



Horsham
District
Council



Gatwick Airport Northern Runway Project

Planning Inspectorate's Reference: TR020005

Legal Partnership Authorities Responses to Applicants Written Summary of Oral Submissions and Responses to Actions (from Issue Specific Hearings 1-5)

Deadline 2: 26 March 2024

Crawley Borough Council (GATW-AFP107)
Horsham District Council (20044739)
Mid Sussex District Council (20044737)
West Sussex County Council (20044715)
Reigate and Banstead Borough Council (20044474)
Surrey County Council (20044665)
East Sussex County Council (20044514)
Tandridge District Council (GATW-S57419)

The Authorities' responses to (i) the Applicant's Written Summary of Oral Submissions from the ISHs and (ii) the Applicant's Response to Actions

Introduction

1. This document has been prepared by the Legal Partnership Authorities (“**the Authorities**”) in response to the following documents submitted by the Applicant at Deadline 1 –
 - Written Summary of Oral Submissions from Issue Specific Hearing 1: Case for the Proposed Development [**REP1-056**]
 - The Applicant's Response to Actions - ISH 1: The Case for the Proposed Development [**REP1-062**]
 - Summary of Oral Submissions from Issue Specific Hearing 2: Control Documents / DCO [**REP1-057**]
 - The Applicant's Response to Actions from Issue Specific Hearing 2: Control Documents / DCO [**REP1-063**]
 - Written Summary of Oral Submissions from Issue Specific Hearing 3: Socio-economics [**REP1-058**]
 - Written Summary of Oral Submissions from Issue Specific Hearing 4: Surface Transport [**REP1-059**]
 - The Applicant's Response to Actions from Issue Specific Hearing 4: Surface Transport [**REP1-065**]
 - The Applicant's Response to Actions - ISH 5: Aviation Noise [**REP1-066**]
2. Its purpose is to respond to certain paragraphs the documents mentioned above. Where this document does not respond to a paragraph, this does not indicate that the Authorities agree with the position set out in the paragraph in question.
3. The Authorities' responses are set out in 8 Tables. In each Table, Column (1) cross-refers to the paragraph number or action point number from the Applicant's corresponding document (e.g. REP1-056, REP1-057, or REP1-063 (as the case may be)), paragraph (2) sets out (or summarises) the Applicant's text, and paragraph (3) sets out the Authorities' response to that text.
4. For a more comprehensive summary of the Authorities' position in respect of the issues raised at ISH1 to ISH5, please refer to the Post-Hearing submissions, including written summaries of oral submissions to the Hearings held between 28 February and 6 March 2024 – Issue Specific Hearing 1 [**REP1-211**].

Table 1: the Authorities’ response to REP1-056 (“Deadline 1 Submission – 10.8.2 Written Summary of Oral Submissions from Issue Specific Hearing 1: Case for the Proposed Development”)

(1) Ref	(2) GAL Comment	(3) Authorities’ Response
3.1.4	<p>“Secondly, the ANPS tells us that it provides government policy for airport nationally significant infrastructure projects in the South East, and it provides government policy for any new runway capacity in the South-East (paragraphs 1.13 and 1.14). It states that it will be important and relevant to any decision on aviation development particularly in London and the South East (paragraph 1.41). Therefore, the ANPS states that it is the relevant national policy for this application”.</p>	<p>It is important to highlight, as does Heathrow Airport Ltd in its Written Representation (REP1-192), that it is of particular relevance that the ANPS requires applicants seeking to make best use of their existing runways need to demonstrate that there is a need distinct from that need, particularly for hub airport capacity, that would be met by the provision of an additional runway at Heathrow. This is material as the Authorities consider GAL has not yet demonstrated that its projected demand forecasts adequately take into account the extent to which at least some element of the projected future demand with the NRP relates to demand that could only be met at Heathrow with its specific hub role, such that there is a part of the passenger demand forecast for the NRP that is unlikely to be realised. The Authorities consider that the ‘top down’ benchmarking of the demand projections put forward by GAL has not appropriately taken account of the specific ANPS requirement to demonstrate that the need which GAL proposes to meet is <i>“additional to (or different from) the need which is met by the provision of a Northwest Runway at Heathrow”</i> as set out at paragraph 1.42 of the ANPS.</p>
3.1.5	<p>“The Applicant added that it had discussed the application of sections 104 and 105 of the Planning</p>	<p>The application of sections 104 and 105 of the Planning Act 2008 is considered in the Joint West Sussex LIR [REP1-068] at paragraph 6.3 to 6.10</p>

	<p>Act 2008 with the legal representative for the Joint Local Authorities prior to ISH1, and subsequently proposed that the Applicant would submit further information at Deadline 1 about how it considers the interrelationship of these provisions applies to this application. This can be the basis of a discussion with the JLAs to reach an agreed position. The Applicant noted it is perhaps an unusual case where the primary element of the project is subject to an NPS which does not have effect, whereas the secondary element is subject to an NPS which does have effect. It is recognised that there is a question to be considered, albeit the Applicant does not anticipate there being any difference between the parties that will necessarily affect the destination or outcome”.</p>	<p>and in the joint LIR prepared by the Surrey local authorities [REP1-097] at paragraph 4.3 to 4.10. Further discussions with the Applicant are ongoing to see if a common position can be reached, potentially by Deadline 3.</p>
<p>3.1.7ff/ 3.1.36</p>	<p>Points re whether or not the NRP is new infrastructure</p>	<p>The Authorities are grateful for the additional construction information provided by the Applicant in [REP1-062] and for the cross-sections in Appendix B. However, the information provided on the drainage arrangements for the works is lacking in sufficient detail to allow the Authorities to form a view on whether it would be possible to retain the bulk of the substrata of the runway (as implied by the cross-sections). The cross-sections do not provide any details of the drainage arrangements. Further comments are made in response to the Applicant’s response to Action Points 4 and 5 in [REP1-062].</p>
<p>3.1.28</p>	<p>“...The inclusion of the NRP in the modelling is not a policy statement. It is an understanding by government of capacity which is consistent with its policy ...”</p>	<p>The Authorities consider that GAL’s statement in this regard seeks to infer too much from the inclusion of the NRP in the Jet Zero modelling. The Authorities certainly concur that the modelling exercise (and the</p>

<p>3.1.39</p>	<p>“... What the documents demonstrate is that those listed projects represented the government's understanding of projects which were consistent with MBU and with the ANPS”.</p>	<p>inputs to it) is not a policy statement. However, the Authorities do not accept that it can be inferred that what has been modelled is necessarily consistent with Government policy as regards capacity. In its Jet Zero modelling, the Department for Transport sought to test the climate change/carbon implications of potential air passenger demand growth overall. In so doing, it took into account the extent to which growth might ultimately be priced off due to capacity constraints at particular airports.</p> <p>In order to test the ceiling on UK level carbon impacts, it in essence, allowed all airports to grow unconstrained by short term capacity limitations up to what were considered longer term limits. That does not of itself imply that any individual capacity expansion is consistent with Government policy overall, rather that expansion of capacity to the level proposed under the NRP would not, of itself, compromise the ability of Government to meet its carbon reduction targets. This not quite the same as implying that somehow the inclusion of the NRP capacity within the Jet Zero modelling implied that the extent of capacity was accepted as consistent with policy as the total volume of airport capacity tested in the modelling far exceeded the capacity required to meet the level of underlying demand projected for the UK as a whole.</p> <p>Each airport must still demonstrate a specific level of demand (need) for their expansion proposals in terms of the contribution to meeting their own share of demand projected for the UK as a whole. The</p>
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		<p>Authorities do not consider that GAL has yet adequately substantiated its share of overall demand.</p>
<p>3.1.32</p>	<p>"... In the Manston Airport decision, the SoS considered the question of whether the potential for other airports to expand in the future affected the needs case for the development proposed. Taking a different approach from the ExA, the decision letter concluded, at paragraph 97, that there was no certainty that capacity from such applications would be delivered. Plans for future growth could be modified or changed, or they may not come forward at all. Any applications would be subject to the relevant planning process and may not ultimately be granted consent by the decision-maker and further, investment may not come forward. In the decision letter the SoS gave no significant weight to the prospect of potential capacity coming forward."</p>	<p>It is recognised that case law (subject to the forthcoming Appeal in respect of the Manston Airport DCO decision) is clear that there is no requirement to take into account the extent to which capacity expansion may come forward at other airports. In the Manston Airport decision,¹ the Secretary of State states at paragraph 37:</p> <p><i>"The Secretary of State agrees with the Applicant that the ANPS does not provide an explanation of 'sufficient need'. He also agrees that the MBU policy, which is relevant to this Application, does not require making best use developments to demonstrate a need for their proposals to intensify use of an existing runway or for any associated Air Traffic Movements ("ATMs"). The Secretary of State notes, however, that the MBU policy states that a decision-maker, in taking a decision on an application, must take careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations (MBU paragraph 1.29). The Secretary of State considers that the benefits expected from a proposed development would materialise if there is a need for that development. Therefore, in order to assess whether the expected economic benefits will outweigh the expected environmental and other impacts from this Development, the Secretary of State has considered need in the context of</i></p>

¹ Secretary of State's decision letter on the application for the proposed Manston Airport Development Consent Order, Decision, dated 18th August 2022.

		<p><i>identifying the likely usage of the Development from the evidence submitted in the Examining Authority's Report, the Independent Assessor's Report and the representations submitted by Interested Parties during the redetermination process..."</i></p> <p>In this context, specific emphasis is placed on the projections of usage, i.e. the demand forecasts, in terms of assessing whether there is a need for a specific development. It is in this regard, that the Authorities continue to have concerns regarding the projections of likely usage of Gatwick Airport with and without the NRP. In addition, it remains important for any proposals other than at Heathrow to show that the need to be met by those proposals is "additional to (or different from) the need which is met by the provision of a Northwest Runway at Heathrow" (as is required by para 1.42 of the ANPS).</p>
<p>4.1.3-4.1.4 and 4.1.11</p>	<p>These paragraphs concern long haul growth.</p> <p>"4.1.3 The Applicant explained that the predominant sources of that long haul growth are from the China, Asia, Indian markets in particular. There are certain carriers that have not been able to fulfil their growing ambitions at Heathrow Airport because of the capacity constraints and Gatwick Airport has been a beneficiary of those. However not all of the long haul volume at Gatwick Airport is driven by capacity limits at Heathrow Airport. There are carriers, like Air Mauritius, that consider that the catchment and operation of Gatwick Airport is better suited to the type of operation that they are operating and carriers who operate out of Gatwick to broaden their appeal in the vast London and</p>	<p>The Authorities consider that GAL is overstating its latent attractiveness to long haul carriers and considers that those airlines and routes that have seen growth at Gatwick have been predominantly in leisure markets, such as Air Mauritius.</p> <p>Furthermore, it is understood that airlines are relocated to Gatwick in large part to enable a consistent operating schedule not possible with the slots available at Heathrow, which in any event were in part leased from another airline that was not using them, adding to the airline's operating costs at Heathrow.</p>

	<p>South East aviation market benefitting from the airport's strong catchment. Other carriers, like British Airways, have a long-established long haul operation at Gatwick Airport.</p> <p>4.1.4 The Applicant added that Gatwick Airport saw approximately 12% compound annual growth rates (CAGR) for long haul traffic. This is the average level of growth over a five-year period (2014 to 2019).</p> <p>...</p> <p>4.1.11 The Applicant explained that it was likely to be due to a number of reasons. Firstly, Stansted Airport have tried a number of different carriers over the last 10 to 15 year period and they have not stuck. This is likely due in part to the distance from London, and also because the airport lacks the business travel infrastructure (e.g. premium airline lounges). It also does not provide pier service; it is very important for long haul carriers that when they have an aircraft with between 300-500 seats, that it can park connected to the terminal and allow passengers to disembark. Those are likely the principal factors which prohibit the long haul growth at Stansted Airport."</p>	<p>Furthermore, it is understood that Air Mauritius has leased its own slots at Heathrow to Qatar Airways (source: ch aviation news) for which it will receive a payment. The fact that the slots have been leased (and not returned to the Heathrow slot pool) suggests there is uncertainty as to whether the relocation of Air Mauritius to Gatwick is permanent. More generally, the Authorities are concerned that GAL's case for the NRP is overly reliant on its assertion that long haul services will not develop over time at other London or regional airports so reducing demand for Gatwick. (For more detail, see page 8 and 9 (under the sub-heading "Long Haul Traffic and Market") of the Local Authorities' Deadline 1 Post-Hearing Submission) [REP1-211].</p> <p>GAL is incorrect to state (in paragraph 4.1.11) that Stansted cannot accommodate long haul airlines as it does not provide pier service. Two of its three satellite piers are equipped with airbridges on some, if not all, stands and the layout would allow more such airbridges to be provided as long haul demand grows there. Similarly, airline lounges can be provided. Hence, it is not reasonable to assert, as GAL does, that long haul growth that cannot be accommodated at Heathrow, at least in the short term, will necessarily choose Gatwick over Stansted or over developing more direct services to the larger regional airports such as Manchester, Birmingham or Edinburgh.</p>
4.1.18	"The Applicant explained that in terms of the Gatwick specific passenger volume, 82% of passengers in	As explained at page 9 of the Authorities' Deadline 1 Post-Hearing Submission [REP1-211] (under the

	2019 were from either the Greater London or south-east England”.	sub-heading “Passenger Catchment”), GAL’s response did not address the ExA’s question regarding how much demand is currently from north and north east of London, with only 66% of current demand being from areas south of London, including central London, and excluding demand from the South West of England.
4.1.28	“If the single runway operation was not a constraint and Gatwick used optimum sequencing and operated a medium sized aircraft fleet (A320 / B737 types) then the airspace could achieve an aircraft throughput capacity of up to 60 departures per hour. If arriving aircraft were optimally separated at 3nm (nautical mile) intervals on the approach to the runway, this could achieve 48 arrivals in the same hour. This creates a theoretical airspace maximum capacity for arrivals and departures of 108 air traffic movements per hour.”	The Authorities consider this statement to be unsound as it takes no account of the need to interleave arriving and departing aircraft, which will still be required to some degree with dual runway operations. The Authorities consider it is not relevant to the ExA’s question regarding the increase in single runway capacity to 55 movements per hour. (The ExA’s question was: “ <i>The ExA noted that it understands that the airport can achieve 55 scheduled air transport movements (ATMs) per hour on the existing runway and that this is up from 53 ATMs an hour in 2012. The ExA asked the Applicant to explain how that has been achieved</i> ”).
4.1.36	“The Applicant noted the central theme of EasyJet’s relevant representation was the operational capability and delivery at the airport. It is worth highlighting that one of the central benefits of the application is the resilience benefit that it presents. In broad terms, at present there are two runways that cannot be used at the same time so the northern runway operates as a back-up in the event of a service disruption. In practice, it takes up to an hour to switch operations from one runway to the other and the capacity of the northern runway is only 36 movements per hour ...”	The Authorities understand easyJet’s primary concern (RR-1256) to be the delay implications from the existing single runway operation not the disruption to operations caused due to the process of switching operations from one runway to the other when the existing main runway is closed.

4.1.43	<p>This paragraph refers to additional documents produced by GAL at Deadline 1, namely –</p> <ul style="list-style-type: none"> • Needs Case Technical Appendix (Doc Ref. 10.6), • the Capacity and Operations Summary Paper (Doc Ref. 10.7) and • the accompanying appendix Airfield Capacity Study (Doc Ref. 10.7) 	<p>The Authorities acknowledge receipt of these additional documents and confirm a dialogue is ongoing in respect of them with GAL.</p> <p>Given the detailed material now submitted and the ongoing discussion, the Authorities will respond fully to the additional material at Deadline 3 (Friday 19 April 2024).</p>
4.1.44	<p>“... whilst overall the recovery of Gatwick airport from the COVID-19 pandemic has been slower than the recovery of Stansted Airport and Luton Airport, the Gatwick rate of recovery for short-haul was actually faster than the other airports”.</p>	<p>This is not correct. According to Civil Aviation Authority Statistics, at the end of 2023, short haul passengers at Stansted had reached 99% of 2019 levels whilst those at Gatwick only 92%.</p>
5.1.11	<p>“Post-Hearing note: Of the growth to 67 million passengers, the increase in capacity under the baseline is marginal. Of the 20 million growth (From 46.6m in 2019), only 2 million is attributable to growth in the peak periods (a combination of capacity and increased demand in off-peak periods (days and hours) of the peak months, this capacity is then largely used for year round operations. The Applicant has prepared a technical note for submission at this Deadline 1 to provide additional clarification on this matter – Technical Note on the Future Baseline (Doc Ref. 10.10)”.</p>	<p>The Authorities note that increases in runway capability, as described at the Hearing, account for only a very small proportion of the increase in baseline throughput from 46.6 mppa to 67 mppa in the baseline. The Authorities will review the additional information provided by GAL (including “Deadline 1 Submission - 10.10 Technical Note on Future Baseline” [REP1-047]) and provide further comment at Deadline 3 (Friday 19 April 2024).</p>
5.1.17	<p>“The ExA asked the Applicant whether there a tipping point when passengers or airlines would go to another airport because the flight times and flights are more advantageous than flying from Gatwick.</p>	<p>The Authorities are not yet persuaded that Gatwick can achieve growth through peak spreading to the extent claimed. A more detailed response will be</p>

	<p>5.1.17 The Applicant explained that this would not be in the immediate future because of the extent of the unconstrained demand in the London system which is forecast to significantly outweigh the available capacity across the next 25-30 years. Peaks represent the time when the most amount of demand presents itself to fly but if the cumulative demand continues to increase, which is forecast, then the Applicant is confident that there will be sufficient demand in the winter and shoulder periods to still support that ongoing well observed phenomenon of peak spreading that's taking place. Gatwick has shown strong trends in the period leading up to 2019 regarding the levels of growth in the off-peak seasons outperforming growth in the peak seasons (which are constrained). For example, Gatwick's seasonality has decreased over 20% in the 6 years prior to 2019".</p>	<p>provided in response to [REP1-047] at Deadline 3 (Friday 19 April 2024).</p>
<p>5.1.28</p>	<p>"The Applicant responded to the comments by the JLAs by explaining that the substantiation of the forecasted excess demand for Gatwick in the 2030s is based on Government based forecast for demand and capturing all the potential capacity of runway scheme proposed to become operational before 2030. In terms of the London market, any schemes proposed to follow Gatwick will be much later".</p>	<p>The Authorities will review carefully the additional material provided by GAL (including "Deadline 1 Submission - 10.6 Needs Case Technical Appendix" [REP1-052]) and provide further comment at Deadline 3 (Friday 19 April 2024).</p>
<p>5.1.52</p>	<p>"The Applicant confirmed that its Capacity and Operations Summary Paper (Doc Ref. 10.7) and accompanying Airfield Capacity Study (Doc Ref. 10.7) proposed for submission at Deadline 1 includes information around the first wave [of departures] ..."</p>	<p>The Authorities are in discussion with GAL regarding the latest information provided in relation to the capacity to be provided by the NRP and will provide an update at Deadline 3 Deadline 1 Submission - 10.6 Needs Case Technical Appendix) in response to that information.</p>

5.1.72	<p>“The Applicant confirmed that it is passing into stage 3 of the airspace change process, which is where it starts to develop the route options and systems of route options in more detail. Given the remaining route options, there are 576 option configurations on the table at this stage. The airspace change process is still at an early stage so has not been assumed in the modelling for the NRP and this Project does not require it. Airspace modernisation, however, does include the requirements of the dual runway operation”.</p>	<p>Whilst the Authorities accept that airspace change is not required to enable the Northern Runway to be operated in tandem with the existing runway, they do not consider that GAL has adequately explained how increased demand can be accommodated without airspace modernisation. There is further concern that airspace changes now being proposed for the area to the south of the airport² may lead to broader changes in the distribution of departures by route in a manner that could impact the area and shape of the noise contour. This has implications for the Noise Envelope, which have not been addressed by the Applicant.</p>
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Table 2: the Authorities’ response to REP1-062 (“Deadline 1 Submission - 10.9.2 The Applicant’s Response to Actions - ISH 1: The Case for the Proposed Development”)

(1) Ref.	(2) GAL comment	(3) Authorities’ Response
Action Point 1	<p>The Examining Authority has asked the Applicant and Joint Local Authorities to provide additional documentation in respect of their position regarding s104 and s105 of the Planning Act 2008 and National Policy Statements</p>	<p>The application of sections 104 and 105 of the Planning Act 2008 and the national policy statements is considered in the Joint West Sussex LIR [REP1-068] at paragraph 6.3 to 6.10 and in the joint LIR prepared by the Surrey local authorities [REP1-097] at paragraph 4.3 to 4.10.</p>
Action Point 3	<p>The Examining Authority has asked the Applicant to provide details of case law in respect of making best use (MBU) of existing runways in respect of Stansted and Manston airports.</p>	<p>Please see the reply to ref. 3.1.7ff/3.1.36 in Table 1.</p>

² Airspace Change Coordinating Group, London Airspace South (LAS) Public Engagement Exercise, February 2024.

3.3.8	Paragraph 3.3.8 states: "In any event, the Government has confirmed that its forecasts for airport capacity growth are consistent with its MBU policy and that these include the full capacity of the NRP application".	In respect of paragraph 3.3.8, whilst the Government has allowed for the potential increase in capacity that the NRP could provide in assessing its overall UK air passenger growth forecasts and their consistency with achieving the Jet Zero targets, this should not be taken to imply that the demand projections by the Department for Transport mean that the capacity would be fully taken up over the timeframe. There is still a requirement for the Applicant to demonstrate that its forecasts of usage are robust as a basis for assessing the benefits and harms associated with making best use. The Authorities do not consider that it has yet done so.
3.5.4	<p>Paragraph 3.5.4 states:</p> <p>"At Luton, in the decision letter dated 13 October 2023 (the proposals for an additional 1 million ppa), the proposed development was described as follows: ".planning application for the variation of five conditions (8, 10, 22, 24 and 28) attached to previous planning permission, Ref 15/00950/VARCON, dated 13 October 2017. The planning application is dated 8 January 2021, reference 21/00031/VARCON, and seeks the dualling of Airport Way/ Airport Approach Road and associated junction improvements, extensions and alterations to the terminal buildings, erection of new departures/arrivals pier and walkway, erection of a pedestrian link building from the short stay car park to the terminal, extensions and alterations to the mid-term and long-term car parks, construction of a new parallel taxiway, extensions to the existing taxiway parallel to the runway, extensions to existing aircraft parking aprons, improvements to ancillary infrastructure including access and drainage, and demolition of existing structures and enabling works; and outline planning application for the construction of a multi-storey car park and pedestrian link building (all matters reserved),</p>	

	12/01400/FUL – variation of condition 11(i) – noise violation limits. (emphasis added)”. 	
Action Points 4 and 5	<p>4. Applicant to provide further information regarding construction works for the repositioning of the existing runway.</p> <p>5. Applicant to consider whether engineering cross-sections can be provided within above document.</p>	<p>As part of the Accompanied Site Visit on 7th March, the current northern runway was visited. The submitted information does not reflect the understanding of the runway construction witnessed at the site visit by Jean McPherson of Crawley Borough Council. Currently the emergency runway is effectively divided into 3 sections. There is a central runway strip which is deeper and stronger to accommodate the weight of the aircraft. On either side of the runway is a shallower depth strip of concrete (the shoulders) which are distinguished in situ by two solid white lines running parallel with the main centre line of the runway. Within the centre of the white line runs a slot drain. Ms McPherson inspected the northern section of the shoulder on the site visit and assumes that the construction arrangement would be mirrored on the southern side (as logically drainage would need to disperse evenly off both sides of the runway).</p> <p>The description of works in para 4.1.3 highlight ‘replacement of drainage’ as a key construction element. The cross sections submitted do not show this drainage arrangement or any drainage arrangement as existing or proposed, just a footnote they would be developed during detailed design. (For instance, Drawing SK-001 is unscaled and it is unclear where the cross section is drawn from along the runway).</p> <p>If the Applicant were to mirror the present arrangement, in order to create a new runway</p>

		<p>shoulder on the south side, a new runway shoulder line would need to be created 7.5m from the edge of the repositioned runway and therefore a new drainage channel would need to be cut into the original runway. This could involve considerable engineering work (given the depth of the runway at 1.5m). This is not referred to at all in the Applicants description of works at paragraphs 4.1.7 to 4.1.10 [REP1-062] and an explanation as to why not would we welcomed. As a general point, Ms McPherson considers the information provided under Action Points 4 and 5 to be very limited. For context, the Appendix to this Table includes a photograph (taken from the northern runway) and which clearly shows the white line under which there is a drainage system. No drainage system is shown on the over-simplified cross-sections which the Applicant has provided).</p>
<p>Action Point 8</p>	<p>Action Point 8: "Applicant to respond to comments made by Dr Alex Chapman (on behalf of New Economics Foundation) at ISH1, and also his Relevant Representation".</p> <p>In its response, the Applicant refers to displacement of air traffic from other airports and assessment of benefits.</p>	<p>Because of the shortcomings in the Applicant's approach to assessing how Gatwick would compete with other airports and its reliance on top down benchmarking of its projections against the DfT's overall UK air passenger forecasts that assume growth at Heathrow in its hub role, the Authorities do not consider that the totality of demand growth with the NRP can be considered as additional at the total system level.</p> <p>To the extent that there is a greater proportion of demand that is displaced, the user benefits will have been materially overstated by the Applicant.</p> <p>Furthermore, the approach to estimating air fare savings using fares applying over the whole London airport system, including fares commanded at Heathrow that tend to be higher than at the other</p>

		airports, the Authorities consider that the air fare saving benefits have been overstated, compounding the overestimation of the benefits of the NRP. This is material in so far as the benefits are a relevant planning consideration in terms of weighing against the harms arising from the NRP.
Action Point 10	The Examining Authority has asked the Applicant to submit documents prepared for York Aviation and copies of the responses to the questions raised by York Aviation.	A dialogue is ongoing between the Applicant and York Aviation regarding the material provided in these additional documents. The Authorities will provide a more detailed commentary on these documents at Deadline 3 (Friday 19 April 2024).

Appendix to Table 2: photograph (taken from the northern runway) showing the white line under which there is a drainage system.



Table 3: the Authorities’ response to REP1-057 (“Deadline 1 Submission - 10.8.3 Written Summary of Oral Submissions from Issue Specific Hearing 2: Control Documents / DCO”)

(1) Ref.	(2) GAL comment	(3) Authorities’ response
3.1.5	“The ExA noted that other airport consents provide for a passenger cap and asked why such a control is not proposed for the Project”.	This could be a matter of concern to the Authorities, as if there is concern about surface access. Also, a movement only cap could result in more movements by heavier and noisier aircraft carrying more passengers placing greater importance on a robust Noise Envelope.
3.1.25	“[Post-Hearing Note: without the Project, it is anticipated that the existing night flight regime would continue in operation and the Applicant's earlier comments regarding the DfT's current consultation on continuing this regime until October 2028 are reiterated. Any growth in passenger numbers would need to take place in accordance with the airport's regulatory controls, including the night flight restrictions.]”	The Applicant’s response does not make it clear whether the retention of existing night movement controls (i) only applies in circumstances of no development or (ii) would continue to apply with the NRP. This should be clarified.
5.1.9	The Applicant rejected the notion that its proposed controls are only retrospective. The noise envelope requires forecasting and allows for the application of sanctions on the basis of forecast effects.	The Authorities are concerned that the proposed approach to ensuring the noise envelope is not breached are not robust in terms of the timing when action would be taken, against a forecast breach, and the ability to manage slot allocation. As proposed, slots could already have been allocated to airlines such that a breach could not be prevented. The Authorities consider that forward looking noise budgets should be used to control the allocation of slots to ensure that the noise envelope is not breached.

Table 4: the Authorities’ response to REP1-063 (“Deadline 1 Submission - 10.9.3 The Applicant’s Response to Actions from Issue Specific Hearing 2: Control Documents / DCO”)

(1) Ref.	(2) GAL comment	(3) Authorities’ response
Action Point 1 2.1.5	<p>Action Point 1 required the Applicant “To clarify the extent to which Development Consent Order (DCO) controls would apply to non-commercial air traffic movements (ATM)” and, in paragraph 2.1.5 of the document, the Applicant states –</p> <p>“The Applicant does not consider it appropriate for requirement 19(1) to limit such non-commercial ATMs given their urgent and largely unplanned nature. Including such flights within the ATM cap would mean that, once the airport is operating at or near to the ATM cap, accommodating emergency flights or flights diverted from other airports would risk the Applicant breaching the DCO. Such a situation would hinder the responsible and effective operation of the airport”.</p>	<p>Whilst the Authorities accept the exclusion of such ‘emergency flights’ as defined by the Secretary of State, the Applicant does not address how other non-commercial flights, e.g. business aviation activity, would be controlled. The Authorities request that an explanation is provided.</p>
Action Point 3	<p>Action Point 3 required the Applicant “To submit information on compliance of Work Nos. 2-7 with Civil Aviation Authority controls and whether these sufficiently control the phasing of the development”.</p> <p>Paragraph 4.1.3 quotes from the Civil Aviation Authority’s Relevant Representation [REP-081] which summarises the CAA’s powers and responsibilities in relation to airfield infrastructure. Paragraph 4.1.4 summarises the requirements of CAP</p>	<p>The controls described appear to deal with aircraft safety. They do not address environmental controls which may be necessary; for example, drainage infrastructure and the management of flood risk on and off site which are critical in this location given the position of the River Mole and the extent of the floodplain. If flood mitigation structures and measures are removed to facilitate these works and there is no compensation provided (or provided at the end of construction) then this could increase the risk of flooding elsewhere if flood compensation capacity is</p>

	791 (procedures for changes to aerodrome infrastructure).	temporarily lost. This is why a detailed understanding of the sequencing and interaction between various works elements is so important. GAL seem to have expanded this point a little in 10.1.9 and 10.1.10 of their submission but the Authorities will need to double-check the level of detail in the control documents mentioned (for instance, ES Appendix 11.9.6: Flood Risk Assessment [AS-078] and ES Appendix 5.3.3: Indicative Construction Sequencing [AS-088] . It is of note that the Flood Risk Assessment is not a certified document and so not listed in Schedule 12 to the dDCO [REP1-004] and the Authorities would welcome an explanation as to why this is the case.
Action Points 4 and 5	Action Points 4 and 5 required the Applicant – “4. To consider whether the use of any of Work Nos. 8-34 should be related to the proposed increase in commercial ATMs or passenger numbers. 5. To consider the need for a requirement to clarify dependency of hotel development on an increase in commercial ATMs or passenger numbers”.	A minor point in respect of hotels and evidence given by GAL at ISH1 that the hotels were not required to achieve the baseline (but were justified for inclusion as part of the DCO proposal). Here the evidence suggests they would be built before the suggested baseline passenger limit is exceeded.
Action Point 6	Action Point 6 required the Applicant: “To consider whether the level of design detail in Schedule 1 is sufficient, and consider whether more information can be included in the design principles”.	The Authorities don’t agree with GAL’s response to Action Points 6 and 6.1, but this is already clear from the West Sussex LIR [REP1-068, section 24] .
Action Point 7	Action Point 7 required the Applicant: “To consider whether maximum number of car parking spaces for each car park should be specified”.	The Car Parking Strategy is considered below in Table 7: the Authorities’ response to REP1-065 (“Deadline 1 Submission - 10.9.5 The Applicant’s Response to

	<p>Paragraph 9.1.4 of the document states: "At Deadline 1 the Applicant has submitted a Car Parking Strategy (Doc Ref. 10.5) which provides further information relating to existing on-airport parking at Gatwick Airport and the rationale for the approach to car parking proposed as part of the application, particularly in respect of parking provision and management in the context of the proposed [Surface Access Commitments]".</p>	<p>Actions from Issue Specific Hearing 4: Surface Transport").</p>
Action Point 8	<p>Action Point 8 required the Applicant: "To provide clarification regarding what is mitigation works to address adverse effects and what is associated development".</p> <p>Paragraph 10.1.3 lists numbered works which the Applicant states "serve a clear mitigatory function".</p>	<p>Paragraph 10.1.3 lists the works the Applicant considers have a mitigatory function. It is noted Work No. 41 (ecological area at Pentagon Field) is listed; however, this is already (in part) an ecological area as the site was identified for tree planting and habitat mitigation when the North West stands were developed. There is a risk of double counting here. GAL also exclude the fact that they are using this site for the deposit of at least 4 metres of soil (from other works sites) during the construction phase process before creating the ecological area referenced. So, the position is not as straightforward in respect of the Work No. 41 site as suggested by the Applicant.</p>
Action Point 9	<p>Action Point 9 required the Applicant: "To provide a reference to the submission that shows the extent of operational land or provide such clarification through an additional submission".</p> <p>The Applicant's answer is included at paragraph 11.1.2 to 11.1.12.</p>	<p>The Authorities consider the Applicant's answer does not fully address the question posed. GAL define their land into 4 'categories' but do not provide any plan to explain this and they present a rather oversimplified picture of the operational land situation at the airport. As worded, it appears that GAL are seeking all land in categories A B and C to become operational land under the DCO, and this is of concern to the Authorities as areas used for environmental mitigation</p>

		<p>etc. such as Pentagon Field and Museum Field would become operational land, potentially allowing further airfield infrastructure, but in particular airport parking, to be expanded beyond the areas currently specified in the dDCO. GAL should provide a clear plan to accompany the written explanation provided. It is noted that GAL have provided an 'Airport boundary plan' which they seek to get approved as Certified document APP-004 – https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020005/TR020005-000794-1.4%20Glossary.pdf</p> <p>However, it shows a different boundary to the DCO Limits and an explanation for this disparity should be provided.</p>
Action Point 10	Action Point 10 required the Applicant: "To clarify which Work Nos. fall within the description of excepted development not requiring the making of the DCO to secure development consent".	<p>The Authorities disagree with the Applicant's use of the concept of 'excepted development' to bypass effective control over parts of the authorised development for the reasons explained in [REP1-212]. The Applicant's rationale for this 'carve out' is that the works in question could ordinarily be undertaken as permitted development. However, precisely because the works are part of the authorised development and that development is a single indivisible project, those works are EIA development and they do not benefit from any permitted development rights. The premise for the 'carve out' is therefore misconceived. In any event, the Authorities have other concerns about the use of 'excepted development'. The Applicant states in paragraph 12.1.7 that whether a Work No. is "excepted development" would depend on whether the land is operational at that time. Based on this, in paragraph</p>

		<p>12.1.6, the Applicant has “preliminarily categorised the numbered works in Schedule 1” and sets out those it considers would constitute “excepted development”. The Authorities consider the list of “excepted development” in paragraph 12.1.6 is misleading as no attempt has been made to establish the land that is currently “operational land”. Owing to this, the Authorities consider the following work numbers do not fall within the meaning of “excepted development” for the reasons set out below (leaving aside the point already made that this is a single indivisible project which is EIA development and so there are no permitted development rights available) –</p> <ul style="list-style-type: none"> • Work No. 1 (reposition northern runway) – the Authorities consider this Work would fall foul of paragraph F1(a) of the Schedule 2, Part 8, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 because it would involve the construction or extension of a runway. • Work No. 4 (works to taxiways) – this Work requires Purple Parking land (which is not operational land). • Work No. 9 (constructing the CARE) – since this is potentially EIA-scale development, it would not benefit from permitted development rights. • Work No. 16 (constructing the new hangar) – since this is potentially EIA-scale development, it would not benefit from permitted development rights. • Work No. 18 (removing and replacing western noise mitigation bund) – this structure is
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		<p>controlled via planning condition 4 of Application Ref CR/125/1979.</p> <ul style="list-style-type: none"> • Work No. 28(b) to (e) (works at Car Park H, excluding hotel) – based on the information provided by the Applicant it is unclear whether this Work would constitute “excepted development”. • Work No. 33 (works at Purple Parking) – the Authorities understand that Purple Parking is not operational land (and further understand the site is owned by a third party). See the legal agreement dated 24 May 2022 [AS-115]. • Work No. 38 (habitat enhancement and flood compensation at Museum Field) – again, this is not operational land. Again, see the legal agreement dated 24 May 2022 [AS-115]. • Work No. 41 (ecological area at Pentagon Field) – this land is understood not to be operational land as it was shown outside of the airport boundary in 1979. Some planting on this site was agreed as part of condition 4 compensatory habitat creation for CR/2008/0665/FUL Gatwick North West Zone. • Work No. 43 (water treatment works) – this land is understood not to be operational land as it was shown outside of the airport boundary in 1979. <p>It is also noted that Work Nos. 28(b)-(e) (works at Car Park H), 30 (constructing Car Park Y), 32 (replacing North Terminal Long Stay car park) and 33 (works at Purple Parking) relate to the provision of car parking. This would be “excepted development” provided the Applicant can show the proposal</p>
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		complies with Obligation 5.6 of the current S106 Agreement [AS-115]. CBC has had advice that if a Permitted Development consultation came in that conflicted with this Obligation 5.6, CBC would be able to enforce the obligation, if necessary. (To date, no conflict between a Permitted Development consultation and Obligation 5.6 has arisen).
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Table 5: the Authorities’ response to REP1-058 (“Deadline 1 Submission - 10.8.4 Written Summary of Oral Submissions from Issue Specific Hearing 3: Socio-economics”)

(1) Ref.	(2) GAL comment	(3) Authorities’ response
3.2.3	“However, the Applicant also confirmed that data which sets out impacts within specific local authority boundaries, where this is possible, is set out in the ES Appendix 17.6.1 Socio-Economic Data Tables [APP-197] in order for local authorities to contextualise the potential impacts of the Project within their specific administrative boundaries.”	It is noted the Applicant has not included comments, included in the transcription of ISH3, in which the Applicant said: “The only thing we haven’t done is essentially because we don’t believe it’s appropriate is to then assess the significance of the impact of every single one of those, potentially up to 37 local authority areas that fit in within our overall assessment area”. These comments should also be noted by the ExA when considering the Applicant’s assessment of impacts at a local authority level.
5.2	“The ExA asked the Applicant to comment regarding various concerns raised in respect of the availability of labour supply and housing (to include temporary accommodation and affordable housing), with particular regard to Reigate and Banstead Borough Council”.	It is noted that, in paragraph 5.2, the Applicant has not accurately reflected the ExA’s question which was, in fact, in relation to all local authority areas located in close proximity to Gatwick such as Crawley Borough Council whose issues in relation to housing were discussed at length during ISH3.
5.2.17	“The ExA asked the Applicant to take this issue of the implications of the 2011 census data away for consideration, which the Applicant acknowledged. <u>The Applicant considered its assessment to be robust and proportionate and would seek some justification as to why the JLAs might think otherwise and why the more recent data is material” (emphasis added)</u> ”.	In relation to this paragraph, it will be remembered that the text emphasised in paragraph 5.2.17 was rebutted by Michael Bedford KC on behalf of the Authorities at ISH3 when it was pointed out that, in the inquisitorial process of the Examination, it is unsatisfactory for the Applicant to require the Authorities to prove that there is a problem in relation to the labour supply and housing supply. Instead, the Applicant should be able to demonstrate – through evidence presented to the ExA’s satisfaction – that the assessments they have carried out are fit for purpose

		<p>so as to enable the ExA to understand the impacts of the Project. This point is addressed further in the document "Post-Hearing Submissions, including written summaries of oral submissions to the Hearings held between 28 February and 6 March 2024 – Issue Specific Hearing 3 [REP1-213].</p>
<p>7.1.1 and 7.1.2</p>	<p>“7.1.1 The Applicant agreed to provide additional signposting; however, explained that the vulnerable groups were inherently covered within the consultation responses at paragraph 4.6.45 of the Consultation Report [APP-218], which followed prior consideration of how vulnerable groups could be well accessed through the main consultation process. The responses that came back are set out at Annexes A [APP-219] and D [AP-222] of the Consultation Report. Particular health issues were not raised in these responses.</p> <p>7.1.2 The ExA accepted this and asked that this signposting also include matters raised by Surrey County Council regarding the cumulative impacts of the construction and operational phases on the physical and mental well-being of vulnerable group populations had been considered (for example, Horley Central and South)” (emphasis added).</p>	<p>The Authorities question whether the ExA “accepted” that “vulnerable groups were inherently covered within the consultation responses at paragraph 4.6.45 of the Consultation report”.</p>

Table 6: the Authorities’ response to REP1-059 ("Deadline 1 Submission - 10.8.5 Written Summary of Oral Submissions from Issue Specific Hearing 4: Surface Transport")

(1) Ref.	(2) GAL comment	(3) Authorities’ response
3.1.2	The Examining Authority (ExA) sought clarity on the level of passenger growth above today's baseline considered in the assessment, and whether a realistic worst-case scenario has been assessed.	Whilst this point relates to the level of growth without the NRP (Para 3.1.2), the Authorities argue that a realistic worst-case has not been considered as it is assumed that the proposed mitigation delivers the Surface Access Commitments (SAC). No evidence has been presented of the potential impacts should the SAC fail to be met.
3.1.5	The Applicant confirmed that they have confidence that the operation of the network without the Project would not compromise the future baseline projections or act as a constraint on airport growth (Para 3.1.5).	SCC is concerned that the M25 around Junction 8 is at capacity, which means more traffic would transfer onto SCC’s network. Furthermore, should it not prove possible to enhance rail services as proposed or should the Applicant otherwise fail to meet the mode share targets, then the “without NRP” demand would not be able to be accommodated on the transport networks without significant impacts.
3.1.9	“In response to concerns raised by National Highways (NH) about the approach to traffic modelling, the Applicant confirmed that they are engaging in further discussions with NH and confirmed that they are preparing sensitivity tests using the VISSIM models and assuming post-Covid conditions...”	WSCC would like to review any further VISSIM modal outputs and would like the Applicant to consider and address the further modelling information requests made by WSCC in their Local Impact Report [REP1-068] .
3.1.10	“In response to NH's concerns about the securing mechanism for the highway improvement works considered as part of the future baseline (namely the CIP signalisation works), the Applicant confirmed that it has no in-principle issue with including measures in the Draft Development Consent Order (“draft DCO”)	WSCC note that the Applicant has no in principle issue with including measures, such as the Capital Investment Plan (CIP) works, included in the baseline, but identified by NH as not being guaranteed to come forward, in the Draft Development Consent Order (draft DCO). There are other works, such as the 2,500 robotic parking spaces, which are included in

	and is engaging with NH to agree appropriate drafting”.	the baseline and consideration should be given as to what other works, that are included in the baseline, should form part of the Development Consent Order and be part of the Project. WSCC would welcome a discussion with the Applicant on this point.
3.2.1	The Applicant states in para 3.2.1 that a combination of June background demand with June based airport demand is a reasonable scenario to assess.	SCC supports this statement.
3.3.1	The extent of the VISSIM model is discussed in Para 3.3.1.	SCC have repeatedly asked for more of SCC’s network to be considered in the VISSIM model and so its scope has not been agreed with all stakeholders. SCC request this expansion of the modelled area because excluding junctions up/downstream from Longbridge Roundabout means the model lacks the vital interactions between junctions to ensure the accurate representation of Longbridge Roundabout. It also lacks assessment of impact on the A23/Vicarage Lane/Victoria Road junction, which is already constrained.
4.2.5	SCC remains concerned that the Applicant’s assessments are based on the expectation that the rail network will return to pre-Covid service provision (Para 4.2.5), as agreed by Network Rail.	As discussed during the hearing and presented in Para 2.8 of Network Rail’s Written Representation (REP 1-090), there is currently no funding for the resumption of rail service capacity to pre-Covid levels – albeit it is recognised as being theoretically possible. SCC has repeatedly stated that this is a significant assumption and failure of rail services to reach the service patterns assumed by GAL will mean their SAC is either extremely difficult or impossible to meet given the importance of the rail mode in meeting those commitments. The impact on SCC’s network would be significantly worse than assessed.

4.2.8	"[Post-Hearing Note: the Applicant is meeting with [Network Rail] on 14 March 2024 to discuss these matters [e.g. rail station and passenger modelling] relating to the Project.]"	WSCC see rail as a key mode in order to meet the target modal splits to and from the airport. Engagement, by the Applicant, with Network Rail, is welcomed. WSCC, as Highway Authority, await hearing the outcome of these discussions and reserve judgement to comment further once further information is provided.
5.1.3	The Applicant explains in Para 5.1.3 that it has included in ES Chapter 5: Project Description [AS-133] the additional amount of parking which the Applicant considers appropriate in accordance with the SAC's and the detailed modelling in terms of how mode shares can be achieved.	SCC have stated previously in their Local Impact Report (REP1-097) that the modelling shows that there is no need for the extra spaces as volumes of parking in the future baseline and with NRP are the same. Furthermore, Surface Access Commitment 7 (APP-090) Para 5.2.7 states that GAL will provide these spaces over a period of time as demand requires. SCC still await confirmation of how this need will be triggered.
5.1.10	Paragraph 5.1.10 states: "the Applicant considers there are many reasons why the more flexible approach in the SACs is more appropriate given there is not a linear relationship between a decrease in on-airport car parking provision and the achievement of an increase in sustainable transport mode share".	SCC would be interested to know the relationship between on-airport car parking charges and the achievement of an increase in sustainable transport mode share, given that there is not a linear relationship between a decrease in on-airport car parking provision and the achievement of an increase in sustainable transport mode share.
6.1.1 and 6.1.2	"6.1.1 In response to the ExA's request for clarification about the [Surface Access Commitment] SAC process, the Applicant confirmed that the obligation to produce action plans is a continuing process and the Applicant would be required to keep producing action plans if the mode share commitments have not been met, and importantly, would be required to implement the measures in the action plans.	WSCC's concerns remain in relation to the Surface Access Commitments (SACs). As set out in the West Sussex LIR [REP1-068], the commitments lack detail and robustness which therefore compromises their ability to ensure a suitable certainty of outcome.

	<p>6.1.2 In response to the ExA's query on how the action plan would control growth, the Applicant explained that it would be necessary to find a proposal that is more effective in order to meet the mode share commitments and noted that the Applicant has a strong record of shifting modes of travel to a more sustainable direction".</p>	
<p>6.1.3</p>	<p>"...The Applicant explained that the intention is not to develop action plans on failure to achieve targets, but to develop them in advance and ensure there is mitigation in order to avoid failing to meet the targets. It is a pro-active response to ensure there is opportunity to develop lasting mitigation ..."</p>	<p>In paragraphs 6.2.5 and 6.2.6 of the Surface Access Commitments (APP-090), the Applicant clearly sets out that an Annual Monitoring Report (AMR) will be produced containing information against the key modal split targets. The Applicant states in SAC (APP-090), <i>"If the AMR shows that the mode share commitments have not been met or, in GAL's reasonable opinion, suggests they may not be met (having regard to any circumstances beyond GAL's control which may be responsible), GAL will prepare an action plan to identify such additional interventions which are considered reasonably necessary to correct such actual or potential non-achievement off the mode share commitments. Paragraph 6.2.6 of the SAC (APP-090) goes on to state, "If two successive AMRs continue to show that the mode share commitments have not been met or, in GAL's reasonable opinion, suggests they may not be met (having regard to any circumstances beyond GAL's control which may be responsible), GAL will prepare a further action plan and will provide this to the TFSG, together with additional data if necessary and possible, in order that the TFSG can consider, comment on and approve or reflect the action plan."</i></p>

		Concerns remain that a significant period of time could pass where the SAC's modal split targets are not being complied with and action plans may not be successful or, the measures within them, would take time to implement or to be effective in changing travel habits. As set out within the West Sussex LIR [REP1-068] , the local Highway Authorities are advocating a Green Controlled Growth approach, similar to that proposed in the Luton Airport DCO project. This would enable growth to happen but also ensure compliance with the modal split targets and provide certainty of outcome to surface access to the airport. Owing to the uncertainty over the delivery of baseline rail services and whether it is desirable to set parking and access charges sufficiently high to influence drivers in the absence of viable alternatives, SCC is concerned that the DCO application may not include all the necessary measures to mitigate impacts on our network.
6.1.4	The Applicant states in Para 6.1.4 that there is no evidence that there needs to be a growth constraint in order to ensure mode share commitments are complied with. In contrast, there is evidence of the Applicant having a track record of meeting its targets.	While SCC agrees that GAL has a high public transport mode share, its "without NRP" target is 52% of passenger journeys to the airport by public transport by 2030 and its "with NRP" target is 55%. Whilst the pre-Covid mode share was 47%, the mode share of 43.7% in 2022 suggests there is a long way to go. In such circumstances, SCC seeks reassurance that should mode share targets not be met, there should be controls on growth to ensure that the impacts on its networks are no worse than assessed in the Environmental Statement.
6.1.5.3	Paragraph 6.1.5.3 states: "Detailed modelling, shared with stakeholders through the DCO Application and wider engagement, highlights the measures required	SCC seek clarification regarding whether this means that public transport mode has reached its peak at 55% (mode share is likely to follow the shape of an 's-

	to achieve our mode share commitments and indicates that it would not be possible to achieve high levels of public transport mode share across the whole passenger catchment area.”	curve’) or whether any further shift in public transport more is only like to come from the Brighton Mainline axis. In either case, the enhanced rail services assumed in the baseline are of such vital importance that should they not materialise, the likelihood of increased car-based travel through the county of Surrey is likely and its impacts are unreported.
7.1.4	Paragraph 7.1.4 states: In response to matters raised by Interested Parties in respect of active travel route provision, the Applicant explained that after the summer 2022 engagement, substantial changes were implemented to the detail of design. The details of this process are set out in ES Chapter 3: Alternatives Considered [APP-028, seepage 3-40].	While changes were made, they do not necessarily reflect the feedback and requests made by SCC at the time.

Table 7: the Authorities’ response to REP1-065 ("Deadline 1 Submission - 10.9.5 The Applicant’s Response to Actions from Issue Specific Hearing 4: Surface Transport")

(1) Ref.	(2) GAL comment	(3) Authorities’ response
Action Point 1	The ExA requested a “revised future baseline scenario which shouldn't include any traffic changes associated with the airport growth and infrastructure improvements in the Project case”.	<p>The Authorities are broadly supportive of the response from the Applicant in that the Environmental Statement has provided a “description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development...” (Para 2.2.2). This was as anticipated by the Authorities.</p> <p>However, the Authorities remain concerned about some of the assumptions in this future baseline, such as the assumed recovery of rail services to pre-Covid levels and planned service enhancements as well as congestion issues on the M25 around Junction 8. The first point is likely to result in lower public transport mode share than planned and both points will combine to create a greater traffic and wider environmental impact within the county.</p>
Action Point 6	<p>“Submit car parking note to include details of car park occupancy to justify the need for additional car parking. This should include consideration of on-site and off-site parking. The Examining Authority would like to have a comprehensive view of parking demand and supply including the following locations:</p> <ul style="list-style-type: none"> • On-site parking. • Authorised off-site parking. • Off-site parking in other locations managed by online parking companies. 	The Applicant submitted a Car Parking Strategy at deadline 1 [REP1-051] , which is welcomed. This includes all matters related to parking except details of occupancy at unauthorised off-site parking locations and on-street parking (fly parking), due to limitations of sourcing and the robustness of this data. The document explains how the Applicant has identified the need for 1,100 new on-airport passenger car parking spaces in association with the Project. This is set out at Section 3.5 of the document,

	<ul style="list-style-type: none"> • On-street parking (fly parking)". 	<p>including the worked example of Table 2. The Authorities understanding of this process (in summary) is that 2019 authorised on and off-airport spaces have been totalled up, with these assumed (for practical reasons) to operate at 87.5% capacity. The separate Transport Modelling has been used to estimate likely mode share for travel to/from the airport, and in assuming a public transport mode share of 55% to be achievable, appears to estimate a 20% increase in Park and Fly trips would arise from the Project. This uplift is plugged into the equation, to identify a total peak parking accumulation, with authorised off-airport spaces (at 87.5% capacity) subtracted to give an estimated total on-airport parking requirement of 48,300 spaces (again assuming for operation at 87.5% capacity). The difference in total spaces from 2019 compared with the Project identifies a requirement for an additional 7,700 on-airport spaces, which subtracting the Applicant's assumed baseline of 6,570 spaces, arrives at a requirement for the Project of 1,100 spaces.</p> <p>Noting the Applicant's approach, the Authorities raise the following points relating to the Applicant's calculations:</p> <ul style="list-style-type: none"> • The modelling shows there is no need for the extra spaces and, in terms of GAL saying that an additional 1,100 spaces are required, confirmation of how the need will be triggered is awaited. (This point has been made previously in SCC's LIR [REP1-097]).
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		<ul style="list-style-type: none">• It would be helpful if the Car Parking Strategy could provide a more detailed commentary to explain how the mode share targets and uplift in Park and Fly trips, are factored into the calculation. This will need to explain more clearly how the proposed number of new passenger spaces links to the mode share commitments in the SAC. The Authorities' understanding is that it is the "1.20 multiplier" that essentially factors in the Project's mode share targets to the parking need equation, but it would be helpful if this could be clarified by the Applicant.• Table 1 of the Car Parking Strategy identifies 2019 passenger parking (GAL operated) totalling 40,611 spaces. This broadly reflects the equivalent figure shown in the September 2019 Local Authority Parking Survey, which identifies 40,790 GAL operated spaces. Whilst this shows the total number of GAL operated spaces, the Authorities note that there are other passenger parking spaces on-airport, for example the 3,280 spaces at Purple Parking, and other spaces at on-airport hotels including Povey Cross Travelodge (623 spaces) and Sofitel (565 spaces). The omitted spaces, whilst not operated by GAL, are on-airport spaces that are used by passengers travelling to/from the airport. From the Car Parking Strategy, it is unclear if or how these (and other on-airport spaces not operated by GAL) have been taken into account in the Table 2 worked example.
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		<p>The Authorities would wish to understand how on-airport spaces not operated by GAL are taken into account in any calculations, as to exclude them may result in the Applicant over-estimating the amount of new parking required as a result of the Project.</p> <ul style="list-style-type: none">• The Authorities note that the Applicant is including within its Baseline the 820 parking spaces proposed at the Hilton Hotel. Notwithstanding the Authorities' concerns as to the appropriateness of some specific projects being included in the Baseline, there would seem to be a point of consistency as to why the non-GAL operated Hilton proposal is included, when existing non-GAL operated on-airport parking (as mentioned above) appears not to factor into the calculations.• The Applicant has identified authorised off-airport provision for 2019 as being 21,200 total spaces. This does not appear to tally with the equivalent figure in the September 2019 Local Authority Parking Survey, which identifies 18,110 authorised off-airport spaces. It is unclear why the Applicant's figure is higher. It may be that the Applicant has based its calculations on a different Airport Boundary to that used by the Authorities (for clarity, the Authorities have used the Gatwick Airport Boundary as shown on the Crawley Local Plan Map 2015 that should be used for the purpose of determining whether a location is on or off-airport). It is possible that the Applicant may
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		<p>have included within this figure parking within the airport boundary that is not operated by GAL. It would be helpful if the Applicant could please clarify in more detail the sites included in its authorised on and off-airport figures.</p> <p>Staff Parking The Authorities previously noted that whilst supporting the objective to increase staff travel by sustainable modes, it is not clear how the 1,150 space reduction in staff parking relates to sustainable mode share objectives, especially since there will be more staff at the airport as a result of the project.</p> <p>The Car Parking Strategy confirms that, as of 2019, there are 6,090 staff parking spaces on-airport, and sets out a commitment to keep staff parking at or below this figure with the Northern Runway Project, noting that with staff numbers expected to increase, this effectively equates to a reduction in staff spaces relative to staff numbers.</p> <p>The Authorities understand the logic of this approach, with increased staff numbers meaning that the ratio of spaces to staff decreases over time. However, we remain unclear how the permanent loss of 1,150 staff spaces at W/B/H factors into this, as this would result in a significant loss of spaces, leaving 4,940 spaces to serve an increased number of staff. The loss of these 1,150 spaces would seem less gradual than the 'reduction in spaces relative to staff over time' approach referred to in the Car Parking Strategy.</p>
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		<p>CBC note that GAL is currently analysing the updated 2023 Staff Travel Survey. This would seem an important consideration that should be factored into any approach to staff parking proposed through the Project.</p> <p>In addition, SCC welcome, with caution, the reduction in the number of staff spaces. Whilst t share, it is arguable that staff journeys have greater potential to transfer to uncontrolled on-street parking and this will impact our community. This could lead to positive impact in terms of sustainable mode.</p> <p>Future Baseline Provision</p> <p>In addition to the above comments on the Applicant’s Car Parking Strategy, the Authorities have the following concerns, as set out in the West Sussex Local Impact Report [REP1-068].</p> <p>The Authorities do not concur with the Applicant’s assumption that the circa 3,300 parking spaces can be included in the baseline. It has not been demonstrated that the Hilton Hotel car park planning permission has been lawfully commenced and the permission may have lapsed. Additionally, the robotic parking, whilst coming forward as Permitted Development, CBC would be consulted at the appropriate times. As part of that Permitted Development Rights (“PDR”) consultation, CBC would ask the Applicant to demonstrate that a proposed increase in parking is justified by evidence of demonstrable need and having regard to GAL’s surface access commitments as per Local Plan Policy GAT3 and the existing S106 legal agreement. The</p>
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		<p>assumption, to include the robotic parking in the baseline, is made in advance of the individual PDR consultations.</p> <p>Controls on Parking Capacity The Authorities would also wish to reiterate that there is a concern that there is no control through the draft DCO or proposed s106 agreement to prevent the current PDR being used to create an overprovision of parking in the future, undermining sustainable travel to the airport. It is therefore considered that the Applicant should waive permitted development rights for additional on-airport parking from the draft DCO, as this would enable the Local Planning Authority to effectively control the provision of future airport parking and ensure that Gatwick provides sufficient parking, but no more parking than is required to support its sustainable strategy for airport access.</p> <p>Pricing Strategy The Car Parking Strategy provides further detail on the pricing strategy and use by the airport operator of dynamic pricing to balance supply and demand for parking across its range of parking products, outlining that pricing offers an important tool to influence the level of parking demand and thus the mode share of Park & Fly trips. Paragraph 4.5.5 of the Car Parking Strategy explains that whilst GAL is not committing to implement a specific level of charge, it is committing to monitor the mode share trajectory and to use parking charges as one of the key influences in reaching its mode share commitments. This is also set out in the Surface Access Commitments. The Car</p>
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		<p>Parking Strategy (and cross reference to the relevant SAC) confirms that GAL will continue to use dynamic pricing for passenger parking to ensure a balanced approach. The Authorities welcome the continued use of dynamic pricing to ensuring a balanced approach in supporting sustainable transport mode share and offering an appropriate range of on-airport parking for those who do need to drive (on-airport parking being more sustainable than off-airport parking).</p>
<p>Action Points 10 and 11</p>	<p>“5.1.2 The Applicant has prepared a separate Technical Note: Active Travel Provision Details (Doc Ref. 10.9.5) at Appendix A of this document which provides further information on the active travel provision proposed as part of the Project, including information about the proposed widths of pedestrian and cycle routes and compliance with the requirements of document CD 143 within the Design Manual for Roads and Bridges”.</p>	<p>Appendix A: Technical Note: Active Travel Provision Details paragraph 2.2.1 – WSCC as Highway Authority still require further technical information relating to the Surface Access Highway Works. As set out within the West Sussex LIR [REP1-068] further information is required to fully appraise the proposed highway works, including:</p> <ul style="list-style-type: none"> • A Stage 1 Road Safety Audit and Designers Response; • A Design Review of the highway works, demonstrating how they accord with the relevant design standards and setting out any Departures from Standard that are required; and • Justification for the proposed speed limits against the relevant WSCC Speed Limit policy. <p>Appendix A: Technical Note: Active Travel Provision Details paragraph 2.2.5 – the Applicant states that the condition of National Cycle Route (NCR)21, as it passes underneath South Terminal, is subject of a further improvement as part of business-as-usual investment. WSCC as Highway Authority questions</p>

		<p>why these improvements do not form part of the Project and will not be delivered by the DCO. WSCC remains of the view, as set out in its LIR [REP1-068], that further active and sustainable transport mitigation is required to mitigate the impacts of the development and maximise the sustainable transport trips to and from the airport, as per the Airports National Policy Statement (ANPS). WSCC would look for further active and sustainable travel mitigation to be provided by the Applicant, including further improvements to key walking and cycling, such as those identified within the Crawley Local Cycling Walking Improvement Plan (LCWIP), which includes the NCR21.</p> <p>While SCC welcomes the additional detail provided in Appendix A: Technical Note: Active Travel Provision Details, there is no change in the proposals. As such, SCC's concerns as raised previously, including most recently in the Local Impact Report (REP1-097), are still relevant - i.e. that the active travel provision is considered insufficient, especially if the ambitious sustainable mode share targets in the SAC are to be met, and in particular:</p> <ul style="list-style-type: none">• provide a fully segregated route via Longbridge Roundabout;• upgrade the most direct routes between Horley and Gatwick Airport for pedestrians and cyclists (via the new signalised crossing of the A23 London Road and Riverside Garden Park to North Terminal; and from the southern end of The Crescent through the landscaped Car Park B to the South Terminal);
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		<ul style="list-style-type: none">• provide a new crossing of the Brighton Mainline suitable for pedestrians and cyclists to facilitate access east of the railway line; and• provide Rights of Way improvements to surrounding residential areas, including Charlwood, Hookwood and Povey Cross.
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Table 8: the Authorities' response to REP1-066 ("Deadline 1 Submission – 10.9.6 The Applicant's Response to Actions - ISH 5: Aviation Noise")

(1) Ref.	(2) GAL comment	(3) Authorities' response
2.1.3	The Applicant offered to explained these matters further, but the ExA directed the Applicant to paragraph 14.2.5 of the ES Chapter 14 which provides "The Civil Aviation Act of 1982 provides that no action for trespass or nuisance can be taken as long as an aircraft observes the provisions of any Air Navigation Order."	The Authorities consider that this is accurate but whilst standards are set we would enquire as to the mechanisms by which compliance is checked and corrected where necessary, particularly for ground noise below.
2.1.5	In response to questions from the ExA about the scope of the Air Navigation Order, and the protection provided by section 77, by reference to ground noise, the Applicant indicated that it could provide further information if requested, but that in respect of ground noise this was considered to fall within the scope of ANO 2006. To the extent that it was established that any source of noise was not covered by section 77, the Applicant stated its initial view that it assumed these could be covered by controls over nuisance, in particular statutory nuisance, however this would require some further consideration having regard to the scope of section 77 and the Order (and would depend on the nature of the alleged nuisance). The ExA followed up with questions and scenarios about how the public might make complaints about noise coming from the Airport, leading to a question on whether the protection provided under section 77 could affect	This does not preclude that by poor planning and not locating activities in appropriate locations with appropriate mitigation those activities could still give rise to a nuisance but yet no action could be taken. Also, proper planning in the public interest is concerned with more than merely the avoidance of statutory nuisance.

	either complaints or have the potential to affect peoples' attitude toward the noise observed.	
2.1.6	The Applicant explained that attitudes to aviation noise vary dramatically between different people for many reasons, and it is why there is an enormous range in the response that people have to a given level of aircraft noise. The Applicant could not comment specifically on any person's attitude but did note that the protection afforded to airports is no different to that of a road. The Applicant added that it responds to individual complaints through a strict and comprehensive process. It is held to task over these responses, and it reports through a series of committees on a quarterly basis about how rapidly it does respond and the quality of the responses that it gives.	We are not certain why the comparison with roads is drawn here. Aviation noise is far more disturbing than road traffic noise, is much harder to deal with as most often the source is in the air so barriers are implausible.
2.1.7	In response to a query from the ExA about whether this regulatory environment warranted a precautionary approach, the Applicant stated that it did not consider protection under the CAA 1982 somehow imposed any particular precautionary requirements as far as assessment or control is concerned. The Applicant noted that knowledge that government had through legislation provided for airports to be immune from nuisance claims in respect of activities which fall within the scope of their Air Navigation Order, could be said to indicate to some that the government had made provision for the noise to occur. In any case, there is nothing in the legislation or policy to indicate that due to the legislative protection afforded by section 77, a	<p>The Authorities consider that the application of the environmental principles duty, including the application of the precautionary approach is essential and is implicit under the "avoid" response to SOAEL and has bearing on noise levels within LOAEL.</p> <p>We consider that there is sufficient in planning policy and decisions to ensure that the utmost is done to ensure that nuisance does not occur in the first instant through good design and mitigation including provision for relocation; but where it does then appropriate compensation is in place.</p>

	<p>precautionary approach was more generally required when assessing noise impacts.</p>	<p>We also consider that this is consistent with the EU Regulation (retained) 598/2014 which states that:</p> <p>“(2)Sustainable development of air transport requires the introduction of measures aimed at reducing the noise impact from aircraft at Union airports. Those measures should improve the noise environment around Union airports in order to maintain or increase the quality of life of neighbouring citizens and foster compatibility between aviation activities and residential areas, in particular where night flights are concerned.”</p>
<p>2.1.10</p>	<p>The Applicant went on to explain that the paragraph 5.68 expressly provides that its aims must be considered “within the context of Government policy on sustainable development” and that the ANPS directs the reader to the Noise Policy Statement for England (the NPSE) which is the origin of the three aims and which explains that noise must be considered within the wider context of policies for sustainable development. This explains a consistent principle across all national aviation policy – that a balance must be struck taking account of the environmental effects of aviation but also the benefits of aviation growth. This is most recently set out in the Government’s Overarching Aviation Noise Policy Statement, 2023. The Applicant further noted that the phrase 'adverse impacts on health and quality of life' is subject to a number of precedents which interpret what that means in the context of national policy for sustainable development.</p>	<p>The Authorities do not consider that the Applicant has taken into consideration all the policy and legislative requirements and this is referred further in the relevant LIRs.</p>

2.2.	Comments from Interested Parties	
2.2.1	<p>In response to the Joint Local Authorities ("JLAs") comments on shoulder periods, the Applicant responded that the DCO should not replicate existing and additional controls on the airport, for example on noise regulation and night flight restrictions. The night flights, for example, and in particular the period of time that should be classified as the night for DfT purposes are currently part of an ongoing consultation with DfT, which is not proposing to change the current restrictions or impose controls over shoulder periods. Other controls must be taken into account and assumed to operate effectively.</p>	<p>For the noise envelope to be successful it needs to set operational controls and outcomes for all the periods. The authorities view is that there is a need for all periods of the year and day to be controlled. Existing controls, including those over core and actual night periods will need to be incorporated in some way.</p>
2.2.2	<p>Regarding the JLA's comments as to the appropriateness of the Civil Aviation Authority's ("CAA") involvement in the noise envelope mitigations and the Airport's Noise Related Operating Restrictions (England and Wales) Regulations 2018, the Applicant considered there to be two separate matters which may be being conflated: (a) Under the noise envelope as secured by the DCO, the CAA would perform the role of verifying the monitoring information which the Applicant produces to confirm compliance with the noise envelope annually, and if this is not agreed there is provision for an appeal to the Secretary of State. (b) The control afforded by Regulation 598/2014 is separate. Article 6(3) of Regulation 598/2014 relates to how the implementation of the noise envelope is followed up and monitored. The Applicant will publish the verified annual monitoring reports for all stakeholders to consider. At this point, and subject to other</p>	<p>The Authorities comment further on this in the LIRs.</p> <p>The proposal by the Applicant, which was not discussed with the local authorities, is a point of difference.</p> <p>The Authorities are not persuaded that the role envisaged for the CAA as 'independent air noise reviewer' for the purposes of Part 2 of Schedule 11 to the draft DCO is only concerned with matters that sit outside of the scope of the 'competent authority' for the purposes of Regulation 4(1) of the Airports Noise Related Operating Restrictions (England and Wales) Regulations 2018, which is concerned with 'operating restrictions' within Article 6(3) of EU Regulation 598/2014 which are imposed by a DCO. Under Article 2(6) of Regulation 598/2014 an 'operating restriction' means:</p>

	<p>provisions in that Regulation, the JLAs would review those and in so doing follow up and monitor their implementation.</p>	<p><i>"a noise-related action that limits access to or reduces the operational capacity of an airport, including operating restrictions aimed at the withdrawal from operations of marginally compliant aircraft at specific airports as well as operating restrictions of a partial nature, which for example apply for an identified period of time during the day or only for certain runways at the airport."</i></p> <p>A noise plan within Part 2 of Schedule 11 to the DCO could include actions that constitute an operating restriction within the scope of the above definition. That definition is broad in scope and includes actions which have the effect of limiting access to an airport or reducing its operational capacity.</p> <p>The role envisaged for the CAA in Part 2 of Schedule 11 of the DCO is not limited to verifying monitoring information but includes approval of noise plans submitted by the applicant. The local authorities see this role as including, or having the potential to include, matters which are for them to determine as 'competent authorities'.</p> <p>The Applicant is therefore requested to either review its approach to the involvement of the CAA or to make changes to Part 2 of Schedule 11 to the draft DCO to ensure that there is no scope for any overlap between matters dealt with by the CAA and matters</p>
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		that fall within the remit of the local authorities as 'competent authorities' under the 2018 Regulations.
2.2.3	The Applicant further added that it is relevant in this context that paragraph 3.10 of the APF explains why the three designated airports are designated: "These airports remain strategically important to the UK economy and we therefore consider that it is appropriate for the Government to take decisions on the right balance between noise controls and economic benefits, reconciling the local and national strategic interests. The future of these airports is also under consideration as part of the work of the Airports Commission and it would not be appropriate to change their regulatory status at this time."	Noted but whether or not the airport remains designated or not, does not extinguish local authorities from control. There are a other regimes that work for other forms of environmental pollution where local authorities are the enforcing body and as part of the enforcement function are required to have regard to national policy for example, on enforcement principles, <i>statutory</i> guidance as well as national standards and industry practice.
2.2.6	The Applicant went on to explain that, regarding the CAA's role, matters have moved on significantly since relevant representations were made, and the Applicant understands that there is now broad agreement with the CAA as to its proposed role. The Applicant will update the ExA on the progress of these discussions as soon as possible.	This is referred to in the LIRs. No approach was made to the Authorities on this matter. We would highlight to the ExA the local authorities role and extensive experience in planning law, their duties under the complementary but separate environmental permitting regime, other noise control regimes, experience in determining nuisance and advocacy on behalf of all residents across the region. We also refer to the model suggested by Luton for an Environmental Scrutiny Board comprising officials from all local authorities.
Agenda Item 5. Lowest Observed Adverse Effect Levels (LOAEL)		
3.1.1	The ExA asked the Applicant whether it agreed with the Government's definition of LOAEL set out at 2.20 of the Noise Policy Statement for England 2010.	
3.1.2	The Applicant affirmed that it did agree with the definition.	Noted.

3.1.3	The ExA asked the Applicant whether it was accurate to say that noise forecast outcomes above the LOAEL do not have to be avoided at all costs or regarded as significantly adverse or unacceptable outcomes.	
3.1.4	The Applicant agreed, as the policy direction does not require the Applicant to mitigate fully. Rather, the Applicant must minimise and mitigate as far as reasonably practicable in the context of sustainable development. It is when one gets to higher thresholds where there is a stated policy requirement to avoid.	The Authorities consider that within the LOAEL range, as noise levels increase, greater effort is required to minimise and mitigate because the adverse effects increase. This is consistent with the ProPG approach.
3.1.5	The ExA asked the Applicant whether it was fair to say that whether adverse effects become apparent for aircraft noise, depends on the context.	
3.1.6	The Applicant responded no, as the LOAEL values provided by the DfT and the CAA specifically for aircraft noise are absolute threshold levels to be used to assess a specific noise.	The Authorities consider that where there is a change then adverse effects can occur dependent on the context. The area around Gatwick is predominantly rural and tranquil area (noting that there are other factors that contribute to tranquillity). This is in contrast to other locations where background sound levels are higher and may be masked, to a degree, by other noise.
3.1.7	The ExA asked the Applicant what was the principal metric that is used by the aviation industry in the UK, and what surveys inform the values assigned to that parameter.	
3.1.8	The Applicant confirmed that LAeq16h was the principal metric for daytime noise. People's response to noise is varied, due to perceptions and non-acoustic factors, that so it is necessary to rely on guidance that is based on the research that tells us how to describe the changes in noise and the effects it has on people. Much of this research is	This is discussed in the LIRs.

	international, but the most recent piece of work in the UK is the CAP 1506 ' Survey of Noise Attitudes 2014: Aircraft Noise and Annoyance,' which confirms that LAeq 16 hr is the metric that correlates best with annoyance due to aircraft noise.	
3.1.9	By reference to Figure 8 on Page 55 of the CAP1506 document, the ExA asked whether the Applicant considered the graph to be consistent with the UK Health Security Agency Relevant Rep dated 20th October 2023 that adverse effects occur below 51dB.	Noted that the UKHSA had advised on 45 LAeq16hr for Stansted application.
3.1.10	The Applicant confirmed that it was consistent.	Noted.
3.1.11	The ExA then asked for the Applicant's comments on the difference between the Leq value used by the Applicant for its assessments, and that considered to be more appropriate by a number of Interested Parties, and the UK Health Security Agency.	
3.1.12	The Applicant acknowledged that below the LOAEL, some people may be highly annoyed by aircraft noise, as noted in ES Chapter 14, paragraph 14.2.52. The SoNA study showed approximately 7% of the population were annoyed below that value, which is consistent with the statistic provided by the ExA. However, the guidance is predicated on an acknowledgement that one of the challenges in managing noise is working out when mitigation is required, given this diversity of response to noise. It could be set at the top or the bottom of that response, but it is appropriate to rely on policy to help make those judgments. The Applicant considered Government policy to be very clear. In October 2017, the Consultation Response on UK Airspace policy determined what the LOAEL is, in paragraph 2.72. The LOAEL is Leq 16 hr 51 dB for	The Authorities refer to the Post Hearing Submission Note for ISH 5, where the Applicant is asked to produce sensitivity testing using different levels of LOAEL.

	<p>the day and an Leq 8 hr 45 dB night. This was confirmed in the Air Navigation Guidance at paragraph 3.5. The policy goes on to say that these metrics will ensure that the total adverse effects on people can be assessed. It will also ensure airspace decisions are consistent with the objective of the overall policy to avoid significant adverse effects and minimise adverse impacts. So that policy guidance, which is quite recent, determines that providing an applicant assesses the effects above these LOAELs, it has assessed the total adverse effect in accordance with policy, which is what the Environmental Statement provides for the ExA to help reach a view on the application.</p>	
3.1.13	<p>The ExA questioned if the Applicant had considered how many of the Relevant Reprs that refer to noise are outside the Leq 51dB level used as LOAEL</p>	
3.1.14	<p>The Applicant replied there are over 2,500 relevant reprs that refer to noise but it had not analysed how many of those are inside or outside the LOAEL.</p>	<p>Noted that the Applicant cannot determine this but in scoping opinion and relevant representation the UKHSA advised that further work was required on this to understand the issue. Local authorities also consider that further work is required locally to understand perceptions about noise including how people consider they are affected and have referred to this further in the LIR.</p>
3.1.16	<p>The ExA referred to an area within the TN11 postcode in the area around Penshurst where 150 Relevant Representations had complained about noise, noting these were outside the Leq 51dB LOAEL, and asked how the Applicant's LOAEL level used in the assessment could be correct in that circumstance.</p>	<p>The Authorities are interested in this analysis. In part this might be explained by the presentation of noise modelling using single mode contours in the same way that Heathrow have. The Applicant has not yet presented this information and it is believed that this would result in much clearer explanation of effects on any given day at specific locations.</p>

		<p>The comment in relation to single mode is not confined to the SOAEL.</p> <p>The Authorities refer to this further in the LIR.</p>
3.1.17	<p>The Applicant first caveated its response on the basis that the question originates from the ExA's own assessment of the Relevant Representations and other relevant documents; an assessment which the Applicant had not seen.</p>	<p>Noted and agreed that further consideration of this matter by the applicant is important.</p>
3.1.18	<p>The Applicant then acknowledged again that below the LOAEL, some people are highly annoyed by aircraft noise, which was already reflected in ES Chapter 14, paragraph 14.2.52. The SoNA study showed about 7% of the population were annoyed below that value, consistent with the statistic provided by the ExA. But the purpose of government guidance was to allow for judgments to be made on where to set the LOAEL, in a context where it was acknowledged that some people would react differently to an identified noise level. The Consultation Response on UK Airspace Policy, as followed into the Air Navigation Guidance, was clear. It determines that providing the Applicant assess the effects above these LOAELs, they will have assessed the total adverse effect in accordance with policy.</p>	<p>Whilst there are specific LOAELS we consider it important that to understand total impacts that sensitivity testing is performed to lower levels.</p>
3.1.19	<p>[Post Hearing note: Whilst the Applicant had not had sight of the analysis of 150 Relevant Reps cluster around the Penhurst area referred to by the ExA in the hearing, looking at the area afterwards it is noted the N60 night contours provided in the ES cover this area providing additional information on the likely change in noise in this area. This data is also</p>	<p>The Applicant's comments are noted. The Authorities refer to comments above and as already indicated support that further assessment to understand what is driving the statements from the residents and whether anything further needs to be done.</p>

	<p>provided in the online air noise viewer, the link to which is given in ES Chapter 14, para 14.9.80. Postcode TN118BT in the centre of Penhurst, is outside the Leq 16 hr 51dB and Leq 8 hr night LOAEL contours, and the N60 Night modelling results available in the online viewer indicate that in the noisiest year 2032, with the noisiest fleet (the slower transition fleet), the effect of the Project would be to increase in number of 8 hour night time flights in the summer season from 12.7 to 13.8, i.e. an increase of one per night. This would not lead to a significant noise effect. The Applicant further notes, when referring to the cluster of 150 Relevant Reps, the ExA referred to them as complaints, i.e. against the DCO, which are not directly comparable with highly annoyed as identified through social survey.]</p>	<p>Without the analysis of the comments within the relevant reps from the cluster we consider that it is too early for the applicant to form a view and would ask the ExA to consider asking the Applicant to perform this analysis.</p>
3.1.20	<p>The ExA questioned why the Applicant did not refer to the Government's Air Navigation Guidance 2017 in the Application.</p>	
3.1.22	<p>The Applicant also added that paragraph 3.5 of the 2017 Air Navigation Guidance states the LOAEL of 51dB LAeq16hr for daytime noise and 45dB LAeq8hr for night time noise.</p>	<p>The further analysis of SoNA which provides a number of UK derived exposure response functions for new and existing noise metrics, proceeds this guidance.</p>
3.1.23	<p>The ExA asked about limitations of the CAP1506 survey.</p>	<p>The Authorities refer to this in their LIR.</p>
3.1.24	<p>The Applicant discussed a variety of points on this matter, before the ExA directed the question back to the question of whether the Applicant considered it had applied the correct LOAEL value, and moreover whether the Applicant was correct to set the LOAEL at 51dB LAeq16hr or if other parties were correct to</p>	<p>See comment to 3.1.23</p>

	set the LOAEL at 45dB LAeq16hr. The ExA proposed that one had to be incorrect.	
3.1.25	The Applicant responded that the phrasing of the question of the LOAEL value in this way does not recognise the fundamental point that there is government policy guidance which indicates what the LOAEL should be. The Noise Policy Statement for England (NSPE) does not set specific LOAEL (or SOAEL) values because it acknowledges that specific levels will need to be determined depending on the noise source. In the case of aviation noise, government has, in Paragraph 3.5 of the 2017 Guidance, carried out the function anticipated under NPSE and provided specific guidance, in a context where (as previously stated), it is already accepted that individual responses to noise vary. The Applicant considers that it is entirely appropriate to rely upon that level which has been expressed by Government as the LOAEL for the purposes of assessment of aviation noise.	See comment to 3.1.22 There is no reason why the airport should not go beyond the policy requirements (which are a minimum), especially where there is new information that ought to be taken into account.
3.2	Comments from Interested Parties	The Local Authorities consider that there should be sensitivity testing to World Health Organisation values that are onset and as such can be regarded as LOAEL. This is 40 Lnight for the night period and 47 LAeq, 16h day, (derived from SoNA conversion of Lden to LAeq16h where the WHO standard is 45Lden.
3.2.1	In response to the JLA's concerns regarding sensitivity testing for the LOAEL values, the Applicant's explained position was that it was not	The Authorities refer to this in our LIRs.

	<p>necessary to carry out sensitivity testing of lower levels in circumstances where the LOAEL has been provided by the Government. The Applicant has adopted the Government's position and did not accept the need to report assessments based on different levels of LOAELs as had been suggested.</p>	<p>Please also see the comment above about policy (3.1.25).</p> <p>The LOAEL provided by the government preceded the additional SoNA work that does provide further insight into the effects of noise and having regard to that work and having regard to the environmental duties principles, the ICAO Balanced Approach and the various aviation policies it would appear reasonable to at least understand those aspects and bring forward tentative proposals. There is no reason for the applicant to limit itself to the thresholds upon which they rely.</p> <p>The LOAELs also do not take account of international health based work which is unrelated to annoyance.</p>
3.2.2	<p>In response to various comments from Interested Parties about ground noise, the Applicant suggested this may best be dealt with in detail in writing, before providing a brief response. There is less clear guidance on ground noise, and importantly there is no cut-off for the noise modelling for ground noise in the assessment. Further, aircraft noise has a very different character to ground noise, in brief because air noise is a series of peaks arriving from overhead, while ground noise is more continuous, from multiple sources on the ground. Ground noise is therefore assessed differently, and is set in the context of ambient noise.</p>	<p>This is discussed in the LIRs and the Authorities await additional work.</p>

Agenda Item 6. Significant Observed and Unacceptable Adverse Effect Levels (SOAEL and UAEL)		
4.1.1	The ExA asked what the definition of SOAEL was, in policy terms?	
4.1.2	The Applicant responded that SOAEL is the level at which significant adverse effects on health and quality of life occur. The government guidance states that in real terms, this is the point where noise causes a material change in behaviour, attitudes, or other physiological response; for example avoiding certain activities during a period of intrusion where there's no alternative ventilation, having to keep windows closed most of the time because of the noise potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakenings, and difficulty in getting back to sleep, quality of life diminishes due to change.	
4.1.3	Does aviation policy provide a statement as to when significant noise effects are likely?	
4.1.4	The Applicant explained that there is no specified value. However, the definition refers to closing windows for the purposes of keeping noise out. This suggests that the definition of a SOAEL is at that point at which the noise levels outside require windows to be closed to keep the noise out. The APF does state that the noise insulation standard for aircraft noise during the day for the 16 hour Leq is 63dB. There is a clear linkage between SOAEL and noise insulation, which is consistent with the	<p>Aviation policy including subsequent papers has moved to recommending insulation at lower thresholds than those stated by the Applicant.</p> <p>The threshold for insulation is discussed further in the LIRs.</p> <p>A majority view is that for residential properties the maximum financial award for the 'inner zone', for insulation should be offered at: 60 dB for daytime; or</p>

	<p>approach to setting SOAEL for other transport noise sources, like roads.</p>	<p>one noise induced awakening, on average, per night; or at least at 55 dB for the full night period; or whichever is the greater area.</p> <p>The levels should be interpreted when compared against the single mode contours for summer day unless otherwise stated.</p> <p>In review of the SoNA work there is an alternative view in the local authorities that given the importance of the night period in policy and the updated SoNA work there is a strong argument for the night 48 LAeq 8h to mark the point at which the inner zone insulation should commence.</p> <p>Notwithstanding that discussion, it is interesting to note that planning decisions for new noise sensitive development is being considered against the NPSE and the behavioural responses whilst decisions for airport expansion are considered based on a metric.</p>
4.1.5	<p>By reference to chapter 3 of the Aviation Policy Framework 2013, the ExA tested whether a lower SOAEL value would be more appropriate to be used by the Applicant in its assessments. The Applicant confirmed that it remained confident in the values in its assessments, where the SOAEL is tied to the point where an individual needs to keep their windows closed. The Applicant further noted that despite the APF being rather dated now, there are many precedent projects since the release of the APF which</p>	<p>It is not clear to the Authorities that the proposed SOAEL is set at a level where it might be considered that there is an onset of the need to keep windows closed. The studies relied upon are those related to annoyance, by reference to specific questions and this is the basis upon which the Department for Transport has selected a LOAEL.</p> <p>The Authorities note the comment about precedent schemes referred to. The Authorities believe those to be the ones referred to in our response in 4.2.1</p>

	have taken the same approach, including a number of airport developments consented in recent years.	below which suggest a lower noise threshold at which mitigation is required.
4.1.6	The ExA asked for information as to where the Applicant's noise insulation mitigation scheme starts from	
4.1.7	The Applicant replied that the proposed Noise Insulation Scheme (NIS) in connection with the Project is set out in ES - Appendix 14.9.10: Noise Insulation Scheme [APP-180].	<p>The Authorities note that this section relates to noise insulation as a form of mitigation and understand the important role that it plays but remain of the view that in a mitigation hierarchy, it is, or at least should be, mitigation of last resort for any aspect of the noise associated with the development.</p> <p>The Authorities discuss their views on this within the LIRs.</p>
4.1.8	The new NIS Inner Zone would offer the highest level of noise insulation sufficient to avoid significant adverse effect on health and quality of life above the SOAELs (Leq, 16 hour 63 dB and Leq, 8 hour 55 dB). There are approximately 400 residential properties within this zone.	This issue is discussed further in the LIRs and in responses above.
4.1.9	The new NIS Outer Zone would be created for homes within the forecast Leq, 16 hour 54 dB daytime noise contour in 2032. Whilst there is no policy requirement to offer noise insulation at these levels of noise exposure, this noise level was chosen in view of the Government consultation document Aviation 2050 and best practice at UK airports. Approximately 3,900 homes are predicted to be within this zone and outside the Inner Zone. Within this zone home owners will be able to apply for funds for acoustic	<p>There is a requirement under the Noise Policy Statement for England for noise that falls within the LOAEL band , to mitigate and reduce to a minimum. This has always existed and is not new. It is implicit within existing noise policy.</p> <p>The DfT clearly felt it was necessary to amplify this within the Overarching Aviation Noise Policy (2023):</p> <p><i>"The impact of aviation noise must be mitigated as much as is practicable and realistic to do so,</i></p>

	treatments, with the amounts dependent on noise levels, in 3dB bands.	<i>limiting, and where possible reducing, the total adverse impacts on health and quality of life from aviation noise."</i>
4.2.	Comments from Interested Parties	
4.2.1	In response to criticisms of the SOAEL values adopted, the Applicant highlighted that there are six airport development projects identified since 2014 which adopted Leq16hr 63 dB, as identified in the ES Chapter 14 at section 14.2.	<p>This is not so clear cut to the Authorities. In reviewing the decisions referred we summarise our sample below:</p> <p>2021 Bristol Airport Noise insulation from 63 LAeq (which we consider a poor decision)</p> <p>2021 Stansted noise insulation from 57 LAeq16h</p> <p>2022 Manston refers to 60 LAeq16h</p> <p>Present Day Luton Noise insulation from 54 LAeq16h</p> <p>Further 'The Future of UK Aviation:2050 recommended changes:</p> <p>"-to extend the noise insulation policy threshold beyond the current 63dB LAeq,16hr contour to 60dB LAeq,16hr - for airspace changes which lead to significantly increased overflight, to set a new minimum threshold of an increase of 3dB LAeq, which leaves a household in the 54dB LAeq 16hr contour or above</p>

		<p>as a new eligibility criterion for assistance with noise insulation”</p> <p>With the proposed Heathrow expansion, insulation was proposed from 60 dB LAeq 16, hr under full single mode Easterly and Westerly noise contours.</p> <p>Therefore we disagree with the Applicant that the noise insulation threshold is 63 dB LAeq 16hr (by reference only to the daytime metric).</p>
4.2.2	<p>The Applicant then in response to criticism of the use of Leq due to it being an average value (because it is noise peaks which are the key nuisance to residents), explained that the Leq is not a normal average, it is a logarithmic average, which means the individual noise peaks from aircraft are highly weighted in the logarithmic averaging process. It is because of this that Leq levels give the best correlation to annoyance. The ES Chapter 14 goes to some lengths to use other metrics in addition to Leq, 16 hr day and leq 8 hour night to illustrate the changes in noise expected from the Project, including N65 Day, N60 Night, Lmax, Lden, Lnight, and overflights. These metrics were discussed with the Noise Envelope Group (see ES - Appendix 14.9.9 [APP-179]) when discussing what metrics would be best for the noise envelope.</p>	<p>The Leq metric alone, while carrying some weight, is not sufficient by itself to explain how people are affected by noise.</p> <p>The Authorities raised this point in relation to night noise and the role of additional awakenings.</p> <p>In relation to the other metrics cited by the Applicant, these were not provided in Chapter 14 of the Environmental Statement for all years.</p> <p>Furthermore, the choice of metrics and the periods for which they were covered was and remains a point of disagreement for the local authorities with the noise envelope.</p> <p>This is further discussed in the LIRs</p>
4.2.3	<p>The Applicant sought to respond to comments about noise insulation, but the ExA preferred to move to the next agenda item.</p>	<p>Noted.</p>
4.2.4	<p>The ExA enquired as to the night time SOAEL, and how it was arrived at.</p>	

4.2.5	The Applicant explained that the SOAEL value for night-time is taken for the interim target for the WHO Night Noise Guidelines 2009, which suggest Leq 8 hr night 55 dB, which is described in those guidelines as the level above which adverse effects occur; i.e. the level where, frequently, a sizable proportion of population is highly annoyed and sleep disturbed. The night-time value is also consistent with that used on the other recent airport development projects referred to earlier.	The Authorities note that this interim target has since been dropped and the more stringent 40 LAeq 8h night been adopted.
4.2.6	The ExA then referred the Applicant to figure 4 in the CAP 2161 SoNA document published in 2021 suggesting that the 55dB level chosen was not off the graph but over to the right of the levels reported, ie high. The Applicant responded by noting that the scale covered the range 39 to 60dB and at 55dB (the level used for SOAEL) this piece of evidence suggested that about 15% of the population were high sleep disturbed.	This has been referred to in some of the LIRs. Whilst noting that additional work is ongoing, and that the SoNA work was not designed for the purpose, the SoNA further analysis produces some of the few UK derived exposure response functions for night noise. This clearly indicates that the 55dBLAeq8h has the same level of response the 48 dBLAeq8h threshold and therefore using 55 underestimates the effects and the impacts on people between the 48-55 dBLAeq8h.
4.2.7	The ExA enquired as to why the final column of the PPG noise guidance table about unacceptable adverse effects was omitted when entered into the Applicant's application documents?	
4.2.8	The Applicant noted this is because the NPSE makes no reference to a UAEL, nor does DfT policy on aviation noise. Table 14.3.1 of the ES - Chapter 14 notes this and refers to the values used in the Heathrow PEIR for unacceptable adverse effects levels, noting that at Gatwick there are no populations above this level.	The Authorities consider that given the total impacts of noise there must be a level at which exposure to noise is unacceptable and that this could be due to individual or combination of effects and how the intended use of land has so fundamentally changed that it is no longer suitable for that use.

Agenda Item 7. Assessment, control, mitigation and compensation		
5.1.1	The ExA enquired as to what thresholds have been set for non-residential receptors	
5.1.2	The Applicant explained that its methodology for non-residential receptors is summarised in paragraph ES Chapter 14 paragraph 14.4.76. Noise assessment criteria for these types of buildings can be drawn from various guidelines and are in all cases at or above Leq 16 hour 50 dB, i.e. within 1dB of the daytime residential LOAEL. For non-residential receptors noise change criteria for significant effects are in all cases 3dB or more. In brief, the approach to assessing non-residential receptors was to scope the potential impacts using the LOAEL assessment criteria for residential receptors, and to consider each non-residential receptor above this in terms of the change expected, on a case by case basis.	Noted.
5.1.3	The ExA followed up to query whether the Applicant's assessment was limited to only those non-residential receptors which are already above the LOAEL? The Applicant responded that no, this was not the case, as it uses the with development values as a scoping tool. So, any of the noise contours that fall above LOAEL would bring the non-residential receptor into the zone of potentially needing an assessment.	Noted.
5.1.4	With regard to schools specifically, the Applicant used the daytime 50dB figure, as embedded in the 'RANCH study' into the effects of noise on children's learning. Further, at the scoping stage, the change in noise is reported for all schools in the ES Appendix 14.9.2 Air Noise Modelling. The change in noise observed at all	The Authorities consider that the Applicant has not considered the worst case scenario for schools by the use of the LAeq, 16h. An averaging period over which exposure may be experienced at the school should be used. Demonstrating compliance with BB93 30 minute and the LA1 metric is considered to

	schools is small and not significant. The Applicant is therefore confident that schools will not be significantly affected.	be relevant for educational premises around the airport. Whilst it is acknowledged that these are current design standards, the airport is expanding to change the noise environment in which these buildings are situate. In addition, the standards are based on meeting a suitable learning environment and thus the age of the premises is irrelevant where the impact of expanded airport operations is going to influence learning and development.
5.1.5	The ExA and the Applicant continued to discuss the matter of effects on schools, asking if shorter time periods such as 30 minutes should be used to assess possible impacts. The Applicant noted that we should look at specific noise changes at schools in Section 9 of the ES where we see all the Leq 16 hr noise changes at schools are small, and we would not expect changes over shorter time periods to be much larger and so they would not be significant. There is nonetheless a specific Noise Insulation Scheme for schools provided in the Noise Insulation Scheme, ES Appendix 14.9.10.	Please see response to 5.1.4
5.1.6	[Post Hearing Note: The largest change in Leq 16 hr at any school reported in ES Chapter, at paragraph 14.9.159, is 1.4dB.]	The Authorities consider a shorter more appropriate exposure time should be used reflecting school opening hours.
5.2	Comments from Interested Parties	
5.2.1	In response to Councillor Lockwood's (Lingfield Parish Council) concerns for Saint Piers Young Epilepsy School, a residential school and its 24-hour operation, the Applicant noted that this school would be captured by the noise insulation scheme being	No comment

	offered to schools and effects mitigated as appropriate, and that they would be happy to look into this further.	
5.2.2	[Post hearing note: The Applicant will be providing further detail at Deadline 2, in response to the ExA's Actions Arising from ISH5 (Action Point 3).]	Noted
5.2.3	The ExA sought to confirm that the overall noise effect resulting from different noise sources was assessed qualitatively because there is no reliable way to assess it quantitatively, and why the metrics and thresholds for both air and ground noise were the same. Of particular concern was whether, if premises were adversely affected by both sources, could they be added together to amount to a significant effect?	This is discussed in the LIR
5.2.4	The Applicant responded affirmatively to the first part of the question. As discussed earlier it is because the characters of air noise and ground noise are so different that they are assessed differently although the numerical values of the LOAEL are the same.	This is discussed in the LIR
5.2.5	In response to the compounding of effects, the Applicant was confident that it had taken this into account. The qualitative assessment provided in ES Chapter 14 Section 14.11 takes account of 4 main factors but just the fourth was explained; whether one effect dominates or whether effects might be additive? All but one of the approximately 80 properties identified as significantly affected by air noise, in Ifield Road, Russ Hill, Balcombe Road and Peeks Brook Lane, are not significantly affected by	This is commented on in the LIR

	<p>ground noise. The exception is Westfield Place, a residential property on Lowfield Heath Road south of Charlwood that will be a priority for noise insulation. This is because air noise is at its highest to the East and West of the airport under the flight paths, and its effects can be several km from the airport, whereas ground noise affects properties close to the airport boundary around the airport, and there are no noise sensitive properties located in the area overflowed very close to the airport boundary to the east and west ends of the airport primarily for safety reasons. So, air noise effects dominate in some areas, and ground noise effects dominate in others, making additive effects unlikely. The Noise Insulation Scheme however, addressed the possibility of additive effects, by providing that where it is considered this overlap may have occurred, the Applicant will measure the ground noise, and assess the total levels for consideration under the insulation scheme.</p>	
5.3.	Comments from Interested Parties	
5.3.1	<p>In response to Marathon Asset Management MCAP Global Finance (UK) LLP's ('Marathon Asset Management') comments on an assessment of impact on the Holiday Inn, the Applicant confirmed that it was continuing to work constructively to come to a resolution with the Party.</p>	No comment.
5.3.2	<p>The ExA sought comments from the Applicant specifically with regard to paragraph 5.58 of the ANPS 2018: 'noise mitigation measures should ensure the impact of aircraft noise is limited and</p>	<p>As stated at the hearing, the Authorities await further information from the applicant in relation to establishment of baseline and forecasting and will return to this.</p>

	where possible, reduced compared to the 2013 baseline assessed by the Airports Commission.'	
5.3.3	The Applicant responded that the ANPS was primarily intended to have effect in relation to the preferred scheme at Heathrow. It doesn't set out the process by which the baseline needs to be considered for the purpose of any other airport projects that comes forward.	See 5.3.2
5.4.	Comments from Interested Parties	
5.4.1	In response to comments from the JLAs, the Applicant proposed that the matters of detail were best dealt with in response to written representations and in the LIR process.	Noted.
5.4.2	The Applicant further responded on a number of matters: (a) In response to CAGNE's concerns about inconsistencies in the existing noise insulation scheme, the Applicant is continuing to consult with local authorities on this scheme, and will be issuing an updated annex spelling out the details of how the scheme will be implemented. This has been captured in the ExA's Actions Points arising from ISH5, and will be provided by the Applicant at Deadline 2. (b) In response to Marathon Asset Management's comments regarding the post-Covid traffic flows, there is an ES traffic sensitivity analysis environmental report being prepared, and the road traffic noise changes post-Covid will be included in that report.	As far as the Authorities are aware there is no consultation. We look forward to receiving further proposals.

<p>5.4.3</p>	<p>In response to Rusper Parish Council's concerns with the increasing frequency of night flights, the night flights are controlled by the DfT because of the designated status of Gatwick Airport. The number of night flights increasing in the noise assessment, which is the summer season, 92-day average in the very worst year is an increase of 12 night flights across the eight hour night from 125 to 137 (see ES Chapter 14 Table 14.7.1). That approximates to a 10% increase. To contrast against some other projects where much bigger increases in night flights are possible because of the lack of regulation by the DfT: Luton is proposed to see the night flight increases of more than 40%.</p>	<p>The Authorities refer to the issue of designation above.</p> <p>Notwithstanding the airport controls capacity release and thus it is within it's gift to prevent further deterioration in effects during the night period.</p> <p>With reference to other airports, the Authorities do not know if this is correct or whether it is comparable with effects.</p>
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