement with NH SES Structures team.		
2.20.5.8	Structure Section Drawings General	<p>Relevant Representation (Oct 23) All engineering sections do not outline that headroom requirements have been met in accordance with DMRB CD127.</p> <p>National Highways requests that the Applicant incorporate labels or linework which denotes the headroom envelope on the elevation detail.</p> <p>Updated position (Deadline 1): Headroom requirements should be outlined within the TAA submissions with reference to CD 127; review, feedback, any necessary updates and acceptance would then be provided in line with the TAA process as outlined in CG 300 for this and other aspects of the structure designs.</p>	<p>Headroom details have been provided to National Highways as part of technical design engagement, all NH structures over highways shall provide a minimum headroom clearance of 5.3m+S, where S accounts for any sag of the road below (in accordance with DMRB CD 127 Rev 1.01 Table 4). The detailed design will be subject to NH approval in accordance with the protective provisions set out in the Draft Development Consent Order.</p> <p>Structure heights are illustrated and heights are stated via labels for existing and proposed structures on the Surface Access Highways Plans – Engineering Section Drawings submitted as part of the Draft DCO application. Headroom clearances for NH structures will be provided in accordance with DMRB requirements as set out during the course of technical engagement with NH SES Structures team.</p>	n/a	Under discussion
2.20.5.9	Surface Access Highways Plans – General Arrangements Airport Way Rail Bridge Parapets	<p>Relevant Representation (Oct 23) Furthermore, can the Applicant confirm an assessment against DMRB CS461, Assessment and upgrading of in-surface parapets, has been undertaken to confirm the parapet suitability.</p> <p>National Highways requests that the Applicant will continue to engage with National Highways to streamline any replacement works to minimise disruption to road users where possible.</p> <p>Updated position (Deadline 1): National Highways request that the Applicants position is altered to the following: Gatwick are aware that the parapet in question is subject to a wider replacement programme and will continue to engage with National Highways to streamline any replacement works to minimise disruption to road users where possible.</p>	<p>This has been discussed previously with NH Operations Team. It is our understanding that the existing parapets are to be replaced by NH in the near term future as part of scheduled NH upgrades. It is assumed that NH will upgrade the design to be compliant with current design requirements and that the replacement parapet will have a sufficient design life. This will be subject to review at the detailed design stage.</p> <p>As set out in the course of technical design engagement, a preliminary assessment of indicative safety barrier requirements has been undertaken as part of the development of the preliminary design and a full RRRAP will be undertaken at the detailed design stage. Assumptions in relation to preliminary safety barrier extents have been shared through technical design engagement. The detailed design for VRS on the NH network will be developed in accordance with relevant sections of DMRB.</p>	n/a	Under discussion
2.20.5.10	Environmental Statement Alternative Considered Figures Options N1 to N3	<p>Relevant Representation (Oct 23) For the South Terminal Roundabout, the Applicant provides a drawing which indicates that alternatives were considered. The current proposal involves reconstruction of a significant length of the SRN with considerable imported fill required for the construction of the embankment and the requirement for three new bridges.</p>	Optioneering was undertaken at the early design stages and through consultation with National Highways, the proposed design does tie into the existing Spur and Airport Way and the new structures are required due to widening and the associated slip roads. Detail of optioneering provided within the GAL Autumn 2021 consultation - PTAR Annex C - Scheme Development Report	Consultation Report Appendices – Part B – Volume 16 [APP-239]	Under discussion

		<p>For the grade separation, was an option considered by the Applicant to leave the Spur and Airport Way close to existing levels with the junction cut beneath considered? Such an option could provide a balance to the quantum of imported fill required when considered against the works proposed at the North Terminal Roundabout.</p> <p>National Highways request further details from the Applicant to confirm whether this option was appraised.</p> <p>Updated position (Deadline 1): National Highways team are currently reviewing the response provided. National Highways will provide an update in due course.</p>	<p>Highway Mitigation (Consultation Report Appendices – Part B – Volume 16).</p> <p>The new earthwork embankments (fill) are due to the creation of slip roads which would only be marginally less if roundabout was lowered and by not lowering the roundabout it allows it to stay operational in parts throughout construction, reducing disruption.</p>		
2.20.5.11	<p>Environmental Statement Appendix 5.2.2: Operational Lighting Framework</p> <p>Paragraph 5.1.3</p>	<p>Relevant Representation (Oct 23)</p> <p>National Highways notes that a consultation exercise with existing users could be considered appropriate by the lighting designer. However, it is National Highways' view that the Applicant should be engaging with National Highways and other Local Authorities. Without such engagement, critical elements of lighting which could be highlighted by the operators of the road network, may be omitted or excluded from the operational lighting strategy.</p> <p>National Highways requests that the Applicant implements a working group with both National Highways and the affected Local Authorities to ensure that the lighting strategy is holistic.</p> <p>Updated position (Deadline 1): National Highways welcomes this clarification from the Applicant. National Highways consider that this matter may be agreed subject to confirmation from the Applicant on where this right to be consulted on is secured in the DCO / control document.</p>	<p>GAL will engage with National Highways and Local Highway Authorities in developing the lighting strategy and lighting design for the scheme as part of technical engagement expected to form part of the development of the detailed design of the scheme proposals after the DCO has been granted.</p>	Schedule 9 Part 3 of the Draft DCO (Doc Ref. 2.1)	Under discussion
2.20.5.12	<p>Environmental Statement Appendix 5.2.2: Operational Lighting Framework</p> <p>Paragraph 3.9.1, 3.9.7 and 3.9.15</p>	<p>National Highways notes that 4,000K colour temperature Light Emitting Diode (LED) is the existing standard and that alternatives may be considered. However, later paragraphs such as 3.9.7 detail the use of 4,000K on crossings to make them distinct from 3,000K surroundings. Subsequent sections within section 3.9 then talk to the subject of colour temperatures of 2,700K and lower.</p> <p>Paragraph 3.9.15 provides a summary of the LED requirements, however the Applicant does not mention colour temperature despite the detail that has been provided prior.</p> <p>National Highways therefore seeks clarity from the Applicant regarding the colour temperature of LED's to be applied on the SRN and where this is secured under the terms of the DCO.</p>	<p>The specification for lighting including final colour temperatures of LEDs to be applied to the SRN will be confirmed in consultation with National Highways as part of the development of the detailed design after the DCO has been granted. The detailed design will be developed in line with the available technology and research at the time of design development including consideration of nocturnal ecological considerations or human factors. The detailed design for SRN works will be subject to approval by National Highways in accordance with the protective provisions set out in Schedule 9 Part 3 of the Draft Development Consent Order.</p>	Schedule 9 Part 3 of the Draft DCO (Doc Ref. 2.1)	Agreed

2.20.5.13	Environmental Statement Appendix 5.2.2: Operational Lighting Framework Table A.1.1	In Table A.1.1, the Standard and Guidance Documents does not list BS7671 18th Edition IET Wiring Regulations. Furthermore, National Highways notes that no reference to electrical infrastructure for street lighting is included in this framework document. National Highways requests that the Applicant ensures BS7671 18th Edition IET Wiring Regulations is referenced, and a specific signpost to where such compliance is secured under the terms of the DCO.	BS7671 18th Edition IET Wiring Regulations will be included as a standard to be applied to the detailed design of lighting works on the SRN. This will be captured as an action through the National Highways Statement of Common Ground. The detailed design for SRN works will be subject to approval by National Highways in accordance with the protective provisions set out in Schedule 9 Part 3 of the Draft Development Consent Order.	Schedule 9 Part 3 of the Draft DCO (Doc Ref. 2.1)	Agreed
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2.21. Waste and Materials

2.21.1 Table 2.21 sets out the position of both parties in relation to waste and materials matters.

Table 2.21 Statement of Common Ground – Waste and Materials Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
<i>There are no issues relating to Waste and Materials in this Statement of Common Ground.</i>					

2.22. Water Environment

2.22.1 Table 2.22 sets out the position of both parties in relation to water environment matters.

Table 2.22 Statement of Common Ground – Water Environment Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
<i>There are no issues relating to the baseline for this topic within this Statement of Common Ground.</i>					
Assessment Methodology					
2.22.2.1	Environmental Statement Appendix 11.9.6: Flood Risk Assessment Paragraph 5.2.11	<p>Relevant Representation (Oct 23)</p> <p>This section of the appendix outlines that the calibration of the River Mole fluvial model has been carried out using the 'undefended' scenario. As any defences would normally be present and thus reflected in any observed levels or flows, it is not clear why the Applicant has utilised an undefended scenario for calibration. National Highways understands that the calibration events will have occurred prior to the construction of the Flood Alleviation Scheme, but the undefended scenario described in Annex 5 has many flood storage areas and defences removed.</p> <p>National Highways therefore requests that the Applicant provides additional detail on this calibration process to provide confidence in the results and the quality of the input data used in the design.</p> <p>Updated position (Deadline 1):</p> <p>Matter remains under discussion. National Highways will respond as part of a review of any further detail or clarification provided as part of the Applicant's response to the Relevant Rep submitted at Deadline 1.</p>	The Environment Agency Flood Map for Planning (Rivers and Sea) Flood Zones ignore the presence of flood defences. In order to validate (in error referred to as calibrate) the Upper Mole hydraulic model outputs to the EA Flood Zones it was necessary to create the 'undefended' scenario to compare like-for-like.	ES Appendix 11.9.6: Flood Risk Assessment: Annex 5 [APP-149]	Under discussion
2.22.2.2	Environmental Statement Appendix 11.9.6: Flood Risk Assessment Paragraph 6.3.4	<p>Relevant Representation (Oct 23)</p> <p>National Highways notes that the storage volume of Pond F is proposed to be reduced by the scheme due to widening of Airport Way. The conclusion in this assessment that this does not impact flood risk is based on a 'conceptual model', using conservative assumptions. National Highways questions why the impact on the reduction in volume at Pond F has not been explicitly modelled using one of the InfoWorks Integrated Catchment Models (ICM). The use of a conceptual model, in National Highway's view, could potentially provide an underestimation of the attenuation volume needed to accommodate storm events (including an allowance for climate change) in accordance with the Design Manual for Roads and Bridges.</p> <p>The Applicant is therefore requested to provide justification for the assessment methodology used relating to the reduction in volume at Pond F.</p>	<p>The encroachment of the highways works into Pond F has been assessed explicitly with the integrated (ICM) surface water and fluvial hydraulic model. As reported in the Flood Risk Assessment a conservative approach of a higher volume of loss than in the current design was included to accommodate the DCO Limits of Deviation. The encroachment of the highways works is estimated to result in a loss of up to 2,000m³ from the total Pond F volume.</p> <p>The Applicant has considered the loss of volume as part of the assessment. This was informed by the (integrated) ICM model. The encroachment of the widened highways embankment occurs at a level higher than the highest modelled water level for any rainfall event modelled.</p> <p>Pond F's current capacity is approximately 60,000m³ with a peak water level of 58.93m AOD for the 1% (1 in 100) AEP event including a 25% uplift for climate change, for both the 1440 min</p>	n/a	Under discussion

		<p>Updated position (Deadline 1): Matter remains under discussion. National Highways will respond as part of a review of any further detail or clarification provided as part of the Applicant's response to the Relevant Rep submitted at Deadline 1.</p>	<p>duration and the 30 min storm durations the maximum volume of water stored in Pond F is 25,000m³ with a peak water level of 55.2m AOD. The encroachment of the highways works is estimated to result in a loss of less than 2,000m³.</p>		
2.22.2.3	<p>Environmental Statement Appendix 11.9.3: HEWRAT Water Quality Assessment</p> <p>General</p>	<p>Relevant Representation (Oct 23) In accordance with the HEWRAT guidance, the Applicant's assessment should consider National Highways' outfalls beyond the works, which fall within the cumulative assessment ranges of 100m/1km. National Highways concern is that the Applicant has not considered all outfalls that fall within the cumulative assessment ranges of 100m/1km. This is crucial to National Highways, in order to ensure that the SRN is not put in a position as a consequence of the Scheme that thresholds or Environmental Quality Standards (EQS's) are breached.</p> <p>The Applicant shall therefore need to consider all National Highways' outfalls within the cumulative assessment and also if there are discharges within 100m/1km of these on the same reach of a watercourse.</p> <p>Updated position (Deadline 1): Matter remains under discussion. National Highways will respond as part of a review of any further detail or clarification provided as part of the Applicant's response to the Relevant Rep submitted at Deadline 1.</p>	<p>The HEWRAT assessment has considered the cumulative impacts of outfalls within the Scheme extent which meet the cumulative assessment range criteria.</p>	<p>ES Appendix 11.9.3: Water Quality HEWRAT Assessment [APP-144]</p>	<p>Under discussion</p>
2.22.2.4	<p>Environmental Statement Appendix 11.9.3: HEWRAT Water Quality Assessment Table 3.4.1</p>	<p>Relevant Representation (Oct 23) National Highways notes that the spillage risk assessments have been limited to outfalls 0 to 11 but does not consider outfalls 12 and 13.</p> <p>National Highways accept the position noted by the Applicant and will await the publication of the updated figures to the Water Quality HEWRAT Assessment.</p> <p>Updated position (Deadline 1): National Highways seeks clarity from the Applicant whether Clarity on whether the information is to be appended to the SoCG or the references document is sought.</p>	<p>Spillage risk assessments were completed for all outfalls. There was an inconsistency in the numbering of the numbering of the catchments in Table 3.4.1 for catchments 12, 13 and 14. An updated results table for the spillage risk assessment is appended to this document.</p> <p>The outcomes of the assessment remain unchanged from that presented in ES Appendix 11.9.3: Water Quality HEWRAT Assessment [APP-144].</p>	<p>ES Appendix 11.9.3: Water Quality HEWRAT Assessment [APP-144]</p>	<p>Under discussion</p>
2.22.2.5	<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment</p> <p>Paragraph 7.2.5</p>	<p>Relevant Representation (Oct 23) There is no mention in the Applicant's submission of the project encroaching on the tributary of the Burstow Stream, despite this watercourse falling within the DCO boundary and is crossed by M23.</p> <p>The Applicant is requested to include assessment of impact on flood risk associated with the Tributary of the Burstow Stream, due to its interface with the SRN.</p>	<p>The Applicant will undertake an assessment of the impact on the Burstow Stream to inform the detailed design, although given the culvert will only be extended by 4m the impact is expected to be not environmentally significant.</p>	<p>n/a</p>	<p>Under discussion</p>

		<p>Updated position (Deadline 1): National Highways team are reviewing the Applicants response and will respond in due course.</p>			
2.22.2.6	<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment</p> <p>Annex 5 Paragraph 1.1.5</p>	<p>Relevant Representation (Oct 23) This paragraph of the flood risk assessment annex documents that the River Mole fluvial model has been produced in partnership with the Environment Agency, but not whether the Environment Agency has formally 'signed-off' the fluvial model.</p> <p>Updated position (Deadline 1): National Highways notes that the baseline model has been signed off, this position will be maintained until the fluvial model has been signed off by the EA.</p>	<p>Environment Agency has formally 'signed-off' the baseline scenario for the Upper Mole fluvial model used for the FRA. Discussions with EA are ongoing and continue with regard to the with-scheme hydraulic modelling as stated in their Relevant Representation.</p>	n/a	Under discussion
2.22.2.7	<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment</p> <p>Annex 5 Paragraph 1.1.5</p>	<p>Relevant Representation (Oct 23) Furthermore, the Applicant has provided no information in the report on both the source data used in the River Mole fluvial model and whether the River Mole model and hydrology was assessed prior to use on the Scheme. This is typically carried out to determine whether the channel and structure geometry is representative of reality today and subsequently that the model is suitable for the use.</p> <p>National Highways therefore requests:</p> <ul style="list-style-type: none"> • That the Applicant confirm the data of source data used to build the River Model fluvial model • That the Applicant confirm the fluvial model and hydrology was reviewed prior to use, or if no review was undertaken, provide justification for this decision. <p>Clarity from both the Applicant and Environment Agency that the River Mole fluvial model has been agreed and signed off by both parties. If sign off has not been achieved to date, National Highways additionally requests details on the outstanding comments and their respective significance to the Environment Agency.</p> <p>Updated position (Deadline 1): National Highways notes that the baseline model has been signed off, this position will be maintained until the fluvial model has been signed off by the EA.</p>	<p>The Upper Mole Fluvial Modelling study was undertaken as a partnership between Gatwick and the Environment Agency, therefore source model and hydrology has been previously 'signed off'.</p> <p>The Baseline scenario updated as a part of this DCO was accepted by the Environment Agency in August 2023.</p> <p>Discussions with EA are ongoing and continue with regard to the with-scheme hydraulic modelling as stated in their Relevant Representation.</p>	n/a	Under discussion
Assessment					
2.22.3.1	<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment Annex 2</p>	<p>Relevant Representation (Oct 23) National Highways requires any surface access works to mitigate the impact of climate change, ensuring no increase in flood risk as a</p>	<p>The project seeks to provide distributed storage attenuation to pipe networks that outfall to Gatwick Stream. The discharge drainage</p>	n/a	Agreed

	<p>Surface Water Drainage Strategy</p> <p>Catchment 4</p>	<p>consequence of changes to the SRN. Furthermore, National Highways has a responsibility to ensure that highway runoff is treated sufficiently prior to discharge. Based upon the Applicant's submission, National Highways is not able to assess whether the Applicant's proposals for Catchment 4 accord with National Highways water quality requirements</p> <p>National Highways requests clarification from the Applicant regarding which attenuation or treatment measures are proposed for the runoff from Catchment 4.</p> <p>Updated position (Deadline 1): Providing a betterment meets the expectation and subject to WSCC accepting as the LLFA then no further issues.</p>	<p>strategy has been developed through consultation with the LLFA and no objections have been raised.</p> <p>Networks 2 have a proposed net increase of 1.10 ha in impermeable areas, while network 4 has a slight decrease. A minimum of 38% betterment will be achieved with the proposed attenuations for various rainfall events This does not meet the minimum requirement of WSCC. However, LLFAs had no objection with the proposal due to the surrounding constraints on the proposed site (for open drainage attenuation) and due to large underground storage being highly undesirable.</p> <p>Whilst SuDS have been incorporated into the scheme proposals where possible, no SuDS provision is included at this location due to constraints associated with the proximity to Riverside Garden Park.</p> <p>Following a HEWRAT assessment no additional treatment is required.</p> <p>Furthermore, part of the existing paved area in catchment 4 is proposed to be reinstated as grassed area nullifying the additional paved areas arising from proposed work. Since, no increase in paved area is proposed for this network and extra attenuation is provided to network 2, no attenuation is proposed for network 4. Overall betterment in discharge rates is still achieved at Gatwick Stream.</p> <p>Existing pipes under the existing footway near Riverside Garden Park are proposed to be retained if possible to minimise the impact on existing vegetation near Riverside Garden Park.</p>		
<p>2.22.3.2</p>	<p>Environmental Statement Appendix 11.9.2: Water Framework Directive Compliance Assessment</p> <p>Table 4.3.1</p>	<p>Relevant Representation (Oct 23) National Highways has reviewed the assessment completed by the Applicant and notes that the assessment does not include the lengths of existing culverts for the subject watercourses</p> <p>National Highways therefore requests that the Applicant add length-for-length impacts and mitigation / re-naturalisation assessments to demonstrate the overall benefits more clearly.</p> <p>Updated position (Deadline 1): National Highways team are currently reviewing the Applicants position and will respond in due course.</p>	<p>The lengths of the existing River Mole culvert and proposed design are provided in detail in ES Chapter 11 Water Environment Appendix 11.9.1 Geomorphology Appendix. However, it is noted that the existing length of the Burstow Stream tributary culvert is not provided here.</p> <p>The existing length of the Burstow Stream tributary culvert is 60m. The specific impacts on the geomorphology and the mitigation are detailed in this appendix.</p>	<p>ES Chapter 11 Water Environment [APP-036]</p> <p>ES Appendix 11.9.1 Geomorphology Assessment [APP-141]</p>	<p>Under discussion</p>

<p>2.22.3.3</p>	<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment</p> <p>Paragraphs 7.2.31 and 7.2.32</p>	<p>Relevant Representation (Oct 23)</p> <p>This section of the flood risk assessment provides peak water levels compared to road levels. However, National Highways notes that the Applicant has not completed any blockage assessments to understand the impact on water levels and by association any SRN assets if a blockage at these structures were to occur. Furthermore, freeboard is stated to be in excess of 400mm, but all of the crossing points are not referred to in this section. It is also National Highways' view that it is not uncommon for the uncertainties in the hydraulic modelling to cause changes in peak water levels of similar orders of magnitude to the reported 400mm freeboard figure (for example headloss assumptions at structures, uncertainties in flow estimates).</p> <p>National Highways requests that the Applicant justifies the use of 400mm freeboard and complete blockage assessments, to quantify the residual flood risk should a blockage occur at the structures listed in Paragraph 7.2.31.</p> <p>Updated position (Deadline 1): National Highways team are currently reviewing the Applicants position and will respond in due course.</p>	<p>Hydraulic modelling undertaken to inform the Flood Risk Assessment demonstrates that the Project would not increase peak water levels in the River Mole.</p> <p>The pre-existing risk of debris blocking any of the local watercourses would not be altered by the Project. Therefore should a watercourse blockage occur, the Project would not exacerbate subsequent effects.</p> <p>The crossing points mentioned in Table 7.2.2 in the FRA are those main river highway crossings covered by the fluvial model.</p> <p>The baseline River Mole hydraulic model has been reviewed and accepted by the Environment Agency. Therefore it is considered unlikely that variances of 400mm would occur.</p>	<p>ES Appendix 11.9.6: Flood Risk Assessment [APP-147]</p> <p>Table 7.2.2 of ES Appendix 11.9.6: Flood Risk Assessment [APP-147]</p>	<p>Under discussion</p>
<p>2.22.3.4</p>	<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment</p> <p>Annex 2 Figure 10.1.8 and 10.1.9</p>	<p>Relevant Representation (Oct 23)</p> <p>In Annex 2 Figure 10.1.8 and 10.1.9 provided by Applicant, the figures depict two culverts over watercourses (EX-CU1 and EX-CU2), however no details have been provided by the Applicant in regard to their sizing or whether they have been assessed. It is not clear how these existing culverts have been assessed from a flood risk assessment perspective.</p> <p>The Applicant is to confirm sizing and provide details of any assessment of the impact on flood risk and freeboard for EX-CU1 and EX-CU2 on Gatwick Spur road.</p> <p>Updated position (Deadline 1): National Highways team are currently reviewing the Applicants position and will respond in due course.</p>	<p>The Applicant will undertake an assessment of the impact on the flood risk and freeboard for the two existing culverts to inform the detailed design, that would follow the DCO examination process.</p>	<p>n/a</p>	<p>Under discussion</p>
<p>2.22.3.5</p>	<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment Annexes 1-2</p> <p>Annex 2 A2.42</p>	<p>Relevant Representation (Oct 23)</p> <p>Concerning existing culverts EX-CU2 and EX-CU4, the Applicant outlines that these culverts are to be "extended to accommodate proposed road widening at these locations. Further information on the condition and capacity of the existing culverts are to be obtained following completion of the DCO process to inform the detailed design proposals." National Highways is concerned that the assessment is based on assumptions that</p>	<p>Surveys and next stage of assessments will be undertaken to inform the detailed design stage after the DCO examination. There is sufficient space within the DCO boundary to accommodate replacement of these culverts if required.</p>	<p>n/a</p>	<p>Agreed</p>

		<p>have not been validated and may underestimate the flood risk impacts and any subsequent remedial works required.</p> <p>The Applicant is requested to clarify when these surveys will be conducted and whether there is a risk that the proposed order limits are sufficient to accommodate any mitigation that may be required.</p> <p>Updated position (Deadline 1): Matter can be turned to agreed on the basis that the risk is held with the Applicant and they are committed to undertaking surveys during detailed design.</p>			
2.22.3.6	<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment</p> <p>Paragraph 7.2.3</p>	<p>Relevant Representation (Oct 23) Based upon the information provided by the Applicant, depth difference mapping has not quantified the impact on flood risk on the works to the culverts on the Gatwick Spur trunk road.</p> <p>The Applicant is requested therefore to quantify the impacts of flood risk on the works to the culverts associated with the M23 Spur Road to ensure that the assessment is comprehensive.</p> <p>Updated position (Deadline 1): National Highways notes the Applicants position and will await receipt of further information.</p>	The Applicant is currently progressing an assessment of the impact to culverts on the M23 spur and will share the outcomes during the DCO examination.	n/a	Under discussion
Mitigation and Compensation					
2.22.4.1	<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment Annex 2 Surface Water Drainage Strategy</p> <p>Catchment 1</p>	<p>Relevant Representation (Oct 23) Oversized pipes are not the preferred system to attenuate surface water runoff on National Highways' networks due to the increased maintenance costs and risks.</p> <p>National Highways would like the Applicant to advise if other forms of vegetated treatment systems considered by the Applicant.</p> <p>Updated position (Deadline 1): National Highways are content with the Applicants position and information shared in joint drainage design meetings.</p>	There is limited space in the verge to accommodate for vegetative attenuation. The catchment 1 is also in an embankment, vegetative collection system would impact the earthworks. The scheme adopts a similar approach to that implemented by National Highways in the M23 SMP scheme, where oversized attenuation pipes were constructed.	n/a	Agreed
2.22.4.2	<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment</p> <p>Paragraph 7.2.6</p>	<p>Relevant Representation (Oct 23) National Highways has observed that Flood Compensation Areas (FCA's), designed to mitigate the increase in fluvial flooding, are shown Environmental Statement Figure 11.6.5 to be partially flooded by surface water. This may have been considered using the Integrated Model, but as a rain-on-mesh approach has not been used it's not clear.</p>	<p>A sensitivity test was undertaken to determine the effects of the airfield surface water drainage network to fluvial flooding from local watercourses.</p> <p>The integrated hydraulic modelling results (mapping within Annex 4 of the FRA) indicates that the mitigation strategy would ensure no increase in flood risk to other parties in such circumstances.</p>	<p>ES Appendix 11.9.6: Flood Risk Assessment [APP-147]</p> <p>ES Appendix 11.9.6: Flood Risk</p>	Under discussion

		<p>National Highways requests clarity on the assessment approach undertaken by the Applicant, to confirm that all FCA's provide adequate mitigation when considering flooding from overland flow.</p> <p>Updated position (Deadline 1): Matter remains under discussion. National Highways will respond as part of a review of any further detail or clarification provided as part of the Applicant's response to the Relevant Rep submitted at Deadline 1.</p>		<p>Assessment: Annex 4 [APP-149]</p>	
2.22.4.3	<p>Environmental Statement Appendix 11.9.3: HEWRAT Water Quality Assessment</p> <p>Outfall 12</p>	<p>Relevant Representation (Oct 23) The Applicant's report suggests that no treatment is provided for this outfall, however the Applicant's documentation has presented treatment efficiencies for this catchment. National Highways requests that the Applicant clarifies the status of any treatment devices for this outfall. For this outfall, can the Applicant clarify whether the highways ditch is proposed to carry some flows from the road, or whether it is required to capture runoff solely from the adjacent field.</p> <p>For clarity relating to all outfalls, National Highways requests that the Applicant clearly outlines within the appendix which outfalls will require to be surveyed.</p> <p>Updated position (Deadline 1): National Highways accept the position noted by the Applicant and will await the publication of the updated table to the Water Quality HEWRAT Assessment being introduced into the examination.</p>	<p>The Applicant confirms that this is an error in Table A1.3 of ES Appendix 11.9.3: Water Quality HEWRAT Assessment [APP-144].</p> <p>The Applicant can confirm that no treatment measures are proposed for Drainage Catchment 12.</p> <p>The Applicant can confirm that the highways ditch is proposed to function as a pre-earthworks drain. This drain will not receive any highway runoff.</p>	<p>ES Appendix 11.9.3: Water Quality HEWRAT Assessment [APP-144]</p>	Under discussion
Other					
2.22.5.1	<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment Annex 2 Surface Water Drainage Strategy</p> <p>General</p>	<p>Relevant Representation (Oct 23) The Applicant is proposing a series of attenuation ponds and detention basins in proximity to an operating airport. The presence of open attenuation ponds risks an increase in migrating birds in the vicinity of the airport, which in turn risks an increase in the risk of bird strikes for landing or departing aircraft.</p> <p>Updated position (Deadline 1): National Highways request that the surface water drainage strategy is updated to cover both the permanent and transitional phases during operation whilst the reed bed systems become established.</p>	<p>The design of all proposed ponds has been developed with Airport Safeguarding input to minimise wildlife strike hazard. For example, the above ground storage proposed as part of the surface access highways drainage strategy to the north of the M23 roundabout will be a reed bed. The attenuation pond at Longbridge roundabout will be wet grassland or reed beds, rather than permanently open wet ponds.</p>	<p>ES Appendix 11.9.6: Flood Risk Assessment [APP-147]</p> <p>ES Appendix 11.9.6: Flood Risk Assessment: Annex 2 [APP-147]</p> <p>ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan - Part 1 [APP-113]</p>	Under discussion

2.22.5.2	<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment Annex 2 Surface Water Drainage Strategy</p> <p>General</p>	<p>Relevant Representation (Oct 23) Changes to the highway alignment may result in existing drainage chambers being sited in running lanes. Chambers in running lanes present a safety risk to road users and maintenance operatives and it is National Highways position that all chambers are sited outside of running lanes to ensure the safe operation and maintenance of the SRN.</p> <p>National Highways requests that all drainage chambers in running lanes are relocated out of traffic areas.</p> <p>Updated position (Deadline 1): National Highways are content with the Applicants position and information shared in joint drainage design meetings.</p>	<p>The approach taken acknowledges that where road alignments are being changed existing chambers which are being retained shall be moved out of running lanes.</p> <p>Chamber design will be subject to design development at the detailed design stage in consultation with NH.</p>	n/a	Agreed
2.22.5.3	<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment Annex 2 Surface Water Drainage Strategy</p> <p>General</p>	<p>Relevant Representation (Oct 23) Third party connections to the SRN drainage network should not form part of the proposed drainage strategy. National Highways cannot confirm, based upon the details provided in the Applicant’s submission that third party connections do not connect into National Highways SRN network. Any third-party connection represents a liability to National Highways which may impact the performance of the SRN network if not properly maintained or designed in accordance with National Highways requirements.</p> <p>National Highways mandates that there should be no new third-party connections to the SRN drainage network, and any existing third-party connections should be removed where possible.</p> <p>Updated position (Deadline 1): National Highways welcomes the commitment on the drainage and third-party connections, but requests confirmation from the Applicant on how and where this is secured in the DCO / control documents.</p>	<p>There are no newly proposed third party network connections. Where existing connections cannot be removed upstream catchments have been retained ensuring no impact to the downstream network</p>	n/a	Under discussion
2.22.5.4	<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment Annex 2 Surface Water Drainage Strategy</p> <p>Catchments 4 and 5</p>	<p>Relevant Representation (Oct 23) All existing networks should be reviewed and brought in line with the latest allowances for climate change.</p> <p>The Applicant will need to confirm that the drainage edge of pavement and conveyance systems in existing highway areas will be designed to DMRB CG501. This should be secured under one of the control documents.</p> <p>Updated position (Deadline 1): National Highways are content with the Applicants position and information shared in joint drainage design meetings.</p>	<p>The design of drainage edge of pavement and conveyance systems will be carried out in accordance with DMRB CG 501 at detailed design stage. Existing drainage assets for catchments 4 and 5 are proposed to be retained where it meets the design criteria of CG 501, including requirements for climate change.</p>	n/a	Agreed

<p>2.22.5.5</p>	<p>Environmental Statement Appendix 11.9.6: Flood Risk Assessment Annex 2 Surface Water Drainage Strategy</p> <p>Catchment 1</p>	<p>Relevant Representation (Oct 23)</p> <p>It is not clear to National Highways what, if any changes, are being undertaken to the existing basin serving Catchment 1.</p> <p>National Highways requests that the Applicant clarifies whether any amendments to the existing basin serving Catchment 1 is proposed and that the capacity of the existing edge collection and conveyance systems have been assessed, to ensure that they confirm to DMRB CG501.</p> <p>Updated position (Deadline 1):</p> <p>National Highways are content with the Applicants position. However, to note that National Highways are not consulted on requirement 10 (Surface and foul water drainage). However, National Highways are protected by the PPs which require the Applicant to comply with DMRB.</p>	<p>No changes are proposed to existing pond 8-5 for catchment 1 at this stage as the proposed work does not directly impact the pond. Proposed attenuation has been provided within the drainage network prior to discharging to Pond 8-5. Existing discharge rates, with an allowance of climate change, to Pond 8-5 will be retained.</p> <p>Existing edge collection and conveyance systems are to be assessed and designed at detailed design stage in accordance with DMRB CG 501 after DCO is granted. This is secured via Requirement 10 of the draft DCO.</p>	<p>Draft DCO (Doc Ref. 2.1)</p>	<p>Agreed</p>
<p>2.22.5.6</p>	<p>Environmental Statement Appendix 11.9.3: HEWRAT Water Quality Assessment</p> <p>Outfall 11</p>	<p>Relevant Representation (Oct 23)</p> <p>National Highways notes that the outfall location appears to be labelled incorrectly. This outfall should read 527546, 142556 in order to align with drainage strategy location. It is requested that the Applicant therefore update this section of the Highways England Water Risk Assessment Tool (HEWRAT) Water Quality Assessment.</p> <p>Paragraph A1.2 states that a default Q95 and Base Flow Index (BFI) host has been applied to catchment 11 and that it discharges to Whitley Brook. National Highways requests that the Applicant clarify this, as it assumed that this should reference Catchment 14.</p> <p>The Applicant is to confirm sizing and provide details of any assessment of the impact on flood risk and freeboard for EX-CU1 and EX-CU2 on Gatwick Spur road.</p> <p>Updated position (Deadline 1):</p> <p>National Highways accept the position noted by the Applicant and will await the publication of the updated Water Quality HEWRAT Assessment being introduced into the examination.</p>	<p>The Applicant acknowledges the two errors reported:</p> <ul style="list-style-type: none"> • The grid reference for outfall 11 should be as read 27546, 142556. • The statement in Paragraph A1.2 regarding Q95 and BFI relating to outfall 11 is incorrect. This should be related to outfall 14, which discharges to outfall Withy Brook. 	<p>Table A1.2 of ES Appendix 11.9.3: Water Quality HEWRAT Assessment [APP-144]</p>	<p>Under discussion</p>

3 Signatures

3.1.1 The above SoCG is agreed between the following:

<p>Duly authorised for and on behalf of Gatwick Airport Limited, The Applicant</p>	<p>Name</p>
	<p>Job Title</p>
	<p>Date</p>
	<p>Signature</p>
<p>Duly authorised for and on behalf of National Highways</p>	<p>Name</p>
	<p>Job Title</p>
	<p>Date</p>
	<p>Signature</p>

Appendix 1: Record of Engagement Undertaken

N/A