



Gatwick Northern Runway Project DCO (Project Reference: TR020005)

Deadline 3 Submission (19 April 2024)

Joint Surrey Councils – Surrey County Council (Ref. 20044665), Mole Valley Borough Council (Ref: 20044578), Reigate and Banstead Borough Council (Ref. 20044474) and Tandridge District Council (Ref: 20043605)

Overview

1. This document provides a response at Deadline 3 (19 April 2024) from the above Joint Surrey Councils (JSCs) on a number of Deadline 1 and 2 submissions and other items requested in the Rule 8 letter:
 - Comments on GAL Deadline 1 and 2 Submissions
 - Written Representations on the Applicant's Proposal to amend its DCO Application
 - Comments on any other submissions received by Deadline 2
2. The Legal Partnership Authorities' responses to the ExA Written Questions (ExQ1) have been submitted by West Sussex County Council on behalf of the Legal Partnership.

Response to GAL submissions at Deadline 2

Surrey Written Scheme of Investigation [REP2-018]

3. SCC has reviewed the updated Surrey Written Scheme of Investigation submitted at Deadline 2 and has no further comments to make as previous comments on the sampling strategy have now been taken into account. Any further adjustments to sampling can be made on site as necessary when the works commence, in response to the actual findings as is usual.

Applicant response to ISH actions – Appendix C Rail passenger modelling clarification note [REP2-005]

4. Para 2.1.6 describes how the model has been updated to account for the impact of Covid-19. SCC would like the impacts on rail services as a result of Covid-19 to be outlined and ask GAL to compare the 2023 timetable to that assumed in the core baseline scenario for 2015 and forecast years.
5. Para 5.1.3 makes the case that June is a robust month for assessment from a rail perspective. SCC agrees that June is a robust month for assessment of transport impacts. However, the implication of Para 5.1.3 is that 'winter' demand, when leisure travel is lower, is more suited to use of public transport than 'summer' demand, when leisure travel is higher. We require further clarification of the nature of the growth at the airport and the efforts that GAL will make to encourage leisure travel to use public transport as currently the solution is the use of a 'summer special' car park.
6. Section 8 describes how GAL has contributed to rail funding, but it does not consider:

- a. how the pre-Covid19 timetable will be restored as Network Rail [REP1-090 para 2.8] states that “...there is currently no funding for the resumption of rail service capacity to pre-Covid levels”
- b. what measures the Transport Mitigation Fund (TMF) would be required to contribute to, given the importance placed on rail to meet the Surface Access Commitments (rail accounts for over 80% of public transport mode share), and whether the TMF would be large enough to deliver significant rail improvements.

Applicant response to ISH actions – Appendix D 2023 Travel to Work Survey [REP2-005]

7. **Targets/commitments** - In 2022, GAL proposed Airport Surface Access Strategy (ASAS) targets relating to the use of sustainable modes and reduced car trips to/from Gatwick, covering both staff and passenger journeys. The key targets within the ASAS for staff journeys include Target 2 and Target 5 as follows:
 - **Target 2:** *Target of 48% of staff journeys to work by public transport, shared travel and active travel by 2030, up from 39% in 2019 (as part of meeting the same Decade of Change target)*
 - **Target 5:** *Set a new Active Travel mode share target for staff living within 8km/5 miles of the airport of not less than 10%, to be confirmed by the end of 2023 based on the results of the Staff Travel Survey. In 2019, the total mode share across all staff was 3-4%.*
8. As part of the Northern Runway Project, GAL has developed Surface Access Commitments (SACs) setting out commitments to achieving certain mode shares for passenger and staff journeys. The future ASAS will be informed by these SACs, but not replace them - the SACs will sit alongside the future ASAS (Transport Assessment, Page 59, S7).
9. The key mode share commitments for staff journeys in the SACs include:
 - A minimum of 55% of staff journeys to and from the Airport to be made by public transport, shared travel (a journey made by private car containing more than one person) and active modes (walking and cycling).
 - At least 15% of airport staff journeys to work originating within 8km of the Airport to be made by active modes.
10. **Comparison to 2023 Travel to Work Survey** - The targets/commitments have been compared with the results of the Travel to Work survey for 2023 which contains the latest mode share performance and provides an updated view of whether GAL is achieving its ASAS targets and will achieve the SACs.
11. Having reviewed and compared the 2023 Travel to Work survey to the commitments set out by GAL, we are concerned that there is discrepancy between the 2019 percentages reported in the mode share table (Travel to Work Survey, Page 7) and those included in the ASAS Targets (specifically Target 2). Target 2 states that in 2019, 39% of staff journeys to work were taken by public transport, shared travel and active travel. As defined in the TA, we have assumed the same definition for shared travel being ‘a journey made by private car containing more than one person’. However, the mode share table on Page 7 of the Travel to Work survey, indicates that in 2019, 67% of journeys were made by car with the driver alone,

meaning 33% of journeys were split across the other modes (public, shared, and active modes).

12. In order to accurately comment and compare the mode share performance recorded in the 2023 Survey, confirmation of the 2019 mode shares is requested - where the 2019 mode share percentages were obtained for the ASAS, and why they are different to those that have been reported in the Travel to Work Survey?
13. Despite the above, the following observations have been made regarding mode share performance, based on the % provided in the Travel to Work Survey report:
 - Between 2019 and 2023, the changes to mode share have been minor/ insignificant generally across all modes.
 - The largest increase over the period was journeys by local bus (with an increase of 4%).
 - There was a fall in those using rail as mode of transport to get to work, with rail usage only 1% higher than it was in 2016.
 - The proportion of staff cycling to work also declined (by 1%) and is below the level recorded in 2016.
 - Walking has not increased either, meaning only 2% of staff in 2023 were using active modes.
 - The combined levels using active modes (walking or cycling) has reduced since 2019 and is lower than it was in 2016.
 - In terms of car travel, whilst there has been a fall of 3% overall, this is specifically for car share. Car travel (drivers driving own vehicle alone) has remained at 67%.
14. ASAS Target 2 commits to 48% of staff travelling by alternative modes to private car by 2030, indicating car travel will reduce to 52%. Equally, in the SACs, GAL commits to 55% of staff journeys being made by public, shared or active travel modes, with 45% private car journeys.
15. The proportion of car travel (with the driver driving alone) did not change between 2019 and 2023, remaining at 67%. Car travel overall reduced by 3% only over the period, however this was exclusively a reduction in car share proportions. Thus, there has been no progress towards a target of 52% (ASAS) or 45% (SACs) private car travel over this period, according to the survey results. A further 15-22% reduction in car travel seems unachievable and unlikely given the lack of progress towards these targets between 2019 and 2023.
16. ASAS Target 5 commits to no less than 10% of staff living within 8km (5 miles) of Gatwick travelling via active mode options. The target states that the % will be confirmed by the end of 2023 (based on the Travel to Work survey results). SCC requests confirmation of what target has been set / or when it will be set.
17. In the SACs, GAL commits to 15% of airport staff journeys to work originating within 8km of the Airport to be made by active modes. Active travel has reduced since 2019 (specifically cycling), and is now below the level recorded in 2016, with only 2% of staff choosing active

modes in 2023 (1% cycling, 1% walking). Cycling has become less popular (-1%) and walking has remaining at the same level. In the survey, 18% of staff stated they could not be persuaded to cycle to work, or that it is unfeasible.

18. The Travel to Work survey does not present any breakdown of the data by distances to Gatwick, therefore an assessment of progress towards achieving the active travel mode share targets is not possible. This information is required for further assessment on the percentage breakdown of the mode share for people within an 8km radius.

Applicant Response to ISH Actions – ISH5, Action Point 6 Response to points raised by IPs [REP2-005]

19. Joint authority comments on the Applicant’s response are provided in the table below.

Ref6a Joint Local Authorities Comment (summary)	Applicant’s response	Joint Local Authority Comment
<p>Noted the aviation policy framework where it says the average metrics are not always indicative of the real effects, and other metrics should be used.</p> <p>Also highlighted the issue of additional awakenings, and queried whether that might be used in connection with determining a nighttime SOAEL (by comparison to Heathrow, proposing to use a threshold of one additional awakening over the 92 day summer period to define that as a SOAEL for intervention).</p>	<p>As discussed in the hearing, Leq is weighted and not an average in the commonly accepted meaning of the word, and the ES uses a variety of secondary noise metrics to describe the effects of the Project in line with DfT and CAA guidance.</p> <p>The Heathrow expansion PEIR may have commented on the significance of awakenings but the project was not taken forward. The Physiological Sleep Disturbance Assessment reported in ES Appendix 14.9.2: Air Noise Modelling [APP-172] concludes that even in the worst affected area the greatest extent of additional awakenings would be 0.8 per night.</p> <p>When discussing awakenings is it important to keep in mind an average healthy person awakens about 20 times a night for various reasons not connected with noise.</p>	<p>The JSCs do not consider the response addresses the issues raised in connection with the use of event based as well as average metrics. Neither does the response address the shortfall in the information provided in relation to the secondary metrics for different assessment years.</p> <p>The JSCs continue to be of the opinion that there needs to be a range of SOAELS set for the 8 hour night period. These need to include a SOAEL of an average of no more than one additional noise induced awakening per night over the 92 day summer period. The Surrey LIR refers to this at paras 12.120 – 12.122, 12.169, 16.48 [REP1-097]</p> <p>Additional noise induced awakenings as a metric was proposed in the PEIR for Heathrow. The single average noise induced awakening is derived from the work by Basner cited in the LIR. Basner’s work was used to inform the World Health Organisation Night Noise Guidelines and Environmental Noise Guidelines. The proposed threshold is based on the recommendation of that work and is cited as being necessary for the protection of health. This is clearly a requirement of the Noise Policy Statement for England for SOAEL: “Avoid significant adverse impacts on health and quality of life...”.</p> <p>The proposals in the Heathrow PEIR were a part of a formal process and the JSCs consider that they continue to be relevant.</p> <p>The JSCs have also noted that while dismissing the awakening information for Heathrow the</p>

		<p>Applicant has sought to adopt the Unacceptable Adverse Effect Level (UAEL) of 71 dB LAeq,16h from the Heathrow Expansion PEIR when typically other airport projects apply a UAEL of 69 dB LAeq,16h.</p> <p>In relation to secondary metrics the Applicant has not provided all the secondary metrics for all years. It is particularly concerning that the overflight information is absent for scenario years.</p> <p>The Applicant has provided a small amount of detail on supplementary noise metrics at seven 'community representative locations'. These locations do not provide adequate coverage of the area affected by aircraft noise.</p> <p>Due to the way information has been presented it is difficult for individuals to understand how they may be affected by the proposed expansion.</p> <p>The supplementary metrics are used to provide context on how noise would affect communities; however, they should be used to supplement the assessment of likely significant effects. This is particularly important for newly overflown areas or areas seeing a change.</p> <p>The JSCs acknowledge that the interpretation of the metrics requires some degree of specialist knowledge and is of the view that there are better ways to communicate how noise will be experienced to people who live or may move to the area including use of audio-visual techniques to recreate aircraft noise event experiences.</p> <p>In relation to the comment about the impact of additional awakenings due to the runway the JSCs consider that it is inappropriate to consider only the impact of the northern runway and that the total number of awakenings must be taken into consideration to then quantify significance of effect and at present the work ignores this matter and as such under-represents the impact of aviation on the local community.</p> <p>The RR by the United Kingdom Health Security Agency [PDLA-045] also refers to the way the information is presented in the documentation needs to accord with the work of Basner.</p>
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Applicant Response to ISH Actions- ISH5, Action Point 7 Noise Insulation Scheme Update [REP2-031]

20. The Surrey LIR refers to noise insulation at a number of locations, but substantively at 12.166-12.174 [REP1-097]. A variety of concerns are raised and improvements to the scheme are sought.
21. The submitted update raises more questions than it answers and a list of comments relating to the contents of the document are covered in the table below. In addition to these points, the local authorities would like to see information on the following:
- How the scheme will rollout
 - Will properties be insulated prior to significant noise effects occurring?
 - Is there sufficient market availability to deliver insulation prior to significant effects occurring?

Document Reference	Commitment	JSC comments
Paragraph 2.1.3	All properties that qualify for insulation would be contacted	Can the Applicant provide details regarding how contact would be made with owners of properties that qualify for noise insulation
Paragraph 2.1.3	GAL will make further contact with any households that require assistance understanding what is on offer	How will the Applicant determine that they need to make further contact? Will there be reliance on a property owner making contact with the Applicant or would there be a follow up if no response was received?
Paragraph 3.1.2	GAL will consider the application and confirm eligibility	How long would it take the Applicant to confirm eligibility?
Paragraph 3.1.2	GAL will pass on property owner details to the appointed contractor who will make contact with the property owner to begin the process of identifying and installing insulation.	Would there be any option for property owners to pick a contractor? How long would it take for the contractor to contact the property owner and start work?
Paragraph 4.1.1	The scheme will not replace acoustic insulation installed under the previous	How will it be determined if the performance has significantly reduced?

	NIS unless its acoustic performance has significantly reduced below the level expected.	What is considered to be a significant reduction in performance?
Paragraph 6.1.3	The acoustic ventilators are provided to allow windows to remain closed more often in warmer weather, but not to completely negate the need to open windows in certain circumstances.	<p>The provision of noise insulation is based on the 92-day summer period when aircraft activity is presently the most intense. Insulation only works if windows are kept closed to prevent noise exposure. However, keeping windows closed results in an increasing frequency of increasingly elevated temperatures. The JSCs do not consider that the Applicant has taken this into proper consideration. The Surrey LIR refers to this issue.</p> <p>The option for the resident is that they experience thermal discomfort as a result of temperature, humidity or exposure to noise by opening windows. Exposure to either or both can have direct health impacts as well as affect quality of life.</p> <p>The JSCs consider that failing to take this into consideration and include a means of preventing and mitigating the effects of overheating is inconsistent with national noise policy and national planning policy on good design and is an essential element of any noise insulation scheme.</p> <p>The JSCs would encourage the ExA to require the Applicant to make such amendments and provide such information to satisfy the JLAs that this matter has been reasonably addressed together with the other comments on noise insulation within the LIR.</p>
Paragraph 6.1.5	Where external doors to noise sensitive rooms are judged to provide at least 5dB(A) less sound attenuation than the acoustic windows provided, an acoustically superior door or where appropriate and practicable a secondary door will be available.	<p>How would the Applicant judge whether external doors provide at least 5dB(A) less sound attenuation than acoustic windows?</p> <p>Why is 5dB(A) or less chosen as a trigger level?</p>
Paragraph 6.1.6	Where ceilings to bedrooms are judged to provide at least 5dB(A) less sound attenuation than the building fabric	How would the Applicant judge whether ceilings of bedrooms provide at least

	with acoustic windows provided, the property owner can request an acoustic survey to determine if there is a practicable design to upgrade the ceiling or roof space insulation to reduce noise ingress from above.	5dB(A) less sound attenuation than acoustic windows? Why is 5dB(A) or less chosen as a trigger level? Can the Applicant provide a further explanation to demonstrate that a suitable internal environment is provided following the adaptations as a result of preventing noise ingress and not introducing noisy plant to achieve ventilation rates?
Paragraph 7.1.2	Whereas the noise insulation scheme will be based on noise contours modelled from future forecasts of Air Traffic Movements in the ES, the Home Relocation Assistance Scheme will be based on standard mode noise contours reported in the Noise Envelope Annual Noise Monitoring and Forecasting Report reported each year.	Why are different noise contours used for the Home Relocation Assistance Scheme? Why is there not consistency with the noise insulation scheme?

Draft Section 106 Agreement [REP2-004]

22. A full first draft of the Applicant's proposed DCO s106 Agreement was shared with the Joint Local Authorities (JLAs) on 1 February 2024. The JLAs provided their comments on the principle of the main commitments within the draft DCO s106 Agreement to the Applicant on 23 February 2024. An updated draft DCO s106 Agreement was then provided to the JLAs on 25 March 2024 which incorporated some amendments (where considered by GAL to be appropriate) made in response to the comments provided as well as those made separately through the Written Representations, hearings, and Statement of Common Ground discussions.
23. The JLAs are in the process of reviewing the draft DCO s106 Agreement provided on 25 March 2024 and have been holding topic specific meetings to review the various obligations with their legal team. The JLAs have also reached out to organise meetings with GAL and its legal team on various topics and GAL have agreed that such meetings will be useful. The local authorities required to be party to the s106 remains under review.
24. The JLAs were pleased to note that the draft DCO s106 Agreement provided on 25 March 2024 took into account some comments made on the first draft shared and are confident that agreement can be reached on certain obligations. GAL and the JLAs will continue to work together and engage to make progress on the draft agreement.

25. However, there is concern that several obligations requested by the Legal Partnership Authorities constituting mitigation for the proposed development have been rejected by the Applicant and are currently not provided for in the draft DCO s106 Agreement. This includes (but is not limited to):
- Mitigation for housing (affordable and temporary) impacts in the form of a housing fund;
 - The creation of a Landscaping and Ecology Enhancement Fund and provision for an associated Project Officer.
 - CBC's request for a contribution towards Air Quality monitoring
 - An obligation on GAL to update and review the Noise Action Plan
 - Noise surveys to examine community annoyance.
26. The JLAs are also considering whether obligations proposed in the draft DCO s106 Agreement would be more suitably or appropriately controlled by Requirements in the Development Consent Order. This applies in particular to provisions in the Surface Access Transport Schedule of the draft DCO s106 Agreement such as paragraph 2 (Gatwick Area Transport Forum), 3 (Transport Forum Steering Group), 4 (Surface Transport Fund) and paragraph 5 (Investment in Bus and Coach Services), given that they generally serve to provide an explanation as to how the SACs will be delivered, rather than constituting standalone obligations in their own right.
27. The JLAs are also considering the general principles of the proposed 'monitoring period' and the extent to which certain obligations are sufficiently precise and enforceable and fall within the parameters of section 106 of the Town and Country Planning Act 1990.
28. A number of the Surrey authorities have specific queries in relation to the Replacement Open Space (ROS) to be provided to the north of Longbridge Roundabout on the land known as Gatwick Dairy Farm. Whilst the draft S106 now clarifies that a maintenance fee is proposed to be payable to Reigate and Banstead Borough Council, queries remain as to why this is the case as the land lies in Mole Valley and belongs to Surrey County Council and no approach has been made to any of the three authorities to discuss such an approach. Neither is it clear which organisation is intended to own the land, which is integral to the delivery and future of the ROS. The Surrey authorities will reserve detailed comments on the proposed contribution until matters concerning land transfers are clarified further.
29. An issue relating to the Community Fund included in the draft s106 has also been picked up from GAL's D1 response [REP1-064] regarding the Health Impact Assessment /health equalities issues. This response states in various places that para 18.11.22 of the ES Chapter 18 (APP-043) sets out a process is in place to mitigate against severe and inequitable health outcomes and that this is linked to the use of the Community Fund.
30. However, as currently drafted, the s106 provides for sub-funds to be made available in Sussex, Kent and Surrey with an Award Panel (comprised of GAL, Local Authority and Community Foundation representatives) "giving priority" to applications for funding where those applications reflect the following criteria: "those schemes, measures and projects which support:

- further employment, training and skills in the local area;
- families and children in need;
- combating social isolation and disadvantage;
- providing opportunities for young people; and
- improving access to facilities for the elderly and seek to reduce isolation in the older generation.

and those schemes, measures and projects which:

- are not inconsistent with approved policies or plans of relevant local authorities;
- have been identified as priorities to the communities within parish and/or community plans;
- can demonstrate overall value for money in terms of cost and effectiveness;
- can demonstrate a contribution to developing and maintaining sustainable communities throughout the Area of Benefit Sussex; and
- complement other measures committed in this Deed or practised by the parties.”

31. Whilst schemes, measures and projects which provide discretionary support to individuals in vulnerable groups could foreseeably be funded in accordance with this criteria, GAL’s comments do not reflect the process envisaged in the current drafting of the s106. The Awards Panels are responsible for determining applications and GAL would not have the ability to liaise directly with the integrated care board to allocate funding; nor can GAL use the fund at its discretion. Furthermore, in GAL’s response to our comments on the s106, GAL have stated that applications for funding would only be open to “*a constituted group with charitable objects, a registered charity, charitable incorporated organisation (CIO), community interest company (CIC) or a not-for-profit company (limited by guarantee and not shares).*” As such what GAL has proposed would be for community funding to charitable groups, rather than the mitigation of adverse health outcomes.

32. The Applicant’s response on potential mitigations for health impacts does not align with its proposed approach to the Community Fund. The Authorities would welcome discussion with GAL on how funding could be made available for those experiencing particular hardship as a result of in-combination effects of the Project in order to mitigate against severe and inequitable health outcomes, and how the ICB could be involved.

Comments on Deadline 2 Landscape, Townscape and Visual Resources Figure – Part 1 [REP2-006]

33. The Applicant has provided an update of the visual resources. With regard to Surrey imaging there do not appear to be any changes since 5.2 Environmental Statement – Landscape Townscape and Visual Resources Figures – Part 1 [APP-60]. However, at Deadline 1 the Applicant submitted document 5.3 Environmental Statement Appendix 8.10.1 – Tree Survey Report and Arboricultural Impact Assessment [REP1-206] which identified the trees for removal. It is surprising therefore that the opportunity was not taken by the Applicant at Deadline 2 to include Photoshop imaging of the tree and vegetation removal identified in REP1-026. Effectively much of the tree and vegetation cover shown along the A23 will be removed as a result of the road and bridge works. Figures 8.4.10-12 indicate that residents in

Riverside Gardens will see a significant reduction in the current green barrier along the A23. The vegetation on the A23 footpath contained in Figures 8.4.26 and 8.4.27 will be largely removed by the project.

34. Figure 8.4.10 shows the pond in Riverside Garden Park with NRP21 to the left of the image. However, there is a footpath on the opposite side of the pond. At present the footpath around the pond is an attractive leafy walk. The tree coverage along the A23 will be significantly reduced as a result of the works with the resultant loss of habitat and amenity. The ExA may want to consider requesting a set of Photoshop type images showing the views without the vegetation and tree cover that would be lost as a result of the scheme. This would be particularly noticeable at Longbridge Roundabout Figure 8.4.24. The drawback with the image is that it only shows one set of views of the roundabout and images such as Figure 1 and Figure 2 would have been more informative when Photoshopped with most of the vegetation in the foreground removed towards Church Meadows on the left and the confluence of the River Mole and Gatwick Green on the right.

35. Figure 1. Longbridge Roundabout facing the junction of the A23 London Road with the slip road from the A23 Brighton Road. (Source Google Maps dated June 2023)



36. Figure 2. A23 Brighton Road view north from Longbridge Roundabout (Source Google June 2023)



37. Figure 8.4.28 Railway Overbridge Sussex Border Path whilst useful would have resulted in a more informative image if the photograph was taken from the centre of the bridge capturing a wider image (see Figure 3 below).

38. Figure 3. Sussex Border Path Footbridge over London Brighton railway south of Horley looking southeast, December 2022



39. Overall, whilst the ExA may have identified these issues from earlier representations from the JSCs and on its own site visits, due to the scale of the scheme, more detailed imaging of the impacts of the scheme resulting from the vegetation clearances and final project outcomes may assist the ExA informed by the Tree Survey Report and Arboricultural Impact Assessment

[REP1-026] and other more recent documents submitted by the Applicant including project changes.

Comments on GAL Deadline 1 Submissions

Comments on Draft Development Consent Order (tracked) [AS-128]

40. Further comments on the draft DCO revisions, particularly in relation to DCO Requirements, have been submitted by West Sussex County Council on behalf of the Legal Partnership Authorities.

Response to Actions from ISH4 – Technical Note: Active Travel Provision Details [REP1-065]

41. Further to the observations set out in the Surrey LIR, we have the following additional design observations on [REP1-065]:
- In Table 2: Summary of widths of proposed active travel provision the proposed width of C9 and C10 appear to be missing – please can this be confirmed?
 - We note there remains a 90-degree corner of the active travel route C10 as it bounds Car Park Y – this should be removed to mitigate the risk of collisions or cyclists failing to appreciate the sudden route change and the SSD to pedestrians in the cycle track. We also question that a turn of this nature is not compliant with the radius and turning circles for cycles set out in Table 5-1 in LTN1/20. Can the applicant confirm that this design is compliant in this location?
 - There is a comment in Table 1: Summary of existing and proposed active travel link and crossing provisions that C11; the footway adjacent to the link between North Terminal Roundabout and the A23 is a “Future-proofed cross section for potential future upgrade to shared-use path” but in Table 2 it says the minimum width is 2m. We assume this is under the bridge of the A23 fly-over link to Longbridge Roundabout, but this would be below the desirable minimum in LTN1/20 of 3m for a shared-use path – please can clarification be provided?
 - We have raised previously as well, but where C11 is noted as being future-proofed for upgrade to a shared-use path, the onward route for cyclists does not appear to have been considered in these proposals. Once cyclists have crossed the A23 they are required to use C13, currently detailed as a new / improved footway but with a width of 2m. This will be unsuitable to be converted to a shared-use path and represents a missed opportunity for further futureproofing / route continuity. Particularly as south of the crossing is access to Riverside Garden Park and NCN21.
42. We also have the following design standard observations:
- We note that in paragraph 3.2.2 in the technical note GAL state “*Widths of unsegregated shared use routes shall be a minimum of: 1) 3.0 metres where there are 200 users an hour or more; or 2) 2.0 metres where there are less than 200 users per hour*” quoting CD143, can the applicant present any data suggesting the widths proposed above are compliant with this?

Response to Applicant's Air Quality Technical Notes submission [REP1-050]

43. Detailed comments on the Applicant's Deadline 1 Submission 10.4 Supporting Air Quality Technical Notes to Statements of Common Ground [REP1-050] are contained in Appendix A of this response.

Response to Applicant's Technical Document submission regarding the Needs Case Technical Appendix [REP1-052], Capacity and Operations Summary Paper [REP1-053] and the accompanying Airfield Capacity Study [REP-054]

44. A separate Appendix B produced by York Aviation sets out the JSCs response to the various technical documents submitted.

Comments on Deadline 1 Arboricultural submissions [REP1-026 – REP1-030]

45. From a landscape wide perspective, the M23 spur road and A23 London Road form a gateway into Gatwick airport. It has a distinctly verdant nature, provided primarily by the native woodland tree belt aligning both sides of the carriageway and the intersections thereof. In composition these linear woodlands or tree belts are predominately native in species, having species and communities in the ground layer, field layer, understory, and canopy layer. Deciduous woodlands are generally richer and more valuable in biodiversity.
46. From an ecological and landscape perspective, the current green infrastructure and land on which it lies, including Riverside Garden Park provides critical linkages and connectivity to the wider environment and habitats present. Aesthetically and in feeling the greenery softens the harness of the hard infrastructure of the airport giving it a semi-rural characteristic.
47. Following standard convention, the Applicant has surveyed and appraised the trees present using the approach detailed in the governing British Standard BS 5837:2012 Trees in relation to design, demolition, and construction– Recommendations. BS 5837 gives recommendations and guidance on the relationship between trees and design, demolition and construction processes. It sets out the principles and procedures to be applied to achieve a harmonious and sustainable relationship between trees and structures.
48. According to paragraph 3.1.6 of the Tree Survey Report and Arboricultural Impact Assessment - Part 1[REP1-026]" the survey assesses individual trees and groups of trees for quality and benefits within the context of the Project. In summary, the report states that of the proposed individual tree removals the majority are Category C trees (53.06%), which are lower quality trees that should not be considered a constraint to developments. 6.3.4 goes on to state that a large number of the surveyed Groups and Woodlands will be impacted by the proposed development. This is particularly relevant within the M23 Spur and A23 London Road section of the Project, where works effect 74.04% of Tree Groups.
49. It is relevant to highlight that the survey has deviated from BS 5837, elected to group trees that of different characteristics including species of significant age difference potential, giving them a single quality grade. This would appear to deviate from the recommendations of 4.4.2.3 in which it is stated "Trees growing as groups or woodland should be identified and assessed as such where the arboriculturist determines that this is appropriate. However, an

assessment of individuals within any group should still be undertaken if there is a need to differentiate between them, e.g., in order highlight significant variation in attributes (including physiological or structural condition).”

50. Fundamentally it is considered by the JSCs that the impact of the development has not been objectively determined and accurately portrayed. The Applicant has in part failed to consider and appropriately grade the individual trees within a group, contrary to the narrative of Table 1 Cascade chart of BS5837, under the criteria Landscape value.
51. The survey, analysis and conclusion appear distorted as consequence of this failing to acknowledge the collective visual value and critically the ecosystem services contribution provided to the nearby residents, airport users and others along with the environment at large. The loss of the trees associated with this development, is clearly and accurately acknowledged in 8.1.6 of the report “There will be large scale tree loss across the proposed development especially within the A23/M23 road corridor.” 8.1.6 continues “the impact of the tree loss is somewhat negated by the low quality of the existing highway infrastructure trees that were planted following construction of the airport roads.” This is not considered fully reflective.
52. Adequately compensating for the loss in green infrastructure and impacts thereof is dependent on the availability of suitable planting space in this same vicinity. This is critical to reconstruct the environmental, landscape and ecosystem services provided. Focusing on the numbers of trees removed versus the number of trees to be planted is flawed in its design.
53. If sufficient remaining space is unavailable to accommodate appropriate new green infrastructure there is a convincing argument to planting offsite within the adjoining towns’ street scene and other public areas including parks. It is considered critical to reformulate the planting requirements moving from a numerical approach but to one based upon the values lost and required, the most popular tool to illustrate ES is the I-Tree Eco which has been applied in 130 countries.
54. Analysis of Tree Survey Report and Arboricultural Impact Assessment

Document reference	Subject	Text	Description of concern	Implications
Appendix 8.10.1 – Tree Survey Report and Arboricultural Impact Assessment - Part 1 REP1-026	Executive summary	It provides details of surveyed trees with the area of the proposed development in accordance with the categories of the BS5837:2012 standard.	BS 5837 is primarily focused on the visual value of trees, woodlands and hedges, unlike the Assessment.	Approach fails to suitably determine and account for the monetary and ecosystem services impacts.

<p>Appendix 8.10.1 – Tree Survey Report and Arboricultural Impact Assessment - Part 1 REP1-026</p> <p>Para 4.2.3</p>	<p>Survey data capture</p>	<p>It should be noted that individual tree entries were often used to denote a group of trees that have almost identical features but that are not growing in a close cohesive group. See Tree Survey Plans in Appendix F for further detail.</p>	<p>As illustrated in data entry T30(1 Betula pendula, 1 Quercus rubra, 6 Fraxinus angustifolia, Silver Birch, Red Oak, Narrow leaved Ash) the grouping of a number of individual trees under a single heading means a single quality grade is being applied in this case. This approach seems to deviate from the recommendations of BS 5837, including the ability to accurately and record the necessary values and grades of the tree stock present. In this example the trees in question despite their botanical differences and characteristics are given the remaining estimated age as + 20 and a grade of B2</p>	<p>This crude approach to data capture and tree quality appraisal prevents accurate assessment and appraisal of the arboricultural/landscape impacts of the scheme.</p>
<p>Appendix 8.10.1 – Tree Survey Report and Arboricultural Impact Assessment - Part 3 REP1-028</p> <p>Para 4.3.3</p>	<p>Survey findings</p>	<p>The BS5837 quality of the surveyed entries is broken down in the table below: Table 2: Count of Tree Entries by Category (Airport)</p>	<p>The accuracy of the overall survey findings, conclusions and presented form and levels of mitigation.</p>	<p>The accuracy of the overall survey findings, conclusion and compensation are compromised by the grouping of trees under a single entry on remaining contribution in years and quality grade, that are less than homogenous in nature</p>
<p>Appendix 8.10.1 – Tree Survey Report and Arboricultural Impact Assessment - Part 2 REP1-027</p>	<p>Tree Protection Orders</p>	<p>Trees covered by a TPO are protected under the Town and Country Planning Act 1990 (Trees Regulation 2012). The local authority must be consulted, and permission sought for any works that may affect them.</p>	<p>Does the Local Planning authority retain the authority to refuse pruning works where considered inappropriate and damaging to the health and amenity value of the subject tree(s)?</p>	

Appendix 8.10.1 – Tree Survey Report and Arboricultural Impact Assessment - Part 3 REP1-028 Para 7.1.6	Tree Removal vs Tree Planting	The result of this was total estimated loss of 11,588 trees. This encompasses all surveyed trees across site, including individual trees, Groups, Woodlands and trees in Scrub areas.	Woodlands and groups' composition and value is dependent on other non-tree/woody shrub species such as Spindle or Butchers broom	
Appendix 8.10.1 – Tree Survey Report and Arboricultural Impact Assessment - Part 4 Rep1-029 Para 8.1.2	Conclusion	The needs of the local community have been respected through the minimisation of impacts on public green space and visual amenity where possible.	How have the local community been defined, has there been specific surveys and assessments undertaken in relation to property owners and the impacts of the loss of trees to the monetary value of their properties.	
Appendix 8.10.1 – Tree Survey Report and Arboricultural Impact Assessment - Part 5 REP1-030 Para 8.1.9	Conclusion	In summary, the Project will result in a net increase in the number of trees on site and the trees proposed for removal are mostly of inferior quality, while their replacements have the capacity to establish a higher quality, more biodiverse environment in the long term.	Replanting suitability being based upon numbers.	Fails to achieve desired and necessary objectives

Written Representation on the Applicant’s Proposal to amend its DCO Application

55. As requested in the Rule 8 letter the JSCs have provided a joint Written Representation on the proposed changes response – see Appendix C

Comments on Other Deadline Submissions

National Highways PADSS [REP2-053]

56. In point 11, it is noted that National Highways have sight of sensitivity tests. SCC request that those tests are issued to the examination in addition to tests that we have asked for that may show a reasonable worst-case scenario of the SACs not being met.
57. In points 14 and 18 it is noted that National Highways have requested more detail on construction phase traffic. SCC would also like to see this.

National Highways Comments on submissions received by Deadline 1 [REP2-055]

58. The Applicant's Written Summary of Oral Submissions – ISH2 Control Documents /DCO (REP 1-063 para 10.1.5) - SCC support this proposed amendment and see it as an ideal example of how Green Controlled Growth could operate.
59. The Applicant's Written Summary of Oral Submissions - ISH4 Surface Transport (REP 1-059 para 4.2.4) – SCC has repeatedly raised these concerns in respect of railway capacity, specifically the risk of a lack available rail capacity to achieve modal shift targets and that the Transport Assessment may underrepresent the impact of the proposals on capacity, congestion, safety and journey time reliability on the Strategic Road Network and Local Road network.
60. The Applicant's Written Summary of Oral Submissions - ISH4 Surface Transport (REP 1-059 para 6.1.5.4) – SCC also wonder how these future Airport Surface Access Strategy Action Plans would be secured or be accountable when compared to the Surface Access Commitments contained in the Development Consent Order Application.

National Highways Proposed changes to the Surface Access Commitments [REP2-056]

61. Surrey and West Sussex Highway Authorities have provided additional comment on the proposed revisions - see Appendix D.

Appendix A- Review of Progress on Air Quality Technical Issues

Introduction

- i. This technical note has been prepared to provide further information on the technical air quality issues which require further information/clarification, beyond the issues raised in the Principal Area of Disagreement Summary Statement (PADSS). Details regarding progress on these issues, following the submission of information by the Applicant at Deadline 1 are also provided where relevant.

Identified Primary Areas of Concern

Assessment Scenarios

- ii. There are a number of clarifications required to understand the assessment scenarios utilised in the air quality assessment. This is particularly the case for those scenarios where both construction and operational activities are underway at the same time, but the assessment has treated them separately. The concern is that the scenarios assessed in the Environmental Statement (ES) do not provide a realistic worst case assessment.
- iii. Specific clarification points include:
 - Clarification is required on how the use of two parallel scenarios for 2029 provide a realistic worst case to be evaluated. A single scenario reflecting the anticipated operation of the increased capacity at the airport with the surface access construction works is the realistic worst case in 2029.
 - Clarification is required as to how operational activities and ongoing construction works in 2032 have been assessed.
 - General clarification is required as to how the selection of assessment years and their configuration of operational and construction was made and how this aligns with the requirements of the Airports National Policy Statement including paragraph 5.33, specifically '*... Including when at full capacity... including interaction between construction and operational changes*'.
 - Table 2.1.1 page 24, UK Health Security Agency identifies that for some assessment scenarios, construction and operation will overlap and that this needs to be addressed. The response points to cumulative effects and Inter-relationships chapter as covering this matter, however a review of this chapter (Chapter 20) indicates that this is incorrect.
- iv. Update: Supporting Air Quality Technical Note to Statements of Common Ground, Version 1.0, March 2024, Ref TR020005.
- v. Further information is provided in Appendix D of the above document. The document describes the phases included in each assessment year and provides further information with regards to how the construction and operational phases were assessed. Section 2.4 'Assessment of cumulative construction and operational impacts', acknowledges that there is overlap between the construction and operational phases but does not provide clarity as to whether the traffic flow for the construction and operational phases have been included in the same traffic model and if this has then been compared against a baseline situation with neither activity. Therefore, the above points still require further clarification.

Ecology Assessment

- vi. In addition to the above issue relating to whether a worse-case scenario has been modelled as part of the air quality assessment, the following points in relation to the ecology assessment have been raised.
- vii. Specific clarification points include:
- The Ecology and Nature Conservation chapter utilises the predicted air quality results for NO_x and nitrogen deposition to determine whether there are significant effects on designated habitats. The chapter concludes there are none in relation to air quality. However, this is based on the scenarios assessed within the air quality chapter that need further review to determine if the scenarios do represent a realistic worst case.
 - The HRA (Habitat Regulations Assessment) utilises the predicted air quality results for NO_x, ammonia and nitrogen deposition to determine whether there are habitat integrity risks to European designated sites. The HRA concludes there are none in relation to air quality both for the proposed development in isolation and in combination. However, this is based on the scenarios assessed within the air quality chapter that need further review to determine if the scenarios do represent a realistic worst case.
- viii. The concern is that the scenarios utilised do not represent a realistic worst case for the proposed development.

Emission Ceiling

- ix. Linked to concern around the assessment scenarios considered in the air quality assessment, the same concerns apply to the emissions ceiling calculations as to how realistic these are, particularly when the construction and operational activities are on-going and the emissions ceiling calculations treat these separately.

Specific clarification points include:

- Clarification is sought as to why in the 2024 construction scenario, when traffic management is in place to maintain traffic flows that roads emissions for both Airport and Non-Airport reduce? (See Table 13.10.1). The same query is raised for 2029 construction and separate operational Non-Airport Emissions (See Tables 13.10.2 and 13.10.5), for 2032 (See Table 13.10.6), 2038 (See Table 13.10.7) and 2047 (See Table 13.10.8).
 - Clarification is also requested on why changes in the Central Area Recycling Enclosure (CARE) emissions even with the capacity of the facility doubling do not change? (See Table 13.10.6, 13.10.7 and 13.10.8). Heating plant emissions improvements are also typically predicted overall. Clarification on why this is and what future assumptions concerning any additional hanger and hotel heating emissions have been made. There is concern on how appropriate the emissions scenarios are.
- x. Further clarification is required on the scenarios considered in the emissions ceiling calculations and further clarification is needed on some counterintuitive changes predicted in the emissions ceiling calculations as described above.

Base Year

- xi. The concern is that the most up to date year (2022) of baseline information has not been used. If this had been used, it may have increased confidence in the air quality assessment.

Specific clarification point include:

- Paragraph 13.5.18 of the ES, Chapter 13 Air Quality, states that 2018 is the baseline year for assessment, with data from 2020 and 2021 not being representative due to COVID-19

lockdown periods and due to traffic data being available from 2018. No reference is made to 2022 data which should have been available during the preparation of the air quality assessment. Additionally, the traffic model has a baseline year of 2016, with data extrapolated to 2018 by the traffic team.

- xii. Further clarification is required as to why a 2022 baseline year was not adopted to reduce the amount of projection in air quality predictions between scenario years and increase the confidence in predicted outcomes.

Year of Assessment

- xiii. The following concern is with regards to the consistency of assessment years.
 - Paragraph 12.6.63 of the traffic and transport chapter identifies that 2032 is an interim assessment year, whilst paragraphs 12.6.65 to 12.6.67 have the design year listed as 2047. Table 12.7.1 also includes the same description of years as above. Similar descriptions are also provided in paragraph 12.4.4 of the traffic and transport chapter. This is in contrast to the air quality chapter which lists 2032 as the interim year and 2038 as the design year (See para 13.5.23). Paragraph 12.4.5 of the traffic and transport chapter states that 2038 is also utilised by some topics, noting this is not a requirement for traffic and transport. This scenario is described as a design year in the air quality chapter.
- xiv. Further clarification is sought on the above point. It should be noted that the design year is typically 15 years after opening year.

Modelled Scenarios

- xv. Additional information regarding if the approach used for the 2024 and 2029 scenarios is considered conservative.

A specific clarification point is:

- Background maps from Defra have been used in the air quality assessment, as well as the Defra Emissions Factors Toolkit (EFT) for scenarios after 2030. This provides a conservative assumption as the last available years for these scenarios within these tools is 2030. There is no discussion on whether this is conservative for the 2024 and 2029 scenarios. The concern is that more recent years of assessment are not worst case.
- xvi. Further clarification should be provided which background and EFT years for which scenarios.

Monitoring data

- xvii. Clarification is required on two points in relation to the monitoring data provided in the ES.
- xviii. Specific clarification points include:
 - Paragraph 3.2.1 of the ES Air Quality Appendix 13.6.1 which refer to monitoring data in 2019, rather than 2018. Confirmation is requested that this is a typo.
 - It is understood that the monitoring data presented in Table 3.2.1 in the ES Air Quality Appendix 13.6.1 are the monitoring data included within the affected road network (ARN). Clarification is requested as to what data is presented in Table 2.3.4, as additional data not presented in this table, is presented in Table 3.2.1, for example site CR101. It is unclear what the differences are in the information presented between tables. *Affected Road Network*. A figure is requested of the ARN for all modelled scenarios.
- xix. Specific clarification points include:

- There is no clear figure provided of the ARN for the different assessment years. It is not possible to understand which routes are affected in which scenario. Paragraph 13.5.5 of the ES air quality chapter refers to a 'wider study area' beyond the 11 km by 10 km domain, plus the modelled ARN outside this area and that this is shown on Figure 13.4.1.4.1.1. The ES Air Quality Figures – Parts 1, 2, 3, 4 and 5 have been reviewed and this figure cannot be identified. Currently, figures within Part 3 just show a wider study area domain, not the actual roads meeting the ARN criteria (e.g. Appendix 13.6.1 Figure 2.3.1). Figures should be provided to illustrate the roads affected in each scenario.
 - No further information on the road traffic air quality study area was identified in ES Appendix 13.4.1: Air Quality Assessment Methodology. However, reference to the above missing figure is made within this ES Appendix document, suggesting it has been missed in the collation of this ES Appendix. The limitation of the approach described in Figure 13.4.1.4.1.1 to presenting the ARN in the 'wider study area' may be that it is not possible to distinguish between the construction phase and operational phase ARNs unless this is disaggregated on the figure, which the text reviewed to date suggest it is not. The lack of clear study area information makes it very difficult to understand the changes in traffic during the different scenarios and therefore understand if the effects being presented at receptors are reasonable between the construction and operational phases.
- xx. It is requested that the roads within the 11 km by 10 km domain which have met the ARN criteria are illustrated separately for the construction and operational phases on figures. This will inform our understanding of where the greatest air quality effects should be anticipated in this domain.
- xxi. Update: Air Quality Figures – Part 2 Version 2.0, March 2024, Ref TR020005. The updated figure 4.1.1 includes the modelled road network but not the ARN. It is also unclear if this is for the operational phase and construction phase assessment.

Heavy Goods Vehicles (HGVs)

- xxii. Further information is required regarding several issues identified concerning HGVs.

Specific clarification points include:

- Paragraph 15.4.2 of the Transport Assessment identifies a different definition of HGVs and light goods vehicles (LGV) to that typically utilised in air quality assessments, as noted in the Construction Traffic Management Plan (CTMP). Confirmation is required to check that this definition has not been used within other aspects of the ES, specifically within the air quality assessment.
- A key issue considered in the assessment are the changes in emissions as a result of staff and passenger vehicles and changes due to car park provisions. There is no mention of changes due to HGV associated with the operation of the proposed development e.g. freight and deliveries. The concern is that changes in heavy vehicles are not being considered.
- Additionally, the traffic data comprised a fleet mix of cars, LGVs and HGVs, for both Airport and Non-Airport vehicles. With Airport vehicles also including buses, coaches and staff cars. Clarification is sought that the HGV and LGV split of data provided for the air quality assessment does not consider HGVs to be just vehicles over 7.5t and that HGVs have been considered for vehicles greater than 3.5t. The use of fleet mix suggests that further details of fuel types and vehicle ages were provided. Is this correct? and if so, how was this data used with the Emissions Factors Toolkit? Further details are therefore required on the technical aspects of the roads air quality assessment methodology to confirm that emissions for HGVs have been calculated correctly.

Technical Issues regarding the Air Quality Assessment

xxiii. Further information is required to clarify the following points regarding the air quality assessment:

- Paragraph 13.5.57 of the ES sets out that ADMS-Airport and ADMS 5 dispersion models were utilised. Clarification is requested on what emission sources could not be accommodated in ADMS-Airport and how these were re-combined with all the other contributions from ADMS-Airport to provide total changes in pollutant concentrations.
- The CARE Facility assessment presented in paragraphs 13.10.71 to 13.10.97 of the ES appears to have been undertaken in isolation to the other pollutant sources associated with the proposed development. Clarification of where the combined change in pollutant concentrations is presented within the ES is required.
- A qualitative discussion of 2047 is provided in paragraphs 13.10.163 to 13.10.173 of the ES along with a summary of annual pollutant emissions. Previous years have been assessed quantitatively. This has shown that in increasingly later years that generally increased numbers of designated habitat sites are affected and that these require evaluation by the ecology team to determine whether effects are likely to be significant or not. It is not clear if the ecology team was involved in this qualitative evaluation.
- Paragraph 3.10.11 of the ES Air Quality Appendix 13.4.1 identifies how congestion has been assessed around junctions, but not away from junctions.

Air quality receptors

xxiv. More detail is required with regards to receptor locations and cross-referencing between the ES and air quality figures.

xxv. Specific clarification points include:

- It is not possible to relate the figures to the results set out in the appendices tables using the application documents as receptor figures do not include any receptor identification numbers. Additionally, receptor tables do not identify which figure the receptor listed is shown in as would be expected or which local authority a receptor is located within.
- Receptor figures require an update to present receptor IDs and an additional column in the results tables identifying which local authority a receptor is located in would be very useful.

xxvi. Update: Supporting Air Quality Technical Note to Statements of Common Ground, Version 1.0, March 2024, Ref TR020005. Tables have been provided indicating which local authority each human health and ecological receptor are located in. However, the air quality figures have not been updated so cannot be cross-referenced to the report.

Modelled receptor height

xxvii. Further clarification is required regarding the height at which receptors were modelled.

xxviii. A specific clarification point is:

- Paragraph 3.1.4 of the ES Air Quality Appendix 13.4.1 indicates pollutant contributions are calculated at ground level. This is appropriate for vegetation, but for human health breathing height would be expected. It is unclear if a breathing height has been used in the air quality predictions or just ground level.

AM Modelled speeds

xxix. Further clarification is required regarding the speed modelled during the AM period within the air quality assessment.

A specific clarification point is:

- Two AM time period speeds were provided, with the lower one was utilised, which in some circumstances could result in lower emissions. Was any testing done to inform this decision? It is unclear whether the AM speed used in the air quality assessment provides a worst-case assessment. Clarification is required as to why the lower speed was used.

Cumulative Effects and Inter-Relationships

xxx. The CIA (cumulative effects and inter-relationships) for air quality is incomplete.

Specific clarification points include:

- Table 20.7.1 includes several rows to capture cumulative air quality effects. The table includes the majority of assessment scenarios but omits the surface access construction scenario and so is incomplete.
- Table 20.7.1 describes the results of a qualitative assessment undertaken for 2047. It is unclear why this is considered to be a cumulative assessment.
- Table 20.7.1 does not include any discussion of the cumulative effects of the overlaps between construction activities and operational activities. This is however, discussed in Table 20.8.3, but through a sequential discussion of periods and the assessment of those periods without recognising that some of the periods being described sequentially are actually anticipated to occur concurrently and as such cannot be relied upon.

Methodology to determine short term air quality effects

xxxi. Further clarification is required regarding the methodology utilised to determine short term air quality effects.

Specific clarification points include:

- Paragraph 13.5.33 of the ES and paragraph 3.1.3 of the ES Air Quality Appendix 13.4.1 describes an approach to determining whether short term standards may be exceeded or not based on Defra guidance LAQM.TG(22). This approach is based on monitoring adjacent to roads and does not address situations where there are multiple sources of emissions, such as Airports. This approach has also been utilised for the CARE facility specifically, as set out in paragraph 13.10.84 which as a point source would have been expected to have had modelling undertaken for the relevant short-term criteria. The concern is that an inappropriate method has been used to consider short-term effects.

Model noise

xxxii. Model noise is cited in a number of the scenario years to explain adverse changes in air quality. It is surprising that areas of traffic model noise have been included in the air quality assessment.

xxxiii. Clarification is sought as to whether areas of model noise are just isolated features within the model or if they will have affected the overall performance of the traffic model.

Ammonia

xxxiv. Paragraph 3.1.8 of the ES Air Quality Appendix 13.4.1 identifies ammonia from road traffic. Is there any ammonia contribution from the CARE facility associated with any abatement equipment? There is a risk that a pollutant could be missing from the assessment. Further clarification should be included as to whether ammonia needs to be assessed.

Verification

xxxv. There are a series of clarification sought to establish if the air quality model verification is robust.

Specific clarification points include:

- There is no figure to show where the different model verification zones have been applied. It is not possible to relate the model verification information in the technical appendix to the receptors assessed. A figure showing verification zones and receptors is required.
- One of the criteria stated for excluding air quality monitoring data for verification is the removal of sites with less than 75% data capture, i.e. 9 months. This is not considered to be an appropriate reason and may have resulted in the loss of suitable data for inclusion in the verification process. Kerbside sites are listed as being excluded. This is generally acceptable unless the sites are representative of exposure. The final exclusion criteria relates to the exclusion of sites influenced by local characteristics which were not explicitly modelled. This may be acceptable in some circumstances but not all and verification may be used to capture these variations. 173 sites were excluded from a total of 420 sites. This is over 40% and seems very high. This may indicate that too stringent and/or inappropriate exclusion criteria as described above have been utilised. The concern is that excessive numbers of monitoring sites may have been excluded from model verification which could have improved the quality of the air quality verification and so the confidence in outputs.
- Clarification is requested on what distance has been used to exclude monitoring locations in relation to the sites excluded due to sites being 'set back from modelled road sources'. Clarification is also requested as to whether this was the case or not for any kerbside sites excluded. Further details on the sites excluded on this basis is required.
- Several verification zones have less than 6 monitoring sites and so statistical analysis may be difficult for these zones. Additional sites, as described above, may increase numbers in some of these zones. Additionally, the statistical model performance of some zones remains at the boundary of acceptable, particularly Croydon, Park Lane. It is noted that within the Hazelwick Roundabout zone that one of the tubes, HR11, has very different monitored concentrations and model performance and so may require a review to consider if it belongs in the zone. Lastly the Crawley zone is listed to have 3 monitoring sites, but only two are shown in Diagram 3.3.4. There are some technical details that further information is needed concerning air quality model verification.

xxxvi. Update: Supporting Air Quality Technical Note to Statements of Common Ground, Version 1.0, March 2024, Ref TR020005. Within this document, figures have been provided indicating verification zones which addresses the first point. However, further information regarding the remaining points have not been provided.

Low emission buses

xxxvii. Section 7.7, paragraph 7.7.1 refers to the possibility of low emission bus fleet vehicles to minimise air quality effects. This would be beneficial and further details and discussion would be useful. Due to the magnitude of the works, discussion is proposed on how this can be committed to and secured within the DCO. Further information on low emission buses and securing these is required.

Modal shift

xxxviii. The following clarifications are sought regarding modal shift:

- Paragraph 12.8.6 of the traffic and transport chapter sets out a variety of measures that will be implemented to encourage the modal shift assumed with the proposed development. Within the assumptions there are controls on on-site parking numbers, parking charges and forecourt access charges. There is concern over whether the modal shift can be achieved and if this is not achieved what the air quality effects may be. Further details are requested to understand what assumptions concerning off-airport parking, both approved and unapproved and how sensitive the achievement of the anticipated modal shift is to any variation in these assumptions.

- Paragraph 12.8.11 of the traffic and transport chapter identifies that the proposed interventions achieve at least the committed model share shift three years after opening of the new northern runway. This may mean there is a risk that an operational scenario after 2029, but before 2032 is the worst case i.e. 2030 or 2031 for air quality. Further details are required to understand this risk.

Works not being completed to schedule

- xxxix. Paragraph 12.9.67 of the traffic and transport chapter indicates that 'It is anticipated that the highways works will be required to be completed by the summer period after the third anniversary of the opening of the northern runway.' The concern is that there could be adverse air quality effects if works are not completed to schedule. Clarification is requested on the phrase 'required', to understand if there is anticipated to be disruption on the road network without the works being completed by this stage?

Operational phase point sources

- xl. The ES indicates that no emission measurement data for point source modelling were available and so default emission factors were used. Were data on the stack height, hours of operation, flow rates and stack diameters available or were assumptions utilised? Further clarification is required.

Heating plant modelling

- xli. Paragraph 3.9.17 of the ES Air Quality Appendix 13.4.1 identifies heating plant modelling has been undertaken for the Hilton Hotel and other airport facilities including hotels and hangers. This appears to relate to existing sources. It is unclear what modelling for heating plant has been done for which scenarios in the future situation with and without the proposed development. Clarification is sought as to whether this is for both existing and future hotels and plant, both with and without the proposed development.

Construction phase point sources and asphalt batching

- xlii. Clarification is required on the following points regarding construction phase point sources and asphalt batching:
- Clarification is sought as to whether there are one or more proposed concrete batching plants. The modelling technical appendix indicates 6 concrete batching plants, is this correct?
 - Within the Code of Construction Practice (CoCP) concrete and asphalt batching are identified in a list of construction activities. Concrete batching is identified in the air quality chapter of the ES and has been quantitatively modelled. This appears not to be the case for the asphalt batching plant. There is uncertainty over the potential inclusion of an asphalt plant in the construction phase.

Dust Management Plan (DMP)

- xliii. The following clarification is requested regarding the DMP:
- The CoCP includes a series of 5 Annex documents, such as a Water Management Plan and Outline Traffic Management Plans. No DMP or Outline DMP is included. A DMP or outline DMP should be developed during the examination and the CoCP updated accordingly to secure the DMP. There is no reason why a DMP or outline DMP has not be prepared. The monitoring portion of Section 5.8 suggests that further detailed plans are needed to design a DMP. This is not considered to be correct.

A draft construction dust management plan has now been prepared. A detailed review of the document will be undertaken.

Management Plan

- xliv. Paragraph 2.2.8 of the ES Appendix 5.3.2 identifies that management plans will be prepared prior to construction works. Further agreement is required on the timescales that are appropriate in advance of the works to gather baseline air quality data.

Complaints information wording

- xlv. Paragraph 4.12.7 of the ES Appendix 5.3.2 identifies that a complaints procedure will be established but does not reference the sharing of complaints and their resolution with local authorities. This measure is also identified within the site management air quality section as something that will be made available to local authorities. It is however noted that local authorities are to be provided the compliant information when asked. This text should be amended such that complaints information is provided to local authorities when complaints are received.

Method statement

- xlvi. Paragraph 2.1.2 of the ES Appendix 5.3.2 sets out that contractors will be required to provide the applicant with construction method statements to demonstrate compliance with the CoCP. This information should also be available to local authorities. Agreement is sought that the method statement information will be available to local authorities.

Air quality monitoring

- xlvii. The monitoring portion of section 5.8 suggests one type of air quality monitoring, Osiris monitors; however, different types of monitoring may be required in addition to Osiris monitoring. Different types of monitoring should be discussed and agreed through the preparation of the DMP.

Document cross referencing

- xlviii. The operating vehicle/machinery and sustainable travel section identifies the need for travel plans but does not cross reference the outline plans already developed. Application documents should be integrated, and cross references should be updated.

Odour mitigation

- xlix. The odour management section makes reference to best practice guidance without specifying what this is and only lists one specific measure to mitigate odour. It is therefore unclear how well secured odour mitigation is during the construction phase. Clarification is required on how odour mitigation is secured.

CTMP Access

- I. Section 6.3 of the CTMP describes contingency access that would deviate from primary access arrangements. Concern over how much any contingency access could be used. Further details on when this would be used is required during the examination.

CTMP monitoring

- ii. Section 6.5 Restrictions and Monitoring of the CTMP identify risks associated with construction traffic utilising routes through the J10 M23 and Hazelwick Air Quality Management Areas. Reference is made to a monitoring system that 'it is envisaged' will be developed in the full CTMP. Further details on the monitoring system are needed to understand how this would protect air quality.

CTMP measures

- lii. Section 7 of the CTMP includes Measures to Reduce Impacts. The use of low emission construction plant and fleet is identified in paragraph 7.2.15. This is welcomed as a potential measure. There may be the opportunity to reduce impacts further during construction from low emission plant and fleet.
- liii. Further discussion on how this can be further developed and secured within the DCO potentially as an additional construction fleet management deliverable is proposed.
- liv. Paragraph 7.5.2 of the CTMP identifies wheel washing will be provided where necessary. This is considered necessary for all egress points where unmade routes have been tracked through. The concern is how wheel washing will be secured. Discussion required on how these measures will be secured is required in the DCO during the examination, potentially through the DMP.

Buildability report clarity

- lv. Section 7 of the Buildability report (work and Traffic Management Areas) describes the sequence of works and associated traffic management in different areas of the surface access construction works. The text often refers to maintaining existing arrangements or existing traffic flows but does not make reference to the additional traffic that would be expected in the future situation.
- lvi. It is unclear if the plan takes into account additional traffic associated with the natural growth of airport traffic, nor additional traffic growth associated with the additional capacity already created in the first phase of construction.

No reference to Environmental Permitting Legislation in reference to an Asphalt Plant

- lvii. No reference to Environmental Permitting legislation is included in the Legislation and Policy section, Table 13.2.1. However, it is noted that within the List of Other Consents and Licences, Book 7 Table 2.2.1, under Geology and Ground Conditions, that appropriate reference to potential permit requirements are included for concrete batching and crushing. No reference to Asphalt batching is included herein the list of consents, but Asphalt batching is referenced in the Code of Construction Practice (CoCP). Reference to environmental permit requirements is also included within the Code of Construction Practice, Annex 5 Construction Resources and Waste Management Plan (para 4.5.7). There is uncertainty in relation to whether there will be an Asphalt plant and if this will require a permit. Clarification is required as to whether there will be an Asphalt plant, and if so, if this will require a permit.

Clean Air Strategy 2023

- lviii. The planning context section is incomplete as the reference to the 2023 Clean Air Strategy is not included in the Planning Policy Context section, Table 13.2.3. The Clean Air Strategy 2023 should be included in the Planning Context section of the ES.
- lix. A draft construction dust management plan and draft air quality action plan have been developed by the Applicant. A detailed review of these will be undertaken.

Appendix C - Joint Surrey Councils (JSCs) – Written Representation - DCO Proposed Project Changes

1.0 Introduction

- 1.1 The JSCs recognises that the Examining Authority has accepted the Applicants proposed project changes to its application for DCO for the Northern Runway Project. As requested in the Rule 8 letter, we wish to submit the following joint Written Representation in response to these proposed changes.
- 1.2 All four authorities responded to the consultation by the Applicant in January 2024, however we note that comments from Reigate and Banstead Borough Council, Tandridge District Council and Surrey County Council have not been included in the Consultation Report Addendum [AS-142, para 3.1.6].
- 1.3 Chapter 2 of Application document [AS-142] states at 2.1.2, that relevant Local Authorities (LAs) were consulted on the proposed changes. However, it is not transparent in specifying that LAs were not notified directly and individually, but via the Gatwick Officer Group, chaired by Crawley Borough Council (CBC) and GATCOM.
- 1.4 There are a number of parishes who raised concerns that they were also not contacted and therefore prevented from commenting. No list of contacted consultees is included within either of the Consultation Responses documents [AS-142/3] and therefore the JSCs are unable to verify the extent and efficacy of the proposed consultation exercise with any certainty beyond our own experiences which were insufficient.
- 1.5 The Applicant's processes in this matter are not considered to accord with good and robust consultation.

2.0 Project Change 1: Extension to the design parameters for the North Terminal International Departure Lounge proposed southern extension

- 2.1 The JSCs have no comments to make on this change.

3.0 Project Change 2: Reduction in the height of the proposed replacement CARE facility and change in its purpose

- 3.1 As Minerals and Waste Planning Authority for Surrey, SCC has particular interest in the changes proposed relating to the CARE facility. In our January 2024 response we requested that supplementary information be provided detailing the process of how such waste material would be taken off site, how the waste material would be transported to waste processing centre(s) and the distances involved, a list of the waste processing centre(s) which would be used, and the processes that would be used to manage the waste. Similar queries were raised by the other JSCs.
- 3.2 Table 5 of [AS-142] states that locations had been provided by the Applicant to those parties who had requested them, however, the JSCs have not received any information on this,

despite this being asked for through responses to the Applicant-led consultation. This information has been withheld for unknown reasons and must be available for the Applicant to be able to identify the number of trips associated with the proposed change.

- 3.3 In the February 2024 change documents submitted by the Applicant, it is noted that some additional information regarding waste management has been provided, although there is still a noticeable lack of detail relating to the points set out above. The Change Application Report [As-139] states that the replacement CARE facility would be expected to generate approximately 6 additional vehicle movements per day (3 trips in and 3 trips out of the site). The level of vehicular movements is not particularly high and implies that the scale of waste transported offsite to be managed would not be of particular concern in the context of the capacity of existing facilities in Surrey and the other surrounding areas. However, no detail has been provided on the specific facilities that waste would be taken to, the distances materials would be transported or the type of waste management processes that would be used. Therefore, it is difficult to comment on the sustainability of the proposal. In this regard we would draw the applicant's attention to the proximity principle for waste management and the requirements of the waste hierarchy, as referenced in paragraphs 1 and 3 respectively of the National Planning Policy for Waste 2014.
- 3.4 It is unclear how the export of waste from the site would contribute to Gatwick Airport's 2nd Decade of Change to 2030. Goal 9 seeks to; 'Ensure that by 2030 all materials used at Gatwick in operations, commercial activity and construction, are repurposed for beneficial use i.e. repaired, reused, donated, recycled, composted or converted to fuel for heating or transport. The now removed biomass boilers could have been contributing to Goal 6: Airport emissions, by making a contribution to Gatwick's heat network as part of its move towards reducing its Scope 1 emissions.
- 3.5 The Joint West Sussex LIR [REP1-069] sets out (at Paragraph 22.6) that the applicant should submit an outline operational waste management plan, which should include the necessary information to understand the amounts of operational waste expected, how waste will be managed with reference to targets and the Waste Hierarchy and should allow for the understanding of potential impacts. We agree that an outline operational waste management plan should form a requirement of the DCO.
- 3.6 It is self-evident that the removal of the CARE facility stack and slight reduction in size of this building will reduce its visual impact from within Surrey, and this has been adequately addressed within the applicant's addendum LVIA information. The JSCs do welcome the lessening of air quality impacts.

4.0 Project Change 3: Revision to the proposed water treatment works

- 4.1 It is noticeable that the proposed reedbeds would undermine existing grassland ecology and risks attracting birds to the extended water environment. Such action appears to be at odds with current Gatwick Safeguarding advice on new development applications to local planning authorities.

Appendix D - Joint Authorities (West Sussex County Council & Surrey County Council) Response to National Highways annotated commentary on the Surface Access Commitments [REP2-056]

During Issue Specific Hearing (ISH) 4 National Highways was asked to “Provide an annotated commentary on the Surface Access Commitments document [APP-090], to highlight its concerns”. This document has been prepared by the Joint Authorities in response to National Highways’ document REP 2-056 ISH4: action point 9: commentary on surface access commitments. The comments in Table 1 below relate to our reflections on the Surface Access Commitments document [APP-090] as well as comments on National Highways’ comments and proposed amendments.

It is the opinion of the Joint Authorities that the Surface Access Commitments document [APP-090] can be much improved to reflect the needs of all relevant transport authorities and that the proposed amendments by National Highways are not the only changes that should be made.

We Joint Authorities welcome the opportunity to discuss our comments with the applicant (including as part of the ongoing Section 106 discussions and propose to include a demonstration of how Green Controlled Growth could be incorporated into the SAC as part of our Deadline 4 submissions.

Table 1 Joint host comments on existing SAC and National Highways proposed amendments

	Comments on the existing SAC	Comments on NH amendments
Para 2.1.4		No comment on proposed change
Para 3.1.1	The Joint Authorities do not believe that the SAC document is sufficient to ensure that the outcomes which have been identified in the Environmental Statement (Doc Refs. 5.1-5.4) and Transport Assessment (Doc Ref. 7.4) are delivered. Instead, the Joint Authorities propose Green Controlled Growth (GCG) as a means to ensure that the identified outcomes are delivered and that growth at the airport is restricted to ensure that outcomes are not worse than identified in the Environmental Statement (Doc Refs. 5.1-5.4) and Transport Assessment (Doc Ref. 7.4).	The proposed change is not as strong as Green Controlled Growth in terms of enforceability and introducing limits on development. Therefore, it does not provide the certainty of outcome to ensure that growth at the airport is linked to performance against key criteria in relation to surface access.
Para 3.1.12		No comment on proposed change
Para 4.1.3	We intend to propose a monitoring regime that will support Green Controlled Growth as part of our Deadline 4 submission.	The proposed change to adopt a quarterly average is not reflected in a quarterly monitoring report (Commitment 16) and actions. Instead, we intend to propose a monitoring regime that will support Green Controlled Growth. It will include more frequent monitoring and could align with National Highways’ wishes.
Para 4.2.1	We propose changing Commitments 1-4 to reflect Green Controlled Growth (GCG) and further details will be provided at Deadline 4.	No comment on proposed change

Commitment 2		No comment on proposed change to create Commitment 2a and 2b
Commitment 4	We propose changing to: <i>For those staff living within 8km of the airport, at least 15% of their staff journeys (to and from the airport) are to be made by active modes</i>	We acknowledge that improvement is required to this comment and have suggested an alternative which achieves the same thing
Para 4.2.2		No comment on proposed change relating to <i>airport related facilities</i> No comment on proposed change relating to <i>public transport – although the definition must be consistent with the data collected.</i> No comment on proposed change relating to <i>active travel</i> No comment on proposed change relating to <i>shared travel</i>
Table 1		No comment on proposed change
Commitment 5	The Joint Authorities are of the view that this is not to be funded through the STF (ie calculated by parking spaces) but a commitment associated with the Scheme.	Point 2 should include <i>following consultation with relevant highway authorities and National Highways by GAL</i> No comment on proposed change to point 3
Table 2		No comment on proposed change
Commitment 6		No comment on proposed change
Commitment 7		No comment on proposed change
Commitment 8		No comment on proposed change
Commitment 9		Where the SRN is mentioned, the Local Road Network should also be included and where National Highways is mentioned, the local Highway Authority should be included.
Commitment 10		As above
Commitment 12		No comment on proposed change
Commitment 13	The Joint Authorities are of the view that, given that the commitments contained in the SACs would need to be delivered in accordance with the DCO regardless of cost, the proposed obligations in the draft S106 agreement provided by GAL at D2, specifically relating to the Gatwick Area Transport Forum, Transport Forum Steering Group, Surface Transport Fund and investment in bus and coach services would be better	No comment on proposed change

	<p>expressed through a revised and more comprehensive Surface Access Commitments (SACs) document and secured by way of requirement, rather than being standalone obligations in the section106 agreement.</p> <p>In relation to the Gatwick Area Transport Forum and Transport Forum Steering Group the Joint Authorities would look for further detail to be included in the SACs which properly sets out how the Applicant intends the forums to operate, administer funds and assist in delivery of the SAC and other detail as to how the SACs will be appropriately funded.</p> <p>With regards to the Sustainable Transport Fund and investment in bus and coach services the Joint Authorities do not consider that the section 106 obligations are necessarily the most appropriate and enforceable means of providing these measures. The STF is presented as a contribution, but in fact is a means of funding (or part funding) commitments in the SACs document. It is considered that references to how the SACs may be funded (such as through the STF) would best be included within the SACs document itself. The Joint Authorities have requested a meeting to discuss these matters in more detail with the Applicant.</p>	
Commitment 14	As response to Comment 13 above	<p>The proposed change may be better inserted into the TFSG governance to ensure that all parties benefit from the same terms.</p> <p>No comment on proposed inclusion of Commitment 14a</p>
Commitment 16	We intend to propose a monitoring regime that will support Green Controlled Growth as part of our Deadline 4 submission	
Para 6.2.5		No comment on proposed change
Para 6.2.6		<p>Whilst we have no comment on proposed change, how will the SoS have the power to approve the action plan?</p> <p>Furthermore, we intend to propose a reporting regime as part</p>

		our Green Controlled Growth proposal as part of our Deadline 4 submission that will reduce the lag between monitoring, reporting, planning and action.
Para 6.2.7		No comment on proposed change
Commitment 17		Where the SRN is mentioned, the Local Road Network should also be included and where National Highways are mentioned, the local Highway Authorities must also be included.