



Gatwick Airport Northern Runway Project

Response to Deadline 3 Submissions

Book 10

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1 Introduction

1.1 Overview

- 1.1.1. This document has been prepared to set out the Applicant's response to submissions received at Deadline 3. The Applicant is mindful of the volume of information already submitted into the examination and has sought to limit the duplication of submissions it has already made on certain subjects. As such, the Applicant has not responded to every submission or point made, instead it has responded by exception where the submission raises a new matter and/or where the Applicant considers such response may be helpful to the ExA. Silence on an issue, therefore, should not be interpreted as agreement – but instead a recognition of the approach taken by the Applicant in this document.
- 1.1.2. This document has been structured as follows:
- Responses to the responses submitted by Interested Parties to the Examining Authority's first set of Written Questions (ExQ1);
 - Responses to comments made by Interested Parties on the Applicant's Deadline 2 Submissions;
 - Responses to comments made by the Legal Partnership Authorities on the Applicant's Deadline 1 Submissions; and
 - Responses to other submissions made at Deadline 3.
- 1.1.3. Any responses received in relation to Project Changes 1 to 3 have been responded to within the **Applicant's Response to Written Representations on Project Changes 1 to 3** (Doc Ref. 10.23).

2 Responses to the responses submitted by Interested Parties to ExQ1

2.1 Introduction

2.1.1. The Applicant has provided its responses to ExQ1 at Deadline 3 and has now reviewed the responses provided by other parties. The sections below set out the Applicant’s response to the IP’s responses to ExQ1. Where there are no further points to be made beyond the Applicant’s original submission, no further response has been provided within this document.

2.2 Communities Against Gatwick Noise and Emissions (CAGNE)

2.2.1. The Applicant has provided a response to select points from CAGNE’s response [[REP3-112](#)] below.

ExQ1 Ref	Question	CAGNE’s Response	The Applicant’s Response
NV.1.10	Noise Envelopes Recognising that concerns have been expressed by some IPs about noise envelopes, what would other IPs propose for the initial (2029) areas of the 51 dB LAeq,16hr contour	<ol style="list-style-type: none"> 1. The Applicant has not yet explained which of the two scenarios assessed is most appropriate for setting noise contours. In absence of this explanation, noise contours should be set from the smallest contours provided to date, those being the Core Case noise contour areas. 2. The basis for using these values would be to ensure that noise impacts are limited, and 	<ol style="list-style-type: none"> 1. The Applicant has made clear that the proposed Noise Envelope is based on the slower transition fleet forecast, for example in ES Appendix 14.9.7: The Noise Envelope [APP-177] para 8.3.3 <i>The noise envelope contour areas will be set based on a slower fleet transition forecast.</i> The Applicant has provided explanations as to why this is most appropriate fleet in ES Appendix 14.9.5 Air Noise Envelope Background [APP-175] and provided further

	<p>and the 45 dB LAeq,8hr contour and any other noise envelopes, including the use of other metrics? What is the basis for the proposed values with reference to policy and guidance?</p>	<p>where possible, reduced, as is the aviation noise policy requirement.</p> <p>3. The Applicant has also not yet provided the missing information set out at Deadline 2, including forecasts used within the noise modelling. When this information is provided, there may be reason to implement further noise measures, such as movement caps, to ensure the assessed effects within the Environmental Statement are worst-case and effects cannot increase beyond this</p>	<p>details in responses within the Applicant's Response to the Local Impact Reports [REP3-078].</p> <p>2. The Interested Party offers no suggested alternatives to those in the Noise Envelope. The Applicant would appreciate further clarification from the IP.</p> <p>3. Forecasts have now been provided in Appendix F of Supporting Noise and Vibration Technical Notes to Statements of Common Ground [REP3-071], although it is not clear why these are needed to respond to this question. The Applicant also notes that a movement cap is already provided for at Requirement 19(1) to the DCO, and the controls proposed will ensure that the assessed effects within the Environmental Statement are worst-case and that effects cannot increase beyond this (unless there is specific Secretary of State approval, for example in the event of an extraordinary noise envelope review).</p>
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2.3 CPRE Sussex

2.3.1. The Applicant has provided a response to select points from CPRE Sussex’s response [\[REP3-115\]](#) below.

ExQ1 Ref	Question	CPRE Sussex’s Response	The Applicant’s Response
CC.1.1 to CC.1.11	Response to ExA’s questions to Applicant and IPs on climate change set out in questions CC1.1-CC1.11	<p>Jet Zero and the plausibility of the timely roll-out of the necessary technologies We welcome the Jet Zero documents as an expression of the ambitions of the aviation sector and government with respect to achieving Net Zero by 2050, and we note the Government’s hopes and dreams that “the sector can achieve net zero carbon emissions by 2050 without the government needing to intervene directly to limit aviation growth”. We would add that the UK government view of the policy basis needed to be applied to planning decisions in Flightpath to the Future (Dft, 2022). On p6 of that document it is stated that no airport should have expansion plans proceed unless climate change obligations are met and, on p20 and p44 and their footnotes, that, as the policy basis for planning decisions, the ANPS and Beyond the Horizon continue to have full effect.</p>	<p>GAL acknowledges CPRE’s views on these matters.</p> <p>The issues raised were extensively covered at issue specific Hearing 6 and GAL respectfully refers CPRE to its Written Summary of Oral Submissions – ISH6 – Climate Change (including Greenhouse Gases) (Doc Ref. 10.25.1) and of GAL’s views expressed there in response to similar issues. It is unlikely to assist the examination for GAL to set its position out again here.</p> <p>What is apparent, however, is that much of CPRE’s concern is concern with Government policy in general. Whilst this is expressed as concern with this application, CPRE will understand that the application falls to be considered in the context of government policy and that its concerns would more appropriately be addressed to the Government.</p>

		<p>We also note the view of the independent Climate Change Committee on the approach needed to the expansion of aviation based on the 6th Carbon Budget set out by the ExA in CC.1.1. and the government’s response.</p> <p>We disagree with the Government response as it states that the Jet Zero Strategy will take aviation to net zero emissions when it is clear that within the Jet Zero Strategy material itself that in sector emissions at 2050 are still expected to be about 25% of current emissions. This “mitigation gap” would be filled by other means (such as carbon capture or passengers taking up off-setting schemes). There is a roadmap in the one-year on document of how a range of initiatives might get the sector to net zero by this is simply a roadmap that it does not appear to be well-evidenced in the source material. The roadmap is not a delivery plan. It appears as very ambitious in comparison to expert views in relation to the likely impact of SAFs, and fleet upgrades to aircraft types that do not yet exist. Even so, to reach net zero, the roadmap needs to include carbon capture technologies and a substantial reduction in demand (not an expansion). The best evidenced pathway, says Jet Zero will</p>	<p>CPRE’s submission includes detail in relation to different fuel technologies and related matters. GAL hopes that CPRE will understand that GAL does not intend to enter into debate on those issues as they are very clearly being actively monitored and managed by government.</p>
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leave the sector with substantial residual emissions to which any expansion of aviation will likely add. We would thus agree with the CCC assessment that there should be no expansion until measures are in place that can demonstrably show the sector is on track to exceed current estimates of emission reductions. There is no other sure way to reach net zero in aviation and doing so is the only way to meet the UK government requirement that any expansion of an airport requires climate obligations to be met, i.e. actual net zero by 2050 not the Jet Zero version of this with its attendant residual emissions.

In coming to this view, we have taken into account a number of UK government documents, documents from the aviation sector and technical reports by expert bodies such as Ricardo and others, such as the ICCT and the Royal Society. These cover aspects of the feasibility of decarbonising aviation whether that is through SAFs, or deployment of hydrogen power etc. We list these documents at the end of this submission.

More broadly we note the nature of the early-stage developments on carbon capture (and storage)

technologies on which Jet Zero approaches rely to achieve net zero emissions as set out in various UK government documents including Flightpath to the Future and The Jet Zero Strategy – One Year On. The expert assessments contain material that cast doubt on the Government’s belief that Jet Zero can be achieved on the timescales hoped for, and hence whether planning requirements in relation to climate change can be met. It is striking how much of the ambition to reach net zero in aviation is based on technologies that have yet to be deployed at scale. For example, DfT’s 2022 modelling framework, for example, contains estimates of engine efficiency improvements of about 30% by 2040 based on assumptions about fleet replacement with aircraft that are still in development. Likewise, Ricardo’s report on Carbon Abatement in UK Aviation is hedged round with assumptions and uncertainties at many points. Significantly, they estimate that the penetration of biofuel based SAFs will make only a small difference to aviation emission with 10% penetration of the market by 2050 – in contrast Jet Zero Strategy documents push for 10% by 2030 – in under six years time. The Ricardo report estimates

a very small emissions saving – perhaps as little as 2.5% by 2050 – from biofuel SAFs as emissions from aircraft will remain the same and savings will mostly arise from the supply chain side. Many assumptions and uncertainties exist within the Ricardo report not least with respect to the life cycle assessments that have been done to estimate emissions savings via use of SAF. As is clear from the Royal Society 2023 report on net zero aviation fuels, as well as issues in life cycle analysis (where more research is called for to improve methodology and approaches) it is estimated that half of UK agricultural land would be needed to meet the aviation sector’s biofuel needs. That must put the practicalities of some biofuel approaches in question.

We also found that the Jet Zero documents appear to overstate progress made on hydrogen powertrains. We feel the development of hydrogen-based powertrains could be a very helpful development although the resource, infrastructure and energy implications of deploying hydrogen technologies are still unclear. No aircraft has yet flown from A to B in the UK entirely powered by hydrogen powertrains. The implication of the Jet

Zero documents is that this is the case. What has been achieved by ZeroAvia, are some short test flights with one engine of a Dornier 228 (a propeller driven aircraft) fitted out with a hydrogen powertrain. The pace at which this technology can move from the current pilot stage to commercial operations at scale important to the kind of aircraft that use Gatwick is a matter of speculation. Although they have yet to deploy a commercial flight ZeroAvia's website suggests they hope to have hydrogen powered twin-engine aircraft of the kind used at Gatwick for some flights by 2029 and 2032. It would be remarkable to achieve such a transformation of aviation. It may be more realistic to expect the impact of hydrogen to occur over a much longer time scale and be deployed in aircraft of a radically different design.

There was some 55 years between the first powered flights and the first scheduled transatlantic commercial service and the problem for decision-makers in this instance is that all the technologies and approaches – from the potential new power sources, through the alternative fuels all the way to carbon capture (and storage) – are technologies that are yet to move from pilot stages up to supply

		<p>levels that would make a significant impact on emissions in the time necessary to meet the UK's national and international climate change obligations as set out in UK law (e.g. under the Climate Change Act) and international agreements (such as the UNFCCC COPs). There is a broad rule of thumb in innovation that it takes about 30 years for market-ready new technologies to be deployed globally. For example, wind and solar power were beginning to be market-ready around 2000 but are still being deployed at significant scale 25 years later and electricity generation has not reached Net Zero even yet. As many of the new technologies that would deliver net zero for aviation are not yet market-ready in terms of their position on the innovation chain a 30-year time scale for beginning deployment is not unrealistic. Thus, it may well be, given the lifetime of modern jets, and the costs and uncertainties of fleet replacement and the very high R&D costs of developing new aircraft that the aviation as a sector at its current size will struggle to meet net zero by 2050 let alone if it has expanded.</p>	
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We would be delighted if the necessary technologies to achieve Jet Zero could be delivered within the timescales needed to be compliant with the Carbon Budgets set out by the CCC, but the evidence suggests this is unlikely. In addition, any argument about expansion at Gatwick only being a small contributor to the 6th Carbon Budget should be set aside. Many sectors can make similar arguments and all sectors need a clear path to net zero. In any case, as transport overall is a significant contributor to carbon emissions it is important that surface transport emissions and emissions from associated activities and sources are included in climate change considerations. As it stands, the proposal does not really provide adequate information on the total impact of the development on UK carbon emissions. For example, the impact of the proposals on surface transport emissions has not, it seems, been built into the climate change section in a form that permits an overview. In terms of budgeting nationally it is important not to double count emissions so in that case surface transport and aviation might be dealt with separately. But in terms of considering an individual DCO application it is

In response to this specific point (accounting for the total impact of the Project), GAL respectfully refers CPRE to the paragraphs from 16.9.87 onwards of **ES Chapter 16: Greenhouse Gases** [\[APP-041\]](#) and to Table 16.9.13 which does aggregate emissions from the project and present them in the context of Carbon Budgets.

		<p>important that all associated emissions are accounted for. In any case, all sectors need to have a clear path to net zero and this does not yet exist for aviation except in terms of ambition. This means it is very hard to make a decision on the application that is sound in terms of sustainability, policy or legal requirements.</p> <p>All the above indicates why we concur with the way the CCC has recommended that “No airport expansions should proceed until a UK-wide capacity management framework is in place to annually assess and, if required, control sector GHG emissions and non-CO2 effects... After a framework is developed, there should be no net airport expansion unless the carbon-intensity of aviation is outperforming the Government’s emissions reduction pathway and can accommodate the additional demand”.</p> <p>As such, we believe that Gatwick’s current proposal should not be permitted to proceed, at the very least without the CCC’s conditions being fulfilled. If the applicant and Government are genuinely confident that Jet Zero can be achieved, they should welcome</p>	
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		Requirements on the DCO tying the consent to the meeting of the CCC's conditions.	
WE.1.1 to WE.1.11	Response to ExA's questions to Applicant and IPs on the water environment set out in questions WE.1.1 to WE.1.11	<p>CPRE Sussex is concerned about the impact of the proposed development and the flow of much high passenger numbers on the water environment as climate change has many impacts on the global hydrological cycle. This raises supply and wastewater treatment issues. There are a number of examples in Sussex of water supply issues arising when temperatures are very high or when rainfall is very high. Likewise, there can be problems with river flows and overflows of wastewater when rainfall is respectively very low or higher. The problems at the Horley treatment works have already attracted national attention as have the financial woes of Thames Water and its owner. We feel the problems of supply and wastewater treatment will be substantially exacerbated should the recommendation be to grant the DCO. Many Sussex waterways are globally important as they are chalk streams and it is important to protect such environmental resources. CPRE Sussex would ask the ExA to ask for detail plans and timescales for urgent infrastructure enhancements that would</p>	<p>The Applicant has received assurance from SES Water that the Project has been taken into account in their water resources management plan and that they can maintain a balance of supply and demand to meet the needs of water users in their area. The Applicant has submitted a copy of this correspondence as an appendix to The Applicant's Response to Actions – ISH7 – Other Environmental Matters (Doc Ref. 10.26.3).</p> <p>GAL is in discussion with Thames Water regarding the capacity of its receiving infrastructure and is funding modelling studies to confirm the extent of existing headroom available. To date there has been no indication that it will not be possible for Thames Water to upgrade their infrastructure to meet future domestic waste water flows arising from the airport. However, in recognition that the Applicant is not in control of the delivery of any required upgrade to the Thames Water's facilities, the Applicant has recently notified the ExA [AS-146] of its intent to request their permission to amend the application to include the</p>

		<p>ensure supply and wastewater treatment that does not cause overflows of sewage into the environment and people’s local environment.</p>	<p>ability to provide an on-site waste water treatment plant should this later be deemed necessary.</p> <p>In any case, the Northern Runway Project includes a proposal for an Engineered Wetland with forced aeration which will treat contaminated surface water which presently is directed to the Crawley Sewage Treatment Works, thus reducing the load on this facility.</p> <p>The Airport has been extremely successful at reducing potable water consumption, almost halving its potable water use per passenger between 2010 and 2020. It is now targeting a further 50% reduction in its Second Decade of Change programme. This is independent of delivery of the Northern Runway Project.</p>
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2.4 Gatwick Area Conservation Campaign (GACC)

2.4.1. The Applicant has provided a response to select points from GACC’s response [[REP3-130](#)] below.

ExQ1 Ref	Question	GACC’s Response	The Applicant’s Response
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<p>NV.1.10</p>	<p>Recognising that concerns have been expressed by some IPs about noise envelopes, what would other IPs propose for the initial (2029) areas of the 51 dB LAeq, 16hr contour and the 45 dB LAeq, 8hr contour and any other noise envelopes, including the use of other metrics?</p> <p>What is the basis for the proposed values with reference to policy and guidance?</p>	<p>This answer addresses Gatwick’s proposed noise envelope. It does not address ground noise or Gatwick’s noise insulation proposals.</p> <p><i>[Due to the length of the response, the Applicant has not reproduced GACC’s response in full, rather the select points it is responding to].</i></p> <p>Policy Tests</p> <p>5. The Aviation Policy Framework (APF) states that, “As a general principle, the Government, therefore, expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows.”</p> <p>6. In our view these principles were not removed or replaced by the 2023 Overarching Aviation Noise Policy. The new Overarching Policy clearly replaces the overall objective on noise set out in the APF. However, it does not replace the policy principles set out above. In the APF the government’s noise objective and the policy principles are stated separately. The latter can best be seen as providing</p>	<p>Policy Tests</p> <p>In points 5 and 6 GACC downplay the significance of the government’s March 2023 Overarching Policy suggesting it is subservient to the APF that dates from 2013. The Overarching Policy statement is the latest policy statement from the government.</p> <p>ES Chapter 14: Noise and Vibration [APP-039] paragraphs 14.2.40 to 14.2.48 describe the government’s latest policy statement of aviation noise <i>Policy Paper, Overarching Aviation Noise Policy, DfT, March 2023</i>. This includes the following: “<i>We consider that “limit, and where possible reduce” remains appropriate wording. An overall reduction in total adverse effects is desirable, but in the context of sustainable growth an increase in total adverse effects may be offset by an increase in economic and consumer benefits.</i>”</p>
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		<p>guidance on the meaning and practical application of the former. GACC believes the same applies now, that is the APF principles quoted above continue to provide guidance on the application of the new overarching policy. GACC notes that the Government has not suggested removal of the policy principles in any consultation and that the announcement of the new Overarching Policy did not state or imply that the principles had been removed.</p>	<p>Thus, current government policy allows increases in noise, which is inevitable in the short term for any consented increment of capacity.</p> <p>The policy statement goes on: <i>“In circumstances where there is an increase in total adverse effects, “limit” would mean to mitigate and minimise adverse effects, in line with the Noise Policy Statement for England.”</i></p> <p>The policy recognises that growth may increase noise impacts and that this increase may be offset by an increase in economic and consumer benefits. It also places emphasis on mitigation in such cases. The Project proposes an appropriate range of mitigation measures, in addition to the existing controls that will continue in connection with the operation of the airport, and this includes a substantially improved Noise Insulation Scheme (NIS), as discussed in ES Section 14.9, in line with the Noise Policy Statement for England.</p> <p>GACC analysis and proposals</p>
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GACC state their view on policy around noise envelopes including: *In GACC's view a proper interpretation of policy would be that the noise envelope should require noise, measured using a suite of metrics, to also reduce by 35% by 2038 as a condition of that growth thereby achieving the sharing of benefits required by policy.*

This view is not based on any guidance, nor precedent, and appears to draw parity between growth in the number of aircraft (35% stated) and 'noise'. They go on to use the area of noise contours as the measure of noise. The Applicant would challenge a comparison between two metrics measured on completely different scales, as well as the apparent demand for 100% sharing.

GACC go on to note their demand for a 35% reduction in contour area is way below the forecast baseline without the Project, which shows that its policy interpretation is not achievable or reasonable. To address this GACC propose a lower arbitrary reduction.

			<p>The Applicant has provided its own basis for quantifying the benefits of new technology to the airport and to the community in terms of the effect that technology has on noise contour areas, with reductions benefiting the community and increases arising from the benefits of more aircraft for the airport. This is the same method as referred to by the Planning Inspector reporting on the Bristol airport expansion case as summarised in The Applicant's Response to ExQ1 - Noise and Vibration (Doc Ref 10.16) [REP3-101] in response to NV.1.9.</p>
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2.5 Legal Partnership Authorities

- 2.5.1. The Applicant has provided a response to select points from the Legal Partnership Authorities' response [\[REP3-135\]](#) below.

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
GEN1.11	Development at Gatwick Airport –	CBC's "Development at Gatwick Airport Supplementary Planning Document" (SPD) 2008	The Applicant also responded on the relevance of this Supplementary Planning Document to the

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	<p>Supplementary Planning Document</p> <p>Paragraph 1.4.6 of the Planning Statement [APP-245] notes that CBC has adopted a Supplementary Planning Document (SPD) entitled Development at Gatwick Airport (November 2008).</p> <p>Should either the Applicant or the Council wish to cite the SPD in support of their case they are asked to provide a copy or relevant extracts.</p>	<p>provided supporting information to inform Development Management decisions on applications within the airport. It has not been updated for some years due to ongoing work with the Airports Commission, the Gatwick Master Plan, and the NRP development consent application, so it currently has extremely limited weight. CBC is not proposing to cite it in response to the NRP proposals, hence it is not referenced in the West Sussex LIR [REP1-068].</p>	<p>Project in GEN.1.11 of the Applicant's Response to ExQ1 – General and Cross-Topic [REP3-091]. Both parties are broadly aligned on the weight to be attached to the SPD, in that the Applicant considers no weight should be given and CBC considers it has 'extremely limited weight'.</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
GEN1.21	<p>Good Design</p> <p>Comment on the desirability of implementing the following measures to ensure that good quality sustainable design and integration of the Proposed Development into the landscape is achieved in the detailed design, construction and operation of the project. How might they be secured? Are any further measures appropriate?</p> <p>a) A 'design champion' at board level to advise on the quality of</p>	<p>Introduction</p> <p>Good design is vital to the Project given the national significance of the Airport and the scale and visual impact of some of the development proposed. The Authorities acknowledge the Applicant requires some flexibility to address some uncertainties that may arise with the Project and note the advice in Advice Note Nine: 'Rochdale Envelope' (1 July 2018). The Authorities are concerned that the necessary controls to ensure good design is a successful outcome of the Project are not in place, owing to the level of detail provided by the Applicant. The Applicant's approach relies on brief and imprecisely worded works descriptions, poorly detailed works and parameter plans, a series of loosely worded design documents and loosely worded Requirements. The Applicant's expectation that the Authorities would be able to discharge full design details under Requirements 4 and 5 in accordance with the current outline details provided</p>	<p>The Applicant recognises that good design is important and that it must take into account the context of any proposed development, the character of the existing airport environment and, where appropriate, the setting of the development within the wider built environment and landscape.</p> <p>GAL welcomes the Joint Local Authorities acceptance that, at this point, design flexibility is required and that detailed design proposals will therefore come forward through the discharge of DCO Requirements 4 and 5 for subsequent approval by the local planning authority.</p> <p>The Applicant's Design and Access Statement (5 Volumes) [REP2-032 to REP2-036] which has been prepared by architects Chapman Taylor sets out a comprehensive approach to design, identifying a series of zones and taking into account the different activities and the character and purpose of each area. All detailed designs to</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	<p>sustainable design and the spatial integration of the proposed structures, buildings, new landscape features, and visual amenity.</p>	<p>(especially given the limited level of design control) is considered unrealistic and inadequate.</p> <p>Not only is it a requirement of national and local policy to ensure good design and the creation of high-quality buildings and places, the success of such design is informed by the inputs of key stakeholders such as statutory consultees, local government specialists and the local community.</p> <p>Stakeholder engagement has been inadequate and, as a result, not only are the design principles poorly detailed, there is currently no mechanism within the relevant Requirements to refine the design and allow stakeholders a meaningful input into the detailed designs proposed to be submitted for the various Works.</p> <p>As stated in the West Sussex LIR (paragraphs 24.46 and 24.47) [REP1-068], the Authorities consider that adequate stakeholder engagement should have been undertaken in advance of submission in order to inform the design documents accompanying the</p>	<p>be brought forward must be in accordance with the Design Principles set out in the DAS Appendix 1 [REP3-056].</p> <p>As set out at Deadline 3 [REP3-091] in response to GEN.1.21, however, GAL is currently actively considering how to incorporate a formal design review process prior to a submission being made to discharge DCO Requirements 4 and 5. This would be designed to address the JLA's concerns over the length of time available to them to review and input to the design process of key pieces of infrastructure.</p> <p>At this stage, the Applicant's preferred approach is to appoint a Design Advisor with the necessary experience and qualifications to work with GAL and to review and advise upon the designs brought forward by the Applicant's design and architectural team(s). The Design Advisor would accumulate a detailed understanding of the airport and help to</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		<p>DCO. However, at the very least a mechanism of engagement with key stakeholders should be factored into the detailed design stage of the process and such feedback from that process should inform the design of the works prior to any design submission under Requirement 4 or Requirement 5. Without such a process, the Applicant risks refusal of these Requirements due to outstanding concerns, poor design or unforeseen issues which may arise at a very late stage during the consideration of the Requirement by the discharging authority (a process which requires consultation with other stakeholders). All works listed in the DCO should be subject to this process unless it is specifically agreed they can be excluded.</p> <p>a) A 'design champion' at board level to advise on the quality of sustainable design and the spatial integration of the proposed structures, buildings, new landscape features, and visual amenity. ...</p> <p>The Authorities consider that in principle the introduction of a design champion could ensure that</p>	<p>ensure quality and consistency in the implementation of the Project. The Design Advisor should have experience of design reviews, capable of challenging GAL and ensuring good design outcomes.</p> <p>The Design Advisor could, where necessary and agreed, invite other stakeholders including officers from the Joint Local Authorities, airlines, members of the Passenger Advisory Group, and other bodies to convene a panel / committee to review the designs being proposed. GAL recognises that the degree of stakeholder engagement would necessarily need to be tailored to the matter under consideration.</p> <p>The Design Advisor would then provide a Design Report to GAL's Chief Technical Officer, setting out any views and matters that may need to be considered by the Applicant's design / architectural</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		<p>these matters are kept under review should the DCO be consented, however, at this late stage in the process the effectiveness of this individual and issues of governance are considered major concerns. It is not clear how any appointee presumably onto the Airport Board could meaningfully feed into the design process and ensure impartiality unless the individual were independent from both the Authorities and the Applicant (to ensure that the design advice was not unduly influenced by either party). The issue of funding such an appointment is of concern due to lack of local authority resources, but funding directly by the Applicant would lead to questions of accountability and the perception of this post would be very much of an individual paid for by the Applicant to deliver the Project, perhaps with other drivers such as time and money being promoted over design concerns.</p> <p>If the design champion were to be a single individual it is consider that the design process would still</p>	<p>team before a submission is made to discharge DCO Requirements 4 and 5.</p> <p>A summary of the design report and GAL's response to it would then be included in the details for the discharge of the requirement.</p> <p>The Applicant will continue to develop its position and is considering a process based on agreeing:</p> <ul style="list-style-type: none"> - Those 'sensitive' building / works which would benefit from design review; and - Works which require some form of technical / regulatory review. <p>The Applicant will work to consider how any pre-application design engagement would align with existing governance and engagement processes within GAL.</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		<p>seem remote from key stakeholders, the wide opinions of which may not be adequately represented. For the reasons above, this approach is the not the Authorities' preferred mechanism for delivery of good quality sustainable design for this Project.</p>	<p>GAL is in the process of developing its ideas further and would be willing to share its thinking informally with the Joint Local Authorities in due course to seek alignment between the parties on the practical implementation of such a process.</p>
GEN1.21	<p>b) A 'design review panel' to provide informed 'critical-friend' comment on the developing sustainable design proposals;</p>	<p><i>[Due to length, the Applicant has not reproduced the Legal Partnership Authorities' response to (b) here.]</i></p>	<p>Please see the response provided above.</p>
GEN1.21	<p>c) An approved 'design code' or 'design approach document' to set out the approach to delivering the detailed</p>	<p><i>[Due to length, the Applicant has not reproduced the Legal Partnership Authorities' response to (c) here.]</i></p>	<p>Please see the response provided above.</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	design specifications to achieve good quality sustainable design;		
GEN1.21	d) An outline, including timeline, of the proposed design process, including consultation with stakeholders and a list of proposed consultees.	<i>[Due to length, the Applicant has not reproduced the Legal Partnership Authorities' response to (d) here.]</i>	Please see the response provided above.
GEN.1.21	In the opinion of CBC and other local authorities where relevant, would the implementation of any or all of the above	<i>[Due to length, the Applicant has not reproduced the Legal Partnership Authorities' response here.]</i>	Please see the response provided above.

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	<p>measures assist in determining post-consent approvals (including the discharge of requirements) in relation to achieving good design?</p>		
<p>GEN. 1.33</p>	<p>National Networks National Policy Statement – March 2024</p> <p>The Proposed Development was accepted for Examination prior to the publication of the latest National Networks National Policy Statement</p>	<p>The Joint Local Authorities note that the Applicant has recognised that it may need to update application documentation to reflect the fact that during the course of the Examination the revised NNNPS may become an important and relevant consideration (see para 6.3.3 of the Planning Statement [APP-245]), and the JLAs expect that the Applicant will now choose to provide some update in response to this question. The JLAs will comment on any such update once submitted.</p> <p>However, pending sight of any such update, the JLAs would draw the ExA's attention to the following</p>	<p>The Applicant has commented on the differences between the 2015 and NNNPS, of which there are no significant changes, and the relevance of the latter to the examination of this Project in written and oral submissions, and which make clear that there is no fundamental change in approach.</p> <p>However, brief comments are set out below against the specific matters highlighted by the JLAs.</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	<p>(NNNPS) and in accordance with paragraph 1.16, the 2015 NNNPS should have effect. However, paragraph 1.17 explains that the latest 2024 NNNPS is potentially capable of giving rise to important and relevant considerations in the decision-making process.</p>	<p>parts of the revised NNNPS (noting what is said in both paras 1.16 and 1.17):</p> <ul style="list-style-type: none"> • The express recognition (para 1.13) that the revised NNNPS does not cover airports (implicit in the NNNPS but now explicit); • The recognition (para 2.16) of the need to design infrastructure with a holistic approach to avoiding, or where adverse impacts are unavoidable, mitigating and as a last resort compensating impacts on the natural, historic or built environment, on landscapes and on people by using nature-based solutions; 	<p>This tends to reinforce GAL's view, if that was necessary, that the NNNPS cannot provide the primary policy framework against which the application proposals should be tested, notwithstanding that the NNNPS 2014 does have effect for the highway works element of the project.</p>
	<p>Given this, provide an outline of any implications arising for the designation of the</p>	<ul style="list-style-type: none"> • The express recognition (paras 2.35-2.26, 5.8-5.9) that air quality assessments should include PM2.5s as well as PM10s; 	<p>ES Chapter 13: Air Quality [APP-038] has provided an assessment of PM₁₀ and PM_{2.5} impacts.</p> <p>The ES considers the updated PM_{2.5} standards set out in the Environmental Targets (Fine Particulate Matter) (England) Regulations 2023.</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	<p>latest NNNPS the ExA should consider.</p>	<ul style="list-style-type: none"> • Recognition (para 3.17) that any National Networks NSIP should seek to improve and enhance the environment, irrespective of the reasons for developing the scheme; • Updated guidance (para 4.12) on the assessment of cumulative effects, noting that there is no single or agreed approach to assessing the cumulative impacts of environmental effects, and that the 	<p>The JLA's omit to reference the next sentence of the NPS which provides: <i>"However, there may be instances where infrastructure interventions are required to bring about improvements to environmental outcomes."</i></p> <p>In this case, the highway improvements are agreed to be necessary to mitigate effects that may arise in their absence. Throughout the Project's design development, care has been taken to ensure that the design of the highway improvements has considered how to protect the existing environment and opportunities to enhance it, as demonstrated through ES Chapter 3: Alternatives [APP-028] and the Design and Access Statement [REP2-032 to REP2-036]. The works would also generate benefits for these factors by comparison with the no-scheme scenario.</p> <p>The NPS does not change the assessment requirements for the cumulative impacts assessment set out at ES Chapter 20: Cumulative Effects and Inter-Relationships</p>

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		<p>Secretary of State should consider how the accumulation of, and interrelationship between effects identified in the environmental assessment might affect the environment, economy, or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place;</p>	<p>[APP-045]. The Applicant is content that the Secretary of State will take account of all matters which may be relevant and important.</p>
		<ul style="list-style-type: none"> • New guidance (paras 4.23-4.26) on Biodiversity Net Gain, and encouragement to applicants to use the latest biodiversity metric in their assessments, notwithstanding that the Environment Act 2021 requirements do not currently apply to NSIPs; 	<p>The Applicant has anticipated this policy and set out an assessment within the Biodiversity Net Gain Statement [REP3-047] which demonstrates exceedance of the NPS' requirement.</p>
		<ul style="list-style-type: none"> • Recognition (para 4.28) that the mitigation hierarchy is an aspect of good design and is not limited to biodiversity impacts; 	<p>Noted – but not understood to change the approach taken in the application.</p>
		<ul style="list-style-type: none"> • Recognition (para 5.6) of the need for a holistic approach using that hierarchy when designing 	<p>As above.</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		<p>infrastructure, with a focus on nature-based solutions;</p>	
		<ul style="list-style-type: none"> • Recognition (para 5.51) that applicants should not just look to mitigate direct biodiversity harms but should show how the project has taken advantages of opportunities to conserve and enhance biodiversity, having due regard to any relevant local nature recovery strategies and species conservation strategies; 	<p>This issue is addressed in section 2.1.2 <i>et seq.</i> of Appendix G – Response to Ben Benatt's Deadline 3 Submission to this response.</p>
		<ul style="list-style-type: none"> • New guidance (paras 5.62-5.63) on irreplaceable habitats and that the Secretary of State should not grant consent for development that would result in loss or deterioration of irreplaceable habitat unless there are wholly exceptional reasons and a suitable compensation strategy; 	<p>This policy is not challenged by the DCO Application.</p>
		<ul style="list-style-type: none"> • Updated guidance (5.26-5.42) on carbon assessments, including the need to undertake Whole Life Carbon Assessment at critical stages of the project lifecycle; 	<p>These matters were discussed at ISH6. Whilst the policy requirement does not bite on this application, GAL has committed in the Carbon Action Plan [APP-091] to net zero in its airport</p>

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			estate by 2030 and to construction works being undertaken through a whole life carbon approach consistent with PAS 2080. The Applicant has submitted a technical note Whole of Life Carbon Considerations (Doc Ref. 10.22) at Deadline 4.
		<ul style="list-style-type: none"> • New guidance (paras 5.243-5.251) on socio-economic effects including that applicants should seek to maximise local employment opportunities during construction and operational phases. 	The Applicant's Employment, Skills and Business Strategy [APP-198] clearly meets this requirement.
CS.1.27	<p>Policy Approach</p> <p>Paragraph 6.1 of the Joint West Sussex LIR [REP1-068] states that the Proposed Development contains a number of different elements, with the airport related development, and the</p>	<p>No, the fact that the highway elements are largely reliant on the airport elements does not make a difference to whether the application should be considered under s.104 or s.105 of the Planning Act 2008.</p> <p>There are two matters that need to be considered and they should be kept separate. The first is the proper construction of the statutory provisions. The second is the application of those provisions, properly construed, to the individual facts of this</p>	<p>The Applicant and the JLAs continue to discuss the approach to be taken to sections 104-5 with a view to preparing a further submission for Deadline 5.</p> <p>However for present purposes the Applicant does not consider that the JLA response alters the position that the Applicant has set out in paragraphs 2.1.2 to 2.1.21 of The Applicant's Response to Actions - ISH 1: The Case for the Proposed Development [REP1-062].</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	<p>highway related development, both meeting the definitions of a Nationally Significant Infrastructure Project. The LIR comes to the view that as the proposal is a single integrated project overall the application should be considered under s104 of the Planning Act 2008.</p> <p>However, the ExA notes that the highway elements of the scheme are largely reliant on the airport elements of the proposal, such that the</p>	<p>application. The first exercise will not turn on the individual facts and those facts will only have limited relevance to that exercise (in that they may illustrate one example of facts to which the statutory provisions may fall to be applied). application should be considered under s104 of the Planning Act 2008. However, the ExA notes that the highway elements of the scheme are largely reliant on the airport elements of the proposal, such that the highway elements are required due to the airport elements. Does this make a difference to your view on whether the application should be considered under s104 or s105 of the Planning Act 2008?</p> <p>The first exercise is to be determined by applying the conventional principles of statutory construction. Relevant principles include: Per Popplewell LJ in <i>Deutsche Bank AG v Sebastian Holdings Inc</i> [2024] EWCA Civ 245 at para 11.</p> <p>“(1) Statutory interpretation involves an objective assessment of the meaning which a reasonable legislature as a body would be seeking to convey in</p>	<p>The Applicant accepts the principles established in the <u>Deutsche Bank AG</u> case but does not consider that they produce the outcome which the JLAs advance.</p> <p>The Applicant notes in particular the need to interpret statutory terms in their proper context and the approach taken in this respect in the <u>EFW Group</u> case. There the Court rejected the contention that the JLA response contends for (see [48]) - that where an NPS was in effect, the use of the word “application” in section 104 created a mutual exclusivity between sections 104 and 105, such that an entire application could only be determined either under section 104 or section 105.</p> <p>Instead it preferred submissions that were based on examining the wider statutory context, in particular the centrality of the NPS to the decision-making framework. It found that it would not be</p>

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	<p>highway elements are required due to the airport elements. Does this make a difference to your view on whether the application should be considered under s104 or s105 of the Planning Act 2008?</p>	<p>using the statutory words under consideration. Words and passages in a statute derive their meaning from their context, and must be read in the context of the section as a whole, a relevant group of sections, or the statute as a whole.</p> <p>(2) One aspect of this context is that there is a presumption that where the same words are used in an Act, they have the same meaning; and that where different words are used they have a different meaning; the weight of any such presumption will itself depend upon the context: Bennion, Bailey & Norbury on Statutory Interpretation 8th edn. section 21.3.</p> <p>(3) The words are the primary source by which meaning is ascertained. External aids to construction can assist if they enable the court to identify the purpose of a statutory provision or the mischief at which it is aimed, but these play a secondary role to the language used by Parliament. They cannot displace the meaning conveyed by the words of a statute which after consideration of the</p>	<p>consistent with that framework to apply section 104 so as to bring within its scope a project in respect of which the relevant NPS has no effect. It was <i>“clear that the overarching approach of the legislation is that decisions should be reached in relation to proposals for development in respect of which an NPS has effect deploying the framework within section 104 of the 2008 Act, whereas proposals for development within the statutory framework’s decision-making process for which there is no applicable NPS having effect are to be decided pursuant to the framework provided by section 105 of the 2008 Act”</i> (see [59]).</p> <p>It is right to acknowledge that the Court saw “some force” in the argument that the use of word “application” in both section 104 and 105 required the whole application to be determined either under section 104 or 105 (see [57]) - as the JLAs argue in this case - but ultimately dismissed that</p>

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		<p>context are clear and unambiguous and do not produce an absurdity.</p> <p>(4)..."</p> <p>Per Popplewell LJ in Deutsche Bank AG v Sebastian Holdings Inc [2024] EWCA Civ 245 at para 11.</p> <p>Starting with the words used, a critical issue is to give proper effect to the phrase in s.104(3) PA 2008 that where s.104 applies, the Secretary of State "must decide the application" in accordance with any relevant NPS which has effect in relation to development of the description to which the application relates.</p> <p>That phrase is then directly echoed in s.104(4), (5), (6), and (8) PA 2008 in relation to "deciding the application". The phrase does not refer to a part of the application, and the concept of "deciding" does not sit easily or at all with considering only a part only of an application. Whilst the Secretary of State can make a DCO for a lesser amount of the</p>	<p>construction and preferred an interpretation to the effect that <i>"section 105 should be interpreted as applying to free-standing parts of an application to the extent that section 104 does not apply in relation to the application"</i> ([59]).</p> <p>It is common ground that the facts in EFW Group were different to the present case. The different elements of the application were regarded as distinct (and in fact led to a decision under which consent was refused for the new plant but granted for the capacity increase to the existing plant). In this case the highway and airfield works comprised in the Project are closely interrelated and proposed together.</p> <p>It is that distinction which has led the JLAs to conclude that only where an application includes "free-standing parts" or "discrete elements" in respect of which no NPS is in effect should section 105 be applied to those parts.</p>

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		<p>development than was proposed in the application (under s.114(2) PA 2008), such a decision is still within the concept of “deciding the application”: see s.114(1) PA 2008. The application in the EFW Group case was one where the Secretary of State ultimately decided to make a DCO authorising only part of the development proposed in the application.</p> <p>Where an application proposes development only part of which falls within the scope of matters addressed by a NPS which has effect for some of the development, that application nonetheless is still one that satisfies s.104(1) PA 2008 and s.104 PA 2008 therefore applies to it. S.104(1) PA 2008 does not require that all of the development in the application must be development to which a NPS has effect. It simply requires that “a national policy statement has effect in relation to development of the description to which the application relates.”</p> <p>S.105 PA 2008 only applies to a DCO application if s.104 does not apply to it: see s. 105(1) PA 2008.</p>	<p>However the Applicant has proceeded on the basis that the findings and underlying principles in the EFW Group case can apply widely enough to encompass cases where it was possible to identify discretely the development within a single application in respect of which there was a relevant NPS in effect, as well as the development in respect of which no NPS was in effect (see the first citation from [59] above).</p> <p>On this approach to the language of sections 104-5, if an application includes development which is not “development of the description” in relation to which an NPS is in effect, section 104 only applies to the extent that an NPS is in effect in relation to the “development of the description” to which the application relates. This approach does not cause conflict with the wording of the statutory provisions, particularly when read in their wider context.</p>

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		<p>Applying these principles, which derive from a proper interpretation of the statutory provisions, to the facts of the application, the position is as follows.</p> <p>The description of the proposed development in the application includes "highway related development" that qualifies as a NSIP and for which there is an NPS in effect in the form of the National Networks NPS (2015).</p> <p>As there is a NPS that has effect "in relation to development of the description to which the application relates", s. 104 therefore applies in this case, even though the description also includes (as part of the single, overall project) airport-related development for which there is no NPS in effect.</p> <p>That wider question is also the subject of ongoing dialogue between the Joint Local Authorities and the Applicant, and it is hoped that it will be possible to submit a The fact that the highway-related development is "largely reliant on the airport elements of the proposal" does not change the fact</p>	<p>Applying this approach to this case, the implications of the airport-related development fall for consideration under section 105 (as there is no NPS in effect in relation to this element of the development) and the those of the highway-related development fall for consideration under section 104 (where the NNNPS does have effect).</p> <p>This allows a decision on the application to avoid the immediate artificiality in the JLA approach – that the starting point for the decision-maker should be to consider the NNNPS, when the NNNPS does not contain a suite of detailed policies that are directed at airport-related development which all parties recognise as the primary element of the project.</p> <p>The approach taken by the Applicant recognises the potential scope of the findings in the EFW Group case, but still allows for the interrelated</p>

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		<p>that there is a NPS that is in effect in relation to that highway-related development. Whether the highway related development is "reliant" on other aspect of the overall scheme is therefore irrelevant to the application of s. 104(1). If the ExA is suggesting that this 'reliance' could somehow make it an application to be considered under s. 105, there is, with respect, no support for that suggestion in the wording of sections 104 and 105. To reiterate, section 105 only applies if section 104 does not apply, and section 104 applies in this case given that there is a NPS that is in effect and applies to development that is proposed.</p> <p>There is a wider question, not directly raised in ExQ1 CS1.27, as to what the duty in s.104(3) PA 2008 to decide the application "in accordance with any relevant national policy statement" (subject to the stated exceptions) requires in circumstances where that NPS does not give guidance on or address large parts of the development that is the subject of the application. This is addressed in para</p>	<p>nature of the Project to be taken into account, as well as the terms of the relevant NPSs.</p> <p>The airport-related development falls to be considered under section 105, but it is still necessary to have regard to the fact that this development would only come forward as part of a wider scheme, in respect of which any effects arising from the airport-related development would only and inevitably arise as part of the wider proposals. Although the ANPS does not have effect in this case, it recognises that airport-related development may come forward with other development, including surface access proposals, and includes policies which apply to the overall development proposed, such that it is appropriate to consider the policy framework of the ANPS to assess this project as a whole. This would more realistically reflect how the effects of project including the airport-related development would arise.</p>

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		<p>6.10 of the West Sussex Joint LIR [REP1-068] and in para 4.10 of the Surrey Joint LIR [REP1-097].</p> <p>That wider question is also the subject of ongoing dialogue between the Joint Local Authorities and the Applicant, and it is hoped that it will be possible to submit a document at Deadline 5 which sets out either a common position or the respective parties' positions (if differences remain). For that reason, this response does not seek to address that wider question.</p>	<p>Any conclusion reached in this way under section 105 as set out above would be subject to the application of section 104 to the highways-related development, in respect of which the NNNPS is in effect. The NNNPS applies to the highway-related development, however it is to be noted that its policies (at paragraph 4.3) include a requirement to consider the wider benefits and cumulative effects of that development to be considered, which in this case would include those arising from the airport-related development.</p> <p>This approach to the application of policy will be discussed further with the JLAs. However the Applicant confirms that it remains unpersuaded by the other element of the JLA approach to the statutory presumption in section 104(3): the contention that because the NNNPS does not have effect in relation to the airport-related development, the application does not accord with the NNNPS. The Applicant remains unpersuaded that this is an appropriate construction. It invites a conclusion on whether an application is in accordance with an</p>

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			<p>NPS with no substantive application of the policies within that NPS. It also leaves unclear how the airport-related development which all parties accept as central to the application is to be considered under section 104.</p> <p>The Applicant welcomes the ongoing dialogue with the JLAs on these matters. It is hoped that these discussions will allow the parties to confirm that any differences in the construction of sections 104 and 105 would not make a difference to the conclusions each party reaches on whether consent should be granted.</p>
CC.1.1	<p>Response to Climate Change Committee Annual Progress Report</p> <p>Many IPs had referenced the Climate Change Committee's (CCC) 2023 Annual Progress Report in</p>	<p>The 2023 Annual Progress Report underscores the CCC's recommendation for the Government to pursue more stringent measures in reducing greenhouse gas emissions, particularly those stemming from the aviation sector.</p> <p>The purpose of the EIA under the EIA Regulations (2017) is to evaluate the Project against established policies and sector-specific guidelines. It's important to note that the CCC's June 2023 Report to</p>	<p>Much of what is stated here is known or common ground and the Applicant does not propose to repeat its previous written and oral submissions (most recently at ISH6, as summarised in The Applicant's Written Summary of Oral Submissions – ISH6 – Climate Change (including Greenhouse Gases (Doc Ref. 10.25.1)) on these issues. However, two aspects warrant a further response.</p>

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	<p>their RRs, specifically the recommendation that “No airport expansions should proceed until a UK-wide capacity management framework is in place to annually assess and, if required, control sector GHG emissions and non-CO2 effects. A framework should be developed by DfT in cooperation with the Welsh, Scottish and Northern Irish Governments over the next 12 months and should be operational by the end of 2024.</p>	<p>Parliament provides advisory insights to the Government. Therefore, the recommendations outlined within it are not obligated to be implemented during the EIA process.</p> <p>In response to advice from the CCC, the Government has pledged to pursue the UK Jet Zero Strategy, aiming to attain net-zero aviation emissions by 2050. Within this strategy, the Government has pledged to adopt the 'high ambition scenario', which entails the implementation of various carbon reduction measures. These measures encompass the utilisation of sustainable aviation fuels (SAF), enhancements in aircraft fuel efficiency, and the development of zero-emissions aircraft.</p> <p>It is recognised that the Applicant, as outlined in the Carbon Action Plan (CAP) [APP-091], has outlined potential measures to facilitate the airport's aviation infrastructure provision to support zero-emission aircraft. Furthermore, they propose incentives, such</p>	<p>First, the Carbon Action Plan [APP-091] is transparent in its approach to an overarching commitment, which is to be achieved by drawing from a range of measures or tools. This is not dissimilar to the way in which the government is</p>

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	<p>After a framework is developed, there should be no net airport expansion unless the carbon-intensity of aviation is outperforming the Government's emissions reduction pathway and can accommodate the additional demand.”</p> <p>In October 2023 the Government responded to the Annual Progress Report as follows “We are anti-aviation emissions, not flying, and want to deliver</p>	<p>as reduced charges for SAF-fuelled aircraft, to enhance the success of the Jet Zero Strategy.</p> <p>However, the Applicant does not directly commit to any of these measures by labelling them as ‘potential’. Therefore, it is viewed that the Applicant has not done enough to meet the Jet Zero Strategy commitments. Therefore, a stronger commitment is necessary to ensure that the Applicant actively supports these initiatives, enabling the UK Government to maintain its trajectory towards achieving net zero emissions.</p> <p>If any or all of the mitigation measures outlined in the Jet Zero Strategy's High Ambition scenario are not fully realised, it's necessary to recognise that marketbased mechanisms such as the UK Emissions Trading Scheme (UK ETS) and the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) will persist as regulatory tools. These mechanisms are designed to maintain control of aviation emissions, ensuring they</p>	<p>implementing the JZS and it recognises that technologies and opportunities will change. What both documents do, however, is commit to their stated outcomes. No stronger commitment could be given or is necessary.</p> <p>This same logic should be extended to the Carbon Action Plan [APP-091] but also to recognize that, as a result, neither the commitments in the CAP nor the government’s achievement of Net Zero is at risk.</p>

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	<p>sustainable flying for everyone to enjoy holidays, visit friends and family overseas and to travel for business. We remain of the view that our existing policy frameworks for airport planning – the Airports National Policy Statement and Beyond the horizon, the future of UK aviation: Making best use of existing runways - provide a robust and balanced framework for airports to grow sustainably within our strict</p>	<p>do not surpass carbon budgets or, as applicable, 'in-sector' targets.</p> <p>All flights covered by the UK ETS i.e. flights between the UK and Europe, are limited by the emissions cap imposed by that scheme, and as the cap reduction is consistent with the UK achieving net zero by 2050, the emissions of all emitters regulated by the UK ETS must also fall in line with the cap.</p> <p>In addition to the UK ETS, there is also CORSIA which includes flights between the UK and other non-EU destinations. Within CORSIA, aircraft operators are compelled to purchase carbon credits to offset any emissions that exceed a specified baseline, which will help decarbonise emissions in line with the UK net zero trajectory.</p> <p>Therefore, these mechanisms, along with commitments set out in the UK Jet Zero Strategy, provide control measures to manage aviation emissions at a national level in line with UK</p>	

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	<p>environmental criteria. Our analysis in the Jet Zero Strategy continues to demonstrate that the sector can achieve net zero carbon emissions by 2050 without the government needing to intervene directly to limit aviation growth. The analysis uses updated airport capacity assumptions consistent with the latest known expansion plans at airports in the UK. Planning decision-makers and applicants should consider all relevant Government</p>	<p>Government policy, and consistent with the UK's legally binding emissions reduction targets.</p> <p>While it is acknowledged that aviation emissions are regulated by the appropriate mechanisms as discussed above, it is recognised that the Applicant lacks adequate measures to monitor and control local emissions stemming from construction, surface access transportation, and operational energy usage.</p> <p>Hence, it's suggested that a control mechanism similar to the Green Controlled Growth Framework, submitted as part of the London Luton Airport Expansion Application, should be considered.</p> <p>Implementing such a framework would make sure that the Applicant demonstrates sustainable growth while effectively managing its environmental impact. Within this document, the Applicant should define monitoring and reporting requirements for GHG emissions for the Applicant's construction activities, airport operations and surface access</p>	<p>This assertion – that the application must be subject to a Green Controlled Growth mechanism - does not follow from the authorities' own analysis.</p> <p>The Carbon Action Plan [APP-091] commitments are enforceable by government through the processes set out in the CAP, whilst the CAP process itself is enforceable under the DCO, by the local authority if necessary. It is not appropriate to doubt its committed outcomes. Given that government has a legal duty to meet its net zero commitments and that it is engaged with setting policies for airports to achieve zero emissions in ground operations by 2040 (JZS page 9) it is not conceivable that government would allow Gatwick to default on its CAP commitments.</p> <p>Similarly, when the government has so clearly stated in up to date policy that it will monitor and manage the aviation sector as part of an economy</p>

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	<p>policy, including the Jet Zero Strategy, when considering airport expansion proposals. The Government has always been clear that the expansion of any airport must meet our climate change obligations. Any planning application submitted by an airport will be judged by the relevant planning authority, taking careful account of all relevant considerations, including environmental impacts and proposed</p>	<p>transportation. Similar to the London Luton Airport Green Controlled Growth Framework, emission limits and thresholds for pertinent project stages should be established. Should any exceedances of these defined limits occur, the Applicant must cease project activities. Where appropriate, the Applicant should undertake emission offsetting in accordance with the Airport Carbon Accreditation Offset Guidance Document to comply with this mechanism.</p> <p>In addition, and where reasonably practical, the airport will seek to utilise local offsetting schemes that can deliver environmental benefits to the area and local community around the airport. Offsets should align with the following key offsetting principles and should be:</p> <ul style="list-style-type: none"> • Additional i.e. they would not have occurred in the absence of the project; • Monitored, reported and verified; • Permanent and irreversible; • Without leakage in that they don't increase emissions outside of the proposed development; 	<p>wide approach to ensure it achieves its carbon reduction targets, there is no basis on which it could be claimed to be reasonable or necessary for the local authority to seek to replicate or (potentially) contradict government's actions.</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	<p>mitigations. We will review our Jet Zero Strategy every five years to ensure the aviation sector is on track to achieve net zero by 2050, and, if appropriate, we will consider reviewing our policy frameworks for airport planning to ensure they remain compatible with achieving our net zero target.”</p> <p>The Applicant and other IPs are invited to comment on how the Government response on this issue or others referred to in their</p>	<ul style="list-style-type: none"> • Have a robust accounting system to avoid double counting; and • Be without negative environmental or social externalities. 	

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	<p>submission may affect their previous submissions.</p>		
CC.1.7	<p>CAP – Implementation Timetable</p> <p>Table 3-2 of the CAP [APP-091] sets out direct potential measures targeting airport buildings and ground operations.</p> <p>Is the implementation timescale precise enough or ambitious enough? Is the final column (Potential Deliverable) ambitious enough? What are the consequences if the</p>	<p>The definitions of the timescales used are defined on Page 6 in CAP [APP-091] as summarised below:</p> <ul style="list-style-type: none"> • Short term – measures implemented and delivered by 2025, • Medium term – measures implemented and delivered by 2030, and • Long term – measures implemented and delivered by 2040. <p>The timeframes used in the CAP in Table 3-2 for managing direct potential measures targeting airport buildings and ground operations align with the Jet Zero Strategy commitments, which aim to achieve zero emissions for GAL Scope 1 and 2 GHG emissions by 2040.</p> <p>However, the Applicant does not directly commit to any of these measures by labelling them as</p>	<p>The Applicant has made extensive submissions to date in the examination on the approach proposed in the Carbon Action Plan [APP-091], and specifically the distinction between the committed "outcomes" and their non-prescriptive underlying "measures", which GAL will draw from as necessary to ensure the outcomes are met. As those 'measures' are not individual commitments, but part of a flexible 'tool-kit' approach, it follows that their individual implementation will necessarily be non-prescriptive in timescales for the same reasons. However, and specific to the ABAGO outcome to which this response refers, the JLAs will note that such outcome has fixed timescales - net zero by 2030 (going further than Jet Zero in this respect), and zero emission by 2040 - those</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	measures are not achieved?	<p>'potential'. Therefore, it is viewed that the Applicant has not done enough to commit to net zero operations in line with the Jet Zero Strategy commitments.</p> <p>As discussed in EXQ1 CC. 1.1 the Applicant should implement a framework that would make sure that the Applicant demonstrates sustainable growth while effectively managing its environmental impact in alignment with the Jet Zero Strategy and broader UK Government net zero commitments.</p>	are the relevant timescales, and are clear and fixed under the CAP.
CC.1.8	<p>CAP – Implementation Plan</p> <p>Measure AB28 in Table 3-2 of the CAP [APP-091] is to deliver a plan for recharging infrastructure for Zero Emission Vehicle airside fleet by 2030</p>	<p>The Applicant must fully commit to achieving zero emissions in its operations by 2040, in alignment with the Jet Zero Strategy commitments.</p> <p>Consequently, it will need to establish an adequate charging infrastructure to support the transition of its electric vehicle fleet.</p> <p>Furthermore, the Applicant will be required to ensure the presence of sufficient infrastructure for charging</p>	See above. The Applicant is aware of its obligations under the JZS. Gatwick has already exceeded the government's expectations for carbon reduction and has formalised its continuing investment strategy in low carbon measures in the Carbon Action Plan [APP-091] .

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	<p>with recharging infrastructure to facilitate all Zero Emission Vehicle ground fleet.</p> <p>Should this be more ambitious in terms of delivering recharging infrastructure?</p>	<p>surface access transportation vehicles. Additionally, it must implement systems that encourage a shift towards active travel and public transportation modes.</p> <p>Therefore, as discussed in EXQ1 CC. 1.1 the Applicant should implement a framework that would make sure that the Applicant demonstrates sustainable growth while effectively managing its environmental impact in alignment with the Jet Zero Strategy and broader UK Government net zero commitments.</p> <p>Furthermore, the Applicant must commit to providing the essential infrastructure needed to facilitate zero-emission aircraft and promote the adoption of SAFs, in accordance with the UK Jet Zero Strategy. Therefore, a more substantial commitment is necessary to ensure that the Applicant actively supports these initiatives, enabling the UK Government to maintain its trajectory towards achieving net zero emissions.</p>	

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
DCO.1.2 3	<p>Art. 15 (Public Rights of Way-creation, diversion and stopping up)</p> <p>EM paragraph 5.36 states: "<i>Schedule 4 Part 2 identifies the single existing public right of way which will be permanently stopped up for which no substitute is to be provided.</i>" Why is no substitute provided?</p>	<p>Schedule 4 Part 2 of the draft DCO [Response to s51 advice – 2.1 Draft Development Consent Order [Tracked] Version 2 [AS-005]] proposes to extinguish Footpath 346_2Sy, Reference B2. This is shown on Sheet 1 of the Rights of Way & Access Plans [APP-018] and is indicated by a red dashed line and reference B2.</p> <p>The Highway Authority (WSCC) understands the Applicant's position to be that the section of footpath FP346/2sy referenced B2 that is being extinguished, is being replaced by a new shared footway and pedestrian route, which is being provided as an alternative. This alternative route is indicated on Sheet 1 of the Rights of Way & Access Plans [APP-018] and is indicated by a pink line and references C2 to C8.</p> <p>If this alternative route is falling within the publicly maintainable highway, then it would be considered an extinguishment of the PRoW rather than a diversion. As a PRoW could not be diverted onto a</p>	<p>It is agreed that the current scheme proposal is that the section of footpath FP346/2sy referenced B2 that is being extinguished is being replaced by a new shared-use path for pedestrians and cyclists, which is being provided as an alternative. This alternative route is indicated on Sheet 1 of the Rights of Way & Access Plans [REP1-014] and is indicated by a dark blue line (references c2 to c6 and c40) and the eastern section of the pink line, reference c8 in the latest version of the plans (Version 2). This alternative shared use path is proposed to be classified as a cycle track, a way over which the public have a right of way on pedal cycles with or without a right of way on foot (which in the case of this cycle track would be "with a right of way on foot"). The undertaker is required to provide this cycle track by article 15(5) (public rights of way – creation, diversion and stopping up) of the draft DCO [REP3-006]. WSCC's request for potential consideration of an alternative approach is noted and GAL propose arranging a meeting with WSCC's PRoW officer to address this matter</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		<p>highway and an alternative publicly accessible route would be provided.</p> <p>However, it is the Highway Authority's understanding that these routes are not to be publicly adopted highway but will sit within GAL's control. Therefore, the proposed extinguishment is removing the public right of access without providing an alternative public right of way. The Applicant therefore has three potential options to ensure this newly proposed route [Reference C2 to C8 shown in pink on Rights of Way & Access Plans [APP-018]] has suitable public access rights, they are:</p> <ul style="list-style-type: none"> • Proposed full bridleway status of the route and ensure it is suitably designed to cater for all potential users • Propose footpath status, but alternative provision for cyclists would need to be considered • Footpath but with permissive cycle route 	<p>and this is being raised through established engagement channels.</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
DCO.1.4 0	<p>R3 – Time limit and notifications</p> <p>Why should the serving of notice occur once the dual runway operation has commenced and not before?</p>	<p>R3 – Time limit and notifications</p> <p>Why should the serving of notice occur once the dual runway operation has commenced and not before?</p> <p>It seems to the Councils that this question is directed primarily at the Applicant. The Councils will consider the Applicant's response to this question and reserve their right to provide additional information once they have seen that response.</p> <p>In any event, and as mentioned in Appendix M: Comments on the draft Development Consent Order of West Sussex County Council's LIR [REP1-069] ("Appendix M"), WSCC considers a more generous notice period for the commencement of each part of the authorised development should be provided. Moreover, the local highway authority, which is also a discharging authority for certain requirements, should also be notified of commencement.</p> <p>One of the difficulties for the Councils in identifying an appropriate notice period for the commencement of each part of the development is that the Councils do not know which part will come forward when;</p>	<p>Version 6 of the draft DCO [REP3-006] submitted at Deadline 3 adds a requirement to notify CBC at least 30 working days prior to the anticipated date of commencement of dual runway operations, in addition to the notification within 7 working days after the actual commencement of dual runway operations.</p> <p>In the next version of the draft DCO (to be submitted at Deadline 5), the Applicant will add additional authorities to be notified under Requirement 3(1), including Surrey County Council and West Sussex County Council.</p> <p>In relation to the Councils' comments on "parts" of the authorised development and how the Councils will be able to contextualise applications for discharge of requirements in respect of said "parts", the Applicant is considering how best to provide for greater clarity through the DCO and will comment further at Deadline 5.</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		<p>indeed, it is not clear what constitutes a “part” and so it is not clear what information will be provided in any notice. The Councils consider it would be more appropriate if, before Requirement 3, there was a requirement which provided that no part of the authorised development can commence until a masterplan(s) for each part of the development has been submitted to and approved by the relevant planning authority.</p> <p>The masterplan-approach was adopted by the applicant of the Manston Airport Development Consent Order 2022 (SI 2022/922). <i>[Part of this response has been truncated due to length]</i></p>	
DCO.1.4 6	<p>Status of CoCP Table 9.8.1 of ES Chapter 9 refers to the CoCP [REP1-021] as an ‘outline CoCP’.</p> <p>Is the CoCP an outline document? And if it is, should it be subject to local authority approval</p>	<p>The Authorities have considerable concerns about the level of detail provided in the CoCP, irrespective of its status. Even if the document is an outline document, the Authorities consider that there are a number of topic areas for which sufficient detail is not provided, as set out in the Authorities’ submissions to the examination (e.g. the West Sussex and SCC LIRs [REP1-068 and REP1-097]. This includes requiring further detail around the</p>	<p>The Applicant disagrees with the JLA’s response given that the Code of Construction Practice (CoCP) (Doc Ref. 5.3) and its Annexes covers the items listed in their response to DCO.1.46, in that:</p> <ul style="list-style-type: none"> • The CoCP contains maximum heights for the main compounds, along with an explanation of their components, measures to manage stockpiles and construction lighting. Controls over tree loss and

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	<p>when more detail is available?</p> <p>If the CoCP is not an outline document, do the RPAs consider that the CoCP is sufficiently detailed to mitigate construction phase impacts?</p>	<p>mitigation of construction phase impacts, including, but not limited to;</p> <ul style="list-style-type: none"> • visual impact of construction compounds – tree loss, design and layout, lighting, stockpiles. • visual impact and management of the works on site and in relation to nearby footpaths and ancient woodland within the CoCP in relation to Pentagon Field. • measures within CoCP to ensure no construction activity is undertaken within ancient woodland and their minimum buffer zone. • tree protection measures/ arboricultural impact assessment • measures within CoCP to protect the biodiversity areas, including vegetation retention plans and protective fencing. • impact on safeguarded minerals, and potential to avoid needless sterilisation. • Dust Management Plan • Odour Management Plan • Noise management and monitoring proposals 	<p>protection measures are set out in CoCP Annex 6 containing the Outline Arboricultural and Vegetation Method Statement (oAVMS) [REP3-022, REP3-024 and REP3-026].</p> <ul style="list-style-type: none"> • Construction measures relating to existing pedestrian and cyclist routes are contained in Section 5.12 of the CoCP, which function alongside the Public Rights of Way Management Strategy secured under Requirement 22 of the Draft DCO [REP3-006].REP3-006. These relate to the whole Project site, including Pentagon Field. • Section 5.4 of the CoCP confirms the construction measures to be put in place to protect ancient woodland areas, including the provision of a buffer zone of 15 metres secured by protective fencing. • Arboricultural protection measures are detailed in Section 5.3 of the CoCP and the

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		<ul style="list-style-type: none"> • construction traffic and non-road mobile machinery emissions • construction noise and vibration, including from changes in road traffic noise levels due to construction traffic. • Online noise and dust reporting including for local communities • Self-service portal for complaint recording and monitoring • construction engagement. <p>The Authorities' view is that it would be prudent for the CoCP to be an outline document, given that detailed design has not been undertaken and that a principal contractor is yet to be appointed by the Applicant. The CoCP should be updated accordingly as construction elements evolve, with approval required by the relevant authorities</p>	<p>oAVMS [REP3-022, REP3-024 and REP3-026]. The oAVMS was informed by the Tree Survey Report and Arboricultural Impact Assessment [REP3-037, REP3-039 and REP3-041] which forms part of the ES assessment work.</p> <ul style="list-style-type: none"> • Construction measures to protect existing biodiversity are contained in Section 5.4 of the CoCP. This is supported by the oAVMS which outlines measures relating to retained vegetation and its protection, to be detailed further in the relevant Arboricultural and Vegetation Method Statements (AVMS) for approval by CBC (in consultation with MVDC and RBBC as relevant) prior to any vegetation or tree removal. Preliminary Vegetation Removal and Protection Plans will be submitted at Deadline 5, to form an oAVMS Appendix and which will be detailed in future in the relevant AVMSs for approval during the detailed design stage.

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
			<ul style="list-style-type: none"> • Where the Project site falls within the Brick Clay Resource Mineral Safeguarding Area, measures to mitigate the sterilisation of Brick Clay are detailed in Section 5.5 of the CoCP and which is supported by the CoCP Annex 5 – Construction Resources and Waste Management Plan [APP-087]. • The provision of Construction Dust Management Plans are secured under para 2.2.6 and Section 5.8 of the CoCP [REP1-021]. A draft CDMP was provided to the LAs for review on 26 March 2024 and feedback is awaited. This explains the Applicant's approach to monitoring and reporting on construction dust. • Odour management measures are detailed in Section 5.8 of the CoCP, including the provision of an Odour Management Plan where necessary.

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
			<ul style="list-style-type: none"> • Noise management and monitoring measures during the Project's construction are detailed in Section 5.9 of the CoCP, supported by the Noise Insulation Scheme (Doc Ref. 5.3 v2). • The management of construction traffic is explained throughout the CoCP, supported by the Outline Construction Traffic Management Plan [APP-085]. The standards to be complied with for non-road mobile machinery is confirmed in para 5.8.2 of the CoCP, under 'Operating Vehicle/Machinery and Sustainable Travel'. • CoCP Annex 7 contains the Construction Communications and Engagement Plan [REP2-015] which explains the approach to stakeholder communications and engagement during the Project's construction. CoCP Annex 7 contains the Construction Communications and Engagement Plan [REP2-015] which

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
			<p>explains the approach to stakeholder communications and engagement during the Project's construction. Section 7 of the plan details the systems that will be in place to enable and manage enquiries and complaints.</p> <p>Where the detailed design will inform detailed construction management measures, a series of management plans are to be submitted for future approval prior to commencement of the relevant construction works. These are detailed in paragraph 2.2.6 of the CoCP.</p>
DCO.1.5 3	<p>Community Funding Paragraph 4.14 of the Joint West Sussex LIR [REP1-068] addresses the 2022 s106 agreement. It indicates that the authorities do not consider that the sums generated by the</p>	<p>In its Final Report, July 2015 [REP1-142] the Airports Commission was clear that community compensation should be provided by airport operators in addition to other necessary mitigations proposed, paragraph 14.49 states <i>"The impacts of expansion, particularly environmental factors such as noise, will spread over a wider area just the airport's immediate vicinity.....Whilst developers have statutory duties to provide specific mitigations</i></p>	<p>As the Local Authorities note in their response, the Airports Commission Final Report relates to an entirely different development proposal for a new full scale wide spaced second runway to the south of the existing main runway at Gatwick. That scheme involved a significantly greater scale of impact in terms of both land take, land use and environmental impacts. The Applicant therefore</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	<p>Community Fund will be proportionate to the environmental harm caused by airport expansion as was the Government's expectation in the ANPS. It notes that the sums proposed by the Airports Commissions were far greater than those proposed by the Applicant.</p> <p>Please confirm what sums were proposed by the Airports Commission and how these compare with those proposed by the Applicant.</p>	<p><i>or compensation in certain circumstances, it is good practice and socially responsible behaviour for developers to make a wider compensation offer in discussion with local communities and authorities."</i></p> <p>The Airports Commission's suggested mechanism was a noise levy based on the noise footprint of the airport. In recognising the levy should be proportionate and affordable, the Commission suggested that a proportionately equivalent figure to the 50p per passenger at Heathrow, raising the same amount per resident affected at Gatwick or Stansted may only cost around 2p per passenger because of the smaller noise footprints (paragraph 14.58). It is recognised that this was based on GAL's second runway being a wide-spaced runway located to the south of the current Main Runway but the passenger numbers forecast for the NRP are only 16% less than the 95mppa proposed for proposed wide-spaced Southern Runway. Even the low figure of 2p per passenger would still generate considerably more funding than is currently being</p>	<p>does not consider that this is appropriate comparison or model for scaling community funding in the case of the Northern Runway.</p> <p>The Applicant's approach to the London Gatwick Community Fund is aligned with the ANPS which, in referring to an expanded Heathrow, states that <i>"The Government expects that the size of the community compensation fund will be proportionate to the environmental harm caused by the expansion of the airport."</i></p> <p>The Applicant has therefore proposed a figure which, when all other mitigation is taken into account, represents an amount which it believes is proportionate to the environmental impacts and addresses the residual and intangible effects of the development. It has also been designed to increase in steps which reflect the trajectory of growth and therefore the associated impacts.</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		<p>proposed by GAL for the Community Fund. A comparative table is set out below.</p> <p>In its consideration of the Airports Commission's recommendation for a noise levy, the Government in drafting the Airports National Policy Statement recommended a similar amount should be paid instead into a community compensation fund, proportionate to the impact of the airport. Paragraph 5.247 states <i>"Government expects that the size of the community compensation fund will be proportionate to the environmental harm caused by expansion of the airport. The Government notes that, in its consideration of a noise levy, the Airports Commission considered that a sum of £50 million per annum could be an appropriate amount at an expanded Heathrow Airport and that over a 15 year period, a community compensation fund could therefore distribute £750million to local communities."</i></p>	<p>Discussions on the details of the Community Fund are continuing between the Applicant and the JLAs.</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response																
		<p>The Table below compares, for each 10mppa, the respective amounts which would be paid into the Community Fund according to the existing s106, the draft NRP s106 and a minimum figure per year if 2p per passenger was sought.</p> <p>Comparison Community Fund Figures:</p> <table border="1" data-bbox="631 794 1368 1375"> <thead> <tr> <th data-bbox="631 794 819 1107">Mppa</th> <th data-bbox="819 794 1001 1107">2022 s106</th> <th data-bbox="1001 794 1182 1107">Draft NPR s106</th> <th data-bbox="1182 794 1368 1107">2p per passenger (Airport Commission) (Min per year)</th> </tr> </thead> <tbody> <tr> <td data-bbox="631 1107 819 1198">Up to 10 mppa</td> <td data-bbox="819 1107 1001 1198">£50,000</td> <td data-bbox="1001 1107 1182 1198">£50,000</td> <td data-bbox="1182 1107 1368 1198">£100,000 (at 5mppa)</td> </tr> <tr> <td data-bbox="631 1198 819 1289">10-20mppa</td> <td data-bbox="819 1198 1001 1289">£100,000</td> <td data-bbox="1001 1198 1182 1289">£100,000</td> <td data-bbox="1182 1198 1368 1289">£200,000</td> </tr> <tr> <td data-bbox="631 1289 819 1375">20-30mppa</td> <td data-bbox="819 1289 1001 1375">£150,000</td> <td data-bbox="1001 1289 1182 1375">£150,000</td> <td data-bbox="1182 1289 1368 1375">£400,000</td> </tr> </tbody> </table>	Mppa	2022 s106	Draft NPR s106	2p per passenger (Airport Commission) (Min per year)	Up to 10 mppa	£50,000	£50,000	£100,000 (at 5mppa)	10-20mppa	£100,000	£100,000	£200,000	20-30mppa	£150,000	£150,000	£400,000	
Mppa	2022 s106	Draft NPR s106	2p per passenger (Airport Commission) (Min per year)																
Up to 10 mppa	£50,000	£50,000	£100,000 (at 5mppa)																
10-20mppa	£100,000	£100,000	£200,000																
20-30mppa	£150,000	£150,000	£400,000																

ExQ1 Ref	Question	JLA's Response				The Applicant's Response
		30-40mppa	£200,000	£200,000	£600,000	
		40-50mppa	£250,000	£250,000	£800,000	
		50-60mppa	(50+mppa) £300,000	£300,000	£1,000,000	
		60-70mppa		£400,000	£1,200,000	
		70-80mppa		£600,000	£1,400,000	
		80+mppa		£1,000,000	£1,600,000	
		<p>As a further comparison, Luton Airport's s106 supporting its DCO application (TR020001) proposes a Community Fund obligation (Schedule 8) of £100,000 per annum plus any noise and track violation payments. This is accompanied by an additional Compensation Policies, Measures and Community First obligation in the s106 which includes an annual payment of £1 per passenger for</p>				

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		<p>growth above 19mppa (to a maximum of 32mppa) (Schedule 7 and Appendix 5). This amounts to £13million per year once the 32mppa capacity is reached. Should a similar approach be taken at Gatwick, even accounting just for growth above the Applicant's future baseline of 67mppa to 80.2mppa, the figures at Gatwick would be very significantly higher than GAL are proposing and would also reach £13million per year at maximum capacity.</p>	
DCO1.54	<p>CoCP – Potential Amendments Paragraphs 21.6 and 21.37 of the Joint West Sussex LIR [REP1-068] state that R7 does not specify the follow-up management plans that require completion and approval as part of the CoCP. Specifically, what amendments</p>	<p>Requirement 7 of the DCO should be strengthened, specifically the follow-up management plans that require completion and approval as part of the CoCP, including the Dust Management Plan, that should be provided as an outline document as part of the examination.</p> <p>If the CoCP is not an outline document, the Authorities have considerable concerns about the level of detail provided, across a number of topic areas, as set out in the Authorities' submissions to the examination. It is noted that the applicant for the London Luton Airport Expansion DCO has followed</p>	<p>Additional DCO Requirements will be added to the next version of the dDCO at Deadline 5 to make clear on the face of the Order the existing obligations on the undertaker (under the CoCP) to submit various construction management plans and documents to the relevant authorities for approval. It is hoped that including individual requirements for these submissions on the face of the Order will provide the comfort sought by the Joint Local Authorities.</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	would the West Sussex Authorities wish to see to R7?	<p>such an approach and Requirement 8 (Code of Construction Practice) of that dDCO is set out below. A similarly drafted provision which included the management plans mentioned in the response to question DCO 1.46 would be acceptable to the Authorities. Examples of made DCOs which include comprehensive COCP requirements are legion. For completeness Requirement 7 (Code of Construction Practice) of the Hornsea One Offshore Wind Farm Order 2014 (SI 2014/3331) is also set out below.</p> <p>[The Applicant has not reproduced the text in this table due to its length]</p>	
DCO.1.5 6	<p>Detailed Design Controls Table 24.1 of the Joint West Sussex LIR [REP1-068] outlines the need for a suitably detailed design control document setting clear design principles for</p>	<p>The Authorities consider that the following areas need to be modified: <u>Schedule 1 to the DCO – description of works</u> The Authorities consider these need to be more detailed and precise. (Please see the Authorities' ExAQ1 Deadline 3 response to question GEN 1.39). <u>Works Plans</u> Please see the response to GEN 1.39 (above) regarding the Works Plans.</p>	<p>Please refer to the Applicant's response to ExQ1 DCO.1.57 [REP3-089] together with the updated Design Principles [REP3-056] and Works Plan [REP3-011] submitted at Deadline 3.</p> <p>The Parameter Plans [AS-131] identify the maximum parameters of development which have</p>

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	<p>the Project as a whole but also addressing design controls for specific Works areas including clear parameter and works plans (Appendix 1 of the DAS). Specifically, what would the West Sussex Authorities wish to see in such a document and a requirement to secure this? How would this relate to R4?</p>	<p><u>Parameter Plans</u> These should be refined as the blocks shown are considerably larger than the areas identified for the proposed development. The Authorities consider that the extent of built form for some works such as decked car parks should be broadly known by the Applicant and a reduction in the size and extent of the parameter drawing with a more carefully drawn boundary would assist in understanding the likely building form on a site and how the structure may relate to its built and natural surroundings. The parameter plans require additional information such as site levels and it is considered important that below ground parameters are also illustrated, particularly where these could impact upon nearby trees or watercourses. Further detail on this point has been provided based on the works numbers listed in the Deadline 3 response to question GEN 1.39 referenced above.</p> <p><u>Additional plans</u> Where particular features such as tree belts and drainage features are within or nearby the site it</p>	<p>underpinned the Environmental Impact Assessment to provide a worst case assessment.</p> <p>In respect of existing tree belts, these are identified in the Tree Survey Report and Arboricultural Impact Assessment [REP3-037, REP3-039 and REP3-041] and its Appendices.</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		<p>would be helpful to understand the relationship of that feature with the proposed works on drawings. The drawings should have sufficient definition and show precise site boundaries in order to for the Authorities to understand whether important features such as landscaping and root protection areas will be impacted.</p> <p>The submission of existing levels and survey plans for the works areas would provide useful background information for the desired design document mentioned in the response to question Gen 1.21 (above). This would be most helpful for works around the perimeter of the Project boundary where adjoining features or third-party land may be affected. For some works, the Authorities consider the extent or configuration of the structure might be known in more detail by the Applicant. For example, Car Park X, where the access point and drainage feature along with the deck could all be better displayed on the parameter plan or on a supporting drawing. Where this information is currently</p>	

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		<p>available, the Authorities would welcome the relevant plan being updated to reflect this.</p> <p><u>Further design detail in the DAS control document</u> This information is set out under response to question GEN 1.21 c)</p> <p><u>Design review panel / Stakeholder engagement</u> Detail of the Authorities' suggested approach is explained in response to question GEN 1.21. Such an approach would require a Planning Performance Agreement.</p>	
EN.1.10	<p>Maintenance of Landscape Adopted by Highway Authorities Paragraph 9.1.1 of the Outline LEMP [APP-113] states that the landscape and ecological proposals that form part of the adoptable highway will</p>	<p>Within Surrey all planting schemes within adoptable highways must conform with the guidance in the relevant Healthy Streets for Surrey Design Code chapter and the SCC Tree Strategy. Proposals should include a detailed and viable maintenance management plan which is subject to approval by the Highway Authority. Provision must be made for five years of comprehensive aftercare for the establishment of trees which must include replacement for any dead trees and weed control. This is to be followed by a management plan for</p>	<p>The obligations within the oLEMP [REP3-031, REP3-033, REP3-035] submitted at Deadline 3 are secured through a requirement in the Draft DCO [REP3-006] in that prior to commencement of development of an area, a Landscape and Ecology Management Plan (LEMP) must be submitted to and approved by CBC (in consultation with RBBC, MVDC and TDC as relevant) under Requirement 8.</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	<p>be adopted and maintained by the local highway authority or NH. Can the Applicant explain how the ongoing maintenance of these areas is secured in the dDCO? The RHAs may wish to comment.</p>	<p>new planting and commuted sums, in line with the relevant authorities' Commuted Sums Policies, to cover the ongoing maintenance of any landscaping proposed. This is to be secured through the relevant highway authorities S278 agreements.</p>	<p>The LEMPs must be substantially in accordance with this oLEMP. The general composition of each LEMP is set out in section 1.1.4 of the oLEMP.</p> <p>Schedules in Annexes 1, 2 and 3 of the oLEMP provide an overview of typical plant species and maintenance and management regimes and programme necessary to achieve and maintain the long-term soft landscape objectives for the Project. These schedules will be revised to form bespoke elements of the detailed LEMP's as they are prepared for individual developments within the DCO Project in consultation with the appropriate LA and, where relevant, the appropriate Highway Authority. The management and maintenance strategies set out in the oLEMP to be carried into the detailed LEMPs for each part of the authorised development will be undertaken for a minimum period of 30 years from the date of completion of planting.</p> <p>Article 21(3) of the dDCO prevents the Applicant carrying out works in a local highway without</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
			<p>entering into an agreement with the relevant local highway authority. It is anticipated that any commuted sums will be secured through such agreements. At this stage the detailed designs for the works and planting will have been prepared and the agreement can secure the appropriate figures considering the detailed designs.</p>
EN.1.11	<p>Securing of Mitigation Measures Are NE and the RPAs satisfied that mitigation measures outlined in Table 9.8.1: Mitigation and Enhancement Measures of ES Chapter 9 [APP-034] are appropriately secured in the dDCO?</p>	<p>The Authorities wish to emphasise that the mitigation and enhancement measures presented in Table 9.8.1 alone are not considered sufficient. Inadequacies include the lack of off-site compensation to mitigate impacts on wildlife corridors including bat commuting routes, no compensation for loss of ponds, insufficient tree and woodland planting to mitigate impacts whilst new habitats establish, and failure to explore further opportunities for biodiversity enhancement within the DCO Limits. In addition, further bat survey work is required for trees proposed for removal. Without these results, it is impossible to identify what further mitigation is required and how it will be secured.</p>	<p>As set out in paragraph 9.4.9 et seq. of ES Chapter 9 Ecology and Nature Conservation [APP-034], the potential for ecological impacts beyond the DCO limits was recognised through the extension of the survey work beyond the limits, where necessary (bats, GCN, riparian mammals etc.).</p> <p>As such, the impact assessment has considered impacts outwith the DCO limits, where there is the potential for such impacts to occur.</p> <p>The impacts of the Project on habitat connectivity have been considered within Section 9 of ES Chapter 9. This concluded that, although there</p>

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		<p>Regarding the mitigation and enhancement measures presented in Table 9.8.1 [APP-034], whilst many of the principles are secured, the detail is often lacking. For example, it is proposed to translocate great crested newt and grass snake to prepared receptor areas as secured through the OLEMP and DCO Requirement. However, the location of these receptor areas is not specified or secured.</p> <p>Table 9.8.1 states that 'At detailed design stage, existing features of ecological value will be reviewed to see if they can be incorporated within the design'. However, it is unclear how this will be secured. Whilst the design principles will be secured through a DCO Requirement, this aspect does not appear to be included within the design principles. Therefore, the West Sussex LIR [REP1-068, Section 9.74] has requested that the design principles, presented in the DAS [APP-253257], include measures to minimise impacts at the detailed design stage.</p>	<p>would be nowhere that connectivity would be completely removed, there were areas where it would be reduced due to the loss of woodland. This was assessed as being of moderate adverse significance until the replacement planting matured sufficiently, at which point this was reduced below the threshold of significance. The long-term maintenance of habitat connectivity both across the airport and between the airport and the wider landscape as a result of the Project has been a key driver of the overall Ecology Strategy, as set out in the oLEMP [REP3-031, REP-033, REP3-035].</p> <p>As set out in Section 9 of ES Chapter 9: Ecology and Nature Conservation [APP-034], the two ponds impacted by the Project (Pond A and Pond F) are both surface water management features and not S41 Priority ponds; they are considered to have no more than local ecological value. The impacts to these ponds were considered to be of no more than minor adverse significance. Provision</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		<p>Although the CoCP (secured by a DCO Requirement in Schedule 2) intends to provide measures to protect ancient woodlands, the Tree Removal and Protection Plan (Sheet 9 of Appendix 5.3.2 Annex 6 [REP1-024]) indicates that tree removal within designated ancient woodland and its buffer zone (Horleyland Wood) will be assessed during detailed design, and services will be routed around the woodland only if possible. Further, no tree protection measures are shown to be in place adjacent Horleyland Wood or its buffer zone. This contradicts the suggestions within table 9.8.1 that ancient woodland is avoided, in addition, it does not demonstrate that a 15m fenced buffer can be provided for the installation of services. Owing to these factors, the CoCP does not adequately secure the mitigation measures stated.</p>	<p>of new ponds within the airport site is not possible due to aircraft safety and bird strike risks.</p> <p>Although no new ponds are proposed, the Project will provide substantial new areas of aquatic habitat in the form of new reed beds, the extension to the River Mole and the enhancement of the river corridor.</p> <p>Surveys of trees for the presence of roosts of key woodland bat species formed part of the landscape-scale radio tracking study completed as part of the submission (ES Appendix 9.6.3 Bat Trapping and Radio Tracking Surveys [APP-131 and APP-132]). No trees that are proposed for removal (based on the preliminary design work and removal plans) were found to support roosts of the woodland species (including Bechstein's bat). In addition, the activity surveys undertaken to date found the vegetation along the A23 to be predominantly of low value to foraging and commuting bats compared to other parts of the</p>

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		<p>Whilst most existing retained trees and hedgerow will be protected with fencing during the construction phase of the project, it is worth identifying that fencing is only one measure required to protect trees during construction. Further detail of measures which are required will be provided in writing by WSCC at Deadline 4.</p> <p>The replacement of an existing hedgerow between the A23 London Road and Perimeter Road East is shown on the Illustrative Landscape Overview and Key Plan (figure 1.1.1) of the OLEMP [REP2-021] which is secured by a DCO Requirement (R8) in Schedule 2. This plan only shows the hedgerows partial replacement, with 250m to its northern extremities not replaced. Further, section 5.4 of the OLEMP states that hedgerows adjacent to the highway, including this hedgerow, will be maintained at 600mm in height; maintaining the hedge at such a low height in this location provides limited ecological benefit and limited screening from the A23. It is worth noting that the removal of this hedgerow has</p>	<p>Project site. The low numbers recorded suggest this does not constitute an important roost location for bats.</p> <p>Subject to the final detailed tree removal and protection plans being confirmed prior to construction commencing (through the Detailed Arboricultural and Vegetation Method Statements detailed in CoCP Annex 6 [REP3-022, REP3-024, REP3-026]), further bat roost surveys will be carried out in accordance with paragraph 5.4.18 of ES Appendix 5.3.2: Code of Construction Practice [REP1-021]. As set out in Table 9.8.1 of ES Chapter 9: Ecology and Nature Conservation [APP-034], mitigation for the loss of any roost would be determined post survey, depending on the type of roost located. Given the surveys completed to date, it is anticipated that any roosts that are located in this area will be of low conservation status (such as day roosts for</p>

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		<p>not been considered within the arboricultural impact assessments [REP1-027, 028, 029, 030] nor identified within Tree Removal and Protection Plans (Appendix 5.3.2 Annex 6 [REP1-024]) which as a control document within the DCO, enables the hedgerows' removal.</p> <p>The only reference to Biodiversity Net Gain (BNG) within Table 9.8.1 is in the 'monitoring' section. There is no mention of how BNG will be secured. Concerns over how BNG will be secured and managed in the long term have been raised in the West Sussex LIR [REP1-068, Section 9.91] which states that the Authorities seek the draft DCO Requirements are amended to secure the commitment to the delivery and long-term management of BNG.</p>	<p>commoner species). Mitigation for the loss of such roosts will be straight forward to accommodate within retained woodland.</p> <p>With respect to GCN, the appropriate ghost licence has been drafted and will be shared via Natural England. An outline Reptile Mitigation Strategy is also being prepared and will be shared when complete. This will include locations for receptor sites.</p> <p>The project-wide design principles L1 and L4 were amended to require detailed design to retain habitats of ecological value where possible, in order to minimise habitat loss, contained in the Design Principles [REP3-056] submitted at Deadline 3.</p> <p>ES Appendix 5.3.2 CoCP Annex 6 Outline Arboricultural and Vegetation Method Statement 6 [REP3-022, REP3-024, REP3-026] (oAVMS) submitted at Deadline 3 sets out how trees and other vegetation will be protected during</p>

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			<p>construction, including ancient woodland. No ancient woodland is located within the Project boundary and all such woodland bordering the Project (including Horleyland Wood) will be protected via a 15m buffer and appropriate fencing, see Section 3 of the oAVMS for further detail.</p> <p>In addition, a new project-wide design principle (L10) has also been added to ensure the provision of a 15m protection buffer zone around areas of Ancient Woodland next to the Project site, noting that no areas of Ancient Woodland are within the site boundary.</p> <p>The existing hedgerow that runs between the A23 London Road and Perimeter Road East is a non-native <i>Ilaylandii</i> hedgerow. Therefore, the opportunity has been taken to replace this with as much native hedgerow as possible.</p> <p>The maintenance of hedgerows at 600mm high relates to locations next to roads and car park bays to avoid conflict with sight lines. It does not relate</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
			<p>to all hedgerows across the Project which will be managed according to their location, species composition, function, ecological requirements.</p> <p>The Applicant considers that the most appropriate method of securing the measures which contribute to the conclusions in ES Appendix 9.9.2: Biodiversity Net Gain Statement [REP3-047] is the incorporation of the relevant measures into ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan (oLEMP) [REP3-031, REP3-033, REP3-035] such that they will be reflected in Landscape and Ecology Management Plans submitted pursuant to Requirement 8 of the dDCO [REP3-006] by virtue of the requirement that such plans must be substantially in accordance with the oLEMP.</p> <p>An amended version of the oLEMP has been submitted at Deadline 3 [REP3-031, REP3-033, REP3-035] that explicitly incorporates details of the measures relied upon in Section 8.</p>

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LU.1.5	<p>Soil Management Approach</p> <p>RPA's are asked whether the approach and content of the CoCP [REP1-021] and associated appendices (eg the SMS [APP-086]) in respect of the management of potential effects on soil resources is appropriate? If not, please detail additional methods and/ or mitigation measures considered necessary. In addition, please confirm whether you are satisfied that soils would be suitable for the required end use</p>	<p>A specific Soil Management Strategy (SMS) appears to be proposed for each of the compound areas and this is welcomed. The principles set out in the generalised scheme are acceptable and are based on the Institute of Quarrying (IoQ) best practice guidance (as recommended by the MWPAs to be used on our mineral sites) as well as the DEFRA Code of Practice on Sustainable Use of Soils in Construction Sites. These should be tailored and incorporated into the site specific scheme.</p> <p>The Mineral and Waste Planning Authorities do have a number of additional comments as set out below. SCC has specific interest as soil stripping is planned on the two proposed SCC owned construction compounds.</p> <ul style="list-style-type: none"> • The existing soil profile should be detailed (type/characteristics/depth of topsoil & subsoil as well as the depths and volumes to be stripped), as well as the current land use and area affected and shown on a plan. 	<p>The identification of the nature and volumes of soil resources is identified as part of the information to be provided within each soil management plan at Paragraph 5.1.2 of the Soil Management Strategy [APP-086] including:</p> <ul style="list-style-type: none"> • The proposed thickness of soil strip within the individual soil units that exist in the area.

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	and the appropriateness of the proposed soil restoration methods.	<ul style="list-style-type: none"> <li data-bbox="631 488 1384 743">• The soils in general appear to have been identified as heavy clay loams, which are the most vulnerable to damage during stripping, handling, storage and replacement operations. We would therefore expect the most stringent standards to apply to avoid compaction and loss of soil structure. <li data-bbox="631 906 1384 1254">• Particularly important will be the timing of these operations – the document states that in general no such activity should take place between November and March when the soils are mostly likely to be wet. We would recommend that this is provided and that outside of this period the ground and weather conditions in 8.3 and the soil moisture and consistency tests in 8.4 should be applied as stated. <li data-bbox="631 1305 1384 1430">• The document indicates that topsoil will be stripped down to a depth of 25mm but doesn't mention any stripping of subsoil. It also talks about avoiding 	<p data-bbox="1402 488 2114 759">The topsoils identified do predominantly comprise heavy clay loams. The measures included within the Soil Management Strategy in relation to the control of methods and timings of soil handling, in accordance with recognised best practice to ensure that (Paragraph 1.1.4 of the SMS):</p> <ul style="list-style-type: none"> <li data-bbox="1456 820 2105 852">• the avoidance of damage to soil structures <p data-bbox="1402 906 2114 1129">The timing of operations is important and therefore if soil handling is to take place within the period of November to March it would be subject to the soil moisture and consistency tests identified in Sections 8.3 and 8.4 of the SMS.</p> <p data-bbox="1402 1311 2136 1391">In the areas to be restored to agricultural use following the completion of construction activities, it</p>

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		<p>excessive trafficking of subsoil on haul routes. However, later on it mentions storage of subsoil, so clarification is needed. It is unclear whether the proposal is to protect the subsoil with a geotextile mesh or, as the soils are clay, for the subsoils to also be stripped to provide additional protection.</p> <p>• Soils (topsoils and ideally subsoils also) should be stripped from haul routes as well as from the compound area. Traffic should be restricted to these designated haul routes. The SMS should state how</p>	<p>is expected that topsoils only would be stripped to facilitate this works. However, procedures in relation to subsoils are included in the SMS, to ensure that if subsoil materials should be proposed within any part of the construction works to be stored and reused, that these would be carried out in accordance with the principles of best practice identified in the SMS. The mention of trafficking of subsoil (5.1.3 of the SMS) is in relation to the specific identification of haul routes as part of the soil management plans, to ensure that vehicles do not track over areas of subsoils where topsoils have been newly stripped. This is a common issue on sites where vehicles take “short cuts” across newly stripped areas, rather than using the defined haul route to the land still to be stripped.</p> <p>Topsoils would be stripped from haul routes, unless it is appropriate and agreed to use portable tracking to enable vehicles to traverse areas of</p>

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		<p>these will be marked out – both on a plan and on the ground to prevent contractors straying onto adjoining areas or taking shortcuts across adjoining land.</p>	<p>land. Paragraph 5.1.2 of the SMS identifies that the soil management plans for individual work areas would identify:</p> <ul style="list-style-type: none"> • haul route locations.
		<p>The SMS should contain provision for stone picking (that might e.g. work their way to the surface) and removal of any non-soil debris that might have got mixed up in the soil.</p>	<p>The provision for stone picking, if required, is included within the IoQ guidance sheets referenced under Soil Placement at paragraph 7.1.1 of the Soil Management Strategy [APP-086].</p>
		<ul style="list-style-type: none"> • Ideally there should be evidence provided that the soil profile has been put back to the same profile as it was pre-development (photographs/ records/ soil scientist sign off), or pits can be dug afterwards to check this. This is required before agreeing that aftercare can start. 	<p>The soil handling, including the placement of soils would be monitored by the appointed supervisor. During the first part of the aftercare period there would be an on-site review to monitor:</p> <ul style="list-style-type: none"> • the physical characteristics of the restored land;

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		<ul style="list-style-type: none"> • There should be no trafficking of newly replaced soils by machinery/ vehicles and the area should not be used for further storage of materials etc. • It is not clarified when the individual SMS for specific areas will be produced and agreed. This will need to be in advance of any soil stripping. SCC would also want to be consulted on these for sites in their ownership. <p>An aftercare period is mentioned but no duration is given, although it does say land will be handed back to the landowner as soon as possible following implementation of the aftercare plan. For example, for agricultural sites it is generally accepted that it takes about 5 years to re-instate the soils so something like amenity grassland would be the same. A site-specific aftercare plan should be submitted and agreed – we'd suggest this should be</p>	<ul style="list-style-type: none"> • any remedial measures that may be required. <p>The SMS includes the requirement for defined haul routes (as described above) to be identified to control excess trafficking.</p> <p>At paragraph 1.1.2 the SMS states that the detailed soil management plans would be developed prior to the commencement of construction.</p> <p>The three month period prior to the commencement of aftercare would effectively be three months prior to soil replacement, as the replacement triggers the aftercare period.</p> <p>This site does not form part of a mineral excavation which would be subject to a statutory aftercare period. However, the landowner would be expected to accept the handover of the land</p>

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		<p>3 or even 6 months prior to replacement of soils, rather than 3 months prior to the start of the aftercare period as indicated in the document. The aftercare scheme should also include provision for a sign off that the land has been re-instated to an agreed standard prior to being handed back to the landowner.</p>	<p>following the implementation of the aftercare period only when it is assessed that this has been appropriately implemented and that the land can be returned to its original land use and function.</p>
NV.1.10	<p>Noise Envelopes Recognising that concerns have been expressed by some IPs about noise envelopes, what would other IPs propose for the initial (2029) areas of the 51 dB LAeq, 16hr contour and the 45 dB LAeq, 8hr contour and any other noise envelopes, including the use of</p>	<p>To achieve policy requirements, the Noise Envelope should be defined through consultation with local communities and relevant stakeholders. The Authorities raised concerns over the envelope design process at the statutory consultation when the Applicant produced a fully developed proposal with metrics and limits in the PEIR that had not been designed in conjunction with community groups and local authorities. Following the consultation, the Applicant set up a Noise Envelope Group (NEG) that included a separate Local Sub-Group for community stakeholders and local authorities and another separate Aviation Sub-Group for aviation stakeholders. The NEG was chaired by the</p>	<p>The Legal Partnerships Authorities state: <i>The Authorities raised concerns over the envelope design process at the statutory consultation when the Applicant produced a fully developed proposal with metrics and limits in the PEIR.</i></p> <p>The Applicant does not accept that the Noise Envelope was not defined through consultation with local communities and relevant stakeholders. The Applicant notes that the local authorities apparently held views contrary to those of community groups and airline members of the NEG regarding the preferred contours for the noise</p>

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	<p>other metrics? What is the basis for the proposed values with reference to policy and guidance?</p>	<p>Applicant unlike both Heathrow's and Luton's Noise Envelope Design Groups, which were independently chaired. This was somewhat surprising given the significant concerns of the local authorities and community groups over the process up to that point.</p> <p>The key stages in a noise envelope design based on CAP 1129 are set out in Appendix 14.9.5 [APP-175]:</p> <ul style="list-style-type: none"> • to identify stakeholders, • set up a design envelope team from the stakeholders, • and produce a proposal. <p>GAL undertook none of these steps and simply produced its own proposal and undertook Noise Envelope consultation with a proposal already in place. As a result, the process largely consisted of the airport telling stakeholders (community groups and Authorities) why they were wrong. As such, the Authorities request that the following noise control measures are included in the Noise Envelope. Noise</p>	<p>envelope and yet did not debate their views with these groups within the NEG (see item 4 of the GAL response to the Local Authorities at page 365 of ES Appendix 14.9.9 Report on Engagement on the Noise Envelope [AS-023]) and ES Appendix 14.9.8 Noise Envelope Group Output Report [APP-178]).</p> <p>The Noise Envelope proposal in the PEIR was not fully developed, rather it was an outline proposal comprising 5 paragraphs, the last of which read '<i>GAL seeks views from stakeholders on the proposed noise envelope for consideration as part of the consultation</i>'. This was the start of the consultation and represented the outline framework of an envelope that GAL believed could be workable, meet basic planning tests, and which would be acceptable to users of the airport. The subsequent engagement within the Noise Envelope Group would allow this to be reviewed</p>

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		<p>Contour Limits Based on Leqs Paragraph 2.4.32 of Appendix 14.9.5 [APP-175] identifies that that it is unlikely that the SOAEL contour area would increase as the LOAEL contour area decreases throughout the lifespan of the project. On this basis, GAL has rejected the Local Authority request to have noise contour area limits at the SOAEL as well as the LOAEL. Whilst GAL argue that properties within SOAEL are accounted for through provision of noise insulation, it is preferable that communities are not exposed to noise levels exceeding SOAEL as insulation does not mitigate significant effects in external amenity areas. As such, the Authorities are of the opinion that a noise contour area control at the higher levels of noise than the levels proposed would provide additional confidence that GAL could comply with the first aim of the ANPS, to avoid significant adverse impacts on health and quality of life and would like to see noise contour area limits set at 60 dB LAeq,16h and 55 dB LAeq,8h in addition to the contour area limits proposed at 51 dB LAeq,16h and 45 dB LAeq,8h.</p>	<p>and alternative proposals to be compared against it.</p> <p>The Legal Partnerships Authorities note: <i>Following the consultation, the Applicant set up a Noise Envelope Group (NEG) that included a separate Local Sub-Group for community stakeholders and local authorities and another separate Aviation Sub-Group for aviation stakeholders. The NEG was chaired by the Applicant unlike both Heathrow's and Luton's Noise Envelope Design Groups, which were independently chaired.</i></p> <p>This fails to reflect that the Local Sub-Group and the Aviation Sub-Group were independently chaired. Moreover, GAL's chairing of the NEG in no way affected the scope of matters discussed at the NEG and would not have resulted in an envelope prejudicial to the interests of the airport or its users being included within the Applicant's DCO. Where Gatwick received a representation</p>

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			<p>within the NEG, for example to use a particular form of metric, it evaluated this and responded clearly. This is as evidenced in ES Appendix 14.9.9 Report on Engagement on the Noise Envelope [AS-023].</p> <p>For note, the Applicant spoke to the Chair of the Luton NEDG, who explained that part of his role would be to sum up where disagreement occurred, and to report this and the views of the respective parties. GAL is not aware of any public record of the Luton Noise Envelope Groups (indeed the Luton members were subject to a non-disclosure agreement) – however, ES Appendix 14.9.9 [AS-023] records in detail the views of the respective parties in this case, including those critical of the Applicant. The Noise Envelope Group Output Report [APP-178] summarises the work of the Group.</p>

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			<p>The use of higher contours as an inner limit is contrary to airline views that the noise envelope should not penalise them for the safe operation of the aircraft which an inner contour, associated with the critical arrival and departure phases of flight has the potential to. The Local Authorities did not debate this point with the airlines within the NEG. ES Appendix 14.9.5 [APP-175] at Annex 1 explains as follows:</p> <p><i>Any noise related action which had unintended operational consequences such that it affected flight safety, increased third party risk, or in some way affected the health and safety of local residents in the vicinity of the airport would not be considered acceptable. The envelope proposed has no such operational consequences. During the stakeholder consultation facilitated by GAL in the Noise Envelope Group, the view expressed by Airlines was that whatever form of envelope was decided upon, crews should be able to deviate</i></p>

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			<p><i>outside of it in the interest of safety whenever required without bringing the airline out of compliance. Moreover, it was identified that there should not be any requirement for abnormal manoeuvring/procedures, e.g., steep descents as a result of the noise envelope (see Appendix 14.9.8 Noise Envelope Group Output report at page 32). The choice of an envelope based on the logarithmic averaging metric over both day and night, and for the 51dB contour as opposed to the inner contours associated with critical arrival and departure phases of flight, should not have any safety implications. The restriction on dual runway operations for departures in the period 2300-0600 will also not have any implications on safety. As such, the measures have been selected without detriment to safety.</i></p>
NV.1.10		<p>Noise Contour Thresholds Certainty should be provided to local communities and the local authorities (who have to make</p>	<p>Noise contour thresholds The Applicant's forward-looking approach may have been misunderstood. The approach is to</p>

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		<p>development plan decisions) by ensuring that the Noise Envelope contour limits are not exceeded. Action would only be taken retrospectively if the Annual Monitoring and Forecasting Report (AMFR) identifies a breach for the previous year. Five-year forward-looking forecasts would be undertaken to try and guide compliance for the previous year of operation; however, there has been no information provided on how accurate forecasts are in comparison to actuals. The Authorities request that GAL provide a study showing the margin of uncertainty of forecasts when compared with noise contours based on actual movements. This would allow a noise contour threshold to be defined based on the margin of uncertainty that would provide more confidence in forecasting as a means to prevent a breach of noise contour area limits.</p>	<p>forecast ATMs for the next five years every year, and to run the noise model with these forecasts before declaring the capacity for the next year. A capacity declaration could only then proceed if the noise modelling of the forecast showed compliance with the noise envelope for the future five-year period. Moreover, year on year it will be possible to correlate the forecast noise levels with the actual noise levels to confirm the accuracy of the forecast and to ensure where necessary this is refined so that accurate forecasting is undertaken. The Applicant has offered to first undertake this process the year before opening, to demonstrate the level of certainty it provides.</p>
NV.1.10		<p>Quota Counts Noise quota budget may be set to permit a limited amount of growth, i.e. to share the benefits of improving aircraft technology. A Quota Count (QC) budget should be applied to the annual movement</p>	<p>Quota Counts The suggestion from the Legal Partnership Local Authorities is that estimating noise contour area from a QC forecast is more accurate than estimating noise contour area from a noise model</p>

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		<p>cap. This Quota Count budget would reduce in size in the 5-year Noise Envelope review as the fleet transition to quieter aircraft. The proposed London Luton Airport expansion provides confidence that noise contour area limits would not be breached through use of Quota Count budgeting. Analysis of the historical relationship between the QC and contours areas calculated from actual movements allowed a relationship between QCs and contour areas to be determined. This relationship allowed the Noise Envelope contour area limits to be converted to QC budgets. It was proposed that the QC budgets could be applied during scheduling so that contour area limits were inherently considered in the scheduling process[1]. This approach provided confidence that the Noise Envelope contour limits could be achieved through a forward-looking approach rather than relying on retrospective testing of noise contours.</p> <p>QC budgets offer further advantage as they can also be measured and monitored during the specific QC</p>	<p>as proposed by the applicant. This is not the case. <i>The Noise Envelope – Improvements and Worked Examples</i> submission to the Luton airport expansion DCO illustrates the relationship between QC forecasts and noise contours in Appendix A. The correlation coefficient quoted to the Examining Authority of 0.96 was for 16 hour Leq, whereas the next diagram in the Appendix shows a rather poorer correlation of 0.85 for night time. Both day and night must be covered by a noise envelope. The worked example for Luton covers five years from 2015 to 2019. Generally, through this period noise contour area increased and QC increased. In the year from 2017 to 2018 night QC total actually decreased but contour area still increased slightly, thus illustrating the unreliability of this approach to forecasting contour area.</p>

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		<p>budget accounting period and as a result provide operational flexibility and control in year or early indication of a breach allowing appropriate action to avert a breach in the successive period.</p> <p>The Authorities suggest that a similar approach could be adopted by GAL such that there would not be a reliance on forecasting, which contains inherent levels of fleet uncertainty, to achieve compliance for the previous year of operation.</p>	
NV.1.10		<p>Annual Noise Controls</p> <p>The LAeq,T noise metric only controls noise during the 92-day summer period. Consequently, there is allowance for noise increases outside the 92-day summer period to be unrestricted. Paragraph 14.9.139 [APP-039] identifies that, in 2032, increases in Lden contours are the same as the increase in LAeq,16h noise contours; however, Lnight contours increase by 11-12%, which is larger than the increase in LAeq,8h contours. This</p>	<p>Annual Noise Controls</p> <p>This is a partial and (by itself) misleading quote from ES paragraph 14.9.139, which, with regard to night-time, notes the increase in annual LNight (with the Project compared to without) is 11-12% compared to 9% for the Leq 8 hr summer night. The difference is thus 2-2.5% of contour area which equates to about 0.1-0.15dB noisier, which is negligible and insignificant. The Applicant has explained that the greatest noise impacts at</p>

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		<p>suggests that there is a larger increase in annual night-time movements than in the 92-day summer period. As such, a control on annual Lnight noise contours should also be included in the Noise Envelope.</p>	<p>Gatwick are and will continue to be in summer months and the noise envelope should apply to limit those.</p> <p>The Applicant notes Luton Airport's Green Controlled Growth Noise Envelope does exactly this consistent with the approach taken to Gatwick, using average mode Leq 16 hour and Leq 8 hour 92 day summer season noise contours only, and it does not include an annual noise metric within its noise envelope. Both airports operate higher levels of air traffic in the summer holiday season, so a consistent approach is considered appropriate.</p>
NV.1.10		<p>Awakenings The DfT in its 2017 impact assessment of night flight restrictions[2] stated 'average indicators are insufficient to fully predict sleep disturbance and sleep quality'. This statement was based on work by Basner et al. 13[3], which found that sleep stage change risk - which impacts on health - may be lower than estimated from average Lnight noise</p>	<p>Awakenings The Applicant has previously conversed with the Local Authorities in relation to Lnight Leq and N metrics and their correlation with sleep disturbance explaining that the UK CAA consider there is insufficient evidence to move away from summer LAeq. This is explained at page 368 of ES Appendix 14.9.9 [AS-023] which states:</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		<p>dose where events are noisy but relatively few, but higher, where events are relatively quiet, but more numerous. Given at Gatwick the airport is moving to a higher number of less noisy aircraft movements i.e. a situation with a potentially higher health impact which 'average' based contours are likely to fail to reflect, the noise envelope needs a primary control metric based on an event-based contour to complement the LAeq,T contours especially at night.</p>	<p><i>In December [2022] LPA officers mentioned CAP2161 Survey of Noise Attitudes 2014: Aircraft Noise and Sleep Disturbance, July 2021 as the basis for your suggestion that N60 30 should be a primary metric. It was suggested by the LPA officers that this CAP proposed this level as a SOAEL. To be clear: CAP2161, does not suggest N60 30 as a SOAEL. It provides an analysis of the correlation of N60 and Leq 8 hr to self-reported sleep disturbance from the SONA 2014 survey. The r^2 correlations given in Table 12 are: Leq 8 hr 0.883 and N60 0.822. This suggests Leq 8 hr correlates slightly more closely with this measure of sleep disturbance than N60. The CAP concludes in paragraph 8.9: 8.9 All three noise indicators are highly correlated with night-time self-reported sleep disturbance ($r^2=0.822-0.883$). The r^2 for Lnight (0.842) was slightly lower than for LAeq,8h (0.883). It is plausible that Lnight is inferior to LAeq,8h as both Gatwick and Stansted airports experience significant seasonality with greater numbers of</i></p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
			<p><i>night flights during the summer months. N60 is found to correlate almost as well as LAeq8h and Lnight. Based on this exploratory analysis, there is insufficient evidence to change from the current practice of using average summer night LAeq,8h noise exposure for UK assessments.</i></p>
NV.1.10		<p>WIZAD Departure Route Controls There is concern amongst the JLAs that communities along the WIZAD route are effectively newly overflowed and are not being considered as such. It is a tactical offload route and cannot be flight planned. There is potential for the severe intensification of air traffic along the WIZAD route; however, GAL have yet to provide any information on the number of aircraft movements that are forecast to use the WIZAD route in future scenarios so it is difficult to have any real understanding regarding how communities along the WIZAD route would be affected by noise. The impact of aircraft movements at communities along the WIZAD route</p>	<p>WIZAD Departure Route Controls The applicant responded to the ExA's Written Question LV1.6 at Deadline 3 and identified where information within the ES can be found which explains that the Project will not increase significantly the use of the WIZAD route over that which is anticipated in the future baseline (without the Project).</p> <p>The frequency of aircraft movements and general orientation of flights are illustrated in Figures 8.6.3 to 8.6.7 of the ES Landscape, Townscape and</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		<p>can be seen through comparison of LAeq,16h noise contours in Figure 14.9.2 [APP-064], which compares the 2032 baseline and with project noise contours for the slower transition case. Despite the increase in aircraft movements along the WIZAD route, there is no material change in the 51 dB LAeq,16h noise contour. As such, the LAeq,16h does not properly describe how communities would be affected as a result of the proposed expansion.</p> <p>The Number Above N65 contours show more clearly how communities would be affected by increased movements along the WIZAD route. Comparison of Figure 14.6.3 [APP-063] with Figure 14.9.15 shows [APP-064] a new 'arm' along the WIZAD route and indicates that there are somewhere between 20 and 50 movements per day forecast along the WIZAD route for the 2032 average 92-day summer period. The comparison demonstrates that the N65 metric is better at illustrating the effect of a severe intensification of route use. The JLAs do not consider that the assumption of the use of this route</p>	<p>Visual Resources Figures [REP2-007] together with nationally designated landscapes.</p> <p>The noise assessment indicates as a worst case that use of the WIZAD route will increase to around 32 movements per day in the future baseline by 2032, and that the Project will increase this to around 39 movements per day (see ES Chapter 14: Noise and Vibration [APP-039] Paragraph 14.6.39 and Table 14.7.1).</p> <p>The Statement of Common Ground between Gatwick Airport Limited and Horsham District Council [REP1-040] provides an example in which the online air noise viewer is used to look at the area in the North of Horsham Town in more detail - namely postcode RH12 5JY just south of the A264. This location is on the edge of the western boundary of the High Weald National Landscape, and aircraft will be expected to be climbing and hence reducing in noise as they fly eastwards. The number of events above Lmax 65dB is expected to</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		<p>can be separated from the airspace change proposals that are underway and as such until such time as the airspace change proposals are approved (assuming that this route is a preferred option) the most appropriate method is, under the noise envelope, to limit the ATMs along this route to somewhere near the 2019 baseline, of 300 ATMs, during the day period only. This would provide certainty for affected communities on how they would be affected by aircraft noise if the proposed expansion was consented.</p>	<p>increase from 23.2 to 24.8 as a result of the Project in the noisiest year, 2032 with the noisiest fleet. The addition of 1.6 aircraft noise events above Lmax 65dB over an average 16 hour summer day would not lead to an increased noise effect as a result of the Project. The areas being discussed is an area exposed to noise below the air noise LOAEL of $L_{eq\ 16\ hr}$ 51dB by some margin in this location and to the east of it, which is the appropriate metric to identify likely significant effects.</p> <p>The use of the WIZAD route will involve a small number of Gatwick's departures more regularly crossing the landscape south of the airport, and these may be audible (though not above the LOAEL), and visible (subject to cloud cover on the day). The frequency of aircraft movements and general orientation of flights are illustrated in the flight density plots in the ES Landscape, Townscape and Visual Resources Figures [REP2-007]. The baseline flights in 2019 for Gatwick alone, and with all overflights are shown in</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
			<p>Figures 8.6.3, and 8.6.5. The 2032 future baseline and assessment cases for the Project and the Project with all overflights are shown respectively in Figures 8.6.6, 8.6.7 and 8.6.8.</p> <p>The suggestion to limit the numbers of aircraft on the WIZAD route is not necessary when considering the likely significant noise related effects identified within the ES. Noting this is not a necessary mitigation, the imposition of a limit would act to unnecessarily limit the operations of the airport and the wider benefits which it will provide. The Applicant has proposed all reasonable and practicable mitigations in respect of noise impacts which in the content of policy are required, and indeed the Applicant has gone beyond this in some instances (the increased noise insulation scheme covering a wider population than policy would strictly require). The noise related impacts of the airport are therefore, in the view of the Applicant, acceptable, and the Applicant is not</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
			<p>accepting of additional limits or restrictions of the type proposed.</p> <p>We also wish to make clear once more that the airspace change process is not part of the Project, and currently it is not able to be assessed cumulatively with the Project. Those proposals will be subject to their own assessment in due course, and the acceptability of those airspace change proposals will be considered taking into account the representations which are made in respect of them at the relevant time.</p>
SE.1.15	<p>Affordable Housing – Additional Funding The ExA notes that, in respect of affordable housing, the Joint West Sussex LIR (paragraph 18.4 [REP1-068]) considers</p>	<p><u>Affordable Housing Need in the Local Study Area – Housing Mitigation Fund Justification</u></p> <p>Affordable Housing Delivery in North West Sussex Housing Market Area</p> <p>The North West Sussex Housing Market Area (HMA) is made up of Crawley Borough Council,</p>	<p>The Applicant does not consider there to be any justification for a Housing Mitigation Fund in either the construction or operational phases. The LPAs have estimated that the fund needs to be in the region of £7 million. However, this would be “<i>used to create more temporary accommodation</i>” which demonstrates the disproportionate emphasis the</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	<p>that further mitigation is required in the form of funding from the Applicant, to help meet increased demand for affordable housing. Can the Joint West Sussex Authorities provide further detail on the reasoning for such mitigation and the level of funding required. Please also confirm whether discussions with the Applicant regarding this issue have been held?</p>	<p>Horsham District Council and Mid Sussex District Council. The boundaries of the HMA have been defined in Local Plan evidence, including joint Strategic Housing Market Area Assessments (SHMA) since 2009.</p> <p>The Applicant appears not to have made what is an important distinction between overall housing delivery (market and affordable) and the delivery of affordable housing. The Applicant has not undertaken a robust assessment of affordable housing need versus supply within the HMA, and the Local Authorities wish to reiterate that when taking account of overall affordable housing need against actual and anticipated delivery, there is significant unmet affordable housing need for Crawley. This will not be met in full through the Local Plans of neighbouring authorities, and the Local Authorities remain concerned that the NRP DCO will place further pressures on what is already a substantial unmet affordable housing need.</p>	<p>LPAs are placing on the temporary construction workforce.</p> <p>It is not the case that the Applicant has <i>“acknowledged (APP-201 table 7.3.3) that the project will put an additional pressure on affordable housing demand.”</i></p> <p>The project would only increase demand for affordable housing if it attracted significant numbers of additional people to the area who needed, and were eligible for, affordable housing. Crawley's eligibility for affordable housing is a five-year connection to the area – that is five years of living, working or having immediate family that live in Crawley (https://crawley.gov.uk/housing/finding-home/housing-register). It is highly unlikely that workers in need of affordable housing (and therefore in relatively lower paid jobs) will migrate to the area for those jobs; if they did, they would not be eligible for affordable housing for a further five years. It is more likely that the Project will</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		<p>[The JLAs include further detail in their response however due to length this has not been reproduced in this table]</p>	<p>provide jobs for people who are already living locally, including in affordable housing.</p> <p>Therefore, the Applicant also does not agree that <i>“it therefore follows that the Applicant should be taking some action to mitigate the additional pressure the Project will put on demand for affordable housing, in a Housing Market Area that is already unable to meet the affordable housing need.”</i></p> <p>The project will create 3,200 direct jobs. Paragraph 17.6.17 of ES Chapter 17: Socio-Economic[APP-042] reports the following number of people who are currently unemployed or inactive:</p> <ul style="list-style-type: none"> • 6,880 in the Local Study Area • 10,700 in the Functional Economic Market Area • 90,100 in the Labour Market Area (from which most current airport employees are drawn) • 186,000 in the Six Authorities

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			<p>This indicates that there is a more than sufficient number of people already living in the area who are actively looking for or could potentially be supported into work.</p> <p>The LPAs state that <i>“the Applicant’s analysis does not look at whether the demand in the SHMA has been translated into Local Plan policy”</i>, however, paragraphs 7.4.14 to 7.4.22 of ES Appendix 17.9.3 [APP-201] present a review of the affordable housing policies within the adopted and emerging local plans of each of the districts/boroughs within the study area. It concludes:</p> <p><i>“This review of local plan affordable housing policies illustrates policies for affordable housing which are in place within the adjacent authorities already expect a level of affordable housing which exceeds that in the existing stock. The level of affordable housing need (as a proportion of overall need) which might be associated with the Project does not exceed the amount of affordable housing need which authorities expect to be delivered</i></p>

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			<p><i>under policies in adopted or emerging plans.”</i> (Paragraph 7.4.21)</p> <p>The LPAs suggest that the existing level of unmet need will preclude future delivery from accommodating any demand associated with the NRP and any future growth in demand, as it would instead accommodate those already waiting for affordable housing. They cite that there are currently 2,450 applicants on the waiting list in Crawley. However, as stated within ES Appendix 17.9.3 [APP-201]: However, as stated within ES Appendix 17.9.3 [APP-201]:</p> <p><i>“Authorities recognise that future affordable housing needs are well above the level of affordable housing in the existing stock, and policies (adopted and emerging) along with emerging large scale schemes are broadly planning for this. The amount of affordable housing need associated with the Project is unlikely to place any future upward pressure on affordable</i></p>

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			<p><i>housing delivery beyond pressures that already exist.” (Paragraph 7.5.2)</i></p> <p>The Applicant recognises existing pressures but emphasises that the magnitude of demand generated by the Project would not significantly increase these pressures, as has been set out in ES Appendix 17.9.3 [APP-201].</p> <p>The Applicant has provided additional information on the construction workforce in The Applicant's Response to the Local Impact Reports [REP3-082] subsequent to the Legal Partnership Authorities drafting this response, and therefore the authorities have been unable to take this into account. However, the document further demonstrates that there is no reasonable prospect of any effect on demand for affordable housing during the construction phase.</p>
TT.1.17	Table 12.2.1 lists the major highway schemes included in the future baseline	Table 12.2.1 within the Transport Assessment [APP-258] lists the major highway schemes included in the future baseline scenario, within the SATURN	Highway schemes were confirmed by the highway authorities prior to the Application modelling being undertaken, the Applicant was only made aware of

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	<p>scenarios. Is this a definitive list of schemes? Provide a status update of the schemes listed.</p>	<p>model. Further information as to the full list of highway schemes is included within Appendix B of the Transport Assessment Annex B – Strategic Transport Modelling Report [APP-260].</p> <p>The Local Highway Authorities' understanding of the current status of the major highways schemes listed in Table 12.2.1, of as April 2024, is included within the below table. Not all schemes from the table are included as the others are best responded to by National Highways, as they are the scheme promoter for the other highway works on the Strategic Road Network.</p> <p><i>[See report for table]</i></p> <p>In addition to the above, WSCC as Highway Authority, has the following comments to make in relation to the full list of highway schemes included within Appendix B of the Transport Assessment</p>	<p>any change in status of these schemes at Deadline 3. Any changes are therefore not captured in the sensitivity tests set out in Accounting for Covid-19 in Transport Modelling [AS-121]. The Applicant will discuss the implications of any changes further with West Sussex in order to reach a view of the likely implications of any changes.</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		<p>Annex B – Strategic Transport Modelling Report [APP-260].</p> <ul style="list-style-type: none"> • Index 28 Three Bridges Station Access Improvements Likelihood of delivery has increased since the information was included in the uncertainty log, as the scheme has achieved planning consent and is being progressed by Crawley BC. The scheme has re-routing impacts due to a right turn ban from Williams Way to Haslett Ave East which may affect the surrounding area, in addition to being intended to benefit nonmotorised road users accessing the station. • Index 44 Steers Lane/Balcombe Road signals – these works are complete and operational. • Index 68 Broadbridge Heath major highways improvements – new link & 69 Land south of Broadbridge Heath – provision of grade separated junction on the A24 – these works are complete but 	

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		<p>not included in the highway model. However, they would likely only have limited impact on the wider assignment, mainly relating to congestion relief on Farthings Hill interchange.</p> <ul style="list-style-type: none"> • Index 94 A24/A264 Great Daux roundabout – this is now an optimistic assumption to deem the scheme more than likely to come forward. The funding obtained for this from the North Horsham development is not sufficient to deliver the improvement. A sensitivity test on the current Horsham local Plan review is addressing this and could result in need for developer contributions to close the funding gap, but not at all guaranteed at this time. • Index 136 A22/A264 Felbridge – the junction highway improvement design has not been agreed here. The A22/A264 corridor study work, jointly between SCC & WSCC, is still in progress. • Index 170 Brook North, Horsham Parkway rail station – 	

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		<p>considered to be highly optimistic to include Parkway rail station, as it is unlikely to be delivered.</p> <p>Transport Assessment [APP-258] table 12.2.1 lists the major highway schemes included in the future baseline scenario. There are no major highway schemes that SCC wish to add and as they are not any in SCC there is no need to provide a status update.</p> <p>However, SCC would like to highlight that the "Accounting for Covid-19 in Transport Modelling" documents [AS-121 and AS-122] which contain an update on major highway schemes and thus SCC consider that this modelled scenario is more up to date and accurate, while GAL's assessment is based on that outlined in the TA.</p>	
TT.1.21	Paragraph 13.5.7 states that the model outputs confirm that in the 2032 future	The Local Highway Authorities accept the principle of the Applicant's position that there is a future baseline scenario that could occur from the growth of a single runway airport, without the need for	The Applicant has a track record of providing interventions on the wider transport network to support growth, and will continue to do so if required with future baseline growth. Examples of

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	<p>baseline the level of congestion is becoming more extensive, increasing the potential for wider impacts on the highway network, indicating insufficient capacity to accommodate Project demand without the highway works. In 2032 the future baseline traffic levels are expected to be 59.2 mppa and the terminal roundabout works have been done and no more mitigation is planned in this future baseline scenario. This is compounded by the</p>	<p>planning permission. This is because there are currently no existing planning controls that prevent the expansion and increase in passenger throughput of the airport as a single runway operation. However, based on the transport modelling, and as identified within both the ExA's question and the Applicant's submitted Transport Assessment [APP-258], the future baseline scenarios of 59.4mppa in 2032 and 67.2mppa in 2047, with the dDCO not being granted, are likely to result in increased congestion and insufficient capacity on parts of the strategic and local road network. This scenario would clearly not be welcomed by the Highway Authorities and would result in increased delay and congestion.</p> <p>However, whilst the Local Highway Authorities recognise the principle of a future baseline scenario, where single runway operations increase above existing levels, concerns remain as to how this has been forecast by the Applicant. There are concerns that the level of growth assumed by the Applicant is</p>	<p>this include the Capital Investment Plan works at both the terminal roundabouts (section 13.2 of the Transport Assessment [REP3-058]) and funding contributions to rail (£200k to Great Western) and bus (£1m funding over 2018-2022 and part funding for hydrogen buses), as set out in the latest Airport Surface Access Strategy (ASAS).</p> <p>In practice, however, any more significant issues can only be addressed through the nature of the highway works proposals contained within the DCO application.</p> <p>The Applicant has submitted a response [REP3-080] to the York Aviation assessment on the Needs Case at Deadline 3 and is continuing to engage with York Aviation on these matters. The Applicant has submitted a response [REP3-080] to the York Aviation assessment on the Needs Case</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	<p>findings set out in paragraphs 13.5.13 to 13.5.15 concerning the 2047 period. Also, in paragraph 13.6.3 it is stated that “the Project prevents unacceptable highway conditions arising”. Given “the significant congestion highlighted at key locations, both within the Airport network and on the strategic and local network” relating to the future baseline. Does this suggest that the 67.2 mppa would be a realistic and robust future scenario in the</p>	<p>too high, these concerns are supported by the assessment made by York Aviation. The Authorities have previously expressed concerns about the realism of the capacity achievable in both the Future Baseline and the with-Project scenarios, and do not consider that it has been adequately demonstrated that the difference between them will not exceed 13 mppa as a reasonable ‘worst case’ for assessment purposes. Therefore, the future 2047 baseline scenario of 67.2mppa is not considered to be realistic or the methodologies to derive the future year demand forecasts considered to be robust. The Local Highway Authorities would therefore look for the Applicant to address the concerns raised by York Aviation in relation to future growth and upon doing so, update forecasts as necessary. This is yet another example of the potential importance of GAL adopting a Green Controlled Growth approach to developing the airport so that we can be sure that the impacts of developing the airport are understood and appropriately mitigated before growth accelerates.</p>	<p>at Deadline 3 and is continuing to engage with York Aviation on these matters.</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	event the dDCO would not be granted?	<p>Should the 67.2mppa future scenario occur in the event the dDCO is not granted, SCC are concerned with the unmitigated conditions on the road network both beyond SCC, see [REP1-098 Para 10.143], as displaced traffic will affect SCC's network, as well as at the Longbridge Roundabout in particular, as follows:</p> <ul style="list-style-type: none"> • 2032 future baseline – queues apparent on the A217 approach, Povey Cross Road and the A23 northbound approach; and • 2047 future baseline – increased congestion on the A217 and Povey Cross Road approaches compared to the 2032 future baseline, especially in the PM peak, where significant queuing and delay is highlighted. 	
TT.1.37	Sussex Border Path Sheet 1 of the Rights of Way and Access Plans [APP018] shows the existing route of the Sussex Border	It is assumed by the Highway Authority (WSCC) that the section of footpath 346_2Sy being referred to within the question by the ExA is that shown by a pink line on Sheet 1 of the Rights of Way & Access Plans [APP-018] and is indicated by references C2 to C8.	Further to the Applicant's response provided to ExQ1 on this matter [REP3-104], in order to address queries from WSCC on this topic and other matters raised in the WSCC SoCG in relation to PRoW within WSCC boundary, GAL is seeking

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	<p>Path (PRoW 346-2sy). Explain why when the proposed dDCO realignment does not include formal realignment of the elements of the path not coincident with the existing footpaths within the airport site. The existing alignment shown on the plans seems to follow an alignment in part along carriageways which is unlikely to be the practical route for those using the PRoW. Given the formal diversions being asked for within the dDCO this would seem to be</p>	<p>Given this enquiry is for the Applicant as designer to comment upon the Highway Authority will await comment from the Applicant before formally responding.</p> <p>The Highway Authority's views in relation to the formal status of this route, as set out within their response to ExA question DCO.1.23 should be considered and addressed.</p>	<p>to organise a meeting with WSCC's PRoW officer and will provide an update in due course.</p> <p>Please also see the Applicant's response to the JLA comment on DCO.1.23 above.</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	<p>an opportunity to formally divert the path within the airport to follow established pedestrian routes on the site. Should this form part of the PRoW diversion within the dDCO?</p>		
TT.1.40	<p>Car Parking Strategy Paragraph 3.5.5 states that authorised parking demand is calculated to a maximum practical occupancy of 87.5%. Could the approval for future increases in parking not be done on an as and when required basis, linked to mode share targets, to ensure the parking</p>	<p>The Authorities note that the ExA has asked further questions of the Applicant in relation to the Car Parking Strategy. The Local Authorities have also asked further questions relating to the Car Parking Strategy through the Deadline 2 Submission - Comments on any submissions received by Deadline 1 [REP2-042] and in response to the Applicant's Response to Actions - ISHs 2-5 [REP2-005].</p> <p>The Local Authorities require certainty that the Surface Access Commitments will be delivered by the Applicant. Achieving this will require an</p>	<p>The Applicant has provided a response to the ExA's requests for further information in relation to the Car Parking Strategy in The Applicant's Response to Comments on the Car Parking Strategy (Doc Ref. 10.21) submitted at Deadline 4. Appendix A of this document also contains the Applicant's responses to parking-related questions raised by the Legal Partnership Authorities which the Applicant deferred from Deadline 3, including in relation to how the Applicant seeks to manage the delicate balance of providing sufficient on-airport parking to meet the needs of passengers travelling to the airport by private vehicle whilst avoiding</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
	<p>supply is managed on actual demand and not long term forecasting? We note that in paragraph 3.1.1 that this approach is already used to identify, plan consult on and implement any additional car parking.</p>	<p>appropriate balance to be struck by the Applicant in providing sufficient on-airport passenger parking to meet the needs of those who choose or need to travel to the airport by private vehicle, whilst ensuring that there is not over-provision of passenger parking such that access by sustainable transport modes is discouraged.</p> <p>In terms of how this balance is achieved, the Authorities consider it helpful that the Applicant is setting out up front the number of spaces it anticipates being required to cater for increased passenger numbers. This provides a level of certainty that the required amount of car parking can be delivered on-airport, which is important as on-airport locations represent the most sustainable location for the car parking that is required. On-airport locations are preferable to off-airport locations in sustainability terms.</p> <p>The Local Authorities note the Inspectors' question regarding approval for future increases in parking</p>	<p>unlawful or unsustainable off-airport parking provision and ensuring the mode share commitments are achieved.</p> <p>Further detail as to how the parking spaces assumed within the Future Baseline would come forward is set out in response to Action Point 12 of The Applicant's Response to Actions ISH7: Other Environmental Matters (Doc Ref. 10.26.3).</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		<p>coming forward on an as and when required basis, linked to mode share targets. It would be helpful if the Applicant could define how such an approach would work in practice.</p>	
WE>1.4	<p>Flood Risk Assessment Do you agree that the correct climate change allowances have been used in the Flood Risk Assessment (FRA) [AS-078]?</p>	<p>The LLFAs are responding to this question from a surface water perspective (the EA are the authority for fluvial flood risk). The climate change allowances used for the surface water hydraulic model reflect the design life proposed by GAL for specific Project elements (surface access works 100 years and airfield works 40 years). However, there is not agreement that the correct design life has been used for the airfield works, including terminal extensions and additional hotels. The Surrey authorities have requested further justification as to why a 40-year design life has been used, Surrey LIR, Chapter 9, Paragraph 9.42 [REP1-097] and the West Sussex authorities consider that an adopted design life of 100 years should be used for the airfield works, and as such the climate change allowance for the airfield works should be increased</p>	<p>It is considered that a longer design life for the airfield works would not be realistic given it is likely there will be further significant changes to the airport and its operations in that timescale. Assessment of climate change allowances over a longer design life is therefore considered disproportionate as the aviation industry has changed considerably during the past 40 years and this rate of change is anticipated to continue. As the adopted lifetime for the airfield works of 40 years (up to 2069) the airfield surface water drainage design has adopted the Central allowance of + 25% for the 2070s epoch (2061 to 2125) the 1 per cent (1 in 100) AEP event for rainfall intensity in accordance with the EA guidance, as stated in Para 3.7.15 in ES Appendix 11.9.6: Flood Risk Assessment [AS-078]. A 40%</p>

ExQ1 Ref	Question	JLA's Response	The Applicant's Response
		from 25% to 40%. This is detailed in the West Sussex LIR, Chapter 10, Paragraph 10.38 [REP1-068] JJ, SCC 5/4	climate change allowance has also been tested as a credible maximum scenario (as a sensitivity analysis) for the airfield surface water drainage, in order to test the impact of a larger potential change as a result of climate change. Para 7.3.2 in ES Appendix 11.9.6: Flood Risk Assessment [AS-078] indicates that, taking into account the Project mitigation measures, the Project would not adversely impact surface water flood risk or increase surface water flooding elsewhere in the credible maximum scenario.

2.6 London Heathrow Airport Limited

2.6.1. The Applicant has provided a response to select points from Heathrow's response [[REP3-132](#)] below.

ExQ1 Ref	Question	Heathrow's Response	The Applicant's Response
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<p>CE.1.1</p>	<p>Does the ES Chapter 20 Cumulative Effects [APP-045] fully account for the cumulative effects of the Proposed Development and the delivery of a third runway at Heathrow Airport?</p>	<p>The Planning Inspectorate’s (PINS) Scoping Opinion (October 2019), provided on behalf of the Secretary of State, requested that the ES for the Gatwick NRP includes an assessment of the cumulative effects of the scheme with the expansion of Heathrow Airport. At Section 4.15 (id 4.15.2) of the Scoping Opinion, PINS stated:</p> <p><i>“The Inspectorate notes the Applicant’s references to the relevance of Heathrow in terms of predicted future changes in passenger and cargo movements at the Proposed Development (eg section 4.5 of the Scoping Report). The implications of Heathrow’s expansion should be fully identified and explored in terms of potential for significant cumulative effects across relevant aspect chapters.</i></p> <p><i>Although the project at Heathrow is outside of the 15km ‘Zone of Influence’ (as defined in table 7.15.3), the Inspectorate considers that an increase in night flights associated with the Proposed Development (combined with Heathrow expansion and any airspace change) could impact residential amenity (and other</i></p>	<p>The Applicant set out its position in response to this question at Deadline 3 and does not wish to restate the same in full in response here; however, would note that the Scoping Opinion was provided in 2019 when there was an application being actively and publicly prepared for a new runway at Heathrow.</p> <p>The Applicant has provided additional comment in response to Heathrow's submission in Appendix D (Doc Ref. 10.24) to this response to Deadline 4 for completeness.</p>
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aspects) of communities and other receptors adjacent to Gatwick Airport. The Inspectorate also expects there will be a degree of overlap in the strategic level transport modelling for both projects which will also need to be addressed within the ES.

The Inspectorate also considers, based on the information presented in Section 5.3 of the Scoping Report, that there could be a temporal and spatial overlap between construction phases at both airports which could result increase in cumulative increases in HGV movements on the strategic road network and knock on effects to noise and air quality.

The Inspectorate expects the consideration of cumulative effects between the Proposed Development and Heathrow expansion to include consideration of the construction as well as operational phases.”

Heathrow notes that the Heathrow North West Runway (NWR) scheme has not been included in the main cumulative effects assessment presented in Chapter 20 of the ES. Gatwick

states at paragraph 20.7.3 of the ES that the omission of the NWR scheme from the cumulative effects assessment is due to uncertainty relating to the timeframes for delivery of a third runway at Heathrow and lack of sufficient information. Instead, a separate qualitative sensitivity test has been conducted.

As set out in our written representation (dated 12 March 2024), the Airports National Policy Statement (ANPS) is clear that there is a need for one new runway in the South East of England to maintain the UK's hub status, and that this need is most appropriately and effectively met by the Heathrow NWR scheme. Consistent with this policy, Heathrow Airport intends to grow sustainably as the demand for aviation recovers, and expansion continues to form part of this strategy. In this context, Heathrow would expect to see a robust assessment of the cumulative effects of the Gatwick NRP and Heathrow NWR scheme in the ES.

In our written representation, we noted that, in order for proposals to be consistent with national

		<p>aviation policy set out in the ANPS, any schemes brought forward under the Government's making best use policy must complement and not threaten the future delivery of additional hub capacity at Heathrow through the NWR scheme. Gatwick must therefore demonstrate through its DCO application that:</p> <ul style="list-style-type: none"> • the aviation demand to be served at Gatwick with the Gatwick NRP will be additional to, or different from, the additional hub capacity to be delivered by the Heathrow NWR scheme; and • the Gatwick NRP is complementary to, but will not threaten, the achievement of the core policy objective of maintaining the UK's global hub status through the provision of the Heathrow NWR scheme. In this context, a robust assessment of the cumulative effects of the Gatwick NRP with the Heathrow NWR scheme should inform the consideration by the ExA of whether the policy tests outlined above are met. 	
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2.7 National Highways

2.7.1. The Applicant has provided a response to select points from National Highways' response [[REP3-138](#)] below.

ExQ1 Ref	Question	National Highway's Response	The Applicant's Response
GEN.1.21	Comment on the desirability of implementing the following measures to ensure that good quality sustainable design and integration of the Proposed Development into the landscape is achieved in the detailed design, construction and operation of the project. How might they be	<p>National Highways has previously raised its concerns on the integration of the Proposed Development into the landscape. These concerns are highlighted in the Statement of Common Ground (SoCG), at table 2.14 [TR020005/REP1-036], where National Highways comments on the need for information from the Applicant and the risk of loss of screening to the Strategic Road Network. Insofar as works impact the Strategic Road Network, National Highways refers the Applicant to the Design Manual for Roads and Bridges (DMRB) which contains well established standards relating to design.</p> <p>National Highways would request that it is included in any 'design review panel' however, the level of National Highways involvement is to be confirmed. Should the Examining Authority be minded to recommend such a panel, National Highways would expect the panel to be secured by a requirement.</p>	<p>The Applicant is happy to include a National Highways representative on any design review process which may be convened to consider the detailed design of the highway elements of the Project.</p>

<p>secured? Are any further measures appropriate?</p> <p>a) A 'design champion' at board level to advise on the quality of sustainable design and the spatial integration of the proposed structures, buildings, new landscape features, and visual amenity.</p> <p>b) A 'design review panel' to provide informed 'critical-friend' comment on the developing</p>		
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	<p>sustainable design proposals;</p> <p>c) An approved 'design code' or 'design approach document' to set out the approach to delivering the detailed design specifications to achieve good quality sustainable design;</p> <p>d) An outline, including timeline, of the proposed design process, including consultation with stakeholders and a list of proposed consultees.</p>		
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	<p>In the opinion of CBC and other local authorities where relevant, would the implementation of any or all of the above measures assist in determining post-consent approvals (including the discharge of requirements) in relation to achieving good design?</p>		
<p>GEN.1.33</p>	<p>The Proposed Development was accepted for Examination prior to the publication of the latest National Networks</p>	<p>National Highways notes the following paragraphs of the 2024 NNNPS in particular:</p> <ul style="list-style-type: none"> - Paragraph 4.9: “The [transport] modelling should be proportionate to the scale of the scheme and include appropriate sensitivity analysis to consider the effects of uncertainty on project impacts.” Paragraph 5.275 also states “For road and rail 	<p>The Applicant has commented on the differences between the 2015 and 2024 NNNPS and the relevance of the latter to the examination of this Project in written and oral submissions. However, specific to the more general concerns stated by National Highways in their response, as noted by the parties at ISH7, the Applicant is in close, co-operative discussions with</p>

	<p>National Policy Statement (NNNPS) and in accordance with paragraph 1.16, the 2015 NNNPS should have effect. However, paragraph 1.17 explains that the latest 2024 NNNPS is potentially capable of giving rise to important and relevant considerations in the decision-making process. Given this, provide an outline of any implications arising for the designation of the</p>	<p>developments, the Applicant’s assessment should include an assessment of the transport impacts on other networks as part of the application, based on discussions with the Local Highway Authority/Local Transport Authority/Local Planning Authority.” Whilst substantively similar provisions are included in the 2015 NNNPS, the 2024 NNNPS must be considered separately and be given additional weight. Unfortunately, National Highways continues to have concerns about the modelling produced by the Applicant and is not in a position to confirm that it agrees that the assessments, for both construction and operation, can be relied upon.</p> <p>- Paragraph 4.43: “The Applicant should be able to demonstrate that their scheme is consistent with government Road Safety policy and with the National Highways Safety Framework for the Strategic Road Network. Applicants must show that they have taken all steps that are reasonably required to minimise the risk of death and injury arising from their development”. This requirement does not appear in the 2015 NNNPS and National Highways considers it is relevant in this context. National Highways is not in a position to confirm whether the Scheme is compliant with this</p>	<p>National Highways to address the concerns they have raised in the examination to date. The Applicant is confident that such concerns are capable of being resolved, and additional information has been shared with National Highways to facilitate such resolution, In addition, the parties have had initial discussions regarding the scope of a private framework agreement to address any residual concerns that National Highways may otherwise have. Those discussions are intensifying (mindful of the stage reached in this examination), and the Applicant anticipates a comprehensive update will be provided in the next iteration of the SoCG at Deadline 5.</p>
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	<p>latest NNNPS the ExA should consider.</p>	<p>paragraph, particularly in relation to the impacts potentially arising from construction.</p> <ul style="list-style-type: none"> - Paragraph 5.51: “The Applicant should not just look to mitigate direct harms but should show how the project has taken advantage of opportunities to conserve and enhance biodiversity, having due regard to any relevant local nature recovery strategies and species conservation strategies.” National Highways’ position is that the Applicant is placing the Strategic Road Network, and National Highways, in a worse position when it comes to biodiversity on the Strategic Road Network. National Highways continues to consider that an enhancement (in addition to mitigation) should be provided on the Strategic Road Network in light of the specific policies in both the NNNPS 2024, and the Airports National Policy Statement as explained in National Highways’ Relevant Representation [TR020005/RR/3222]. - As Paragraph 5.283: “The Applicant should provide evidence that the development improves the operation of the network and assists with capacity issues.” Importantly, this sentence does not appear in the 2015 NNNPS and National Highways 	
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		<p>considers it is relevant to the Applicant’s proposals. In light of the specific matters relating to the proposed expansion, and the assessments provided, National Highways does not consider such evidence has been provided.</p>	
CA.1.17	<p>Acquisition of Statutory Undertakers’ Land</p> <p>The SoR, paragraph 8.2.5 [AS-008], states that adequate protection for statutory undertakers will be included within protective provisions in the DCO. GAL therefore considers that statutory undertakers will</p>	<p>National Highways is a statutory undertaker for the purposes of section 127 of the Planning Act 2008 and article 41 of the draft Development Consent Order (dDCO). National Highways is currently negotiating draft protective provisions with the Applicant and intends to secure these protective provisions via the Development Consent Order (DCO).</p> <p>National Highways would suffer serious detriment to its undertaking (the Strategic Road Network) if its land was acquired as it would limit National Highways ability to discharge its duties in accordance with the Department for Transport Circular 01/2022 to operate, maintain and deliver sustainable development. National Highways notes that the Applicant is seeking permanent acquisition powers over parts of the Strategic Road Network. In accordance with the relevant guidance “Planning Act 2008: Guidance related to procedures for the</p>	<p>The Applicant's approach to seeking compulsory acquisition powers over the full extent of land required for the highway improvement works is justified because:</p> <ol style="list-style-type: none"> 1. The Applicant requires powers in the DCO to ensure that any unknown land rights over parcels of land required for the highway improvement works – either forming part of the widened highways or required for ongoing maintenance of the widened highways – can be overridden such that they do not hinder the use and maintenance of the highways after their completion. When the undertaker exercises temporary possession powers under the DCO, article 32(3) provides that private rights of way over areas temporarily possessed are <u>temporarily</u> suspended and unenforceable, but only for so long as the undertaker remains in possession of the land. Once the highway works are completed using such powers and handed to National Highways, there is a risk that unknown rights could then resume which

<p>not suffer serious detriment to the carrying on of the undertaking as a result of the CA of land or rights over land or powers of TP.</p> <p>For those statutory undertakers who have been sent the draft protective provisions but have not confirmed agreement, please explain for each one why these protective provisions are considered to provide adequate protection and</p>	<p>compulsory acquisition of land” alternatives to compulsory acquisition must be considered, and compulsory powers should only be sought where necessary and proportionate. Whilst there are Protective Provisions which secure the vesting of any relevant highway land, it remains unclear to National Highways why the Applicant is seeking permanent acquisition over parts of the Strategic Road Network when a reasonable alternative exists (i.e. works could be carried out under temporary powers). While the draft protective provisions may include a control for National Highways over the exercise of compulsory acquisition powers, National Highways disputes the principle of the DCO including compulsory (permanent) acquisition over its interests when this is not necessary or proportionate, given the availability of temporary powers.</p> <p>National Highways does not believe the Protective Provisions, in their current drafting, provide adequate protection. National Highways' outstanding concerns on the Protective Provisions are set out in its Relevant Representation [TR020005/RR/3222] and issues with the breadth of the powers are addressed directly below. National Highways</p>	<p>hinder the operation and/or maintenance of the improved highways.</p> <p>Allowing the Applicant the power to compulsorily acquire land required for the widened highways ensures that contrary rights can be extinguished using the DCO powers where required, facilitating the securing of clean title and thus ensuring the deliverability of the scheme. This is also in National Highways' interest to ensure that they ultimately receive clean title to the improved SRN. Whilst the Applicant accepts this risk is unlikely to materialise in practice, it is nonetheless an actual risk and one that needs to be mitigated against to safeguard the delivery of the scheme and is consistent with the approach to CA adopted across the project. As previously stated, to the extent possible the Applicant will only use temporary possession powers in carrying out the highway works.</p> <p>2. The Applicant has also noted the uncertainty which has come to light through the land referencing process and discussions with National Highways and the local authorities as to the extent of each authority's respective land ownership (see e.g. the responses to CA.1.32 below). The Applicant considers it important to</p>
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	<p>why GAL considers that the land and rights can be acquired without serious detriment to the carrying on of the undertaking.</p>	<p>continues to engage with the Applicant, but if agreement cannot be reached, National Highways will be submitting its standard template Protective Provisions, which have been endorsed in a number of DCOs, into the examination.</p>	<p>retain CA powers over all land required for the improved highways to ensure that, if the ownership of plots of land required for the scheme proves to be different to that currently identified by the parties (e.g. a plot of land which National Highways considers it owns proves to be in third-party ownership), the Applicant will be able to acquire this land and ensure the deliverability of the scheme. This is, again, also in National Highways' interest to ensure that it ultimately receives clean, complete title to the improved highway network.</p> <p>The draft DCO contains protective provisions for the benefit of National Highways which prevent the undertaker from exercising CA powers over the strategic road network without the consent of National Highways. The Applicant notes National Highways' residual concerns despite these provisions and is discussing with National Highways how best to address these while ensuring that the risks identified in (1) and (2) directly above are mitigated.</p> <p>The Applicant is in continuing discussions with National Highways and their representatives. The purpose of these discussions is to collaboratively identify and progress measures that can be implemented to</p>
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			mitigate any potential impacts on the Statutory Undertaker’s obligation to maintain and provide highways. The overarching objective remains the conclusion of protective provisions that align with the mutual interests of both parties.
CA.1.30	<p>As RPAs and RHAs are you aware of:</p> <p>a) Any reasonable alternatives to CA or TP for land sought by the Applicant?</p> <p>b) Any areas of land or rights that the Applicant is seeking the powers to acquire that you consider would not be needed? Please</p>	<p>National Highways has set out in its Relevant Representation [TR020005/RR/3222] that the Applicant’s proposals seeks to exercise compulsory acquisition powers over the Strategic Road Network and other National Highways land is wholly unjustified.</p> <p>National Highways cannot accept this approach and recommends that the Applicant:</p> <ul style="list-style-type: none"> - Revert within the Land Plans any existing land under National Highways ownership to solely temporary possession. - Seek to agree with National Highways temporary possession of the land required for the construction of the scheme. 	<p>In relation to the Applicant's approach to seeking compulsory acquisition powers over the SRN generally, please see the response to National Highways' response to CA.1.17 directly above.</p> <p>In relation to National Highways' comments on specific articles of the draft DCO, the Applicant notes that these replicate comments included in the Statement of Common Ground between Gatwick Airport Limited and National Highways [REP1-036] which is currently being updated by both parties in preparation for the submission of an updated version at Deadline 5. The Applicant's responses are not repeated here and will form part of that Deadline 5 submission.</p>

	<p>identify which plots these are and explain why you consider they would not need to be acquired</p>	<p>Where, exceptionally, the Applicant requires permanent rights over any existing National Highways land ownership, these are to be identified and communicated to National Highways, with a clear justification provided, to demonstrate the need for a permanent right being acquired. This will be considered by National Highways and any concerns will be highlighted to the Examining Authority.</p> <p>Compulsory acquisition powers should be limited to what is necessary, with Advice Note 15 being clear that powers to acquire rights and impose restrictive covenants should not be justified in general terms. National Highways has also identified the following provisions of the DCO in the CA/TP context which it considers should be removed, or justified:</p> <ul style="list-style-type: none"> - Article 27 - It is not clear what ancillary purposes the Applicant seeks to “use” all of the Order land. The relevant compulsory acquisition guidance (Planning Act 2008: procedures for the compulsory acquisition of land (September 2013 Department for Communities and Local Government) makes clear, that the Applicant will need to demonstrate that the interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is 	
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		<p>necessary and proportionate. National Highways seeks clarification on article 27(1)(b) and National Highways considers that article 27 (1)(b) should be deleted in its entirety.</p> <p>Article 31 - 10 years is an excessively long period of time for land to be subject to compulsory acquisition powers given the limited scale of the development. Schemes which have obtained periods longer than 5 years are typically those which are significantly more complex and linear. National Highways recommends this is reduced to 5 years unless the Applicant is able to provide a reasonable justification.</p> <p>Article 32 - The Applicant should set out which, if any, National Highways rights of way it proposes to extinguish and where the justification for this is set out in the application documents. Alternatively, National Highways requests the insertion of “National Highways” in article 20(5).</p> <p>Article 45 - National Highways queries where in the Application details of airspace acquisition are set out. The Applicant should set out which areas of airspace it requires and whether this power is proposed to be used in connection with the Strategic</p>	
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		<p>Road Network (and if it is not, then the Strategic Road Network should be so excluded). It is unclear if this is proposed to be a permanent acquisition power (use of “maintenance”) or a temporary power. National Highways also queries the need for this article in light of article 35 (Acquisition of subsoil or airspace only).</p> <p>Schedule 7 - The purposes for which permanent rights can be acquired (set out in Schedule 7) is unclear. Permanent rights should not be obtained for “minor works”, instead the Applicant should set out the specific rights that it is seeking over National Highways interests, or altogether remove references to “minor works” in Schedule 7 insofar as they relate to plots on the Strategic Road Network.</p> <p>National Highways continues to work with the Applicant in order to resolve these matters.</p>	
CA.1.32	<p>Are any Affected Persons or IPs aware of any inaccuracies in the BoR [REP1009 and</p>	<p>National Highways is aware of inaccuracies in the Book of Reference [TR020005/REP1/009] and has highlighted these directly to the Applicant. Should these issues not be resolved, National Highways reserves its right to make further submissions.</p>	<p>The land interests listed in the Book of Reference have been provided based on due diligence undertaken by the Applicants property specialist, in line with: HM Land Registry, from previous communications with National Highways, the National Highways website showing land ownership extent, Local Authority highways</p>

	<p>REP1-011], SoR [AS-008] or Land Plans [AS-015 and AS-016]? If so, please set out what these are and provide the correct details.</p>	<p>For the Examining Authority’s reference these inaccuracies include, but are not limited to:</p> <ul style="list-style-type: none"> - Errors in the categorisation of National Highways ownership or rights over land parcels related to the Strategic Road Network, - Omission of rights to access and maintain National Highways drainage features in the vicinity of Peeks Brook Lane, and - Errors in the categorisation of the A23, where ownership of the highway transferred to the local highway authority by virtue of de-trunking order in accordance with Section 265 of the Highways Act 1980. 	<p>searches and an Atkins utility data search prior to DCO submission, all of which aligns with the Applicant’s land referencing methodology set out in SoR [AS-008].</p> <p>The Applicant is now in regular communication with National Highways to reaffirm their land interests within the plots listed in the Book of Reference. National Highways have provided updated information, and the Applicant has reviewed, interpreted and requested further information in order to record these landed interests accurately.</p> <p>A finalised list of plot interests has been determined. The updated information will be reflected within the updated Book of Reference and Schedule of Changes to be submitted at Deadline 5.</p>
DCO.1.23	<p>EM paragraph 5.36 states: “Schedule 4 Part 2 identifies the single existing public right of way which will be permanently stopped up for</p>	<p>National Highways notes that the Applicant proposes to stop up Footpath Designated 346_2sy over the extents marked by the designation B2 in as part of the Rights of Way and Access Plans [TR020005/REP1/014].</p> <p>However, National Highways notes that an alternative provision is being provided by the Applicant as part of its wider active travel</p>	<p>Schedule 4 currently deals with Public Rights of Way (in Schedules 1 and 2) and Footways and Cycle Tracks (Schedule 3) separately in acknowledgement that Footways and Cycle tracks as forms of highways are a distinct form of “way” to Public Rights of Way. GAL are engaging with WSCC on potential alternative approaches to the delivery of this specific PRoW extinguishment (reference B2 in the Rights of Way and Access Plans [REP1-014]) and alternative</p>

	<p>which no substitute is to be provided.” Why is no substitute provided?</p>	<p>improvements on the perimeter of the Airport, with the routing provided by 346_2sy being maintained by a mixture of segregated and shared use cycle tracks designated C8, C40, C6, C5, C4, C3 and C2 respectively. National Highways would therefore seek clarification as to whether the works identified in Schedule 4 Part 2 should not instead reside in Schedule 4 Part 1?</p>	<p>provision (cycle tracks designated C8, C40, C6, C5, C4, C3 and C2 in the Rights of Way and Access Plans [REP1-014]) and will update NH in due course.</p>
<p>EN.1.10</p>	<p>Paragraph 9.1.1 of the Outline LEMP [APP-113] states that the landscape and ecological proposals that form part of the adoptable highway will be adopted and maintained by the local highway authority or NH. Can the Applicant explain how the</p>	<p>National Highways is currently engaging directly with the Applicant to understand which land parcels will be transferred to it following completion of the specified works. National Highways welcomes clarity from the Applicant on how ongoing maintenance and handover of these areas, which are not highway and therefore sit outside the scope of “specified works” in the protective provisions, are secured.</p>	<p>The obligations within the oLEMP [REP3-031, REP-033, REP3-035] submitted at Deadline 3 are secured through a requirement in the Draft DCO [REP3-006] in that prior to commencement of development of an area, a Landscape and Ecology Management Plan (LEMP) must be submitted to and approved by CBC (in consultation with RBBC, MVDC and TDC as relevant) under Requirement 8.</p> <p>The LEMPs must be substantially in accordance with this oLEMP. The general composition of each LEMP is set out in section 1.1.4 of the oLEMP. Schedules in Annexes 1, 2 and 3 of the oLEMP provide an overview of typical plant species and maintenance and management regimes and programme necessary to achieve and maintain the long-term soft landscape objectives for the Project. These schedules will be</p>

	<p>ongoing maintenance of these areas is secured in the dDCO? The RHAs may wish to comment.</p>		<p>revised to form bespoke elements of the detailed LEMP's as they are prepared for individual developments within the DCO Project in consultation with the appropriate LPA and, where relevant, the appropriate Highway Authority. The management and maintenance strategies set out in the oLEMP to be carried into the detailed LEMPs for each part of the authorised development will be undertaken for a minimum period of 30 years from the date of completion of planting. Following the end of the establishment period and satisfactory completion of any landscape defects or necessary reinstatement works, all maintenance and management of soft landscape areas which form part of the Project within the airport and public open spaces outside of highway land will be undertaken by a suitably qualified landscape management contractor on behalf of GAL.</p>
<p>TT.1.17</p>	<p>Table 12.2.1 lists the major highway schemes included in the future baseline scenarios. Is this a definitive list of</p>	<p>The schemes listed in Table 12.2.1 in the Transport Assessment [TR020005/AS/079] are the major highway schemes in the future baseline scenario. National Highways can only comment on those schemes which National Highways are the scheme promoter of, and this response does not consider the</p>	<p>The Applicant has now undertaken sensitivity tests which include the changes to the timing of the Lower Thames Crossing and the removal of the M25 J10-16 Smart Motorway Project. These changes are included in the tests reported in Accounting for Covid 19 in Transport Modelling [AS-121].</p>

<p>schemes? Provide a status update of the schemes listed.</p>	<p>Crawley Borough Council and West Sussex County Council schemes listed in the table.</p> <p>The National Highways schemes within Table 12.2.1 are the major highways schemes within the vicinity of Gatwick and includes all the schemes likely to have an impact on traffic flows within the vicinity of Gatwick. The future baseline position has changed for several reasons, as previously stated the M25 Junction 10-16 Smart Motorway programme is now no longer programmed for implementation and Lower Thames Crossing anticipated completion date is currently 2032. Additionally, the M25 Junction 8 Scheme was a project historically under development as part of National Highways Roads Investment Strategy 1 period, however this project was ultimately not taken forward into the next Roads Investment Strategy Period.</p> <p>It can be confirmed, however, that aside from the changes mentioned above, the remainder of the National Highways promoted schemes in the table are a definitive list of major highway schemes which may impact on traffic flows within the vicinity of</p>	<p>The Applicant was only made aware by National Highways of the change in status of the M25 Junction 8 Scheme at Deadline 3. This change is therefore not captured in the sensitivity tests set out in AS-121. The Applicant will discuss the implications of this change further with National Highways in order to reach a view of the likely implications of the scheme's removal from the next RIS period, although at this stage the Applicant does not believe this would materially alter the conclusions of the modelling reported in the Transport Assessment.</p>
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		Gatwick. A status update on the schemes listed within Table 12.2.1 is provided below:	
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2.8 Network Rail

2.8.1. The Applicant has provided a response to select points from Network Rail’s response [[REP3-142](#)] below.

ExQ1 Ref	Question	Network Rail Response	The Applicant’s Response
TT.1.31	it is assumed that air passengers place their luggage in overhead luggage racks. Is it realistic on trains serving an airport that all luggage will fit in overhead racks or luggage storage areas and not on the floor. Has this assumption been	Network Rail has raised the issue of the Applicant's assumed standing densities in page 5 of our Principal Areas of Disagreement Summary Statement, attached to our Written Representations submitted at Deadline 1. We noted concerns relating to "assumed train capacities, including train lengths, formation and seated and standing densities. The requirements for airport passengers, particularly those with luggage, have a material impact on passenger experience and reduce effective available capacity." Luggage is not always placed in overhead racks or end of carriage racks for a variety of reasons, including size, volume and passenger preference. Whilst large suitcases are a particular	The Applicant explained the treatment of luggage in Appendix C of The Applicant’s Responses to Actions – ISHs 2-5 [REP2-005] and the reasons why there would be sufficient space available on rail services to accommodate luggage, even if it were not possible to use overhead racks, space under seats or luggage compartments. As part of the SoCG process we are continuing to engage with NR and will be discussing assumptions and findings from the rail crowding analysis in subsequent engagement through May in advance of Deadline 5.

	<p>checked against actual surveys?</p>	<p>concern, it should be noted that the size of hand luggage which is allowed in the cabin on airlines is generally larger than that which can be accommodated in the overhead luggage racks on board trains. Inevitably, this means luggage of all sizes is regularly stored in the general floor space of the train as well as on, or beside seats. For these reasons Network Rail does not think that the assumption that all luggage will be placed on overhead luggage racks or in luggage storage areas is realistic. 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</p>	
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		<p>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 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.</p>	
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2.9 Surrey County Council

2.9.1. The Applicant has provided a response to select points from Surrey County Council’s response [[REP3-146](#)] below.

ExQ1 Ref	Question	Surrey County Council’s Response	The Applicant’s Response
C.A.1.40	In terms of Bayhorne Farm and noting the content of the WR	SCCaL set out a number of continuing concerns about the impact of the Gatwick Airport Northern Runway Project (“the Project”) on sites within its	The Applicant has been in consultation with Surrey County Council since November 2022 with the last meeting with Surrey County Council

	<p>submitted as Deadline 1 [REP1-096], please provide additional detail in respect of what mitigation measures are considered necessary by SCC in order to enable a suitable access from the South Terminal Roundabout and how these would be secured</p>	<p>ownership in its Written Representation made on 12 March 2024. This Response is to be considered in conjunction with, and follows, the Written Representation and the Relevant Representations made by SCCaL in October 2023 to PINS.</p> <p>The Project will use land at Bayhorne Farm, both during construction and after completion. Bayhorne Farm is identified as a construction compound with temporary access arrangement from South Terminal Roundabout (“STR”) into the proposed compound; the temporary arrangement will effectively landlock the site, restricting development until the Gatwick expansion is complete. This delay will significantly alter the local and strategic highway network, as the Gatwick scheme will be operational before the site can be developed.</p> <p>The changes in the immediate and local highway network will have a significant impact on future development at Bayhorne Farm unless mitigating measures are put in place as part of the DCO. Without these measures Bayhorne Farm is unlikely to come forward and deliver the anticipated</p>	<p>representatives and their appointed agent having taken place on 1st February 2024. At Bayhorne Farm, the outstanding points of concern for Surrey County Council centre upon the potential impact on the Applicant's proposals prejudicing the long-term aspirations to develop Bayhorne Farm for alternative uses.</p> <p>Numerous meetings took place (see below) between the Applicant and SCC's appointed agent between October 2022 and October 2023.</p> <p>As a result of these early meetings, in respect of SCC's assertion that the Applicant's scheme will sterilise the proposed development of Bayhorne Farm, the Applicant has offered (in draft Heads of Terms dated 22/06/2024) the following wording:</p> <p><i>For the avoidance of doubt, the Purchaser has no intention of creating a ransom strip by proposing the freehold acquisition of the Purchase Land. The Purchase Land is intended to be transferred freehold to National Highways following the construction of the proposed Highway works by the Purchaser. Should a scenario arise whereby</i></p>
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		<p>employment benefits upon the Project becoming operational.</p> <p>Having regard to Policy HOR9 SCCaL commissioned a masterplan assessing the capacity for employment space at Bayhorne Farm. The layout plan below shows the access arrangements that must be put in place in order to mitigate against the impact of the Project on SCCaL’s ownership and the wider site allocation.</p> <p>The Project will undertake both temporary and permanent re-alignment works on Airport Way to support the construction and operation of the Project. These works are set out in Work No. 35 in Schedule 1 of the draft DCO.</p> <p>Surface Access Parameter Plan 41700-XX-B-LLO-GA-200101 (extract below of STR/Bayhorne Farm) sets out the proposed layout for approval. This layout should not be approved without inclusion of the mitigation requested by SCCaL.</p> <p>Further detail of the new layout arrangements are set out in the Surface Access Highway Plan 41700-XX-B-LLO-GA-200153 – (extracted below) and which</p>	<p><i>the Purchaser remains the freeholder of all or part of the Purchase Land they will return any surplus land (declaration of land surplus to be at the discretion of the Purchaser) to Surrey County Council for nil consideration. For the avoidance of doubt, it will n/a Under discussion remain the SCC’s responsibility to seek all consents required to facilitate access on to the trunk road network.</i></p> <p>At a meeting on 20 October 2023, SCC’s new agent set out their position regarding the Applicant’s proposals, including rejection of the proposed heads of terms, and requested further information regarding the scheme proposals. The Applicant provided this information, including copies of minutes from several previous meetings with SCC’s previously appointed agents, on 21 November 2023.</p> <p>At a meeting on 8th November 2023, SCC advised the Applicant that they had commissioned a set of reports and studies. SCC advised the Applicant that this initiative was proposed to glean a greater understanding of the potential impact of</p>
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		<p>should not be approved without further amendments reflecting the mitigation required.</p> <p>At paragraph 8.3.8 “South Terminal Roundabout Contractors Compound” in the Design and Access Statement (Volume 5), the proposed temporary works to take access from STR and form a temporary access road into the compound are shown – an extract of the proposed layout is shown below:</p> <p>The above temporary and permanent works shown in the above surface access arrangement plans are set out in detail in Work No. 35 in the draft DCO. SCCaL considers that the mitigation necessary to meet its concerns would include amendments to these plans and Work No. 35 is amended to enable a permanent access arrangement to be included within the DCO into Bayhorne Farm as part of the Project. The ExA is asked to require the Applicant to work up proposals in consultation with the SCCaL at the earliest opportunity, so that if a change request is needed, it can be accommodated within the examination timetable.</p> <p>Given the realignment works and temporary access arrangements these could be amended without</p>	<p>the Applicant's proposed works upon SCC's holding, particularly the development aspirations for Horley Business Park. The content of GAL's proposed heads of terms was not discussed in detail at this meeting. SCC chose to concentrate on demonstrating their opinion of the proposed impacts of GAL's proposals. SCC's assertion is that GAL's proposed highway works propose to utilise the existing capacity of the local and trunk road network that would otherwise be available to SCC for the development of Bayhorne Farm. Therefore, GAL's proposals are said to sterilise the SCC development aspirations for Bayhorne Farm.</p> <p>At a meeting on 1st February 2024, SCC provided a spoken summary of the findings of the reports and studies. At the meeting, the Applicant requested copies of the data supporting SCC's claims in respect of impacts. SCC's agent confirmed they would supply the information. The content of GAL's proposed Heads of Terms was not discussed in detail at this meeting. SCC chose</p>
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	<p>significant additional cost or time delays to the Project and put in place the required mitigation to protect the future viability of Bayhorne Farm.</p> <p>The Project will introduce a fly-over and a new signalised roundabout under the fly-over. It is envisaged that development at Bayhorne Farm will result in additional traffic when compared to the Project site. While the fly-over will provide additional capacity, the increase in traffic associated with the Project will require access for the Bayhorne Farm to be increased in lanes and also signalised.</p> <p>In order to mitigate the impact of the Project on development at Bayhorne Farm, SCCaL asks:</p> <p>1.14.1. Work No.35 is amended to ensure a permanent access from STR, “the Bayhorne Farm Access Road”, into Bayhorne Farm is included, if necessary, by way of a change request;</p> <p>1.14.2. The relevant surface arrangement plans and other plans and application documents are amended to show the permanent access on a new alignment and that the new alignment is agreed in advance with SCCaL prior to issue;</p>	<p>to concentrate on demonstrating their opinion of the proposed impacts of GAL’s proposals.</p> <p>On 28th March 2024, the Applicant followed up on the request for copies of the reports and asked for confirmation of the date they would be issued.</p> <p>On 5th April 2024, the Applicant emailed SCC’s agent asking where the requested report and data were and confirming that, even if received immediately, the likelihood of the Applicant being able to review the data meaningfully before CAH1 was extremely low.</p> <p>On 9th April 2024, the SCC provided the Applicant with data and information from their study.</p> <p>On 16th April 2024, the Applicant requested SCC’s agent confirm that the information sent was the full extent of what was due to be provided. The Applicant also suggested that a subset of the existing Statement of Common Ground with SCC be prepared. The Applicant is in the process of</p>
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		<p>1.14.3. The freehold interest in the Bayhorne Farm Access Road, once completed, is transferred to SSCaL at nil premium;</p> <p>1.14.4. No rights or restrictions are created over the Bayhorne Farm Access Road or adjoining access road(s) which will impede or prevent development at Bayhorne Farm.</p> <p>SSCaL are in the process of undertaking a detailed review of the Project’s wider impacts on the local highway network. There are several other potential junctions where the Project will create highway constraints and this will impact on development at Bayhorne Farm. These are considered secondary to the principal requirement for mitigation as set out herein, but it may become necessary to seek mitigations at those junctions as scheme review develops.</p>	<p>preparing the subset SoCG. SCC has yet to respond.</p> <p>The Applicant is reviewing the information and reports received (with National Highways) and will respond as soon as possible.</p> <p>Aside from providing the data and information from their study on 9th April 2024, SCC has made no written or detailed proposals to GAL in respect of the heads of terms provided.</p> <p>During CAH1, GAL responded to SCC’s representation in respect of the proposed provision of a fourth arm to the South Terminal Roundabout. The Applicant has provided its response at Section 5.2 of its Written Summary of Oral Submissions – CAH1 (Doc Ref. 10.25.3).</p> <p>The Applicant is working on a revised set of Heads of Terms which will look to address, in so far as it is possible, SCC’s concerns and these</p>
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			<p>proposed Terms will be issued as soon as possible.</p> <p>Finally, GAL proposes to prepare a subset SoCG specifically for land matters. This is being drafted and will be issued shortly.</p>
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2.10 Thames Water

2.10.1. The Applicant has provided a response to select points from Thames Water’s response [[REP3-149](#)] below.

ExQ1 Ref	Question	Thames Water Response	The Applicant’s Response
WE.1.8	<p>ES Chapter 11 – Water Environment</p> <p>Table 11.3.4 of ES Chapter 11 [APP-036] states that Thames Water will be undertaking its own assessment of the impact on its network. It is assumed that this</p>	<p>Thames Water Utilities Limited (“TWUL”) are undertaking both process (wastewater treatment) and network modelling studies to review the impact of the proposed development on the capacity of both Horley and Crawley Sewage Treatment Works (“STWs”) as well as the receiving networks. This assessment includes “domestic” foul flow as a result of increased passenger numbers from the terminal buildings. Data has been passed to TWUL from Gatwick Airport Limited (“GAL”) to undertake the</p>	<p>TWUL and the Applicant provided updates on the position at ISH7. The Applicant's submissions are included in the Written Summary of Oral Submissions ISH7: Other Environmental Matters (Doc Ref. 10.5.2).</p> <p>With regard to Trade Effluent Flows, it should be noted that the greater volume of these will be removed by the inclusion of the Engineered</p>

<p>will include the capacity of nearby Wastewater Treatment Works to accommodate any increase in wastewater arising from the Proposed Development.</p> <p>Has this been completed? Will the findings be submitted into the Examination and if so, when? Also explain how any necessary infrastructure improvements would be secured.</p>	<p>studies and access to undertake surveys is being arranged or has already been provided.</p> <p>Any assessment or upgrades to infrastructure due to Trade Effluent (as defined in the Water Industry Act) will need to be funded by GAL in full. This includes de-icing chemicals and other contaminated water.</p> <p><u>Process Modelling and Future Upgrades</u></p> <p>An initial assessment of the impact of the development on both Horley and Crawley STWs has been completed and was provided to GAL on 8th April 2024. To complete a detailed assessment, more field data is being collected. The initial assessment will be superseded by this detailed assessment which will be available in November 2024 (surveys permitting). A summary of this will be made available to the Examining Authority.</p> <p>Upgrades at the STWs due to this development are expected after 2030 due to the timing of the development and current available capacity.</p>	<p>Wetland Treatment System proposed by the Applicant.</p> <p><u>Process Modelling and Future Upgrades</u></p> <p>The information provided by TWUL to the Applicant on the 8 April 2024 did not assess the impact of the Northern Runway Project on the treatment process infrastructure at Horley and Crawley STW. Specifically, it did not use the forecast future passenger throughput for Gatwick and did not assess the proposal to direct flows from the catchment to the east of the railway line, which presently flows to Horley STW, to the Crawley STW. Gatwick has asked TWUL to consider using a default figure for Population Equivalent for airports, which it uses elsewhere, to perform the high-level assessment calculation required. To date the Applicant has not had a satisfactory response as to why this cannot be done and suitably caveated pending the agreed flow and load surveys.</p> <p>It is essential that Thames Water provides the results from the first phase of its assessment work into the Examination process at the earliest opportunity. This should also explain how any necessary works</p>	
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		<p>Funding for these STW upgrades will be secured through a regulatory Price Review process, where every 5 years TWUL submits a business plan to Ofwat, the economic regulator for the Water Industry in England and Wales, to secure investment. This has not yet occurred as the current Price Review Process (PR24) covers the period 2025 to 2030 and TWUL forecasts the upgrades will only be required after 2030.</p> <p><u>Network Modelling and Future Upgrades</u></p> <p>An initial assessment of the impact on the sewage network is underway and is due to be completed in May 2024. A detailed assessment will follow once additional field data is collected. TWUL anticipate this to be completed in early 2025. As this date is past the examination deadline, a summary of the assessment’s progress and the potential options to mitigate any detriment can be submitted to the Examination in lieu of the final reports.</p> <p>Network infrastructure upgrades for domestic (including terminal building) flows are anticipated. They are funded through Infrastructure Charges. This is a fund that all developers pay into when</p>	<p>would sit within the OFWAT regulatory (AMP) periods.</p> <p>In this context, on 7 May 2024 the Applicant submitted notice of its intention to submit a request to make a change to the DCO Application to provide an on-airport wastewater treatment works facility [AS-145].</p>
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		<p>connecting new developments to TWUL assets and allows the delivery of upgrades to our network to accommodate an increase in flow associated with development.</p> <p>TWUL require an agreed delivery phasing plan from GAL to ensure that upgrades to TWUL assets are delivered in time. Any alteration, especially an acceleration of delivery, may compromise TWUL’s ability to deliver the required infrastructure in time and would therefore need to be agreed with TWUL in advance.</p> <p>TWUL also expects surface water to be managed in accordance with the surface water disposal strategy outlined in Building Regulations as well as local planning policy for surface water discharge rates. TWUL would expect development of this nature to yield a net reduction in predevelopment surface water discharge rates, to greenfield conditions. This will ensure that no infrastructure upgrades to surface water sewers will be required as part of this development.</p>	
CA.1.17	Acquisition of Statutory	Thames Water Utilities Limited (“TWUL”) has assets and land within and adjoining the DCO boundary	The Applicant proposed bespoke Protective Provisions to TWUL’s appointed legal

	<p>Undertakers' Land The SoR, paragraph 8.2.5 [AS-008], states that adequate protection for statutory undertakers will be included within protective provisions in the DCO. GAL therefore considers that statutory undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the CA of land or rights over land or powers of TP. For those statutory undertakers who have been sent the draft protective provisions but have not confirmed agreement, please</p>	<p>which are necessary to fulfil its statutory functions. If TWUL were to be not in possession of those assets, its ability to perform its statutory functions and license obligations would be restricted.</p> <p>TWUL acknowledges the protective provisions which are currently included in the draft DCO [REP1-004] stipulate that apparatus may only be acquired by agreement and cannot be subject to compulsory acquisition. However, this does not provide TWUL with adequate protection in the event that the Applicant exercises its compulsory powers of acquisition over land in which TWUL has an interest for the purposes of carrying out its statutory functions in relation to its apparatus. TWUL does not therefore agree that the protective provisions as currently drafted mean that the Applicant can compulsorily acquire land and rights without serious detriment to TWUL's undertaking.</p>	<p>representation on 29 April 2024 and is awaiting comments in return.</p>
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	<p>explain for each one why these protective provisions are considered to provide adequate protection and why GAL considers that the land and rights can be acquired without serious detriment to the carrying on of the undertaking.</p>		
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3 Comments on the Applicant's Deadline 2 Submissions

3.1 Aviation Environment Federation

- 3.1.1. Whilst AEF asserts that the Applicant should take the same approach to carbon emissions as it does to noise, AEF fails to recognise the different approach required by policies of the ANPS. In relation to carbon, the ANPS contains no expectation that the Applicant will commit to mitigation measures in relation to aircraft in flight (ANPS paragraphs 5.78-5.81). At paragraph 5.75, the ANPS recognises that these matters are largely outside the Applicant's control. In relation to matters such as surface access, airport infrastructure and construction, the ANPS does anticipate that mitigation measures would be appropriate, and these are proposed by the Applicant. In relation to noise, the ANPS is

clear that the Applicant should put forward plans for a “noise envelope” as part of a range of mitigation measures (ANPS para 5.60).

3.1.2. GAL has addressed the question of Green Controlled Growth in response to the Legal Partnership Authorities above and extensively in submissions to this examination to date.

3.2 [Communities Against Gatwick Noise and Emissions \(CAGNE\)](#)

3.2.1 The Applicant would like to respond to the following points made in CAGNE’s response to the Deadline 2 submissions [\[REP3-113\]](#) in the following subsections.

[CAGNE’s Response to the Applicant’s Deadline 1 Representations on Policy](#)

3.2.2 The Applicant has provided a response to CAGNE’s representation on policy at **Appendix C: Response to CAGNE’s Deadline 3 Submission** to this document (Doc Ref. 10.24).

[Representations made by other Parties at Deadline 1 which support CAGNE’s Case](#)

3.2.3 CAGNE refers to a number of views raised on the application of MBU policy. At Deadline 3, the Applicant submitted **Appendix A: Policy Response** [\[REP3-073\]](#) and **Appendix B: Response to CAGNE Written Representation** [\[REP3-074\]](#) to the **Applicant’s Response to Written Representations** which provides further discussion on the application of government aviation policy. CAGNE refers to a number of views raised on the application of MBU policy. At Deadline 3, the Applicant submitted **Appendix A: Policy Response** [\[REP3-073\]](#) and **Appendix B: Response to CAGNE Written Representation** [\[REP3-074\]](#) to the **Applicant’s Response to Written Representations** which provides further discussion on the application of government aviation policy.

Noise – Response to the Applicant’s Post-Hearing Submission on ISH5 and to ExA Q1 (NV.1.10)

- 3.2.4 CAGNE’s acoustic consultant, Suono, raise several questions on noise modelling and other details of the noise assessment. The Applicant first presented the methodology in the **Scoping Report** [[APP-092](#), [APP-093](#), [APP-094](#)] in 2019, in detail in the PEIR in 2021, and has discussed the noise assessment methodology with the local authorities in the Topic Working Group (TWG) meetings that were convened for this purpose. In the latter stages of the TWG meetings the local authorities employed acoustic consultants AECOM to provide specialist advice to help agree noise modelling and assessment details. Similarly, in developing the noise envelope extensive consultation was undertaken with the local authorities, including their technical advisors, covering many of the methodology points. The Applicant appreciates that Suono was not engaged on the Project through this process, and so was not party to the discussions and the explanations that were provided by the Applicant, some of which address the points now raised. Some of these matters are recorded in the Applicant’s response to the Local Impact Reports and the Statements of Common Ground with the various local authorities.
- 3.2.5 The CAGNE submission queries the assessment of noise impacts on schools. The acoustic consultant’s appendix states the Applicant has not set out what the reasonable worst-case noise effects at schools are, but rather simply stated that it will be offering mitigation to schools. The assessment of noise on schools is summarised in paragraphs 14.9.159 to 14.9.161 of ES Chapter 14 which notes that none of the 21 schools considered is predicted to have an increase of greater than Leq 16 hr 1.5dB resulting in negligible or minor effects. The Applicant has nonetheless proposed a noise insulation scheme for schools to address the noise levels that airport will produce, as described in the Noise Insulation Scheme (Doc Ref. 5.3 v2).
- 3.2.6 The acoustic consultant’s appendix states with regard to ground noise and consideration of ambient noise: *We note again that this approach differs from that adopted at all other recent airport expansion applications, despite the Applicant relying heavily on adopting comparable positions for other aspects of the assessment.* The Applicant’s methodology for the noise assessment follows all relevant guidance. In the case of ground noise that guidance is lacking and for the Gatwick Airport situation the Applicant considers it important to consider ambient noise because the

airport is surrounded by roads which elevate ambient noise levels at many of the properties exposed to ground noise from the airport, see ES Figure 14.6.33 Baseline Road Traffic Noise Levels, Ground Noise Study Area, Daytime and Evening and ES Figure 14.6.34 Baseline Road Traffic Noise Levels, Ground Noise Study Area, Night in ES Noise and Vibration Figures Part 1 [APP-063]. This may not be the case at Luton airport which the acoustic consultant, as well as the Local Authority's expert noise advisors, are familiar with.

- 3.2.7 The acoustic consultant's appendix states with regards the Noise Insulation Scheme: *The online tool is not a substitute for proper figures clearly showing the extents of the noise contours that have been provided.* ES Figure 14.8.1 shows the Noise Insulation Scheme Boundaries on an A3 landscape map. We note the public online noise viewer has been viewed over 2,300 times since its launch in summer 2023. However, as suggested by CAGNE, the Noise Insulation Scheme, **ES Appendix 14.9.10** [[APP-180](#)], has been updated to include a higher resolution map when submitted at Deadline 4.

Surface Transport – Response to the Applicant's and third parties' Post-Hearing Submissions on ISH4

- 3.2.8 CAGNE has raised concerns regarding rail capacity at paragraph 31.4 of its submission. Following ISH4, the Applicant submitted a note that responds to the issues raised by Interested Parties in relation to passenger rail modelling and capacity at Deadline 2. This note is set out at **Appendix C: Rail Passenger Modelling Clarification Note to The Applicant's Response to Actions ISHs 2-5** [[REP2-005](#)].

3.3 East Sussex County Council

- 3.3.1 The Applicant has provided its response to the document from York Aviation at **Appendix A: Response to York Aviation - Forecasts** (Doc Ref. 10.24) and **Appendix B: Response to York Aviation – Capacity and Operations** (Doc Ref. 10.24). All other statements are noted.

3.4 Joint Local Authorities

3.4.1 A response to the points raised by York Aviation are set out at **Appendix A: Response to York Aviation** (Doc Ref. 10.24) and **Appendix B: Response to York Aviation – Capacity and Operations** (Doc Ref. 10.24).

3.5 Gatwick Area Conservation Campaign (GACC)

3.5.1 GACC has provided a number of comments on the **draft Section 106 Agreement** [[REP2-004](#)] including requests for further controls and restrictions. The 2022 Agreement was a voluntary agreement entered into by the Applicant with CBC and WSCC. This draft DCO s106 Agreement is specific to the NRP as such it is not appropriate for all of the obligations from the historic agreements to be copied into this draft agreement. The Applicant's approach to the 2022 Agreement was described in the **Applicant's Response to Actions – ISHs2-5** [[REP2-005](#)].

3.5.2 A number of areas that GACC has commented on are proposed to be secured through DCO Requirements and control documents secured through the DCO rather than the s106 Agreement.

3.5.3 The Applicant continues to negotiate the obligations within the Section 106 Agreement with the relevant local authorities and will submit an updated version at Deadline 6 into the Examination. This will be supported by an Explanatory Memorandum which sets out the justification for the obligations being discussed.

3.6 National Highways

3.6.1 The Applicant has reproduced the table within National Highways' comments [[REP3-140](#)] on submissions submitted by the Applicant at Deadline 2.

Ref	Statement	National Highways' Comment	The Applicant's Response
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5.3 ES Appendix 5.2.3: Mitigation Route Map (Tracked) – Version 2 [REP2-012]

<p>General and EC-1</p>	<p>Management of pre-construction surveys The locations of all pre-construction archaeology, ground investigation and unexploded ordnance surveys would be assessed for their potential impacts on ecology and nature conservation and appropriate mitigation would be implemented. This would include altering survey locations to avoid damage to features of high value and watching briefs to ensure such features are not impacted upon</p>	<p>National Highways has reviewed the updated Mitigation Route Map document and notes that in a number of areas the Applicant refers to surveys that will be required prior to construction (archaeology / ground investigation etc). However, there is no commitment identified in this report to capture the need to undertake drainage surveys as noted in the Applicant’s response to Statement of Common Ground Reference 2.22.3.5 [TR020005/REP1/036]. Whilst this commitment to undertake survey’s is in reference to existing drainage assets EX-CU2 and EX-CU4, this principle will need to extend to all National Highways existing drainage infrastructure and undertaken in accordance with DMRB CS551.</p>	<p>The protective provisions for National Highways confirm that the scheme will be delivered in accordance with DMRB. This will include undertaking drainage surveys in accordance with DMRB CS551. The principles of this approach have also been discussed as part of technical engagement with NH SES drainage team.</p> <p>Refer to Draft DCO [REP3-006] Schedule 9 Part 3 Clause 5 (which sets out that the specified works must not commence until the detailed design has been approved by National Highways) and Schedule 9 Part 3 Clause 6(3) (which sets out that the specified works must be carried out in accordance with DMRB and the Manual of Contract Documents for Highway Works.) for further details.</p>
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5.3 Environmental Statement Appendix 9.9.2: Biodiversity Net Gain Statement (Tracked) – Version 2 [REP2-029]

<p>Section 3.1.2 and Table 3.2.1</p>	<p>The description below (Table 3.2.1) relates to each row in the baseline of the Defra Metric 4.0 for the areas impacted (Annex 1).</p> <p>The total area which would be impacted is 230.99 ha (Table 3.2.1).</p>	<p>National Highways requests that the Applicant confirms whether Table 2.5.1 on page 2 of the updated Biodiversity Net Gain Statement should instead read as Table 3.2.1 as referred to in Section 3.1.2.</p> <p>In addition, National Highways queries whether the total area which would be impacted noted in Section 3.1.3 remains as 230.99 ha given the areas that have been added as part of the updated document. It is further noted that Table 3.2.1 currently amounts to a total of 241.6 ha so National Highways requests clarification from the Applicant as to the true value of areas impacted.</p>	<p>Table 2.5.1 of the ES Appendix 9.9.2: Biodiversity Net Gain Statement [REP3-047] should be labelled as Table 3.1.1. This will be corrected in the submission of a revised BNG Statement at Deadline 5.</p> <p>The total in Section 3.1.3 should read 241.6ha. This will be corrected in a revised BNG Statement as part of the Deadline 5 submission.</p>
<p>Section 3.1.8</p>	<p>The hedgerow component of the metric is currently being updated to account for minor hedgerow loss. These data will be incorporated into the next version of this report.</p>	<p>National Highways requests clarity from the Applicant on the timeframes for the updated version of this report being submitted into the examination.</p> <p>Furthermore, National Highways requests that any update to incorporate minor hedgerow loss is accompanied by a narrative outlining any</p>	<p>The hedgerow component was included in the Deadline 3 submission of ES Appendix 9.9.2: Biodiversity Net Gain Statement [REP3-047].</p>

		change in terms or biodiversity unit loss on National Highways estate.	
Section 2.3.2	A similar survey of the Burstow Stream will be completed and the river component of the BNG assessment updated accordingly.	National Highways requests clarity from the Applicant on the timeframes of the survey of the Burstow Stream being completed.	The survey of the Burstow Stream has been undertaken in early May (the optimal time to complete such surveys) with the results incorporated into the Deadline 5 revision of ES Appendix 9.9.2: Biodiversity Net Gain Statement [REP3-047] .
Overall Report	N/A	National Highways notes that the Biodiversity Net Gain Assessment focuses upon areas of impact. However, for those areas that have not been impacted, were these areas considered for potential enhancement where applicable?	As set out in section 4.1.3 of ES Appendix 9.9.2: Biodiversity Net Gain Statement [REP3-047] , areas of the Project site that are currently subject to existing management with respect to ecology and would, therefore, already be managed to enhance them as part of GAL's Second Decade of Change ambitions, have been largely excluded from the Project site (i.e. the majority of the LERL and North West Zone). As such, the assessment for the Project is undertaken without reference to any off-site enhancement rather than claiming any benefit for enhanced management that would already be happening. The oLEMP is being updated at D4 to make clear that relationship to between the Project and the

			existing GAL biodiversity areas, in response to the JLAs' feedback in the SoCGs.
Section 4.4.3 & Annex 2 Section 6.1.3	<p>4.4.3 - Pre development, the River Mole scored 4.20 watercourse units. Post development, the newly-created areas of the River Mole will deliver circa 4.90 watercourse units, a net gain of 0.70 watercourse units or 16.70% (see Annex 1 Metric).</p> <p>6.1.3 - Using the river condition assessment methodology it was determined that River Mole and Gatwick Stream will contribute 1.84 and 1.38 baseline river units respectively to the overall Biodiversity Net Gain site baseline calculation. The suggested action in the</p>	National Highways requests clarification on the discrepancies in units that are being afforded to the River Mole between the main body of the report and Annex 2. Furthermore, the main body of the report makes no mention of the Gatwick Stream.	The baseline units in Annex 2 of the Biodiversity Net Gain Statement were generated using Metric 3.1. However, the assessment of the Project has been completed using Metric 4.0, hence the difference. Annex 2 will be updated to Metric 4 for consistency for Deadline 5.

	Biodiversity Metric 3.1 for increasing the score is to restore the existing channel.		
The Applicants Response to Actions – ISH 2-5			
Appendix D 2023 Travel to Work Survey Slide 9 and 10	Staff travel survey – Reasons for travel	National Highways notes that convenience and free car parking facilities offered to members of staff provides a strong incentive to continue travelling by car. Does the Applicant propose to continue free parking for staff as part of its strategy and could it be considered that this incentive undermines the aims of increasing modal share of staff travelling by public transport?	<p>GAL already charges employers for on-airport parking but this cost is not always passed on directly to staff. GAL is considering changes to the way in which its own staff parking is allocated, which could include pricing as one of a range of measures being considered.</p> <p>Being able to influence staff directly in terms of the location, availability or cost of car travel (including parking) therefore remains an important part of GAL’s surface access strategy in the future.</p>
Appendix D 2023 Travel to Work Survey	Staff travel survey – Price / fares	It is noted that costs are a key consideration of Airport Staff in their choice of travel, has there been any negotiation between the Applicant and either Network Rail or Govia Thames Link to offer an increased subsidy to Airport Staff in order to promote the increase in the modal shift	The Applicant is committed to the mode shares set out in the SAC and has a number of mechanisms which can be implemented to influence staff travel mode shares. The SAC provides flexibility for the Applicant to use the

<p>Slide 12 and 13</p>		<p>required in line with the Surface Access Commitments [TR020005/APP/090]?</p>	<p>most appropriate interventions to encourage sustainable travel.</p> <p>In terms of subsidies and discounts to staff, the Applicant has ongoing discussions with operators and as set out in the latest ASAS, GAL is working with bus and rail operators to integrate the Gatwick Staff Travel Discount within the Key Go smartcard. Metrobus and National Express both offer discount cards for Gatwick employees. GAL already subsidises travel by train and local bus and keeps the discount, and ease of purchasing discounted travel, under review with operators. Discussion with GTR regarding rail travel discounts are ongoing.</p>
<p>Appendix D 2023 Travel to Work Survey Slide 19</p>	<p>Staff travel survey – Awareness of staff discounts</p>	<p>National Highways notes that awareness of the full range of staff discounts available to Airport Staff is low. As part of the Applicant’s desire to achieve its modal shift commitments, what measures is the Applicant proposing to increase awareness and engagement with this discount benefit?</p>	<p>The responses in the Staff Travel Survey reflect, in part, that there are many new employees at Gatwick who may not yet have considered their travel alternatives. GAL has several communication methods and other measures to encourage staff to consider sustainable modes and GAL would expect the level of awareness,</p>

		Furthermore, as discounts offer an incentive for staff to transition to public transport, how are these staff discounts to be secured in the long term with the respective public transport companies?	and uptake of alternatives to car use, to increase over time. Please see above response on discounts.
Appendix D 2023 Travel to Work Survey Slide 21	Staff travel survey – Next steps	National Highways queries whether the Staff Travel Plans and Active Travel Strategy, being a key component of how the Applicant aspires to achieving its Surface Access Commitments, should not form part of the suite of documents that encapsulates the Annual Monitoring Report, and updates submitted for consultation with the Transport Forum Steering Group.	Under Commitment 16 of the Surface Access Commitments [REP3-028], which relates to monitoring, it is clear (second bullet point) that the outcomes of the Staff Travel Survey, conducted every two years, will form part of the Annual Monitoring Report. The Surface Access Commitments create binding requirements for the outcomes in terms of surface access and mode shares. The Staff Travel Plan and Active Travel Strategy will be part of the Airport Surface Access Strategy, which follows existing Government guidance and is already reported via the TFSG, of which National Highways is a member.
Updated Principal Areas of Disagreement Summary Statement (PADSS) (Crawley Borough Council)			
Cumulative Assessment	The date of construction of Gatwick Green was	National Highways shares the concerns of Crawley Borough Council and, if there is going	The assumptions made about delivery of the Gatwick Green development were based on

<p>and Impacts REF 3</p>	<p>assumed in Table 12.11.1 of Chapter 12 of the ES to be 20% complete in 2029, 50% in 2032 and 100% in 2047. However, evidence submitted to the Crawley Borough Local Plan Examination identifies the completion date as 2035. The Crawley Infrastructure Delivery Schedule December 2023 identifying on site delivery from 2027/28, indicating construction could commence in 2025. The Gatwick Green allocation is sited immediately east of the Project, and there is considerable potential for overlaps to occur with the construction of the modified M23 Spur and particularly with the Balcombe Road bridge</p>	<p>to be a considerable overlap of construction between Gatwick Northern Runway and Gatwick Green, the impacts during construction will need to be understood and assessed.</p>	<p>information available at the time that the core modelling for the Application was undertaken.</p> <p>As there is currently no planning application submitted for the development at Gatwick Green, it is not considered sufficiently certain to be included in the core modelling, although the Applicant did include it in a specific cumulative assessment reported in the Application. Given the level of uncertainty, the Applicant considers that it would be for the promoter of the Gatwick Green development to address the potential impacts of construction of that development as part of its own assessment to support any future planning application it might make.</p>
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	<p>widening which is in close proximity to the northern access to the Gatwick Green site. This would create unassessed impacts to occur on the local highway network, particularly Balcombe Road, and/or on the operation of this Strategic Site.</p>		
<p>Principal Areas of Disagreement Summary Statement (PADSS) (Horsham District Council)</p>			
<p>2.5</p>	<p>The Council has a number of concerns with regard to the core modelling scenario. There is concern that the exclusion of certain developments, such as Land West of Ifield and Heathrow R3, but the inclusion of transport improvements such as the SMART</p>	<p>National Highways in its Relevant Representation [TR020005/RR/3222] requested a cumulative sensitivity test be prepared by the Applicant to remove the M25 Junction 10-16 Scheme as noted by Horsham District Council. The Applicant has submitted an updated Transport Assessment [TR020005/AS/079] in response to Procedural Decision Letter provided by the Examining Authority to request that the Applicant account for Covid-19 in transport modelling, which also considers the removal of</p>	<p>For clarity, the updated Transport Assessment [REP3-058] continues to report the core modelling undertaken for the Application. For clarity, the updated Transport Assessment [REP3-058] continues to report the core modelling undertaken for the Application. The sensitivity test for post-Covid conditions includes the removal of the M25 J10-16 Smart Motorway Scheme and is reported in Accounting for Covid 19 in Transport Modelling [AS-121].</p>

	<p>motorway improvements on the M25 (J10-16) (which has now been cancelled), may skew the results of the transport assessment. The concern is that the scenario assessed may not provide a realistic worst-case assessment. The Council does not agree that sites, such as Land West of Ifield, should be excluded from the core modelling scenario while growth from future housing trajectory is being relied upon in the socio-economic assessment.</p>	<p>the M25 Junction 10-16 Scheme. National Highways has requested VISSIM modelling data in order to fully review the updated models to satisfy itself that the Strategic Road Network will continue to operate safely and effectively as a consequence of the Applicant’s proposals.</p>	<p>VISSIM modelling of the sensitivity tests has been undertaken and output data has been shared in discussion with NH. This is recorded in Post-Covid VISSIM Sensitivity Tests for 2032 and 2047 [REP3-108]. This is recorded in Post-Covid VISSIM Sensitivity Tests for 2032 and 2047 [REP3-108].</p>
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3.7 West Sussex Local Authorities

3.7.1 The Applicant has responded to the following points made by the West Sussex Local Authorities [\[REP3-117\]](#) on its documents submitted at Deadlines 1 and 2 beneath the following headings.

ISH4 – Surface Transport - Action Points 2-7

Issue	Applicant’s Response
<p>It is noted that in 2023 the percentage of staff who travelled to the airport by public transport, shared travel and active modes appears to be only 30%. Commitment 2 in the Surface Access Commitments (APP-090) requires the Applicant to achieve 55% of airport staff journeys to and from the Airport to be made by public transport, shared travel and active modes by 2032. Concerns are raised that insufficient mitigation is being provided to meet this commitment, given existing levels of travel.</p> <p>The latest 2023 staff travel survey also raises doubts as to the likelihood that Commitment 4, in the SACs (APP-090) can be met. Commitment 4 requires that at least 15% of airport staff journeys originating within 8km of the airport to be made by active modes, by 2032. Without any additional investment on key routes between the airport and residential areas within 8km of the airport there is doubt as to whether the required levels of modal shift can reasonably be achieved.</p>	<p>The Applicant engaged with the local authorities to explore options for active travel route provision but the decision on which enhancements were included as part of the proposed highway works took account of a wide range of considerations, including potential environmental impacts, costs and the likely contribution to supporting increased active travel mode share, alongside stakeholder requests.</p> <p>GAL continually reviews active travel provision and incentives at the Airport as part of its ASAS and intends to continue to do this when the future ASAS is developed, in the context of the SAC set in respect of the Project. Engagement with employers and staff is important to ensure that measures can be targeted at both need and opportunity and so that they can be most effective. GAL has a track record of delivering active travel improvements and as set out in the latest ASAS (2022-2030), GAL has invested over £1.6m on cycle and pedestrian enhancements over a two-year period, encouraging modal shift away from car for those living locally. This includes increased cycle parking</p>

	<p>provision, new walking and cycling maps and installing signage. Further enhancements are proposed as part of the SAC.</p>
<p>It remains unclear if/how the 2023 survey has informed the Surface Access Commitments. Whilst appreciating that the airport continues to recover from a pandemic which has (among other impacts) potentially affected staff travel modes on a temporary basis, is there not risk that a reliance on 2016 survey data means that staff travel patterns moving forward are not adequately factored into the SACs?</p>	<p>The results from the 2023 survey have not informed the SAC although the Applicant will take account of them, and subsequent surveys, in determining how best to deploy interventions to achieve the committed mode shares. As set out in the Applicant's Response to ExQ1 – Traffic and Transport [REP3-104] TT.1.30, the staff surveys show that the airport is still in recovery post-pandemic, and they are not a suitable direct comparator to the forecast mode shares in the strategic modelling. The modelling work takes into account a range of sustainable interventions in the future baseline (paragraphs 12.6.52 to 12.6.76 of ES Chapter 12 [REP3-016]) and with Project (paragraphs 12.8.6 of 12.8.9 of ES Chapter 12 [REP3-016]). The future baseline mode shares shown in Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260] Tables 72 and 74 are therefore the most appropriate basis for</p>

	<p>comparison with the mode shares for the with Project scenarios.</p>
<p>At paragraph 4.2.3 of REP2-005 the Applicant provides a helpful overview of key differences between the 2016 and 2023 surveys. This explain that staff mode share under ‘company transport’ has reduced by 6%, and this is attributed to company transport provided by airlines no longer running – is there a particular reason why airlines were providing company transport in 2016 but are no longer doing so - is this an ongoing position?</p>	<p>Company transport was largely provided by airlines that operated from both Heathrow and Gatwick, where crew may live remote from either airport (e.g. Virgin Atlantic). Following the pandemic this is no longer common with the airlines currently operating from Gatwick Airport.</p>
<p>Appendix D (Slide 4) refers to a “smaller proportion of staff living in Crawley as a key challenge”. Do we know how this figure has changed? This could mean that a greater number of staff are travelling from further afield, potentially with implications for staff mode share targets. This would lend further weight to ensuring that the SACs are informed by the latest staff travel data and are demonstrated to be achievable.</p>	<p>The change in the distribution of staff is illustrated in the staff travel survey and arises due to the loss of a large percentage of the workforce during the pandemic and a different cohort of staff being employed post-Covid. The relevance of the Brighton Main Line, and local bus services, is still apparent in both pre-Covid and post-Covid datasets. GAL has committed to a Staff Travel Survey every two years.</p>

ISH4 Surface Transport – Action Point 9: Joint Authorities (West Sussex County Council & Surrey County Council) Response to National Highways annotated commentary on the Surface Access Commitments

3.7.2 The Applicant has met with the Joint Authorities to discuss the matters raised in relation to the Surface Access Commitments and draft Section 106 Agreement. The parties are engaging in productive discussions and the Applicant will provide a further revised version of the Surface Access Commitments document and revised Schedule 3 of the draft Section 106 Agreement. The updated draft DCO s106 Agreement will be submitted to the examination at Deadline 6 as requested in the **Rule 8 Letter** [[PD-011](#)] and the Applicant has also committed to submitting a DCO s106 Explanatory Memorandum which will provide an explanation of each of the provisions of the draft DCO s106 Agreement including how the relevant tests have been satisfied. It is anticipated that a revised Surface Access Commitments document will also be submitted at Deadline 6 to reflect the agreed amendments requested by the Joint Authorities.

ISH5 Aviation Noise - Action Point 3: The Examining Authority has asked the Applicant to consider night-time sound levels at a specific school raised by Cllr Lockwood, Lingfield Parish.

3.7.3 The Applicant's response provided daytime noise levels and confirmed in paragraph 5.3.5 the school and college teaching buildings would qualify for the Schools Insulation Scheme and the residential accommodation would qualify for the residential Noise Insulation Scheme, as described in **ES Appendix 14.9.10** [[APP-180](#)]. This was to address the councillor's concerns about whether the residential part would qualify for noise insulation because it is occupied at night and so affected by night noise. The Leq 8 hr night noise levels with the slower transition fleet are 52.0 dB in 2019, 51.4dB in the 2032 baseline, and 51.8dB with the Project in 2032, i.e. a noise increase of 0.4dB compared to the 2032 baseline and a noise reduction of 0.2dB compared to the 2019 baseline.

ISH5 Aviation Noise - Action Point 6: The Examining Authority has asked the Applicant to respond to the points of detail raised at the hearing by Interested Parties in its written submissions

- 3.7.4 The JLAs state the Applicant has provided a small amount of detail on supplementary noise metrics at seven 'community representative locations' and that these locations do not provide adequate coverage of the area affected by aircraft noise. Due to the way information has been presented they state it is difficult for individuals to understand how they may be affected by the proposed expansion.
- 3.7.5 Supplementary noise metrics are plotted in 45 figures in the ES (**ES Noise and Vibration Figures Parts 1,2 and 3 [App-063, 064 and 065]**), including as noise difference plots, to allow noise levels at all locations to be compared. The Applicant has also provided the online noise viewer specifically to allow Interested Parties to study noise in their own locality by providing noise levels for primary and secondary metrics at 18,000 postcodes. GAL notes that the public noise viewer has been viewed over 2,300 times since its launch in summer 2023.

ISH5 Aviation Noise - Action Point 7: The Examining Authority has asked the Applicant to provide an updated annex of how the noise insulation scheme will be implemented.

- 3.7.6 The JLAs list a number of details around how the Noise Insulation Scheme will operate. The Applicant has provided a full update of the **Noise Insulation Scheme** (Doc Ref. 5.3 v2) at Deadline 4 which addresses the principles of these questions. The JLA also asks three specific questions:

How will the scheme rollout? The updated NIS (Doc Ref. 5.3 v2) gives further details on the implementation of the scheme.

Will properties be insulated prior to significant noise effects occurring? Yes. The updated NIS (Doc Ref. 5.3 v2) gives details regarding timing.

Is there sufficient market availability to deliver insulation prior to significant effects occurring? The Applicant has referred to its own experience of delivering noise insulation to over 400 homes per year in the past and believes there is sufficient availability.

Appendix A – Air Quality

3.7.7 The Applicant has reviewed the summary of technical air quality issues submitted at Appendix A will provide a response at Deadline 5.

Appendix B – York Aviation

3.7.8 The Applicant has prepared a response the submission from York Aviation at **Appendix A: Response to York Aviation - Forecasts** (Doc Ref. 10.24) and **Appendix B: Response to York Aviation – Capacity and Operations** (Doc Ref. 10.24).

Review of Deadline 2 Arboricultural Documentation submissions made by the Applicant

3.7.9 The Applicant has prepared a response the submission made on arboriculture at **Appendix F: Response to the JLAs on Arboriculture, Landscape and Ecology** of this submission (Doc Ref. 10.24).

Written Representation to the Applicant’s proposed changes to the DCO

3.7.10 A response to the Written Representations received in relation to the Project changes are contained within **The Response to Written Representations on Project Changes 1 to 3** (Doc Ref. 10.23).

4 Comments on the Applicant's Deadline 1 Submissions

- 4.1.1 At Deadline 2, the Legal Partnership Authorities submitted their *Comments on the Applicant's Deadline 1 Submission Development Consent Order - Schedule of Changes* [REP1-005] [REP2-042]; (also submitted as [REP2-065](#)) (the "**JLA Schedule Comments**"). At Deadline 2, the Legal Partnership Authorities submitted their *Comments on the Applicant's Deadline 1 Submission Development Consent Order - Schedule of Changes* [REP1-005] [REP2-042]; (also submitted as [REP2-065](#)) (the "**JLA Schedule Comments**").
- 4.1.2 The majority of points raised in this document repeated points raised by the Legal Partnership Authorities and others in their Local Impact Reports submitted at Deadline 1. The Applicant responded to these points in:
- **The Applicant's Response to the Local Impact Reports** [REP3-078]; and
 - **The Applicant's Response to the Local Impact Reports - Appendix C - Response to DCO Drafting Comments** [REP3-081].
- 4.1.3 To the extent that limited new points were raised in the JLA Schedule Comments, the Applicant responded to these in its **Response to Deadline 2 Submissions** [REP3-106].
- 4.1.4 At Deadline 3 the Legal Partnership Authorities submitted an updated version of their JLA Schedule Comments - [REP3-150]. The Applicant does not propose to repeat any responses provided in the above referenced documents but has provided its responses to new points raised in the version of the JLA Schedule Comments submitted at Deadline 3 below.

Row	Summary of JLA comment	Applicant's response
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<p>11, 22, 29, 31, 32, 33, 35, 36, 38, 43</p>	<p>In respect of a number of articles at least one of the Authorities is not content with the proposed drafting and the Authorities are trying to agree a common position, with an update to be provided at Deadline 4.</p>	<p>Noted and the Applicant awaits further information at Deadline 4.</p>
<p>28</p>	<p><u>Requirement 3 (time limit and notifications)</u></p> <p>The Authorities do not understand the logic for providing each timeframe and would welcome an explanation from the Applicant.</p> <p>The Authorities note the timeframes in Requirement 3 are measured in working days; however, the other Requirements which measure timeframes do so in calendar days (see Requirements 14(4), 15(4), 16(2), 16(6) and 17). For consistency across Schedule 2, the Authorities suggest the timeframe in Requirement 3 should be measured in calendar days.</p> <p>(Notwithstanding the point above regarding the brevity of the Requirement 3 timeframes, the Authorities would request that any change from working to calendar days does not lead to the Authorities having less time under the relevant provision).</p>	<p>Explanation for notification timeframes</p> <p>Requirement 3(2) requires the undertaker to notify CBC at the following times:</p> <p><i>(a) within 10 working days after the date on which the authorised development begins</i></p> <p>Notification of development beginning is necessary for CBC to oversee compliance with the time period in requirement 3(1). There are no requirements which must be satisfied <i>before</i> development begins, so the notification can take place following that milestone such that an exact date can be notified to CBC.</p> <p><i>(b) at least 30 working days prior to the anticipated date of commencement, provided that commencement may still lawfully occur if notice is not served in accordance with this sub-paragraph</i></p>

	<p>Regarding the notification requirement under paragraph (3) the Authorities consider each of the host authorities should be notified i.e. Crawley BC, Surrey CC, West Sussex CC, Reigate and Banstead DC, Mole Valley DC and Tandridge DC.</p>	<p>There are several requirements which require the undertaker to submit details or documents for approval prior to commencing a part of the authorised development. This notification ensures that the anticipated date of commencement for a part of the authorised development is notified to CBC in advance, such that CBC can oversee compliance with these pre-commencement requirements. As the date on which a part of the authorised development is commenced may fluctuate, the notification requirement is of the <i>anticipated date</i>.</p> <p><i>(c) within 10 working days after the actual date of commencement</i></p> <p>Once commencement of a part of the authorised development has occurred, this notification ensures that CBC is updated with the actual date on which that took place. In addition, CBC should be notified of the actual date of commencement so that it can effectively oversee provisions which take effect from this date, such as article 9 (planning permission).</p> <p><i>(d) at least 30 working days prior to the anticipated date of commencement of dual runway operations</i></p>
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		<p>Several requirements have effect from the commencement of dual runway operations (e.g. requirements 15 (air noise envelope), 19(1) (airport operations) and 20 (surface access)). CBC should therefore be notified in advance of this anticipated date so that it can oversee compliance with these requirements.</p> <p><i>(e) within 7 working days after the actual commencement of dual runway operations</i></p> <p>Relatedly, notification of the date of actual commencement of dual runway operations ensures that CBC can effectively monitor compliance with requirements that take effect at this milestone, and also so that CBC is aware of the anniversary of this date, which is relevant for e.g. requirements 6(3) (national highway works) and 17 (verification of air noise monitoring equipment).</p> <p>Working days and calendar days</p> <p>The Applicant has conducted an exercise to standardise all references to days in the draft DCO to calendar days, including in requirement 3 and in Schedule 11 (Procedures for Approvals, Consents and Appeals). These changes will be included in the next</p>
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		<p>version of the draft DCO to be submitted at Deadline 5.</p> <p>Authorities to be notified</p> <p>This change will be made in the next version of the draft DCO to be submitted at Deadline 5.</p>
<p>29</p>	<p><u>Requirement 4 (detailed design)</u></p> <p>In R4(1), “excepted development” is carved out of the definition of authorised development, and the effect of this is that excepted development does not require the planning authority’s approval. Excepted development is airport development under the Town and Country Planning (General Permitted Development) Order 2015 which is given deemed planning permission. Instead of granting approval, the planning authority must be consulted on the excepted development. The Councils’ concerns with “excepted development” are set out in paragraph 6 of Appendix M (comments on the draft Development Consent Order [PDLA-004] (Version 3.0, February 2024)) of West Sussex Authorities Local Impact Report [REP1-069].</p>	<p>The Applicant has noted the LPAs' comments on 'excepted development' in, <i>inter alia</i>, their Post Hearing Submission on ISH 2 [REP1-212] and their Responses to the Applicant's Written Summary of Oral Submissions and Responses to Actions (from ISH1-5) [REP2-081]. The Applicant has noted the LPAs' comments on 'excepted development' in, <i>inter alia</i>, their Post Hearing Submission on ISH 2 [REP1-212] and their Responses to the Applicant's Written Summary of Oral Submissions and Responses to Actions (from ISH1-5) [REP2-081].</p> <p>The Applicant provided an initial response to these in its Response to Deadline 2 Submissions [REP3-106] re Action Point 10 and noted that it would provide a further response at Deadline 4. This further response is appended to this document as Appendix H: Note</p>

		on Excepted Development and the Airport Development Principle (Doc Ref. 10.24).
(Doc Ref30)	<p><u>Requirement 5 (local highway works – detailed design)</u></p> <p>While the Authorities consider the highway authority should discharge this requirement, they also consider each highway authority should consult the lower authorities in their areas before discharging the requirement i.e. WSCC should consult CBC; SCC should consult RBBC, MVDC and TDC (where relevant).</p>	This change will be made in the next version of the draft DCO to be submitted at Deadline 5.
34	<p><u>Requirement 11 (local highway surface water drainage)</u></p> <p>WSCC consider CBC should be consulted, SCC consider MVDC, RBBC and TDC should be consulted.</p>	This change will be made in the next version of the draft DCO to be submitted at Deadline 5.
42	<p><u>Requirement 23 (flood compensation delivery plan)</u></p> <p>The Authorities consider the references to "CBC" in paragraphs (1) and (2) should be replaced with "WSCC".</p>	This change will be made in the next version of the draft DCO to be submitted at Deadline 5.

5 Other Submissions

- 5.1.1 The Applicant received a submission from Ben Benatt [[REP3-159](#)] in response to the Local Impact Reports which focused on ecology. The Applicant has provided a response at **Appendix G: Response to Ben Benatt's Deadline 3 Submission** (Doc Ref. 10.24).
- 5.1.2 The Applicant has also received further details from Surrey County Council setting out the clarifications it requires of airfield drainage. The Applicant's response to this is set out in **Appendix E: Response to SCC's Airfield Drainage Queries** (Doc Ref. 10.24).
- 5.1.3 The Applicant has received other submissions from the Charlwood Society, Edward Higgs, Executive Services (Gatwick) Ltd, Mark Stringer, Nutfield Conservation Society and Stuart Roy Stringer. None of these submissions relate to documents submitted at Deadline 2 but rather provide general summaries of the IP's views of the Project. The Applicant therefore directs the Interested Parties to the Relevant Representations Report for further information in response to the topics raised.