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FULL TRANSCRIPT (with timecode)

00:00:04:29 - 00:00:52:02

Good morning. Before we start, can all those present hear me clearly? And can I confirm that the live streaming of this event has commenced? It's now 10:00. Welcome to this issue specific hearing in relation to the application made by Gatwick Airport Limited, who will refer to as the applicant for an order granting development consent for the Gatwick Airport Northern runway project. As described in the application form, the application seeks powers to enable dual runway operations at Gatwick Airport through altering the existing northern runway, lifting restriction on the northern runways, use and delivering the upgrades or additional facilities and infrastructure required to increase the passenger throughput capacity of the airport.

00:00:52:20 - 00:01:12:00

This also includes substantial upgrade works to certain surface access routes which lead to the airport. My name is Helen Cassini. I'm a chartered town planner and member of the Royal Town Planning Institute. I'll be sharing this hearing and making some introductory comments. Can I now ask my colleagues to introduce themselves, please?

00:01:13:29 - 00:01:21:27

Thank you. Good morning. My name is Doctor Philip River. I have a PhD in applied acoustics and am a member of the Institute of Acoustics.

00:01:23:06 - 00:01:30:18

Good morning. My name is Kevin Gleason. I'm a chartered town planner. A member of the Old Town Planning Institute and the lead member of the panel.

00:01:32:02 - 00:01:32:25

Good morning.

00:01:32:27 - 00:01:37:05

My name is John Hockley. I am also a chartered town planner and a member of the Royal Town Planning Institute.

00:01:38:11 - 00:01:44:08

Good morning. My name is Neil Humphrey. I'm a chartered civil engineer and a fellow of the Institution of Civil Engineers.

00:01:44:27 - 00:02:20:16

Thank you. We've all been appointed by the Secretary of State to be members of this panel, and we constitute the examining authority, or EXR, for this application. We will be reporting to the Secretary of State for transport as to whether the development consent order should be made. For those who are in the venue, you may have met Sian Evans, who is the Planning Inspectorate case manager. She supported today by Jennifer Savage and Martin Almond from the case team. If you have any questions about the examination process or the technology we are using, the case team should be your first point of contact.

00:02:20:21 - 00:02:50:29

Before we move on to the items on the agenda, there are a few housekeeping matters we need to deal with. Firstly, can everybody please set all devices and phones to silent? There are no fire alarms, tests or drills scheduled for today, so in the event of a fire alarm, please exit the room and the fire evacuation Assembly point is just outside the main entrance on the left hand side. Toilets are located on this floor and on the ground floor. Car parking charges will not apply to those attending this meeting.

00:02:51:01 - 00:03:29:28

You have any issues regarding parking? Please speak to hotel reception in the first instance or the case team. Also, when using the desk based microphones, please ensure their position close enough to your face. In addition to this in-person event, this hearing is taking place on the Microsoft Teams platform and is being both live streamed and recorded for those persons joining online, you may wish to switch cameras and microphones off if you are not participating specifically in the discussion. Should you wish to raise a question, please raise the Microsoft Teams hand function and when invited, please turn your microphone and camera on.

00:03:30:05 - 00:04:00:09

On that note, please be advised that the chat function on Microsoft Teams is disabled and cannot be used. If we have to adjourn proceedings today, including for breaks, we'll have to stop the live stream. When we recommence the meeting and restart the live stream. You will need to refresh your browser page to view the restarted stream. Because the digital recordings that we make are retained and published. They form a public record that can contain your personal information and to which the General Data Protection Regulation apply.

00:04:00:26 - 00:04:31:10

The planning Inspectorate's practice is to retain and publish recordings for a period of five years from the Secretary of State's decision. So if you participate in today's hearing, it's important that you understand you will be live streamed and recorded and that the digital recording will be published. If you don't want your image to be recorded, please feel free to switch off your camera. If any individual or group wishes to social media report or film or record during today's meeting, or any subsequent hearing, then they're free to do so.

00:04:31:12 - 00:05:09:00

But please do so responsibly and with proper consideration for other parties. This must not be disruptive and the material must not be misused. The only official record of proceedings is this recording, which will be uploaded onto the Inspectorate's website as soon as possible after the hearing. Tweaks blogs or similar communications arising out this meeting will not be accepted as evidence into the examination. The hearing today will be a structured discussion which the EXR will lead. We are familiar with the documents already submitted, so when answering a question you do not need to repeat at length something that has already been submitted.

00:05:09:18 - 00:05:39:21

When referencing a document, please give the appropriate examination library reference. Additionally, the first time you use an abbreviation or acronym. Can you give the full title as there will be people participating observing that may not be as familiar with the documents as you are. We will look to take a break at around 1130. We'll look to break for lunch around 1 p.m. for between 45 minutes to an hour. We'll also take an afternoon break at around 315, and we intend to close the hearing no later than 430.

00:05:40:24 - 00:06:10:29

The Acsa has a list of persons presence today who wish to speak in relation to the various agenda items, and we note everyone who gave advance notice of wishing to attend is present. It's not our intention to do full introductions at this point. However, the purpose of identification and for the benefit of those who may be watching the digital recording, those intending to speak are asked to state

your name, who you represent, and any preference on how you wish to be addressed. Please speak clearly into microphone.

00:06:11:06 - 00:06:47:09

Additionally, please also give your name in any organisation you are representing every time you are asked to speak during the hearing. In terms of the agenda for this hearing, it was published and placed on the planning Inspectorate's website on the 17th of April, 2024. We consider that matters. Sorry. We consider that the main items for discussion at this hearing are a range of environmental matters we feel need to be discussed in further detail at the stage of the examination. We'll conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to.

00:06:47:19 - 00:07:18:00

But if the discussions can't be completed or taking longer than anticipated today, it may be necessary to prioritize matters and other matters to retain questions. For the avoidance of doubt, at the end of discussions on each item, we will be asking the applicant for any final comments they have on any representations made during these discussions. Finally, this is a hearing and not an inquiry, and therefore there will be no formal presentation of cases or cross questioning of other parties.

00:07:18:09 - 00:07:34:18

As such, any questions you may have for other parties need to be asked to the EXR. This approach is set out in section 94 of the Planning Act 2008. Are there any questions at this stage about the procedural side of today's hearing or the agenda?

00:07:36:16 - 00:07:44:28

Now. I would now like to move to agenda item two, and I'll pass to Mr. Hockley to take us to the next agenda items.

00:07:46:13 - 00:08:19:22

Thank you, Mr. Cassini. Um, this hearing seeks to consider a fairly wide range of issues which come under the broad umbrella of environmental matters. The hearing will consider matters relating to the base case for the proposed development or the future baseline water and flooding, air quality, and the draft section 106 agreement. All these topics are or there could be quite extensive. And I know many of you will be keen to have your say here today. Um, you'll have heard from Miss Cassini of our proposed timings, and we're keen to ensure that those are adhered to. Um, and as previously mentioned, we will aim to finish by 4:30 p.m.

00:08:19:24 - 00:08:45:05

at the latest. If necessarily, any items not considered today will be carried forward into written questions. We have a fairly extensive list of questions which are primarily aimed at the applicant, but questions may also be aimed at other parties, particularly the local councils here today. The purpose of this hearing is to enable us, as EXR, to gain a further understanding of the evidence relating to the various topics within the agenda, and a number of us will ask questions today

00:08:46:24 - 00:08:58:19

to help the hearing run as smoothly as possible. In general, we intend to run for our questions on each topic stroke agenda item before asking for contributions from others present. Are there any questions on the purpose of the hearing?

00:09:00:09 - 00:09:05:07

Okay okay. Thank you. So we'll move on to agenda item three the future baseline.

00:09:07:09 - 00:09:23:04

Um. So for this section, aside from a policy document to documents, I'll, uh, mainly be drawing my questions from primarily are, uh, the applicants response to our written questions, general and cross topic, which is Rep 3091.

00:09:28:26 - 00:09:35:07

The applicant's response to our written questions on the case for development, which is rep 3084.

00:09:45:02 - 00:09:52:15

And the applicant's response to the Local Impact reports. Appendix A note on the Principle of Development, which is rep 3079.

00:09:58:18 - 00:10:02:29

There might be a few other documents that we refer to, but they're the primary ones for my questions.

00:10:11:21 - 00:10:43:00

Okay, so if we could start with a couple of questions regarding, um, terminal capacity under the future baseline, please. Um, so these draw from the responses to the general and cross topic questions that I just raised. Um, and it's a question to the applicant. Um, your answer to Gen 117 details the internal capacity of the north and South terminal for the baseline case. And table two within that answer shows the terminal capacity for both terminals for departures and arrivals.

00:10:44:09 - 00:10:55:16

Um, and my first question was just to check really I checked that the figures provided there are for for the full extent of the future baseline. So for uh, 67 million passengers per annum.

00:11:09:03 - 00:11:15:02

Scotland's for the applicant. And yes, that should be provided for the full extent of the future baseline, sir.

00:11:15:04 - 00:11:16:27

Thank you. Which.

00:11:20:15 - 00:11:43:23

So the table there, table two shows that for departures for both the North and south terminal, there will be an extra 100 passengers per hour going through the system than there will be this summer. Summer 24. So from 5400 to 5500 for the North and 3800 to 3900 for the South terminal.

00:11:45:13 - 00:12:05:02

Table three of the answer to the same question shows facilities and states that. Departure facilities, security lines, checking desks, departure lounge space, etc. um will not alter between this year, summer 24 and the future baseline provisions. Um, and I just want to check that my understanding of that was correct as well, please.

00:12:22:13 - 00:12:26:18

I'm sorry, sir. Scotland applicant. We just mind repeating the questions. We can check we have the right.

00:12:26:25 - 00:13:14:25

Of course. Yes. Um. So this is the answer to Gen 117. Um, so we're looking at table two and table three. So table two, um, shows for departures for the north and south terminal. There'll be an extra 100 passengers per hour going through the system under the baseline. Then in summer 24, um, five, uh, 5400 to 5500 for the North Terminal and 3800 to 3900 for the South terminal. And then table three, um, shows facilities and details, the departure facilities, the number of security lines, checking desks,

um, amount of departure lounge space per passenger won't alter between summer 24 and the future, um, future baseline provisions to my reading.

00:13:14:27 - 00:13:17:29

I was just checking if that was correct in Scotland.

00:13:18:16 - 00:13:19:19

Yes. So that looks correct.

00:13:19:21 - 00:13:33:03

Thank you. Um, so those 100 passengers per hour in the busy, the busy schedule today arise from the larger planes and the higher seat utilisation of planes that's described in other parts of your case.

00:13:33:15 - 00:13:48:11

Uh, Scotland. So I think we have to take that, um, away. We would need to ask those involved in preparation of these, uh, figures who are not at the table today because it relates to a particular aspect of our answer. So we need to take that away, sir.

00:13:48:13 - 00:13:53:14

Okay. Thank you. Um, there may be quite a few of my questions then you might need to take away.

00:13:53:23 - 00:14:19:06

Um, so I was I was going to say obviously because of the, um, agenda today, um, which relates to other environmental matters. The people we have in the room are mainly related to topics such as the water and flooding and the air quality. So, um, absolutely. If you have questions to ask what the future baseline will do about sounds, but we may need to take them away to ask relevant members of the team who are not specifically here to deal with environmental matters on the agenda.

00:14:19:27 - 00:14:27:12

Okay. Thank you. Understood. So yeah, I'll run through the questions, as it were. Absolutely. Yeah. Clearly, if they need to be action points, they need to be action points.

00:14:29:26 - 00:14:37:12

Um, so, um, essentially following on from that one, the next question would have been the extra 100 passengers for departures. Um,

00:14:38:28 - 00:14:46:29

I was looking for justification why they wouldn't need any additional departure facilities. Um, certain pinch points, such as security lanes, for example.

00:14:49:29 - 00:14:52:06

Well, let's take that one away, sir.

00:14:52:12 - 00:15:26:13

Okay. Um, and if we look at same answer to the question, which is concerning arrivals, um, the figures in table two state that the baseline would result in, um, 4450 passengers in the North terminal, up from 4000 203,700, up from 3350 in the South Terminal. Um. My question on that relates to the fact that that seems to be more of an increase than the departing passengers, um, and more than the 2% stated in the question.

00:15:26:16 - 00:15:47:24

I worked it out of 6% increase in the North Terminal and roughly 10% increase in the South Terminal. But according to table three, immigration desks and baggage reclaim belts, the facilities for arriving

passengers would stay the same. Um, and the question would that be sustainable, given that that percentage increase and would the service standards still be met?

00:15:49:03 - 00:15:53:18

So I think that falls into the same category. We'll take that away.

00:15:53:21 - 00:15:54:06

Thank you.

00:16:05:14 - 00:16:15:14

It's possible this 1st May be as well, but, uh. Yeah. To what extent are you reliant on a UK Border Force for immigration operations and meeting your own service standards?

00:16:17:11 - 00:16:18:23

So we'll take that one away to.

00:16:30:14 - 00:17:06:18

Leading on for those questions. Um. Um, I have a question related to easyJet's relevant representation, um, where they noted that, in their view, current critical infrastructure at Gatwick, including an off to terminal departure facility, is full or close to full during the morning peak hour. Um, making it impossible, in their view, to add more aircraft or to upgrade the larger aircraft with more seats. Um, they noted that there is no capacity to expand on the current security infrastructure within Gatwick and no increase in security resources at peak times, leading to long queues and delays.

00:17:07:07 - 00:17:29:09

Um, my question on that was based on how that's squared with your answer to, um, Gen 117 and your proposal for no more departure facilities. Um, and where obviously you replied to, um, easyJet's relevant representation, but the response seemed to be more about the the project as opposed to the baseline case as well.

00:17:29:11 - 00:18:00:15

So I think Scotland's applicants will need to take that. Um, uh, a way to I mean, we accept the point, uh, in relation to the approach taken at Gen uh 117, the general principle that I think may well apply to answer the most of these questions, um, is that, uh, as far as the baseline is concerned, the airport has as its disposal means to manage, uh, the movement of passengers through, um, through the airport and the project case.

00:18:00:25 - 00:18:29:23

Um, the increase in throughput, uh, in the baseline, we would say, um, uh, is modest. Um, effectively, as peak slots have been declared and they don't exceed the current maximum of 55, so that any growth is going to take place as effectively beyond the peak hour. So there's not going to be pressure placed on the on the peak use of terminal facilities. I think that's the broad answer to the question. But insofar as we need to deal with the specifics of what Easyjet are saying, we'll take that one away too.

00:18:31:11 - 00:18:47:23

Thank you. Yeah, I understand your point. I think my I suppose the question would have been about the arrivals where, um, you know, on my reading it was around about a 10% increase. So to a layperson, you'd assume possibly a 10% increase in facilities will be required.

00:18:48:29 - 00:19:04:27

Um, Scott, for the applicant, I think I can say that we wouldn't accept you correlate a 10% increase in passenger to the 10% increase in facilities for the broad reasons I've given, but we can explain this further. And and any action point that follows this hearing. Thank you.

00:19:05:01 - 00:19:05:19

Thank you.

00:19:20:09 - 00:19:34:04

Okay, so, um, if we can move on to some matters from your response to the, um, the local impact reports appendix A, so let's note on the principle of development. That was rep 3079. Um, and I was just going to pick out some quotes from that document.

00:19:38:04 - 00:20:06:02

So they'll say this was in response to the local impact report. So in response to the view of the councils. Um, so firstly paragraph 4.1.3, um states that the applicant does not fully understand the case being made by the Joint Joint Local authorities to the extent that the airport is demonstrably busy, to the point where delays are arising there and there is a lack of resilience, these are reasons to excuse me. These are reasons to support the Northern Runway project.

00:20:08:22 - 00:20:38:15

Paragraph 4.14 states that a recognition that the airport is under pressure at peak times, and that there would be a benefit in providing more capacity and resilience. And finally, paragraph 4.1.9 states that the purpose of the application is to increase capacity and improve resilience. Um, and it was leading on from the previous question to really, how do all those answers fit with a baseline case where in effect, few new terminal facilities would be provided, yet passenger numbers are forecast to rise to 67 million passengers per annum.

00:20:41:15 - 00:21:14:08

Um, the, uh, Scotland is for the, uh, the applicant. I think the points that were being made in response to the local impact, uh, report, uh, related to comments that were raised by the Glas in relation to the performance of the the airfield, including the ability to achieve, uh, flight movements, um, uh, airside, um, and the ability to achieve the forecast numbers of, uh, of movements.

00:21:14:10 - 00:21:55:25

And the broad point that was being made in the local impact report was that to the extent that any concerns were expressed about those matters by the Glas, then those were matters which actually improve the case for the scheme insofar as they improve that. That's I think that that approach, taken in those questions, is slightly different from the creation of the terminal, um, uh, capacity. Um, and for the reasons we've given and Jan 117, um, we don't see those issues operating in the same, um, way because we don't see the terminal capacity raising, um, issues relating to resilience in the same way as we dealt with and the local impact report response.

00:21:55:27 - 00:22:04:27

So I don't think we would see the points that we're raising and the paragraphs you've mentioned is carrying across and any debate over a terminal capacity, which we've looked at separately.

00:22:05:01 - 00:22:10:21

Okay. Thank you. So to summarize you, those quotes relate to airfield capacity rather than terminal capacity.

00:22:10:23 - 00:22:14:06

I think that's essentially true. Yes. Thank you, thank you.

00:22:21:03 - 00:22:56:16

Yes. Scotland for the applicant. I think the only thing it says that the only area you might have in common is that, um, as far as the terminal capacity is concerned, one's looking at growth, um, off

peak and the airport is confident that it can handle the increase in passengers because any changes in the future baseline or changes which mainly are attributable to growth outside the peaks, um, and essentially as far as the um, flight movement, um, information is concerned and ATM movements are concerned.

00:22:56:22 - 00:23:18:17

It's a it's a similar, uh, as a similar point in the sense that part of the reasons for the growth and future air traffic isn't so much peak growth. It's due to other factors which aren't purely related in increasing flight movements in the peak. So there's a degree of similarity as far as that broad conceptual point is concerned. But analytically, the terminal capacity has been looked at separately.

00:23:19:05 - 00:23:37:09

Okay. Thank you. That kind of relates back to one of my earlier questions was about whether the the extra, um, passengers for our comfort. It were obviously that was the busy hour. So they were based presumably on larger planes and um, higher seat utilization as opposed to, to kind of the separate issue of peak spreading.

00:23:38:14 - 00:23:38:29

Yes.

00:23:39:21 - 00:23:51:21

Those are separate influences which relate to the increase in inflight movements. There will obviously be a carry across and to terminal capacity as well, but analytically it's looked at separately.

00:23:51:24 - 00:24:25:12

Okay. Thank you. Um, so I just had a quick question, please, on the, on the the kind of the peak spreading issue, um, which again may be one that you need to take away, but, um, in paragraph 6.1.30 of the same document, the response to the ERS, appendix A, um, you stated a third bullet point that if the project is not approved, um, that the avenues through which the airport and its airline customers can seek to grow and satisfy unmet demand will be more limited.

00:24:25:14 - 00:24:44:14

And this will increase the focus on those avenues, such as improved seasonality, which are available under these circumstances. The seasonal price signals offered under the published tariff and bilateral agreements may be stronger, which would in turn support peak spreading. Um, and I wondered if you could elaborate on that paragraph for me.

00:24:47:02 - 00:24:47:17

Come.

00:25:03:27 - 00:25:36:01

Um, and then paragraph 6.1.32, the same document, um, refers to Heathrow and the potential for some operations to move from Heathrow to Gatwick. And that states that while the pandemic has created some slot opportunities to accommodate the spill or transfer of demand from Heathrow, the airport so that's Gatwick is also full during the peak summer season and the scope for additional services is therefore very, very limited, particularly as airlines will not launch new services without access to the lucrative peak summer slot capacity where the most profitable opportunities lie.

00:25:36:23 - 00:25:43:01

Um, so the question was about how that statement squared with the peak spreading proposals or predictions.

00:25:50:12 - 00:25:56:05



It's called lounge for the applicant. Um, rather than risk saying anything myself. And I think we need to take that one away, sir. Thank you.

00:26:05:22 - 00:26:16:09

Okay. Um, if we could move on to, um, full capacity now. Uh, and this is a question to the, um, joint local authorities. Um, in the first instance.

00:26:20:10 - 00:26:36:00

And I wonder if you could run through for me any concerns that you have or may have over the runway capacity for the base case to handle the extra numbers of planes forecast? Um, I know in your evidence previously you've mentioned issues about, um, simulation modeling. Thank you.

00:26:37:13 - 00:27:09:24

Thank you, sir Michael Bedford. Joint local authorities are bringing in Miss Conklin to provide you with a specific answer to that query in a moment. Um, but just to sort of make the point that you will have seen, uh, that, um, Miss Coleman has provided, uh, both, uh, in her submissions, uh, at deadline one, but also in her submissions on behalf of the authorities at deadline.

00:27:09:29 - 00:27:50:02

Uh, three, uh, some clear, uh, concerns, uh, which remain outstanding. Um, that rep 1069 was the initial report, and then rep 3123 was the, uh, second the deadline three uh, report. Um, and although the applicant has provided some response material to the rep, one document and there's an element to which the exchanges are slightly out of sequence, which you may have picked up in the, uh, um, uh, material.

00:27:50:09 - 00:28:05:02

Uh, nonetheless, our current position, uh, is that there remain serious outstanding concerns. So I'll bring in, um, Miss Conklin now, uh, and then she can directly focus on your particular questions about full capacity.

00:28:06:27 - 00:28:47:07

Good morning, Louise Congdon for the joint local authorities. Um, yes. We have had some further dialogue with the applicant since the last hearings. And I think in relation to the base line capacity, they very kindly provided some some further material, which I appreciate isn't, isn't before you and I'll leave it to them as to whether they wish to put it before the inquiry. Um, examination the position we have on the runway capacity and the airfield capacity in the baseline is one of acknowledging that they're not proposing to increase the declaration of capacity over and above that which is already declared.

00:28:47:22 - 00:29:24:28

And our concern, therefore, has been that the level of delay that the carriers have experienced, as referenced by people like Easyjet and IAG and the airlines more generally is of a level or has been of a level which is likely to act as a deterrent to them seeking to put additional flights into Gatwick because, although the delays materialize as a consequence of the morning peak hour and later peak hours in the day, the level of delays are such that they don't dissipate for some time.

00:29:25:00 - 00:30:00:24

In other words, you build up a queue at the runway and that queue lasts and the aircraft joining the end of the queue may be in a quieter hour with spare slots, but is still experiencing that delay. So the position we've taken on the baseline is that the effect of those delays, prima facie, is part of a deterrent to the airlines increasing their throughput. I acknowledge, and I think we do in rep three one, two three, that the recent opening of uh, rapid exit, um, taxiway from the existing runway has ameliorated to some degree, arrival delays.

00:30:00:26 - 00:30:35:01

And although we haven't seen the outworking of that, my knowledge of how airfields operate tells me that there will be some reduction in overall delay as a consequence of that. And the airport, I know has looked at that and simulated it. So prima facie, I'm saying airfield capacity is probably at a level where it's the maximum you can attain. I think that brings me on to the point that I was going to have made, if you hadn't already, sir, which is to point you to paragraph six 132 of 3079, where the applicant itself gives all of the reasons why.

00:30:35:03 - 00:31:08:01

Given that position, it will be very difficult to attract airlines to operate new services. And I would also draw your attention. So on that point, if I may, to um, the Markets and Pipelines report, which is on X6 to the forecast data book app 075, where they talk about attracting 47 year round additional services. And in the light of paragraph six 132, I can't square where you can possibly attract 47 new services.

00:31:08:05 - 00:31:23:23

Given the applicant says it's very difficult to attract new services because you can't offer the peak slots when they can make most money. So that's where my difficulty lies, is how you convert that capacity to an achievable passenger throughput as an appropriate baseline.

00:31:25:22 - 00:31:26:10

Thank you.

00:31:28:19 - 00:31:29:07

Mr. Linus.

00:31:30:01 - 00:32:04:27

Response Scotland for the applicant. Um, I won't provide a response at this stage, because the identified and the parties are going to continue discussions that have been, uh, to date through the statement of common ground process, and we'll continue to do that. Um, and, uh, insofar as we need to provide any further, uh, material in response to what the Glas have said in their recent documents, we can we'll be providing that a deadline for in any event. So rather than enter into that debate now, we just said those discussions are ongoing and we can provide a response to the next deadline.

00:32:05:18 - 00:32:11:05

Okay. Thank you for that. Um, and now further question to joint local authorities as well. Um, please.

00:32:13:00 - 00:32:31:09

And it could well be for misconduct as well. Um, I believe in in your evidence, you considered it. The baseline case would actually be in the region of 50 to 55 million passengers per annum. Uh, maximum. Um, and I wondered if you could give me any more information on why you consider that to be the case and how you've arrived at that figure, please.

00:32:32:27 - 00:32:37:13

So you're absolutely right. That's a question for Miss Condon. So I've just turned straight to her. Thank you.

00:32:39:10 - 00:33:10:23

Louise Condon, for the joint local authorities. Um, we've arrived at that view, and I. I'm not putting a precise number on it, because we don't have all the information that the applicant has to enable us to do a detailed analysis. But when I look at the components of growth that they set out in the various

documents, including, um, AP 075 and in in 1052, when I look at all of the material in the round, then I.

00:33:11:23 - 00:33:44:17

Cannot for the reasons I said in my previous answer, understand how you get the degree of peak spreading and offseason growth, given the lack of availability of slots through airlines. Attractive for airlines to start new services. That pushes me back to saying, what's the scope for load factor and aircraft size growth? And yes, we know that there is aircraft size growth happening as airlines like Easyjet upgrade from A319 aircraft to A321 aircraft.

00:33:44:19 - 00:34:18:03

So we can see that and we can forecast and predict that. And indeed, as the applicant several times refers to in their documents, we looked at that very same issue for Luton and what it would mean for average drift upwards the aircraft size. So yes, ticking the box aircraft size growth, load factor growth slightly more cautious view perhaps than the applicant. But where I can't square the circle is on the ability to achieve much growth through seasonal and through peak spreading. So largely I formed the view based on what's a reasonable amount of growth coming from aircraft size growth.

00:34:18:14 - 00:34:43:28

And I also perhaps am a bit more prudent and cautious about long haul aircraft size growth, because in practice, the phasing out of some of the larger long haul aircraft, um, you know, including things like the A380 that Emirates operate, the phasing out of those aircraft actually will reduce the number of passengers per movement. So there's less evidence that the long haul passengers movement is going to grow, even if long haul services do grow.

00:34:47:07 - 00:34:49:17

Thank you. Uh, Mr. Linus.

00:34:50:15 - 00:35:25:06

Uh, Scott Lyons for, uh, the applicant again, we respond at deadline for. But just to make a couple of very broad, uh, points. Um, I mean, we've got, um, you know, confidence in our, uh, forecasts. We don't set a forecasts, uh, or anything, but robust. The forecast is not inconsistent with what we've historically achieved in recent years. And in fact, what we're suggesting represents more modest growth in the airport is achieved recently. Um, the growth in the future baseline isn't mainly attributable to, uh, peak growth.

00:35:25:08 - 00:35:56:15

And the majority of the change is attributable to a number of factors in relation to the peak spreading that's been mentioned. This has been a consistent feature of our operations. And just as the figures show, a decreasing ratio between the peak month and year on schedule and average up to 2019, the forecast will tend to decrease in trend going forward. So we say it's a well-established trend. It's entirely reasonable to assume it will continue in relation to aircraft sizes.

00:35:57:00 - 00:36:23:27

Um, the growth achieved in the forecast is at less than half the rate of historical trends at the airport under relation to load factors, the assumed growth and seat occupancy, um, that we're assuming between 2019 and 49 was comparable in growth to the nine years up to 2019. So this is a broad propositions that I mentioned at this stage. But obviously discussions are ongoing and we can come back with greater detail at the next deadline.

00:36:24:28 - 00:36:29:15

Okay. Thank you. So would that be, um, another action point, that one you wish to come back?

00:36:29:17 - 00:36:52:10

Um, we're content to take that, um, away as an action point because we'll do, um, matters are being discussed. Um, still with, um, the JLA through the statement of common ground process. Given that's been raised today, we're we're able to put at least a provisional answer on that deadline for. And then that will obviously develop those matters. Um, progressed with the JLS.

00:36:52:18 - 00:36:53:14

Okay. Thank you.

00:36:54:28 - 00:36:55:20

Thanks, Mr. Rhodes.

00:36:57:00 - 00:37:29:02

I'm sorry. Sorry. I wasn't expecting to speak this morning. And I'm not expert in these matters. But if I can help you just a little bit. Um, from the applicant's perspective, because I am involved in working with the capacity and the forecasting team at Gatwick, and I'm not at all expert in those matters, but I think if they were here today, there are 3 or 4 things they may say. Um, and certainly we should take away these issues and provide you with a comprehensive response. And it's very helpful to have the detail of your concerns because I'm confident we can address them.

00:37:29:04 - 00:38:00:04

But just to say perhaps 3 or 4 things, um, one is the concern that the local authorities have that delay at Gatwick is deterring um, airlines from Gatwick is just not the case from Gatwick perspective. And in our deadline three submission, we announced a number of new airline entrants at Gatwick. And we said in terms because it's true that none of them had expressed a concern about capacity issues or delay at Gatwick.

00:38:00:24 - 00:38:34:12

Um, and I think one of the issues which I think is, uh, live is, well, if Gatwick is full, how can you attract, uh, new airlines, for instance, from Heathrow? And we can respond to that by demonstrating that we do. Gatwick has been full for several years now in terms of peak capacity, but there's an opportunity to trade up slots or for airlines to swap, um, slots. And certainly there have been a number of movements from Heathrow to Gatwick in recent years.

00:38:34:14 - 00:39:14:09

So that's how it's achieved within the same capacity. Um, the other thing to say is that deadline one, we submitted, uh, modelling, which was different from the modelling which is had seen before that point. Um, and that resulted from the discussions that we'd helpfully had with her at the end of last year, in the beginning of this year, where she'd asked for a lot more detail in the modelling and the modelling information that was presented at deadline one and, um, reinforced at deadline three, but principally presented at deadline one showed significant less delay than I think the local authorities had understood.

00:39:14:15 - 00:39:50:13

Because we think the modelling is getting closer to reality. It's starting to replicate what actually happens at Gatwick. And modelling, as you will know, is not straightforward. So the modelling case that we presented, we think is conclusive both as to correlating with the current levels of delay, but also forecasting delay in the future baseline and forecasting delay in the NRP. And it shows a progression of improvement in terms of delay because of the RET and because of other issues which Gatwick are taking.

00:39:50:15 - 00:40:28:20

And I think it's fair to say that we had a very full day, a useful day with Mr. Compton at the airport the other day, and we showed her the simulation and she asked for, um, access to more modelling. Um, and she signed an NDA with us. We provided that modelling as video modelling to support the modelling output, and I don't think Miss Constance had a full opportunity to work through that information yet. But when she does, we look forward to a response to that and very happy to answer, um, any further questions about that? Um, I think the other thing is that the team would say are.

00:40:29:18 - 00:41:03:07

That actually, we're not declaring more than 55 movements per hour. Um, despite the RET, despite the increase in resilience. Um, and so that will obviously help with, with resilience at the airport and help with delays. Um, and the, the reason we submitted that document, which is setting out the future baseline, is to explain that it's constructed from a series of what we think are logical steps, the way that we've worked through to arrive at the future baseline.

00:41:03:22 - 00:41:34:03

And whilst Miss Coughlan is not yet convinced, but we would like to get to is a point of understanding exactly which steps this continent is not convinced about. And so what we've done is we've provided a draft statement of common ground, which breaks down our deadline one submissions into a complete series of. Propositions from us of our position to find out which ones are in dispute, so that we can examine those further.

00:41:34:15 - 00:41:58:18

But but just to say, from my perspective, um, I spent a lot of time with the capacity team at Gatwick. They know how to run the airport. Um, they run the busiest single runway, uh, in the world. And they are very confident of the capacity. And I think slightly frustrated that they've not been able to communicate that properly to this examination. And we look forward to, to the opportunity to do that.

00:41:59:12 - 00:42:00:12

Okay. Thank you.

00:42:02:09 - 00:42:05:02

Um, Mr. Bedford, Mr. Conklin would like to come back on anything now.

00:42:06:05 - 00:42:17:16

Thank you sir. I'll ask Miss Congdon first if she wants to make any specific response on those points. But then there is a wider point in the sense that flows from that, that I think I would want to make. So, Mr. Cunningham, first.

00:42:17:18 - 00:42:18:03

Thank you.

00:42:19:06 - 00:43:07:03

Thank you, Louise Condon, for the joint local authorities. Um, just responding to to Mr. Rhodes three points and I'll deal with his third point first. Um, we very much appreciate the cooperation from the applicant in terms of looking at the capacity issues. And I think it was I've tried to indicate in my previous response and certainly tried to indicate in rep three one, two three, the concern with the baseline is less about the capacity as a how many flights per hour can the airport handle? It's more been about how that capacity translates to a volumetric throughput in terms of annual movements and annual passengers that are then assessed through the environmental assessment, and whether that provides an appropriate baseline for the environmental assessment.

00:43:07:08 - 00:43:39:22

I think that differs from the ongoing concern we've had, which the applicant is seeking to resolve with us about the capacity deliverable by the Northern Runway project, which so there's a slightly different issue in case the baseline and the northern runway project. And it's that northern runway project capacity that I'm still working through with the applicants help. But in relation to Mr. Rhodes other two points about the baseline. Yes, I'm aware that a number of new services have started at Gatwick in the last 12 months.

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But they've started in circumstances where there was a lot of spare capacity at the airport because of the recovery period from the pandemic. So they started at a point in time when the airport was operating below its historic capacity levels. And so to some extent, they weren't facing the deterrent effect that would be faced going forward once the airport returns to 2019. Traffic levels, which I think is where the airlines are expressing concern about levels of delay. And and, you know, I accept the mitigation that to some extent from the rapid exit taxiway, as I said before.

00:44:15:09 - 00:44:46:16

But, you know, in terms of airlines moving across, you know, yes, Mauritius has moved across from Heathrow, but it's moved across from Heathrow in circumstances where there were spare slots at Gatwick, not not having to trade for them. And in terms of trading slots, again, I fully accept that airlines have paid for slots at Gatwick and may be willing to pay for slots in future because it is the next best alternative to Heathrow for many airlines that want to serve the market, particularly a market south and west of London, it's the next best alternative.

00:44:47:04 - 00:45:29:16

But slot swaps and trading is not net grossing movements. It's the same movement, but maybe operated by different carrier. Different type of service may carry more passengers, may not carry more passengers. So we need to be careful about understanding what is growth and what is a response to a circumstance coming out of the pandemic, and what is the response to the circumstances of stock trading? Again, in my experience, they won't necessarily generate the level of growth that gal has assumed in its base case in terms of the conversion of the capacity available in the baseline to the future throughput for environmental assessment purposes.

00:45:31:24 - 00:45:32:09

Okay.

00:45:33:22 - 00:46:14:13

Thank you, Sir Michael Bedford for the joint local authorities. Sir, if I can then make some more general comments on this issue of the future baseline and, um, our concerns. Obviously, I just observe that we're now at the 1st of May in the course of the examination. Uh, and this concern, uh, is not a new concern. It's obviously been ongoing, both since the, um, submission of the application and its acceptance, but it actually features in the dialogue that has been, um, undergoing between the applicant and the joint local authorities and their consultants, pre-submission of the application.

00:46:14:15 - 00:46:47:14

So it's not a new point. So that's, uh, first by way of context. Second, um, clearly, um, what the applicants approach to what it says will be the forecast passenger demand in the absence of the project, the 67.2 million um, passengers by 2047 is obviously used. It's embedded into the knead case. It's also embedded into the to and the assessment in the eyes of traffic.

00:46:48:01 - 00:47:22:23

And it also features and feeds through to other S chapters which are reflective of or informed by either aviation activity or surface access activity, particularly noise particulate air quality, uh, greenhouse gases, uh, and to some extent, biodiversity. There is, as you're aware, there is a threat. It's therefore important for the examination, uh, to ensure that the approach that the applicant has adopted is robust.

00:47:22:25 - 00:47:56:28

I know that's the language that Mr. Lyness used to describe their position. They regard it as robust. Um, we would say simply as a general point that, uh, air traffic modelling and forecasting, uh, is perhaps as a discipline, less clear cut, uh, than, for example, some other areas of modelling, um, and traffic modelling, conventional highways traffic modelling is perhaps more um, uh, well established.

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Um, and that is in part we would suggest, because where you're dealing with passenger demand forecasts, particularly with a mainly leisure driven airport, as at Gatwick, where you're dealing with what is largely discretionary activity. It's clearly very sensitive to economic conditions, externalities having impacts. And also clearly also, uh, as it were, unlike, let's say, um, a piece of road infrastructure.

00:48:34:06 - 00:48:46:08

Uh, Gatwick doesn't exist in isolation, but in a competitive marketplace with other, uh, airports, uh, some of which are seeking to serve the same, uh, demands.

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And so the likely evolution of the baseline environment in terms of passenger growth is influenced not only by what Gail does and can do at the airport to grow its business, but also by what others do elsewhere and by what the wider economy does. And in fairness, as Mr. Rhodes, I think just made the point that modelling in this context is not straightforward and says that that becomes apparent from all of the the documentation.

00:49:22:22 - 00:49:56:28

And it's in that context that we consider that what the applicant has predominantly provided for you is not an outcome for the future baseline of what is likely, but more an outcome of intense what is possible or what is capable of being provided. And there are a number of instances where the the applicant's language and sense tends to support that.

00:49:57:10 - 00:50:27:28

And in the forecast data book paragraph 8.2.1 and that's app 075. When the applicant talks about its forecast, it talks about what it will be able, i.e. the airport will be able to handle in the future baseline scenario. And when it responded to your action points after ish 4 in 1 065.

00:50:28:00 - 00:51:02:19

In relation to action point one, which was on the future baseline issue, um, the applicant's response was couched in terms of paragraph 2.2.7.2, what it is able to achieve, 2.2.7.1 as to what may be achieved. Um, and so we see that issue as being one where clearly there is still an outstanding disagreement between the joint local authorities and their consultant and the applicant.

00:51:02:21 - 00:51:33:01

And notwithstanding that, we welcome and we intend to continue to participate in the dialogue that's ongoing. We don't feel at the moment that matters are getting close to being resolved. On the future baseline issue. There may be more progress being made on the with development scenario, and we welcome the opportunity for Miss Congdon to view the simulations and allow that to inform her thinking.

00:51:34:28 - 00:52:13:03

Now, obviously, the applicant in their most recent deadline, three submissions, has made it very clear that they do not accept that the lower figures that York Aviation have provided are more realistic as a test for the, um, future baseline. And so the question for you with respect and sense is what how are

matters to progress now? Uh, clearly, we would accept on behalf of the joint local authorities that you're unlikely to be in a position to have reached a concluded for you at this stage of the examination on the debate.

00:52:13:12 - 00:52:50:09

But we would say that unless in a sense, you're already of the view that the York aviation work is not credible or not plausible. And we would suggest very strong reasons why you should not be of such a view. Then we would suggest that a sensible way forward would be to ask the applicant, without prejudice to its case and its well charted in DCO examinations, of asking applicants to do something without prejudice to their primary case.

00:52:50:25 - 00:53:24:09

But we would, um, encourage you to ask the applicant, without prejudice to its case, to provide some preliminary sensitivity testing using a lower level of future baseline demand as they miss Condon's, given her figures of 50 to 55 compared to the the 67, and to see what effect that is likely to have not on every single environmental topic. But on key environmental topics, obviously.

00:53:24:17 - 00:54:19:00

Um, noise would be a key one. Traffic is a key one. Economic effects be a key one because what we're concerned about is at the moment. When the authorities are responding to the applicant's material. The response, as it were, has to start. What? We don't accept your starting point so we're not able to engage with your conclusions. And that's clearly not helping the examining authority. Um, whereas if there were, um, a um, I say without prejudice, the applicant's case, uh, there were the provision of information on what? Supposing Miss Condon was right? What does that mean for the future baseline? And then for what does that mean for the gap between that future baseline scenario and the with development scenario, the examination can then move on.

00:54:19:02 - 00:54:55:22

We could engage with that information. It may well be that in some environmental topics will say, well, okay, even if this is right the outcome doesn't make too much difference. I mean, maybe air quality, it may be an instance where even if there's a lower level of, um, activity. Because of the way that the assessment works, it may not change where you end up. Noise. It's unlikely to be in that category. It might be in a very different category, because obviously the tenor of the noise controls and how you would secure them, you would be looking at different things.

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Traffic will obviously be a different thing. So so what we would like to be in a position is that we're not here, whether it's in June or whether it's in July, simply saying, well, the dialogue has continued, but we've still got an impasse. So we would invite you at this stage because I say it is the 1st of May, the examination has some time to run, albeit that it's still a tight timetable. But since if the applicant was invited at this stage to do some work, there would be time for that. We would think to feed into further deliberations and hopefully help you to reach a conclusion on what is clearly not only a contentious topic, but it's also, as it were, a thread that runs through the tapestry of the examination because of how important the future baseline is to all those various environmental topics.

00:55:44:03 - 00:55:56:08

So. So I think that's a point we would strongly press on you, and we would invite you to strongly consider making such a request to the applicant at this stage of the process. Thank you.

00:55:56:24 - 00:55:57:23

Thank you, Mr. Bedford.

00:55:58:21 - 00:55:59:06



Um.

00:56:00:15 - 00:56:39:02

To some extent, you've almost pre-empted my next question as well there, Mr. Bedford. Um, so I'll come to you in a second, Mr. Linus. But my next question was relating to the very topic, actually, that Mr. Bedford has raised. Um, there was I think there's paragraph 5.13, which is in rep 379, which is your response today? Um, to the local impact reports, um, where you state that if the local authorities are right, and this is about their view of the future baseline, um, and that baseline capacity is lower than the applicant states, then the impacts from the NRP would be greater.

00:56:39:23 - 00:56:55:25

Um, but if the authority is right about baseline, capacity to need would be even greater, as would its benefits. That's what it says in that paragraph. Um, so as I said, that was my next question as well, where it would be possible to provide any analysis of that or any sensitivity testing.

00:56:57:09 - 00:57:27:15

Um, Scotland has to see Mr. Rhodes had his light on. I'll probably deal with this first, then and then come to him. Um, for first point. Um, sir, is that, um. As far as the forecasts themselves, which have been discussed in brief this morning, I have to maintain our position that we regard those as robust, um, and based on robust assumptions. Um, as I have indicated, albeit an outline today.

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Um, the as explained in the future baseline technical information, we've put in, the assumptions that we have fed into our future baseline are based on historic patterns, which are followed through on a conservative basis. We would say, as far as the future baseline is concerned, and we don't accept the proposition that there have been overestimated. And we can explain that in more detail later on. So we don't accept the first proposition that there is sufficient uncertainty here that would require, um, a sensitivity test.

00:58:03:04 - 00:58:57:24

Um, second point is that, in fact, what the JLS appear to be suggesting may not be actually a sensitivity, um, at test, what they appear to be indicating is that having problems with the future baseline, as a matter of principle, we just don't accept that we should be required to effectively revisit the environmental step and potentially the broad manner which at least part of the submissions, um, indicate. Um, the third point is that, again, as far as the utility of any further work might be concerned, uh, we're not entirely clear from the way that the issues are being presented by the jazz and discussions or here, the extent to which their point might make any difference as far as EIA terms are concerned, because there may be factors which, from their point of view, affect the baseline but also affect the project's scenario.

00:58:58:04 - 00:59:30:05

And in terms of assessing what the impact of the project is, it's not clear the extent to which the point they're raising actually raise issues as far as the delta caused by the project between the future baseline and the project scenario is concerned. I'm not entirely clear how that plays out. Um, and secondly, as we've said, if anything, aspects of the approach would potentially strengthen the benefits of the project, which progresses towards the proposed ATM cap, because the scheme would bring even greater benefits than have been assumed.

00:59:30:24 - 01:00:01:03

Um, if in response to that final point, so you're saying would you like some more information about how we've reached that view? We can, of course. Um, uh, we can of course, provide that. Um, the other point I would make is that, um, as far as important aspects of the EES are concerned, I think of noise, uh, the carbon action plan, the air sacs, as you'll be aware, that mitigation has been provided relates to the project scenario.

01:00:01:15 - 01:00:34:23

And it may well be, as far as we are concerned, anyway, that if one's looking at the success of those mitigation measures in relation to the project as a whole, it's not clear where the concern of the local authorities actually, uh, goes, because if we're if we're for mitigating effectively against the effects of the project, uh, and one's looking at the results of that, it's not entirely clear whether the future baseline debate that's being advanced by the local authorities will have any ultimate effect on the decision. Um, I think what I'd have to do in response to Mr.

01:00:34:25 - 01:01:13:21

Bedford suggest, I think we have to say that as a matter of stand, we're not persuaded that there is a need for us to do this work, but we can reserve our position in the manner that the request has been made, noting that it's mentioned as a preliminary piece of work to at least understand, um, what utility or benefit there might be, and exploring the points that we've raised already i.e. would it make any difference? Um, what implications would it would it have on any need care. So if this is the approach that the the JLS are taking, and secondly, whether it would have any utility in circumstances where we're proposing mitigation for the total effects of the project.

01:01:13:23 - 01:01:50:11

And that's the most important issue to consider. I think we can we're happy to take an action, a way to at least, um, consider where those points may lead and where what substance there may be. And the suggestion that we've made, for example, that the need cares would improve or that there wouldn't be any change ultimately. And the results to the AA work, I think we can explain that a little bit further, but I'd have to reserve our position as to whether or not, um, there would be any utility and conducting the more extensive work which Mr.

01:01:50:13 - 01:02:06:27

Bedford appears to hold in prospect, because that's not really a sensitivity, um, assessment. It's effectively a disagreement with our future baseline. And for the reasons we've given, we just don't accept we should be going there. Mr. Rhodes can add to that if he wishes.

01:02:07:12 - 01:02:39:02

Um, John? John Rhodes. With the applicant. If I can just add a couple of points to that, I mean. Firstly, to say it's certainly not been part of the approach to the application that we should exaggerate the future baseline. In fact, there's no incentive for Gatwick to do that. What it tends to do is underestimate the need case or underestimate the benefits of the of the project. Um, what we did do is ask the airport team to tell us what the future would be without the northern runway project, and they are expert in that.

01:02:39:04 - 01:03:13:05

And as I said earlier, it's of some frustration. We've not convinced others of that yet, because the growth in the future baseline is actually relatively conservative and based on trends that can be observed. And it represents a slowing down in the growth of Gatwick. But just to answer this particular point that Mr. Bedford raised, trying to support something in the way we express ourselves about capacity, um. Gatwick has lived with being subject to excess demand for years.

01:03:13:07 - 01:03:46:14

Now the team is absolutely confident that if capacity can be created at Gatwick, airlines will respond to it. And that's why we had understood coming into the examination that the concern was about capacity, not about demand. It does seem now through the additional modelling that we've presented, um, that there's less concern about capability, what's possible. There's now more concern expressed at deadline three by the local authorities that we may not be able to fill that capacity, as Mrs.

01:03:46:16 - 01:04:24:01

Coughlan just said. Can it translate into throughput? And so, for instance, one of the issues she's properly raised is if you have a cycle of planes leaving and coming back, leaving and coming back, is that necessarily creating a cycle during the day that you can't fill those hours which are not at 55? That's a new point raised a deadline. Three it's a perfectly legitimate question to ask. It's something that we want to respond to. Similarly, um, I think it's fair to say that Miss Confidence not had the full opportunity to look through the modelling that we provided relatively recently in the videos that we provided to her.

01:04:24:19 - 01:05:01:04

In other words, the conversation about the future baseline is not complete. Um, the figure of 5055 is the figure most commonly used at Luton, when she had to estimate the capacity of Gatwick. Since that time, a lot more information has been provided. So if you were to ask us for a sensitivity test, you'd have to choose a different future baseline and with respect, that would have to be justified in the same way that we've tried to justify our future baseline, because there are infinite sensitivities that you could carry out, but they have to be worthwhile and based on something.

01:05:14:08 - 01:05:46:18

Okay. Thank you for that. Um, I suppose, um, to be fair, you used the term sensitivity a few times, and that was my word rather than Mr. Bedford, so I should. I should say that in fairness, um. I suppose the issue really is that, um, Mr. Bedford mentioned the examinations. Tell us a little time to run, but we are a third of the way into it now, two months out of six, and this does seem like quite a big sticking point. I mean, it's fair to say that between, um, yourselves and the joint local authorities.

01:05:48:01 - 01:06:14:00

Um, I appreciate also that you mentioned earlier that you're, you're in, um, correspondence conversations and so on with, um, the joint local authorities. And there's information going back and forth and under the terms of NDAs and so on. Um, I understand that a lot of that information will be commercially confidential, obviously, but if there's any more information along those grounds that can be issued to the examination, that would be useful for us in.

01:06:15:07 - 01:06:53:08

Scotland for the applicant. Um, as for the provision of more information, and of course, to the extent that there's information that we can provide that will assess the exa and advancing these issues, we will provide it. The second thing I would say is that obviously, discussions are ongoing, and part of the difficulty we have with the suggestion is that, um, the apparent request is being made is in relation to discussions which have not yet concluded in respect of which further, further, um, discussions are taking place, not least to the, to the to the next point that is, Mr.

01:06:53:11 - 01:07:26:00

Rose has just said if there is going to be some request from the JLR to prepare some kind of sensitivity, we can't be expected to do that based on a figure of, say, 50 to 55, which hasn't been, uh, which hasn't been substantiated. Because if, you know, if you're conducting any sort of task, whether it's regard as a sensitivity or another look at the baseline, it's not as simple as as pecking out a figure of 50 to 55. And then, um, uh, just applying that across the piece to your environmental statement.

01:07:26:14 - 01:08:19:10

Um, there needs to be some rationale for whatever future baseline is being suggested. At the moment. We haven't seen material which would be, um, sufficiently cogent and other in order for an assessment without form to be to be undertaken. So at the moment, that's why I think we just have to reserve our position. I appreciate where we are in the examination timetable. Um, but these discussions are, uh, are ongoing and it may well lead to position, as we've indicated, for example, that, um, if there is fundamental mitigation which is being debated elsewhere in the examination, so the noise envelope or

the cap or the sacs, if ultimately they are looking to mitigate the effects of the whole airport and they're looking to lead to an end result, the noise envelope is a good is a good example.

01:08:19:25 - 01:08:55:02

Um, we're just putting down the market. We query the utility of having to look at, um, future baseline across the piece, when ultimately the fundamental point is whether the noise envelope is going to be effective to deal with the results of the, of the, of the whole airport. And we're not convinced at this stage that the future baseline debate is necessarily going to, um, affect the fundamental conclusions that the examining authority has to draw on that. Um, the points may still arise in relation to other mitigations. Fundamentally, the point is, is the mitigation going to be acceptable? And we're not convinced that the debate that Mr.

01:08:55:04 - 01:09:31:26

Bedford is raising is necessary in order to allow that conclusion to be reached, because one ends up in the same position. So that's why I think we're we're we're reluctant to say anything more about that at this stage because, um, these discussions are still ongoing. We're confident that we can, uh, sit down and discuss these matters with the JLS and even to the extent that there are some residual issues remain, we do query whether it's actually going to assist the examining authority and understanding, uh, whether the fundamental mitigation is going to work, which is the central issue.

01:09:36:01 - 01:09:36:23

Could I?

01:09:36:25 - 01:10:11:27

Could I just add something here about chapter 12 for the S, which is transport? It doesn't consider the full effects of the project. It considers the difference between the project and the future baseline. So at the end of 2023, uh, Gatwick was for just under 41 million passengers, and the future baseline is 67 million passengers. So it's a 26 million increase in the baseline. And what's assessed in the is chapter 12 is a 13 million passenger increase.

01:10:12:14 - 01:10:21:21

So the level of the future baseline would have potentially have an effect on the findings in chapter 12.

01:10:25:22 - 01:11:08:03

Insofar as an environmental assessment topic considers the change between the future baseline and the project case, there may be elements of an assessment which do look at that delta. But the point that I'm raising, sir, is that across the environmental assessment, there will be mitigation that is then provided to the whole project so that, um, if, for example, the assesses or the mitigation that is applied to the project as far as highway works are concerned and the residual environmental effects are then assessed, there will be elements of the assessment which look at the entire airport, uh, operating in the full project case.

01:11:08:05 - 01:11:25:10

So that one looks at the residual effect. One looks at effectively what the result of the mitigation would be. So, um, elements of the assessment will not necessarily be dependent on the future, uh, on the future baseline, because one's looking at the total traffic that's generated by the project on mitigating for that.

01:11:26:23 - 01:11:58:07

I understand. But in terms of what's looked at in the U.S. chapter 12, there are the it is the difference between the two. And in things like fear and intimidation in lots of areas around about Gatwick, it's dependent on the level of traffic in that difference. And if you look at the way the assessment is done,

it's done. If traffic levels change by a certain percentage. So what what it seemed that chapter says there is no significant effects of traffic.

01:11:59:02 - 01:12:05:25

In that chapter at all. So if the baseline was lower. That's what we don't know.

01:12:06:12 - 01:12:41:12

Scott Landers for the applicant. So I'd accept that for elements of the assessment which would apply. I need to check with the transport team. But as far as transport potentially other chapters is concerned insofar as looking at the delta between the future baseline and the project kickstarter's obviously been taken into account. And certainly screening or looking at the environmental effects of the scheme. I have to accept that that's the change that's been looked at. But part of the difficulty we have is that when one looks at, uh, whether or not, um, mitigation is successful, i.e.

01:12:41:14 - 01:13:13:25

in terms of, for example, the highways works or the air sacs, one is still looking at effectively the total traffic produced by the project by the whole airport. Um, as a result of the scheme, even if certain elements of the assessment have been looking at the delta between the future baseline and on the on the project case, fundamentally, a lot of the mitigation is directed at the entire, uh, the entire effects of the airport running. And any residual effects have to be judged on that basis.

01:13:13:27 - 01:13:45:04

So there may well be important elements of the assessment which don't of themselves depend on the change between the future baseline and the project case, because the mitigation is directed at the total traffic generated by the airport come what may. So that brings me that confirms the point that they've been raising, that there may be certain elements of the project which are of central importance to the decision, which don't necessarily depend on the change. But I would accept your point, sir, that there may be elements of the assessment which do.

01:13:47:15 - 01:13:48:00

Thank you.

01:13:50:27 - 01:13:53:13

Okay, Mr. Bedford. So just.

01:13:53:15 - 01:14:34:19

Very briefly, we are concerned that the applicant is effectively inviting you to adopt an approach which would not be EIA compliant because the applicant now seems to be saying eventually you don't need to consider the future baseline. It's not going to be important to you, but the the premise of the mitigation strategy that the applicant has adopted has been couched from what the applicant has assessed is the change between the future baseline and the with development project.

01:14:34:21 - 01:15:11:25

The applicant has made that very clear throughout the documentation. And if I just use the specific example of chapter 12, which is traffic and transport, and the reference is obviously the theme has already been well covered in the remarks that Mr. Humphrys just made. But if you look at the introduction to the strategic traffic modelling and paragraph 12.6 .52 makes the point that it's the applicant's assessment.

01:15:12:25 - 01:15:48:19

Of passenger demand, which feeds into the future scenario. That's then repeated at 12.6 60, where the 2029 figure is set out, 12.60 .63, where the 2032 figure is set out to 12.6 .65, where the 2047 figure is

set out, it's embedded in that chapter, and then likewise in the to itself at paragraph 8.1.9. And therefore it is absolutely necessary for you to have confidence.

01:15:48:21 - 01:16:31:12

We would suggest that the future baseline that the applicant is used in the assessment is robust. It does cut across, as I already said, a wide range of environmental topics. But traffic is a classic example and it is not, we would say, acceptable, uh, to adopt an approach which simply looks at the efficacy of the mitigation, which is proposed because the whole genus of that mitigation is it's mitigating the effects that the applicant is identified between a future baseline and with project if there are other effects, because actually the future baseline is lower.

01:16:31:14 - 01:16:57:18

The applicant hasn't identified those effects, so therefore necessarily hasn't put forward any mitigation in relation to them. So that's why we suggest that this is not only a fundamental point, but it is a point where with respect, the nettle has to be grasped now or thereabouts in order for the examination to make progress with it. I say, rather than just hearing us saying the same thing later and later on through the examination. Thank you sir.

01:16:58:25 - 01:16:59:21

Thank you, Mr. Bedford.

01:17:00:17 - 01:17:32:28

For the applicant. And we're not suggesting that we are, uh, skipping out a step in the EIA process. The fundamental point is that as far as we've concerned, we actually have provided a robust future baseline, and we've assessed that accordingly. We were simply making the observation that, um, as far as the approach being suggested by the JLS is concerned, it's not clear where this is necessarily going to lead as far as the fundamental conclusions about the project are concerned.

01:17:33:13 - 01:18:08:07

Um, we're not suggesting the future baseline, um, has no relevance, but we think we've assessed that, uh, properly. Um, it was really an observation and what JLS were, were suggesting, um, I mean, as far as progressing matters is concerned. So as I said, we do have to reserve, um, our position. We're content to take away, um, an action point which, um, looks to explain the broad propositions that we have, um, outlined to the examination today.

01:18:08:27 - 01:18:43:23

Um, we will also discuss this matter with, um, the JLR as part of the discussions that are taking place. So we can understand a little bit more about what they say we should be, uh, we should be doing and report back to the AXA. But I think I have to reserve our position, um, generally, because whether it's regarded as a, as a sensitivity or otherwise, um, uh, at this stage of the, um, examination, um, I have to put a marker down that.

01:18:45:02 - 01:19:01:20

The amount of work that might be required to deal with what the joint local authorities are suggesting is not necessarily something which can be readily expected of the applicant within the scope of the examination timetable. Um, so I think I have to put that marker down, sir.

01:19:03:20 - 01:19:04:24

Mr. Rhodes has something to add.

01:19:05:24 - 01:19:36:23

Um, John Rhodes for the applicant. And just to say, a couple of additional points, if I may. Um, so in relation to your point that traffic grows from 41 to 67, um, I think the approach is not in dispute

between us and the authorities. So the authorities wouldn't say 67. They may say they may say 55, but that growth from 41. 255 or 67 is growth that happens without the project.

01:19:36:25 - 01:20:08:09

So the principle of the approach is right. We say 67 is the future baseline. We don't actually know what the authorities say. The future baseline, the alternative scenario should be and I think until we've had further discussions with the authority and perhaps got the deadline for, I don't think we'll be closer to knowing whether or what the issues are with the 67. As I say, it doesn't appear now necessarily to be a capacity issue. It may be an issue relating to demand, which we think we can address.

01:20:08:23 - 01:20:50:10

Um. So I think in terms of the principle, we're not a part we may be a part on on the number, but it doesn't seem that there's an alternative number at the moment that could robustly be used. And we're certainly confident in our number. But as Mr. Leinen said, when it comes to mitigating the effects of traffic, we do account for the totality of traffic, whether it's whichever steps it's reached. We look at the totality of the NRP traffic with the project and the capacity of the network to accept that traffic, and whether mitigation is necessary to enable that traffic to operate separate appropriately around Gatwick.

01:20:52:24 - 01:21:12:09

Thank you. I mean, I think I do understand the point about the to looks at the capacity of the network, but my concern wasn't the to and looking at the capacity of the network, it was the effects of traffic and transport on the local environment that set out in chapter 12 of the year.

01:21:13:25 - 01:21:18:06

So I've understood your point completely. And we'd like to come back to you on that. Thank you.

01:21:19:23 - 01:21:20:14

Thank you.

01:21:21:01 - 01:21:21:25

Okay. Thank you.

01:21:23:18 - 01:21:24:03

Um.

01:21:26:12 - 01:21:27:06

Yeah. Uh, another.

01:21:27:08 - 01:21:37:14

Question for me. Mr. Linus was about, um, yesterday you mentioned that you didn't consider the phrase fallback position was an accurate term for the future baseline case. I wondered if you could elaborate on that for me, please?

01:21:38:15 - 01:22:11:00

Yes. Um, Scotland's for the applicant. Um, a typical lawyer's response. So it depends what you mean by fallback. Um, if fallback is taken to mean in the sense that it's often used in the planning world as the term of art to mean the choice between effectively two, uh, to implementable projects, um, whereby a developer proposes one but says to a decision maker I have another consent that I could rely upon where the impacts are equal to or worse.

01:22:11:02 - 01:22:54:16

And what I'm proposing, therefore, grant me permission for the one before you. Um, that doesn't accurately describe what um, is happening. As far as our approach to the future baseline is concerned. There is, I suppose, a fallback in the broadest sense that if the project were not consented, then Gatwick would be relying upon its existing operations and that broad sense. But it doesn't really accurately describe, um, what is required as far as the future baseline is concerned here, because we're not suggesting any sort of fallback in the sense that we've got another consent that we choose to adopt instead and therefore put that in the future baseline.

01:22:54:18 - 01:23:35:23

What our future baseline is describing is essentially how the airport would develop in any event or grew in any event in the absence of the project. And that's what we're required to do under the EIA regulations to describe the baseline and the likely evolution thereof. And, um, I think the difficulty that we had with the way this issue was arose as it appeared to assume some mutual exclusivity between the project and the future baseline world, when in reality, what would happen is the project would build upon as an increment the growth which would take place in any event at the airport through the timeline of the assessment process.

01:23:35:25 - 01:24:12:04

So if one takes the example that was raised, uh, yesterday, the year of 2038 or 20 2047, if one is assessing the project against a baseline, then one has to take what the airport would be doing in the absence of the project, um, at 2038 and 2047. Now, that could be said to be a fallback in the in the very general sense, which is that this is what was happening if the project doesn't go ahead. But it's not a fallback in the traditional sense, where we're choosing effectively between two at two consents.

01:24:12:06 - 01:24:27:01

I think the use of the term leads you away from asking the basic question on the regulations, which is what's the baseline and how does it evolve and compare the project to that? And that's what we have. That's what we have done.

01:24:29:09 - 01:24:35:06

Okay. Thank you for that. I suspect we could probably discuss that for a while, but I understand your position. That's fine, thank you.

01:24:35:08 - 01:24:48:25

Yes. Scotland can. You can have a very interesting debate about what fallback means, but I don't think that needs to be resolved for the purposes of this case. One simply looks at the regulations and the wording there, and you don't need to put a gloss on it.

01:24:49:05 - 01:24:50:00

That's fine. Thank you.

01:24:54:13 - 01:24:54:28

Oh.

01:24:57:18 - 01:24:58:24

Okay. Thank you.

01:25:02:19 - 01:25:34:14

I have a couple more questions and I will adjourn for a break on the future baseline. First is in your response to our written question, Gen 1.24, which is about whether or not the hotels and offices would be required in the future. Baseline. If I can just read your response, it is likely that further hotels will



be required as the airport passenger numbers grow in the baseline and these could be provided on or off site, and applications will be made by the applicant or the market as appropriate.

01:25:34:16 - 01:25:41:21

The application is for the NRP and it is forecasted further hotels will be required. It is appropriate that they applied for in this application.

01:25:43:12 - 01:25:53:11

Does that mean that the hotels and offices in the application cover the whole growth of the airport, including the baseline?

01:26:01:24 - 01:26:19:06

And John Rhodes for the applicant. So what we were trying to say in the response to that question was that, um, as the airport grows, whether it's the future baseline or the NLP, there will be increased demand for hotels in roughly the proportion that we can measure at the moment. Um,

01:26:20:25 - 01:26:34:18

but the absence or otherwise of hotels is not going to impact on the future baseline forecast. Of you as Gatwick will grow. Whether those hotels are provided at the airport or not. Um.

01:26:36:28 - 01:26:38:21

But does not. Um.

01:26:41:00 - 01:26:58:05

With the NLP. Now we're making an application for the NLP. We can anticipate that it will generate increased demand for hotels. It makes sense to include that proportion within this application. But that's not to say that other hotel demand won't be generated by future baseline growth.

01:26:58:20 - 01:27:17:13

But what I'm trying to understand, do the hotels and the offices in the project, are they hotels enough and offices enough to cover the whole growth of the airport, including the baseline? Or are you saying, as well as these, there's likely to be applications for hotels and offices?

01:27:18:06 - 01:27:27:08

We're saying that it's likely that in addition to those hotels, there will be more hotel demand, whether that's provided at the airport or off the airport.

01:27:28:26 - 01:27:42:13

We don't know. Um. We don't have plans for additional hotels beyond those contained in the, uh, in the application, but we can anticipate that the hotel market would respond to the increase in throughput.

01:27:42:18 - 01:27:50:04

But the hotels in the application are only for the if you like, 13 million passengers per annum increase.

01:27:50:22 - 01:27:58:10

Yes. In that they are what we consider to be a sensible proportion or allowance for that increase related to the project.

01:28:01:02 - 01:28:03:14

Thank you. Mr. Linus, do you want to add anything to it?

01:28:04:05 - 01:28:04:20

Thank you.

01:28:05:22 - 01:28:47:06

Okay. Thank you for that. Um, move on to your response to our written question, Gen 1.29, which is about Heathrow runway three. And again, I'll read that out and say it would not be appropriate to include Heathrow Runway three as the project is assumed as part of the. Which is assumed as part of the future baseline. The the question was about whether or not Heathrow because you say in response to our questions about the cumulative effect, where you say that Heathrow runway three will have a suppressed demand at Gatwick after its opening for a time.

01:28:47:08 - 01:29:09:18

But what your response seems to say is that wouldn't be true in the baseline case is your future baseline analysis paper doesn't actually have any dip in demand following Heathrow runway three. What I don't understand in this is why Heathrow Runway three has an effect on demand of the project, but not on the baseline.

01:29:10:12 - 01:29:49:21

I think we need to be sort Scotland to the applicant. I think what the response was intended to suggest, sir, is that we just haven't done the assessment of Heathrow as part of the future at baseline at all, because we've done it as part of a cumulative sensitivity and you don't do it, you don't do it twice effectively. And if you have another scheme that is in contemplation, if I can put it that way, as part of your EIA assessment, um, it makes sense as far as we are concerned, to include that within our cumulative as a cumulative sensitivity, um, building on the project rather than the future baseline.

01:29:49:23 - 01:30:09:18

Otherwise, a single project is affected being allowed for twice, and the potential effect of that of being allowed for twice within your assessment. So I think the answer was intended to convey that we don't think it should be included as part of a future baseline. We haven't done that assessment work because it's in the cumulative assessed in the cumulative sensitivity scenario instead.

01:30:10:21 - 01:30:21:29

I think I understand that, but if you give us a paper on future baseline and you show us the continual line going up, why doesn't Heathrow runway, I don't quite follow. Why it doesn't. Because in that paper.

01:30:22:08 - 01:31:04:02

Again it gets back to Scotland for the applicant. It gets back to the analytical approach. We've taken that that future baseline is about the growth of Gatwick, uh, and the absence of the implementation of the project. And then one looks at whether or not add one adds cumulative projects into a cumulative scenario. You don't put Heathrow end to the future baseline because it can appropriately be regarded as a cumulative scheme. So and generally in terms if you're assessing your project against a future baseline, you look to see what other projects might be affecting the receiving environment at the time your project comes on stream here, what we've done is we've assessed the future baseline.

01:31:04:04 - 01:31:35:00

The project in this case comes 2029 and then Heathrow. If it's going to be considered at all as a as a more appropriate to consider that as a cumulative scheme that comes on after the project is open. And with that, that's we don't accept you should be assessing Heathrow cumulatively at all for the reasons that we've set out, but we've gone on to assess that on a, on a on the sensitivity basis. And that's an entirely accurate and appropriate way of treating Heathrow as part of a cumulative scenario rather than the future baseline. You don't do both.

01:31:37:13 - 01:31:39:05

Okay. Q.

01:31:41:18 - 01:32:04:14

Um. There's a couple of, well, a point about the Hilton Hotel multi-storey car park, which I think you've removed from the parking provision, but I think the car parking strategy and the transport assessment both still have that in including the transport assessment submitted deadline three, even though it's been removed from the baseline parking. Will that be rectified in.

01:32:05:18 - 01:32:35:19

Scotland is for the applicant I think in our response to Jan 121, we acknowledged that that permission had lapsed. It doesn't form part of the future baseline or as a consequence to parking provision as part of the project, um, scenario. Um, uh, but we did say that it doesn't materially impact on traffic volumes or mode shares. We can go back and review the documents that you have mentioned.

01:32:35:21 - 01:32:41:16

So just to make sure that if for any inclusion of the car park needs to be corrected, that that is done.

01:32:41:18 - 01:32:43:06

Thank you.

01:32:43:08 - 01:32:56:22

Uh, I can move on to response to Jen 1.28. Um. Which is about a 2500 net additional parking spaces through robotic parking.

01:32:59:07 - 01:33:28:10

And which you say will come through using permitted development rights. We discussed the issue for how parking supply the airport is an important factor affecting mood choice. Because of this, the Secretary of State may consider there was a need to have more control over parking provision at the airport. If the DCO is granted, this may involve removing certain permitted development rights at the airport to better control parking alongside mood shares. In those circumstances, how would you provide the additional spaces?

01:33:39:20 - 01:34:06:22

I'm Scott Lyons for the applicant. I think, um, so the fundamental point in response to that is we would we would resist the proposition that, uh, PD rates should be, uh, should be removed and we don't think we would should be put in a position where we'd have to, uh, indicate how any other parking would otherwise be, uh, be replaced. Um, that's that's our position. But if you need any further details on that, we can take that away as an action point, sir.

01:34:06:24 - 01:34:13:03

Well, I mean, I did ask if it if the Secretary of State was minded to do that. What? How would you deal with that? Okay.

01:34:16:15 - 01:34:18:07

If we could deliver.

01:34:34:22 - 01:34:35:19

Do this make us.

01:34:38:19 - 01:34:57:13

Um, it's got layers for, um, uh, for the applicant. Um, I think we need to take it away. So we just want to test the proposition that's being that's being advanced at FPD. Rates were going to be taken away. It's how the how the airport would respond generally or seek to provide in.

01:34:57:19 - 01:35:09:15

In this particular case about a parking because 2500 isn't an insignificant amount of parking. So how that would factor into the car parking strategy, for instance, and how it would be achieved.

01:35:11:16 - 01:35:12:27

Very well thing to take out of it.

01:35:13:14 - 01:35:15:01

We'll take that away, sir. Thank you very much.

01:35:15:03 - 01:35:22:27

Thank you. Uh, I've got no more questions before the break. Does anyone want to add anything on future baseline before we break?

01:35:24:23 - 01:35:32:21

No. Okay, well, the time is 1135, so we'll take a break till 1155.

01:35:34:14 - 01:35:35:18

This is adjourned.