

Submission ID: 27478

Please find our responses to the Examining Authority's First Written Questions on behalf of the Environment Agency in relation to the application for a Development Consent Order for the Gatwick Northern Runway project made by Gatwick Airport Limited.

The Planning Inspectorate
Temple Quay House
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Our ref: KT/2024/131567/01-L01
Your ref: 20035862
Date: 17 April 2024

Dear Examining Authority

**TR020005: Gatwick Northern Runway Project - Development Consent Order
Application: First Inspector Questions Deadline 3**

Please find to follow our responses to the Examining Authority's First Written Questions on behalf of the Environment Agency in relation to the application for a Development Consent Order for the Gatwick Northern Runway project made by Gatwick Airport Limited.

I hope this is helpful.

Yours sincerely

Mrs Michelle Waterman-Gay
Planning Advisor

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Application by Gatwick Airport Limited for the Gatwick Airport Northern Runway Project

The Examining Authority's written questions and requests for information (ExQ1) Issued on Thursday 28 March 2024

Deadline 3 – 19 April 2023

Environment Agency responses

ExQ1	Question to:	Question:
COMPULSORY ACQUISITION AND TEMPORARY POSSESSION		
CA.1.42	Environment Agency (EA)	<p>Other Matters</p> <p>Noting your comments regarding protective provision in the Deadline 1 WR [REP1-072], please confirm what additional provisions are considered necessary.</p> <p>Environment Agency response:</p> <p>We are currently reviewing our standard protective provisions in conjunction with external legal experts in this area of law, an exercise which is likely to take a few weeks.</p> <p>Once we have done this we will then have an up to date set of preferred protective provisions which we can pass to you and applicants for the DCO.</p>
DEVELOPMENT CONSENT ORDER AND CONTROL DOCUMENTS		
DCO.1.7	The Applicant RPAs RHAs Natural England (NE) EA	<p>Role of Discharging Authorities</p> <p>Paragraph 5.5.13 of the Planning Statement [APP-245] recognises that there will be different discharging authorities for DCO requirements depending on the works and the nature of the requirement.</p> <p>Do the discharging authorities and relevant consultees have sufficient resources to discharge requirements and will the Applicant be providing support for this work?</p>

		<p>Environment Agency response: We have the resources, and the applicant appears willing to support any permit requests e.g. additional information provided and support regarding the new treatment proposal for the de-icer prospective permit application.</p>
DCO.1.25	The Applicant EA	<p>Art. 22 (Discharge of water) Further justification is required for sub-paragraph (5) namely in relation to the deemed provision. The views of the EA on sub-paragraph (10) are requested.</p> <p>Environment Agency response: We do not own the network/watercourses. Any existing permit is valid until such time as there are material changes proposed to the discharge quality or volumes.</p>
WATER ENVIRONMENT		
WE.1.4	EA Lead Local Flood Authorities	<p>Flood Risk Assessment Do you agree that the correct climate change allowances have been used in the Flood Risk Assessment (FRA) [AS-078]?</p> <p>Environment Agency response: When considering the allowances for climate change, the Environment Agency's comments here are related to the allowances for peak river flows associated with fluvial flood risk.</p> <p>The applicant has set out the peak river flow climate change allowances used for the River Mole Management Catchment in Table 3.7.1 of their FRA (Version 2.0, dated November 2023). Peak river flow climate change allowances were last updated in 2022 and are available on Gov.uk 'Flood risk assessments: climate change allowances'. The applicant has used the most up to date (2022 version) peak river flow climate change allowances for the River Mole management catchment in their FRA.</p>

		<p>In line with information also set out in 'Flood risk assessments: climate change allowances' the Higher Central climate change allowances should be adopted for essential infrastructure in Flood Zones 2, 3 and 3b. This has been recognised by the applicant in paragraph 3.7.8 and 3.7.9 of their FRA.</p> <p>As the project is classified as a Nationally Significant Infrastructure Project (NSIP) there is a requirement to assess the impact of the credible maximum scenario as a sensitivity test, this being the peak river flow upper end allowance of 40% for the River Mole Management Catchment. This is recognised by the applicant in paragraph 3.7.11 of their FRA.</p> <p>In addition, as the proposal would see construction works take place solely within the 2020's epoch, it will be necessary to consider those specific elements against the higher central allowance up to 2039 to ensure that temporary activities do not lead to an increase in flood risk. This is recognised by the applicant in paragraph 3.7.12 of their FRA.</p> <p>Mitigation against an increased risk to fluvial flooding resulting from the proposed project must also be assessed and designed against the appropriate climate change allowance. For this project, fluvial mitigation should be designed using the higher central climate change allowance of 20% for the 2080's epoch. This is recognised by the applicant in paragraph 7.2.7, 7.2.8 and Table 7.2.1 of their FRA.</p> <p>In summary, the applicant has recognised the most up to date climate change allowances for peak river flows in the River Mole Management Catchment as set out on Gov.uk. The applicant has also recognised the requirement to use the higher central allowances, plus the upper end allowance for the credible maximum scenario, due to the nature of the proposed development.</p> <p>It is noted the applicant has assigned differing lifetimes to different elements of the proposed works, and has split these different elements into airfield works, surface access and construction scenarios. By doing so, these elements fall into different epochs which requires consideration of a range of climate change allowances. We will comment on this aspect in more detail in our response to question WE.1.6.</p> <p>As mentioned above, the focus of our response is related to the peak river flow climate change allowances. In relation to the climate change allowance for peak rainfall intensity, it does appear the applicant has used the most up to date figures for the River Mole Management Catchment as set out on Gov.uk.</p>
WE.1.6	The Applicant EA	<p>Flood Risk Assessment</p> <p>Paragraph 5.10.13 of the FRA [AS-078] states that the Proposed Development “<i>would not increase flood risk elsewhere and that it would be safe for users for its lifetime mean that the requirements of the Exception Test have been met</i>”. Some elements of the Proposed Development (Table 3.3.10) are stated to have differential lifetimes. Explain:</p> <ol style="list-style-type: none"> a) How long is the “<i>lifetime</i>” of all elements of the Proposed Development? b) Has the EA accepted this duration for all elements? and c) Does the mitigation secured within the dDCO cover this whole period?

Environment Agency response:

It is our understanding that different lifetimes have been assigned to different elements of the proposed project. The airfield works have a suggested lifetime of 40 years with the surface access a suggested lifetime of 100 years. Works specifically associated with proposed construction activities have been assigned a shorter lifetime due to their temporary nature, the suggestion being these will be completed within the 2020's epoch. We would welcome confirmation by the applicant on the development lifetimes.

In line with the National Planning Policy Framework (NPPF) and the associated Planning Practice Guidance Flood Risk and Coastal Change (PPG) the expectation the lifetime associated with non- residential development depends on the characteristics of that development, with the PPG highlighting a period of at least 75 years as being likely to form a starting point for assessment. Due to the nature and importance of project elements falling under the surface access description, the suggested lifetime of no less than 100 years for those appears reasonable. The applicant should be able to provide detailed justification for why the suggested lifetime of 40 years has been assigned to the airfield elements We have noted the comment that significant works have taken place on the airfield during the last 40 years and the expectation is for this to continue to take place in the future.

When considering the proposed development in its entirety there is one other aspect it would be helpful for the applicant to clarify.

The details in the FRA for the proposed mitigation for fluvial flood risk consists of two flood compensation areas and syphons to the movement of flood water across the site and to maintain flood flow routes. We would expect the fluvial mitigation to be suitable to, at its minimum manage the design flood, plus an appropriate allowance for climate change for the proposed lifetime of the development. As the proposed development is considered to contain elements of essential infrastructure, the higher central allowance for climate change should be considered. The fluvial flood compensation/mitigation should be designed as a minimum for the 1% AEP event 20% for climate change. This is recognised by the applicant within section 7.2 of their FRA.

The applicant should be able to demonstrate the proposed compensation/mitigation will ensure there is no increase in flood risk elsewhere as a result of the proposed project. The applicant has undertaken flood risk modelling to support their application. The Environment Agency is in the process of reviewing this modelling and we are currently unable to offer any detailed comment on the findings of the applicants' flood risk modelling, which includes the fluvial flood compensation/mitigation areas.