

File Name: ISH7 1st May 2024 Part 3.mp3
File Length: 01:26:34

FULL TRANSCRIPT (with timecode)

00:00:06:05 - 00:00:19:25

Good afternoon, everyone. Uh, as the time is now, 1355, uh, we'll resume the this issue specific hearing into other environmental matters, and we'll move on to agenda item five on air quality.

00:00:22:21 - 00:00:44:21

So just, uh, just to signpost the main document I'll be referring to. It's the latest version of the equality chapter 13, um, as revised. Um, map three, dash zero 18, and the various information listed in the contents of that document.

00:00:46:22 - 00:00:51:06

Okay, so, um, before I get into some of the, um,

00:00:53:05 - 00:01:30:01

uh, agenda questions relating to construction operational issues raised by local authorities. Um, I'd just like to clarify my understanding of the data presented in, for example. Um, I'll give you a couple of references here. Um, air quality figures, part one, that's app Dash zero 66 and air quality results, tables and figures, part five, which is app Dash 166. So. If people take just a few seconds to locate those, those, um, documents before I ask my first question.

00:01:35:10 - 00:01:42:00

If I could just ask the applicant briefly if the applicant is the applicant ready to take questions?

00:01:43:16 - 00:01:46:13

In Scotland we have access to. Thank you.

00:01:46:19 - 00:02:17:18

Thank you. So my first question is quite it's quite simple. Um, if you look at figure 13 .1.4, DS 2032 contour plot and oh two, which is the title in the contents in app zero 66. Um, does that illustrate the information shown in tabular form in appendix 13 .9.1 Air Quality Results tables and figures dash p5. Dash 2032. Is app 166.

00:02:17:20 - 00:02:22:29

Table 2.1.1 in the With project column.

00:02:36:16 - 00:02:55:08

Good afternoon, James Belanger, on behalf of the applicant. Um, the answer is yes. The table is presenting the total concentrations at receptor points as a result of the project, and the contours are showing the total concentrations in the opening year or do something scenario in that particular scenario. Thank you.

00:02:55:10 - 00:02:55:25

Thank you.

00:02:57:09 - 00:02:59:21

So could we, um.

00:03:01:11 - 00:03:10:03

So this is just just to make sure I understand this correctly. Um, could we take a particular, um, I'm going to call it receptor. Um.

00:03:11:21 - 00:03:25:09

I think I found, um, Hallie Riverside as an example. Underscore five feet, seven inches the tables. And what what concentration. Value is that from the tables.

00:03:28:23 - 00:03:40:20

In 2032. So I think I referred specifically to the 2032 Do Something contour plot 13 .1.4 and the and the figures P5 um.

00:03:42:05 - 00:03:44:15

Appendix 13.9 .10.

00:03:44:17 - 00:03:47:17

Sorry, sorry. Scotland staff, can you just confirm the receptor that you were. Oh sorry.

00:03:47:22 - 00:03:50:22

Sorry. Ah. Underscore 537.

00:04:02:25 - 00:04:05:27

So I've got. Um.

00:04:08:04 - 00:04:14:03

With project value 2032 annual mean and O2 concentration is the.

00:04:16:28 - 00:04:33:25

James manager on behalf of the applicants and the tables at representing the exact concentration predicted at those locations. And so the contour maps will have some interpolation. So to understand the exact concentration, it's better to go to the tables for that receptor point.

00:04:33:27 - 00:04:48:04

Okay. So I think you probably know I'm coming from here. So if I use my example, I mean if I just use my example as I underscore 537 in that table, it says 22 doesn't it. Is that correct. Do you agree with that?

00:04:50:16 - 00:04:55:04

22 micrograms per kilometre in O2 2032 annual mean.

00:04:56:28 - 00:04:59:12

Would you agree with that? James Belanger yes, that's correct.

00:04:59:14 - 00:05:02:06

Okay. So if I go to the contour plot.

00:05:05:27 - 00:05:18:16

Now, I did hear what you said in response. Um, and if you zoom in on the console plot. So this is the one that's, uh, just so we know where we're looking. It's, um.

00:05:20:18 - 00:05:34:13

Predicted energy concentrations in the 2032 operational scenario. Yeah. So bearing in mind, notwithstanding what you said, this is apples with apples. Correct? This is, this is. This is the same thing. This is the same parameter.

00:05:35:19 - 00:05:47:24

James Belanger on behalf of the applicant. Yes, that's correct. And I think, um, our five, three, seven that we've just been talking about, as you can see in the contour maps, is within that, uh, 20 to 25 band.

00:05:50:12 - 00:06:09:21

If you zoom in, well, it's quite hard for me to to disagree or agree with that, I think, because if you but if I zoom in on that contour plot, it looks like Riverside. Hallie. But just for those of you who want to know where Riverside is, Riverside is, um. In the. I'll call it the Turquoise Zone, isn't it?

00:06:13:11 - 00:06:15:21

Go for squint at that graph.

00:06:30:04 - 00:06:34:00

The volume is located at five feet seven or.

00:06:44:23 - 00:07:02:26

James Belanger on behalf of the applicant. Um, no, I don't disagree with you at all. So, um, but what I would say is that there's some interpolation that happens within that GIS contour results. And so the best place to look for the exact concentrations is at the receptor locations reported in the tables in the appendices.

00:07:03:18 - 00:07:05:22

I understand what you say. Um.

00:07:09:20 - 00:07:30:00

But it's not very helpful, is it, to have a contour plot that puts that appears to put that location, um, in actually a basically a different banding. So just, just, just, um, so it puts it in the 25 to 30 banding on the contour plot, whereas it's 22 in the table is that is that that is that is what those things are saying to us, isn't it?

00:07:35:29 - 00:07:45:24

Appear to be saying to us, I mean, I recognize that you haven't actually put on those contour plots. The, um, I'll call it the assessment location. So you can't, you know, there's a certain position here that.

00:07:47:28 - 00:07:52:02

It's got perhaps I can say something before Mr. Bellinger says, I mean, I think.

00:07:54:03 - 00:08:30:21

It's perhaps taken on duly to the restrictive approach in the sense that if there is any, uh, distances that one's looking at here, one's looking at the sake of sort of 5 to 10m, and one is perhaps expecting too much to be drawn from these figures when the detail information appears in the, uh, in the tables. Um, we don't think that the figure can be regarded as unrepresentative generally. And as Mr. Bellinger says, um, if we're really looking at differences of 5 to 10, uh, meters, we always have the information in the tables, which is the easiest reference point.

00:08:31:24 - 00:08:39:16

So what you're saying is, is, is the I'm going to be a bit harsh here. What you're saying is we should ignore the contour plots and just move the tables.

00:08:39:22 - 00:09:13:26

Sorry, sir. If Scotland staff, they didn't say ignore the contour plots. I say you have to look at them, uh, in conjunction with the, uh, tables and, um, in circumstances where in terms of the GIS information, you might be looking at differences with 5 to 10m, you can't apply to strict approach or as you would say, as your word, to put it so, too harsh an approach to looking at the contours when there is a very detailed information and the tables which can be considered at the same time as the contours.

00:09:16:00 - 00:09:35:29

5 to 10m. Well I'd say it's. Well it's not as close as that to the um to the next banding is it. I don't think I said there's obviously a position point here, but it does appear if you look at Riverside in Horley, it's, it's, it's, it's if you like solidly within the turquoise band.

00:09:41:10 - 00:09:42:08

From what I can see.

00:09:44:25 - 00:09:47:11

And Scott last for the for the applicant.

00:09:48:28 - 00:10:18:29

I think the fundamental point here is, um, uh, sir, that this shouldn't really affect anything to do with the assessment in the sense that the information in the tables is there. That's information that's been applied as part of the, um, assessment. There may be occasions when if one looks at the, um, if one looks at the, uh, the contours, there may be a debate about whether or not this individual receptor should be within that, uh, contour and other one.

00:10:19:01 - 00:10:28:00

But the important point is that no one suggests that these contours are, um, irrelevant, far, far from it. But they just got to be read in the context of the wider results.

00:10:29:12 - 00:10:55:11

Thank you. I'm not going to I'm not going to pursue this any further. It may be helpful, and I think I'll ask the applicant to reflect on that. Whether whether some further explanation of that would be helpful in writing. Just just to, just to resolve what appears to me to be appears to me to be a pretty basic inconsistency with the evidence that the applicant presents to in front of the examination. If you would be content to take that away as an action.

00:10:57:16 - 00:11:03:27

Small bands for the African surf. If you'd like some further explanation on that, we will provide it.

00:11:04:00 - 00:11:04:17

Thank you.

00:11:06:06 - 00:11:08:20

So moving on. Um.

00:11:20:19 - 00:11:30:27

So moving on to construction and construction. Could the applicant summarize their latest position with regard to its approach to dust management during construction?

00:11:33:23 - 00:11:59:00

James Belanger on behalf of the applicant. Yes. Absolutely, sir. Um, so we've followed the Ikm guidance in terms of the previous version that was available. Um, the most recent version is actually

slightly less conservative. So at the moment we've taken a more conservative approach than the current Ikm guidance, and we've applied best practice mitigation as set out within that document. Uh, within the COC, which is secured under the DCO.

00:11:59:14 - 00:12:08:10

Thank you. So before I move on. So I see as a hand up, um, I don't know whether that relates to the previous item. Um, I yes, hello. It does.

00:12:08:18 - 00:12:42:09

Um, doctor Daniel Roberts from Brighton, Hove just had a question about the nitrogen oxide data, if that was okay. Um, thank you sir. So I've seen the report that, uh, for example, in table 10.7, there's a knowledge that there's a large quantity of nitric oxide we released. If this project goes ahead and as you were drawing attention to there, the individual data points from the receptors, uh, recognize a small increase. Obviously, this nitrogen oxide would be over a very large area and affect lots and lots of people.

00:12:42:24 - 00:13:15:15

For my knowledge, there's no safe levels of nitrogen oxides. And there are there was the relationship to mortality and morbidity. It's actually linear. So if there's any increase in nitrogen oxides in their environment for the people of this region, it will lead to worse consequences for health. Um, and obviously in the preamble to this, in table 3.6.3, the quality of people's life will not will be protected from unacceptable levels of air pollution. I just wondered what the applicant has thought about. Although there's only a very small increase that increases over a large area.

00:13:15:17 - 00:13:19:17

And have they considered the consequences of health for that increase?

00:13:22:25 - 00:13:26:04

Thank you. Um. I'll ask the applicant to respond to those points. Thank you.

00:13:26:28 - 00:13:31:04

Scott. Thank you sir. I'll ask Mr. Piper to pick up this question, please.

00:13:32:11 - 00:13:59:24

Bring in Piper for the applicant. Um, yes. So we have considered the health impacts set out in chapter 18 of the environmental statement, which is EP 046 that looks at non threshold effects of air pollutants, including PM 2.5 and no two. So that's considering all the way down to zero. And the conclusion is there would be a minor adverse not significant effect.

00:14:03:01 - 00:14:11:25

Oh, thank you. Thank you for that. Um, before I move on, just on this general point, I should perhaps invite the joint authorities to to comment at all if they wish.

00:14:16:03 - 00:14:46:21

Sorry, Sir Michael Bedford, joint Local Authorities, this was on your earlier question about the interrelationship between the figures and the tables. Yeah, well, perhaps I'll just ask, um. Well, I'll introduce and then ask one of the, um, team, and the authorities have been, uh, assisted by, um, Aecom and, uh, I think David Deakin, um, would be able to just comment briefly on that point.

00:14:46:23 - 00:14:47:08

Thank you.

00:14:49:03 - 00:14:49:29

David Deacon.

00:14:50:07 - 00:14:50:26

For the.

00:14:50:28 - 00:15:25:14

Joint local authorities. Um, I think we understand the, uh, relationship that can occur between, uh, individual receptor points and, uh, contour plots associated with interpolation. So we're comfortable with the general principles. The specifics around the variance between the two points isn't something at this juncture that we've we've looked into. Um, uh, we will take another look just to, to understand that variance.

00:15:25:19 - 00:15:58:11

But the general principles we understand. Um, as a broader point, um, I'd mentioned that one of the aspects that we are keen to have and we don't feel we perhaps have at this juncture is, uh, the easy ability to go between, uh, results within appendices. Then onto um, figures and then onto the chapter to have that clear linkage between those three things and also with the, the affected road networks.

00:15:58:13 - 00:16:20:18

So the effect of road networks, which set out the study area, um, and being able to fully disaggregate out all of the different scenarios, all of the different study areas, and then link all of that together is something that that we are in discussion with the applicant about trying to sort of gain some further information so that we can we can follow everything through.

00:16:22:05 - 00:16:27:12

Does the applicant want to respond to that or that sounds as though there's an ongoing discussion.

00:16:28:17 - 00:16:33:14

Uh, Scotland. I don't think we need to say anything beyond we are discussing these matters with the girls.

00:16:34:07 - 00:16:38:20

Um, there's also another hand up. I've just. I've just noticed that. Does this relate to the the first item?

00:16:39:08 - 00:17:05:26

It does. Relaxing. Um, um. So relaxing. Representing Cagney. Um, I just wanted to clarify that based on your discussion there with the applicant, whether or not the receptor points that are in the table were included in the results before the interpolation happened or not. So I don't think that point's been made clear. If they're included, then the interpolation should nudge it to represent what is happening in the table.

00:17:09:19 - 00:17:15:08

Could. The applicant is. Have you finished? Uh, yeah. Yeah. Um, because the applicant responded to that.

00:17:15:15 - 00:17:21:02

James. Manager, on behalf of the applicants, um, as requested, will provide a clarification on this point in writing.

00:17:21:14 - 00:17:23:22

That would be helpful, I think, then, yeah. Thank you.

00:17:25:10 - 00:17:44:05

I'll go back to my second point, I think. Then, um, and the applicant's response on, um, the dust management situation, um, which they summarized, and I'll invite interested parties to, um, comment on the status of that. I think I'll turn to joint authorities first.

00:17:46:09 - 00:18:22:04

Thank you. Thank you sir. Um, I again ask Mr. Deacon comment on that. Can I just inquire because, um, it would just help us in framing any responses we make? Uh, this afternoon, uh, we did provide at deadline uh, three, um, as part of, uh, rep 3117, uh, an appendix A, which was a technical note, a technical issues note from Aecom on air quality matters.

00:18:22:18 - 00:18:56:13

But I have to say that the signposting of that technical note was not as clear as it might have been. Uh, and therefore it may be that the examining authority hasn't yet clocked that we submitted a technical note with a, as it were, state of play on air quality matters. Um, and if I say and it's our fault for perhaps not signposting it clearly enough, um, but if that hasn't been absorbed, it would be helpful to know. And obviously if it has been absorbed, then that would also be helpful to know, because obviously it saves what I might need to say.

00:18:57:29 - 00:19:02:03

I think a summary update would be helpful. I think if that's possible at this point. Yeah.

00:19:02:22 - 00:19:24:15

Thank you sir. Well then, if I can ask Mr. Deacon to do two things. Firstly was to respond to your specific question, which was about the dust management plan. And then secondly, if he can give you, as it were, a bird's eye view of the issues covered in that technical note, just to apprise you of that, as it were, state of play, if that's helpful.

00:19:24:26 - 00:19:41:08

Yes, I think I think just to, um, I've structured this so I do we'll separate construction operation and then we'll just unpick it if you like. So first of all, dust. And then by all means I'll ask the applicant about Oda and our other 1 or 2 other things, and then we'll move on. I don't know if you want to sort of respond.

00:19:41:10 - 00:19:53:22

But I'm quite happy to. I'm quite happy to ask for sticking just to respond on the dust management matter now. And if we perhaps park and come back to him giving you an overview of that technical note, if that's helpful, I think.

00:19:53:24 - 00:19:54:11

That sounds best.

00:19:54:13 - 00:19:55:08

Yes. Thank you sir.

00:19:57:11 - 00:20:31:04

Thank you. David Deakin for joint local authorities. Um, so with the original submission of the application, a specific management plan was not included within the Code of construction practice. This was something that we raise with the applicant that due to the scale and sensitivity of the surrounding area, that of the of the works, that we were keen to see a dust management plan. Um, subsequently, we're pleased to say that a dust management plan has been provided to us recently.

00:20:31:24 - 00:21:18:05

Um, we have gone through a, a a review process, looking at it in detail, and we've shared our, our views with local authorities and thereafter. It's my understanding that will then be provided to the applicant for further review and their consideration. Um, the key point, I think, within the, uh, draft dust management plan that has been provided is that we understand that the intention is that in the future, there will be a series of dust management plans for different work package areas that will be, um, then provided to local authorities and that the the original dust management plan will provide the framework for those.

00:21:19:06 - 00:22:07:21

Um, our view is that we believe sufficient information should be available at this point to develop, uh, outlined dust management plans for those individual work package areas such that in the future situation, should any adjustments need to be made, that we're in a position where the councils and indeed the applicant are only needing to deal with very small, hopefully variations, and that if that work is done at this stage, we would be, I think, reassured that we would get a consistent approach, um, that we would all understand and be able to review and also have an understanding well ahead of the works as to where the higher risk locations are.

00:22:08:03 - 00:22:22:23

And so I think we're really pleased to have a dust management plan for review, but I think we would like to go a step further with that particular point. And also there are a few other points that we'll share with the applicant as well.

00:22:23:11 - 00:22:26:19

Thank you. Um, well, the applicant like to respond to.

00:22:27:02 - 00:22:27:25

That, please.

00:22:28:09 - 00:23:04:17

James Bellinger, on behalf of the applicants. Um, so yes, absolutely. We've been discussing this point with the joint local authorities. And, um, in terms of the detail behind each work package that will come at the detailed design phase, and actually the key principle in terms of the mitigation that secured through the CSP will be appropriate to any site or type of development that could come forward. So each of those detailed work packages are yet to be developed. Therefore, the outline dust management plan is suitable at the moment in order to secure what it will look like for each of those packages as they come forward in future.

00:23:05:28 - 00:23:13:23

Thank you. Um, in response to that, you must have an idea of the sensitivity of the various areas and where that work can take place. So I would have thought.

00:23:14:07 - 00:23:37:16

James Bernardo, on behalf of the applicant. Yes, absolutely. And, um, to be clear, we did, uh, sort of discuss this with joint local authorities and have said that in the version of the dust management plan that comes forward into the application, we will provide a summary of those largest, um, developments that form part of the application and an indication of associated risk, but not the detailed plan behind each of those.

00:23:39:13 - 00:23:50:08

Okay. Thank you. Um, can I just ask the same thing about odour management during construction? Then just give the applicant just to summarize, the current state of those are called the negotiations.

00:23:53:14 - 00:24:21:21

James Belanger on behalf of the applicant. Yes, absolutely. Um, one of the key points to start with is that there's no expected, um, excavation of producible waste or anything along those lines. Um, and there'd be no expected significant effects related to odour during the construction works themselves. Um, the cop KOSPI, um rep 1021 does include mitigation that would be in place to, uh, manage any odour should such issues arise.

00:24:24:08 - 00:24:29:19

Can I invite comments from interested parties, starting with the joint authorities again on on the older point.

00:24:30:04 - 00:24:41:13

So, sir, in relation to construction odour, we had not identified that as a significant issue. Okay. The separate issues obviously about operational. Oh come on. Yeah yeah yeah. Thank you.

00:24:41:20 - 00:24:43:01

Anybody else have anything on this.

00:24:44:18 - 00:25:01:16

I can't. I can't see anything. Um. So on construction, I last, uh, question is, um, that the applicant is committed to, um, at least, um, stage five for diesel powered. Mhm. Um, could it go further? Applicant.

00:25:19:25 - 00:25:20:13

Okay, fine.

00:25:37:10 - 00:25:55:10

James Belanger, on behalf of the applicants. Um, the commitment that's made at the moment in terms of meeting the, um, the requirements that are actually set by the GLA at the moment, um, around Euro five being met in that timeframe are considered to be sufficient at this point. Um, okay.

00:25:55:18 - 00:26:03:12

Yeah. Thanks. I understand your position. That's fine, that's fine. Um, any comments on that particular detailed point, uh, Mr. Bedford?

00:26:03:16 - 00:26:35:12

So I think the comment we've got is that, um, there is a concern, um, that, um, the way that it is expressed, uh, in the, um, code of construction practice, um, albeit that there is the reference to, um, stage five. Um, it has, as it were, a caveat of where applicable. Uh, and we have some concerns to the, as it were, uh, inherent flexibility and looseness of that which we don't like to see.

00:26:35:18 - 00:26:42:18

So I think what you're do you consider that I overstated that. I obviously read it as a commitment. So you're not saying it's a, you're saying it's somewhat weaker than.

00:26:42:22 - 00:27:08:08

Well, we see those words as containing something of a carve out to what would otherwise be a commitment. And we don't see a proper justification for that. We think there are other mechanisms which could enable, uh, the, as it were, the unusual machinery that might occasionally need to be required that couldn't comply, to be accommodated. But we don't like, as it were, it as loose as where applicable, which we think it's too much leeway.

00:27:10:01 - 00:27:12:13

Thank you. Any yes comments?

00:27:12:18 - 00:27:20:15

Thank you sir. Scott, last for the applicant just to save time. And we're reviewing that wording. And in the next draft the DCO goes in and there should be some changes. Thank you.

00:27:20:17 - 00:27:37:15

That's helpful. Thank you. All right. So I'll move on then to operation. I've just got one. Literally a couple of questions on on that. Um, so has the applicant done the same forecast for 2047 as shown for 2038, either in the tabular form or the map form?

00:27:46:11 - 00:28:15:20

Thanks, manager. On behalf of the applicant. No, we have not provided those in tablet format or the map format, and that's because it's not considered proportionate to be carrying out a modeling assessment of 2047. Given that we've been able to carry out that assessment using a semi quantitative approach by looking at the results, and from 2038 and the conservatism that we've built into the model at that stage, taking into account the reductions that would be expected over that period between 38 and 47, we can be confident there'd be no significant effects in that year.

00:28:17:06 - 00:28:18:16

Okay. Thank you. Um.

00:28:21:14 - 00:28:48:09

As an assumption, isn't it? Chapter 13 13.50 .26. Footnote three, which is no, um SFT is low fleet transition scenario for 2014. So for 2047 is required as it is assumed all aircraft will be new generation by this state. Um, what's the um what's the basis or the evidence that the applicant relies upon to support that assumption?

00:29:06:16 - 00:29:13:27

I'm Scott Lansford. That may not be too much an air quality question, but a fleet transition question. So we need to take that away, sir.

00:29:13:29 - 00:29:18:10

I take that back very much. Okay. Um, possibly.

00:29:20:03 - 00:29:28:24

A couple of questions relating to that, but I'll just, um. I'll perhaps I'll turn to other interested parties to see if they've got any comments on, on this aspect.

00:29:29:24 - 00:29:57:05

So yes, we do think that 2047 needs to be, uh, appropriately modeled, given that we see that there is an indication from the applicant existing material that there will be an increase in emissions, uh, between 20, 38, 20, 47. Uh, we do have particular concerns, I think, in relation to the Horley Gardens estate. And so I'll ask Mr. Deakin to then comment further as to why we think that needs to be done. Thank you.

00:29:59:16 - 00:30:29:17

Thank you. David Deakin, joint local authorities. I think our main concern is, as I described the Horley Gardens area and just the the balance of the importance of the emissions from the airport by that stage as vehicle emissions have reduced over time. The importance to the local community of the airport emissions goes up over time. Um, and that's a key reason why we were interested to to have that information.

00:30:29:19 - 00:30:40:16

And I think looking at the airport National planning, um, statement, we thought that part of the required information would include this type of modelling. Um.

00:30:44:26 - 00:30:49:15

Thank you. Thank you. Um, any response from the applicant on on that?

00:30:50:20 - 00:31:05:19

Now, Scott Linus for the applicant. We don't think that anything in policy would be as specific as indicate that modeling has to be carried out in this location in this instance, but perhaps we can ask Mr. Bellinger to explain why he doesn't think that would be required in this case.

00:31:07:03 - 00:31:25:23

James Banjo, on behalf of the applicant. Yes, absolutely. So an assessment of 2047 at that year has been included in the assessment and is considered to be proportionate based on the determination. Well, based on the proportionate way of reaching a determination of significant effects as a result of the project.

00:31:28:05 - 00:31:28:29

Okay. Thank you.

00:31:29:19 - 00:32:08:07

So could I just add Michael Bedford, the local authorities? Um, obviously, um, interpretation of policies can be a matter, uh, for, for you, but we see paragraph 5.33 of the airport NPS, um, which references that the environmental statement should assess forecasts of levels for all relevant air quality pollutants at the time of opening, assuming the scheme is not built for the future baseline, and be taking account of the impact of the scheme, including when at full capacity.

00:32:08:24 - 00:32:32:21

Uh, so we think that there is an adequate policy basis for it. But I say, uh, more particularly, we think that from the data that is available and the direction and trend that is shown and where we have a particular sensitive receptor in terms of the Horley Gardens estate, there is a justification, as it were, at a local level, for applying that policy, uh, to uh, require that assessment.

00:32:34:09 - 00:32:35:19

Thank you. Um, yes. Yeah.

00:32:35:21 - 00:32:42:02

So the policy says assess. We have assessed the policy doesn't say model and we have modelled.

00:32:43:00 - 00:33:01:29

Okay. Can I ask I can ask a very simple question into the applicant, which is, um, I mean, I started it with saying, you know, could, uh, have you, have you, have you forecast it in the same way as shown on the 23rd? You know, those are those other documents. Um, is it that you can't is it you can't do it or you won't do it?

00:33:13:16 - 00:33:14:01

Um,

00:33:15:15 - 00:33:39:10

I think we would say Scotland. As for the abolition, of course you can model, but that's not the simple question. It has to be asked how staff is proportionate to expect it to be done. And as I said, nothing in policy suggests that we've taken a conservative approach in the work that we have done and we have

included an assessment within, within the, within the year. Um, so we don't think it's a proportionate, um, uh, request.

00:33:40:08 - 00:33:41:01

So if I.

00:33:41:03 - 00:33:42:03

Can just.

00:33:42:05 - 00:33:46:14

Reflect that back to you. So your position is that you've done enough. What you've done is sufficient.

00:33:46:16 - 00:33:48:24

Scotland. Applicant. Yes. Thank you.

00:33:50:04 - 00:33:51:24

I'm. Well, I'm Mr. Bedford.

00:33:53:06 - 00:34:25:15

So I think we'll we'll set out our position in the post hearing submissions, because I don't know that it's particularly helpful to just have continuing exchanges, but we think that the reasonable interpretation of the guidance when it asks you, uh, to assess forecasts of levels that you can't meaningfully do that in terms of concentrations without a modelling exercise, a, as it were, a qualitative, judgmental approach does not enable you to assess forecast the levels. So I say we'll we'll set this out in our posting submission.

00:34:25:17 - 00:34:36:02

But we think that the applicant could do more and it would not be disproportionate, given that local context that I mentioned, to require the applicant to do more, to expect the applicant to do more.

00:34:37:05 - 00:34:42:17

I'll thank you. I'll move on from this point, unless you've got anything further to add.

00:34:43:21 - 00:34:59:20

James Village, on behalf of the applicant, just to add very briefly that, um, our 1050 submission does provide additional information, um, on the 2047 assessment and why the quantitative assessment that has been carried out, not qualitative is appropriate.

00:35:01:07 - 00:35:13:06

Thank you. I will move on from this I think. Yeah. But I but obviously there'll be written submissions to follow up. So yes. Thank you. Um there's a hand up. I see a hand up online at the moment.

00:35:13:26 - 00:35:58:01

Thank you. Go ahead. Yep. Kieran Luxon representing Cagney. Um, it's related to the 2047, um, assessment that's been carried out by the applicant. And it relates to the consideration that it's considered insignificant based on the previous years of 2038 and then, um, conservative assessments going forward. Um, I wanted to raise this point because I think it's important to do so now that the assessment of significance approach, um, has adopted the equip UK guidance approach, which is routine, um, and it's based on considering modelled concentrations, um, and an assessment criteria or assessment threshold.

00:35:58:03 - 00:36:51:26

Now, I think it is reasonable to assume that in 2047, for example, the current standards may not be the same as they will be then. So what I mean by that is the EU has recently published, um, which political agreements on adopting more stringent limit values to be achieved by 2030, with caveats to be delayed until 2040? I don't actually think it's inconceivable to think that the UK will follow and adopt similar levels, so it's just a question of whether or not the applicant has considered the likelihood of these assessment thresholds changing, and a sensitivity test has or could be carried out for accounting for these different assessment thresholds in years from 2038 onwards, and what that would have as an impact in terms of the assessment criteria.

00:36:52:27 - 00:37:29:00

Thank you. Um, you've actually anticipated my next question. So what I'll do is I will ask my question and ask the applicant to respond to both because I think they're very similar, picking up very similar points is that. Yeah. So what I was going to say was that, um, changes to air quality standards are discussed at 13.534 of three. Uh dash 018. So the question which I think hopefully summarizes your, your point, does the applicant consider that any such changes could affect the assessment conclusions at table 13.13 point one summary of effects.

00:37:50:12 - 00:37:58:12

James Ballenger on behalf of the applicant. I mean, the assessment that we've carried out is against current legislation as required. And, um.

00:37:59:28 - 00:38:06:14

We've also considered the non threshold effects as discussed earlier by my colleague Doctor Piper.

00:38:09:01 - 00:38:25:12

Okay. Um. Before I would then be asked a question I'm going to ask, I'm going to ask, um, the joint authorities to perhaps comment on this point around standards and how they might evolve over the sort of time frame that we're looking at on this project.

00:38:26:06 - 00:39:14:03

So, yes. Thank you, Michael. I'll bring in Mr. Deakin on this, but it is a matter of concern to the authority because we've seen the direction of travel. Um, the current section 106 agreement, um, has in place an obligation. I think it's obligation, uh, 3.2 that the company will participate actively with the county council. Borough council and adjoining authorities warn to avoid breaching the EU limit value for no two, but then to ensure that all other relevant air quality standards continue to be met, which is an ongoing obligation, and obviously recognises that standards may change over time.

00:39:15:00 - 00:39:53:13

We would be keen to see a similar commitment carried forward. Uh, we've got separate issues about the what the control document or mechanism for that ought to be, but in principle, in the context that this is an area of evolving standards and tighter criteria, we would be keen to see with a long term development of this nature, that measures are in place to ensure that the mitigations remain fit for purpose as we move forward into the operational life of the development against a backdrop of, uh, potentially changing standards.

00:39:53:15 - 00:40:02:19

So that's the context. When I'm asked Mr. Deacon, uh, Mr. Hibbs, if I apologise, Mr. Hibbs will come in and comment on that. Thank you.

00:40:03:12 - 00:40:35:03

Thank you sir. Uh, Leon Hibbs for the joint local authorities. Um, really just following on from what the Cagney representatives said. Um, if you look in the Surrey joint local impact report, um, table 11.4, what we've done, there is an assessment of some of the sites, um, using the same criteria that the

applicant has used, assuming a 20 microgram per meter cubed, um, legal limit value, effectively. Um, that's recognition of the fact that that is the direction of travel of policy. So we're seeing that, for example, being adopted in Europe already.

00:40:35:15 - 00:41:06:22

Um, and it's recognition of the fact that the Who guideline values, in fact ten micrograms per meter cubed. The panel might be interested to know that the current standard that the applicant is using was set 25 years ago, and that matched the then standard and aligned with the European standards. Obviously, science moves on. We're 25 years further on, and this is one of the concerns around the 2047 is effectively with 25, excuse me, 25 years on from today. And we really need to be taking account of that policy direction.

00:41:06:24 - 00:41:10:24

So that's the other reason why we think it's important to be looking at the 2047 in terms of modelling.

00:41:12:12 - 00:41:12:29

Thank you.

00:41:13:24 - 00:41:17:08

Um. Applicants respond to those points.

00:41:17:15 - 00:41:47:21

Scott. Applicant. I'll ask Mr. Ballenger anything to add, but, uh, our our position is that we shouldn't be expected to assess against anything that might be regarded as not inconceivable. It's not an appropriate approach on which to base our quality assessment. Second point is that, as that paragraph explains. We've already adopted conservative assumptions for the purposes of our assessment. So a degree of protection is built into this house and work we've carried out for that year under those under the existing guidance already.

00:41:49:18 - 00:41:50:14

Okay. Thank you.

00:41:50:26 - 00:42:24:19

James Ballenger on the possibility that we can just add to that very briefly tonight that, um, yeah, it's absolutely understood. And, um, I think one key thing in terms of that conservatism that's very clear is how, um, how much we have built into the assessment. For example, uh, the 20:40 p.m., 2.5 targets, ten micrograms and actually GW three at the end of the runway is already monitoring less than that, that 2040 target. So we've been able to start thinking about what the current concentrations are, um, as part of this assessment.

00:42:26:21 - 00:42:28:10

Thank you very much. Thank you. Um.

00:42:31:09 - 00:42:43:29

I think I'll move on then. Um, although I'm conscious, Mr. Bedford, that you did say that you were happy to summarise or ask your colleagues to summarise, um, their response with that. This would be a good time to do that.

00:42:44:01 - 00:43:29:12

Or if it would be helpful to the examining authority, I'll just ask. Um, uh, Mr. Deakin, if you can do two things. One is just to provide you with, as it were, a bird's eye view of the technical report that has already been submitted into the examination at deadline three. But secondly, perhaps there's a way of reassuring you as to what might be going on behind the scenes to provide an update of where we are

in terms of dialogue with the applicant, because air quality, um, albeit that there are outstanding issues, it is one of the topics where there seems to be some useful dialogue going on, and it may be helpful for you just to hear the picture on that.

00:43:29:14 - 00:43:30:26

Thank you. Thank you. Thanks.

00:43:32:04 - 00:44:09:12

David Deakin joint local authorities. Um, so firstly in relation to the technical note that we've submitted. So one of the things that we were commissioned to do was to undertake a full review of the application documents. So all of the application documents that included air quality elements we reviewed, and we pulled together a technical note of the matters that we were seeking further clarification on so that we could fully understand the assessments and in some instances, for some of the documents, the types of control measures that were being proposed.

00:44:09:14 - 00:44:40:14

So that technical note is quite it's quite wide ranging and covers a number of topics such as assessment scenarios, um, ecological effects spaces, um technical details, information about monitoring data, model verification and things like that so that we understand the underpinning of the assessment. Um, and in relation to then moving forward, um, we understand that the applicant is reviewing the the document currently and is planning on responding to us.

00:44:40:16 - 00:45:13:04

So that will then move our dialogue on, um, in relation to those technical matters. Then in parallel, uh, we've already referred to the management plan and they want to go into discussions there. But, uh, we additionally have an air quality action plan now, which is also very welcome. And we are um, uh, we've gone through the process, like with the dust management plan of preparing a technical note, which is with local authorities for review at the moment, that will then be shared with the applicant thereafter.

00:45:13:06 - 00:45:21:21

And again, hopefully that can then push on the dialogue in that area too. So technical matters and control measures are sort of under discussion.

00:45:22:11 - 00:45:24:23

That sounds very constructive. Thanks.

00:45:24:26 - 00:46:03:05

It does. Uh, Michael, for the joint local authorities, but I should add, as it were, one note of caution. It's a control issue at the moment. I think the air quality action plan is intended to be, uh, as it were, um, regulated through the section 106 agreement. We are not at the moment persuaded that is the appropriate control mechanism. We think it ought to be brought into being a control document of the development consent order, whether as a certified document in itself or as a subordinate document to the Code of Construction Practice, or, um, otherwise.

00:46:03:07 - 00:46:14:19

But we certainly see that the EHC app should be, as it were, under the regime of the DCO, rather than simply under the regime of a planning obligation.

00:46:15:21 - 00:46:20:27

Thank you. Thank you. I've got a hand up before I move on. Um. Um.

00:46:22:18 - 00:46:28:01

I'll take. I'll take the I take this question first from the, um, uh, I think. Is it Cagney again?

00:46:28:23 - 00:46:56:27

Thank you. Um, I shall be Cagney. Um, just on the technical matters in the progress made with the local authority, a request has been made from Cagney to the applicant to provide the. The technical data behind the modelling. Um, request was made yesterday, but just saying it in front of the examination panel that we would really like to see that, because Mr. Jackson has not yet had a chance to review the data supporting the modelling. I think Mr. Jackson has another sense.

00:46:56:29 - 00:47:05:15

I think that's what I spotted actually, before you. Thank you. Yeah. Mr. Jackson, have you anything to add to that or. Thanks, I mean it thanks again.

00:47:05:17 - 00:47:41:15

The, um, the it does cover it. I mean, I just want to highlight that I do have concerns on the model performance, um, based on the literature that is provided available so far. So I think it's essential to, to have sight of that. Um, and also that if there are any ongoing topic working groups with the air quality, it would be appreciated if community groups can be invited to participate in those. So Cagney can be, um, because it's a very important topic. I will just, if possible, uh, raise a couple of questions to do with the modelling performance now so that they can be thought about for any further representation comes forward.

00:47:41:17 - 00:47:58:21

Um, the as an example, I note that there was no verification related to PM 2.5 or ammonia modelling. Um, I want to understand from the applicants what impact that would have on the confidence in that, the modelling that's been carried out.

00:48:01:15 - 00:48:06:09

Thank you. Um, will the applicant like to respond to that specific.

00:48:07:12 - 00:48:46:19

Score for the, uh, for the applicant? Um, as far as release of information is concerned, an email should have made its way to cognitive representatives already to indicate that the information would be released. That was sent by Gatwick today. Yesterday. Yesterday. Um, so you should have received that already because, um, there's a very large, um, extent of data to be sent. Email may well be an issue in terms of transmitting that. So we need to work out how that's going to be done. But we said we release the same information to you as was released to the local authorities as per the original request, so that that is on its way to you if you haven't received it.

00:48:46:21 - 00:49:03:24

As for the point that's been that's been raised, I think, um, we can we can deal with that because I suspect there will be further points that are made by County once they've seen the files, and we can pick that up as part of any wider. Uh, discussions or response to any submissions that they make. We don't need to respond to it now.

00:49:04:12 - 00:49:15:04

Thank you. Okay. Thank you. Um, I think you've anticipated my final question here, which was around the air quality action plan. Um, and they have led us into that. Um, sorry. Yeah.

00:49:15:06 - 00:49:45:12

Was it, um. Yeah. Sorry, sir. Um, as far as Mr. Bedford, Scotland as the applicant point about the air quality action plan, perhaps that's best picked up as part of the wider discussion on the approach to the, uh, obligations in the next agenda item, because I know there are broader questions being raised

about how documents are addressed. But just to confirm, we haven't seen that as a control document in the normally understood sense of the term. Effectively, it's a reporting document, but it still comes within the scope of the broader principle that I anticipate will be covered under the next agenda item.

00:49:45:27 - 00:50:08:28

Thank you. But before we move on to the next agenda item, I just wanted to explore to what extent and I'll ask the, uh, joint authorities is to what extent it actually addresses or covers the topic areas that you wish it to cover. And I had on my, um, in mind the list ultrafine particles or something or other. So could you comment in terms of the content rather than the mechanism?

00:50:09:00 - 00:50:17:08

Yes, absolutely. So yes, ultrafine particles is a matter where we are not on the same page as the applicant. Uh, and I'll ask.

00:50:18:24 - 00:50:23:20

Mr. Hibbs to explain where our concerns lie in relation to that. Thank you sir.

00:50:26:06 - 00:50:56:16

Um, you've seen how local impact response sort of thing. So we appreciate we've done some significant work in the area. The airport's been aware of the issue for over 12 years now. Um, and over that time, we've effectively developed various bits and pieces with various universities to undertake some research. Um, the latest work on that that we did back in 2018, 19, um, shows the residents on Holly gardens again the significant exposure. Um, the applicant rightly points out there aren't any UK standards as such.

00:50:56:29 - 00:51:29:23

Um, but there's certainly World Health Organisation guidelines that can help put that type of data into context. Um, and also it's possible to put stuff into context in terms of, uh, monitoring that's done elsewhere in the UK, for example, in central London. Um, and comparing our own work to work that's done in central London. And we're using the same equipment and to the same standards. Um, we're seeing some very significant exposure effectively in a residential housing estate, um, where on an hourly basis, it's actually greater than if you were standing on a curb in central London.

00:51:30:09 - 00:51:53:02

Um, we've been pushing the applicant for a number of years to begin monitoring. Um, there was a commitment in the original section 106. Um, it's kind of been watered down in what's being proposed now. Um, but at the moment, the airport has got no plans to undertake monitoring to look at the impact on the local community. And we think that monitoring should begin. Thank you. Thank you very much.

00:51:53:06 - 00:51:53:21

Thank you.

00:51:55:04 - 00:51:59:24

Um, but the applicant like to respond to that particular aspect.

00:52:02:16 - 00:52:22:10

James manager, on behalf of the applicant. Yes. Absolutely. Right. Um, there's no current legislated standards for UFP, and there's not really an established methodology for monitoring either. Um, therefore, what we've proposed, which it is to participate in studies and to fund studies in future, um, is definitely considered appropriate at this point in time.

00:52:23:22 - 00:52:24:07

Thank you.

00:52:24:23 - 00:52:52:23

And Scotland's applicant at the moment in the draft 106, there is a commitment to pay RBC up to £30,000 to contribute to the cost of EFP project if national standards are promulgated. So there's a recognition of the importance of engaging with studies and understanding the impact on, uh, on health and on appropriate contributions being offered to Reigate and Banstead within the context of the uh section 106.

00:52:55:20 - 00:52:58:14

Thank you. If there is any anything more far from the index.

00:52:59:16 - 00:53:32:23

So only and we'll cover it more fully in the post submissions. But we don't accept that. The extent to which the applicant has looked at this by using um, PM 2.5 as a proxy is in any way an appropriate methodology for looking at ultrafine particles, and therefore we consider that far more needs to be done in relation to that. We'll set out a little bit more detail, uh, on that and also what our thoughts are on what the applicant has thus far been proposing to contribute towards funding, and why we think that falls short of what is required in this context.

00:53:32:25 - 00:53:33:10

Thank you sir.

00:53:33:27 - 00:53:39:29

Thank you Scott, for the applicant. Perhaps I could ask Mr. Piper just to confirm his position on this, please.

00:53:41:10 - 00:54:12:13

Gave Mr. Piper for the applicant. I think we have a qualitative ultrafine particle assessment within the health assessment app. Um, zero for three. And that does not suggest there's a linear relationship between PM 2.5 and not for fine particles. It's acknowledging that they're different units of measurement. One ultrafine particles relates to a particle count concentration.

00:54:12:15 - 00:54:41:14

PM 2.5 is a mass concentration. So there's there's not as a reliance on that as a proxy. Um, there's noting that there's a common source in terms of air traffic movements. And therefore following the EMA guidance and triangulating information, it is using what information is available to take a view on what the likely relative change is likely to be. But we can provide a bit more of a note explaining that, perhaps.

00:54:43:03 - 00:54:53:22

That sounds helpful. Yes. Thank you. I think I heard that properly. Um, I'm hand up online. Um, Mr. Lacson again, I think. Would you like to go ahead?

00:54:54:26 - 00:55:26:06

Yep. Thank you. And then for Cagney, I just wanted to echo that, that Cagney are also in agreement that the current approach, um, falsifying does not is not sufficient. Um, one of the points I've read, um, in the statement of Common Ground with Reagan Banstead is, um, in rep 1-044. That is agreed that PM 2.5 is not a direct proxy for ultrafine particles. It is also agreed that ultrafine particle number would be expected to be much higher than those were PM 2.5 and have different dispersion characteristics.

00:55:26:08 - 00:55:38:11

And then it says this is taken into account in the assessment. Um, so in that notes which is being put forward, I'd be good to see how the different dispersion characteristics has been taken into account in the assessments.

00:55:40:17 - 00:55:41:02

Thank you.

00:55:42:20 - 00:55:47:16

Will you cover? I can ask the applicant where you have those points in your written submissions. If you're going to do Scott.

00:55:48:00 - 00:55:48:24

We can cover that. Yes.

00:55:48:29 - 00:55:54:24

Helpful. Yes. Um, is there anything else from the authorities? No. The applicant.

00:55:56:24 - 00:55:57:09

Um.

00:55:58:05 - 00:56:08:03

I suggest we we move on. Then at this stage, on to, um, item item six on the agenda, and I'll pass on to Mr. Gleason. Thank you.

00:56:11:01 - 00:56:11:16

Thank you.

00:56:12:26 - 00:56:47:06

Thank you. So I'd assume six is the draft section 106 agreements, and the agenda item says the applicant will be asked to introduce the draft section 106 agreements and to explain the reasoning and rationale behind the obligations and the financial contributions within the draft agreements. 6.2 says the applicant will be asked to provide justification or reasoning for why the provisions within the draft agreements are not suitable or appropriate to be controlled by requirements in the draft in the development consent Order.

00:56:48:18 - 00:57:22:00

So, in addition to the draft section one of the six agreements itself, which is document rep 204, it might be helpful for IPPs to have to hand the Legal Partnership Authority's response to our first written questions, which is rep 3135, and specifically the response to question DCO 1.5.3, which occurs on page 63.

00:57:37:04 - 00:57:55:27

So I'd like to begin then with the question in the agenda for the applicant to explain the reasoning and rationale for the obligations and the financial contributions, and explain why they are contained within the draft agreement and not within the DCO. Thank you.

00:57:56:21 - 00:58:00:09

Thank you sir. I'll try and be as brief as possible because it could be a reasonable lengthy.

00:58:00:11 - 00:58:02:10

Appreciate that and overview then please.

00:58:02:12 - 00:58:35:00

Thank you very much, Scott. For the applicant, um, perhaps give a brief overview of the the draft section 106. Is it, uh, as it stands, um, it's proposed, um, uh, between Galle, uh Crawley, West Sussex, Reigate and Banstead and tended to be entered into before deadline nine, with a completed version being submitted at that deadline. It's been it's been the subject of discussions with the JLS. We've received our comments at deadline three.

00:58:35:02 - 00:59:27:21

We're reviewing those and we'll respond to those in due course. Um, the front end of the agreement, as you'll appreciate, sir, is mainly, uh, boilerplate provisions, but it provides that at DCU commencement, any section 106 in place between the parties relating to the 2022 agreement ceases to have effect that have been superseded by this one, and then the substantive obligations on both parties are set out and topic specific schedules. Um, schedule one deals with air quality, and I'll come on to that a little bit more detail, but it includes obligations about power usage at aircraft and air quality monitoring, engagement related to air quality, involvement in EFP studies, as we've just heard, and reporting on measures implemented by the applicant to improve air quality through an air quality action plan.

00:59:28:11 - 01:00:08:03

Schedule two deals with noise and cutting obligations about noise supplements, aircraft testing and engagement with KCom and others about noise, air and noise. Specifically, schedule three deals with surface access, including obligations relating to the Transport Forum, the Transport Steering Group, Parking Meeting, Sustainable Transport Fund, a commitment to invest in Boston Coach Services, uh Parking Contribution and the Transport Mitigation Fund. And I'll come back to those and then schedule for is about the London Gatwick Community Fund, which includes an obligation to establish the fund and the mechanisms for how it will be distributed.

01:00:08:05 - 01:00:50:03

And as we've heard, the scale of that fund will increase as passenger numbers increase. Schedule five deals with employment, skills and business, and includes obligations to produce in the SBS's implementation plan and review at every five years, along with provisions for a newly established um SBS steering Group. Schedule six deals with biodiversity and landscaping, including obligations to make contributions to the Gatwick Greenspace Partnership and a contribution to Reigate and Banstead for maintaining replacement open space at Church Meadows, and then schedule seven deals with council obligations, including obligations relating to engagement and record keeping.

01:00:50:18 - 01:01:24:17

I can take you, sir, through some of the detailed, um, provisions. Again, I won't go through the full detail, but just by way of summary, given the air quality has been discussed, I can run through those as well as surface access potentially to and under schedule one. I've mentioned, um, uh, provisions relating to pirate aircraft stands. That's, uh, one of a number of, uh, obligations that are drawn through from the existing obligations that have been agreed with the, uh, with the local authorities.

01:01:24:27 - 01:01:58:23

Um, there is operational air quality monitoring provided for in paragraph three that commits to carrying out the monitoring of NOx and O2, Pm10 and PM 2.5 at specified locations during the monitoring period. And we recognise that although new impacts have been identified through the EAS, um, that air quality, uh, is sensitive in the area of the airport. So we've committed to, uh, monitoring again, that replicates what has been in place already, albeit in slightly amended form.

01:01:59:11 - 01:02:32:00

Um, there is uh, there are provisions relating to access for air quality monitoring that I won't go into, but, uh, apart from that, there's also an air quality monitoring contribution where the airport will pay Reigate and Banstead 70,000 a year, uh, from commencement until the end of the monitoring period.

Uh, for the council to use for monitoring and reporting on ozone, NOx and O2, Pm10 and PM 2.5 at other specific locations. And for the repair, a joint uh air quality monitoring report.

01:02:32:03 - 01:03:04:06

There are other provisions relating to the. Pair of air quality monitoring equipment. The ultrafine particles contribution that I have mentioned, as well as the preparation of the air quality action plan, we must produce, um every five years and air quality action plan to be shared with the JLS, including updates from any air quality studies we carry out reporting on measures that we're taking to improve air quality and consideration that we may give to a Mas, as well as an updated emissions inventory.

01:03:04:15 - 01:03:43:02

There are other provisions relating to monitoring report, air quality, joint authorities meeting and other meetings between Reigate and Banstead and Gal. And if I can deal with noise briefly, there is a provision again replicated from the existing um 106 agreement about considering noise supplements when reviewing our noise action plan and maintaining charge differentials and the charges payable by aircraft operators and aircraft engine testing provisions under Programme of engagement about noise as well not as many obligations, and the one who seeks relating to noise because there are a number covered elsewhere.

01:03:43:18 - 01:04:17:18

Um, as for surface access. A number of provisions deal with the Gatwick Area Transport Forum and the steering Group. But as far as substantive obligations relating to mitigation are concerned, there is a commitment to maintain a sustainable transport fund which will be made available to fund initiatives encouraging the use of sustainable transport modes, and at least half of that fund has to be spent on achieving the sustainable or surface access commitments.

01:04:18:06 - 01:04:52:10

I won't go into how that fund is comprised, but it will total up to £10 million. It's been developed from the existing fund and it provides confidence. We say to the Glas that there will be a minimum amount invested into encouraging sustainable transport, consistent with our Sachs. Um, there's also a commitment to invest at £10 million and bus and goat services in schedule three, paragraph five. Um, again, that reflects the the exact commitments that we've made.

01:04:52:12 - 01:05:44:27

But we wanted to ensure there's a minimum investment figure to provide assurance that JLR, that substantial investment would be made into bus and coach services. And there's an obligation relating to the use of Poly Cross, um, and an off airport parking contribution, which we won't spend any time on. Uh, the Transport Mitigation Fund Decision Group is another provision which has been set up in relation to the Transport Mitigation Fund that we're proposing. Also within schedule for the Mitigation Fund Decision Group is proposed to be established to embed, uh, the collaborative approach that Gail and the members wish to adopt, to manage essentially what the Transport Mitigation Fund is for, which is a fond of £10 million, um, to address any unforeseen impacts on the transport network arising from the NRP.

01:05:45:12 - 01:06:23:00

Um, that fund is provided in the context of the length of time the project is taking place, and the at least potential for unforeseen impacts arising from the NRP. We are confident that no impacts should arise, but we've committed to making the fund available in case they do so. There can be confidence attached to the measures available to meet the outcomes and the ESA and the SAC. Um, if I move on to the community related obligations, we have provisions made for the community fund to be paid to each of the community foundations.

01:06:23:02 - 01:06:55:22

The purpose of the community fund administered by those foundations is to mitigate the intangible impacts of the NRP on the community by providing access to finances towards community projects. Um, we've seen already how that community fund is going to be derived fundamentally relating to incremental increases in relation to passenger numbers, but it's also, uh, bolstered by fines received for noise breaches, which will be added into the uh, which will be added into the fund.

01:06:55:29 - 01:07:30:11

So that's a very short, um, overview of the provisions relating to all but the um, ESB implementation plan. I won't go into as much detail on the ESB because I've outlined that already, but there is a commitment to submit an ESB implementation plan to an ESB s steering group for approval, along with provisions for review, and we'll be making £14 million available, which will be allocated in accordance with that implementation plan.

01:07:30:15 - 01:07:38:11

Other provisions that have identified towards the end of the um uh 106 scheduled six, as I've said, provides for an.

01:07:40:12 - 01:08:12:27

Six Wildlife Trusts for the Gatwick Greenspace Partnership. Um and replacement open space maintenance contribution to Reigate and Banstead. Those are the main provisions, as I said at the outset. It's important to emphasize in relation to the air quality that, um, this is largely reporting and monitoring. The assessment that we have taken into account doesn't show that there is a need to mitigate as such. But in recognition of the working relationship between the parties and concerns that they've expressed about monitoring those provisions are there.

01:08:13:10 - 01:08:52:24

And as for why these commitments are in the, uh, the 106, um, we've discussed this already, sir, in the context of previous hearings and in the written response that you have identified, part of the reason for the drafting of this was that we've been building upon an agreement that has worked well between the parties historically. You have information before you. And as I explained today, a number of the provisions are carried forward from the existing 106 and Up formed part of the context for the preparation of the obligations, as you know, as you now see them.

01:08:53:11 - 01:09:26:06

And we recognise the reference to the NPF, which you've provided already, which states the planning obligation should only be used where, um, it's not possible to address unacceptable impacts through a planning condition, and we accept that it may be possible in principle for elements of the draft 106 to be pulled out and added into the DCU equivalent of conditions by way of requirements. But as here, as often happen in other cases, there are practical advantages to using a section 106 to secure commitments.

01:09:26:14 - 01:10:11:13

One advantage, which is informed what has been done to date, is that it can be modified by agreement with local authorities, who are party to it, and through section 106, a um, as far as the Secretary of State is concerned, and that provides for a greater level of flexibility potentially, than may be provided for in the DCU. And when one looks through the provisions that I've summarised in this section 106, that flexibility can be useful, indeed necessary, uh, where you have the operation of governance groups that are established pursuant to an agreement, particularly when those groups are charged with dealing with funds which are more naturally secured within the body of a 106 agreement.

01:10:11:15 - 01:10:57:24

In any event. So one has, for example, the ESB steering Group, we have the Transport Mitigation Fund decision Group and a number of parties involved in these groups and the way in which the provisions of the one of six provide for those groups to meet and allocate and allocate funds,

suggested that the most appropriate mechanism to deal with that was through the one who was through the 106. Um, and, um, we felt that the section 106, in that sense, was a more effective to both for securing engagement mechanisms between the parties, because those parties are actively committed to those mechanisms that, if any, changes needed to be made to them to reflect experience and working arrangements is more easily done through the 106.

01:10:58:09 - 01:11:40:11

And as I've indicated already, a number of the provisions also relate to the payment of sums. And whilst we recognise fully that in the DCU context, you may not need to approach contributions in the same way as you might in a general planning context, given this is essentially a piece of legislation which can conclude, which can include, uh, provisions which may differ or made apart from the approach that's taken to obligations as such. Uh, but we bore in mind the, the general position that if one's, uh, committing to the positive obligation of paying money that was generally more appropriately done on the one who seeks, particularly where the arrangements for administering the funds were, were set out.

01:11:41:04 - 01:12:18:17

Um, so those were those were some of the reasons that were taken for, uh, including these provisions in the 106. We're aware that in previous questions you asked about why provisions, if there were dealing with mitigation, where in the 106 as opposed to, um, the requirements. I think in principle, there's nothing to prevent mitigation going into, um, a 106. And it was the combination of the need to address any mitigation that we were proposing within the context of funds and the administration of those funds, which led to the decision to all going into the the 106.

01:12:19:00 - 01:12:49:18

Now, all that said, um, we noted the question and we noted that this has appeared on the agenda item. Um, and we've also been discussing with the JLS the relationship between the provisions and the 106 and commitments that are made within the Essar. Space, and we recognise there is a different way in which you could cut this up, basically, and put these commitments into different, um, uh, documents.

01:12:51:04 - 01:13:22:24

Um, if, if the panel, um, despite what they have said, takes the view that there are concerns, um, about the extent of the obligations that have been fed into the 106. We are prepared to, um, look at this. I think the point that, uh, we would emphasize is that in theory, as I've said, if it's going to go into the DCU, um, you could almost put anything into the DCU and leave nothing in the 106.

01:13:22:26 - 01:13:37:12

We'd want to try and understand where the boundaries of these concerns may lie, but in principle, if it's a if it's a concern that is persisting with, uh, with the panel, uh, we're more than happy to, uh, to look at that. Okay.

01:13:37:16 - 01:13:42:15

Thank you very much. That's been the very helpful overview of the position. Um.

01:13:44:23 - 01:14:20:17

My questions aren't going to go into minute detail about everything. There were a few things I'll pick up in terms of detail, but essentially I think. Well, it certainly say it's encouraging to see a draft agreement at deadline two, which is what you promised, and glad to hear that you're working with the local authorities to progress that. And and on that basis, I think that's probably one of the reasons why we won't get into too much detail today, because we'll hope that dialogue continues and progress is made.

01:14:20:19 - 01:14:30:16

But there are a few things I would like to pick up, I think maybe begin as well with this overview position. That's, um.

01:14:33:21 - 01:15:04:17

It's been stated in some of the documents submitted by local authorities about the backgrounds of the section 106. This section 106 and the previous ones and concern has been raised that, um, the local authorities might not have been as involved in the update of previous agreements as they might want to have been, and then this has been rolled forward and therefore doesn't.

01:15:05:26 - 01:15:17:24

The starting point is what went before, not what is happening now. I mean, Mr. Bedford, is that a fair characterization of how the local authorities see this? I'm afraid I haven't got the precise.

01:15:18:03 - 01:15:58:14

You're absolutely right. This is a point that has been made. So, Michael Bedford, joint local authorities. The context is different. Uh, the previous, um, or rather the current, I should say, because it is still current. The current 106 is not in itself tied to a particular planning decision. And was not therefore itself um formulated by reference to needing to address or offset or mitigate impacts of a decision to grant a consent for a particular form of development.

01:15:59:05 - 01:16:37:16

And because of that context that um, uh, influenced, uh, the, um, terms on which that agreement was formulated. Uh, uh, and in possibly over simple terms, the local authorities did not have, in terms of negotiation, uh, the ability, uh, to say, well, of course, if things are not resolved satisfactorily, there will not be a consent forthcoming, because the context was not that there was a consent in, in issue.

01:16:38:13 - 01:17:34:12

Um, and so that obviously played its part in the nature of the commitments that the applicant was, uh, willing to offer. And in the nature of the mechanisms to secure those commitments, um, whilst we absolutely accept that that history is part of the present context, what is much more part of the present context is that this is an application for a development consent order, uh, to carry out major national infrastructure development, and you have to be satisfied, uh, that on balance, if you were to make a positive recommendation that the case has been made for, uh, the development consent order, and part of that will be an assessment of how has the proposal dealt with its impacts and mitigated them.

01:17:35:00 - 01:18:20:11

And so that's a very different dimension. And it's because of that, uh, that we have been concerned that we don't simply wish to see, as it were, some form of warmed up version of the existing section 106, but, um, updated, um, uh, to the extent that the applicant thinks appropriate, we think there does need to be, as it were, a considered review of all of the measures which are to mitigate or offset the impacts of the development and then providing, uh, as it were, the appropriate tool, uh, to secure that those, uh, mitigation or compensatory offsetting measures are delivered.

01:18:20:27 - 01:18:56:20

Um, and in fairness, and we do note absolutely the point that Mr. Lyness makes, uh, that one needs to keep, as it were, a pragmatic eye on the need for flexibility and the ability for, um, things to flex during the life of the project, both during the construction phase and during its operational phase. And we can to that extent understand why there may be something to be said, uh, for not taking, as it were, an overly purist view of, well, if it could be in the DCO as a requirement, it should be, and that's the end of it.

01:18:56:22 - 01:19:31:18

There may be a reason for saying, well, now, actually, if you look at it more pragmatically as a package, there are things which are more appropriately dealt with via the section 106 which does carry with it that flexibility. So we're certainly alive to that. But I say the going back to your starting point, you're right to pick up that. One of the concerns the local authorities have had about section one and six is that they don't wish to see, as it were, the approach to be no more than, well, we'll carry forward with what we've been doing in the past.

01:19:31:22 - 01:19:38:27

Uh, we wish to see the approach being what is actually justified and necessary to mitigate or offset the impacts of the development.

01:19:39:06 - 01:19:50:08

Okay. Thank you. Are there any other, um, general comments you want to make on the agreement as it stands and progress before we get into detail?

01:19:50:15 - 01:20:28:27

I'll talk to you in a moment. She's from Charlotte Pritchard, who's been dealing with matters in terms of progress is where we are. There are some areas, uh, of what I would say are omission. That's to say they're not currently addressed in either the, the draft of for the DCO or the section 106 uh mitigation in relation to housing pressures, both affordable and temporary, in terms of a housing fund landscape and ecology enhancement fund and um, project officer to manage that um, air quality monitoring.

01:20:28:29 - 01:20:40:10

It is a matter that I think there's been some discussion about, uh, the noise action plan and noise surveys to examine community annoyance and odour studies. Those are topic areas. Um.

01:20:40:22 - 01:20:45:10

Right. So you're wanting to go through those topic areas now?

01:20:45:12 - 01:21:15:07

I wasn't well, I wasn't proposing to in the sense that, um, we've had dialogue with the applicant. We know the applicant doesn't agree with us on some of these things. Clearly, we need to. But we need to persuade the applicant. Or at least we need to persuade you to encourage the applicant to make some movement on those matters. So I think we probably need to rehearse those in our written submissions. But just in terms of progress as to where we are on matters where there has been productive dialogue. If I just ask Miss Knowles if she can just update you on that.

01:21:15:10 - 01:21:19:12

Just just a brief overview, if you wouldn't mind, please. And then we can pick up the detail.

01:21:19:15 - 01:21:58:09

I'm Emily Knowles for the joint local authorities. Um, yeah, I think I would echo everything Mr. Bedford said. Um, there has been progress, um, between the parties since, um, negotiation started. At the outset, we have seen, um, an initial draft and an updated draft, and we've now provided, um, comments on the majority of those, um, schedules to the applicant. And we've got a series of meetings, um, in place over the coming weeks to further those discussions and perhaps have discussions about these items which are not currently covered in the 106, but the authorities believe should be, um.

01:22:00:09 - 01:22:32:17

I think just the just to echo what Mr. Bedford said. Um, I think we're keen to ensure that that section 26 allows, um, a proper role for the authorities in terms of approving approval and enforcement, as you would in a usual section 186, um, which is something that we're looking to build on from the

current 2022 agreement. Um, and there are also kind of general discussions about the front end and terms, for example, relating to the monitoring, the period for which the section 106 should apply and the duration of those obligations.

01:22:32:19 - 01:22:37:20

But those discussions are ongoing. But with, um, moving forward.

01:22:37:26 - 01:22:51:06

Okay. That's good. Thank you. Um, I think. Um. I'm inclined to take a break now. We'll come. Unless you particularly want to respond on that. And then we'll get back in Scotland.

01:22:51:18 - 01:23:30:04

It may be helpful to do that, sir, if you're going to go on to other, uh, queries, I just want to just make it clear that, um, it's quite obvious that the previous agreement was a voluntary one entered and entered into by the airport. We've said that before, but it was done on the basis that we sought to act as a responsible operator in conjunction with the council. So you had the full opportunity to sit down and express their concerns with us. With us. I can ask Mr. Nord to explain a little bit how that how that happened. Secondly, I think I don't think it's fair to describe this 106 as a warmed up version or a ruled over version of the previous 106.

01:23:30:11 - 01:24:04:03

And it's quite clear that when you look at that, um, it is a bespoke, um, document which relates to this project. And we have, uh, been clear in emphasising in our deadline two submissions that was appendix A to the response actions from issue specific hearings, 2 to 5, where obligations have been brought forward, where they've been replaced or where they've been dropped. So we've gone through those line by line and worked out how it can be translated into the project under a, under a tailored agreement that relates to this, relates to this scheme.

01:24:04:05 - 01:24:18:20

So I think we just need to put on record. We don't accept any characterisation if it's being suggested. This is a warmed up version, and perhaps I can ask Mr. Norwood just to explain the rule local authorities had in the previous, uh, iterations of of the 106.

01:24:20:01 - 01:24:20:28

Uh, good afternoon.

01:24:21:00 - 01:24:22:26

Uh, Tim Norwood from for the applicant.

01:24:23:01 - 01:24:23:17

Um, yes.

01:24:23:19 - 01:24:28:18

I've been involved in two rounds of the section 106 agreement.

01:24:28:22 - 01:24:30:22

Uh, update, uh, once.

01:24:30:24 - 01:24:32:11

In 2019, in April.

01:24:32:13 - 01:24:36:06

And then the further update of the 106 in.

01:24:36:08 - 01:24:37:03
2022.

01:24:37:08 - 01:24:38:03
Uh, which was.

01:24:38:05 - 01:24:39:04
Uh, finalised.

01:24:39:06 - 01:24:39:23
In May of that.

01:24:39:25 - 01:24:40:10
Year.

01:24:40:18 - 01:24:42:27
Um, in what.

01:24:42:29 - 01:24:44:17
Generally happens in accordance with the.

01:24:44:19 - 01:24:46:06
Agreements, is that.

01:24:46:08 - 01:24:46:24
Uh, a.

01:24:46:26 - 01:25:14:27
Year before the agreement comes to an end, we start the dialogue with the local authorities, uh, as to what would need updating in this section 106, uh, we sit down with both Crawley Borough Council and West Sussex County Council, the two signatories to the 106 agreement. And we literally go through each schedule and each obligation, line by line. Uh, in both years, we've made changes to the agreement. Um, it's all up for discussion.

01:25:15:07 - 01:25:15:22
Um.

01:25:15:27 - 01:25:47:07
Generally, the rule is that we try and keep the changes to a minimum, but that doesn't mean we have to. And we adapt to different circumstances as we go through the process of reviewing the legal agreement on a literally an obligation by obligation. Also, every year we do produce an annual monitoring report. That annual monitoring report gets shared with the local authorities, and there is a process of, uh, audit and verification of our, um, of how we've met the obligations.

01:25:47:09 - 01:26:10:08
So over the course of a year, it's a very detailed process that we go through with the local authority planning officers. Uh, and we discuss, uh, in detail, each obligation. We also meet with the officers two times a year, which is part of the agreement. And these issues can be raised as part of those discussions as well. So it is literally a line by line review of the agreement.

01:26:10:17 - 01:26:27:25

Okay. Thank you very much. So I think we will take a short break. Now come back and then I haven't got a great deal of, uh, detailed questions, but we'll it seems an appropriate time to take that break. So it's now 20 past will come back at 22 for. Okay. Thank you.