



Horsham
District
Council



Gatwick Northern Runway Project DCO (Project Reference: TR020005) Deadline 4 Submission (15 May 2024)

**Crawley Borough Council (IP Ref: GATW-AFP107),
West Sussex County Council (IP Ref: 20044715),
Horsham District Council (IP Ref: 20044739) and
Mid Sussex District Council (IP Ref: 20044737)**

1. Overview

1.1 This document provides a response at Deadline 4 (15 May 2024) from the above West Sussex Joint Local Authorities (hereafter the 'Authorities') on the following:

- The Applicant's Response to the Local Impact Reports – West Sussex LIR - Pages 139 –244 [REP3-078]
- Deadline 3 Submission - Response to Applicant's Comments on Deadline 2 Submissions [REP3-106] (Doc Ref 10.17) – The West Sussex Local Authorities [REP2-042]
- Associated new documents submitted by the Applicant in responses to written questions (ExQ1):
 - Construction Carbon Management Strategy [REP3-107]
 - Post Covid VISSIM Sensitivity Tests 2032 and 2047 [REP3-108]
 - Equality Statement [REP3-109]
- Amendments to the Design and Access Statement (Doc Ref 7.3 v2) [REP2-032, REP2-033, REP2-034, REP2-035 and REP2-036] and Design and Access Statement Appendix 1 – Design Principles (Doc Ref: 7.3 v2)[REP3-056]

- West Sussex Local Authorities review of Updated Plans:
 - Works Plans (Doc Ref 4.5 v4)[REP3-011 and REP3-012]
 - Rights of way and Access plans[Rep3-013] (Doc Ref 4.6 v3)
 - Surface Access Highways plans – Structure Section Drawings [REP3-014](doc Ref 4.8.3 v3)
 - Traffic Regulation Plans – Clearways and Prohibitions [REP3-015](Doc Ref 4.9.3 v2)

- Review of Applicant’s Deadline 3 Document Submissions:
 - Code of Construction practice Annex 6 – Outline Arboricultural and Vegetation Method Statement (oAVMS) (Parts 1 to 3) (Doc Ref 5.3 v2) [REP3-022 - REP3-027]
 - ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment (Parts 1 to 3) (Doc Ref 5.3 v2) [REP3-037- REP3-042]
 - ES Appendix 5.4.1 Surface Access Commitments [REP3-028](Doc Ref 5.3 v2)
 - ES Appendices 9.9.2: Biodiversity Net Gain Statement[REP3-047] (Doc Ref 5.3 v3)
 - Planning Statement Appendix D – Sustainability Statement [REP3-054] (Doc ref 7.1 v2)
 - ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan (Parts 1 to 3) [REP3 – 031/033/035](Doc Ref 5.3 v3)
 - Planning Statement Appendix E – Local Policy Compliance Tables [REP3-055] - West Sussex Authorities’ Response to Local Policy Compliance Tables
 - Transport Assessment [REP3-058](Doc Ref 7.4 v3)
 - ES Chapter 12: Traffic and Transport [REP3-016](Doc Ref 7.4 v3)
 - Transport assessment Annex E – Highway Junction review [REP3-060](Doc Ref 7.4 v2)
 - Operational Waste Management Strategy (Doc Ref 10.12) [REP3-070]
 - Supporting Noise and Technical Notes to Statements of Common ground [REP3-071]
 - Draft Section 106 Agreement Annex ESBS Implementation Plan [REP3-069]

- The Applicants response to Deadline 3 Submission 10.14 The Applicants response to Written Representations [REP3-072]

- Joint Local Authorities’ comments on Deadline 3 Submission 10.14 – The Applicant’s Response to Written Representations – Appendix A Policy Response [[REP-073](#)]

2. The Applicant's Response to the Local Impact Reports – West Sussex LIR - Pages 139 –244 [REP3-078]

2.1 The West Sussex Authorities are disappointed with the quality of some responses, often not addressing the issues and only covering those matters raised in the summary tables and not the main body of the document.

Historic Environment

2.2 In respect of archaeology, the Authorities concerns about the adequacy of the WSI as currently proposed are detailed in the Deadline 4 Legal Partnership Submission in response to the Applicants D3 submission question HE.1. In addition, the Authorities would welcome the document on the development of Gatwick Airport referenced by the Applicant as it is hoped that this will contain the detailed information of the impact of the present airport on the area within the Project limits. This should allow Place Services (retained by CBC and WSCC for specialist archaeological advice) to provide informed advice on the large area of the proposed runways; at present it is unclear whether the widening of these need to be evaluated or has already been destroyed by the original construction programme. The Authorities would welcome a meeting with the Applicant as soon as possible once the above report has been completed to discuss this and the changes that have been recommended to the existing Written Scheme of Investigation.

2.3 The impacts of on the listed buildings referenced in Table 7.1 of the West Sussex LIR [REP1-086] are not adequately addressed by the Applicant, both matters were raised in the ExAQs and not considered to have been resolved. The Authorities response is further referenced in the Deadline 4 Legal Partnership Submission in response to the Applicants D3 submission questions HE1.2 and HE1.3.

Landscape, Townscape and Visual Resources

2.4 Overall, the visual impacts of the Project remains a concern to the Authorities principally due to the lack of information on matters such as the site compounds, survey information, construction details and limited and loosely worded design controls. Some of these concerns are reflected in the commentary provided elsewhere in this submission in relation to the Tree Survey, Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Section 3.1) and commentary on Amendments to the Design and Access Statement and Design and Access Statement Appendix 1 – Design Principles (Section 5). In summary the responses provide by the Applicant do not address the concerns raised. Two detailed points are made below:

- 8.1B – Pentagon Field – The Applicants response adds further uncertainty to the proposed works taking place on site suggesting soil mounds up to 5 metres high which above that specified in the Environmental Statement Table 8.7.1 [APP-033]. The level of detail on the works proposed for this site is still considered inadequate as set out

in ExQ1 GEN 1.21 (page 11) [REP3-135] and the Legal Partnership Authorities D4 response to question LV1.2.

- 8.1C – The Authorities welcome the additional Tree Survey information provided by the Applicants and receipt of additional Arboricultural information on to inform the Project. It is hoped that this information will allow the Applicant to revise and detail the works and design to clearly show retention of important tree belts especially for those car park sites identified in the LIR.

Ecology, Nature Conservation and Arboriculture

- 2.5 The Authorities note the Applicant's responses to issues raised in Table 9.1 of the West Sussex LIR [REP1-068]. However, the Authorities are disappointed that issues raised elsewhere within the West Sussex LIR have not been addressed.
- 2.6 The Authorities consider the Applicant's response is inadequate in a number of matters, including the following:
- Further detail is requested in the OLEMP regarding both routine inspections of maintenance tasks and ecological monitoring.
 - Greater clarity in the Sketch Landscape Concept plans within the OLEMP, including clearer distinction between retained and new woodland.
 - Greater clarity on the extent of woodland loss and compensatory planting for each individual site.
 - Further explanation of the woodland BNG calculations.
 - Commitment within the OLEMP for the long-term positive management of the North West Zone (NWZ) and Land East of the Railway Line (LERL) Biodiversity Areas.
- 2.7 The Authorities welcome the Applicant's response (Item 9.1S in Table 4.3) that the OLEMP secures the on-going management of the NWZ and Land East of the Railway Line LERL Biodiversity Areas. However, confirmation is requested that this encompasses the entirety of these two Biodiversity Areas, managed by the Applicant under their Biodiversity Action Plan, not just the parts within the Order Limits. This is important as these areas are key components of the ecological network and fundamental to delivering the proposed Ecological Strategy. Furthermore, their management must be secured for a minimum period of 30 years. It is requested that the OLEMP is revised to incorporate and clarify these points.
- 2.8 The Authorities recognises that since the submission of the West Sussex Local Impact Report [REP3-078], the applicant has submitted requested documentation including an arboricultural impact assessment, arboricultural method statement, and tree removal and protection plans. Whilst the applicants responses are acknowledged, remaining residual concerns have been identified within section 3 of this report.
- 2.9 With reference to the response provided within 9.1X, the Authorities want to emphasise the outstanding concern for impacts which could occur to ancient

woodland as a result of detailed design and construction activities. The wording of design principle L10 is not supported; in addition, further protection measures are required to avoid or mitigate construction activities which can occur within buffer zones of ancient woodland.

Water Environment

- 2.10 The Authorities do not consider the Applicant has adequately addressed these concerns have the following comments in relation to these responses.
- 2.11 10.1A - The specific issues related to this point were outlined in further detail in the West Sussex LIR, Chapter 10, Paragraph 10.38 – 10.42 [REP1-068]. These issues were then raised again at ISH7 (please refer to the D4 summary note submitted by the Legal Partnership Authorities for further information). The Authorities do not consider that the response provided has addressed this point.
- 2.12 10.1B - There is a generic statement within the Water Environment Chapter [APP-036] which states that the connection between the Museum Field Flood Compensation Area and the River Mole will be undertaken using soft engineering, however, this is a generic statement and the Applicant may state this issue can be taken care of at the detailed design phase. This is considered one of the most important aspects of the river engineering and the fluvial mitigation strategy proposed by the Applicant because if the method of connection is not robust enough this will lead to further environmental degradation and possible migration of the watercourse. The Authorities would like to be informed, engage, and agree with the Applicant at this stage what soft engineering technique will be applied.
- 2.13 10.1C - Attenuation Structures and Features should be considered at this stage of the design, rather than later at detailed design, to ensure that there is enough space in the layout to incorporate the required storage volume in the proposed attenuation features, without increasing flood risk to the DCO Limits and elsewhere. Considering other measures at detailed design may result in changes being required to the design to accommodate the additional space required for the SuDS above ground. The Authorities do not consider the Applicants response has not addressed this point.
- 2.14 10.1D - Although the overarching Drainage Strategies are set out in the Flood Risk Assessment Annex 3-6 [APP-149] and the Flood Risk Assessment Annex 1-2 [APP-148], the increases in impermeable area and volume of surface water per catchment have not been provided in these documents. The Authorities do not consider that the Applicants information has adequately addressed this point.
- 2.15 10.1E - The Applicants emergency flood response set out in the ES Appendix 11.9.6: Flood Resilience Statement Annex 3-6 [APP-149] is not considered sufficient to address the concerns.
- 2.16 Further detail regarding emergency procedures should be provided at this stage of the design as per the following:

- The National Planning Policy Framework (NPPF), paragraph 167, states that development should only be allowed in areas at risk of flooding where it can be demonstrated that (d) any residual risk can be safely managed. The PPG, in Paragraph 002, Reference ID 7-002-20220825, clarifies that the design flood for surface water is the 1 in 100 year plus the appropriate allowance for climate change. Paragraph 003, Reference ID: 7-003-20220825, also clarifies that when assessing flood risk, development must be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 004, Reference ID 7-004-20220825 continues and includes the requirement for the residual risk to be managed following the avoid, control and mitigate stages. Paragraph 005, Reference ID 7-005-20220825, further states that site-specific flood risk assessments should consider the consequences of flood risk management infrastructure failing or its design standard being exceeded.
- Therefore, as the Applicant is proposing a new pumping station as part of the surface water drainage network, they must mitigate the residual risk of failure whilst still ensuring flood risk is not increased elsewhere for the 1 in 100 year event plus climate change, for the critical duration events. If failure occurs, it must be ensured that water does not flow uncontrolled off site as this would increase flood risk elsewhere.
- There is a requirement for considering 24 hours of pump failure, as during such rainfall events there is a high likelihood that there will also be electricity failure. In these events, standby pumps which would usually activate may also lose power. The Office of Gas and Electricity Markets (OFGEM) have guaranteed standards, and under Regulation 7 for severe weather conditions, distribution companies have 24 hours to restore electricity supply before they have to compensate for the loss of power (however this time does not start if the failure is due to flooding of their system if they are unable to access the equipment and therefore could be longer).
- As such, to ensure the residual risk of flooding is appropriately managed in accordance with NPPF and PPG, it has to be demonstrated that a failure of 24 hours does not increase flood risk within the DCO Order Limits or elsewhere. The water must not leave the DCO Order Limits uncontrolled and unrestricted during the design storm and the site within the DCO Order Limits must still be safe and suitably mitigated.

2.17

10.1F - Residual Risk - Although the Applicant may have an on-site and offsite flood plan, this Project should not just be about doing the minimum as the fluvial hydraulics Maximum Scenario in accordance with Environment Agency guidance referred to by the Applicant and which the design of the mitigation strategy is based on was not tested for residual risk such that can occur from a blockage within the flood flow path. This scenario is even more likely considering the ever-increasing effect of climate change. The Authorities believe residual risks should be considered by the Applicant and this should influence design and mitigation strategy. Potential flood flash points and flow paths should be identified especially when there is a blockage within the system and the scenario tested and where possible use

this to influence the design. Furthermore, *Airports National Policy Statement (ANPS)* Paragraph 5.154 identifies the need for the residual risk to be taken into consideration when flood mitigation strategies are proposed for airport infrastructure. Paragraph 173 of the NPPF states that development should be appropriately flood resistant and resilient, incorporate sustainable drainage systems and safely manage any residual risk.

- 2.18 10.1 G - Sustainable approach to flood mitigation - The SuDS principle adopted by Applicant should state the pollution indices as a result of the extra 3 hectares of carriageway to be constructed and also show the mitigation indices each of the SuDS feature proposed will contribute in line with the SuDS manual. this should be an opportunity for the Applicant to improve on the sustainability aspect of the Highway. *Crawley Borough Local Plan 2015—2030 (CBLP)* Policy ENV 10 states that 'Pollution Management and Land Contamination' requires developers to ensure developments do not increase environmental pollution and land contamination. Where contamination on site is known or suspected information must be provided detailing the methodology through which the risks will be addressed. The Authorities would like to see the Applicant deploy the methodology detailed within the SuDS manual.
- 2.19 The Authorities note that revisions have been made to Article 47 (disapplication of legislative provisions) in that the proposed disapplication of section 23 of the Land Drainage Act 1991 has been removed. It is stated that the Applicant only anticipates requiring one such consent and is content for the existing regime for ordinary watercourse consent to apply in respect of this instance. The two Lead Local Flood Authorities for the Project had expressed concern at this disapplication in relation to Ordinary Watercourse consent and had requested Protective Provisions as a result. Responding to this request it is stated that "*the Applicant will review the need for the inclusion of this drafting but considers it unlikely to be necessary in light of the revision to article 47 in the draft Development Consent Order*".
- 2.20 The Authorities welcome the removal of disapplication of Section 23 but do not consider that the matter is as yet satisfactorily addressed. The Applicant states that only one component of the Project will require Ordinary Watercourse Consent (the extension to the culvert to the east of Balcombe Rd on the Haroldslea Stream), however the LLFAs calculate that considerably more elements will require OWC. The LLFAs have suggested that a meeting is held with the Applicant and their consultants to understand these differences and to progress. There may yet still remain a need for Protective Provisions for drainage authorities.

Geology and Ground Conditions

- 2.21 No further comments at this stage as no further discussions have taken place with the Applicant as yet.

Air Quality

- 2.22 The Applicant's response to Air Quality matters raised in the West Sussex LIR are contained in Table 4.7 of Section 4.11 [REP3-078]. The Authorities, have the following comments in relation to these responses.

Ref 13.1.A Dust and Particulate Matter

- 2.23 In response to concerns that no Dust Management Plan (DMP) had been provided in the Gatwick Airport NRP application, a Draft CDMP was shared by the Applicant with the JLAs for comment on 26 March 2024.
- 2.24 Matters still under discussion are set out in the JLAs full review of the draft CDMP which has been provided to the Applicant and submitted as part of a separate D4 submission on behalf of the ten JLAs.

Ref 13.1.B Odour from putrescible grounds conditions

- 2.25 The Applicant's response refers back to the ES chapter (Appendix 5.3.2: Code of Construction Practice [REP1-021]) without addressing the concerns raised by the Authorities that the chapter lacks sufficient detail on how disamenity and nuisance odour will be addressed during the construction phase.
- 2.26 The draft AQAP referred to in the Applicants response does not consider construction odour. The Authorities would welcome a proactive approach to the management of construction odour in the form of an outline OMP, to be considered as part of the examination. It would also give the Authorities additional reassurance that a consistent approach to best practice would be adopted across the site.
- 2.27 Construction odour mitigation is also addressed in the JLAs D4 responses to the ExQ1 air quality questions AQ1.6 and ISH7 post-hearing submissions table item 1.5.

Ref 13.1.C Construction Traffic Emissions

- 2.28 The Authorities raised concerns that the Outline Construction Traffic Management Plan [APP-085] lacked sufficient detail and commitment to measures for reducing traffic emissions.
- 2.29 A specific concern was also highlighted on how contingency routes from J10 M23 through Crawley's AQMA would be activated, monitored, communicated, mitigated and regulated.
- 2.30 In addressing how traffic emissions would be mitigated, the Applicant points to measures set out in Section 13.9 of ES Chapter 13 and Section 5.8 of the ES Appendix Construction Period Mitigation. However, there are a number of contradictory or non-committal statements across different documents in the

ES which reduce confidence in the effectiveness of the COCP to ensure emissions are reduced.

- 2.31 During discussions with the Applicant, the Authorities understand that commitments will be amended to remove ambiguity and ensure all on-road vehicles should comply with the requirements of the London LEZ, and Non-Road Mobile Machinery equipment to meet stage V of the London NRMM standards.
- 2.32 Further clarification on construction traffic emissions (and other) outstanding technical issues were submitted by the JLAs in a Technical Note at Deadline 3 [REP3-117] Appendix A. The Authorities are expecting a response from the Applicant to the issues raised in the D3 Technical Note to advance further discussion or agreement.

Ref 13.1.D Non-Road Mobile Machinery (NRMM) Emissions

- 2.33 The Applicant confirmed during ISH7 (Part 3, from 25:40) that NRMM equipment would meet stage V of the London Non-Road Mobile Machinery standards.

Ref 13.1.E Airport Related Emissions (Air Quality Action Plan)

- 2.34 In response to concerns raised by the Authorities that no AQAP had been provided to mitigate the airport related emissions of the Project, a Draft AQAP was shared by the Applicant with the JLAs for comment on 26 March 2024. (Annex 5 of draft s106 [REP2-004]). Disappointingly, the draft AQAP simply summarises the measures within the carbon action plan, surface access commitments and construction code of practice, with no commitment to additional targeted measures beyond these.
- 2.35 The Applicant states that since no significant impacts are identified as a result of the Project, no Project related mitigation is required. During examination at ISH7 the Applicant reiterated that the AQAP is “effectively, a reporting document” (Part 3 49:15).
- 2.36 The Authorities are disappointed that the Applicant hasn’t taken the opportunity to include additional measures to improve air quality in line with policy guidance set out below, and no account has been taken of the health impacts (£83.5m damage cost) to the local community as a result of the additional emissions associated with the project (Table 7.2.1 [APP-251]), which the JLAs believe should be addressed within the AQAP in line with the Emissions and Mitigation Guidance for Sussex (CBC Local Plan Policy ENV12).
- ANPS para 5.23: recognises that Increased emissions can contribute to adverse impacts on human health.
 - ANPS para 5.35, 5.36, 5.37: provides guidance on the need for a wide range of effective measures to improve local air quality.

- NNNPS para 3.3: requires applicants to mitigate environmental impacts in line with the principles of the NPPF and consider reasonable opportunities to deliver environmental and social benefits as part of schemes.
- NPPF para 180: states that Development should, wherever possible, help to improve local air quality.
- NPPF para 192: states that opportunities to improve air quality or mitigate impacts should be identified.

2.37 This matter is also addressed in AQ.1.5 (ANPS mitigation) in the JLAs responses to the ExQ1 air quality questions and a full review of the draft AQAP has been submitted as part of the appendices to the JLAs D4 responses to the ExQ1 air quality questions.

2.38 Whilst the production of an AQAP is a positive step in acknowledging the need for an operational mitigation plan, further discussion is required to find common ground on the detailed content of the document.

Ref 13.1.F Air Quality and Emissions Mitigation Guidance for Sussex (Sussex Guidance)

2.39 The Applicant states that the Sussex Guidance has been adequately taken into account in their assessment because they have provided a damage cost calculation and produced a draft AQAP. However, they conclude no additional Project related mitigation is necessary within the AQAP since no significant impacts are identified.

2.40 The purpose of the Sussex Guidance is to assess the health impacts from the additional emissions associated with the development. It is not, as the Applicant suggests, to address significant effects as measured against achievement of the current air quality standards (which, as discussed elsewhere are likely to change over the course of the Project). This principle of assessing the emissions-based health impacts of a development is also central to Defra's damage cost guidance and the UK Air Quality Strategy.

2.41 The emissions assessment monetises the health damage associated with the proposed development and provides an evidence-based approach in determining the appropriate level of mitigation to off-set the air quality impacts.

2.42 As outlined in 13.1.E above, many of the measures in the draft AQAP are either minimum policy requirements (such as dust control and Greenhouse targets) or embedded in the design and therefore already accounted for in the modelling (such as surface access mode share). Consequently, the £83.5m damage costs represent those health impacts that arise after the embedded mitigation has been considered. The Authorities would therefore expect to see an indication of which measures in the AQAP are 'embedded mitigation' so that it is possible to identify how much additional mitigation is

needed to offset emissions from the Project at a local level proportionate to the value of the damage to health.

- 2.43 The approach taken by the Applicant does not currently achieve these aims and therefore is not consistent with the principles of the Sussex Guidance.

Ref 13.1.G Operational Monitoring and Funding

- 2.44 The applicant expresses a wish to support the understanding of air pollution effects more generally in the local area by continuing its current funding for monitoring for the local authorities (2.2.4.5 of the SoCG with CBC [REP1-032]). However, no support is currently provided to Crawley Borough Council for air quality monitoring, and a request for funding for its monitoring station on the eastern border of the airport has been turned down by the Applicant.

- 2.45 The request from the local authority meets the test for S106 to make the development acceptable. The LA has an obligation to ensure that all relevant air quality standards continue to be met, which is an ongoing obligation, and recognises that standards may change over time.

- 2.46 In addition to providing independent local data to assess residential exposure in the vicinity of the airport, the data provided at this monitoring site location will provide important information in the future to validate the computer model used for the DCO outputs for predicting improvements in air quality.

- 2.47 Further discussion is required to find common ground on this matter.

Ref 13.1.H Controlled Growth and Surface Access Commitments (SACs)

- 2.48 In response to the Authorities concerns that the SAC provides no restrictions or penalties if targets are not met, and is effectively self-regulating, the Applicants simply refers back to the SAC document and states that controlled growth is not considered necessary for this application as no significant adverse effects on transport or air quality are expected.

- 2.49 This does not address the issues raised, and the Authorities continue to have concerns that, notwithstanding air quality standards may change over time, the impacts of the project have been modelled on assumptions within the SAC and therefore a degree of monitoring and regulation should be expected.

- 2.50 To further advance the discussion around these concerns, the JLAs are submitting a separate D4 note on behalf of nine of the JLAs regarding a proposal to 'Environmentally Managed Growth'.

Ref 13.1.I CARE Facility Emissions

- 2.51 The Applicant has put forward a change to the DCO Application to remove the biomass boilers from the CARE facility [AS-139] making it a waste

sorting facility only. This has addressed the Authorities concerns regarding odour from the boilers, however, it has raised other issue regarding sustainability and vehicle movements.

Ref 13.1.J Operational Odour Emissions

- 2.52 The Applicant's response refers back to the assessment of odour impacts in ES Chapter 13 Air Quality [APP-038] without addressing the concerns raised by the Authorities about the lack of adequate operational odour management plans in the ES.
- 2.53 The Applicant's response also refers to the draft AQAP which provides no other information, detail or commitments than that included in ES Chapter 13.
- 2.54 Concerns remain about the impact aviation fuel odour on residential areas close to the airport, as well as odour controls for recent Project Changes 3 and 4 submitted to the examination, which include a reed bed wastewater treatment facility close to residential properties in Crawley [AS-139] and an on-airport Wastewater Treatment Works facility close to residential properties along Charlwood Road[AS-146].
- 2.55 The Authorities would welcome a proactive approach to the management of operational odour in the form of an outline odour management and monitoring plan (OMMP) to ensure that the best practice measures committed to by the Applicant will be delivered.
- 2.56 Operational odour management is also addressed in the JLAs D4 responses to the ExQ1 air quality questions AQ1.3 and ISH7 post-hearing submissions table item 1.5.

Ref 13.1.K Ultrafine particulate Emissions (UFPs)

- 2.57 The Authorities do not accept that the health effects of the development from ultrafine particles have been adequately addressed in the ES for reasons outline in more detail in the D4 ISH7 post-hearing submissions table item 1.5.
- 2.58 The Applicants response for further monitoring studies around the airport has been considered in the S106 obligations [REP2-004] but is subject to further discussion with the JLAs.

Ref 13.1.L Defence to Proceedings in respect of Statutory Nuisance

- 2.59 The Authorities have concerns regarding the number of statutory nuisances under section 79 of the EPA included in Article 49 (previously Article 48). In particular subsection (d) given there are outstanding concerns regarding construction and operational odour, but currently no odour management plans are provided in the CoCP or for operational odour.

- 2.60 Other matters relating to Article 49 are included in the Authorities response to DCO 1.37 in the document headed Development Consent Order and Control Documents

Assessment of Operational Traffic Impacts

- 2.61 Concerns were raised in the West Sussex LIR about the assessment of operational traffic impacts [REP1-068 para 13.110-121]. The Applicant has not addressed these issues in its response [REP3-078]. However, queries were submitted by the JLA's in a Technical Note at Deadline 3 [REP3-117] Appendix A to seek further clarification on these (and other) outstanding technical issues.
- 2.62 The Authorities are expecting a response from the applicant to the issues raised in the D3 Technical Note to advance further discussion or agreement.

Noise and Vibration

- 2.63 The Applicant's comments about Noise and Vibration are contained within Table 4.8 of [REP3-078]. It is noted that the role of the Statements of Common Ground (SoCG) and Principal Areas of Disagreement Summary Statements (PADSS) is to extract and highlight unresolved matters. However, on reflection of the comments offered by the Applicant in response to the LIR, it is considered necessary to set out the authorities' more general position on the issue of noise and vibration.
- 2.64 Notwithstanding that the following comments are general, the Joint West Sussex Authorities (JWSAs) consider all the points raised by the local impact report remain valid.
- 2.65 The JWSAs consider that the Applicant does not accept the longstanding concerns of the local authorities and it is difficult to see how agreement can be reached between the parties. In response to the detailed information and set against LIR references 14.1A – 14.1AF inclusive, the Applicant has mostly restated its ongoing position and offers little progress or attempts to materially resolve concerns despite the provision of evidence. This is a frustration for the authorities and the communities they serve.
- 2.66 The WSA's have continued to be open to discussions with the Applicant to resolve relevant issues and want the best use to be made of this engagement, unfortunately to date this has not happened and the progress being made in other areas, is not occurring with noise. The WSA's look to the ExA for assistance in ensuring that the Applicant is transparent and thorough in setting out the noise impacts of the proposed DCO and that proper mechanisms are put in place to ensure avoidable harm to the environment and communities through proper and effective mitigation.

Noise Envelope

2.67 As the ExA is aware, the noise envelope remains a significant area of concern and remains a key obstacle that must be addressed, including related management systems which govern and control the noise envelope. As achieving compliance with the noise envelope is dependent on operational activities, the reach of the management system must include operational systems, the two are interconnected. The WSAs must be assured that the Applicant's approach is compliant, and we consider that such systems should be defined well in advance to provide assurance that the noise envelope will work, be effective and the controls enforceable. This does not appear to be the intent of the Applicant who favours the determination of such things, 'after the act' and consider it to be acceptable to refine issues after the DCO is granted and during implementation. The WSAs consider this to be too late in the process and will include inherent avoidable risks and potentially impacts.

2.68 The WSAs will also set out further concerns in their proposal on Environmentally Managed Growth.

Benefit Sharing

2.69 The Applicant consider that they always accepted the "Sharing the Benefit" as a concept, however the WSAs do not consider this to be the case. Cessation of discussion about this occurred following the publication of the Overarching Aviation Noise Policy (March, 2023) as it contained no reference to the "Sharing the Benefit".

2.70 Furthermore, there has been continued disagreement between the airport and the authorities, and indeed wider Joint Local Authorities (JLA's) about how this should be interpreted. The JLAs view remains that sharing the benefit relates to the local community, while the Applicant has maintained that securing wider benefit for the UK economy was sufficient to its case. The JLAs hold the view that this is contrary to the ICAO Balanced Approach and wider aviation policy.

Sanctions

2.71 The WSAs do not consider that penalties for exceedance have been suitably addressed and the Applicant confirms they regard the loss of capacity as a financial sanction or penalty to the airport. Being deprived of financial gain as a side effect of complying with a lawful requirement is not a sanction or a penalty. It is the WSAs view that any financial gain during any period of exceedance should be redirected to the community affected and to encourage compliance there should be an additional separate penalty structure.

Decision Making

2.72 The Applicant remains committed to their position that local authorities will have no role in decision making and approval processes (including formal approvals) on noise matters. The local authorities have an important role in advocating and decision making on behalf of all the community. The airport

is seeking to exclude this representation and this is not considered acceptable.

Ground Noise

- 2.73 The information provided by the applicant in relation to ground noise has not assured the West Sussex local authorities that they are adopting appropriate practice and complying with local and national policy for mitigation.
- 2.74 Positively we welcome the production of the ground noise model submitted as part of the technical note, despite it being insufficient at this time. We comment on that under separate cover.

Route 9 (Wizad)

- 2.75 The use of Route 9 (Wizad) is still a significant concern. It remains unclear how the use of this route will change and what effects will occur across Horsham District and potentially the AONB within Mid Sussex District Council area. The overflight data has still not been presented for all assessment years and it is expected that revised forecasting will also impact this. The growth in air traffic appears dependent on this and yet it results in a marked increase in air traffic on a specific community who will, in essence, be newly exposed.

Climate Change

- 2.76 No comment to make in response.

Greenhouse Gases

- 2.77 The matters referenced in Table 4.9, relating to Greenhouse Gasses were subject of further discussion at ISH6 – Climate Change and Greenhouse gases. The legal partnership authorities set out its position on these matters at the hearing and have provided post hearing submission at Deadline 4.

Traffic and Transport

- 2.78 WSCC, as Highway Authority, has the following comments in relation to the Traffic & Transport Section (Section 4.15) of the Applicant's Response to the matters raised in LIRs [REP3-078], which are set out in Table 4.10:
- Ref No. 17.1A – As stated in the LIR WSCC considers that the Outline Construction Traffic Management Plan [APP-085] lacks detail of specific measures and has concerns that the outline document will be substantially based on the outline document. As set out within the LIR [REP3-078] the Highway Authority would look for additional commitments to be set out within the Outline Construction Traffic Management Plan [APP-085] that are considered to be standard provisions within such a document. This includes, but is not limited to, the following:

- A commitment to deploy road sweepers on the highway network to ensure detritus is regularly cleared from the carriageway.
- Despite the construction routes going on and near to local schools there is no commitment to avoid construction traffic movements on these routes at the start and end of the school day. The Highway Authority would look for this commitment to be included within the OCTMP [APP-085].
- Additional measures should also be put forward to reduce the risks construction traffic poses on road users. Training events, funded by the Applicant, could be offered to the local community and to specific audiences such as local large employers and schools near the construction traffic routes. These training events could be specifically tailored to ensure all road users, but specifically cyclists, are aware of safe road positioning and make them aware of HGV blind spots and the Projects construction traffic routes, so other road users' behaviours can be positively altered to reduce the likelihood of accidents involving construction traffic.

2.79 Concerns also remain about Outline Construction Workforce Travel Plan [APP-084]. The concerns are set out in the West Sussex LIR [REP3-078] but relate to lack of detail and certainty of the measures set out within the plan being successfully implemented.

- Ref No. 17.1C – The Highway Authority previously requested that the Applicant commit to funding a Highway Structural Maintenance Contribution which contributes to the costs of maintaining, in a good state of repair, the local road network during the construction period, to mitigate the impact and damage to the carriageway due to increases in construction traffic associated with the Project. The Applicant has stated that they do not consider that a contribution is appropriate but that it could be covered by the Transport Mitigation Fund (TMF), which is secured through the draft Section 106 agreement [REP2-004] and would be available to mitigate the unforeseen impacts of the Project. However, as currently drafted the TMF is only required to be set up on commencement of dual runway operations and therefore substantial construction and potential damage to the highway could have occurred prior to the fund being available for use. Therefore, the Highway Authority remain of the view that a Highway Structural Maintenance Contribution is required to cover the additional damage to the highway asset that could occur as a direct result of the Project and that such a request accords with Regulation 122 of the Community Infrastructure Levy Regulations. The precedent for such payments has been set in other DCOs, including the Sizewell C DCO. The Highway Authority will continue to engage with the Applicant with a view to agreeing the inclusion of an appropriately worded obligation in the S106 agreement.
- Ref No. 17.1G – The Applicant's response to the request to produce an outline Airport Surface Access Strategy (ASAS) as part of the DCO is noted and acknowledged. Whilst not disputing what the Applicant has

stated, the Highway Authority remain of the view that it would be beneficial, and that there would be value, in producing an outline ASAS that clearly sets out what the future ASAS would include, including relevant mitigation in order to deliver the mode share targets in the Surface Access Commitments (SACs) [APP-090]. In relation bus operator engagement, with regards services and bus priority measures, the Applicant states that there are commitments in relation to bus and coach travel as set out within the SACs [APP-090]. This is not disputed, the reason for further engagement was to provide comfort that these additional bus services can be delivered by the relevant operators. Currently, no bus priority measures are proposed as part of the highway works and the Applicant's response to the LIR or assessment, in the latest version of the Transport Assessment (REP3-058) does not appear to consider the journey time implications of the attractiveness of bus travel to and from the airport. The Highway Authority would therefore encourage the Applicant to consider the need for bus priority measures to assist with journey time reliability of services to and from the airport.

- Ref No. 17.1K – The Highway Authority note the Applicant's response to the request for additional mitigation for active and sustainable travel provision to ensure sustainable transport is maximised as far as is possible, in line with the Airports NPS. The Crawley LCWIP has identified various routes between local areas and Gatwick Airport which could provide high quality connections to help meet the target modal splits set out within the Surface Access Commitments (APP-090). The Highway Authority remain of the view that additional mitigation, identified within the LCWIP should be provided.
- Ref No. 17.1N - The Local Authorities welcome clarification regarding the methodology as set out in the Car Parking Strategy [REP1-051]. However, as set out in the West Sussex Local Authorities Deadline 4 Submission (Section 3.2), it is considered that in omitting non-GAL operated on-airport spaces (these totalling 4,964 spaces) from its calculations, the Applicant is not taking account of all on-airport parking spaces, and is may therefore potentially be over-estimating the number of new parking spaces required.
- Ref No. 17.1O – The Applicant's response discusses some of the updated trends identified in the 2023 Staff Travel Survey, and refers back to the existing ASAS. But it is not clear if/how trends from the 2023 survey are being taken into consideration through the DCO, for example how the updated information relates to the SACs or any new ASAS that will be prepared should the Project receive consent.
- Ref No 17.1P – The Highway Authority concerns remain in relation to the lack of appropriate control the SACs [APP-090] currently have if the surface access modal split targets are not met. As previously set out, there is a risk that, should the modal split targets not be met, that a substantial amount of time could pass and the airport continue to grow, whilst negative environmental impacts occur, worse than assessed in the Environmental Statement Chapter 12 Traffic & Transport [APP-037]. The

Highway Authority are of the view that the only way to ensure policy compliant growth at the airport occurs is via an Environmentally Managed Growth approach. Similar to that approach put forward by the Luton Airport DCO.

Public Rights of Way (PRoW)

- 2.80 The Applicant does not appear to have considered the detailed information within this chapter of the LIR only addressing the themes in the summary tables
- 11.1A - The level of detail for Museum Field is still not considered to be adequate. Please see further detailed set out in in the Deadline 4 Legal Partnership Submission in response to the Applicants D3 submission question LU1.13.
 - 11.1B – Pentagon Field - the Applicant suggests soil deposition may impact PRoW access. If this is the reason for a temporary closure being required, the Authorities would expect the Applicant to find an alternative location and retain safe convenient public access along the legal line of the Footpaths.
 - 11.1D – The Authorities maintain the position that the Applicant has not gone far enough in their PRoW enhancements. The enhancements are focussed on Highway improvements meaning users have to be in very close proximity to fast busy roads. There is plenty of scope for PRoW enhancements to upgrade existing footpaths to create off road active travel options to users so the interaction with vehicular traffic is minimised. An example of this would be the upgrade of the Sussex Border Path within the DCO Limits to a Bridleway along with upgrades of footpaths to the east of the terminals, also within the DCO Limits.

Socio-Economics and Local Economy

- 2.81 Table 4.11 sets out the Applicants response to matters raised in the West Sussex LIR relating to socio-economics.
- 2.82 Overall, the Authorities are of the view that the Applicant has not provided a comprehensive response to the concerns raised by the Local Authorities in the Local Impact report.
- 2.83 With regards to specific areas of the socio-economic assessment (Ref no refers to reference in Table 4.11):
- Labour Supply Constraints and Opportunities for Local People (Ref no.18.1a)*
- 2.84 Please refer to the West Sussex Local Authorities Deadline 4 Submission: *Appendix D Construction Labour Market and Accommodation Impacts.*
- 2.85 The Applicant has not provided a satisfactory response to the Local Authorities' point that many of the jobs generated will be lower-paid, low-value jobs which will not make a significant net additional contribution to the economies that are local to the Project.

Assessment at the Local Authority Level (Ref Para 18.32, 18.37 and 18.38)

- 2.86 The Applicant has not provided a satisfactory response to the Local Authorities' point that assessments at the local authority level are needed for those to inform potential socio-economic effects at a local level. The Local Authorities are still waiting for reasonable explanation for why an assessment at the local level has not been undertaken.

Employment, Skills and Business Strategy Implementation Plan (Ref no 18.f and para 18.33 onwards)

- 2.87 Please refer to the West Sussex Local Authorities Deadline 4 Submission on: *Draft Section 106 Agreement Annex ESBS Implementation Plan [REP3-069]*.

Overstated Employment Benefits (Ref Para 18.64)

- 2.88 Please refer to the Joint Local Authorities Deadline 4 Submission 'Response to additional documents submitted at deadline 3 – Case for the Scheme and Related Matters' (Prepared by York Aviation Ltd).

Housing Supply – Temporary accommodation and Affordable housing (Ref Para 18.1c, 18.49, 18.50, 18.52, 18.56)

- 2.89 Please refer to the West Sussex Local Authorities Deadline 4 Submission on: *Appendix D Construction Labour Market and Accommodation Impacts* and

- 2.90 Deadline 3 West Sussex Joint Local Authorities Response [\[REP3-117\]](#) Sections 2.2 and 2.3.

Employment Land Supply and ARELS (Ref Para 18.81)

- 2.91 Please refer to the West Sussex Local Authorities response on *The Applicant's Response to the EXQ1 – Socio-economic Effects (doc Ref. 10.16)*.

Property Prices (Ref Para 18.1g and 18.82 - 18.84)

- 2.92 Please refer to the West Sussex Local Authorities response on: *The Applicant's Response to the EXQ1 – Socio-economic Effects (doc Ref. 10.16)*.

Gatwick Community Fund (Ref para 18.100)

- 2.93 Please refer to Response to Legal Partnership Authorities Response to EXQ1 DCO.1.5.6 [\[REP3-135\]](#)

Visitor Economy and Tourism

- 2.94 The Authorities have raised concerns regarding the connectivity of the airport with London and that benefits will not be captured in the West Sussex area. The Applicant's response does not alleviate these concerns. To simply state that "*local tourism impacts are captured....as part of the induced and catalytic footprint of the scheme*" is too vague given these benefits apply to a much wider geographical catchment area than West

Sussex. Therefore the Authorities have little reassurance that these benefits will be captured within the West Sussex area.

Cumulative Effects

- 2.95 The Authorities' position on the shortcomings of the Applicant's approach to assessing cumulative effects remains unchanged following a review of the comments made in The Applicants Response to Local Impact Reports [[REP3-078](#)].
- 2.96 While the Applicant states in paragraph 4.17.3 that the long- and short-list was subject to consultation the Authorities would like to point out that, at the point at which the local authorities' input was sought, the criteria for selection had been committed to by the Applicant in accordance with Zones of Influence ("ZoI"). The rationale for setting these ZoIs has not been fully justified by the Applicant to date, either during the consultation with local authorities, despite requests for transparency and clarity around how the extents of the various topic ZoIs were set, or during the examination. This, to some extent, has limited the ability of the Authorities to scrutinise and evaluate the basis of the long- and short-lists.
- 2.97 In addition, the rationale for selection of other development from the long-list to the short-list remains unclear, and Authorities sought clarification from the Applicant. In one instance a site was found to have been duplicated in the long-list with one iteration being included in the short-list and the other being excluded. It was not made clear how the criteria for selection resulted in this inconsistency.
- 2.98 In terms of the assessment of cumulative impacts, the Applicant states in paragraph 4.17.12 that the West of Ifield and Gatwick Green developments were not considered to be sufficiently certain to be included in core transport modelling, however the Authorities have not yet seen justification for their exclusion from the cumulative effects assessment during the construction phase. Requiring the relevant promoters and local authorities to assess, and deliver, mitigation at the time development comes forward, while simultaneously relying on the delivery of the various development schemes in unadopted Local Plans to mitigate the Project's impact on, for instance affordable housing (as stated in [REP3-078](#) para 4.17.17) is not a robust approach to the cumulative assessment.
- 2.99 The Authorities have responded at Deadline 4 to the Applicant's answer to ExQ1 [[REP3-088](#)] in relation to the short-list sites. In this response they have provided comment against each of the sites listed in the West Sussex LIR which the Authorities consider will interact with the Project after considering the Applicant's justification for excluding the development from the cumulative effects assessment. This has not been duplicated in this document, but the ExA may find this useful to read in conjunction with the comments here.

Health and Wellbeing

- 2.100 In reviewing the Applicants response to the LIR, Table 4.12, the Authorities are still of the opinions as stated in the Health and Wellbeing LIR. The Applicant has set out their reasons for not carrying out a separate Health Impact Assessment (HIA). The Authorities are of the opinion that the EIA produced has not met the HIA requirements as the Applicant states is required under the IEMA 2022 Scoping Guidance Paragraph 1.12 to the level of detail that gives clear understanding of the health impacts and impacts on Health equality / inequalities of the construction and operational phases.
- 2.101 The WSCC LIR, the Authorities recommended the Applicant undertakes a HIA that seeks to robustly assess the potential effects, including physical and mental, on the health of the population and the distribution of those effects within the population and that this was for the population of West Sussex.
- 2.102 We note the Applicants quote, of the UKHSA response [RR-4687] but point out this is for air quality and noise only and not wider health impacts of West Sussex residents making use of local intelligence and robustly engages with local communities, including vulnerable populations.
- 2.103 Additionally, the impact, and assessment of noise in recreational areas requires further understanding, ideally through engagement with communities to understand local views and concerns.
- 2.104 The Applicant has suggested quantifiable data of increased footfall affecting the increase in A&E attendances, but this does not take into account the effects of that increase A&E attendance on subsequent treatment and bed days in the NHS Secondary Care System.

Construction Waste

- 2.105 Construction Dust Management Plan comments are provided to the Applicant and submitted as part of the appendices to the JLAs responses to the ExQ1 air quality questions.
- 2.106 The inclusion of the Level 2 control documents being given their own DCO requirements is supported.

Operational Waste

- 2.107 The authorities requested that the applicant consider the implications of operations waste, through producing an operational waste management plan. The applicant has provided an Operational Waste Management Strategy (REP3-070), comments on which are being provided in the West Sussex Joint Local Authorities Deadline 4 submission.

Major Accidents and Disasters – West Sussex Fire and Rescue

- 2.108 23.1C - Increased likelihood of a terrorist- related incident during the construction phase of the Project, and the impact of an incident of this nature:

- Accepted because they have stated the applicant will engage and consult on the Airport's development planning.
- It is concerning that the Applicant fails to acknowledge the potential for increased uncertainty during the construction phase, which terrorists could exploit.

2.109 23.1D - Potential impact to how quickly and effectively WSFRS will be able to respond to fire and other emergencies at the Airport:

- The Applicant must ensure access and water provisions are included in the planning stage and during construction. The Authorities are looking for an acceptance that they again appreciate the need to engage throughout the construction phase to ensure WSFRS can preplan and inform staff of potential changes to the Airport's layout. They support our statutory duty to attend to fires and road collisions at the Airport and in its vicinity.

2.110 23.1E - WSFRS are adapting to the emergence of renewable energy systems and electric- powered vehicles and aircraft. The construction and operation phases will need to access the potential impacts and downside risks associated with the direction towards Net Zero and sustainability:

- Similar to the 23.1D It would be positively received if there was reference to the understanding and need to collaborate here as there is increasing concern and evidence that fires in emergencies involving renewable/alternative fuelled systems create significant risks to Firefighter and Public safety.

Design and Sustainability

2.111 In general, the lack of detail in respect of design and control remains a key concern of the Authorities. The Applicants response repeats the controls mechanisms it envisages for design but the level of detail in the control documents and plans has not been addressed with only limited information included within the revised Appendix 1 Design Principles Statement [REP3-056]. Further information on the Authorities concerns is provided in Section 5 of this response and the expanded upon in the Legal Partnership response to questions GEN 1.21 and DCO1.56 [REP3-035].

2.112 24.1 A - The inclusion within the Design Principles details of works the Applicants consider are 'excepted development' is positive addition but the Authorities still consider that all works within the Project should be subject to the same design controls and all require additional detail.

2.113 24.1C - The level of tree loss and proposed mitigation is of concern as the surveys are still based on preliminary designs and Annex 6 –Outline Arboricultural and Vegetation Method Statement is not referenced as a control document in Schedule 12 of the dDCO [REP3-006].

2.114 24.1D - Lack of control over building performance (energy and water) -It is disappointing that the has not addressed this point.

Appendix A – Note on the Principle of Development [REP3-079]

- 2.115 The West Sussex Authorities response is covered through the Joint Local Authority D4 submission of the York Aviation report, 'Gatwick North Runway Project – Response to Additional Documents submitted at Deadline 3 – Case for the Scheme and Related Matters'.

Appendix B – Response to the West Sussex Authorities Appendix F – Needs case [REP3-080]

- 2.116 As 2.115

Appendix C – Response to DCO Drafting Comments from the West Sussex Authorities [REP3-081]

- 2.117 The West Sussex Authorities review of the above will be submitted at Deadline 5.

Appendix D – Construction Labour Market and Accommodation Impacts [REP3-082]

- 2.118 The Applicant has claimed significant employment will be generated during the construction phase however the authorities question the ability of local people to access these opportunities given existing labour supply constraints. The Applicant has not undertaken an assessment at the local level which the Authorities consider to be critical to determine the potential implications of the Proposed Development. In addition, the Applicant has highlighted the number of construction workers operating within different geographies but does not provide sufficient evidence on the availability of these construction workers.
- 2.119 The Applicant has said that skill shortages have existed “for a long time” which aligns with the research undertaken by Future Sussex. This research again raises the question regarding whether local people can actually access and hence benefit from the construction related employment opportunities. Notably, according to the CITB Workforce Mobility and Skills in the UK Construction Sector 2022 report (South East Report, May 2023) there is a decline in construction workers in the South East with qualifications equivalent to Level 2 or above falling to 57% from 63% in 2018/19 and also below the UK average of 61%.
- 2.120 The Applicant has referred to the latest Construction Skills Network (CSN) Industry Outlook 2023-27 report released in January 2023 and whilst growth in the construction workforce is slowing down, the report still states there will be an annual increase of 0.1% in the construction workforce between 2022-2027.
- 2.121 In the LIR, the Authorities through use of Future Skills Sussex research have referred to the considerable recruitment challenges faced by the construction industry and this is corroborated by the CSN report which “acknowledges the substantial recruitment and training challenges facing

industry.” The report sets out that an “extra 17,800 workers will be needed from 2023 to 2027”.

- 2.122 In relation to Non-Home Based (NHB) workers, the Applicant has reiterated its view that assuming for 20% NHB workers represents a very conservative upper estimate, equating to just 270 workers at peak. The Local Authorities continue to question whether this 20% assumption is suitably precautionary, as discussed in the West Sussex Deadline 3 Submission [REP3-117]. At Paragraph 2.2.4 of that document, reference is made to NSIPs at lower Thames Crossing and Luton Airport, which assumed for 65% and 52% NHB workers respectively. Given the local labour supply constraints cited previously in the West Sussex LIR and at Paragraphs 2.5.1 to 2.5.4 above, there is risk of the Applicant needing to place a greater reliance on NHB workers than it has presently allowed for. The Local Authorities therefore retain concerns that the true scale of the NHB workforce is being underestimated.
- 2.123 Turning to matters of temporary accommodation, and linked to the above, the Local Authorities retain concerns that if the number of NHB workers is indeed being underestimated, it follows that impacts of the NHB construction workforce on temporary accommodation are also being underestimated. The Local Authorities also note that the Applicant has provided a response regarding the Housing Emergency declared by Crawley Borough and in relation to the issue of Affordable Housing in general. In response to these matters, the Local Authorities would refer to Sections 2.2 and 2.3 of the West Sussex Deadline 3 response [REP3-117].
- 2.124 The Applicant explains in paragraph 4.2.1 of REP3-078 that it has prepared a series of Local Policy Compliance Tables (REP3-055) in response to local policies referenced in the Joint West Sussex Councils Local Impact Report [REP1-068]. Section 6.11 below sets out the Authorities’ response to the Applicant’s Policy Compliance Tables.

3. **Deadline 3 Submission - Response to Applicant's Comments on Deadline 2 Submissions [REP3-106] (Doc Ref 10.17) – The West Sussex Local Authorities [REP2-042]**
- 3.1 **Section 8.3 - Tree Survey, Arboricultural Impact Assessment and Outline Arboricultural Method Statement [REP3 – 037 / 039 / 041]**
- 3.1.1 Ref. Para. 2.3. The applicant has made reference to the latest Outline Arboricultural and Vegetation Method Statement, however, the Authorities have identified numerous occasions where tree loss is not clear within the preliminary tree removal and protection plans, with no other schedule to identify if tree removal is proposed or not. These scenarios have been identified within Comments on any further information/submissions received by Deadline 2 (REP3-117), appendix C.
- 3.1.2 Ref. Para. 2.4. Whilst the Authorities recognise the arboricultural impact assessment is based on preliminary design work, inclusive of construction requirements, concerns remain for numerous occasions whereby the necessity for tree removal has not been made clear. These scenarios have been identified within Comments on any further information/submissions received by Deadline 2 (REP3-117), appendix C.
- 3.1.3 Ref. Para. 2.5. The Authorities welcome amendments within the Outline Arboricultural and Vegetation Method Statement which now identify what the detailed documents will include. However, the method statement needs to include further detail to stipulate what working practices can or cannot occur within buffer zones of ancient woodland including any mitigating measures which are demonstrated to be appropriate. It also needs to identify that all tree pruning works will be specified within the detailed Arboricultural and Vegetation Method Statements, which are to be approved by the relevant planning authority.
- 3.1.4 Ref. Para. 2.6. Whilst the Authorities welcome a new design principle recognising buffer zones for ancient woodland, the design principle L10 within Design and Access Statement Appendix 1 – Design Principles (REP3-056) lacks in any form of protection for ancient woodland through detailed design and needs revising to provide confidence for the Authorities that ancient woodland will be adequately avoided.
- 3.3 **Table 38 : Car Parking Strategy**
- 3.3.1 The Applicant has clarified that reference made in the Car Parking Strategy to 'on-airport' parking relates only to GAL-operated on-airport parking, with non-GAL operated passenger parking inside the airport boundary referred to in the Strategy as being 'off-airport'. Whilst the Local Authorities appreciate that such parking is not under the direct control of the Applicant, the fact remains that non-GAL operated parking situated within the airport boundary is performing a role in catering for the parking requirements associated with passengers travelling to and from the airport. There is also a clear Crawley Borough Local Plan policy distinction (Policy GAT3) between on and off-airport parking, with the provision of additional or replacement airport parking only permitted within the airport boundary where it is justified by a demonstrable need in the context of a sustainable approach to

surface access. The Applicant has actively supported this policy approach at Local Plan Examinations and off-airport parking appeals. As of the September 2023 Gatwick Airport Parking Survey, there were 4,694 authorised non-GAL operated passenger spaces located on-airport. This is a significant number of spaces for the Applicant to have omitted from its calculations. Whilst the Authorities note that the lapsed Hilton parking application is no longer included in the Baseline, the fact that it was previously included appears to show an inconsistency of approach, as on one hand the Applicant had included non-GAL operated parking in its Baseline, but on the other hand is not taking account of non-GAL operated on-airport parking in its calculations. The Local Authorities remain concerned therefore that the Applicant, in not taking account of the presence of existing on-airport parking spaces where these are not GAL operated, is potentially over-estimating the number of new parking spaces required.

3.4 **The Applicant's Response to Deadline 2 Submissions (Doc Ref 10.17 REP3-106) and specifically those comments that relate to the Applicant's response to the West Sussex Joint Local Authorities Deadline 2 submission (REP2-042).**

3.4.1 The Highway Authority has the following comments to make in relation to paragraph 8.9 Rights of Way Access Plans, and as set out in Table 39 of the Applicants response to matters raised by the West Sussex Joint Local Authorities'.

- **Paragraph 2.34** – As set out in West Sussex Local Authorities Deadline 2 submission (REP2-042) and the West Sussex LIR (REP1-068)

Further specific information has been requested from the Applicant to enable the Highway Authority to fully appraise the highway safety and capacity implications of the proposed highway works. These matters still remain outstanding. The Highway Authority has previously seen sight of a Stage 1 Road Safety Audit and Designers Response and comments have been issued on this. More recently a meeting was held with the Applicant on 27th February 2024 to discuss the outstanding matter of a Stage 1 Road Safety Audit. Some of the information requested at that meeting, and subsequently in the West Sussex LIR (REP1-068), has been submitted by the Applicant on 1st May 2024. This is currently being assessed and ongoing engagement is required on this matter. A meeting with the Applicant to discuss the outstanding matters relating to transport modelling and highway proposals took place on 10th May. The Highway Authority will continue to positively engage with the Applicant to seek to address these outstanding matters.

- **Paragraph 2.35** – the error on the Rights of Way and Access Plans (REP1-014), that incorrectly indicated the A23 London Road Diverge

to North Terminal Roundabout as a Local Highway Authority maintained asset, has now been amended in the revised drawings submitted at Deadline 3 submission (Doc Ref.4.6v3 REP3-013). This matter is now addressed.

3.4.2 The Highway Authority has the following comments to make in relation to paragraph 8.11 associated with Traffic Modelling, and as set out in Table 41 of the Applicants response to matters raised by the West Sussex Joint Local Authorities’.

- **Paragraph 3.3 & 3.4** – In relation to Highway Authority comments about the Accounting for Covid in Transport Modelling (AS-121) the Applicant states that the outputs of the Covid sensitivity tests are being considered in the context of the ES and that they will provide further information to the ExA in due course. The Highway Authority will comment upon any further information as and when it is provided.
- **Paragraph 3.6** – The Highway Authority previously requested further transport modelling information to enable them to fully appraise the forecast traffic impact of the project. This was set out in West Sussex LIR [REP1-068] and in the authorities comments on submissions received at Deadline1 [REP2-042]. The Applicant has now responded to these requests and the Highway Authority has the following comments to make on their response.
- In relation to the request for the VISSIM model validation report the Applicant has confirmed that no updates or changes have been made to the model that was previously shared with the Highway Authority in November 2022. This is noted and if no updates have been made the Highway Authority has no further comments in this regard at this time.
- With regards further information in relation to queue lengths, the Applicant has stated that they are working through queries with queue lengths with National Highways and additional material to support the understanding of queueing behaviour is being prepared. The Applicant has agreed to share this with WSCC when it becomes available. WSCC as Highway Authority will review and comment upon this information once it is shared.
- As previously requested, the Highway Authority asked whether a LINSIG model had been developed for the signalised junction at North Terminal. The Applicant has responded and stated that a standalone LINSIG model is not required because it is fully part of the VISSIM model area. Whilst the Applicant’s response is noted and understood the Highway Authority remain of the view that a LINSIG model would provide metrics, such as Practical Reserve Capacity (PRC) or Degree of

Saturation (DoS), which would better quantify junction performance and capacity and therefore provide a better understanding of the likely impacts of the project on this part of the network.

- Demand matrix changes: WSCC previously requested, in the WSCC LIR [REP1-068], a summary of the demand matrix changes that have been applied in the VISSIM model for each future year scenario. The Applicant has stated that they will continue to engage with the local authorities and the Highway Authority will respond to any further information submitted.
- A meeting between WSCC, as Highway Authority, and the Applicant took place to discuss transport modelling matters and further modelling information is going to be shared. The Highway Authority will continue to positively engage with the Applicant to seek to address these outstanding matters.

3.4.3 **Paragraph 3.7** – The Highway Authorities have asked for further information from the Applicant about the potential for Strategic Road Network (SRN) traffic displacing onto the local road network, due to capacity issues on the SRN, and suggested a Select Link Analysis could be undertaken. The Applicant has stated that they will work with West Sussex on providing further information around this point. The Highway Authority will positively engage with the Applicant and respond to further information as and when it is made available.

4. **Associated new documents submitted by the Applicant in responses to written questions (ExQ1)**
- 4.1 **Construction Carbon Management Strategy [REP3-107]**
- 4.1.1 In the Construction Carbon Management Strategy [REP3-107], the Applicant presents a comprehensive strategy for managing carbon emissions during the project's construction phase by adopting PAS 2080:2023 standards and pursuing certification. Furthermore, the Applicant demonstrates a strengthened commitment to PAS 2080 by actively engaging with the framework in the project's early stages. This proactive approach aims to align the project with carbon reduction goals, particularly during the critical design phase where significant emissions can be mitigated.
- 4.1.2 However, clarity is needed regarding the Applicant's commitment to the carbon reduction target outlined in the Carbon Action Plan (CAP). While they state an intention^[1] to adhere to the construction carbon budget figure specified in the CAP for the Northern Runway Project, it remains uncertain whether they are fully committed to achieving the 1.15 MtCO₂e target as set out in the CAP. Moreover, the Applicant's stance on the utilisation of offsetting to reach this target is ambiguous.
- 4.1.3 According to PAS 2080:2023 guidelines, offsetting should serve as a last resort for residual emissions that cannot be otherwise mitigated. Therefore, the Applicant should not rely solely on offsetting measures to attain the carbon reduction target. Clarity and a firm commitment to reducing emissions through proactive measures rather than relying on offsets are essential for aligning with PAS 2080 standards and fostering genuine sustainability in the project. The Applicant should comply with the locally adopted sustainability targets set out in policy ENV6 on the Crawley Borough Local Plan as a clearly stated measure.
- 4.1.4 The Applicant appears to have established robust monitoring and reporting mechanisms to ensure internal transparency and accessibility. This framework is essential for verifying compliance with carbon targets and key performance indicators (KPIs).
- 4.1.5 Additionally, it would be advantageous for the Applicant to include progress updates and identify potential risks associated with the PAS 2080 process in the annual monitoring report. By doing so, the Applicant can provide valuable insights into the project's trajectory and proactively address any challenges that may arise. Making these reports accessible to the public and relevant local authorities enhances transparency and allows for thorough scrutiny. This approach fosters accountability and builds trust among stakeholders, ultimately contributing to the project's sustainability and success.
- 4.1.6 Finally, the commitments in this document need to be secured either through a separate control document or as an annex to the CAP.

4.2 **Post Covid VISSIM Sensitivity Tests 2032 and 2047 [REP3-108]**

4.2.1 WSCC, as Highway Authority, have reviewed the Applicant's submission of additional VISSIM microsimulation modelling which appraises the impacts of the post-Covid modelling and therefore takes account of the updates to the strategic/demand modelling.

4.2.2 Post Covid VISSIM Sensitivity Tests for 2032 and 2047 document [Doc Ref:10.19 REP3-108] take revised demand forecasts and apply them to the existing VISSIM model using the same method as the original forecast runs. The revised growth rates and baseline traffic levels in the Post Covid sensitivity tests result in forecasts with generally lower traffic demand around Gatwick. When this lower level of traffic growth is applied to the VISSIM network, the result is lower forecast demand, lower congestion and smoother network operation when compared to the Core scenario presented originally, which is clearly not unexpected.

4.2.3 As before, the VISSIM model 'with Project' performs better than the corresponding VISSIM model 'future baseline' assessment due to the highway capacity improvements and traffic redistribution. The Highway Authority have no further comments to make at this time.

4.3 **Equality Statement [REP3-109]**

4.3.1 The Equality Statement provided by the Applicant refers to existing documents with the addition of table 6.1 setting out the potential for disproportionate or differential equality impacts and affected characteristics but not the effects on health. The Authorities recommend that local evidence of the impacts on the local communities of West Sussex is used as opposed to wider health data and robust engagement with the local communities and stakeholders, to include space specific demographics and population specifics in assessments of equalities and health impacts.

5. **Amendments to the Design and Access Statement (Doc Ref 7.3 v2) [REP2-032, REP2-033, REP2-034, REP2-035 and REP2-036] and Design and Access Statement Appendix 1 – Design Principles (Doc Ref: 7.3 v2)[REP3-056].**
- 5.1 The Authorities have reviewed the updated Design and Access Statement Volumes 1-5 [REP2-032, REP2-033, REP2-034, REP2-035 and REP2-036] and while not tracked these documents appear only to have been updated in relation to the Project Changes. It is noted that in Section 8, Volume 5 [REP2-036] there is no detailed information on the reed bed compound. The Authorities concerns expressed about the lack of detail in this document still remain (see Chapter 24 [REP1-068]).
- 5.2 It is noted that the Applicants have now created a separate Appendix 1 – Design Principles document [REP3-056] (clean) and [REP5-057] (tracked) and that the design principles within have been expanded. The level of detail within the document itself is lacking the design controls the Authorities would expect to see for a project of this scale given the expectation that this would be a control document. The level of design detail expected by the Authorities is set out in response to question GEN 1.21 [REP3-0135].
- 5.3 The comments below are not exhaustive but pick up some key omissions from the recent version of the document.
- There is still reference in the document to the exclusion of 'excepted development', this approach is not accepted as any Project works listed in the DCO should be subject to detailed control as part of the EIA development see response to Action Point 10 ISH2 [REP2-081].
 - The tree protection surveys and other Arboricultural documents received since the Project was submitted are not listed as control documents.
 - The design principles listed are still considered vague and imprecise and do not address site character or context for the various Works. Illustrative plans and additional details should be included within this control document to demonstrate that important site characteristics can be safeguarded and to provide additional certainty that the level of development being proposed can be appropriately accommodated at the site.
 - There is no reference to relevant development plan policies which the Authorities would expect this Project to comply with. These standards and requirements should inform the design principles. In respect of design policies there is no aspiration or vision within the principles for high quality design which is considered very important given the airport's gateway location for visitors to UK. There is still no reference to compliance with local sustainability targets for energy or water detailed in Chapter 24 of West Sussex LIR [REP1-068].
 - Whilst the Authorities welcome a new design principle L10 recognising buffer zones for ancient woodland, the wording lacks in any form of protection for the woodland through detailed design measures and needs revising to provide confidence for the Authorities that ancient woodland will be adequately safeguarded.

5.4 In respect of the built form design principles, the Authorities note that while these have been expanded upon they are still limited to a few bullet points and remain imprecise in wording and open to wide interpretation. The following specific points are set out below:

- It is noted that not all the proposed Works are listed for example, reference to the piers have been removed and there is no detail on the runway.
- Principle DBF9 for Car Park X is still considered too imprecise (see further detail set out in the Joint Authorities Deadline 4 response to GAL's response to ExAQ1 HE 1.2).
- There are several references to portacabin style buildings (for example DFB29 and DBF30), this form of development is typically viewed as temporary accommodation and is not considered high quality design. Other site works do not provide any suggestion of the design form of the buildings for example DFB32.

5.5 The Authorities raise the following comments in respect of the drainage principles:

- DDP1 states that 'the Surface water drainage storage attenuation features (tanks, ponds etc) will be sized to cater for the 1 in 100 (1%) Annual Exceedance Probability (AEP) storm event plus an allowance for climate change as required by Environment Agency guidance'. It is recommended that it is specified that these features are designed using the most recent Flood Estimation Handbook (FEH) rainfall data, FEH22. This is detailed in the West Sussex LIR, Chapter 10, Paragraph 10.39 [REP1-068]. The Authorities would also expect the correct climate change allowances to be identified in DDP1, reflecting the lifetime of the development.
- DDP5 states that 'Surface water drainage systems should be developed in accordance with the ideals of sustainable development (i.e. SuDS). These should seek to mimic the natural environment and replicate the natural drainage prior to development'. This should specifically reference source control (above ground) Sustainable Drainage Systems (SuDS) features to be considered where possible. This is detailed in the West Sussex LIR, Chapter 10, Paragraph 10.42 [REP1-068].
- DDP11 states that 'a drainage network would be installed, consisting of carrier drains, filter drains, ditches and attenuation basins/ponds, along with flow control arrangements to limit discharges to watercourses'. It is recommended that the preferred discharge limit to QBAR greenfield runoff is identified here. This is detailed in the West Sussex LIR, Chapter 10, Paragraph 10.38 [REP1-068].
- DDP15 discusses the sizing of the new pumping station. It is recommended that the requirements for sufficient failure and emergency procedures for the pumping station are also identified here. This is detailed in the West Sussex LIR, Chapter 10, Paragraph 10.47 [REP1-068].
- DDP19 states that the drainage design for the highway works will comply with the principles set out in the ES Appendix 11.9.6 Flood Risk Assessment - Annex 2 Surface Access Drainage Strategy, but this should not be limited to only water quantity, and the mitigation measures

provided for water quality as a result of the additional three hectares of highway to be created, and pollution from the increase in traffic should be carried out in line with the provisions of the SuDs manual, and should allow authorities to identify what is the pollution indices as a result of the expansion work, and what measures will be put in place for the mitigation indices.

6. **West Sussex Local Authorities review of Updated Plans**

6.1 **Works Plans (Doc Ref 4.5 v4)[REP3-011 and REP3-012]**

6.1.1 The identification of the sub -works references to the amended plans is welcomed and is considered an essential amendment. It appears the site compound areas may have been added although this not expressed on the drawing key. It is noted that drawing numbers 990005 and 990008 have not been supplied within the revisions.

6.1.2 The Authorities provided further detail on the Works Plans in response to the Examination Question DCO 1.39 [REP3-135] which the Applicant should carefully consider.

6.2 **Rights of way and Access plans[Rep3-013] (Doc Ref 4.6 v3)**

6.2.1 West Sussex County Council (WSSCC) as Highway Authority have reviewed the revised Rights of Way Access Plans Doc Ref 4.6 (REP3-013); submitted by the Applicant at Deadline 3. These revised plans have been submitted to address errata raised by Interested Parties at Deadline 2 Submissions. The Applicant has amended the plans, in relation to the issue raised by the Highway Authority in their deadline 2 submission (REP2-042), associated with an error in the Rights of Way Access Plans (REP1-014). The Rights of Way Access Plans (REP1-014) incorrectly detailed the A23 London Road left-in Diverge to North Terminal Roundabout as part of the local road network. The revised Rights of Way Access Plans Doc Ref 4.6 (REP3-013) now reflect this part of the network as trunk road classification and this matter is now addressed. Subsequent changes have also been made to the draft DCO to address this matter.

6.2.2 The Authorities also have the following comments regarding Sheet 1 of the revised plans:

- The legal line of FP346/2sy is still not represented correctly on Sheet 1 immediately west of the B3. The FP should be shown further south of the line represented as existing Public Right of Way. This will have implications on the alignment of the blue line representing "New Public Right of Way" and the red line representing "Public Right of Way to be Stopped Up" within the area marked B3;
- At the western end of B2 clarity needs to be provided as to whether the public footpath actually does end on the area shown as Trunk Road because this needs to be the case so public access continuity is provided. At present it appears to show it ending on the bright green "new/improved footway" however there appears no clarity as to whether this is highway or not. If not highway then the necessary continuity is not provided for lawful public access and we would not accept this as Highway Authority.
- Clarity is also required as to public status of blue and pink lines shown as "New/Improved Shared-use Cycle Track" and "Now/Improved Segregated Cycle Track" respectively. This is the alternative option to pedestrian users due to the proposed stopping up of FP346/2sy within B2 so needs to have some sort of public status (ideally Highway status)

as without it there is no public access continuity and WSCC as Highway Authority would not accept this.

6.3 **Surface Access Highways plans – Structure Section Drawings [REP3-014](doc Ref 4.8.3 v3)**

6.3.1 West Sussex County Council (WSCC) as Highway Authority have reviewed the revised Surface Access Highways Plans – Structure Section Drawings 4.8.3 (REP3-014), submitted by the Applicant at Deadline 3 and have no specific comments to make. The revised plans have been submitted to correct errata raised by interested parties in Deadline 2 submissions but do not appear to result in changes to structures that are going to be managed and maintained by WSCC.

6.4 **Traffic Regulation Plans – Clearways and Prohibitions [REP3-015](Doc Ref 4.9.3 v2)**

6.4.1 West Sussex County Council (WSCC) as Highway Authority have reviewed the revised Traffic Regulation Plans – Clearways and Prohibitions 4.9.3 (REP3-015), submitted by the Applicant at Deadline 3, and have no specific comments to make. The revised plans have been submitted in response to comments raised in LIRs. A clearway order and banned turn orders, at the traffic signals for the Northern Terminal, are still proposed on the WSCC maintained highway.

7. Review of Applicant's Deadline 3 Document Submissions

7.1 Code of Construction practice Annex 6 – Outline Arboricultural and Vegetation Method Statement (oAVMS) (Parts 1 to 3) (Doc Ref 5.3 v2) [REP3-022 - REP3-027]

- 7.1.1 The Authorities refer to commentary provided within Comments on any further information/submissions received by Deadline 2 (REP3-117), appendix C. Whilst the applicant has submitted revised versions of the documents stated within the appendix C, the comments remain relevant.
- 7.1.2 Trees have been identified within the above stated document whereby their removal has not been demonstrated to be required, in addition to trees or hedgerows which need to be accounted for.
- 7.1.3 The outline method statement needs to include further detail to stipulate what working practices can and cannot occur within buffer zones of ancient woodland including any mitigating measures which are demonstrated to be appropriate. It also needs to identify that all tree pruning works will be specified within the detailed Arboricultural and Vegetation Method Statements, which are to be approved by the relevant planning authority.
- 7.1.4 This document should also reference adopted Local Plan Policy including the Borough Local Plan Tree Replacement policy (currently policy CH6 and the accompanying guidance set out the Green Infrastructure SPD (both referenced in [REP1-068]) which provides local context highly relevant the Project.
- 7.1.5 The oAVMS is intended as an outline document from which the Applicant suggests further method statements will be submitted for agreement for each Works area. The Authorities are not clear how the provisions of this document and requirements for future documents will be secured through the DCO.

7.2 ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment (Parts 1 to 3) (Doc Ref 5.3 v2) [REP3-037- REP3-042]

- 7.2.1 The Authorities refer to commentary provided within Comments on any further information/submissions received by Deadline 2 (REP3-117), appendix C. Whilst the applicant has submitted revised versions of the documents stated within the appendix C, the comments remain relevant.
- 7.2.2 The Applicant's acknowledgement of Crawley Borough Council's adopted Tree Planting and Replacement Standards policy ("Policy CH6") within Section 7 of this document is welcome.
- 7.2.3 By way of explanation, Policy CH6 is set out in the 2015 adopted Crawley Local Plan and is supplemented by Crawley Borough Council's Green Infrastructure Supplementary Planning Document. The policy requires trees lost as a result of development to be replaced so as to sufficiently mitigate visual impacts and biodiversity loss and the number of replacement trees required depends on the size of the trees lost. Where the level of tree

planting required to comply with Policy CH6 is not feasible or desirable on-site, Policy CH6 provides that a contribution will be sought in lieu on a per tree basis, with the number of replacement trees required depending on the size of the trees which are to be lost as per the tables in Policy CH6 and the Green Infrastructure SPD. The formula for calculating a contribution can be summarised as follows:

The number of replacement trees required to be planted based on existing trees to be removed as part of the development (as shown on the approved Landscaping Details Plan and Tree Schedule and calculated in accordance with the table set out in Policy CH6 of the Development Plan and Green Infrastructure SPD

less

the number of new trees that are to be planted as part of the Development as shown on the approved Landscaping Details Plan and Tree Schedule)

multiplied by £700.

- 7.2.4 Having reviewed section 7 of this document, the Authorities are unclear as to how the Applicant has calculated the tree mitigation figures and if this calculation has been carried out in accordance with Policy CH6.
- 7.2.5 The Authorities would wish to see a further breakdown of the calculations for each Works area demonstrated alongside each related tree survey and checked against the relevant tree removal plan. It is noted that, in the submitted Outline and Arboricultural and Vegetation Method Statement [REP3-022 - REP3-027], the tree removal plans were not due to be supplied until deadline 4. In view of these timescales, CBC cannot see how the figures provided could have been generated and presume that the size of the trees to be lost has been estimated by the Applicant.
- 7.2.6 To be compliant with the policy, CBC would ordinarily expect a developer to carry out a survey and measurement of each tree that is to be removed so as to accurately calculate out how many replacement trees need to be provided for mitigation. Scrub and shrub planting is generally not regarded as suitable tree replacement as this planting does not tend to reach the height and maturity expected of tree cover. Further information will be needed from the Applicant to understand exactly what is being proposed in terms of species, mix, size of planting and spacing on the various Works sites.
- 7.2.7 It is highly unlikely given the level of flexibility sought by the Applicant (and limited detail of the Works provided) that the precise level of tree loss can be known prior to the determination of the DCO. As such, the Authorities would expect tree mitigation to be secured via a Section 106 Agreement. This approach is standard practice for all planning applications within Crawley Borough where landscape layouts are uncertain. It allows tree retention to be factored into the detailed works design, with contributions only being triggered if necessary. During negotiations regarding the draft

dDCO Section 106 Agreement, the Authorities have proposed wording which would secure the replacement tree contribution on this basis and are currently awaiting the Applicant's response to this request.

7.3 **ES Appendix 5.4.1 Surface Access Commitments [REP3-028](Doc Ref 5.3 v2)**

7.3.1 West Sussex County Council (WSSCC), as Highway Authority, have reviewed the revised Surface Access Commitments (SACs), set out in Environmental Statement Appendix 5.4.1 [REP3-028], which responds to National Highways earlier submission of a tracked change version of the SACs [REP2-056] and their concerns remain in relation to aspects of the SACs.

7.3.2 The Highway Authority comments in relation to the National Highways tracked change version of the SACs [REP2-056] are set out in Table 1 of West Sussex authorities Deadline 3 Submission - Comments on any further information/submissions received by Deadline 2 [REP3-117]. The Highway Authority still has concerns that the SAC document is not sufficient to ensure that the outcomes which have been identified in the Environmental Statement Chapter 12 Traffic & Transport [REP3-016] and Transport Assessment (TA) [REP3-058] are delivered. Should the outcomes not be delivered there is also not considered to be sufficient controls within the SACs to adequately address matters. Instead, the Joint Authorities propose an Environmentally Managed Growth approach as a means to ensure that the identified outcomes are delivered and that growth at the airport is restricted to ensure that outcomes are not worse than identified in the Environmental Statement [REP3-016] and Transport Assessment [REP3-058] and that policy compliant growth at the airport can occur.

7.4 **ES Appendices 9.9.2: Biodiversity Net Gain Statement[REP3-047] (Doc Ref 5.3 v3)**

7.4.1 Section 4.1.3 is very misleading in stating that all of the Land East of the Railway Line (LERL) and the majority of the North West Zone have been excluded from the Project site. If this relates to the ecology baseline for the purposes of calculating BNG, then this too is incorrect as the proposed deicer reedbed system lies within the LERL Biodiversity Area.

7.4.2 The Authorities are concerned that the BNG calculations and biodiversity value of the constructed reedbeds are greatly exaggerated given that they will be constructed and managed specifically to treat contaminated water. The BNG assessment is based on achieving a target condition of 'moderate' with the assumption that the reedbeds will be a good representation of the habitat type, the reedbed has a diverse structure and may include open water, species-rich fen and wet woodland. Since the reedbeds will be of limited biodiversity value it is requested that the BNG calculations are re-assessed.

7.5 **Planning Statement Appendix D – Sustainability Statement [REP3-054] (Doc ref 7.1 v2)**

- 7.5.1 This document omits to consider relevant local plan policies in the Mid Sussex District Plan (2018) and Horsham District Planning Framework (2015). As set out in Section 7.7 of this response these documents contain policies that are relevant to consideration of the Project.
- 7.6 **ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan (Parts 1 to 3) [REP3 – 031/033/035](Doc Ref 5.3 v3)**
- 7.6.1 Biodiversity Net Gain - The new section 8 on BNG is welcomed.
- 7.6.2 It is still of concern that the oLEMP is very lacking in detail regarding ecological monitoring. In section 9.85 of the Joint West Sussex LIR [REP1-068] 'The Authorities request that the Monitoring and Inspection section in the OLEMP is expanded into a detailed ecological monitoring plan describing the monitoring methodologies, frequency and duration for each habitat type and location, including the NWZ and LERL biodiversity areas.'
- 7.6.3 Furthermore, the oLEMP also needs to include information on species monitoring, including GCN, grass snake, bats and badger, as identified in Table 9.8.1 and section 9.9.376 of chapter 9 (Ecology and Nature Conservation) of the ES [APP-034]. Section 9.9.376 states that 'continued monitoring of the populations of bats, GCN and grass snake would be carried out to determine the success of the measures implemented, as set out in Table 9.8.1. This would assess how the relevant populations were performing against baseline levels and identify if any additional measures would be required if there were signs that populations were declining, such as changes to habitat creation or enhancement areas to ensure the measures were successful.' The updated oLEMP (version 3) section 11.19.5 states that 'monitoring for bats may also be required, should a licence be necessary.' WSCC understands that the monitoring of bat populations will be undertaken irrespective of any licencing requirements and requests that this is made clear.
- 7.6.4 It is requested that the oLEMP is revised to include a detailed ecological monitoring plan for both habitats and species.
- 7.6.5 The Sketch Landscape Concept plans - As pointed out in section 9.75 of the Joint West Sussex LIR [REP1-068], the keys to the Sketch Landscape Concept plans within the oLEMP are difficult to interpret. In particular, it is difficult to distinguish between existing woodland and proposed woodland. As a consequence, the Authorities lack confidence that sufficient compensatory habitat, notably woodland planting, is being proposed. WSCC would be grateful if these Sketch Landscape Concept plans could be revised accordingly in Parts 1-3 of the oLEMP.
- 7.6.6 Constructed wetland to treat de-icer contaminated water - Section 6.5.12 of the oLEMP states that the constructed wetland comprising six reedbeds will 'provide an opportunity for a naturalistic wetland area with a variety of species and habitat types ...'. The Authorities question the 'naturalness' of this constructed wetland which appears to comprise a single habitat type of reedbed.

- 7.7 Planning Statement Appendix E – Local Policy Compliance Tables [REP3-055] - West Sussex Authorities’ Response to Local Policy Compliance Tables**
- 7.7.1 This is a new document [REP3-055] submitted into the examination by the applicant, as an appendix to the Planning Statement [[APP-245](#)]. It is noted that the Planning Statement itself has not been updated to reflect the addition of a new Appendix. The document recognises that local planning policies are important and relevant.
- 7.7.2 Appendix E is made up of six relevant annexes, each containing a table setting out how the applicants’ proposals comply with local policies. It is not clear why all relevant Local Planning Policies are not included, namely those of West Sussex County Council; The West Sussex Joint Minerals Local Plan (July 2018, Partial Review March 2021), the West Sussex Waste Local Plan (April 2014), and the associated Minerals and Waste Guidance should be included. The Applicant should include all policies that are relevant to the proposed development within the compliance tables in order to provide the ExA with a complete picture of local planning policy compliance.
- 7.7.3 The Applicant’s table (Table 6.11) below has been reviewed and provides a response to the Compliance Commentary that has been set out by the Applicant in its Planning Statement Appendix - Local Policy Compliance Tables [REP3-055]. The table does not include every policy the Applicant lists (such as those where the authorities agree the Project does not conflict with policy), it instead highlights those policies where the Applicant’s Commentary misinterprets or fails to consider a key material Policy requirement, or where the Authorities disagree with the Applicant’s views on policy compliance.
- 7.7.4 For Crawley Borough, policies from both the Adopted Local Plan and the Local Plan Modifications Draft are listed, given the advanced status of the emerging Crawley Borough Local Plan, with the Modifications Consultation completed on March 25th. Subject to timely receipt of the Inspectors’ report, the Plan is currently anticipated to be adopted in July. Relevant differences between the policies are highlighted in the response column. An updated on the emerging Crawley Borough Local Plan will be provided at Deadline 5.
- 7.7.5 The draft Horsham District Local Plan is expected to be submitted to the Inspectorate in June 2024, and includes strategic and development management policies as well as site allocations. These policies have not been covered in this document and were not included in the LIR or in GAL’s Planning Statement Appendix E - Local Policy Compliance Tables [[REP3-055](#)]. An update on the Plan’s progress will be provided at Deadline 6 or 7.
- 7.7.6 The draft Mid Sussex District Plan (2021 – 2037) is expected to be submitted to the Planning Inspectorate in late Spring 2024, and includes strategic and non – strategic policies as well as site allocations. These policies have not been covered in this document and were not included in the LIR or in GAL’s Planning Statement Appendix - E Local Policy Compliance

Tables [REP3-055]. An update on the Plan's progress will be provided at Deadline 6 or 7.

Review of Applicant's Table 6.11 - CBC, HDC, MSDC Response to Local Policy Compliance

Reference to "the LIR" in the table are to the West Sussex LIR [REP1-068]

Adopted Crawley Borough Local Plan Policy	Crawley Borough Local Plan Modifications Draft Policy	Response to Compliance Commentary
SD1 Presumption in favour of Sustainable Development	SD1 Presumption in favour of Sustainable Development	As set out in the LIR and the Crawley Borough Council Written Representation [REP1-067], numerous concerns have been identified with the mitigation of the impacts of the Project, its controls and the means to secure benefits for the local community. The strategic objectives of these policies are therefore not considered to be met.
	SD2 Enabling Healthy Lifestyles and Wellbeing	Paragraphs 20.25-20.32 of the LIR highlight concerns with the Health Impact Assessment and how fails to address identified health and wellbeing needs in Crawley. Paragraph 24.54 sets out the key areas of concern regarding the quality of design to be secured, a key requirement of this policy. The public rights of way and cycle routes accessing the airport and new open space should be significantly enhanced to address this policy, (LIR paragraphs 11.35 and 11.36).
CH2 Principles of Good Urban Design	CL2 Making Successful Places – Principles of Good Urban Design	Paragraphs 24.48 – 24.54 of the LIR set out the key areas of concern regarding the quality of design of the Project, highlighting why it is not considered to comply with these policies.
	CL3 Movement Patterns, Layout and Sustainable Urban Design	The public rights of way and cycle routes accessing the airport and new open space should be significantly enhanced to address this policy, (LIR paragraphs 11.35 and 11.36). As outlined in Chapter 17 of the LIR the Authorities consider the Surface Access Commitments for sustainable and active travel need to be enforceable through stronger controls.
	CL5 Significant Development, Masterplanning and Design Success	Paragraph 24.48 – 24.54 of the LIR set out the key areas of concern regarding the analysis of the context of the site and the quality of design of the proposals, highlighting why it is not considered to comply with this policy. The design principles submitted are not proportionate to the scale of the Project and are not considered to demonstrate the appropriate detail expected by this policy.
CH3 Normal Requirements of All New Development	DD1 Normal Requirements of All New Development	Paragraph 24.48 – 24.54 of the LIR set out the key areas of concern regarding the analysis of the context of the site and the quality of design of the proposals, highlighting why it is not considered to comply with these policies. This policy outlines detailed design considerations which are not currently demonstrated by the Applicant in their submission, it is accepted that some of these aspects will not be fully addressed until detailed design stage however some elements such as ensuring important site features such as trees are retained and safeguarding the amenities of nearby occupiers must be considered and addressed in more detail now.
CH6 Tree Planting and Replacement	DD4 Tree Replacement Standards	The Applicant have referenced policy CH6 in their recently submitted ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment (Parts 1 to 3) (Doc Ref 5.3 v2) [REP3-037- REP3-042] however it unclear if the proposal is policy compliant (see section 7.2.3 of this document for

		further information). Tree mitigation should be included within the s106 Agreement where replacement is required in compliance with this Policy.
CH9 Development Outside the Built Up Area Boundary	CL8 Development Outside the Built Up Area Boundary	The Applicant in paragraph 1.1.8 of Annex A of REP3-055 states that the LIR refers to Policy CH8 of the Modification Draft Local Plan. This is an error and should be CL8, Development Outside the Built Up Area Boundary, corresponding to Policy CH9 in the adopted Local Plan. The Project is adjacent to open countryside and this policy requires the rural fringe to be protected from proposals which result in noise and visual intrusion, the concerns and conflicts with this policy are set out in chapter 8 of the LIR.
CH11 Rights of Way and Access to the Countryside	OS3 Rights of Way and Public Access to the Countryside	The public rights of way and cycle routes accessing the airport and new open space should be significantly enhanced to address these policies, (LIR paragraph 11.35 and 11.36).
CH12 Heritage Assets	HA1 Heritage Assets	The Applicant has not demonstrated that the proposed development would provide suitable archaeological evaluation, mitigation, monitoring or preservation or protect the setting of nearby heritage assets (see table 7.1 of the LIR).
	HA7 Heritage Assets of Archaeological Interest	The Applicant has not demonstrated that the proposed development would provide suitable archaeological evaluation, mitigation, monitoring or preservation (see table 7.1 of the LIR).
EC4 Employment Development and Residential Amenity	EC11 Employment Development and Amenity Sensitive Uses	This policy does not just apply where residential development is proposed within or adjacent to main Employment Area, as suggested by the Applicant. The policy also requires proposals for the development of employment sites adjacent to residential areas to ensure there is not adverse harm to nearby residential areas. The concerns regarding impact of the Project with regard to noise, air quality and visual impact are therefore relevant but are covered more precisely by other policies.
	EC5 Employment and Skills Development	The Authorities have responded (at D4) to the draft ESBS Implementation Plan (see section 7.13 of this D4 Submission). The policy requires all major development to prepare an Employment and Skills Plan, to be agreed with CBC prior to the commencement of development. This should cover the construction and end user phases. As it stands, there are a number of concerns relating to the ESBS, including the extent to which it is 'adding value' to initiatives already being undertaken by the Applicant, and it is some way from being agreed. The policy requires a proportionate financial contribution towards employment and skills initiatives, or on-site provision in lieu of this. Negotiation is ongoing with regards to the financial contribution the Applicant is offering towards employment and skills.
	EC6 High Quality Office Provision	Supports development that adds to the supply and variety of high-quality Grade A office space in Crawley. The new office provided by the Project will need to be restricted to airport-related use to comply with this Policy. It will also need to ensure that any parking provision is restricted to disabled, maintenance and servicing parking, as set out at Paragraph 17.92 of the West Sussex LIR.
	EC7 Hotel and Visitor Accommodation	Recognises Gatwick Airport as a sustainable location for hotels given the demand it generates, and removes the need to apply the sequential test (main town centre uses). Hotel uses are supported at the airport provided current and future operational needs are not compromised, and provided that any car parking related to on-airport hotel development meets the requirements of Policy GAT3. Given the need to meet the SACs, controls on parking will be sought, as discussed at 17.92 of the West Sussex LIR.
H1 Housing Provision	H1 Housing Provision	Policies included in the LIR to evidence the housing policy and provision context in Crawley (see LIR paragraph 18.78) with significant unmet housing need, including for affordable housing because of the small size of the borough and constraints including safeguarding and aircraft noise.
H4 Affordable and	H5 Affordable Housing	Policies included in the LIR to evidence the housing policy and provision context in Crawley (see LIR paragraph 18.78) with significant unmet

Low Cost Housing		housing, including affordable housing need because of the small size of the borough and constraints including safeguarding and aircraft noise.
ENV1 Green Infrastructure	G11 Green Infrastructure	The public rights of way and cycle routes accessing the airport and new open space should be significantly enhanced to address this policy, (LIR paragraph 11.35 and 11.36). This policy is not considered to be addressed by the Applicant
ENV2 Biodiversity	G12 Biodiversity Sites	Insufficient detail has been provided to confirm compliance with these policies.
ENV4 Open Space, Sport and Recreation	OS1 Open Space, Sport and Recreation	Whilst the provision of replacement open space in size terms replaces that lost by the project, its remote location poorly connected to existing PROWs does not comply with the policy requirements for the provision of accessible open space in suitable locations.
ENV6 Sustainable Design and Construction	SDC1 Sustainable Design and Construction	Design Principles in DAS [REP-036] only require consideration of water usage measures, not a commitment to meeting BREEAM Excellent requirements of the Policy. This accreditation is also required for Energy in accordance with the Policies.
ENV7 District Energy Networks	SDC2 District Energy Networks	This Policy applies to “ANY major development, and all development within a priority area for District Energy Networks.....” Therefore, the Project should comply with it and a District Energy Network developed to serve the airport, or the reasons why this cannot be achieved evidenced and an alternative approach to securing decentralised low carbon energy secured. (LIR chapter 16)
ENV8 Development and Flood Risk	EP1 Development and Flood Risk	Insufficient detail has been provided to confirm compliance with these policies. (LIR chapter 10)
ENV9 Tackling Water Stress	SDC3 Tackling Water Stress	Whilst it is acknowledged the Applicant’s Decade of Change aim would address this policy, these are not included in the DCO and the Project does not include a target for reduction in water use. The Design Principles in the DAS [REP-036] only require consideration of water usage measures, not a commitment to meeting BREEAM Excellent requirements of the Policy. These policies are separate to the Water Neutrality policy for the Sussex North Water Supply Zone (Policy SDC4 in the modifications draft Local Plan).
ENV10 Pollution Management and Land Contamination	EP3 Land and Water Quality	Insufficient detail has been provided to confirm compliance with these policies (LIR Chapter 16)
ENV11 Development and Noise	EP4 Development and Noise	The authorities do not consider the information provided and the proposals for managing and mitigating air and ground noise are sufficient and therefore the Project is not in compliance with these policies, as set out in Chapter 14 of the LIR.
ENV12 Air Quality	EP5 Air Quality	The authorities consider further information and additional appropriate control measures are required to ensure the Project complies with these policies as set out in Chapter 13 of the LIR.
	EP6 External Lighting	The Authorities remain concerned about the level of light pollution and visual impacts from the Project and further detail is has been requested in relation to impacts in relation to Charlwood Park Farmhouse, Charlwood House and visual intrusion into the countryside from the proposed car parks and works compounds. While the Applicants have provided some lighting detail, the expectation is that these impacts need to be considered in detail for each works area to address this policy.
IN1 Infrastructure Provision	IN1 Infrastructure Provision	As outlined in the chapter 17 of the LIR the Authorities consider that additional sustainable and active travel measures are required to mitigate the surface transport impacts of the Project, and the Surface Access Commitments need to be enforceable through stronger controls in order to comply with these policies. The Authorities note and will respond to the Change proposal to provide additional wastewater treatment on the airport.

		If appropriate, this will help achieve compliance with addressing the Project's impacts on infrastructure.
	IN2 The Location and Provision of New Infrastructure	The Authorities note the Change proposal to provide additional wastewater treatment works on the airport and will respond to the information to be provided by the Applicant. The Authorities would support additional provision of cycle infrastructure accessing the airport, in accordance with this policy.
IN3 Development and Requirements for Sustainable Transport	ST1 Development and Requirements for Sustainable Transport	As outlined in the chapter 17 of the LIR the Authorities consider that additional sustainable and active travel measures are required to mitigate the surface transport impacts of the Project, and the Surface Access Commitments need to be enforceable through stronger controls. The public rights of way and cycle routes accessing the airport and new open space should be significantly enhanced to address this policy, (LIR paragraphs 11.35 and 11.36).
IN6 Improving Rail Stations	ST3 Improving Rail Stations	This Policy is not just about development at Gatwick station, it relates to development "at or within the vicinity of railway stations" and expects these developments to enhance the specific roles of the individual stations, the sustainable access to individual stations, and: a) at Gatwick Station, support its function as an airport related interchange and provide opportunities for broadening the function of the station as an interchange for surface travellers using rail, coach, Fastway and other buses. To comply with this policy, the Applicant could do more to enhance the station as a public transport interchange with links to local buses in particular being poor.
	ST4 Area of Search for Crawley Western Multi-Modal Transport Link	Identifies an Area of Search for a Crawley Western Multi-Modal Transport Link connecting the A264 with the A23, with specific policy criteria identified. As set out at Paragraphs 19.29 to 19.31 of the West Sussex LIR, a Crawley Western Link Road (CWLR) has potential to support strategic economic and housing growth in Crawley and Horsham subject to future planning decisions. It is identified in the West Sussex Transport Plan 2022-2036 and represents a Medium Term priority for Crawley and Horsham.
GAT1 Development of the Airport with a Single Runway	GAT1 Development of the Airport with a Single Runway	As detailed throughout the LIR, it is not considered that the Project provides sufficient, enforceable mitigation to provide satisfactory safeguards to mitigate the impact of the operation of the airport on the environment and local communities. The Modifications draft policy GAT1 has been strengthened and made more specific in line with the greater emphasis in national aviation policy on minimising and mitigating the adverse impacts of aviation growth and sharing the benefits with local communities (for example paragraphs 1.22 and 1.29 of Beyond the Horizon, Making Best Use of Existing Runways) and in national planning policy on preventing new development from contributing unacceptable impacts on the environment and local communities (for example NPPF paragraphs 174, 180a and 185). It is not considered the Project sufficiently minimises and mitigates impacts through enforceable controls, nor does it provide sufficient measures to ensure its benefits are maximised for the local community in accordance with this Policy.
GAT3 Gatwick Airport Related Parking	GAT3 Gatwick Airport related Parking	Airport related parking is only permissible where it is located within the airport boundary and when it is justified by a demonstrable need in the context of a sustainable surface access strategy. Obligation 5.6 of the current s106 Agreement 2022 sets out a requirement for the airport operator to provide ' <i>sufficient but no more on-airport car parking spaces than necessary to achieve a combined on and off airport supply that is proportionate to...[the relevant mode share target]</i> '. This is not replicated in the new s106, with the Applicant relying on the mode share commitments in the Sustainable Access Commitments to address this matter. However, the Authorities consider that further controls over the provision of on-airport parking are necessary to ensure compliance with these policies (paragraph 17.92 of the LIR).

GAT4 Employment Uses at Gatwick	GAT4 Employment Uses at Gatwick	The new office provided by the Project will need to be restricted to airport-related use to comply with these Policies.

Adopted Horsham District Plan Policy	Response to Compliance Commentary (<i>and why it matters</i>)
Policy 2: Strategic Policy: Strategic Development	Policy points highlighted are considered relevant to the interaction of the Project with parts of Horsham district and the impacts. For example, socioeconomic impacts on affordable housing and employment in the District. The Applicant is relying on the delivery of a number of HDPF policies to facilitate that delivery of housing, and therefore, people to fill the jobs that the Project will generate.
Policy 7: Strategic Policy: Economic Growth	The Project will have impacts on the economic and employment characteristics of the District. The development of the Employment, Skills and Business Strategy (ESBS) is welcomed and the Policy is considered relevant in the development of the Strategy to ensure local characteristics and context is considered.
Policy 9: Employment Development	The Project will have impacts on the economic and employment characteristics of the District. The development of the Employment, Skills and Business Strategy (ESBS) is welcomed and the Policy is considered relevant in the development of the Strategy to ensure local characteristics and context is considered.
Policy 10: Rural Economic Development	The Project will have impacts on the economic and employment characteristics of the District. The development of the Employment, Skills and Business Strategy (ESBS) is welcomed and the Policy is considered relevant in the development of the Strategy to ensure local characteristics and context is considered.
Policy 15: Strategic Policy: Housing Provision	Policy included in the West Sussex LIR [REP1-068] to evidence the housing policy and provision context in North West Sussex Housing Market Area. with significant unmet housing need, including for affordable housing and the implications for wider housing market area. The Applicant is relying on the delivery of this policy to facilitate that delivery of housing and, therefore, people to fill the jobs that the Project will generate. The Applicant is also assessing the impact based on the housing need, not on the number of units the Policy requires.
Policy 16: Strategic Policy: Meeting Local Housing Needs	Policy included in the West Sussex LIR [REP1-068] to evidence the housing policy and provision context in North West Sussex Housing Market Area. with significant unmet housing need, including for affordable housing and the implications for wider housing market area. The Applicant is relying on the delivery of this policy to facilitate that delivery of housing and, therefore, people to fill the jobs that the Project will generate. The Applicant is also assessing the impact based on the housing need, not the number, mix and type of housing that the Policy would deliver.
Policies SD1- SD11	Policy included in the West Sussex LIR [REP1-068] to evidence the housing policy and provision context in North West Sussex Housing Market Area. with significant unmet housing need, including for affordable housing and the implications for wider housing market area. The Applicant is relying on the delivery of this policy to facilitate that delivery of housing and, therefore, people to fill the jobs that the Project will generate. The Applicant is also assessing the impact based on the housing need, not the number, mix and type of housing that the Policy would deliver.
Policy 24: Strategic Policy: Environmental Protection	The Policy is relevant in the context of both Horsham District and the Project being located in an area of water stress as outlined in para 2.12 of the West Sussex LIR [REP1-068]. Increased water efficiency measure requirements are being progressed for development taking place in the Horsham District, and HDC feel the Applicant still needs to address a number of the Authorities concerns with lack of water reduction targets.

	The West Sussex LIR also outlined the Authorities concerns with the assessment and mitigation of air quality and greenhouse gas emissions impacts which will affect Horsham District. For this reason the Project is not compliant with parts 3, 4, 5, 6 and 7 of the Policy.
Policy 25: Strategic Policy: The Natural Environment and Landscape Character	Further work is required to demonstrate there will not be any unacceptable impact on bat populations, including Bechstein's bats, in the District. See Chapter 9 of the West Sussex LIR [REP1-068].
Policy 30: Protected Landscapes	HDC does not agree with the Applicant's assessment that there will no impact on the area of AONB / National Landscape in the north east of the District, in particular from noise resulting from increased overflight.
Policy 31: Green Infrastructure and Biodiversity	Further work is required to demonstrate there will not be any unacceptable impact on bat populations, including Bechstein's bats, in the District. See Chapter 9 of the West Sussex LIR [REP1-068].
Policy 38: Strategic Policy: Flooding	Flood issues within the Project boundary have the potential to impact beyond project boundaries, particularly in the case of water ways and in this context this Policy is of relevance.
Policy 40: Sustainable Transport	HDC considers more could be done to enhance sustainable transport routes between Horsham and the Airport, for both direct and indirect journeys.
Policy 41: Parking	Part 4 is considered to be relevant to the Applicant as insufficient on-airport parking, or ineffective mode share targets, and strategies to achieve these, will lead to unauthorised parking in Horsham District. The Applicant should work with the relevant local authorities to ensure the Project meets its own parking need and unmet need is not pushed elsewhere.

Adopted Mid Sussex District Plan Policy	Response to Compliance Commentary (<i>and why it matters</i>)
DP4: Housing	Policies included in the West Sussex LIR [REP1-068] evidence the relevant housing policies and provision context in Mid Sussex and provide a North West Sussex Housing Market Area (see LIR paragraph 18.19). There is significant unmet housing need, including for affordable housing, at Crawley and this has implications for wider housing market area (which includes Mid Sussex). The Applicant is relying on the delivery this policy to facilitate the delivery of housing, and therefore, people to fill the jobs that the Project will generate. Therefore, this policy is of relevance to the Project.
DP16: High Weald AONB	Mid Sussex does not agree with Applicants assessment that the Project does not conflict with policy DP16 (see LIR paragraph 8.8).
DP30: Housing Mix	The Project will put pressure on particular types of accommodation. This is due to the unmet need at Crawley and the impact that this has on the wider Housing Market and Mid Sussex housing market.
DP31: Affordable Housing	Policies included in the West Sussex LIR to evidence the housing policy and provision context in Mid Sussex and the wider Housing Market Area (see LIR paragraph 18.78) with significant unmet housing, including affordable housing need. It provides context for understanding affordable housing need in Mid Sussex.
DP41: Flood Risk and Drainage	In the context that flood issues within the Project boundary have the potential to impact beyond project boundaries, particularly in the case of water ways. This policy is of relevance.
Policy 42: Water Infrastructure and Water Environment	In the context that Mid Sussex and the Project are located in an area of water stress, this policy is of relevance. Parts of Mid Sussex are served by the same water company that serves the site. Parts of Mid Sussex are served by the same wastewater treatment works that serve this site. Mid Sussex wants to ensure that the impacts of the project on the wastewater network are properly mitigated to ensure the is sufficient capacity to deliver Mid Sussex Local Plan commitments.
Mid Sussex Site Allocations DPD	

SA10: Housing	Policies included in the West Sussex LIR [REP1-068] evidence the relevant housing policies and provision context in Mid Sussex and provide a North West Sussex Housing Market Area (see LIR paragraph 18.19). There is significant unmet housing need, including for affordable housing, at Crawley and this has implications for wider housing market area (which includes Mid Sussex). The Applicant is relying on the delivery this policy to facilitate the delivery of housing, and therefore, people to fill the jobs that the Project will generate. Therefore, this policy is of relevance to the Project.
SA11 Additional Housing Allocations	Policies included in the West Sussex LIR [REP1-068] evidence the relevant housing policies and provision context in Mid Sussex and provide a North West Sussex Housing Market Area (see LIR paragraph 18.19). There is significant unmet housing need, including for affordable housing, at Crawley and this has implications for wider housing market area (which includes Mid Sussex). The Applicant is relying on the delivery this policy to facilitate the delivery of housing, and therefore, people to fill the jobs that the Project will generate. Therefore, this policy is of relevance to the Project.
SA38 Air Quality	Mid Sussex does not agree with applicants assessment that the Project does not conflict with policy DP16 (see LIR Chapter 13)

7.8 **Transport Assessment [REP3-058](Doc Ref 7.4 v3)**

7.8.1 West Sussex County Council as Highway Authority have reviewed the revised Transport Assessment (REP3-058) submitted by the Applicant at Deadline 3. The changes made to the document are to correct errata raised in ExQ1. The Highway Authority have no specific comments in relation to these changes. They would however repeat their comments made in relation to Environmental Statement Chapter 12: Traffic and Transport - Version 3 (REP3-016). Reference is still made in the revised Transport Assessment (REP3-058) to the Hilton multi storey car park, this planning permission has now lapsed. The Highway Authority understands that the Applicant will rectify reference to this car park and amend Table 2.3.1: Car parking provision for the Project.

7.9 **ES Chapter 12: Traffic and Transport [REP3-016](Doc Ref 7.4 v3)**

7.9.1 The Applicant has updated ES Chapter 12: Traffic and Transport (REP3-016). The changes made to Chapter 12: Traffic and Transport are to reflect changes made to the Transport Assessment in order to correct errata raised in ExQ1. The Highway Authority have no specific comments to make on the changes. However, as highlighted at Issue Specific Hearing 7, reference is still made, in paragraph 12.6.58, to the South Terminal Hilton Hotel multi storey car park. The Joint Local Authorities understanding is that this permission has now lapsed and that the Applicant will therefore rectify reference to the Hilton multi storey car park.

7.10 **Transport assessment Annex E – Highway Junction review [REP3-060](Doc Ref 7.4 v2)**

7.10.1 The Highway Authority have also reviewed the changes made to Transport Assessment Annex E Highway Junction Review (REP3-060). The junction review now includes the review of two additional junctions, but neither of

these are within West Sussex and therefore the Highway Authority has no comments on this document.

7.11 **Operational Waste Management Strategy (Doc Ref 10.12) [REP3-070]**

General

- 7.11.1 The Authorities are pleased to see that the Applicant has prepared an Operational Waste Management Strategy and submitted it in to the examination. This document is to be linked to new proposed Requirement 25 within the draft DCO ([REP3-006](#)), comments on which are being provided via the Joint Legal Authorities submissions.
- 7.11.2 The Applicant states that the aim of the document is to explain the strategy for operational waste from Gatwick airport, specifically setting out how waste is managed at present, how much waste will arise from the Project, and how the Applicant proposes to manage waste, including setting relevant targets for waste management.
- 7.11.3 The Operational Waste Management Strategy touches upon a principal matter of concern that has been raised by the authorities ([REP3-118](#)) regarding the proposed CARE facility and the change to no longer have new biomass boilers for managing terminal food waste. This is a loss of a means of generating decentralised energy on site, resulting in the need to export terminal food waste from the airport for management, anticipated to be some 2,245 tonnes per annum (table 4.1, REP3-070). This would mean managing waste lower down the Waste Hierarchy at the airport. Furthermore, the “proximity principal”, which requires due consideration under regulation 18 of the Waste (England and Wales) Regulations 2011, seeks that waste should generally be managed as near as possible to its place of production. Further, Strategic Objective 5 of the West Sussex Waste Local Plan (April 2014) seeks “provision for new transfer, recycling and treatment facilities as close as possible to where the waste arises”. It is noted that the biomass boiler has not been operational since 2019, due to a fall in passenger numbers and insufficient feedstock (para 3.4.9), however the passenger numbers are anticipated to grow, therefore there could be sufficient feedstock for a waste recovery operation, that is higher up on the waste hierarchy.

Specific comments on the Operational Waste Management Strategy

- 7.11.4 Para 1.1.3 of the Operational Waste Management Strategy states that the Applicant will submit for approval, an Operational Waste Management Plan to the relevant planning authority within six months of the commencement of dual runway operations, (as set out in Requirement 25 of the dDCO ([REP3-006](#))). The Authorities question the timing of this and suggest that approval for the operational waste management plan should be sought prior to commencement of the opening of the replacement CARE facility. The Indicative Construction Sequencing (REP2-016) and Project Description

(REP1-016) set out that the replacement CARE facility will be constructed during 2024-2029.

- 7.11.5 The Authorities are pleased to note that reference to the Waste Hierarchy has been included in the strategy. Para 2.5.3 suggests that all waste would be managed in accordance with the hierarchy, unless it can be demonstrated that an alternative option provides the best overall environmental outcome. Is the intention, in any instances that this might apply, that the Applicants submitted operational waste management plan will demonstrate this, which will require approval by the relevant authority?
- 7.11.6 Chapter 4 of the strategy sets out the likely future waste arisings at the airport (with and without the Project), which are welcomed by the Authorities. Forecasts provide a better understanding on the requirements for waste management. It would be beneficial to include totals within the tables.
- 7.11.7 Chapter 5 of the strategy sets out the likely measures and procedures to be implemented by the airport during the operation of the Project, with detail to be provided in the Operational Waste Management Plan. Para 5.1.2 goes on to state that waste management methods will be in accordance with the Waste Hierarchy and other principles set out within the strategy. Other than reference to the Waste Hierarchy, and a target of a minimum of 50% for the preparation for re-use and recycling of municipal waste (para 5.4.1), there are no other key principles and policies specified within the strategy beyond the list of relevant legislation and policy documents (Chapter 2). It is not clear if the Applicant intends to address any other policies through the submission of an operational waste management plan.
- 7.11.8 An on-going review mechanism or commitment to review the approach to waste management should be considered, whereby the applicant should continually seek to make improvements to waste management, move waste up the waste hierarchy and manage waste in accordance with the proximity principal. This should link to other on-going initiatives, such as those set out in 5.5 of the waste management strategy, including the Second Decade of Change and Waste Road Map, that are supported. How these other initiatives are to be managed and reported upon is not clear.
- 7.11.9 Paragraph 5.3.3 sets out how the CARE facility will be managed to minimise risk of pests and vermin. The Authorities have, through the West Sussex LIR, noted that the Design principles for CARE facility are lacking (REP1-068, Chapters 22 and 24). It is not clear how mitigation will be secured on matters related to the design of the CARE facility, to mitigate against impacts of operating a waste facility.
- 7.12 **Supporting Noise and Technical Notes to Statements of Common ground [REP3-071]**
- 7.12.1 A review of the above submission has been submitted as part of the Joint Local Authority Deadline 4 Response.

7.13 **Draft Section 106 Agreement Annex ESBS Implementation Plan [REP3-069]**

7.13.1 The Authorities welcome the opportunity for further discussion, with the Applicant, of the Implementation Plan, at a workshop planned for 30 May. The Authorities will make further comments, once a further draft has been published at Deadline 6.

7.13.2 On the 8th April the Applicant held an in-person workshop with the Joint Local Authorities to discuss the draft Implementation Plan (dIP) ahead of the Deadline 3 submission (19th April). Officers provided verbal feedback during the session and further written comments on 16th April. Paragraph 2.1.5 of the dIP states that this draft reflects the feedback received at the April workshops, however, it is not clear how the dIP addresses concerns raised by the Authorities. It is also noted that the dIP contains less detail than previous drafts shared with the Authorities in relation to key milestone for the delivery of the IP, KPI's and partnership working. This appears to be a retrograde step and the Authorities would like to see a more detailed dIP and supporting Delivery Plans to be submitted at Deadline 6.

Overarching comments to make on the draft Implementation Plan

7.13.3 At 1.1.6 the dIP refers to a five-yearly review cycle. The Local Authorities question whether this represents too long a period for review, and whether it may be more beneficial to review over a shorter period (three years) OR undertake a proportionate annual review with a commitment to a new Plan every 5 years at the latest? Also, as currently worded, it is only GAL who can decide if "a major change in prevailing circumstances" has occurred – the Local Authorities suggest this wording is amended to refer to "GAL and/or the Steering Group".

7.13.4 £14m funding commitment to be used across 14 years. A full explanation should be provided as to how the figure £14 million has been calculated and also a full and robust justification as to why this figure is sufficient and proportionate.

7.13.5 How will the funds be split across the numerous local authorities involved? Paragraph 3.4 refers to the spatial areas which will be covered by the Strategy/Implementation Plan. Spread across the spatial areas and over 14 years this funding pot might be quite limited in terms of what it could deliver. Clarification on what will be delivered across which spatial areas would be helpful.

7.13.6 Clarification over the funding breakdown across the 14-year timeframe would be helpful, previous mention of this being frontloaded.

7.13.7 Clarification over how the funding breakdown over the ESBS Themes (table 3.7) would be helpful. Again, the £14 million split over the 8 ESBS themes, over 14 years, might be quite limited.

7.13.8 Clarification over what will be included/covered by the 'Administration & Evaluation' (10% maximum) as set out in Table 3.7. This cost will further

deplete the funds available to be directly invested in skills and business initiatives.

- 7.13.9 Clarification the 'contingency' amount as set out in Table 3.7. How much will this be? What will be the trigger for the release of the contingency? (Earlier versions of the dIP shared with the Authorities indicated a contingency of £1.9m of the £14m total fund).
- 7.13.10 Earlier versions of the dIP indicated that the Applicant was proposing to employ staff to support the delivery of the Implementation Plan. Is it no longer the intention of the Applicant to employ staff in this role? The Applicant should conform what resources they will be providing to support the roll out of the ESBS and details of the extent of their involvement.
- 7.13.11 ESBS Implementation Plan 1 covers the first five years after commencement. If the "commencement" refers to the start of the works on the Northern Runway or related development, then this is too late since a reasonable lead in time prior to commencement is required in order to boost the employability and skills levels of local residents in anticipation of as many of them as possible being able to access the full range of jobs projected to be created, including the better quality ones. Arguably a commencement date of the start of the runway works would also be too late for schemes which aim to assist local businesses to benefit as much as possible commercially from the airport growth associated with the northern runway scheme. Again, a decent lead in time is needed to help local businesses to gear up either for competing for commercial contracts directly linked to the airport growth or to take advantage of new business space arising from the airport growth.
- 7.13.12 Further information about how the 'Activities to be delivered' (Table 3.8) relate to the overall delivery of the Project is required. This is required to ensure the right activities happen at the right times to enable maximum benefit/impact.
- 7.13.13 It is noted that it is the intention to include 'headline targets/KPIs' dIP. These should link to specific interventions and to provide indicators/targets that can be monitored for the overall plan. As well as set out in the definitions the spatial areas defined as 'local' and 'regional'.
- 7.13.14 Paragraph 3.6.3 states 'Further details on these are set out in the thematic Delivery Plan'. The Applicant has previously shared draft delivery Plans with the Authorities. However, there is little reference to these in the dIP, no information on how these relate to the dIP or how they will be approved and secured. The dIP should also include draft DP's so that the EXA can be fully sighted on them, to determine if the ESBS, IP and Delivery Plans are fit for purpose.
- 7.13.15 Opportunity for more engagement with local authorities to provide tailored initiatives to align with community need and existing provision. In general, there is opportunity for clearer reference to the local issues and opportunities that the ESBS / Implementation Plan seek to address and / or capitalise on.

- 7.13.16 Workshops and discussions appear to have been exclusively with Local Authority representations. Given that there is a significant focus on hard to reach groups, educational attainment and career development, there needs to be far more detail as to which external partners they will work with to deliver the overarching objectives and a mechanism for engaging with education providers at an early stage.
- 7.13.17 The ESBS is supposed to directly respond to GAL's airport passenger growth and jobs growth projections in relation to the Northern Runway DCO proposals by helping to unlock benefits from that growth to boost business growth in the local / sub-regional economy and maximise the numbers of local residents accessing jobs / skills development arising from that growth. The ESBS should therefore provide a clear and comprehensive baseline of the projected volume of jobs and business growth to be generated as a consequence of the Northern Runway DCO scheme. Activities presented in the delivery themes should therefore also be shaped and framed to demonstrate how they will contribute to harnessing the Airport growth in order to boost local economic growth, local business growth and / or how they will assist local residents to gain the skills needed to access better quality jobs being created or to access better quality jobs.

Specific comments on detail of draft Implementation Plan

- 7.13.18 Paragraph 1.1.8, page 2 makes reference to the Implementation Plan "being drafted as the final version, so for example makes statements like "it has been agreed" in anticipation of agreement being reached. These matters are still being discussed with the local authorities.
- 7.13.19 Table 2.1 'Examples of initiatives' education column should include Employ Crawley, the Gatwick STEM Centre and STEM Hub. Businesses column to include Crawley Innovation Centre
- 7.13.20 Table 2, page 2 provides examples of initiatives – it is not clear the extent to which the content of the examples provided has been discussed with local authorities.
- 7.13.21 Table 2.2 provides details of delivered and planned engagement activity with local authorities and other stakeholders however it does not provide any details of the feedback received from any of the stakeholders.
- 7.13.22 Page 12 Table 3.1 provides an illustration of activities, partners and key target areas. The Applicant has advised that actual activities and partners are still being discussed with local authorities however it remains unclear when specific details of actual activities, partners and key target areas will be added to this Table.
- 7.13.23 Page 15, Table 3.8 includes a illustration of potential activities GAL will be undertaking in addition to providing the ESBS fund. The table is relatively vague and details are generic. More detail on specific, tailored support is required.
- 7.13.24 In their response to the Examiners Written Questions, the Applicant has made reference to establishing a regional inward investment service,

however no detail is provided on this in the draft Implementation Plan. The Applicant should advise whether this is still being proposed and if so when further details will be provided.

- 7.13.25 The draft ESBS Implementation Plan does not provide a road map to explain next steps and how the document will be developed going forward. This has been requested on several occasions by the local authorities. For example, there does not appear to be a clear programme to engage the local authorities to determine the critical components of the Implementation Plan.
- 7.13.26 In summary, the draft ESBS Implementation Plan is extremely limited in detail and does not appear to have been progressed very far. Clearly there is still a significant amount of work to do on the Implementation Plan and the Local Authorities require greater reassurance that the Implementation Plan will meet expectations.
- 7.13.27 The draft does not provide details of:
- Activities, Partners and Key Target Areas
 - How hard to reach groups will be engaged
 - Priorities and Targets
 - Headline Targets/KPIs
 - Activities and Delivery Partners
 - Delivery Plans
 - Which activities are net additional
 - Funding split by Theme and Area

8. **The Applicants response to Deadline 3 Submission 10.14 The Applicants response to Written Representations [REP3-072]**

8.1 In its response the West Sussex, Crawley, Horsham and Mid Sussex Councils Written Representations [REP3-072] the applicant has stated that the West Sussex Local Impact Report and the written representations of the authorities, 'are notable for the fact that they do not acknowledge or apply the terms of national policies for aviation'.

8.2 The comment from the Applicant that the West Sussex Joint Authorities have not acknowledged national aviation policy is wholly incorrect. The West Sussex LIR [REP1-068] paragraph 1.20 clearly sets out the Authorities position on compliance with National Policy Statements, where it states:

'Statement of compliance with National Policy Statements (NPS): The Authorities have not at this stage included any concluded assessment of compliance with an NPS. However, the Authorities consider it helpful to refer to NPSs and other national policy as a framework for the assessment of impacts. NPSs have been used in relevant sections as a guide to matters of local impact that are likely to be relevant in the determination of the DCO application. The Authorities expect to return to the question of compliance with the relevant NPSs towards the later stages of the Examination, having regard to any further material provided by the Applicant which seeks to address the concerns of the Authorities as expressed in this LIR.'

8.3 In the interests of brevity and to avoid repetition, in the main, the Written Representations cross referenced the LIR, so the Authorities did not feel it necessary to repeat the LIR on this matter.

8.4 Whilst writing its response the Authorities were also mindful of Planning Inspectorate NSIP Advice Note one: Local Impact Reports which states:

'4.11 National Policy Statements (NPSs) may be helpful to local authorities in preparing their LIRs as a guide to matters of local impact that are likely to be relevant to the determination of an application. There is, however, no need for the local authority to undertake an assessment of compliance with an NPS; this would duplicate the Examining Authority's role.'

4.12 Where a NPS is locationally specific, it will not be possible for all the local impacts of a development proposal to have been considered at the national policy development stage. In such instances, the LIR could assess local impacts not captured in the NPS process, for example on planning, landscape and highway matters. There may be local impacts on sensitive receptors not apparent at the NPS stage, stemming from, for example, the particular layout, design, scale, appearance, or access arrangements of the scheme'.

9. **Joint Local Authorities' comments on Deadline 3 Submission 10.14 – The Applicant's Response to Written Representations – Appendix A Policy Response [REP-073]**

9.1 As part of its response the local authorities Written Representations, the Applicant has submitted a new document [REP3-073] which sets out its analysis of national aviation policy. This appears to repeat much of [APP-027] ES Chapter 2 Planning Policy Context and section 6 Policy context [APP- 245] ES Planning Statement. However, the JLAs have some specific comments to make.

9.2 The West Sussex LIR references the Airport National Policy Statement (ANPS). These references are, on the whole, concerned with the more detailed passages of the ANPS that give advice on how a particular type of impact (e.g. air quality) should be assessed. In contrast, the passages of the ANPS that are highlighted by the Applicant [REP-073] are selective and tend to be more high-level, aspirational passages rather than the passages that relate more to scrutiny and assessment of individual applications.

9.3 Section 3 of the Applicant's submitted document is entitled, "Policy Supports Growth", and at para 3.1.1 the Applicant quotes from Flightpath to the Future (2022), the Government's strategic framework for aviation to 2032 for a sustainable aviation sector:

"The Government is committed to growth. We will work closely with industry to continually assess how we can best support sustainable recovery and a bright future for UK aviation." (p.19)

"Airports are part of the UK's thriving and competitive aviation sector and play a critical role in boosting both global and domestic connectivity and levelling up in the UK. Airport expansion also plays a key role in this and the Government remains supportive of airport expansion where it can be delivered within our environmental obligations." (p.26)

9.4 However, the Applicant does not highlight that Flightpath to the Future also states on p.6 in the section "Embracing innovation for a sustainable future":

*"The future of aviation rests on embracing new opportunities, including the critical challenge of delivering Jet Zero – aviation's contribution to the UK's net zero target by 2050. Putting the sector on course to achieve Jet Zero, which will be set out in the forthcoming Jet Zero Strategy, requires an extensive transformation of the sector over the coming decade. It will require close collaboration between the Government and industry, including through the Jet Zero Council. **We will also continue to work with the sector to reduce the localised impacts of aviation from noise and air pollution**" (emphasis added).*

9.5 This last sentence, "We will also continue to work with the sector to reduce the localised impacts of aviation from noise and air pollution" is restated on p.10 at the end of Point 4 in the Government's 10-point plan for the future of UK aviation.

9.6 Furthermore, on p.35 of Flightpath to the Future under 'Tackling the localised impacts of aviation', it states:

"In addition to being committed to delivering a green sector for the future, the Government also needs to tackle the more localised impacts of aviation. Air quality emissions and noise from aviation can have detrimental impacts on local communities, and addressing these impacts is an important aspect of a sustainable future for the sector."

9.7 Therefore, whilst the Joint Local Authorities recognise that Government supports the sustainable growth of the aviation sector, they do not share the Applicant's view that there is strong national policy support for the Project. They would highlight the importance Government policy places on noise and air pollution as being material in weighing the balance of benefits and impacts. National planning, aviation and noise policies are interlinked and clear that growth cannot happen at any cost. The consequential noise impacts must be properly managed in line with the Policy requirements of the NPSE and the ANPS, in particular paragraph 5.68 of the latter which states:

"Development consent should not be granted unless the Secretary of State is satisfied that the proposals will meet the following aims for the effective management and control of noise, within the context of Government policy on sustainable development:

- Avoid significant adverse impacts on health and quality of life from noise;*
- Mitigate and minimise adverse impacts on health and quality of life from noise; and*
- Where possible, contribute to improvements to health and quality of life."*

10. Other Related Local Authority D4 Submissions

10.1 The West Sussex Authorities would also refer the ExA to other Deadline 4 documentation submitted on their behalf:

- Submissions on behalf of the ten Joint Local Authorities:
 - R17 response to further information Request PD-018 from the Examining Authority dated 9 May 2024
 - Supporting Noise and Vibration Technical Note Review - A Local Authority review and comments on the following submission made at Deadline 3 by the Applicant, Gatwick Airport Ltd
 - Response to additional documents submitted at Deadline 3 – Case for the Scheme and Related Matters (Prepared by York Aviation Ltd)
 - Gatwick Airport DCO Construction Dust Management Plan Review and the Gatwick Airport DCO Air Quality Action Plan Review (Prepared by AECOM)
- Submissions on behalf of the nine Joint Local Authorities
 - Introduction to a proposal for an Environmentally Managed Growth Framework for the Gatwick Airport Northern Runway DCO
- Submissions on behalf of the Legal Partnership Local Authorities:
 - Comments on the Applicant's Responses To The ExA's Written Questions (ExQ1)
 - Legal Partnership Authorities Issue Specific Hearing 6: Climate Change and Greenhouse Gas Emissions Post-Hearing Submission
 - Legal Partnership Authorities Issue Specific Hearing 7: Other Environmental Matters Post-Hearing Submission
 - Legal Partnership Authorities Compulsory Acquisition Hearing 1 Post Hearing Submission

Legal Partnership Authorities Response to the Applicant’s Schedule of Changes – Version 2 [\[REP3-005\]](#)

Introduction

1. At Deadline 3, the Applicant submitted, amongst other documents, its Draft Development Consent Order – Schedule of Changes [REP3-005] (“**the Schedule of Changes**”).
2. The Schedule of Changes sets out, in a table, the changes made to draft Development Consent Order (“**draft DCO**”) by the Applicant.
3. In this document, the Legal Partnership Authorities (“**the Authorities**”) have taken the text from the table in the Schedule of Changes and added a new, fifth, column in which the Authorities have added their comments on each of the changes.

Row	Provision	Change	Applicant’s Reasoning	Legal Partnership Authorities Response
Deadline 3				
51.	Article 2 (interpretation)	“airport” means London Gatwick Airport, an airport within the meaning given in section 66 (airports) Part 4 of the Civil Aviation Act 2012...	Amended for greater specificity at the request of the West Sussex Joint Local Authorities in their Comments on any submissions received by Deadline 1 [REP2-042] .	The Authorities welcome this amendment.
52.	Article 2 (interpretation)	New definition: "special category land" means land forming part of a common, open space or fuel or field garden allotment, as identified shaded orange and blue on the special category land plans;	New definition added for clarity in response to ExQ1 DCO 1.11.	The Authorities have no comments in respect of this amendment.
53.	Article 2 (interpretation)	New separate definitions: “surface access general arrangements”;	These definitions have been added to article 2 instead of the interpretation paragraph in	The Authorities have no comments in respect of these amendments.

		<p>"surface access engineering section drawings"; and "surface access structure section drawings" as the documents certified as such by the Secretary of State under article 52 (certification of documents, etc.);</p>	<p>Schedule 2 (requirements) as they are now referenced in article 6 (limits of works). Whereas these plans were previously defined as one consolidated document set, they are now defined and will be certified independently, as they are now referenced independently in article 6 and Schedule 2.</p>	
54.	Article 2 (interpretation)	<p>New definitions: "existing northern runway" means the airport's northern runway as configured and used at the date of this Order; "main runway" means the airport's main runway at the date of this Order, being the runway located immediately to the south of the existing northern runway and which is used for routine take-offs and landings of aircraft; "repositioned northern runway" means the existing northern runway as amended by Work No. 1;</p>	<p>New definitions added for clarity in response to ExQ1 DCO 1.39.</p>	<p>The Authorities have no comments in respect of this drafting.</p> <p>(CBC notes that it has raised a discreet point with the Applicant regarding construction detail in respect of the repositioned northern runway (including, for instance, the absence of parameter plans) and looks forward to hearing from the Applicant on this point).</p>
55.	Article 2 (interpretation)	<p>6) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the plans to which the reference applies-relevant plans.</p>	<p>Amended for clarity in response to ExQ1 DCO 1.14.</p>	<p>The Authorities have no comments in respect of this amendment.</p>

56.	Article 6 (limits of works)	(3) In constructing Work Nos. 6, 9, 10, 11, 12, 13, 15, 16, 22, 23, 26, 27, 28, 30, 31, 32 and 43 the undertaker may not deviate vertically from the levels shown or noted on the parameter plans except as approved pursuant to requirement 4.	The list of Work Nos. has been updated to ensure that all Work Nos. for which vertical parameters are specified in the Parameter Plans [AS-131] are listed and controlled by this article. The reference to requirement 4 has been omitted to make clear that deviations from the parameters can only be authorised by CBC certifying that the works proposed to exceed the parameters would not give rise to materially new or materially different environmental effects, pursuant to article 6(6). Requirement 4 has been amended accordingly (see (see row 83 below)	The Authorities have no comments in respect of these amendments. Regarding the proposed authorisation of deviations by CBC, the Authorities are seeking to agree a common position and will revert to the ExA and Applicant once they have done so.
57.	Article 6 (limits of works)	(4) In constructing Work Nos. 35, 36 and 37 (surface access works), the undertaker may deviate— (a) vertically from the levels shown or noted on the surface access engineering section drawings parameter plans to a maximum of 1.5 metres upwards and to a maximum of 2 metres downwards; and (b) laterally within the 'Surface Access Works Lateral Limits' to the extent shown or noted on the parameter plans or as otherwise approved pursuant to requirement 5 or 6(1) (as relevant).	The references to the plans which show (a) the preliminary vertical levels of the highway structures and (b) the lateral limits for the highway works detailed design have been updated for greater specificity. The reference to requirements 5 and 6 has been omitted to make clear that deviations from the parameters can only be authorised by the relevant highway authority certifying that the works proposed to exceed the parameters would not give rise to materially new or	The Authorities have no comments in respect of these amendments.

			materially different environmental effects, pursuant to article 6(7). Requirements 5 and 6 have been amended accordingly (see rows 85 and 86 below).	
58.	Article 8 (consent to transfer benefit of Order)	New paragraph: (5) The undertaker must notify National Highways in the event that it exercises the power in paragraph (1) to transfer or grant to a person other than National Highways the benefit of the Order in respect of national highway works.	Added to ensure that National Highways is notified of transfers of benefit that may affect the national highway works, in response to National Highways' comment on article 8 in its Comments on any submissions received by Deadline 1 [REP2-055]	The Authorities consider a corresponding provision should be included after paragraph (5) for the benefit of the local highway authority. Such a provision would create a minimal administrative burden for the Applicant. The Authorities would propose the following drafting for the new paragraph – <u>“(6) The undertaker must notify the local highway authority in the event that it exercises the power in paragraph (1) to transfer or grant to a person other than the local highway authority the benefit of the Order in respect of local highway works”.</u>
59.	Article 11 (street works)	(b) drill , tunnel or bore under the street; (c) place and keep apparatus in the street;	Added for completeness in response to ExQ1 DCO 1.22.	The Authorities have no comments in respect of these amendments.
60.	Article 12 (power to alter layout, etc., of streets)	Article 56 (deemed consent) applies to an If a street authority which receives a valid application to the street authority for consent under paragraph (3) fails to notify	The approach to deeming provisions has been amended for clarity and to ensure efficient drafting. The operative drafting of the deeming provisions has been	Regarding deemed consent, the Authorities maintain the position set out in row 9 of Appendix M to the Joint West Sussex LIR [REP1-069]: they consider the deeming provision

	<p>Article 14 (temporary closure of streets)</p> <p>Article 16 (access to works)</p> <p>Article 18 (traffic regulations)</p> <p>Article 24 (authority to survey and inves</p>	<p>the undertaker of its decision before the end of the period of 56 days beginning with the date on which the application was made, it is deemed to have granted consent</p>	<p>consolidated in a separate article, article 56 (deemed consent), which incorporates the drafting requested in row 10 of Appendix M to the Joint West Sussex Local Impact Report [REP1-069]. Each article for which deemed consent is provided then refers to the operative provisions in article 56 rather than repeating the deemed consent drafting in each of the separate articles.</p>	<p>should be deleted, not least since the consenting authority must not (per paragraph (3)) unreasonably withhold or delay consent. It is unreasonable to include the deeming provision and the “unreasonably withhold or delay consent” wording.</p> <p>In row 11 of Appendix M, the Authorities requested that, if the deeming provision is retained, paragraph (3) should be amended as follows –</p> <p>“The powers conferred by paragraph (1) must not be exercised without the consent of the street authority (this consent not to be unreasonably withheld or delayed)”.</p> <p>If the deeming provision is retained, the Authorities maintain the above amendment should be made.</p>
61.	<p>Article 15 (public rights of way – creation, diversion and stopping up</p>	<p>a) stop-up divert each of the public rights of way specified in columns (1) and (2) of Part 1 of Schedule 4 (public rights of way to be permanently stopped-up-diverted for which a substitute is to be provided) to the extent specified in column (3) of that Part of that Schedule;</p>	<p>Minor amendments to terminology to incorporate requests in row 19 of Appendix M to the Joint West Sussex Local Impact Report [REP1-069]. These amendments do not affect the powers sought or the effect of the provision.</p>	<p>The Authorities welcome these amendments.</p>

		<p>[...]</p> <p>(c) temporarily stop-up close public rights of way to the extent agreed with the relevant highway authority and provide substitute temporary public rights of way between terminus points, on an alignment to be agreed with the relevant highway authority (in both respects agreement not to be unreasonably withheld or delayed); and</p> <p>(2) No public right of way may be stopped-up-diverted pursuant to paragraph (1)(a) unless the respective substitute public right of way has first been provided pursuant to paragraph (1)(b) to the reasonable satisfaction of the relevant highway authority.</p> <p>(3) No public right of way may be stopped-up-closed pursuant to paragraph (1)(c) unless the substitute temporary public right of way agreed with the relevant highway authority has been provided to the reasonable satisfaction of the relevant highway authority</p>		
62.	Article 16 (access to works)	<p>16.—(1) Subject to paragraphs (2) and (3), the undertaker may, for the purposes of the authorised development and with the consent of the street authority (such consent not to be unreasonably withheld or delayed and no</p>	<p>These changes respond to ExQ1 DCO.1.24, which proposed that the relevant planning authority be consulted by the street authority on applications for consent to form or improve accesses.</p>	<p>The Authorities welcome these amendments; save that, in paragraph (2), the words “(such consent not to be unreasonably withheld or delayed)” should be deleted because paragraph (4) contains a deeming provision. It is</p>

		<p>consent to be required in respect of airport roads), form and layout means of access, or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.</p> <p>(2) The power in paragraph (1) may only be exercised with the consent of the street authority in consultation with the relevant planning authority (such consent not to be unreasonably withheld or delayed) provided that no consent is required in respect of airport roads.</p>	<p>To avoid an unwieldy paragraph (1), the consent requirement has been separated into a separate paragraph (2) which details the consenting and consulted entities, the need to act reasonably and the exception for airport roads.</p>	<p>unreasonable to include the deeming provision and the “unreasonably withhold or delay consent” wording.</p>
63.	Article 18 (traffic regulations)	<p>18.—(1) Subject to the provisions of this article, from the date determined by the undertaker... [...]</p> <p>(4) The undertaker must not exercise the powers conferred by paragraphs (1), (2) and or (3) of this article unless it has— [...]</p> <p>(5) Before complying with the process in paragraph (4) in respect of the exercise of the power conferred by paragraph (3), the undertaker must consult— [...]</p> <p>(6) The undertaker must not exercise the power conferred by</p>	<p>The changes to this article are to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> clarify that the exercise of powers under any of paragraphs (1) [variations or revocations of existing traffic orders], (2) [new speed limits] or (3) [new unspecified traffic orders] must be notified to the chief officer of police and (where relevant) the traffic authority and advertised in the necessary manner in accordance with paragraph (4); <input type="checkbox"/> clarify in relocated paragraph (5) that consultation with the listed entities is only required for new traffic measures implemented pursuant to paragraph (3) (these 	<p>The Authorities have no comments in respect of these amendments; however, they maintain their concerns in respect of this article, as set out in the following rows of Appendix M to the West Sussex LIR [REP1-069]: row 22 (regarding paragraph (1)), row 23 (regarding paragraph (5)), row 24 (regarding paragraph (6)), and row 25 (regarding paragraph 10)).</p>

		<p>paragraph (3) of this article without obtained the consent of the traffic authority (such consent not to be unreasonably withheld or delayed) to the proposed exercise of powers.</p> <p>(7) Any prohibition, restriction or other provision made by the undertaker under paragraphs (1), (2) or and (3)...</p> <p>[...]</p> <p>(8) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers of paragraphs (1), (2) and or (3) at any time.</p> <p>[...]</p> <p>(12) In respect of airport roads, paragraphs (4)(b), (5)(b) and (6) (5)(c) do not apply and paragraph 54(a) shall be read as if it does not contain the words “and to the traffic authority”.</p>	<p>being measures not specified in schedules to the DCO and which therefore have not already been scrutinised through the DCO examination, unlike those referenced by paragraphs (1) and (2)); and</p> <p><input type="checkbox"/> clarify in paragraph (6) that traffic authority consent is only required (where relevant) to the exercise of the power in paragraph (3) for the same reason.</p>	
64.	Article 22 (discharge of water)	<p>5) Article 56 (deemed consent) applies to Where the person to whom the watercourse, sewer or drain belongs receives an application for consent under paragraph (3) or approval under paragraph (4)(a) and "the authority" in article 56 shall in this</p>	<p>This wording has been amended for the reasons set out in row 60 above but includes additional wording to confirm that article 56 (deemed consent) applies to a "person" from whom consent is required under article 22 in the same manner as consent is</p>	<p>The Authorities' position in respect of deemed consent, as set out in row 60, applies here also.</p>

		<p>case refer to the person to whom the watercourse, sewer or drain belongs and fails to notify the undertaker of its decision within 28 days of receiving an application; that person will be deemed to have granted consent or given approval, as the case may be</p>	<p>required from various "authorities" under the other articles to which article 56 applies.</p>	
65.	<p>Article 25 (felling or lopping of trees and removal of hedgerows) Article 26 (removal of human remains)</p>	<p>(5) In this article "hedgerow" has the same meaning as in the Hedgerow Regulations 1997 and includes important hedgerows.</p>	<p>The reference to "important hedgerows" has been removed on the basis that ES Appendix 9.6.2: Ecology Survey Report [APP-125] confirms that none of the hedgerows surveyed for the Project were found to be important hedgerows. This responds to row 31 of Appendix M to the Joint West Sussex Local Impact Report [REP1-069].</p>	<p>The Authorities welcome this amendment; however, row 31 of Appendix M [REP1-069] included other requested amendments to this article which the Applicant has not made.</p> <p>The most significant for the Authorities is the need for article 25 (in accordance with the relevant guidance, <i>Advice Note Fifteen: Drafting Development Consent Orders</i>) to either –</p> <ul style="list-style-type: none"> (i) include a schedule and a plan which identifies the hedgerows to be removed (whether in whole or in part) (ii) make the power for general removal of hedgerows subject to local authority consent. <p>Detailed justification and suggested amendments are included in row 31 of Appendix M.</p>

66.	Article 26 (removal of human remains)	New paragraph: (13) In the case of remains in relation to which paragraph (12) applies, the undertaker— (a) may remove the remains; (b) must apply for direction from the Secretary of State under paragraph (14) as to their subsequent treatment; and (c) must deal with the remains in such manner, and subject to such conditions, as the Secretary of State directs.	This new paragraph (13) has been added as an additional safeguard in the event that the undertaker needs to remove human remains interred more than 100 years prior where the undertaker is satisfied that no relative or personal representative of the deceased is likely to object, pursuant to paragraph (12). The new wording requires the undertaker to apply for a direction from the Secretary of State as to how to subsequently treat the remains. This responds to ExQ1 DCO.1.28.	The Authorities have no comments in respect of these amendments.
67.	Article 32 (private rights of way)	(6) Paragraphs (1) to (3) (4) have effect subject to—	Amended to clarify that the entitlement to compensation in paragraph (4) of this article is not affected by the undertaker's compliance with the procedure in paragraph (6). This responds to row 34 of Appendix M to the Joint West Sussex Local Impact Report [REP1-069] .	The Authorities welcome this amendment.
68.	Article 37 (temporary use of land for carrying out the authorised development)	(2) Not less than 14 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and explain the purpose for which entry is taken.	Wording added for consistency with article 39(3) (temporary use of land for maintaining the authorised development) and to address row 36 of Appendix M to the Joint West Sussex Local Impact Report [REP1-069] .	The Authorities welcome this amendment.

69.	Article 40 (special category land)	References to "open space management plan" replaced with "open space delivery plan" (2) The open space management delivery plan submitted under paragraph (1) must be substantially in accordance with the outline landscape and ecology management plan and must include a timetable for: (a) the submission of a landscape and ecology management plan pursuant to requirement 8 (landscape and ecology management plan) for each part of the replacement land; and (b) the laying out of each part of the replacement land as open space.	Article 40 has been amended to clarify the nature and function of the plan to be submitted pursuant to article 40(1) prior to the special category land vesting in the undertaker. Prior to commencement of works on the replacement land, Landscape and Ecology Management Plans (LEMPs) must be submitted and approved for that land pursuant to requirement 8. These plans must be substantially in accordance with the Outline Landscape and Ecology Management Plan (oLEMP), pursuant to requirement 8(3). Therefore, the open space delivery plan submitted and approved under article 40 does not, itself, need to be substantially in accordance with the oLEMP but should provide a timetable for the delivery of the replacement open space, including a commitment on the timing for submission of LEMPs for that land	The Authorities consider the undertaker should be responsible for maintaining the replacement land as open space and that article 40(2) should be amended as follows – – “(2) The open space delivery plan submitted under paragraph (1) must include – (a) a timetable for – (i) the submission of a landscape and ecology management plan pursuant to requirement 8 (landscape and ecology management plan) for each part of the replacement land; and (ii) the laying out of each part of the replacement land as open space; and (b) <u>notwithstanding the vesting of replacement land mentioned paragraph (4), the maintenance of the replacement land by the undertaker in perpetuity</u> ”.
70.	Article 47 (disapplication of legislative provisions)	(a) section 23 (prohibition of obstructions etc. in watercourses), 30 (authorisation of drainage works in connection with a ditch)	The disapplication of section 23 of the Land Drainage Act 1991 has been removed following further consideration of the extent to	While the Authorities welcome the removal of disapplication of section 23, they do not consider that their concerns regarding drainage have

		and 32 (variation of awards) of the Land Drainage Act 1991; an	which the Applicant would otherwise require ordinary watercourse consent for the Project. The Applicant only anticipates requiring one such consent and is content for the existing regime for ordinary watercourse consent to apply in respect of this instance.	been satisfactorily addressed. The Applicant states that only one component of the project will require Ordinary Watercourse Consent (“OWC”). The lead local flood authorities (“LLFAs”) consider considerably more elements will require an OWC. The LLFAs have suggested that a meeting is held with GAL and their consultants to understand these differences and to progress this issue.
71.	Article 53 (service of notices)	(7) Any consent to the use of electronic communication transmission given by a person may be revoked by that person in accordance with paragraph (8). [...] (9) Where a notice or document is sent by electronic transmission after 5:00pm, it is deemed served on the next working day.	The former amendment is for consistency with the other paragraphs in article 53. New paragraph (9) responds to ExQ1 DCO.1.38 and confirms how notice by electronic transmission is to be treated when sent after 5:00pm.	The Authorities have no comments in respect of these amendments.
72.	Article 56 (deemed consent)	New article: Deemed consent 56.—(1) If an authority which receives a valid application for consent or approval to which this article applies fails to notify the undertaker of its decision before the end of the period of 56 days beginning with the date on which the application was made, it is deemed to have granted consent or approval (as relevant).	As per the explanation in row 60 above, the operative drafting of the deeming provisions has been consolidated into this separate article, which incorporates in paragraphs (2) and (3) the drafting requested in row 10 of Appendix M to the Joint West Sussex Local Impact Report [REP1-069]	The Authorities’ position in respect of deemed consent, as set out in row 60, applies here also. If the deeming provision is retained, paragraph (1) should be amended so that the 56-day period begins from the date in which the application is received, not made. The Authorities would therefore suggest that paragraph (1) is amended as follows –

		<p>(2) Any application for consent or approval to which this article applies must include a statement that paragraph (1) applies to that application.</p> <p>(3) If an application for consent or approval to which this article applies does not include the statement required under paragraph (2) then paragraph (1) will not apply to that application.</p>		<p>“If an authority which receives a valid application for consent or approval to which this article applies fails to notify the undertaker of its decision before the end of the period of 56 days beginning with the date on which the application was made received, it is deemed to have granted consent or approval (as relevant)”.</p>
73.	Schedule 1 (authorised development)	<p>Work No. 12 (a) an open vehicle storage shed;</p>	Added for greater specificity in response to ExQ1 DCO.1.39.	The Authorities have no comments in respect of this amendment.
74.	Schedule 1 (authorised development)	<p>Work No. 30 (a) earthworks and works to construct an attenuation storage facility with a capacity of up to approximately 32,000m³; Work No. 31 (b) construction of a flood compensation area with a capacity of approximately 55,000m³; Work No. 38 (a) construct a flood compensation area with a capacity of approximately 57,600m³;</p>	<p>Approximate capacity figures added to Work Nos. 31 and 38 for greater specificity at the request of the Environment Agency in its Written Representation [REP1-072] and an ancillary change to wording made to Work No. 30 for consistency. The final capacity of each work will be approved by the Environment Agency through Flood Risk Activity Permits.</p>	The Authorities have no comments in respect of these amendments.
75.	Schedule 1 (authorised development)	<p>Work No. 40 (b) deliver approximately no less than 0.52ha of planting;</p>	Amended in response to ExQ1 DCO.1.39	The Authorities have no comments in respect of this drafting.

76.	Schedule 1 (authorised development)	Work No. 41 Works to create an ecological area at Pentagon Field including landscaping and tree-planting works to— (a) deliver approximately 1ha of planting; (b) plant a tree belt approximately 15 metres in length	Added for greater specificity in response to ExQ1 DCO.1.39.	The Authorities are concerned that the drafting of Work No. 41 is not specific enough. Here, the Applicant is proposing to import over 100,000 cubic metres of spoil onto the site; however, this is not referred to in the description. The Authorities' concerns with the descriptions of the Work Nos. is set out in more detail in the Authorities' Deadline 3 response to ExQ1 [REP3-135].
77.	Schedule 2, paragraph 1 (interpretation)	New definitions: "operational waste management strategy" [...] "water treatment works footpath plan" [...] means the document of that description certified by the Secretary of State under article 52 (certification of documents, etc.)	Added due to the addition of new requirements 25 (operational waste management plan) and 26 (water treatment works footpath).	The Authorities have no comments in respect of these amendments.
78.	Schedule 2, paragraph 1 (interpretation)	Relocated definition: "surface access general arrangements, engineering and structure section drawings";	Relocated to article 2 (interpretation) – see row 53 above.	The Authorities have no comments in respect of these amendments.
79.	Schedule 2, paragraph 1 (interpretation)	"commencement of dual runway operations" means the first day on which commercial air transport movements are scheduled to depart from both the repositioned northern runway (Work No. 1), and the main southern runway (being	The references to the "northern runway" and "southern runway" have been amended for clarity, in accordance with row 54 above.	The Authorities have no comments in respect of these amendments.

		<p>the airport's main runway at the date this Order is made), which for the avoidance of doubt shall exclude any days on which both runways are used by the undertaker to test dual operations following approval by the Civil Aviation Authority for dual operations;</p>		
80.	<p>Schedule 2, paragraph 1 (interpretation)</p>	<p>New paragraph: (3) Where submitted details or actions can be "otherwise agreed" by a discharging authority pursuant to requirements 4(2)(a), 4(3), 5(2)(a), 5(3), 7, 8(4), 10(3), 11(3), 12(3), 13(3), 14(1), 14(2), 20, 21, 22(3), 23(2), 24 and 25(3) such agreement is not to be given by the discharging authority save where it has been demonstrated to the satisfaction of the discharging authority that the departure from the previously certified or approved document or details does not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement.</p>	<p>New paragraph (3) has been added for the reasons explained in the Applicant's response to DCO.1.40 in its Response to ExQ1 (Doc Ref. 10.16).</p>	<p>The Authorities welcome this amendment.</p>
81.	<p>Requirement 3 (time limit and notifications)</p>	<p>"days of" amended to "days after" in (2)(a), (c) and e)</p>	<p>Amendments made to clarify that notifications within X days "of" an event mean X days "after" that event.</p>	<p>The Authorities welcome the inclusion of new paragraph (2)(d); however, they maintain their position (as set out in the response</p>

		<p>(e) within 7 working days after the actual commencement of dual runway operations</p> <p>(d) at least 30 working days prior to the anticipated date of commencement of dual runway operations;</p>	<p>Addition of a new notification requirement at least 30 working days prior to the anticipated date of commencement of dual runway operations, to address ExQ1 DCO.1.40.</p>	<p>to ExQ1 DCO.1.40 (R3) [REP3-135]) in respect of the amendments that should be made to this requirement: in summary –</p> <ul style="list-style-type: none"> • a more generous notice period for the commencement of each part of the authorised development should be provided, • the other local authorities should also be notified of commencement (the administrative burden of doing so will be negligible), • before Requirement 3, there should be a requirement which provided that no part of the authorised development can commence until a masterplan for each part of the development has been submitted to and approved in writing by the relevant planning authority. (Example drafting is set out in the Authorities’ answer to DCO.1.40 (R3).
82.	Requirement 4 (detailed design)	<p>Addition in (1) and (3) of: "... [agreed/approved] in writing by CBC (in consultation with MVDC and RBBC to the extent that they are the relevant planning authority</p>	<p>Added to ensure that MVDC and RBBC are only consulted where the details being submitted are relevant to land within their administrative boundary.</p>	<p>The Authorities are seeking to agree a common position in respect of the discharging arrangements and will revert to the ExA and Applicant once they have done so.</p>

		for any land to which the details relate)"		
83.	Requirement 4 (detailed design)	<p>(2) The details referred to in subparagraph (1) must:</p> <p>(a) be in accordance with the design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with CBC (in consultation with MVDC and RBBC to the extent that they are the relevant planning authority for any land to which the details relate); and</p> <p>(b) demonstrate that in carrying out the part of the authorised development to which the submitted details relate the undertaker would comply with article 6 (limits of works), including detailing any reliance by the undertaker on article 6(6).</p> <p>(2) in accordance with the design principles in appendix 1 of the design and access statement and subject to article 6 (limits of works) be within the limits shown on the works plans unless otherwise agreed in writing with CBC (in consultation with MVDC and RBBC).</p>	<p>These provisions have been amended to clarify the operation of requirement 4 and make clear that design details submitted for approval must be consistent with the limits set out in article 6 (limits of works) within which the works must be constructed.</p> <p>The revisions make express that the only route by which the undertaker can carry out works in excess of these limits is by reliance on article 6(6), which only has effect where CBC is satisfied that such works would not give rise to materially new or materially different environmental effects.</p>	<p>The Authorities are seeking to agree a common position in respect of the discharging arrangements and will revert to the ExA and Applicant once they have done so.</p> <p>The Authorities concerns with the content of the design principles in appendix 1 of the design and access statement are set out in previous submissions, including the answers to ExAQ1 questions GEN.1.21(c) and DCO.1.39 [REP3-135].</p>
84.	Requirement 4 (detailed design)	(4) No excepted development may be carried out until CBC has been consulted on that development,	Wording added to clarify that consultation with CBC on "excepted development" should	The Authorities have no comments in respect of this amendment; however, the Authorities maintain

		with this consultation to take place in the same manner as if taking place pursuant to paragraph F.2. of Part 8 of Schedule 2 to the 2015 Regulations.	take place following the same process as is currently followed by the Applicant when it exercises its permitted development rights. This responds to ExQ1 DCO.1.40.	their position regarding “excepted development”, as set out as follows: rows 44 and 47 of Appendix M to the West Sussex LIR [REP3-069], the Legal Partnership Authorities Responses to Applicants Written Summary of Oral Submissions and Responses to Actions (from Issue Specific Hearings 1-5) [REP2-081], and the Post Hearing Submission for ISH2 - Response to question 4.2 [REP1-212].
85.	Requirement 5 (local highway works – detailed design)	(2) The details referred to in sub-paragraph (1) must: (a) be in accordance with the design principles in appendix 1 of the design and access statement and the surface access general arrangements, engineering and structure section drawings unless otherwise agreed in writing with the relevant highway authority; and, and subject to article 6 (limits of works) be within the limits shown on the works plans unless otherwise agreed in writing with the relevant highway authority. (b) be in accordance with the surface access general arrangements, surface access engineering section drawings and surface access structure section drawings or otherwise demonstrate that in carrying out	These provisions have been amended for the same purpose as described in row 83 above. Sub-paragraph (2)(b) reflects that the surface access general arrangements, surface access engineering section drawings and surface access structure section drawings show a preliminary design for the highway works comprising the Project, in accordance with which the detailed design must be save to the extent that deviations are provided for in article 6 (limits of works)	The Authorities are considering this provision further and will provide any comments on it at Deadline 5.

		the part of the authorised development to which the submitted details relate the undertaker would comply with article 6 (limits of works), including detailing any reliance by the undertaker on article 6(7).		
86.	Requirement 6 (national highway works)	New paragraph: (2) Design details submitted to National Highways pursuant to paragraph 5(1)(c) of Part 3 of Schedule 9 to this Order must: (a) be in accordance with the design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with National Highways; and (b) be in accordance with the surface access general arrangements, surface access engineering section drawings and surface access structure section drawings or otherwise demonstrate that in carrying out the part of the authorised development to which the submitted details relate the undertaker would comply with article 6 (limits of works), including detailing any reliance by the undertaker on article 6(7).	This paragraph ensures that the details for the national highway works are controlled in the same manner as the local highway works, with the process for approval of details and subsequent matters being dealt with in the National Highway protective provisions in Part 3 of Schedule 9.	The Authorities have no comments in respect of these amendments
87.	Requirement 9 (contaminated)	(3) Where the undertaker's risk assessment determines that remediation of contamination	Clarificatory wording added at the request of the Environment	The Authorities have no comments in respect of this amendment.

	land and groundwater)	identified in, on, or under land from detailed site investigations, or as an unexpected discovery, is necessary [...]	Agency in its Written Representation [REP1-072] .	
88.	Requirement 10 (surface and foul water drainage)	(4) No excepted development involving surface or foul water drainage may be carried out until CBC has been consulted on that development, with this consultation to take place in the same manner as if taking place pursuant to paragraph F.2. of Part 8 of Schedule 2 to the 2015 Regulations.	Wording added to clarify that consultation with CBC on "excepted development" should take place following the same process as is currently followed by the Applicant when it exercises its permitted development rights. This responds to ExQ1 DCO.1.40.	The Authorities have no comments in respect of this amendment; however, the Authorities maintain the position in respect of "excepted development", as set out in rows 44 and 47 of Appendix M to the West Sussex LIR [REP3-069], the Legal Partnership Authorities Responses to Applicants Written Summary of Oral Submissions and Responses to Actions (from Issue Specific Hearings 1-5) [REP2-081], and the Post Hearing Submission for ISH2 - Response to question 4.2 [REP1-212].
89.	Requirement 14 (archaeological remains)	(2) Any part of the authorised development in West Sussex must be carried out in accordance with the written scheme of investigation for West Sussex, unless otherwise agreed in writing with West Sussex County Council CBC	ES Appendix 7.8.2: Written Scheme of Investigation for Post-Consent Archaeological Investigations and Historic Building Recording – West Sussex [APP-106] refers to Crawley Borough Council as the entity coordinating archaeological matters within its administrative boundary as regards the Project – see e.g. paragraph 1.1.11. Requirement 14(2) has therefore been amended to reflect this, subject to any comments from the local authorities.	The Authorities are seeking to agree a common position in respect of the discharging arrangements and will revert to the ExA and Applicant once they have done so.

90.	Requirement 14 (archaeological remains)	(7) In this requirement, the "relevant authority" means: (a) in respect of any land in West Sussex, CBC; and (b) in respect of any land in Surrey, Surrey County Council. Amendments throughout requirement 14 to refer to "relevant planning authority"	Greater specificity has been included in this requirement regarding the relevant entities for archaeological matters. The amendments reflect the point above at row 89 and the comment from the Joint Surrey Councils at DCO2 in their Local Impact Report [REP1-097] .	The Authorities have no comments in respect of this amendment.
91.	Requirement 19 (airport operations)	(2) The repositioned northern runway (Work No. 1) must not be repeatedly used between the hours of 23:00 – 06:00 but may be used between these hours where the main southern runway (being the airport's main runway at the date this Order is made) is not available for use for any reason.	"Routinely" omitted for clarity and to address ExQ1 DCO.1.40 and East Sussex County Council's Local Impact Report [REP1-070] . This change is not considered to alter the application of the requirement. The references to the "northern runway" and "southern runway" have been amended for clarity, in accordance with row 54 above.	The Authorities have no comments in respect of this amendment.
92.	Requirement 19 (airport operations)	New paragraphs: (3) Subject to paragraph (4), the repositioned northern runway must not be used: (a) for aircraft landings; or (b) for departures of aircraft larger than Code C aircraft. (4) Paragraph (3) does not apply and the repositioned northern runway may be used in one or both of the ways stated in that paragraph: (a) where the main runway is not available for use for any reason; or	New wording added for the purpose given in response to DCO.1.40 in the Applicant's Responses to ExQ1 (Doc Ref. 10.16). This also addresses row 36 of Appendix M to the Joint West Sussex Local Impact Report [REP1-069] .	The Authorities have no comments in respect of new paragraph (3). Regarding paragraph 4(a), the proposed drafting is too broad. For instance, condition 3 (runway use) of the 1979 planning permission allows use of the emergency runway when the "main runway is temporarily non operational by reason of an accident or a structural defect or when maintenance to the main runway is being undertaken". The Authorities consider it would be

		<p>(b) as agreed in writing between the undertaker and the Secretary of State (following consultation with the CAA and CBC).</p> <p>(5) In this requirement "Code C aircraft" means aircraft with dimensions meeting the maximum specifications of code letter C in the Aerodrome Reference Code table in Annex 14, Volume I to the Convention on International Civil Aviation, as amended from time to time.</p>	<p>reasonable if similar wording were incorporated into paragraph 4(a). Condition 3 also requires GAL to notify the local planning authority in advance of when maintenance is to be carried out. A similar provision should be included in Requirement 19.</p> <p>The Authorities do not agree to the inclusion of paragraph (4)(b) because it could have the effect of overriding the prohibition under paragraph (3). The Authorities do not consider this approach to be reasonable. It is noted that while the Explanatory Memorandum summarises paragraph (3), it does not justify the inclusion of paragraph (4).</p> <p>In the light of the above, the Authorities consider Requirement 19(4) onwards should be amended as follows –</p> <p>“(4) Paragraph (3) does not apply and the repositioned northern runway may be used in one or both of the ways stated in that paragraph: (a) where the main runway is not available for use for any reason; or by reason of an accident or a structural defect or when maintenance to the main runway is being undertaken.</p>
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				<p>(b) as agreed in writing between the undertaker and the Secretary of State (following consultation with the CAA and CBC).</p> <p>(5) In this requirement "Code C aircraft" means aircraft with dimensions meeting the maximum specifications of code letter C in the Aerodrome Reference Code table in Annex 14, Volume I to the Convention on International Civil Aviation, as amended from time to time.</p> <p><u>(6) Other than in an emergency, in each case when maintenance referred to in paragraph (4) is to be carried out, the undertaker must give at least 48 hours notice in writing to CBC".</u></p>
93.	Requirement 20 (surface access)	20. From the date of the commencement of dual runway operations the operation of the authorised development must be carried out in accordance with the surface access commitments unless otherwise agreed with CBC (in consultation with National Highways).	Added in response to a request from National Highways in its Comments on any submissions received by Deadline 1 [REP2-055] .	The Authorities have no comments in respect of this amendment.
94.	Requirement 23 (flood compensation delivery plan)	23.—(1) Prior to the commencement of the first of Work Nos. 4(a), 4(b), 4(f), 4(g), 4(h), 4(i), 4(j), 14, 23(a), 25, 36(a), 36(b), 36(c), or 37(a), 37(b), 37(f)-(j) or 37(l), a flood compensation	In response to written representations the Applicant has refined the Work Nos. to be included in this requirement. The works which may not be commenced until a Flood	

		<p>delivery plan setting out the timeframe for delivering Work Nos. 30(a) (earthworks and works to construct an attenuation storage facility), 31(b) (constructing a flood compensation area at Car Park X) and 38(a) (constructing a flood compensation area at Museum Field) and 39(a) (divert and extend River Mole course works associated with the River Mole) must be submitted to and approved by CBC in consultation with the Environment Agency.</p>	<p>Compensation Delivery Plan (FCDP) is in place are those works that are located in the floodplain, could conceivably remove floodplain and therefore increase flood risk.</p> <p>The works that must be described in the FCDP are those works which are measures proposed to compensate for the loss of floodplain due to the project and ensure no increase flood risk to other parties.</p>	
95.	<p>Requirement 25 (operational waste management plan)</p>	<p>New requirement: Operational waste management plan 25.—(1) Within six months after the commencement of dual runway operations the undertaker must submit an operational waste management plan to CBC for approval. (2) The operational waste management plan submitted under sub-paragraph (1) must be substantially in accordance with the operational waste management strategy. (3) The airport must be operated in accordance with the operational waste management plan approved by CBC unless otherwise agreed in writing with CBC</p>	<p>The Applicant has been asked to provide details of how operational waste from the Project will be managed, including details of the technologies within the new CARE facility. However, the design of the Project is not at the detailed stage to provide this information. This new requirement is necessary to secure the commitment that an Operational Waste Management Plan will be prepared for the Airport (to include waste from the Project) and that the Plan will be in accordance with the Operational Waste Management Strategy submitted at Deadline 3</p>	<p>While the principle of an operational waste management plan (“OWMP”) is welcomed, the Authorities consider the trigger point for submission and approval should be prior to the operation of the CARE facility and not linked to the commencement of dual runway operations.</p> <p>At Deadline 4, WSCC are submitting their response to the Applicant’s operational waste management strategy [REP3-070] and the contents of that response is not repeated here, save that WSCC consider the OWMP should include an on-going review mechanism in respect of the approach to waste management.</p>

			<p>In addition, the Authorities consider WSCC (as waste authority) should be the discharging authority for this requirement. It would seem sensible if the authority with statutory responsibility for waste should be responsible for discharging the requirement.</p> <p>WSCC notes the OWMP must be “substantially in accordance” with the strategy. It would be helpful if the Applicant could explain why “substantially in accordance” has been used here, instead of “in accordance”.</p> <p>In the light of the above, WSCC consider Requirement 25 should be amended as follows –</p> <p><u>“(1) The CARE facility may not be operated until</u> Within six months after the commencement of dual runway operations <u>the undertaker has submitted and WSCC has approved in writing</u> must submit an operational waste management plan to CBC for approval.</p> <p><u>(2) Subject to paragraph (4), the</u> The operational waste management plan submitted under sub-paragraph (1) must be substantially in accordance with the operational waste management strategy.</p>
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				<p>(3) The CARE facility airport must be operated in accordance with the operational waste management plan approved by WSCC GBG unless otherwise agreed in writing with WSCC GBG.</p> <p><u>(4) The operational waste management plan must include a provision for the on-going review by the undertaker of its approach to waste management”.</u></p>
96.	Requirement 26 (water treatment works footpath)	<p>New requirement:</p> <p>Water treatment works footpath 26.—(1) Prior to the commencement of Work No. 43 (water treatment works) a public access by foot must be provided between the locations marked "A" and "B" on the water treatment works footpath plan.</p> <p>(2) The public access by foot described in sub-paragraph (1) must not be removed until construction of Work No. 43 (water treatment works) is complete.</p>	<p>Added in connection with the Applicant's change request of 13 February 2024. The current route of footpath West Sussex 360_1sy follows the alignment of the vehicular access route to the Crawley Sewage Treatment Works. There would be additional vehicle movements along this access road route during the construction of the reed beds over the period of approximately 1 year. The inclusion of the additional footpath route provides pedestrians the opportunity to follow a vehicle-free route along the access road during the construction period between from the junction with Radford Road north to Upper Pickett's Wood. New requirement 26 secures the delivery of this route.</p>	<p>The Authorities are considering this provision further and will provide any comments on it at Deadline 5.</p>

97.	Schedule 3 (stopping up of streets and private means of access & provisions of new streets and private means of access)	Headings updated to: Stopping up of Highways Streets and Private Means of Access & Provisions of New Highways Streets and Private Means of Access HIGHWAYS STREETS TO BE STOPPED UP AND SUBSTITUTE HIGHWAYS STREETS AND NEW HIGHWAYS STREETS TO BE PROVIDED Table column headers updated for consistency	Amended for consistency with the terminology used in article 13 (stopping up of streets) and in response to ExQ1 DCO.1.41.	The Authorities have no comments in respect of these amendments.
98.	Schedule 3 (stopping up of streets and private means of access & provisions of new streets and private means of access)	Proposed new highway; A23 London Road Northbound Left-in Diverge to North Terminal Roundabout, within the area marked a24 for a distance of approximately 380m 325m as shown on Sheet 1 of the rights of way and access plans, shown by green striped hatching.	Amended to address comments from the Joint West Sussex Authorities.	The Authorities have no comments in respect of this amendment.
99.	Schedule 3 (stopping up of streets and private means of access & provisions of new streets and private means of access)	The newly proposed private means of access for the extents marked as d1 which provides access to an existing Pond to the east of Peeks Brook Lane for a distance of approximately 230m 220m on Sheet 2 of the rights of way and access plans shown by orange striped hatching.	Amended to address the comment from the Joint Surrey Councils in section 21 of their Local Impact Report [REP1-097] .	The Authorities have no comments in respect of these amendments.

100.	Schedule 4 (public rights of way, footways and cycle tracks to be stopped up)	Header for Part 1 amended to: PUBLIC RIGHTS OF WAY TO BE PERMANENTLY STOPPED UP DIVERTED FOR WHICH A SUBSTITUTE IS TO BE PROVIDED	Minor amendment made in response to row 19 of Appendix M to the Joint West Sussex Local Impact Report [REP1-069]	The Authorities have no comments in respect of these amendments.
101.	Schedule 4 (public rights of way, footways and cycle tracks to be stopped up)	Minor wording tweaks to column headers and contents.	Minor amendments for consistency and to correct typographical errors.	The Authorities have no comments in respect of these amendments.
102.	Schedule 6 (traffic regulations)	New rows in Part 2 and Part 3	Updated to reflect parking restriction information that has recently been updated on the Surrey County Council parking restrictions web portal.	The new rows are being considered by Surrey County Council.
103.	Schedule 11 (procedures for approvals, consents and appeals)	New paragraph: (1) Where an application is made to a discharging authority for agreement, endorsement or approval in respect of a requirement to which this Part of this Schedule applies, the fee contained in regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(1) (as may be amended or replaced from time to time) is to	New paragraph added for the reason given in response to DCO.1.7 in the Applicant's Response to ExQ1 (Doc Ref. 10.16)	The proposed fee regime is unsatisfactory and, given the extent of work that the discharging authorities will be expected to undertake, the Authorities consider the discharging authorities' discharging costs should be covered by the Applicant on the basis of full cost recovery. The most appropriate mechanism for delivering this would be a planning performance agreement. The Authorities' position is set out in –

		<p>apply and must be paid to that authority for each application.</p> <p>(2) Any fee paid under this Schedule must be refunded to the undertaker within a period of 35 days of—</p> <p>(a) the application being rejected as invalidly made; or</p> <p>(b) the discharging authority failing to determine the application within the decision period specified in paragraph (1) of this Part, unless within that period the undertaker agrees in writing that the fee may be retained by the discharging authority and credited in respect of a future application.</p>		<p>(i) its Deadline 4 response to question DCO1.7 of the Applicant's Response to ExQ1 - Development Consent Order and Control Documents [REP3-089].</p> <p>(ii) The Authorities' Deadline 3 response to ExQ1 DCO.1.7 [REP3-0135]</p> <p>(iii) Row 61 of Appendix M to the West Sussex authorities' LIR [REP1-069].</p>
104.	Schedule 12 (documents to be certified)	Addition of "operational waste management strategy" and "water treatment works footpath plan".	To reflect the addition of new requirements 25 (operational waste management plan) and 26 (water treatment works footpath).	The Authorities have no comments in respect of these amendments.
105.	Throughout	Various references to "agreed" specified to be "agreed in writing"	Added for consistency with other references to agreement in writing, and in response to ExQ1 DCO 1.20 and DCO.1.40	The Authorities have no comments in respect of these amendments.
106.	Throughout	Cross-references updated. Minor typographical corrections.	To correct errors.	The Authorities have no comments in respect of these amendments.