

Gatwick Northern Runway

TR020005

National Highways Comments on any Submissions Received by Deadline 3

May 2024

Table of contents

Chapter	Pages
1 Comments on any Submissions Received by Deadline 3	1
Table 1-1 National Highways Comments on any Submissions Received by Deadline 3	2

1 **Comments on any Submissions Received by Deadline 3**

This document has been prepared by National Highways to set out its position in respect to matters raised by either the Applicant or other Interested Parties as part of their Deadline 3 submissions. National Highways position has been provided in order to provide clarity to the Examining Authority on points of agreement, disagreement or where additional clarity is being sought in order to resolve the matters raised by National Highways as part of its Relevant Representation **[TR020005/RR/3222]** and Written Representation **[TR020005/REP1/088]**. These can be found in Table 1.1 below.

Table 1-1 National Highways Comments on any Submissions Received by Deadline 3

Reference	Examination Library Reference Number	Statement	National Highways Comment
The Applicant's Response to Deadline 2 Submissions [TR020005/REP3/106]			
Table Matters Raised by AIPUT	2 REP3-106	As set out in Section 6.11 of the Design and Access Statement Volume 5 [APP-257], National Highways' strategic road network elements have been designed in accordance with the Design Manual for Roads and Bridges (DMRB) and Local highway authority roads have been designed in accordance with relevant design standards and guidance including Manual for Streets. Where required, Departures from Standard application submissions have been made to the relevant highway authorities in accordance with the relevant highway authority process. The detailed design of the strategic road network elements of the scheme will be subject to National Highways approval in accordance with the protective provisions for National Highways set out in Schedule 9 Part 3 of the Draft DCO (Doc Ref. 2.1 v6). The detailed design of the local highway authority elements of the scheme will be subject to highway authority approval in accordance with requirement 5 in Schedule 2 to the Draft DCO (Doc Ref. 2.1 v6).	<p>National Highways can confirm that a number of departures from standards have been submitted by the Applicant in respect to the surface access works. These departures have only been progressed to a provisional agreement stage at this point in time and therefore do not constitute a formally approved departure by National Highways.</p> <p>As part of National Highways Written Representation [TR020005/REP1/088], a number of additional departures from standard were identified in relation to the South Terminal Roundabout Eastbound Connector Merge and Westbound Connector Diverge. National Highways prepared a technical note outlining these matters and issued this to the Applicant outside of the examination on the 2nd February. National Highways received a response to this document from the Applicant on Friday 10 May 2024, However, it has not been possible to review this document prior to Deadline 4. National Highways will respond to the Applicant and provide an update on this issue at Deadline 5.</p>
Table Matters Raised by Gatwick Area Conservation Campaign	5 REP3-106	An assessment of station performance has been undertaken using a Legion model, as set out in Chapter 10 of the Transport Assessment (Doc Ref. 7.4 v3) and Transport Assessment Annex D - Station and Shuttle Legion Modelling Report [APP-262]. The modelling and analysis demonstrate that the Project does not require any additional works beyond those already committed to the station to mitigate the Project's impact, as station performance remains acceptable, as described in paragraphs 10.9.2 to 10.9.5 of the Transport Assessment (Doc Ref. 7.4 v3). The Applicant continues to engage with Network Rail on technical matters, including the performance of the station, and these matters will be included in the Statement of Common Ground between Gatwick Airport Limited and Network Rail.	<p>National Highways has reviewed the representation submitted by Network Rail at Deadline 3 in response to the Examining Authorities Written Questions [TR020005/REP3/141] and shares their concerns. National Highways therefore requests that the Applicant considers Network Rail's request to apply a reduction in the theoretical standing and seating capacity maximum in order to test the validity of any assumptions currently utilised within the Transport Assessment [TR020005/REP3/059].</p> <p>National Highways will remain abreast of this issue and will review the latest status of discussions between the Applicant and Network Rail upon submission of updated Principal Areas of Disagreement Summary Statements (PADSS) or Statement of Common Grounds (SoCGs) at Deadline 5.</p>
Table Matters Raised by the Legal Partnership Authorities	15 REP3-106	Following National Highways' mark-up of the SAC document [REP2-056] submitted at Deadline 2, the Applicant has submitted proposed amendments to the SAC document in an updated version of ES Appendix 5.4.1: Surface Access Commitments at Deadline 3 (Doc Ref. 5.3 v2).	National Highways notes the Applicant's response, which has not incorporated all the amendments proposed. Therefore National Highways has provided comments on the updated Surface Access Commitments [TR020005/REP3/029] as part of Appendix A to this document.
Table Matters Raised by National Highways	19 REP3-106	<p>Article 8</p> <p>In version 6.0 of the draft DCO submitted at Deadline 3 (Doc Ref. 2.1 v6) the Applicant has amended article 8 to add an obligation to notify National Highways in the event that the power in article 8(1) is exercised to transfer or grant to a person other than National Highways the benefit of the order in respect of national highway works.</p>	National Highways welcomes this amendment and can confirm that its comment is resolved.
Table Matters Raised by National Highways	19 REP3-106	<p>Article 18</p> <p>Pending further justification from National Highways as to why the much longer timeframes proposed by them (e.g. 12 weeks for notification) are required, the Applicant considers the current timeframes included in article 18 to be appropriate and justified for the following reasons:</p> <ul style="list-style-type: none"> • Traffic regulations made pursuant to article 18(1) or (2) are already specified in schedules to the draft DCO. These measures are subject to scrutiny during the DCO examination, which the relevant traffic authorities (including National 	<p>The Applicant's response fails to account for the highways NSIP within the proposed scheme. As a result of the NSIP, it should be clear to the Applicant, and the Examining Authority, that the time period sought by National Highways on its own schemes for such highway works should be reflected here. It is wholly inappropriate for the Applicant to seek to compare non-highway DCOs to the present scheme which includes significant highway works.</p> <p>National Highways, as highway authority, is best placed to advise on how long it needs to give certain approvals. In the view of National Highways, Article 18 currently fails to provide a sufficient amount of time. As set out in the Relevant Representation [TR020005/RR/3222], permanent changes should require 12 weeks notice in order to provide National Highways and any other traffic authority sufficient time to make the necessary arrangements. Separately, the</p>

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		<p>Highways) are participating in. Traffic authorities should not, therefore, require a further protracted period to review proposed traffic measures at the time they come to be enacted pursuant to article 18.</p> <ul style="list-style-type: none"> • Where a traffic regulation not specified in schedules to the DCO is proposed pursuant to article 18(3), this is subject to pre-notification consultation with the chief officer of police, traffic authority and any other relevant person under article 18(5). This gives the traffic authority time to engage on the proposed measure before the notice period in article 18(4) starts to run. • Where a traffic regulation not specified in schedules to the DCO is proposed pursuant to article 18(3), it requires the consent of the traffic authority under article 18(6). This must not be unreasonably withheld or delayed and is subject to deemed consent, but this affords the traffic authority a longer period than 28 days to consider such an application. <p>As per the Statement of Common Ground Between Gatwick Airport Limited and National Highways [REP1- 036], the time periods in article 18 are well precedented, including in article 45 of the recently made National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024. National Highways' preference for transport DCO precedent is noted but the Applicant observes that many of these were promoted by National Highways itself and are therefore likely to contain drafting which supports National Highways' preferred time periods. National Highways is invited to justify, in light of the above, why longer time periods are required operationally.</p>	Applicant's new Article 56 still fails to address National Highways' comment that deemed consent should run from when the application is received, not made.
Table Matters Raised by National Highways	19 REP3-106	<p>Article 32</p> <p>Article 32 has effect when the undertaker acquires land or enters onto land. The Applicant cannot therefore "make clear" which rights of National Highways will be affected, as this will only be known once the parcels of land to be permanently acquired are confirmed.</p> <p>Beyond this, the Applicant refers to its response on this point in the Statement of Common Ground Between Gatwick Airport Limited and National Highways [REP1-036], which confirms that National Highways is offered sufficient protection by virtue of its protective provisions in Part 3 of Schedule 9.</p>	<p>In accordance with the relevant compulsory acquisition guidance, the Applicant should be seeking clear and proportionate compulsory acquisition powers. Given the scale of National Highways land within the Order limits, it is reasonable to expect that the Applicant set out what rights it envisages will be impacted. It remains unacceptable to National Highways that the Applicant continues to seek such broad powers, without defining how they apply.</p> <p>National Highways recommends that the Examining Authority carefully consider to what extent, if any, the Applicant actually needs such broad powers. While this provision may be controlled under the protective provisions, this does not excuse the Applicant from justifying the need for such powers in accordance with its obligations.</p>
Table Matters Raised by National Highways	19 REP3-106	<p>Article 37</p> <p>The Applicant refers to its response in the Statement of Common Ground Between Gatwick Airport Limited and National Highways [REP1-036] which summarises its position and to the CA questions in its Response to ExQ1 (Doc Ref. 10.16) for a detailed justification of its approach to compulsory acquisition.</p>	National Highways will address this comment further in the next iteration of the SoCG. However, National Highways continues to have concerns about the Applicant's broad approach towards seeking compulsory acquisition powers. In accordance with the relevant guidance, the Applicant should be seeking proportionate land powers. It therefore remains unclear why the Applicant is seeking permanent powers to carry out temporary works. Unknown rights would be suspended for the duration of the works under standard temporary possession powers, and the Applicant should be able to differentiate land it needs permanently from land it does not at this stage.
Table Matters Raised by National Highways	19 REP3-106	<p>Article 45</p> <p>The Applicant refers to its response in the Statement of Common Ground Between Gatwick Airport Limited and National Highways [REP1-036] and particularly to the confirmation that the protective provisions for the benefit of National Highways should provide sufficient comfort to National Highways regarding the ability of the undertaker to use article 45 over the strategic road network.</p>	As per response to Article 37 above.

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Table 19 Matters Raised by National Highways	REP3-106	<p>Schedule 2, Requirement 20</p> <p>The Applicant wishes to implement a consistent and streamlined approach to oversight and authorisations of Project-wide control documents. For this reason, it considers that such documents should primarily be overseen by the lead local authority, Crawley Borough Council (CBC). However, the Applicant is content to specify in requirement 20 that CBC must consult National Highways in relation to any agreement under requirement 20 and has added this in version 6.0 of the draft DCO submitted at Deadline 3 (Doc Ref. 2.1 v6).</p>	National Highways takes no issue with the Applicant's rationale and does not dispute that such documents should be "primarily" overseen by the Lead Local Authority. However, the Examining Authority should note that the surface access commitments also relate to matters directly outside the Lead Local Authority's scope and within National Highways statutory undertaking. It therefore follows that National Highways should have an approval role over Requirement 20 and National Highways recommends that the Examining Authority incorporates such an approval role in the event that the Applicant does not take on board National Highways recommendations.
Table 21 Matters Raised by National Highways	REP3-106	<p>An Active Travel User Count Survey was procured by GAL in November 2022. Due consideration was given to the existing peak hour flows for pedestrians and cyclists that were measured as part of this survey in developing the scheme design proposals whilst also giving due consideration to seasonality considerations in relation to the timing of the user count survey and allowing for growth in users numbers including growth in the number of active travel users travelling to/from Gatwick (as set out in Diagram 14.2.3 in the Transport Assessment (Doc Ref. 7.4 v3)).</p> <p>Overall based on these factors, user levels are anticipated to likely remain below the maximum flow of 200 users per hour at the North Terminal Link Road footway labelled c11 in the Rights of Way and Access Plans (Doc Ref. 4.6 v3) (where a footway future proofed for potential future upgrade to a shared use path is proposed) and along the Perimeter Road North shared use path labelled c2-c3-c4-c42 in the Rights of Way and Access Plans (Doc Ref. 4.6 v3). The minimum widths proposed for these routes are all in excess of the associated desirable minimum width of 2.0m and are also at or in excess of the higher 3.0m desirable minimum provision for user flows greater than 200 users per hour set out in DMRB clause E/3.5. Note that these proposals also meet the desirable minimum 3.0m width of shared use paths set out in LTN 1/20 Table 6-3 for shared use paths carrying up to 300 pedestrians per hour and up to 300 cyclists per hour (i.e. up to 600 active travel users per hour in total). For reference information on relevant existing peak hour flows from the November 2022 survey is provided below:</p> <ul style="list-style-type: none"> • In the existing layout for North Terminal there is no ability to cross directly from Southern Horley to North Terminal in the vicinity of the proposed signalised junction and footway c11. The most relevant survey point of existing user flows is considered to be the count on NCR 21 in Riverside Garden Park. The max peak hourly flows surveyed at this location were as follows: 43 pedestrians per hour and 14 cyclists per hour. • The maximum peak hourly flow surveyed at the refuge crossing of Northway on the approach to North Terminal Roundabout (at the western end of the onward section of the proposed shared use path labelled c2-c3-c4-c42 between c40 and c6) were as follows: 55 pedestrians per hour and 1 cyclist per hour. The max peak hourly flow surveyed between the Perimeter Road North / Queensgate Roundabout and the walking cycling subway under A23 London Road at the eastern end of the proposed shared use path labelled c2-c3-c4-c42) were as follows: 52 pedestrians per hour and 3 cyclists per hour 	National Highways notes the responses provided by the Applicant and can confirm that this response satisfies the query which was raised by National Highways in its comments on any submissions received by Deadline 1 [TR020005/REP1/055].

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Table 21 Matters Raised by National Highways	REP3-106	The proposed footway width under the bridge is 3.0m as this width provides a future-proofed cross section for potential future upgrade by the Highway Authority to a shared use route at a later stage. On the carriageway side of the 3.0m footway there is a 0.5m separation strip which is in accordance with CD 341, Clauses E/1.2.1 for walking routes and E/3.5.1 for shared use routes. To the abutment side of the 3.0m footway is a 0.5m verge which accounts for edge shyness provision to a vertical face greater than 1.2m in height (the abutment face) and is in accordance with CD 341 Table E/1.2. This maintains the clear 3.0m footway width.	National Highways notes the responses provided by the Applicant and can confirm that this response satisfies the query which was raised by National Highways in its comments on any submissions received by Deadline 1 [TR020005/REP1/055].
Table 21 Matters Raised by National Highways	REP3-106	The existing depth of the traffic island measures 2.5m in the directions of travel of pedestrians and cyclists, achieving the requirements of CD143 Table E/4.7 which states an absolute minimum depth of 2.5m. Through the detailed design, if it is considered appropriate, the depth of the traffic island could be increased through minor works within the proposed Order Limits and limits of deviation.	National Highways notes the responses provided by the Applicant and can confirm that this response satisfies the query which was raised by National Highways in its comments on any submissions received by Deadline 1 [TR020005/REP1/055].
Table 22 Matters Raised by National Highways	REP3-106	This point has been raised in the ExA's Questions at DCO.1.40 (Requirement 6) and a response is provided in The Applicant's Response to the Examining Authority's Written Questions (ExQ1) – Traffic and Transport (Doc Ref. 10.16). This matter is also included at Row 2.7.1.27 of the Statement of Common Ground between Gatwick Airport Limited and National Highways [REP1-036]. The Applicant will continue to engage with National Highways on the milestone for the delivery of the Project highway works and is also engaging on the point related to network operation in the construction period. The Applicant will provide further updates to the SoCG in due course.	National Highways notes the Applicant's response and has considered any responses to the Examining Authorities Written Questions separately in its Deadline 4 submissions.
Table 23 Matters Raised by National Highways	REP3-106	Technical engagement is currently underway with Network Rail. Issues related to existing and future rail capacity will be included in the Statement of Common Ground between Gatwick Airport Limited and Network Rail. The Applicant will continue to engage with Network Rail on this matter and provide further updates to the SoCG in due course.	National Highways notes the Applicant's response and await the publication of the latest version of the SoCG at Deadline 5.
Table 23 Matters Raised by National Highways	REP3-106	The way in which the Applicant's existing Airport Surface Access Strategy interacts with the Surface Access Commitments is set out in Section 2 of the Surface Access Commitments (Doc Ref. 5.3 v2) and paragraphs 8.4.34 and 8.4.35 of the Planning Statement [APP-245]. Further details on the context of the Airport Surface Access Strategy is set out at paragraphs 8.4.3 and 8.4.18 of the Planning Statement [APP-245].	National Highways acknowledges the cross references to the Planning Statement provided by the Applicant, however it remains unclear to what extent, if any at all, the existing Airport Surface Access Strategy 2022-2030 (ASAS) is secured or binding on the Applicant. The Examining Authority will note from paragraph 8.4.18 of the Planning Statement that the Applicant relies upon measures in the ASAS for its traffic and transport assessment.
Table 23 Matters Raised by National Highways	REP3-106	Inclusive design principles have been adopted by the Project through the use of DMRB CD143, noting that CD 143 clauses E/1.1 and E/3.3 reference the Department for Transport (UK Gov) Inclusive Mobility guidance for the design of crossfalls and gradients on footway and shared use routes. These criteria have been applied in the development of the preliminary design for the scheme. Due consideration has also been given to guidance set out in LTN1/20 including the core design principles set out in section 1.5 which define the importance of inclusive design and noting that paragraph 1.4.1 sets out that "the concept of 'inclusive design' underpins the document. The proposed active travel design will be further developed at the detailed design stage and will be subject to agreement with Local Highways Authorities at the detailed design stage as part of technical approvals in accordance with Schedule 2, Clause 5 of the draft DCO (Doc Ref. 2.1 v6). The detailed design of the strategic road network elements of the scheme will be subject to National Highways approval in accordance with the protective	National Highways notes the responses provided by the Applicant and can confirm that this response satisfies the query which was raised by National Highways in its comments on any submissions received by Deadline 1 [TR020005/REP1/055].

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		provisions for National Highways set out in Schedule 9 Part 3 of the draft DCO (Doc Ref. 2.1 v6).	
Table 24 Matters Raised by National Highways	REP3-106	The model verification process is included in Section 3 of ES Appendix 13.6.1: Air Quality Data and Model Verification [APP-159]. The verification methodology follows Defra LAQM Technical Guidance (TG22) and was agreed with local councils at the modelling methodology workshop in November 2022. The selection of verification zones takes into consideration a wide range of factors which affect model performance as set out in Paragraph 3.1.2 of ES Appendix 13.6.1 [APP-159]. Considering model performance in this area, localised traffic congestion and that Brighton Road is within an AQMA, a higher verification factor was used. This provides a realistic worst case view of potential effects from the project.	It is noted that the zoning of Brighton Road is not described nor justified in Section 3 of ES Appendix 13.6.1: Air Quality Data and Model Verification [TR020005/APP/159]. The response provided by the Applicant does provide some clarity and the fact that the factor applied to Brighton Road is higher than that calculated and applied to nearby Gatwick receptors does provide a more precautionary approach. National Highways therefore considers this matter closed and will reflect this in future updated to the SoCG or PADSS where applicable.
Table 25 Matters Raised by National Highways	REP3-106	<p>The Future Baseline assumptions of the growth which would occur at the Airport in the absence of the Project include improvement works (including signalization) of both the North Terminal and South Terminal roundabouts (as explained in Section 4.4.9 of ES Chapter 4: Existing Site and Operations [APP-029]) and at TT.1.20 of the Applicant's Response to ExQ1 – Traffic and Transport (Doc Ref. 10.16). As per that section, it is anticipated that these works will be completed by 2029.</p> <p>Following discussions with National Highways, the Applicant has agreed to secure the delivery of these works in the draft DCO. However, in light of the anticipated timescale above, which was noted in the ES, it is considered inappropriate to secure that the works will be delivered prior to the beginning of any part of the authorised development. This would shift the anticipated timetable for these works forward by several years. Instead, the Applicant can agree to deliver the works prior to commencement of dual runway operations.</p> <p>The Applicant is engaging with National Highways to seek to agree appropriate drafting to secure these works with a view to including this in the draft DCO in due course.</p>	National Highways welcomes the commitment from the Applicant to secure these works in the DCO. The revised wording from the Applicant remains unacceptable to National Highways as the works should be delivered before the construction of works for dual runway operations unless the Applicant is able to produce additional modelling information demonstrating that the works are not required to support the airside works being delivered prior to 2029, alongside current and project background traffic growth. The timing of these works remains subject to discussions between the parties.
Table 25 Matters Raised by National Highways	REP3-106	<p>The Applicant has sought to replace as much of the lost highways planting within National Highways land. However, the current standards and guidance for which the highways designs must comply with and a desire not to encroach further than is required onto public open space and private land restricts the extent to which this is possible. Any lost highway planting that is not replaced within National Highway's land has, however been offset elsewhere through the replacement and enhancement achieved in the scheme as a whole.</p> <p>The types of plants that can be replanted on highway margins is dictated by the current highway planting standards with respect to distance of trees from the carriageway. The Applicant has sought to replace the woodland lost as far as is possible within the confines of an operational airport or within close proximity to where the loss occurs including at Museum Field, Car Park B, Pentagon Field and Longbridge Roundabout. This must all be carefully considered with regard to the airport's safeguarding requirements.</p> <p>The loss of woodland from the Project as a whole was assessed in ES Chapter 9: Ecology and Nature Conservation [APP-034] as being Moderate Adverse in significance during the initial assessment periods due to the time required to reach</p>	<p>National Highways acknowledges the statement made including amendments to the Deadline 3 Submission - 5.3 Environmental Statement Biodiversity Net Gain Statement - Version 3 [TR020005/REP/047]. National Highways welcomes 'any lost highway planting that is not replaced within National Highway's land, offset elsewhere through replacement and enhancement.'. However, National Highways would like to seek clarity on the breakdown of the baseline biodiversity units on our soft estate within the project boundary (in terms of habitat type), and the loss of biodiversity units within that area. A break-down of the biodiversity units and habitat type (baseline and post-development) for where there is offset elsewhere (e.g. Museum Field) would be useful to support National Highways with its internal KPI reporting procedures and to fully understand the habitat gains / losses in relation to our estate.</p> <p>It is noted that Natural England has accepted the habitat trading relating to the loss of woodland. However, National Highways is not supportive of accepting different habitat types for woodland loss as this would not meet like-for-like or better habitat replacement for biodiversity metric losses within our land holding. The proposals should aim to maintain habitat extent (supporting more, bigger, better and more joined up ecological networks) and ensure that proposed or retained habitat parcels are of sufficient size for ecological function (Principle 8 within The Biodiversity Metric 4.0 User Guide). National Highways would also like to see evidence on how habitat functionality has been considered in terms of proposed and retained woodland, and if enhancement of existing woodland has also been considered. Additionally, justification for why different habitat types are more appropriate for the ecological context e.g. at the location at Museum Field, would be useful.</p> <p>National Highways notes that the 'Surface Access Tree Survey and Tree Removal and Protection Plans' is to be included in the Outline Arboricultural and Vegetation Method Statement (oAVMS) which is expected to be submitted</p>

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		<p>maturity. However, once mature, the impact would be minor adverse and no longer significant.</p> <p>As set out in ES Appendix 9.9.2 Biodiversity Net Gain Statement (Doc Ref. 5.3 v3), the Project, when considered as a whole, delivers over 20% BNG. The position with respect to habitat trading, relating to the loss of woodland, was agreed by Natural England at paragraph 5.11 of their Relevant Representation [RR-3223].</p> <p>Under DCO Requirement 8, a LEMP substantially in accordance with the oLEMP must be approved by CBC in relation to a part of the development before that part of the development is commenced. The oLEMP requires that the LEMPs include reporting on BNG and monitoring and management regimes.</p> <p>Any construction activities must be carried out in accordance with the CoCP [REP1-021] under DCO Requirement 7. Annex 6 of the CoCP comprises an Outline Arboricultural and Vegetation Method Statement (oAVMS) (Doc Ref. 5.3 v2) which includes Preliminary Tree Removal and Protection Plans. The oAVMS requires the Applicant to submit Detailed Arboricultural and Vegetation Method Statements (AVMS) which will include Detailed Vegetation Removal and Protection Plans and, where required, Detailed Tree Removal and Protection Plans to CBC for approval by CBC (following consultation with MVDC and RBBC as appropriate). These AVMS must be approved for an area prior to the removal of any trees or vegetation in that area. These AVMS and associated plans will be substantially in accordance with the oAVMS and associated plans.</p> <p>The oLEMP requires that LEMPs incorporate any retained vegetation and trees into the detailed landscape designs (DCO Requirement 8).</p>	<p>at Deadline 4. National Highways will review this documentation when submitted and provide any comments at Deadline 5.</p> <p>Section 1.1.10 of the Outline Landscape and Ecology Management Plan [TR020005/REP3/032] states that 'the projected tree removal within the report is a worst case assessment and will be revisited and further assessed during the detailed design phase'. National Highways welcomes further assessment of trees as the detailed design evolves. Additionally, in Section 1.1.11, 'detailed vegetation and removal plans will be reviewed by CBC, RBBC, MVDC and TDC', National Highways seeks to be included in reviews in relation to the Surface Improvement Works, prior to any removal of trees in that area.</p> <p>Within the Deadline 3 Submission - 5.3 Environmental Statement Biodiversity Net Gain Statement - Version 3 [TR020005/REP3/047] hedgerow is mentioned as being lost; however the locations of these losses are unclear (i.e. not mapped). It would be of interest to National Highways to confirm the extent of loss on National Highway assets (where / if applicable).</p> <p>National Highways has reviewed the updated Tree Survey Report and Arboricultural Impact Assessment submitted at Deadline 3 [TR020005/REP3/038] and notes that the category for groups of trees to be removed are now provided (Table 8). Section 6.3.6 states that the projected group / removal partial removal for the majority is Category C which are lower quality trees, however for the M23 & A23 in isolation (when looking at National Highways assets) the majority is Category B (moderate quality) which appears to contradict paragraph 8.1.5 (for groups of trees).</p>
Table Matters Raised by National Highways	25 REP3-106	Such surveys are on-going and will be reported when complete (anticipate Deadline 8). Surveys comprise the climbing of trees to determine the presence/absence of roosts on up to three occasions (depending on the roost potential of the tree) during the bat active season with at least two climbs between May and July. Any tree that cannot be climbed will be subject to appropriate emergence surveys.	The receipt of data at Deadline 8 (7 August 2024), offers National Highways little opportunity to review the updated data within the confines of the examination. If possible, it is requested that the results of the survey's conducted in May are published as an interim update report to enable National Highways and other Interested Parties to review the survey outcomes.
Table Matters Raised by National Highways	25 REP3-106	ES Appendix 11.9.6: Flood Risk Assessment Version 2 [AS-078] demonstrates that the Project would not increase peak water levels (and therefore flood risk) in local watercourses including the River Mole and the Gatwick Stream which are conveyed by the three structures listed in FRA paragraph 7.2.31. Therefore the Project will not exacerbate the residual flood risk that exists in the current situation. The 400mm freeboard referred to in FRA paragraph 7.3.32 is intended as a degree of sensitivity analysis. A blockage assessment would be undertaken as part of the development of the detailed design of these crossings	National Highways reiterates that a freeboard of 600mm should be applied by the Applicant in accordance with the DMRB CD356 Section 4.16. This position was outlined by National Highways in its updated PADSS issued at Deadline 2 [TR020005/REP2/053]. If the Applicant were to maintain its current position, National Highways requests that the Applicant consider any Departures from Standard that are required and commence the consultation process with National Highways to understand the viability of these departures being approved.
Table Matters Raised by National Highways	25 REP3-106	With regards baseline surveys, the purpose of the one hour surveys reported in the Riverside Garden Park in ES Appendix 14.9.4 was not to validate the road traffic noise model but to gain an understanding of the park environment, as clarified in the noise topic working group. Validation of the traffic noise model is now reported in Appendix D - Traffic Noise Important Area Assessment of Supporting Noise and Vibration Technical Notes to Statements of Common Ground (Doc Ref. 10.13).	National Highways notes the Applicant's response and has reviewed Appendix D. The conclusion that predicted levels agree reasonably well with measured levels, providing additional confidence in the road traffic noise model, is accepted.

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Table Matters Raised by National Highways	25 REP3-106	This matter was included in the Joint Surrey Local Impact Report [REP1-097] and a response to item TT12 is provided in The Applicant's Response to Local Impact Reports (Doc Ref. 10.15). This was also raised by National Highways in its Written Representation and the Applicant will continue to engage with National Highways on this matter and provide further updates to the SoCG in due course.	National Highways notes the Applicant's response and would request a copy of the updated SoCG is provided to National Highways at the earliest opportunity to comment prior to its formal submission at Deadline 5.
Table Matters Raised by National Highways	28 REP3-106	<p>The Applicant addressed the points raised in Network Rail's Written Representation in section 88 of The Applicant's Response to the Written Representations (Doc Ref. 10.14).</p> <p>The Applicant has also responded on points raised in relation to sensitivity tests, to ensure robustness in the assessment, in the answer to question TT.1.3 in The Applicant's Response to the Examining Authority's Written Questions (ExQ1) – Traffic and Transport (Doc Ref. 10.16).</p> <p>The Applicant is continuing engagement with Network Rail and Govia Thameslink Railway in relation to the performance of the rail network and will continue to engage with National Highways.</p>	National Highways notes the Applicant's response and has considered any responses to the Examining Authorities Written Questions separately in its Deadline 4 submissions.
Table Matters Raised by National Highways	31 REP3-106	<p>The DCO Application contains a comprehensive assessment of the impact of the Project on the rail network and rail capacity in Chapter 9 of the Transport Assessment (Doc Ref. 7.4 v3) and ES Chapter 12: Traffic and Transport (Doc Ref. 5.1 v3) The assessment shows no significant increase in crowding on rail services is expected as a result of the Project and no significant effects would arise for rail users.</p> <p>The mode share commitments within ES Appendix 5.4.1 Surface Access Commitments (SAC) (Doc Ref. 5.3 v2) represent the position the Applicant is committing to achieve, based on the modelling of mode choice and transport network operation. The SAC contain commitments to monitoring and should it become apparent that the mode share commitments are not or may not be met, the Applicant will be required to identify and take further action to achieve the committed mode shares. The funding commitments set out in the SAC are secured in Schedule 3 of the draft Section 106 Agreement [REP2-004] which includes provision for a Transport Mitigation Fund, which is available to provide mitigation of an unforeseen or unintended impact from the Project including impacts on the highway network and the railway network.</p>	<p>National Highways notes that the Applicant's assessment shows no significant increase in crowding on rail services. However, National Highways shares the concerns raised by Network Rail in its Deadline 3 response to the Examining Authorities Written Questions [TR020005/REP3/141]. National Highways therefore requests that the Applicant considers Network Rail's request to apply a reduction in the theoretical standing and seating capacity maximum in order to test the validity of any assumptions currently utilised within the Transport Assessment [TR020005/REP3/059].</p> <p>National Highways will remain abreast of this issue and will review the latest status of discussions between the Applicant and Network Rail upon submission of any updated PADSS or SoCG's at Deadline 5.</p>
Table Matters Raised by National Highways	41 REP3-106	Further detailed information, including further narrative on queue lengths: Transport Assessment Annex C: VISSIM Forecasting Report [APP-261] contains average speed plots at a half hourly level which provides a proxy estimate of queuing extent. This is not expected to vary at a shorter time period as the demand profiling is sufficiently aggregate. The variability between the 20 analysis runs used for reporting (using different random seeds) shows a good level of consistency indicating that the models are providing stable results. It should be noted that GAL is working through queries on queue lengths with National Highways and additional material to support the understanding of queuing behaviour is being prepared. GAL will be share this with WSCC when it becomes available.	National Highways would note that a proxy estimate of queuing extents using average speed plots does not substitute the need to provide average and max queue length details. National Highways has received from the Applicant details of the average and max queue lengths for the 2032 and 2047 periods and is currently reviewing this information and reserves the right to introduce any representations at a subsequent deadline.

Reference	Examination Library Reference Number	Statement	National Highways Comment
Rights of Way and Access Plans [TR020005/REP3/013]			
Drawing 41700-XX-B-LLO-GA-200142	REP3-013	Reference a24	National Highways notes that the Applicant has amended the rights of way and access plans in order to address the comments that National Highways raised in its responses to submissions at Deadline 2 [TR020005/REP2/042] from Crawley Borough Council, West Sussex County Council, Horsham District Council and mid-Sussex District Council.
Works Plans [TR020005/REP3/012]			
General	REP3-12	N/A	<p>National Highways has reviewed the updated versions of the Works Plans introduced at Deadline 3 and notes that, although changes have been recorded on Sheets 1, 2, 3, 5 and 6, the Applicant has not provided copies of Sheets 4 and 7 in this package. This therefore constitutes an incomplete works plan package and necessitates the reader to view two different versions to see the complete works plan packages.</p> <p>National Highways requests that, irrespective of changes made to individual sheets, any subsequent updates include the full drawing set relevant to the specific plans.</p> <p>Outside of the Examination process, the Applicant proposed to introduce more stringent vertical limits of deviation to a number of work numbers in relation to the Surface Access Works. National Highways has outlined this request as part of its responses to submissions made to Examining Authorities Written Questions submitted at Deadline 4.</p>
4.8.3 Surface Access Highways Plans – Structure Section Drawings – For Approval - Version 3 [TR020005/REP3/014]			
General	REP3-014	<p>Drawings:</p> <p>41700-XX-B-LLO-GA-200175 41700-XX-B-LLO-GA-200178</p>	<p>National Highways notes that the Applicant has updated the cross section of Drawing 41700-XX-B-LLO-GA-200175 in order to amend the carriageway cross section to show a carriageway width of 7.3m which is in compliance with DMRB CD127 Cross Sections and Headroom.</p> <p>As part of this update to the package however, the Applicant has not considered the updated position that National Highways outlined in its Deadline 2 update to the Principal Areas of Disagreement Summary Statement [TR020005/REP2/059] which articulated the following in respect to cross sections where environmental barriers interface with structures:</p> <p><i>National Highways has reviewed the proposals by the Applicant and recommends the Applicant considers the following two options:</i></p> <p><i>If maintenance activities require operatives to access to the rear of the noise barrier, a pedestrian parapet system is to be installed on the structure to act as an edge restraint to minimise the risk of falling.</i></p> <p><i>If there are no maintenance activities required to the rear of the noise barrier, the noise barrier is to be repositioned on the structure to sit on the plinth, thereby restricting any unauthorised access to the structure. If this solution is considered by the Applicant, the relocation of the noise barrier may need to be considered as part of any acoustic assessments.</i></p>
The Applicant's Response to Written Representations [TR020005/REP3/072]			
Airport Industrial Property Unit Trust	REP3-072	The highway works which form part of the Project have been designed in accordance with the requirements of the Design Manual for Roads and Bridges (DMRB) and have been the subject of extensive discussion with National Highways, Surrey County Council and West Sussex County Council. These discussions have included matters related to design, construction, operation and	National Highways notes the statement provided by the Applicant and highlights that all Departures submitted by the Applicant are at the provisional agreement stage and does not constitute a formally approved departure. Additional work will be required by the Applicant through detailed design to provide the necessary information to gain acceptance for a departure from standard.

Reference	Examination Library Reference Number	Statement	National Highways Comment
Traffic and Transport		maintenance. Where it would be necessary to depart from the requirements of DMRB, those departures have been identified and preliminary agreement sought to them from the relevant highway authorities.	As part of National Highways Written Representation [TR020005/REP1/088], a number of additional departures from standard were identified in relation to the South Terminal Roundabout Eastbound Connector Merge and Westbound Connector Diverge. National Highways prepared a technical note outlining these matters and issued this to the Applicant outside of the examination on the 2 nd February. National Highways received a response to this document from the Applicant on Friday 10 May 2024, It has not been possible to review this document prior to Deadline 4. National Highways will respond to the Applicant and provide an update on this issue at Deadline 5.
Chartered Institute of Logistics and Transport Surface Transport	REP3-072	The Applicant has responded to comments received from Interested Parties regarding the provision of additional rail connections at Section 4.26 of the Relevant Representations Report [REP1-048]. The assessment shows that the Project would increase the number of rail passengers across the day and across the assessment years, but no significant increase in crowding on rail services is expected as a result of the Project and no significant effects would arise for rail users. Where standing is expected on certain services, spare standing capacity would remain available. The rail crowding assessment indicates that no mitigation is required. The Applicant will continue to work with bus and coach operators to fund, deliver and review bus and coach services at the Airport as the Project progresses.	National Highways notes that the Applicant's assessment shows no significant increase in crowding on rail services. However, National Highways shares the concerns raised by Network Rail in its Deadline 3 response to the Examining Authorities Written Questions [TR020005/REP3/141]. National Highways therefore requests that the Applicant considers Network Rail's request to apply a reduction in the theoretical standing and seating capacity maximum in order to test the validity of any assumptions currently utilised within the Transport Assessment [TR020005/REP3/059]. National Highways will remain abreast of this issue and will review the latest status of discussions between the Applicant and Network Rail upon submission of any updated PADSS or SoCG's at Deadline 5.
Communities Against Gatwick Noise Emissions (CAGNE) Surface Transport: Bus/Coach Commitments	REP3-072	As set out in paragraph 5.2.1 of ES Appendix 5.4.1: Surface Access Commitments (SAC) [APP-090], the Applicant has an established approach for enhancing the public transport network serving the airport via its Sustainable Transport Fund ("STF"), which is set out in the Applicant's current Section 106 Agreement, and for working with local and regional bus operators. The STF provides financial support to services ensuring 24/7 access from local areas and has previously supported services to East Sussex, Surrey and Kent. Commitments 5 and 6 of the SACs set out that the Applicant will be providing financial support to enable the services identified, or others which result in an equivalent level of improve public transport accessibility, to sustain their operation and promote their use for a minimum of five years. This is secured in the draft Section 106 Agreement [REP2-004]. The routes identified are based on analysis of passenger and staff journeys to and from the airport, and the services are aimed to serve locations have significant trip making but relatively low public transport mode share. These routes form part of the set of interventions that the Application is proposing in order to achieve the mode share commitments and those interventions have been included in the transport modelling that supports the Application	National Highways has outlined its response to the Applicant's updated Surface Access Commitments [TR020005/REP3/029] in Appendix A of this document and refer CAGNE and the Applicant to this updated position in respect to Commitments 5 and 6.
Sabine Coldrey Surface Transport	REP3-072	The existing footway on the eastern side of A23 London Road to the south of the proposed shared use ramp is proposed to be widened. The newly proposed segregated route between Longbridge roundabout and North Terminal will provide a direct connection into the Airport for residents north of the Airport. It will be illuminated by street lighting and benefit from passive surveillance from the adjacent Car Park. The section of active travel route from North Terminal to South Terminal would include signalised crossings and the route is proposed as shared use. GAL is also exploring further improvements of NCR21 in the vicinity of South Terminal, to be delivered at a later date (either as part of the Project or as a separate scheme).	National Highways notes the response provided by the Applicant to Sabine Coldrey. Any further improvements of NCR21 in the vicinity of the South Terminal should be confirmed, if they are to be included as part of the project these improvements should be set out in the Applicant's submissions in order to be reviewed by Interested Parties.
Vanessa Henderson Surface Transport	REP3-072	Strategic modelling has been undertaken for the region, as shown in Diagram 5.3.3 of the Transport Assessment [AS-079] which includes a large proportion of Surrey and its road network, both rural and urban. The Airport is well located relative to the strategic highway network and the majority of Airport-related traffic is forecast to use the M23. Based on the modelling work, no significant increases in traffic are expected through rural roads in Surrey. The assessment shows that the Project	National Highways notes the response provided by the Applicant to Vanessa Henderson. National Highways reiterates its position that there remains a number of outstanding matters regarding the Applicant's traffic modelling that the Applicant needs to address in order to satisfy National Highways as the Strategic Road Network (SRN) operator that the proposed works will not result in a detrimental impact to the safe operation and resilience of the highway network.

Reference	Examination Library Reference Number	Statement	National Highways Comment
		(including the proposed highway works) is not expected to result in significant environmental effects or operational impacts related to the performance of the highway network which would require mitigation.	
Crawley Borough Council, West Sussex County Council, Horsham District Council and Mid-Sussex District Council Comments on any further submissions received at Deadline 2 [TR020005/REP3/117]			
Table 1 – Joint host comments on existing SAC and National Highways Proposed Amendments NH Surface Access Commitment s Mark-up Para 3.1.1	REP3-117	The proposed change is not as strong as Green Controlled Growth in terms of enforceability and introducing limits on development. Therefore it does not provide the certainty of outcome to ensure that growth at the airport is linked to performance against key criteria in relation to surface access.	National Highways notes these comments but considers that its concerns can be adequately resolved via the Surface Access Commitments (which are still subject to agreement). National Highways has provided its comments on the updated Surface Access Commitments as part of Appendix A of this document.
Table 1 – Joint host comments on existing SAC and National Highways Proposed Amendments NH Surface Access Commitment s Mark-up Para 4.1.3	REP3-117	The proposed change to adopt a quarterly average is not reflected in a quarterly monitoring report (Commitment 16) and actions. Instead, we intend to propose a monitoring regime that will support Green Controlled Growth. It will include more frequent monitoring and could align with National Highways' wishes.	National Highways will consider further and discuss with the Applicant to what extent the use of quarterly data should be part of Commitment 16.
Table 1 – Joint host comments on existing SAC and National Highways Proposed Amendments NH Surface Access Commitment s Mark-up Commitment 4	REP3-117	We acknowledge that improvement is required to this comment and have suggested an alternative which achieves the same thing We propose changing to: <i>For those staff living within 8km of the airport, at least 15% of their staff journeys (to and from the airport) are to be made by active modes</i>	National Highways notes in Appendix A of this document that its preferred wording has been accepted by the Applicant. National Highways does not consider further amendments necessary but welcomes any improvements.

Reference	Examination Library Reference Number	Statement	National Highways Comment
<p>Table 1 – Joint host comments on existing SAC and National Highways Proposed Amendments</p> <p>NH Surface Access Commitments Mark-up Commitment 13</p>	REP3-117	<p>The Joint Authorities are of the view that, given that the commitments contained in the SACs would need to be delivered in accordance with the DCO regardless of cost, the proposed obligations in the draft S106 agreement provided by GAL at D2, specifically relating to the Gatwick Area Transport Forum, Transport Forum Steering Group, Surface Transport Fund and investment in bus and coach services would be better expressed through a revised and more comprehensive Surface Access Commitments (SACs) document and secured by way of requirement, rather than being standalone obligations in the section106 agreement.</p> <p>In relation to the Gatwick Area Transport Forum and Transport Forum Steering Group the Joint Authorities would look for further detail to be included in the SACs which properly sets out how the Applicant intends the forums to operate, administer funds and assist in delivery of the SAC and other detail as to how the SACs will be appropriately funded.</p> <p>With regards to the Sustainable Transport Fund and investment in bus and coach services the Joint Authorities do not consider that the section 106 obligations are necessarily the most appropriate and enforceable means of providing these measures. The STF is presented as a contribution, but in fact is a means of funding (or part funding) commitments in the SACs document. It is considered that references to how the SACs may be funded (such as through the STF) would best be included within the SACs document itself.</p> <p>The Joint Authorities have requested a meeting to discuss these matters in more detail with the Applicant.</p>	<p>National Highways notes these comments. It remains important to ensure that the Surface Access Commitments are readily enforceable by those directly impacted, i.e. the Joint Authorities/Lead Authority and National Highways. National Highways is seeking a side agreement with the Applicant to ensure the commitments proposed to be made in the s106 Agreement are enforceable. Should an agreement not be reached, or it be deemed unlikely that an agreement will be reached, National Highways will submit draft DCO provisions for the consideration of the Examining Authority and other interested parties.</p>
<p>Table 1 – Joint host comments on existing SAC and National Highways Proposed Amendments</p> <p>NH Surface Access Commitments Mark-up Paragraph 6.2.6</p>	REP3-117	<p>Whilst we have no comment on proposed change, how will the SoS have the power to approve the action plan?</p> <p>Furthermore, we intend to propose a reporting regime as part our Green Controlled Growth proposal as part of our Deadline 4 submission that will reduce the lag between monitoring, reporting, planning and action.</p>	<p>Provided that the Surface Access Commitments document is secured and enforceable, National Highways considers that the Secretary of State will be empowered by the commitment document itself.</p>
Network Rail's Responses to Examining Authorities Written Questions [TR020005/REP3/142]			
N/A	REP3-142	<p>Airport passengers travel with more luggage than commuters or leisure customers, and so as Gatwick expands the volume of luggage on board trains will also increase. GTR agree with Network Rail in that this will inevitably lead to a reduction in available floor space for passengers to stand, reducing the possible standing density, and therefore capacity of each train service. There is a risk that passenger experience and customer comfort will deteriorate as luggage volumes increase. Network Rail notes that there are no standard assumptions regarding the impact of luggage space on available standing room for passengers in either the Transport Appraisal Guidance or the Passenger Demand Forecasting Handbook. Any assumption would need to be developed and applied to a modelling exercise in a bespoke way, which reflects observed impacts. We note that the Applicant has not</p>	<p>National Highways shares the concerns raised by Network Rail and request that the Applicant considers Network Rail's request to apply a reduction in the theoretical standing and seating capacity maximum in order to test the validity of any assumptions currently utilised within the Transport Assessment [TR020005/REP3/059].</p> <p>National Highways will remain abreast of this issue and will review the latest status of discussions between the Applicant and Network Rail upon submission of any updated PADSS or SoCG's at Deadline 5.</p>

Reference	Examination Library Reference Number	Statement	National Highways Comment
		applied any reductions to capacity from the theoretical maximum – the consequence of this is that the capacity is likely to be overstated given the way that we understand passengers to store luggage on trains. Applying an appropriate reduction to the theoretical standing and seated capacity maximum, would be one way of sense checking that there will be sufficient space on trains for passengers and their luggage.	

Supporting Noise and Vibration Technical Notes to the Statements of Common Ground [TR020005/REP3/071]

Reference	Examination Library Reference Number	Statement	National Highways Comment																																																																																																																																															
Appendix C	REP3-071	<p>Table 2: Predicted ES Road Traffic Noise Levels Daytime in the Short-term</p> <table border="1"> <thead> <tr> <th rowspan="2">Scenario</th> <th colspan="17">Receptor ID / Description, L_{Aeq16h} dB Results (Façade)</th> </tr> <tr> <th>NSR1 – The Crescent East</th> <th>NSR2 – The Crescent West</th> <th>NSR3 – Woodroyd Gardens</th> <th>NSR4 – Cheyne Walk</th> <th>NSR5 – Longbridge Road East</th> <th>NSR6 – Longbridge Road West</th> <th>NSR7 – Povey Cross Road</th> <th>NSR8 – Meadowcroft Close</th> <th>NSR9 – B2036 Balcomb Road</th> <th>NSR10 – Riverside Garden Park North⁽¹⁾</th> <th>NSR11 – Riverside Garden Park Centre⁽¹⁾</th> <th>NSR12 – Riverside Garden Park South⁽¹⁾</th> <th>NSR13 – Office 1⁽¹⁾</th> <th>NSR14 – Premier Inn⁽¹⁾</th> <th>NSR15 – Longbridge Road East</th> <th>NSR16 – Longbridge Road Centre</th> <th>NSR17 – Longbridge Road West</th> </tr> </thead> <tbody> <tr> <td>Business As Usual 2032</td> <td>70.5</td> <td>65.9</td> <td>70.2</td> <td>72.1</td> <td>71.6</td> <td>71.2</td> <td>71.2</td> <td>67.9</td> <td>74.2</td> <td>64.0</td> <td>63.5</td> <td>64.9</td> <td>69.8</td> <td>69.7</td> <td>72.3</td> <td>71.2</td> <td>70.9</td> </tr> <tr> <td>With Scheme 2032 Scenario 1</td> <td>67.3</td> <td>63.2</td> <td>64.8</td> <td>65.9</td> <td>65.6</td> <td>69.9</td> <td>71.3</td> <td>65.9</td> <td>73.0</td> <td>60.1</td> <td>61.4</td> <td>61.6</td> <td>66.1</td> <td>69.9</td> <td>67.8</td> <td>68.4</td> <td>68.9</td> </tr> <tr> <td>With Scheme 2032 Scenario 2</td> <td>69.1</td> <td>65.2</td> <td>69.3</td> <td>71.1</td> <td>70.5</td> <td>70.5</td> <td>71.3</td> <td>66.1</td> <td>73.0</td> <td>64.4</td> <td>64.1</td> <td>64.3</td> <td>66.1</td> <td>69.9</td> <td>70.6</td> <td>69.8</td> <td>69.8</td> </tr> <tr> <td>Reduction Due to Park Barrier</td> <td>1.8</td> <td>2.0</td> <td>4.5</td> <td>5.2</td> <td>4.9</td> <td>0.6</td> <td>0.0</td> <td>0.2</td> <td>0.0</td> <td>4.3</td> <td>2.7</td> <td>2.7</td> <td>0.0</td> <td>0.0</td> <td>2.8</td> <td>1.4</td> <td>0.9</td> </tr> <tr> <td>Comparison of BAU against Scenario 1</td> <td>-3.2</td> <td>-2.7</td> <td>-5.4</td> <td>-6.2</td> <td>-6.0</td> <td>-1.3</td> <td>0.1</td> <td>-2.0</td> <td>-1.2</td> <td>-3.9</td> <td>-2.1</td> <td>-3.3</td> <td>-1.7</td> <td>0.2</td> <td>-4.5</td> <td>-2.8</td> <td>-2.0</td> </tr> <tr> <td>Comparison of BAU against Scenario 2</td> <td>-1.4</td> <td>-0.7</td> <td>-0.9</td> <td>-1.0</td> <td>-1.1</td> <td>-0.7</td> <td>0.1</td> <td>-1.8</td> <td>-1.2</td> <td>0.4</td> <td>0.6</td> <td>-0.6</td> <td>-1.7</td> <td>0.2</td> <td>-1.7</td> <td>-1.4</td> <td>-1.1</td> </tr> </tbody> </table> <p>(1) Noise-sensitive receptors represent open park areas or non-residential receptors, and results are presented as free-field values.</p> <p>Where the Receptor ID / Description is highlighted, then a likely significant effect is identified at the individual receptor.</p>	Scenario	Receptor ID / Description, L _{Aeq16h} dB Results (Façade)																	NSR1 – The Crescent East	NSR2 – The Crescent West	NSR3 – Woodroyd Gardens	NSR4 – Cheyne Walk	NSR5 – Longbridge Road East	NSR6 – Longbridge Road West	NSR7 – Povey Cross Road	NSR8 – Meadowcroft Close	NSR9 – B2036 Balcomb Road	NSR10 – Riverside Garden Park North ⁽¹⁾	NSR11 – Riverside Garden Park Centre ⁽¹⁾	NSR12 – Riverside Garden Park South ⁽¹⁾	NSR13 – Office 1 ⁽¹⁾	NSR14 – Premier Inn ⁽¹⁾	NSR15 – Longbridge Road East	NSR16 – Longbridge Road Centre	NSR17 – Longbridge Road West	Business As Usual 2032	70.5	65.9	70.2	72.1	71.6	71.2	71.2	67.9	74.2	64.0	63.5	64.9	69.8	69.7	72.3	71.2	70.9	With Scheme 2032 Scenario 1	67.3	63.2	64.8	65.9	65.6	69.9	71.3	65.9	73.0	60.1	61.4	61.6	66.1	69.9	67.8	68.4	68.9	With Scheme 2032 Scenario 2	69.1	65.2	69.3	71.1	70.5	70.5	71.3	66.1	73.0	64.4	64.1	64.3	66.1	69.9	70.6	69.8	69.8	Reduction Due to Park Barrier	1.8	2.0	4.5	5.2	4.9	0.6	0.0	0.2	0.0	4.3	2.7	2.7	0.0	0.0	2.8	1.4	0.9	Comparison of BAU against Scenario 1	-3.2	-2.7	-5.4	-6.2	-6.0	-1.3	0.1	-2.0	-1.2	-3.9	-2.1	-3.3	-1.7	0.2	-4.5	-2.8	-2.0	Comparison of BAU against Scenario 2	-1.4	-0.7	-0.9	-1.0	-1.1	-0.7	0.1	-1.8	-1.2	0.4	0.6	-0.6	-1.7	0.2	-1.7	-1.4	-1.1	<p>National Highways accepts the Applicant’s reasons given in Appendix C for the selection of mitigation options concerning road traffic noise and in particular the decision to exclude a noise barrier adjacent to Riverside Garden Park. However, further clarification is requested from the Applicant with respect to the results presented. Table 2: Predicted ES Road Traffic Noise Levels Daytime in the Short-term, matches the results given in Table 5.1.1 in Appendix 14.9.4 [TR020005/APP/174] but not those provided in Table 6.3.1 in Appendix 14.9.4. Can the Applicant confirm whether it is the levels in Table 6.3.1 that are considered the final results and not those in Table 5.1.1?</p> <p>However, it is not clear to National Highways what has caused the change in predicted road traffic noise levels between the results in Table 5.1.1 (Baseline, Business as Usual and Scenario 2) and the corresponding results in Table 6.3.1 (Baseline, Do-Minimum, Do-Something).</p>
Scenario	Receptor ID / Description, L _{Aeq16h} dB Results (Façade)																																																																																																																																																	
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Comparison of BAU against Scenario 2	-1.4	-0.7	-0.9	-1.0	-1.1	-0.7	0.1	-1.8	-1.2	0.4	0.6	-0.6	-1.7	0.2	-1.7	-1.4	-1.1																																																																																																																																	

Appendix A – National Highways Commentary on updated Surface Access Commitments

1 Introduction

- 1.1 At Deadline 2, National Highways submitted its Commentary on the Applicant’s Surface Access Commitments [TR020005/REP2/056].
- 1.2 At Deadline 3, the Applicant responded to National Highways [TR020005/REP3/030].
- 1.3 This document sets out National Highways’ comments in response to the Applicant’s latest Deadline 3 comments.

Surface Access Commitments Paragraph (National Highways version at REP2-056)	National Highways Deadline 2 Comment [REP2-056]	Applicant’s Deadline 3 Response [REP3-030]	National Highways Deadline 4 response
<p>3.1.1: The objectives of this document are as follows:</p> <ul style="list-style-type: none"> to ensure that GAL’s commitments to sustainable travel, made as part of the Project, and the core surface access outcomes which have been identified in the Environmental Statement (ES) (Doc Refs. 5.1-5.4) and Transport Assessment (TA) (Doc Ref. 7.4) are delivered. This will provide assurance that the surface access related environmental effects forecast through the assessment are not exceeded and includes measures identified to reduce surface access related Greenhouse Gas (GHG) emissions arising from the Project; and to provide the monitoring and governance framework for reporting on, and ensuring compliance with, the SACs; and <u>Without limitation to the specific commitments below, GAL must use all reasonable endeavours in complying with, and reasonably ensuring, these objectives are met in the delivery of the authorised development, and the operation of the airport.</u> 	<p>BDBP2: This provides an overarching commitment that GAL will seek to ensure that "that the surface access related environmental effects forecast through the assessment are not exceeded".</p>	<p>Amendment not accepted. Compliance with the Surface Access Commitments is secured in Requirement 20 of the Development Consent Order which is considered the appropriate securing mechanism in the context of this document.</p>	<p>National Highways notes that the Applicant has not taken on board the proposed amendments that were issued at Deadline 2 [TR020005/REP2/056]. Requirement 20 secures the overall Surface Access Commitments document. However, without this amendment, the Applicant is not bound to work towards ensuring they are achieved. It is not considered unreasonable for the Applicant, who is already committing to the Surface Access Commitments (SAC), to acknowledge that they should be exercising reasonable endeavours to comply with those commitments. This accommodates flexibility.</p> <p>The Examining Authority is kindly requested in making their recommendation to suggest that this amendment in column 1 is adopted (as explained in [TR020005/REP3/030]). Should the Secretary of State agree, there is a mechanism for the certified version of the document being revised accordingly.</p>
<p>3.1.2: The SACs comprise commitments to:</p> <ul style="list-style-type: none"> achieve specific passenger, and staff and other sustainable travel mode shares; implement certain measures and interventions which GAL will use to achieve the mode share commitments; and 	<p>HR3: Updated to address the suite of other measures.</p>	<p>Amendments not accepted. This amendment introduces confusion as to the scope. The mode share commitments relate to air passenger and staff journeys and the NH amendments do not alter that.</p>	<p>The word “other” was included to capture those outside “air passengers” and airport staff” which are narrowly defined. For example, those travelling to a hotel near the airport for onwards travel later on. It is not clear on what basis this amendment has been resisted given its explanatory effect.</p>

<ul style="list-style-type: none"> implement and follow a specified monitoring and reporting process in relation to the SACs to provide assurance that the commitments are being complied with. 			
<p>4.1.3: GAL currently monitors quarterly mode shares based on air passenger surveys undertaken independently by the Civil Aviation Authority (CAA) and measures its mode share outcomes as an annual average to smooth out the variations that occur across the year. GAL proposes to <u>adopt a quarterly average rather than annual going forwards in order to ensure issues arising during peak seasons are taken into account. retain the same reporting basis for its mode share commitments associated with the Project.</u> The commitments also cover staff travel, which is not captured by the CAA and reporting a greater level of detail.</p>	<p>HR4: Updated to avoid over reliance on annual data which may not account for significant issues arising at peak times. It is reasonable for these peaks to be specifically accounted for and it is more likely that they will be accounted for in quarterly averages.</p>	<p>Partially accepted. NH have access to the CAA data which GAL provides to the TFSG. One of the issues with the CAA data is the quarterly information is issued as "draft" and may subsequently be updated to give the "final" annual data. GAL have opted to use a moving annual average based on the latest and preceding quarters, which avoids reliance on data that is yet to be finalised and which is considered to be an appropriately robust approach when producing monitoring data.</p>	<p>National Highways welcomes the amendment which incorporates reported quarterly data.</p>
<p>4.2.1: GAL <u>commits to achieving must achieve</u> the following annualised mode shares by the third anniversary of the commencement of dual runway operations and on an annual basis thereafter:</p> <ul style="list-style-type: none"> Commitment 1 - A minimum of 55% of air passenger journeys to and from the Airport to be made by public transport; Commitment 2A - A minimum of 55% of airport staff journeys to and from the Airport to be made by public transport, <u>shared travel</u> and active modes; <u>Commitment 2B – A minimum of [X]% of airport staff journeys to and from the Airport to be made by shared travel;</u> 	<p>BDBP5: See comments below. The definition of "shared travel" is so broad that this would cover any journey by any private vehicle provided there was someone other than the driver in the vehicle. A public transport commitment should stand alone to ensure that impacts on the wider road network are minimised.</p>	<p>Amendments not accepted. Amendments have been made to the "shared travel" definition to address NH's concerns. It is therefore considered appropriate to include shared travel within this commitment and these amendments are not accepted.</p>	<p>National Highways welcomes the revised definition of "shared travel".</p>
<p>4.2.1: The terms used in the mode share commitments are defined as follows:</p> <ul style="list-style-type: none"> "commencement of dual runway operations" means the first day on which commercial air transport movements are scheduled to depart from both the northern runway and the current main runway as notified by GAL to the relevant planning authority in accordance with Requirement 20 of the DCO (Doc Ref. 2.1); "Air passengers" are those travelling to or from the Airport, <u>or Airport related facilities</u>, using the surface access networks. They do not include 	<p>BDBP7: These changes are required as trips to hotels should be in the scope of the mode share targets.</p>	<p>Amendments not accepted. Not all journeys to and from airport hotels are by air passengers and those that are not so will not be captured in the CAA data (but would be included in traffic flow data). Air passengers travelling to a hotel by car and then using a bus (or taxi) to the airport from the hotel are classed as park & fly trips that park off-airport. Air passengers travelling to a hotel by rail/bus and then to the airport will be classed as a public transport trip. Therefore passengers using hotels are already captured in the calculation of mode shares and this amendment is not required</p>	<p>National Highways notes the clarification from the Applicant. However, in order to avoid confusion, National Highways requests that this clarification is set out in the document.</p>

<p>passengers transferring between flights within the Airport;</p> <ul style="list-style-type: none"> • <u>“Airport related facilities” means those hotels which are within 1 mile of the airport, and provide accommodation to passengers prior to departure;</u> 			
<p>4.2.2:</p> <ul style="list-style-type: none"> • A "public transport" journey is one where the majority of the journey (measured by proportion of overall travel time) is made by rail, local bus, regional/express bus or coach or any other commercially operated shared transport services available for public use <u>provided that the last or first element of the journey is made rail, local bus, regional/express bus or coach or any other commercially operated shared transport services;</u> 	<p>BDBP8: These insertions are necessary because the SRN could still be affected in circumstances where 'most' of the journey was on public transport, but the last leg was on car. Equally, some may travel by car and conclude their journey by public transport to avoid drop off fees. The specific assumptions in the TA do not support the Applicant's wider definition. In order to provide comfort that the commitments actually control the transport impacts around the airport, the definitions have been amended.</p>	<p>Amendments not accepted. NH's proposed wording introduces uncertainty and inconsistency with CAA data which is used to measure these journeys. It would be unclear how a journey would be classified which involves a passenger that walks a short distance to a local bus stop, travels an hour by bus to a stop near the airport and walks to the terminal. Although the majority of the journey has been by bus (a public transport journey), the first and last elements are not so it would not fit within the amended definition. Nor would it fit within the definition of an active travel journey because the majority of the journey is not made on foot or cycle. The existing drafting is considered appropriate and aligns with the data on which the commitments are based.</p>	<p>While National Highways notes the point, the document still fails to resolve its earlier concerns. Currently, 49% of the journey could be made by car but encompassed as a 'public transport' journey and this is unacceptable. Journeys which have an effect on the road network surrounding the airport are therefore not caught, and no commitment which aligns with the assumptions in the Transport Assessment are provided. It is not clear on what basis the Applicant is claiming that it would not be possible to identify those who arrived by active or public transport modes given the other commitments provided. Simply because the CAA does not record the information does not mean that the Applicant should be permitted to ensure a robust commitment which merely aligns with its stated ambition.</p> <p>The Examining Authority is kindly requested in making their recommendation to suggest that this amendment in column 1 is adopted (as explained in [TR020005/REP3/030]), should the Secretary of State agree, there is a mechanism for the certified version of the document being revised accordingly</p>
<p>4.2.2:</p> <ul style="list-style-type: none"> • An "active travel" journey is one where the majority of the journey is made on foot or by cycle modes <u>provided that the last or first element of the journey is made on foot or by cycle;</u> • A "shared travel" journey is one where the majority of the journey is made by a private car or other road vehicle containing more than one person <u>staff member</u> (including the driver), all of <u>and those staff members are whom are</u> travelling to or from the Airport or <u>Airport related facilities</u>. This includes company transport provided by an employer to enable group travel for staff working within the Airport boundary, for example a minibus, <u>as well as those who use a private car to take them to train stations, bus stops etc. to conclude their journey;</u> and 	<p>HR9: National Highways requests that the Applicant clarify how this is being assessed and the threshold (e.g. 51%)</p>	<p>As above.</p>	<p>As above.</p>
<p>5.2.2: <u>(2) No part of the second runway operations may begin until an agreement on financial support relating to the proposed routes in Table 1 above (or where applicable,</u></p>	<p>HR13: Required to ensure that works that may disrupt mode share do not commence until an agreement has been</p>	<p>Partially accepted. Text added in respect of agreements for financial support.</p>	<p>National Highways notes that the Applicant will now seek to use reasonable endeavours to enter into an agreement prior to the third anniversary of the commencement of dual runway operations. This is</p>

<p>for other routes) has been entered into between GAL and the relevant local authorities and transport operators, following consultation with National Highways by GAL. Such agreement to include provision for the continuation of reasonable financial support beyond the minimum five years.</p> <p>(3) Where an agreement cannot be reached on reasonable financial support, the dispute may be resolved by reference of either GAL, the relevant highway authorities and transport operators through arbitration under article [55] of the DCO provided that such arbitration affords National Highways with the ability to make representations.</p>	<p>entered into securing financial support for bus services. Without this new commitment (2), the Applicant is not obligated to enter into such an agreement.</p>		<p>inadequate as there may already be impacts at that stage.</p> <p>The Examining Authority is kindly requested in making their recommendation to suggest that this amendment in column 1 is adopted (as explained in [TR020005/REP3/030]), should the Secretary of State agree, there is a mechanism for the certified version of the document being revised accordingly</p>
<p>5.2.2:</p> <p>(2) No part of the second runway operations may begin until an agreement on financial support relating to the proposed routes in Table 1 above (or where applicable, for other routes) has been entered into between GAL and the relevant local authorities and transport operators, following consultation with National Highways by GAL. Such agreement to include provision for the continuation of reasonable financial support beyond the minimum five years.</p> <p>(3) Where an agreement cannot be reached on reasonable financial support, the dispute may be resolved by reference of either GAL, the relevant highway authorities and transport operators through arbitration under article [55] of the DCO provided that such arbitration affords National Highways with the ability to make representations.</p>	<p>HR14:</p> <p>This text is required to ensure that GAL's commitment to fund services for five years does not automatically end</p>	<p>Amendments not accepted. The minimum five year period is to allow such services sufficient time to develop and show they are sustainable, or for funding to be reallocated to an alternative that may perform better. Funding has been secured in the section 106 agreement to support bus and coach services and is considered to be an appropriate sum, how those funds are allocated after the initial 5 years will be determined by the performance and sustainability of those services and will need to be monitored during the initial 5 year term. The framework for mitigation has been put in place and it is important to allow appropriate flexibility to ensure the funding can respond to any changing impacts. In respect of the proposed text regarding disputes, the commitments are clear and provision for disputes is dealt with by the drafting which enables funding to be provided to other services which provide an equivalent level of improved public transport accessibility (now defined). These agreements will be subject to commercial negotiations between GAL and the service operators, it is not considered appropriate for NH to have a role in arbitrating these commercial arrangements.</p>	<p>National Highways does not consider this response adequately addresses its concerns. Under the current commitment, after 5 years the Applicant can withdraw future funding and this could have significant impacts on the SRN.</p> <p>The Applicant should be able to commit to "provision" for the continuation of "reasonable" financial support beyond 5 years, as this is not a formal commitment to provide such funding.</p> <p>The Applicant's amendments also fail to explain what would happen if the Applicant failed to reach an agreement. It would be unacceptable for the Applicant to not reach an agreement and so the arbitration provisions must apply. National Highways needs input on the agreement (via the TFSG or otherwise) and the arbitration process to protect its interests in respect of the SRN, particularly due to the impact of the scheme on it.</p> <p>The Examining Authority is kindly requested in making their recommendation to suggest that this amendment in column 1 is adopted (as explained in [TR020005/REP3/030]), should the Secretary of State agree, there is a mechanism for the certified version of the document being revised accordingly.</p>
<p>5.2.4:</p> <p>Commitment 6 - (1) GAL will must provide reasonable financial support in relation to the services detailed in Table 2 above, or others which result in an equivalent level of public transport accessibility, to sustain their operation and promote their use for a minimum of five years. GAL recognises that agreement with operators and/or local authorities will be needed on the detail of each route.</p> <p>(2) No part of the second runway operations may begin until an agreement on financial support relating to the services in Table 2 above (or where applicable, for other services) has been entered into between GAL and the relevant local authorities and transport operators. Such agreement to include provision for the continuation of reasonable financial support beyond the minimum five years.</p> <p>(3) Where an agreement cannot be reached on reasonable financial support, the dispute may be</p>	<p>HR16:</p> <p>As above, needed to ensure GAL are committed to entering into agreements for such services</p>	<p>Partially accepted. Text added in respect of agreements for financial support.</p>	<p>National Highways welcomes the amendment from the Applicant but continues to have concerns around the Applicant's connecting commitments to the third anniversary of the commencement of dual runway operations. An agreement on financial support will surely be needed before then to ensure steps can be put in place to bring the routes forwards in time.</p> <p>The Examining Authority is kindly requested in making their recommendation to suggest that this amendment in column 1 is adopted (as explained in [TR020005/REP3/030]), should the Secretary of State agree, there is a mechanism for the certified version of the document being revised accordingly</p>

<p><u>resolved by reference of either GAL, the relevant highway authorities and transport operators through arbitration under article [55] of the DCO provided that such arbitration affords National Highways with the ability to make representations.</u></p>			
<p>5.2.4: Commitment 6 - (1) GAL will must provide reasonable financial support in relation to the services detailed in Table 2 above, or others which result in an equivalent level of public transport accessibility, to sustain their operation and promote their use for a minimum of five years. GAL recognises that agreement with operators and/or local authorities will be needed on the detail of each route. <u>(2) No part of the second runway operations may begin until an agreement on financial support relating to the services in Table 2 above (or where applicable, for other services) has been entered into between GAL and the relevant local authorities and transport operators. Such agreement to include provision for the continuation of reasonable financial support beyond the minimum five years.</u> <u>(3) Where an agreement cannot be reached on reasonable financial support, the dispute may be resolved by reference of either GAL, the relevant highway authorities and transport operators through arbitration under article [55] of the DCO provided that such arbitration affords National Highways with the ability to make representations.</u></p>	<p>HR17: As above</p>	<p>See response to HR14 above.</p>	<p>As above.</p>
<p>5.2.4: Commitment 7 - GAL will must also provide reasonable financial support in the amount of £[] for direct services from Crawley Down and Copthorne to Gatwick to improve local accessibility to the airport. Whilst not required to deliver the mode share commitments, the intention will be to extend existing routes to continue non-stop from Crawley to Gatwick.</p>	<p>BDBP18: This commitment is undefined, and does not comply with the requirements that planning obligations must be reasonable, precise, and enforceable. GAL should be required to enter a specific sum.</p>	<p>Amendments not accepted. Funding for this commitment is secured in Schedule 3 of the draft DCO Section 106 Agreement.</p>	<p>Whilst this is noted, the Applicant still needs to ensure its commitments are precise enough to be secured in the s106 agreement. The s106 agreement itself is unsecured and not binding on the Applicant until signed by all parties.</p>
<p>5.2.8: Commitment 8 - GAL therefore commits to provide funding for:</p> <ul style="list-style-type: none"> • Support for effective parking controls and/or monitoring on surrounding streets if considered necessary by the relevant local authority; and/or • Support local authorities in their enforcement actions against unauthorised off-airport passenger car parking. <p><u>Commitment 8A - GAL shall assess the need for additional parking and develop and annually update a strategy in consultation with the TFSG to provide additional parking.</u></p>	<p>HR19: This new commitment has been added to ensure that the need for additional car parking is adequately planned by the Applicant in consultation with relevant stakeholders</p>	<p>Accepted. Amendments made to the proposed text for clarity to address the concerns raised. Note also the addition of "parking capacity on-airport" to the scope of the AMR at Commitment 16. GAL considers the commitment should apply to the additional parking over and above that required to replace capacity lost as a result of construction in connection with the Project.</p>	<p>National Highways welcomes the inclusion of Commitment 8A.</p>
<p>5.2.9: Commitment 9 - Nevertheless, GAL commits to using must use parking charges to influence air passenger travel choices and support its approach to sustainable surface access, to the extent necessary to achieve the</p>	<p>BDBP20: This ensures that there is (1) specific consideration on the impact on the SRN and (2) an independent process for utilising the car parking charges to avoid an adverse impact on the SRN.</p>	<p>Amendments not accepted. This process is addressed by the Transport Mitigation Fund (TMF) which is secured in the draft DCO Section 106 Agreement (and NH is a member of the decision making group to allocate TMF funds).</p>	<p>As the Examining Authority will be aware, the TMF is not secured as part of the DCO, despite it being directly relevant to National Highways. National Highways is not a party to the s106 and cannot secure protections within it. Subject to any additional agreement between the</p>

<p>mode share commitments, <u>and avoid adverse impacts on the Strategic Road Network (SRN) in excess of those forecast. Where an impact on the SRN arises above the forecast assessment contained in the Transport Assessment, GAL must submit to National Highways evidence (for approval) of how it will remove the impact on the SRN, and such evidence may include details of GAL's parking charge measures.</u></p>			<p>parties, the Applicant should therefore include the specific protections for the SRN within the SAC.</p> <p>The Examining Authority is kindly requested in making their recommendation to suggest that this amendment in column 1 is adopted (as explained in [TR020005/REP3/030]), should the Secretary of State agree, there is a mechanism for the certified version of the document being revised accordingly.</p>
<p>5.2.10: Commitment 10 - Nevertheless, forecourt charges are an important influence on mode choice and GAL commits to using forecourt charges to influence passenger travel choices and support its approach to sustainable surface access, to the extent necessary to achieve the mode share commitments <u>and avoid adverse impacts on the Strategic Road Network (SRN) in excess of those forecast. Where an impact on the SRN arises above the forecast assessment contained in the Transport Assessment, GAL must submit to National Highways evidence (for approval) it will remove the impact on the SRN, and such evidence may include details of GAL's parking charge measures.</u></p>	<p>BDBP21: As above</p>	<p>See response to BDBP20 above.</p>	<p>As above.</p>
<p>5.2.10: Commitment 12 - <u>(1) GAL commits to introducing measures to discourage single-occupancy private vehicle use by staff. GAL also commits to implementing incentives for active travel and increasing discounts for staff using public transport. The precise nature of those measures will need to be defined in due course, in consultation with employers and staff.</u> <u>(2) No part of the second runway operations may begin until the measures under paragraph (1) have been approved by the local highway authority and National Highways.</u></p>	<p>BDBP22: This insertion is necessary as there is no independent oversight nor approval over the undefined measures. It would be acceptable to remove this if the measures were defined but as they are not, its imperative that the measures are not solely determined by GAL.</p>	<p>Accepted. Amended to require consultation with the TFSG (of which local highway authorities and NH are members).</p>	<p>A consultation role is not appropriate here as the Applicant is not bound to listen to the recommendations and there is no consequence in ignoring valid concerns. National Highways recommends that this is amended as per its original amendment, to an approval role.</p> <p>The Applicant is not a highway authority, nor does it have the statutory functions of a highway authority – by placing its decisions above custodian's of the road network, there is an inappropriate level of control.</p> <p>The Examining Authority is kindly requested in making their recommendation to suggest that this amendment in column 1 is adopted (as explained in [TR020005/REP3/030]), should the Secretary of State agree, there is a mechanism for the certified version of the document being revised accordingly.</p>
<p>5.2.12: Commitment 13 - <u>(1) GAL will continue to use the STF to support measures that will help to achieve the mode share commitments and the measures shall be determined following consultation with local highway authorities and National Highways.</u> GAL will maintain the annual increase in the tariff value on air passenger spaces <u>and the allocation of funds shall be agreed with the TFSG.</u></p>	<p>BDBP23: There is no security independent scrutiny of how these funds are to be spent. National Highways requests that consultation on how the funds are expended is included as a minimum.</p>	<p>Partially accepted. Amended to require consultation with the TFSG (of which local highway authorities and NH are members).</p>	<p>National Highways preference is to be named within the SAC as it is not a party to the s106 agreement which covers the TFSG. This is the only way to ensure National Highways is directly included regardless of the s106 commitments.</p> <p>The Examining Authority is kindly requested in making their recommendation to suggest that this amendment in column 1 is adopted (as explained in [TR020005/REP3/030]), should the Secretary of State agree, there is a mechanism for the certified version of the document being revised accordingly</p>
<p>5.2.12: Commitment 13 - <u>(1) GAL will continue to use the STF to support measures that will help to achieve the mode share commitments and the measures shall be determined following consultation with local highway authorities and National Highways.</u> GAL will maintain the</p>	<p>HR24: Required to ensure that funds are not ringfenced for specific mode shares without agreement</p>	<p>Amendment not accepted. The draft DCO Section 106 Agreement ringfences 50% of the STF to initiatives in the SACs. Drafting has been included to require consultation with the TFSG in respect of the measures in Commitment 12(1).</p>	<p>National Highways considers it fair and reasonable for fund allocation to be agreed with the TFSG. This does not prevent further ringfencing of funds for specific mode shares.</p>

<p>annual increase in the tariff value on air passenger spaces <u>and the allocation of funds shall be agreed with the TFSG.</u></p>			<p>It remains unacceptable to National Highways for the Applicant to use s106 commitments to secure matters directly relevant to National Highways.</p> <p>The Examining Authority is kindly requested in making their recommendation to suggest that this amendment in column 1 is adopted (as explained in [TR020005/REP3/030]), should the Secretary of State agree, there is a mechanism for the certified version of the document being revised accordingly.</p>
<p>5.2.12: <u>(2) GAL will ensure that the STF has sufficient funds to address any initiatives reasonably agreed by the TFSG</u></p>	<p>HR25: Required to ensure that the fund is usable and not in deficit</p>	<p>Amendment not accepted. GAL has a range of measures and tools to meet the SACs; it is not solely for the initiatives funded by the STF to achieve the SACs. It is therefore inappropriate to include this provision.</p>	<p>National Highways disagrees with this position. The STF is redundant if there are insufficient funds to address agreed initiatives. While SACs may be achieved under other funding mechanisms, it is for the Applicant to show how this is secured.</p>
<p>5.2.12: <u>(2) Prior to establishing the TMF, GAL shall enter into an agreement with National Highways ensuring that (i) National Highways may enforce any provisions relating to the TMF to the extent that they relate to the Strategic Road Network or the operations of National Highways.</u></p>	<p>HR26: This text has been added to ensure the TMF is enforceable by National Highways</p>	<p>Amendment not accepted. If the TMF Decision Group (of which NH is a member) decides that funding will be allocated to measures for the SRN, GAL will need to enter into appropriate agreements with NH in any case. These amendments are not considered necessary.</p>	<p>National Highways strongly disagrees with this position. National Highways must have the ability to enforce provisions relating to the TMF in respect of the SRN.</p> <p>The Examining Authority should note that without this provision, the Applicant may impact the SRN without directly covenanting with National Highways on mitigation measures. Subject to an agreement not being reached, the consequence may result in the Applicant failing to meet its obligations in respect of the SRN and National Highways having no recourse.</p>
<p>5.2.12: <u>(3) Any agreement with National Highways shall set out the process and criteria for establishing the TMF, including:</u> <u>a) its scope;</u> <u>b) the level of commitment within the TMF;</u> <u>c) the relevant thresholds that would activate the TMF;</u> <u>d) the parties to be consulted on during its development and implementation (which for the avoidance of doubt shall include National Highways); and</u> <u>e) the parties that would act as an approval body.</u></p>	<p>HR27: This commitment is required to ensure that the TMF has a clear scope and this is understood by NH (who are not a party to the s106 which secures the TMF)</p>	<p>Amendment not accepted. These matters are set out in Schedule 3 of the draft Section 106 Agreement.</p>	<p>As above. National Highways requires an agreement in respect of the TMF as it is not a party to the s106. The Applicant's heavy reliance on the s106 agreement seems unreasonable in light of the impact on the SRN.</p>
<p>5.2.12: <u>(4) GAL will ensure that the TMF has sufficient funds to address any interventions reasonably agreed by the TFSG</u></p>	<p>HR28: Required to ensure that the fund is usable and not in deficit</p>	<p>Amendment not accepted. The TMF is considered appropriate in light of it being a contingency fund to meet potential unforeseen impacts related to the Project.</p>	<p>As per the above comments on the STF (see 5.2.12) the TMF is redundant if there are insufficient funds to address agreed initiatives.</p> <p>The Examining Authority should carefully consider how the Applicant's proposals carry any weight if there is no obligation on the Applicant to ensure its "funds", designed to mitigate impacts, are funded.</p>
<p>5.2.12: <u>Business as Usual works</u> <u>Commitment 14A – GAL shall not commence any part of the authorised development until the North Terminal and South Terminal roundabout signalisation scheme is completed and open to traffic.</u></p>	<p>HR29: As National Highways has set out previously (e.g. at para 2.7.1.7 of the Statement of Common Ground submitted at Deadline 1 [REF]), as reported in Section 8 of the Applicant's Strategic Transport Modelling Report [TR020005/APP/260], business as usual works are factored into the Future Baseline and would include, but are not limited to, the signalisation of both the North and South Terminal Roundabout. However, there is no commitment on the Applicant to deliver such works as they are not authorised by the DCO. National Highways requires these works to be secured and carried out prior to commencement of any works</p>	<p>Amendment not accepted. GAL has engaged with NH separately regarding the inclusion of a DCO provision addressing these works and so it is not considered that duplication here is appropriate.</p>	<p>This remains a matter of discussion between the parties.</p>

	under the DCO in order to ensure the Future Baseline is reliable.		
<p>6.2.7: <u>The TFSG shall comprise as a minimum:</u> a) <u>GAL,</u> b) <u>National Highways</u> c) <u>local highway and planning authorities,</u> d) <u>transport operators and agencies,</u> e) <u>business and passenger representatives and</u> f) <u>other interested parties</u></p>	<p>HR38: National Highways requests this amendment to ensure that the Applicant is required to include National Highways within the TFSG as membership of this group is not secured for any party</p>	<p>Amendment not accepted. The TFSG is an existing group. The membership of the TFSG is set out in the TFSG Terms of Reference which included as Appendix 3 to the draft Section 106 Agreement and it is therefore not necessary to duplicate here.</p>	<p>As set out above, it remains unacceptable to National Highways for the Applicant to use s106 commitments to secure matters directly relevant to National Highways.</p> <p>The Applicant should secure National Highways' membership in this document, subject to an alternative agreement between the parties.</p>
<p>6.2.7: <u>Commitment 17: Operational impacts on the Strategic Road Network: GAL must every 5 years carry out an updated assessment of the likely impacts of the operation of the authorised development on the performance of the highway network. Based on the outcomes of that assessment, GAL must submit a scheme of mitigation which mitigates the impacts on the Strategic Road Network to National Highways for approval. In the event that National Highways refuses the scheme of mitigation, GAL must submit the scheme of mitigation, along with National Highways representations on the draft scheme, to the Secretary of State for approval. GAL must implement the scheme of mitigation as approved.</u></p>	<p>BDBP39: In light of the specific requirements of the Airports National Policy Statement, and the fact that the Proposed Development is a trip-generating private sector development, National Highways considers there is a requirement for a robust monitoring and management regime for impacts which are forecast to, or may otherwise, arise on the SRN. This commitment is necessary to avoid adverse impacts on the wider SRN. It is noted that commitment is broadly about modal share targets, and not specifically about the impact arising on the SRN.</p>	<p>Amendment not accepted. The achievement of the mode share commitments is part of the package of mitigating impacts on the SRN (together with the surface access works and other obligations/requirements, including the provision of a TMF which is provided in order to mitigate potential unforeseen impacts as a result of the Project and which would include impacts on the SRN). The Applicant considers that an appropriate mitigation package has been proposed and the additional monitoring requested here is not necessary.</p>	<p>National Highways considers that specific provision should be made for future monitoring. This is a private scheme which has direct impacts on the SRN. The commitments from the Applicant may need to be refreshed in light of changes in the future, and it is therefore reasonable to expect ongoing monitoring.</p>
<p>7.1.3:</p> <ul style="list-style-type: none"> <u>A minimum of [X]% of airport staff journeys to and from the Airport to be made by shared travel</u> 	<p>HR40: National Highways considers that there should be a shared travel aspiration too</p>	<p>Amendment not accepted. This is not considered to be an appropriate aspirational commitment as the unintended consequences of promoting this target may result in a transfer from bus, rail, cycling and walking and be counter to the stated aim of promoting public transport and active travel as the most sustainable modes.</p>	<p>This point is noted, please see below proposed amended wording:</p> <p>"A minimum of [X]% of airport staff journeys originating further than [16km] from the Airport to be made by shared travel (such journeys being those to and from the Airport)"</p>