

Gatwick Northern Runway

TR020005

National Highways Responses to Examining Authority's Written Questions at Deadline 3

April 2024

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1 Introduction and Responses to the Examining Authority's Written Questions

This document has been prepared by National Highways to set out its responses to the Examining Authority's Written Questions issued on the 28th March 2024 which are either directed or of relevance to National Highways. These can be found in Table 1.1 below.

Table 1-1 National Highways Response to the Examining Authority's Written Questions

WQ No	Question to	Reference (in bold) and Question	National Highways Response
General and Cross Topic			
GEN.1.2 1	The Applicant Relevant Planning Authority	<p>Comment on the desirability of implementing the following measures to ensure that good quality sustainable design and integration of the Proposed Development into the landscape is achieved in the detailed design, construction and operation of the project. How might they be secured? Are any further measures appropriate?</p> <p>a) A 'design champion' at board level to advise on the quality of sustainable design and the spatial integration of the proposed structures, buildings, new landscape features, and visual amenity.</p> <p>b) A 'design review panel' to provide informed 'critical-friend' comment on the developing sustainable design proposals;</p> <p>c) An approved 'design code' or 'design approach document' to set out the approach to delivering the detailed design specifications to achieve good quality sustainable design;</p> <p>d) An outline, including timeline, of the proposed design process, including consultation with stakeholders and a list of proposed consultees.</p> <p>In the opinion of CBC and other local authorities where relevant, would the implementation of any or all of the above measures assist in determining post-consent approvals (including the discharge of requirements) in relation to achieving good design?</p>	<p>National Highways has previously raised its concerns on the integration of the Proposed Development into the landscape. These concerns are highlighted in the Statement of Common Ground (SoCG), at table 2.14 [TR020005/REP1-036], where National Highways comments on the need for information from the Applicant and the risk of loss of screening to the Strategic Road Network. Insofar as works impact the Strategic Road Network, National Highways refers the Applicant to the Design Manual for Roads and Bridges (DMRB) which contains well established standards relating to design.</p> <p>National Highways would request that it is included in any 'design review panel' however, the level of National Highways involvement is to be confirmed. Should the Examining Authority be minded to recommend such a panel, National Highways would expect the panel to be secured by a requirement.</p>
GEN.1.3 3	The Applicant RPAs RHAs Statutory Bodies	<p>The Proposed Development was accepted for Examination prior to the publication of the latest National Networks National Policy Statement (NNNPS) and in accordance with paragraph 1.16, the 2015 NNNPS should have effect. However, paragraph 1.17 explains that the latest 2024 NNNPS is potentially capable of giving rise to important and relevant considerations in the decision-making process. Given this, provide an outline of any implications arising for the designation of the latest NNNPS the ExA should consider.</p>	<p>National Highways notes the following paragraphs of the 2024 NNNPS in particular:</p> <ul style="list-style-type: none"> - Paragraph 4.9: "The [transport] modelling should be proportionate to the scale of the scheme and include appropriate sensitivity analysis to consider the effects of uncertainty on project impacts." Paragraph 5.275 also states "For road and rail developments, the Applicant's assessment should include an assessment of the transport impacts on other networks as part of the application, based on discussions with the Local Highway Authority/Local Transport Authority/Local Planning Authority." Whilst substantively similar provisions are included in the 2015 NNNPS, the 2024 NNNPS must be considered separately and be given additional weight. Unfortunately, National Highways continues to have concerns about the modelling produced by the Applicant and is not in a position to confirm that it agrees that the assessments, for both construction and operation, can be relied upon. - Paragraph 4.43: "The Applicant should be able to demonstrate that their scheme is consistent with government Road Safety policy and with the National Highways Safety Framework for the Strategic Road Network. Applicants must show that they have taken all steps that are reasonably required to minimise the risk of death and injury arising from their development". This requirement does not appear in the 2015 NNNPS and National Highways considers it is relevant in this context. National Highways is not in a position to confirm whether the Scheme is compliant with this paragraph, particularly in relation to the impacts potentially arising from construction. - Paragraph 5.51: "The Applicant should not just look to mitigate direct harms but should show how the project has taken advantage of opportunities to conserve and enhance biodiversity, having due regard to any relevant local nature recovery strategies and species conservation strategies." National Highways' position is that the Applicant is placing the Strategic Road Network, and National Highways, in a worse position when it comes to biodiversity on the Strategic Road Network. National Highways continues to consider that an enhancement (in addition to mitigation) should be provided on the Strategic Road Network in light of the specific policies in both

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			<p>the NNNPS 2024, and the Airports National Policy Statement as explained in National Highways' Relevant Representation [TR020005/RR/3222].</p> <ul style="list-style-type: none"> - As Paragraph 5.283: "The Applicant should provide evidence that the development improves the operation of the network and assists with capacity issues." Importantly, this sentence does not appear in the 2015 NNNPS and National Highways considers it is relevant to the Applicant's proposals. In light of the specific matters relating to the proposed expansion, and the assessments provided, National Highways does not consider such evidence has been provided.
Compulsory Acquisition and Temporary Possession			
CA.1.17	Statutory Undertakers	<p>Acquisition of Statutory Undertakers' Land</p> <p>The SoR, paragraph 8.2.5 [AS-008], states that adequate protection for statutory undertakers will be included within protective provisions in the DCO. GAL therefore considers that statutory undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the CA of land or rights over land or powers of TP.</p> <p>For those statutory undertakers who have been sent the draft protective provisions but have not confirmed agreement, please explain for each one why these protective provisions are considered to provide adequate protection and why GAL considers that the land and rights can be acquired without serious detriment to the carrying on of the undertaking.</p>	<p>National Highways is a statutory undertaker for the purposes of section 127 of the Planning Act 2008 and article 41 of the draft Development Consent Order (dDCO). National Highways is currently negotiating draft protective provisions with the Applicant and intends to secure these protective provisions via the Development Consent Order (DCO).</p> <p>National Highways would suffer serious detriment to its undertaking (the Strategic Road Network) if its land was acquired as it would limit National Highways ability to discharge its duties in accordance with the Department for Transport Circular 01/2022 to operate, maintain and deliver sustainable development. National Highways notes that the Applicant is seeking permanent acquisition powers over parts of the Strategic Road Network. In accordance with the relevant guidance "Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land" alternatives to compulsory acquisition must be considered, and compulsory powers should only be sought where necessary and proportionate. Whilst there are Protective Provisions which secure the vesting of any relevant highway land, it remains unclear to National Highways why the Applicant is seeking permanent acquisition over parts of the Strategic Road Network when a reasonable alternative exists (i.e. works could be carried out under temporary powers). While the draft protective provisions may include a control for National Highways over the exercise of compulsory acquisition powers, National Highways disputes the principle of the DCO including compulsory (permanent) acquisition over its interests when this is not necessary or proportionate, given the availability of temporary powers.</p> <p>National Highways does not believe the Protective Provisions, in their current drafting, provide adequate protection. National Highways' outstanding concerns on the Protective Provisions are set out in its Relevant Representation [TR020005/RR/3222] and issues with the breadth of the powers are addressed directly below. National Highways continues to engage with the Applicant, but if agreement cannot be reached, National Highways will be submitting its standard template Protective Provisions, which have been endorsed in a number of DCOs, into the examination.</p>
CA.1.30	RPAs RHAs	<p>As RPAs and RHAs are you aware of:</p> <p>a) Any reasonable alternatives to CA or TP for land sought by the Applicant?</p> <p>b) Any areas of land or rights that the Applicant is seeking the powers to acquire that you consider would not be needed? Please identify which plots these are and explain why you consider they would not need to be acquired.</p>	<p>National Highways has set out in its Relevant Representation [TR020005/RR/3222] that the Applicant's proposals seeks to exercise compulsory acquisition powers over the Strategic Road Network and other National Highways land is wholly unjustified.</p> <p>National Highways cannot accept this approach and recommends that the Applicant:</p> <ul style="list-style-type: none"> - Revert within the Land Plans any existing land under National Highways ownership to solely temporary possession. - Seek to agree with National Highways temporary possession of the land required for the construction of the scheme. <p>Where, exceptionally, the Applicant requires permanent rights over any existing National Highways land ownership, these are to be identified and communicated to National Highways, with a clear justification provided, to demonstrate the need for a permanent right being acquired. This will be considered by National Highways and any concerns will be highlighted to the Examining Authority.</p>

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			<p>Compulsory acquisition powers should be limited to what is necessary, with Advice Note 15 being clear that powers to acquire rights and impose restrictive covenants should not be justified in general terms. National Highways has also identified the following provisions of the DCO in the CA/TP context which it considers should be removed, or justified:</p> <p>Article 27 - It is not clear what ancillary purposes the Applicant seeks to “use” all of the Order land. The relevant compulsory acquisition guidance (Planning Act 2008: procedures for the compulsory acquisition of land (September 2013 Department for Communities and Local Government) makes clear, that the Applicant will need to demonstrate that the interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate. National Highways seeks clarification on article 27(1)(b) and National Highways considers that article 27 (1)(b) should be deleted in its entirety.</p> <p>Article 31 - 10 years is an excessively long period of time for land to be subject to compulsory acquisition powers given the limited scale of the development. Schemes which have obtained periods longer than 5 years are typically those which are significantly more complex and linear. National Highways recommends this is reduced to 5 years unless the Applicant is able to provide a reasonable justification.</p> <p>Article 32 - The Applicant should set out which, if any, National Highways rights of way it proposes to extinguish and where the justification for this is set out in the application documents. Alternatively, National Highways requests the insertion of “National Highways” in article 20(5).</p> <p>Article 45 - National Highways queries where in the Application details of airspace acquisition are set out. The Applicant should set out which areas of airspace it requires and whether this power is proposed to be used in connection with the Strategic Road Network (and if it is not, then the Strategic Road Network should be so excluded). It is unclear if this is proposed to be a permanent acquisition power (use of “maintenance”) or a temporary power. National Highways also queries the need for this article in light of article 35 (Acquisition of subsoil or airspace only).</p> <p>Schedule 7 - The purposes for which permanent rights can be acquired (set out in Schedule 7) is unclear. Permanent rights should not be obtained for “minor works”, instead the Applicant should set out the specific rights that it is seeking over National Highways interests, or altogether remove references to “minor works” in Schedule 7 insofar as they relate to plots on the Strategic Road Network.</p> <p>National Highways continues to work with the Applicant in order to resolve these matters.</p>
CA.1.32	Affected Persons IPs	Are any Affected Persons or IPs aware of any inaccuracies in the BoR [REP1-009 and REP1-011], SoR [AS-008] or Land Plans [AS-015 and AS-016]? If so, please set out what these are and provide the correct details.	<p>National Highways is aware of inaccuracies in the Book of Reference [TR020005/REP1/009] and has highlighted these directly to the Applicant. Should these issues not be resolved, National Highways reserves its right to make further submissions.</p> <p>For the Examining Authority's reference these inaccuracies include, but are not limited to:</p> <ul style="list-style-type: none"> - Errors in the categorisation of National Highways ownership or rights over land parcels related to the Strategic Road Network, - Omission of rights to access and maintain National Highways drainage features in the vicinity of Peeks Brook Lane, and - Errors in the categorisation of the A23, where ownership of the highway transferred to the local highway authority by virtue of de-trunking order in accordance with Section 265 of the Highways Act 1980.
CA.1.33	RPAs RHAs	<p>Justification for Interfering with the Human Rights of those with an Interest in the Land Affected</p> <p>Do any Affected Persons have concerns that they have not yet raised about the legitimacy, proportionality or necessity of the CA or TP powers sought by the Applicant that would affect land that they own or have an interest in?</p>	See CA.1.17

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Development Consent Order and Control Documents			
DCO.1.1	IPs	At ISH2 the ExA asked all parties to propose matters which they would wish to see in the DCO, any other control document or a legal agreement early in the Examination. Where an IP wishes to see a change to the dDCO, any control document or the draft s106 agreement (when published) they are asked to specify, as precisely as possible, the amended wording they would wish to be included.	National Highways has set out its suggested amendments to: - The draft Development Consent Order (dDCO) in Section 2.7 of National Highways SoCG with the Applicant [TR020005/REP1/036] ; - The Applicant's surface Access Commitments [TR020005/APP/090] in its Deadline 2 submission: Post-Hearing submissions - ISH4: Action Point 9: Commentary on Surface Access Commitments [TR020005/REP2/056] National Highways is currently drafting a Framework Agreement to issue to the Applicant to provide National Highways with the necessary security to ensure the safe operation of the Strategic Road Network and allow National Highways and the Applicant to work proactively to resolve matters identified in the SoCG [TR020005/REP1/036] . This has now been issued to the Applicant for consideration.
DCO.1.7	The Applicant RPAs RHAs Natural England (NE) EA	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. Do the discharging authorities and relevant consultees have sufficient resources to discharge requirements and will the Applicant be providing support for this work?	National Highways is satisfied that it will have the resources to deal with the discharge of requirements as a consultee to the Local Planning Authorities on the basis that any necessary funding for costs will be met by the Applicant.
DCO.1.17	The Applicant IPs	Art. 3 (Development consent etc. granted by Order) Explain / justify the inclusion of 'or adjacent' in (2). Paragraph 4.1 of the EM explains why 'within the Order Limits' has not been included – are IPs content with this?	National Highways has no comments on article 3(2) and are content with the justification set out in the Explanatory Memorandum submitted at Deadline 1 [TR020005/REP1/007] .
DCO.1.22	The Applicant RHAs	Art. 11 (Street works) Should (1) be modified to include the following after 'as are': 'specified in column (2) of Schedule X (Streets subject to street works) as is within the OL for the relevant site specified in column (1) of Schedule X and may' to be more specific. Similarly: (b) Add 'drill,' before 'tunnel'. (c) Add 'and keep' after 'place'. Add (after (1)): (2) Without limiting the scope of the powers conferred by paragraph (1) but subject to the consent of the street authority, which consent must not be unreasonably withheld, the undertaker may, for the purposes of the authorised development, enter on so much of any other street whether or not within the Order Limits, for the purposes of carrying out the works set out at paragraph (1) above. EM paragraph 5.9 states that Art. 11 is based on Model Provisions but departs from it in that it authorises interference with any street within the OL, rather than just those specified in a schedule. While paragraph 5.18 provides some explanation, please explain why it is necessary to interfere with any street within the OL.	National Highways supports any amendments to the dDCO which add clarity. It would be helpful if the Applicant is able to specify where it will exercise these powers, provided that it is possible to do so at this stage. National Highways has no comments on the amendment to sub-para (2)(b) or (c) other than noting that this goes beyond the precedent article referred to by the Applicant in its Explanatory Memorandum [TR020005/REP1/007] , and that the Applicant should justify why any additional wording is necessary. National Highways does not consider it appropriate for the Applicant to be able to enter "any other street whether or not within the Order Limits" without justification, and where the Applicant itself is not a highway authority with experience or statutory obligations of a highway authority. The Applicant should make clear if it currently envisages works outside the Order limits, how these works are secured, and what controls they will be subject to.
DCO.1.23	The Applicant RHAs	EM paragraph 5.36 states: "Schedule 4 Part 2 identifies the single existing public right of way which will be permanently stopped up for which no substitute is to be provided." Why is no substitute provided?	National Highways notes that the Applicant proposes to stop up Footpath Designated 346_2sy over the extents marked by the designation B2 in as part of the Rights of Way and Access Plans [TR020005/REP1/014] . However, National Highways notes that an alternative provision is being provided by the Applicant as part of its wider active travel improvements on the perimeter of the Airport, with the routeing provided by 346_2sy being maintained by a mixture of segregated and shared use cycle tracks designated C8, C40, C6, C5, C4, C3 and C2 respectively. National

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DCO.1. 24	The Applicant RPAs RHAs	<p>Art. 16 (Access to Works)</p> <p>Is 'at such locations within the Order Limits as the undertaker reasonably requires for the purposes of the authorised development' precise enough?</p> <p>Should (1) be 'subject to sub-paragraph (2)' and 'with the consent of the street authority (such consent not to be unreasonably withheld or delayed) following consultation by the street authority with the relevant planning authority'?</p> <p>Paragraph 5.43 of the EM cites precedent for this Article. Explain any differences between the precedent cases and the proposed Article.</p>	<p>Highways would therefore seek clarification as to whether the works identified in Schedule 4 Part 2 should not instead reside in Schedule 4 Part 1?</p> <p>National Highways has already set out its concerns on Article 16 (see for example the SoCG at 2.7.1.18 [TR020005/REP1/036]). National Highways notes that at Deadline 1, the Applicant updated Article 16 to require consent of the street authority. National Highways would nonetheless welcome any further clarity from the Applicant, as may be available, on where such powers will be exercised.</p> <p>National Highways does not consider that "such consent not to be unreasonably withheld or delayed" to be appropriate. Highway authorities are public bodies so in line with the principles of public law must act rationally, and in accordance with their statutory obligations. The drafting introduces an unnecessary opportunity for disputes as to what the phrase means. This unprecedented wording reduces the level of protection made available to highway authorities by the Secretary of State on other DCOs (by expressly incorporating this contractual language) when they are already bound to act reasonably as public bodies.</p>
DCO.1. 40	The Applicant RPAs RHAs	<p>Schedule 2 (Requirements)</p> <p>R1 – Interpretation "commencement of dual runway operations": Where is the control to ensure that the northern runway is only used for departures and not arrivals? Similarly, where is the control to ensure that the northern runway is only used for aircraft up to Code C size? Sub-paragraph (2) of R1 does not appear to relate to the description of paragraph (2) in paragraph 9.5 of the EM. Additionally, it does not appear that paragraph (2) has been used in the cited cases. Please respond.</p> <p>R2 - Anticipatory steps towards compliance with any requirement The justification for this Requirement (EM paragraph 9.5) appears to have been provided in relation to paragraph (2) instead of Requirement 2. Please clarify.</p> <p>R3 – Time limit and notifications Why should the serving of notice occur once the dual runway operation has commenced and not before?</p> <p>R4 – Detailed design Is "unless otherwise agreed in writing with CBC..." at the end of (2) and (3) a tailpiece? (4) How would consultation with CBC operate? What is the timescale, procedure and what would happen if CBC provided comments which the undertaker did not agree with? Would the Schedule 11 procedures need to be amended? The term 'discharging authority' does not appear to encompass this situation. (5) Add 'in writing' after 'agreed'.</p> <p>R5 - Local highway works – detailed design Is "unless otherwise agreed in writing with the relevant planning authority" at the end of (3) a tailpiece?</p> <p>R6 – National highway works In paragraph (2) is 'the third anniversary of the commencement of dual runway operations' an appropriate timescale?</p> <p>R7 – Code of construction practice Is 'unless otherwise agreed with CBC' a tailpiece? If acceptable, insert 'in writing' after 'agreed'.</p> <p>R8 – Landscape and ecology management plan How would this requirement operate where potentially the Landscape and Ecology Management Plan (LEMP) did not include land where CBC was the RPA? R8 provides for a LEMP to be submitted for 'any part of the authorised development'. It is not clear how many LEMPs are likely to be produced. Explain what is meant by 'part of the development'? Does it relate to the zones 1-8 of the development or does it relate to sequence in which the construction will take place? If the latter, will construction impacts be covered by a LEMP in addition to the CoCP?</p>	<p>National Highways has no comment on the Schedule 2 Requirements listed by the Examining Authority with the exception of the following in relation to Requirement 6:</p> <p>National Highways has already set out in its SoCG at 2.7.1.27 [TR020005/REP1/036] that further modelling is required to confirm the timescale in which the highway works referenced in this Requirement should be in place. It remains unclear to National Highways why this information has not yet been provided to it or the examination. National Highways considers that unless modelling concerns are resolved, the works should be developed prior to the commencement of any airport growth, rather than three years after such growth has been enabled by the DCO. Given the scale of the authorised development, and the highways NSIP, National Highways considers it inappropriate for the undertaker to only exercise "reasonable endeavours" to obtain a provisional certificate by the third anniversary of the commencement of dual runway operations. Rather, the works should be in place by the time they are required and this Requirement should be redrafted once the Applicant clarifies the timing point.</p> <p>National Highways is also concerned that it is not identified as a discharging authority in respect of control documents which are highly relevant to the operation of the Strategic Road Network (in particular, Requirement 20 which relates to the Surface Access Commitments). The Applicant's drafting previously referred to local highway authorities. It is requested that the provision be amended to explicitly refer to the need for National Highways approval, in addition to CBC's.</p>

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		<p>R9 – Contaminated land and groundwater In sub-paragraph (1) how would low risk be determined?</p> <p>R10 – Surface and foul water drainage In sub-paragraph (3) is 'unless otherwise agreed in writing by the lead local flood authority' a tailpiece?</p> <p>R14 – Archaeological remains Is 'unless otherwise agreed in writing...' in paragraphs (1) and (2) a tailpiece?</p> <p>R15 – Air noise envelope How would this requirement work alongside existing controls? Has the concept of an air noise envelope been used to control noise in other airport developments? What are the different circumstances which might be envisaged under sub-paragraphs (3) and (5)(a)? Why has the timescale of 45 days be identified in paragraph (4)? What does 'declare any further capacity' mean in paragraph (5)? In sub-paragraph (5)(a) is approval required or can the undertaker declare further capacity 'when submitted'?</p> <p>R16 – Air noise envelope reviews In sub-paragraph (2) why has the timeframe of 42 days been chosen? R15 (4) includes 45 days as does R16 (6) and R17.</p> <p>R18 – Noise insulation scheme Should this control relate to the coming into operation of Work Nos. 1-7 rather than the commencement of works? Clarify the explanation provided in paragraph 9.27 of the EM.</p> <p>R19 – Airport operations Would it be appropriate to be more precise in sub-paragraph (2) with the removal of 'routinely' and clarification of the reasons why the southern/ main runway is not available? The comments made in ISH2, and the written summary contained within [REP1-057] regarding a potential passenger limit are noted. However, given justification for the need case provided through the introduction of larger planes and increasing load factors, could there be a case where 386,000 commercial air transport movements equates to more than 80.2 million passengers per annum, potentially to a level not mitigated for through the Surface Access Commitments [APP-090], and if so should the passenger levels not be controlled through R19 as well?</p> <p>How would it be ensured that Commitment 14 of the Surface Access Commitments is adequate to deal with such a scenario?</p> <p>How realistic are anticipated rates of aircraft fleet transition contained within the ES when dealing with projected demand levels for 2047, some 20 years in the future?</p>	
DCO.1.42	The Applicant IPs	<p>Approach to Tracking Mitigation</p> <p>The Mitigation Route Map [APP-078] has been prepared to demonstrate that all necessary controls, mitigation and commitments of enhancement have been identified and secured.</p> <p>Why is the Mitigation Route Map submitted for information only?</p> <p>Would it be more effective for IPs for the Mitigation Route Map to be developed as a Register of Environmental Actions and Commitments to track progress of the commitments and record outcomes and evidence of the actions taken, as well as recording and addressing any additional environmental issues that arise during construction?</p>	National Highways supports the use of a Register of Environmental Actions and Commitments on this scheme. Commitments from the Applicant need to be secured in an effective manner to ensure ease of future compliance and enforcement.
DCO.1.49	The Applicant RPAs	Approval of Construction Phasing The Indicative Construction Sequencing [APP-088] is not included in the CoCP.	National Highways has previously raised concerns about utility works which will be required as a result of the surface access works (see the SoCG at 2.5.1.2 [TR020005/REP1/036]). Limited information has been provided by the Applicant

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		Should the phasing of the construction programme be subject to RPA approval and secured by a Requirement in the DCO?	to date. National Highways welcomes further clarity and supports the phasing of the construction programme to be secured via a requirement. If the Applicant is unable to resolve the concerns raised by National Highways, it may be appropriate for National Highways to be a consultee on this new requirement.																				
Ecology and Nature Conservation																							
EN.1.10	The Applicant RHAs	Paragraph 9.1.1 of the Outline LEMP [APP-113] states that the landscape and ecological proposals that form part of the adoptable highway will be adopted and maintained by the local highway authority or NH. Can the Applicant explain how the ongoing maintenance of these areas is secured in the dDCO? The RHAs may wish to comment.	National Highways is currently engaging directly with the Applicant to understand which land parcels will be transferred to it following completion of the specified works. National Highways welcomes clarity from the Applicant on how ongoing maintenance and handover of these areas, which are not highway and therefore sit outside the scope of "specified works" in the protective provisions, are secured.																				
Traffic and Transport																							
TT.1.17	NH CBC WSCC	Table 12.2.1 lists the major highway schemes included in the future baseline scenarios. Is this a definitive list of schemes? Provide a status update of the schemes listed.	<p>The schemes listed in Table 12.2.1 in the Transport Assessment [TR020005/AS/079] are the major highway schemes in the future baseline scenario. National Highways can only comment on those schemes which National Highways are the scheme promoter of, and this response does not consider the Crawley Borough Council and West Sussex County Council schemes listed in the table.</p> <p>The National Highways schemes within Table 12.2.1 are the major highways schemes within the vicinity of Gatwick and includes all the schemes likely to have an impact on traffic flows within the vicinity of Gatwick. The future baseline position has changed for several reasons, as previously stated the M25 Junction 10-16 Smart Motorway programme is now no longer programmed for implementation and Lower Thames Crossing anticipated completion date is currently 2032. Additionally, the M25 Junction 8 Scheme was a project historically under development as part of National Highways Roads Investment Strategy 1 period, however this project was ultimately not taken forward into the next Roads Investment Strategy Period.</p> <p>It can be confirmed, however, that aside from the changes mentioned above, the remainder of the National Highways promoted schemes in the table are a definitive list of major highway schemes which may impact on traffic flows within the vicinity of Gatwick. A status update on the schemes listed within Table 12.2.1 is provided below:</p> <table border="1"> <thead> <tr> <th>Scheme</th> <th>Scheme Promoter</th> <th>Assumed Opening Year</th> <th>Status Update</th> </tr> </thead> <tbody> <tr> <td>A2 Bean & Ebbsfleet Junction Improvement Scheme</td> <td>National Highways</td> <td>2022-2023</td> <td>Scheme opened for traffic 30 June 2022</td> </tr> <tr> <td>M23 Junctions 8-10: Smart Motorways</td> <td>National Highways</td> <td>Spring 2020</td> <td>Scheme opened for traffic 31 March 2020</td> </tr> <tr> <td>A27 East of Lewes</td> <td>National Highways</td> <td>2022</td> <td>Scheme opened for traffic Spring 2023</td> </tr> <tr> <td>M25 Junction 10-16 Smart Motorway</td> <td>National Highways</td> <td>2025</td> <td>National Highways confirms that this scheme is no longer programmed for implementation in accordance with the Department for Transport communication on the 15 April 2023 that all Smart Motorway schemes are to</td> </tr> </tbody> </table>	Scheme	Scheme Promoter	Assumed Opening Year	Status Update	A2 Bean & Ebbsfleet Junction Improvement Scheme	National Highways	2022-2023	Scheme opened for traffic 30 June 2022	M23 Junctions 8-10: Smart Motorways	National Highways	Spring 2020	Scheme opened for traffic 31 March 2020	A27 East of Lewes	National Highways	2022	Scheme opened for traffic Spring 2023	M25 Junction 10-16 Smart Motorway	National Highways	2025	National Highways confirms that this scheme is no longer programmed for implementation in accordance with the Department for Transport communication on the 15 April 2023 that all Smart Motorway schemes are to
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WQ No	Question to	Reference (in bold) and Question	National Highways Response			
						<p>be removed from government road building plans.</p> <p>National Highways requested in its Relevant Representation [TR020005/RR/3222] that a cumulative sensitivity test is undertaken by the Applicant which considers, amongst a number of modifications, the removal of the M25 Junction 10-16 Scheme to understand the impact on the safe operation of the Strategic Road Network.</p> <p>National Highways is continuing to liaise with the Applicant in respect to this Cumulative Sensitivity matter.</p>
			Lower Thames Crossing – new link	National Highways	Before 2029 (assumed)	<p>National Highways outlined in its Relevant Representation [TR020005/RR/3222] that Lower Thames Crossing is scheduled to be completed in 2032. This amended completion date has subsequently been considered by the Applicant as part of a cumulative sensitivity test.</p> <p>National Highways is continuing to liaise with the Applicant in respect to this Cumulative Sensitivity matter.</p>
			M25 J8 Improvement Scheme	National Highways	December 2020	<p>This scheme is not currently funded or committed for delivery.</p>

WQ No	Question to	Reference (in bold) and Question	National Highways Response
TT.1.21	RHAs	<p>Paragraph 13.5.7 states that the model outputs confirm that in the 2032 future baseline the level of congestion is becoming more extensive, increasing the potential for wider impacts on the highway network, indicating insufficient capacity to accommodate Project demand without the highway works.</p> <p>In 2032 the future baseline traffic levels are expected to be 59.2 mppa and the terminal roundabout works have been done and no more mitigation is planned in this future baseline scenario. This is compounded by the findings set out in paragraphs 13.5.13 to 13.5.15 concerning the 2047 period. Also, in paragraph 13.6.3 it is stated that “the Project prevents unacceptable highway conditions arising”. Given “the significant congestion highlighted at key locations, both within the Airport network and on the strategic and local network” relating to the future baseline. Does this suggest that the 67.2 mppa would be a realistic and robust future scenario in the event the dDCO would not be granted?</p>	<p>It is National Highways view that it is for the Applicant to provide a response to this written question in order to justify their assessment, and to demonstrate that 67.2 mppa is a realistically achievable value in the event that the dDCO is not granted. National Highways does not have sufficient detailed information on how this figure has been calculated to comment on the validity of this. Where the Applicant provides further justification in respect to the Examining Authority's Written Question, this would enable National Highways and other Relevant Highway Authorities to consider and provide an appropriate response.</p> <p>However National Highways notes that any increase in mppa does not directly correlate to a corresponding increase in road user traffic on the Strategic Road Network, or indeed detrimental impacts on network performance. This will be influenced by other variables such as modal share and journey times which would need to be considered. For example, an increase in road user traffic arriving during the AM and PM peaks may result in a significant impact, however an increase in road user traffic outside of these peak hours may not result in similar magnitude of impact. It is noted though that in the event the dDCO is not granted, the opportunities for air traffic growth would be more likely to be focussed outside current peaks, given the operational constraints of a single runway. In a “with DCO scenario”, there would be opportunity for significant growth within current peaks, and potential for much greater Strategic Road Network impacts. It is therefore not possible to compare the impacts of the two scenarios based purely in terms of mppa.</p> <p>National Highways would also request clarification from the Applicant as to what would be considered an “unacceptable highway condition”, this is very subjective in nature and open to interpretation.</p>
TT.1.40	The Applicant RHAs RPAs	<p>Paragraph 3.5.5 states that authorised parking demand is calculated to a maximum practical occupancy of 87.5%. Could the approval for future increases in parking not be done on an as and when required basis, linked to mode share targets, to ensure the parking supply is managed on actual demand and not long term forecasting? We note that in paragraph 3.1.1 that this approach is already used to identify, plan consult on and implement any additional car parking.</p>	<p>National Highways has no comment to make at this time.</p>