

Gatwick Northern Runway

TR020005

National Highways Comments on any Submissions Received by Deadline 4

June 2024

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1 **Comments on any Submissions Received by Deadline 4**

This document has been prepared by National Highways to set out its position in respect to matters raised by either the Applicant or other Interested Parties as part of their Deadline 4 submissions. National Highways position has been provided in order to provide clarity to the Examining Authority on points of agreement, disagreement or where additional clarity is being sought in order to resolve the matters raised by National Highways as part of its Relevant Representation **[TR020005/RR/3222]** and Written Representation **[TR020005/REP1/088]**. These can be found in Table 1.1 below.

Table 1-1 National Highways Comments on any Submissions Received by Deadline 4

Reference	Examination Library Reference Number	Statement	National Highways Comment
Applicants Response to Deadline 3 Submissions			
Legal Partnership Authorities Applicants Response to EN.1.11	REP4-031	<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 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 commoner species). Mitigation for the loss of such roosts will be straight forward to accommodate within retained woodland.</p>	National Highways is aware that Bat Surveys on trees are taking place and is awaiting results to be shared. National Highways refers the Applicant to its position made at Deadline 4 [TR020005/REP4/078].
Section 2.7.1 National Highways Applicants Response GEN.1.21 to	REP4-031	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.	Noted, for clarity National Highways request is to be included in any discussions which may have a direct or indirect impact on the Strategic Road Network. National Highways would welcome how its membership of the panel is proposed to be secured.
Section 2.7.1 National Highways Applicants Response CA.1.17 to	REP4-031	<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 temporarily 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 hinder the operation and/or maintenance of the improved highways. 	<p>National Highways has already substantially responded to these points in its Deadline 4 submission "Post-Hearing submissions, including written summaries of oral submissions to the Hearings" [TR020005/REP4/075], at para 4.1 - 4.11.</p> <p>National Highways does not dispute the need for permanent acquisition powers over land which is to be designated as new highway, but continues to disagree with the Applicant's approach towards existing highway. Unknown rights over existing highway may currently exist but there is nothing to suggest that such rights are likely to come forward and interfere with the highway. National Highways welcomes the acknowledgement from the Applicant that the risk is unlikely to materialise.</p> <p>National Highways has provided the Applicant with details of the land it owns, and this should be reflected by the Applicant in its Book of Reference. National Highways disagrees that permanent powers are necessary to alleviate any "uncertainty" over the ownership of the existing highway. Works on the existing highway would be carried out under temporary powers, without the need for the Applicant to own the said highway.</p>

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		<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 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 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.</p>	<p>In light of the relevant compulsory acquisition guidance (Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land, DCLG, Sept 2013), the Applicant should be demonstrating that the proposed interference with National Highways' interests is "necessary and proportionate". National Highways does not believe that such a case has been made and respectfully requests that the Examining Authority remove permanent powers over the SRN, if the Applicant remains unwilling to do so.</p>
National Highways Applicants Response to CA.1.32	REP4-031	<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 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>National Highways has provided land information to the Applicant and awaits receipt of the updated Book of Reference at Deadline 5.</p>

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		<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>	
National Highways Applicants Response to TT.1.17	REP4-031	<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>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>	<p>National Highways has reviewed the Applicant's Transport Assessment Report in conjunction with its update on the status of the M23 Junction 8 scheme and notes the following:</p> <ul style="list-style-type: none"> The Applicant's reporting demonstrates that there are no significant journey time issues associated with the opening of the Applicant's proposals on either of the routes which contain the M25 junction 8. The Scheme, according to reporting by the Applicant, demonstrates a reduction in traffic volumes south of Junction 8. <p>As a consequence of these outcomes, National Highways does not consider there is likely to be any material impact from any change in the inclusion, or exclusion, of the M25 Junction 8 scheme in the strategic highway modelling. Therefore, National Highways will not be requesting the Applicant to undertake additional sensitivity testing in regard to the M25 Junction 8 proposal.</p> <p>National Highways would like to clarify that the M25 Junction 8 Scheme has not been reported to be in the "Next RIS Period" and therefore cannot have been removed. To confirm, the scheme is not currently funded or committed for delivery.</p>
The Applicant's Responses to National Highways representation on Appendix 9.9.2 Section 2.3.2	REP4-031	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].	National Highways notes the Applicant's response and will review the survey data introduced at Deadline 5.
The Applicant's Responses to National Highways representation on Appendix 9.9.2	REP4-031	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.	National Highways notes the Applicant's response and will review the updated BNG Assessment introduced at Deadline 5.
The Applicant's Responses to National Highways representation on Appendix D 2023 Travel to Work Survey Slide 9 and 10	REP4-031	<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>	National Highways acknowledges the response of the Applicant and requests clarity on whether any proposed changes would be presented to the relevant parties as part of the Transport Forum Steering Group for feedback.

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The Applicant's Responses to National Highways representation on Appendix D 2023 Travel to Work Survey Slide 12 and 13	REP4-031	<p>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 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>	National Highways acknowledges the response of the Applicant and will remain abreast of the status of negotiation between the Applicant and GTR in relation to discounts.
The Applicant's Responses to National Highways representation on Appendix D 2023 Travel to Work Survey Slide 21	REP4-031	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.	National Highways acknowledges the response provided by the Applicant.
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	REP4-031	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.	National Highways request that this update of the Surface Access Commitments at Deadline 6 considers National Highways response to the updated Surface Access Commitments submitted at Deadline 4 in Appendix A of Nationals comments on Deadline 3 submissions [TR020005/REP4/078].
Gatwick Green Ltd Deadline 4 Submission - Post-Hearing submissions, including written summaries of oral submissions to the Hearings			
Post-Hearing submissions, including written summaries of oral submissions to the Hearings	REP4-107	<p>Access to the Balancing Pond</p> <p>11. It is GGLs contention that NH can use the existing track again, with modification, as shown at Figure 2. Whilst it is outside the DCO project boundary, access and rights can be granted over it. GAL has already agreed the following in draft Heads of Terms with GGL: <i>'The Purchaser shall be responsible for the construction (if required, at its own discretion) of the access track within the land shown coloured green and will submit plans to the Landowner for comment three months prior to the commencement of construction and any proposed amendments to the access track thereafter. The Landowner shall not unreasonably withhold or delay its approval of such plans and any amendments thereto.'</i></p>	<p>As set out in National Highways Cover Letter to its Deadline 4 submission [TR020005/REP4/077], National Highways is satisfied in principle with the alternative access proposals being taken forward, based on the confirmation from the Applicant that powers will remain available to them should this be required. However there remains a number of matters which are outlined in the cover letter which the Applicant needs to resolve in order for this matter to be formalised, relating to the confirmation of suitable access arrangements for all SRN assets affected by the changes to the M23 eastbound spur. National Highways refers Gatwick Green to its cover letter for further details.</p> <p>National Highways remains keen to work with the Applicant to minimise the impacts of land required as far as is reasonably practical.</p>

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		10. On 12th April, GGL were advised by GAL that: 'National Highways have an action to determine whether the existing track is suitable for their access purposes or whether a new/modified one is required' That decision remains outstanding.	
West Sussex Joint Local Authorities Deadline 4 Submission			
Assessment of Operational Traffic Impacts Para 2.61	REP4-042	Concerns were raised in the West Sussex LIR about the assessment of operational traffic impacts [REP1-068 para 13.110-121]. The Applicant has not addressed these issues in its response [REP3-078]. However, queries were submitted by the JLAs in a Technical Note at Deadline 3 [REP3-117] Appendix A to seek further clarification on these (and other) outstanding technical issues.	National Highways will maintain a watching brief on this issue and will review the Applicant's responses. National Highways continues to work with the Applicant to resolve its own concerns around the traffic impacts of the proposals, both during construction and operation.
Traffic and Transportation Para 2.78	REP4-042	Ref No. 17.1A – As stated in the LIR WSCC considers that the Outline Construction Traffic Management Plan [APP-085] lacks detail of specific measures and has concerns that the outline document will be substantially based on the outline document. As set out within the LIR [REP3-078] the Highway Authority would look for additional commitments to be set out within the Outline Construction Traffic Management Plan [APP-085] that are considered to be standard provisions within such a document	National Highways has submitted a number of proposed amendments to the Outline Construction Traffic Management Plan at Deadline 4 [TR020005/REP4/076] . National Highways will review any updated document or comments introduced by the Applicant at Deadline 5.
Traffic and Transportation Para 2.79	REP4-042	<p>Ref No. 17.1G – The Applicant's response to the request to produce an outline Airport Surface Access Strategy (ASAS) as part of the DCO is noted and acknowledged. Whilst not disputing what the Applicant has stated, the Highway Authority remain of the view that it would be beneficial, and that there would be value, in producing an outline ASAS that clearly sets out what the future ASAS would include, including relevant mitigation in order to deliver the mode share targets in the</p> <p>Surface Access Commitments (SACs) [APP-090]. In relation bus operator engagement, with regards services and bus priority measures, the Applicant states that there are commitments in relation to bus and coach travel as set out within the SACs [APP-090]. This is not disputed, the reason for further engagement was to provide comfort that these additional bus services can be delivered by the relevant operators. Currently, no bus priority measures are proposed as part of the highway works and the Applicant's response to the LIR or assessment, in the latest version of the Transport Assessment (REP3-058) does not appear to consider the journey time implications of the attractiveness of bus travel to and from the airport. The Highway Authority would therefore encourage the Applicant to consider the need for bus priority measures to assist with journey time reliability of services to and from the airport.</p> <p>Ref No 17.1P – The Highway Authority concerns remain in relation to the lack of appropriate control the SACs [APP-090] currently have if the surface access modal split targets are not met. As previously set out, there is a risk that, should the modal split targets not be met, that a substantial amount of time could pass and the airport continue to grow, whilst negative environmental impacts occur, worse than assessed in the Environmental Statement Chapter 12 Traffic & Transport [APP-037]. The Highway Authority are of the view that the only way to ensure policy compliant growth at the airport occurs is via an Environmentally Managed Growth approach. Similar to that approach put forward by the Luton Airport DCO</p>	<p>National Highways will monitor the Applicants outline ASAS document which it has undertaken to produce. Having confidence in achieving the desired mode share shifts continues to be important to National Highways in particular the controls and steps which would be undertaken should the modal shift targets not be met.</p> <p>National Highways submitted a rebuttal to the Applicant's updated Surface Access Commitment [TR020005/REP3/029] within Appendix A of its comments to Deadline 3 submissions [TR020005/REP4/078] submitted at Deadline 4.</p>
Applicants Response to	REP4-042	Paragraph 2.34 – As set out in West Sussex Local Authorities Deadline 2 submission (REP2-042) and the West Sussex LIR (REP1-	National Highways has reviewed the Road Safety Audit and can confirm it has no outstanding issues to any of the matters raised on the Strategic Road Network. National Highways notes that responses to local highways issues

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Deadline 2 Submissions Para 3.4.1.		068) Further specific information has been requested from the Applicant to enable the Highway Authority to fully appraise the highway safety and capacity implications of the proposed highway works. These matters still remain outstanding. The Highway Authority has previously seen sight of a Stage 1 Road Safety Audit and Designers Response and comments have been issued on this. More recently a meeting was held with the Applicant on 27th February 2024 to discuss the outstanding matter of a Stage 1 Road Safety Audit. Some of the information requested at that meeting, and subsequently in the West Sussex LIR (REP1-068), has been submitted by the Applicant on 1st May 2024. This is currently being assessed and ongoing engagement is required on this matter. A meeting with the Applicant to discuss the outstanding matters relating to transport modelling and highway proposals took place on 10th May. The Highway Authority will continue to positively engage with the Applicant to seek to address these outstanding matters.	are still to be resolved, and while it does not anticipate that the resolution of these matters would impact on the Strategic Road Network, it will review the Applicant's and the West Sussex Local Authorities responses when they are agreed. Subject to the outcome of the additional departures that were identified in National Highways Written Representation [TR020005/REP1/088], which were discussed with the Applicant at a meeting on the 5 June 2024, any agreed changes may be subject to a revised or addendum to the Road Safety Audit being completed.
Appendix 5.3.2: Code of Construction Practice Annex 8 – Outline Invasive and Non-Native Species Management Strategy			
Section 4	REP4-011	PCA (2015). PCA Guidance Note – Management of Himalayan Balsam. Property Care Association, Huntingdon, Cambridgeshire;	National Highways notes that the Applicant is referring to an outdated version of the Himalayan balsam (HB) guidance. National Highways considers that this should be updated to refer to the latest 2023 version, which corrects the excavation depth requirement from 50cm to 30cm.
Section 4.2.1	REP4-011	N/A	National Highways considers that the Environment Agency Regulatory Position Statement 178 should be referenced in Section 4.2.1. This is the key regulator document for dealing with INNS waste.
Section 3.1.1	REP4-011	Recognising that INNS are often highly mobile, INNS species surveys (i.e. for invasive or injurious plants) will be undertaken prior to commencement of construction in any particular area to ensure the pre-construction position is established	National Highways recognises that the Applicant is committing to undertaking non-native species surveys prior to construction; however, the Applicant does not specify how far in advance. National Highways notes that some species could be easily eliminated if identified by the Applicant well in advance and would otherwise potentially require costly excavation if identified just before construction (for example it might be possible to exhaust the seed bank of Himalayan balsam in advance of works). As such, National Highways would request that the Applicant consider: INNS surveys being carried out as far in advance of construction works as is reasonably practicable. INNS management should commence as far in advance of construction works as is reasonably practicable, with the goal to minimise the requirements for excavation-based remediation.
Section 4.2.2	REP4-011	All areas of Himalayan balsam not within the physical working areas are to be demarcated to ensure no accidental spread or contact. Areas that have been previously infested and subsequently mitigated to also be clearly demarcated so site staff are aware of historic presence;	National Highways requests that minimum demarcation requirements (i.e. what type of fencing and signage) are specified by the Applicant.
Legal Partnership Authorities Comments on Applicant's ExQ1 Submissions - Ecology and Nature Conservation			
EN.1.5	REP4-063	Although the Applicant claims that the Project will achieve over 20% BNG, the BNG calculations are based on the areas of habitat to be lost rather than all habitats within the DCO Limits as highlighted in Section 9.10 of the West Sussex Joint LIR [REP1-068]. Thus, the Applicant's approach does not follow the DEFRA BNG guidance. Given the extent of habitat loss and that the impacts, particularly of woodland loss, will be long term, it is considered that the proposed BNG is insufficient.	National Highways notes the position of the Legal Partnership Authorities and agrees that all habitats in the baseline would need to be included in the calculations, and not just habitats lost.

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		Whilst the Legal Partnership Authorities understand that it is not directly applicable to the DCO context, the BNG statutory framework (Understanding biodiversity net gain - GOV.UK (www.gov.uk) provides a useful framework by which the delivery of BNG by development can be assessed. That framework clearly states that all habitats, whether or not they are impacted by the proposed development, are required to provide BNG. The Legal Partnership Authorities would suggest that, unless the BNG baseline is assessed in accordance with the statutory framework (considering all habitat within the DCO application boundary), the Applicant cannot claim that 20% BNG is being achieved. In fact, it may be that the scheme is delivering substantially less (or even a loss) and the ExA needs to be cognisant of this.	
Deadline 4 Submission - 10.25.3 Written Summary of Oral Submissions CAH1: Compulsory Acquisition			
3.2.2	REP4-034	National Highways confirmed that it has the benefit of protective provisions within the dDCO and must consent to the use of compulsory acquisition or temporary possession powers over the Strategic Road Network however it considers that only powers of temporary possession and to acquire permanent rights should be granted.	The Applicant should only seek powers that it is able to justify and that are necessary and proportionate. Permanent rights may be necessary or proportionate in some areas, but not on the Strategic Road Network.
3.2.4	REP4-034	In relation to the highway land, the Applicant explained that detailed design will determine the exact location of the works and the Applicant therefore needs to ensure that it has the power to acquire all relevant interests. The Applicant explained that full compulsory acquisition powers are required for the majority of the land to deal with any unknown rights which may prevent delivery of the scheme.	National Highways has already substantially responded to these points in its Deadline 4 submission "Post-Hearing submissions, including written summaries of oral submissions to the Hearings" [TR020005/REP4/075], at para 4.1 - 4.11.
5.2.13	REP4-034	In relation to National Highways, the Applicant confirmed that it had followed Land Registry information, but that it was now in receipt of more detailed information and will update the Book of Reference accordingly. The Applicant confirmed that Plot 1/242A is required in relation to construction activities associated with Work No. 36 including enabling the scheme to undertake any potential works that may be required to a drainage outfall pipe to Gatwick Stream, the exact location and condition of which is to be confirmed at the detailed design stage with appropriate site investigations.	As set out in National Highways' Deadline 4 submission, "Post-Hearing submissions, including written summaries of oral submissions to the Hearings" [TR020005/REP4/075] the Applicant should update the relevant DCO schedule to set out the precise rights sought over plot 1/242A.
6.2.1 (c)	REP4-034	National Highways – The latest draft of the bespoke protective provisions was sent to National Highways on 3 May 2024. Comments on the principles of the draft side agreement were sent to National Highways on 29 April 2024	The draft Protective Provisions were sent back to the Applicant on 21 May 2024 and National Highways hopes that they will be agreed by the Applicant shortly.
Supporting Greenhouse Gas Technical Notes, Appendix A - Greenhouse Gas Technical Note - Whole Life Carbon Considerations submitted at Deadline 4.			
App A	REP4-020		<p>National Highways has reviewed the Supporting Greenhouse Gas Technical Notes, Appendix A - Greenhouse Gas Technical Note - Whole Life Carbon Considerations submitted at Deadline 4 [TR020005/REP4/020] and has the following comments on this document when viewed across the full application.</p> <p>Chapter 5 of the Environmental Statement [TR020005/REP1/016] states that the following are in the scope of the Proposed Development:</p> <ul style="list-style-type: none"> • repositioning its centreline 12 metres further north to enable dual runway operations; • reconfiguration of taxiways; • pier and stand alterations (including a new pier); • reconfiguration of specific airfield facilities; • extensions to the existing airport terminals (north and south); • provision of additional hotel and office space;

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			<ul style="list-style-type: none"> • provision of reconfigured car parking, including new car parks; • surface access (including highway) improvements; • demolition and relocation of Central Area Recycling Enclosure (CARE) facility; • provision of an additional water treatment facility; • reconfiguration of existing utilities, including surface water, foul drainage and power; and • landscape/ecological planting and the creation of environmental mitigation. <p>However, the Applicant's assessment needs to provide an appropriate carbon assessment for all the items listed above. The table below shows a summary of the lifecycle modules assessed for the Proposed Development, split between 'within the airport boundary' and 'within the SRN' boundary. National Highways has identified a "TBC" where it is not clear that emissions have been accounted for fully based upon the information provided by the Applicant in the Supporting Greenhouse Gas Technical Notes, Appendix A - Greenhouse Gas Technical Note - Whole Life Carbon Considerations submitted at Deadline 4 [TR020005/REP4/020].</p> <table border="1" data-bbox="1584 716 2513 886"> <thead> <tr> <th></th> <th>A1-3</th> <th>A4</th> <th>A5</th> <th>B1</th> <th>B2-3</th> <th>B4-5</th> <th>B6</th> <th>B7</th> <th>B8</th> <th>C1-4</th> </tr> </thead> <tbody> <tr> <td>GAL</td> <td>Y</td> <td>Y</td> <td>Y</td> <td>Y</td> <td>TBC</td> <td>TBC</td> <td>Y</td> <td>Y</td> <td>TBC</td> <td>TBC</td> </tr> <tr> <td>SRN/ RN</td> <td>TBC</td> <td>TBC</td> <td>TBC</td> <td>TBC</td> <td>TBC</td> <td>TBC</td> <td>TBC</td> <td>TBC</td> <td>TBC</td> <td>TBC</td> </tr> </tbody> </table> <p>Chapter 5 of the Environmental Statement [TR020005/REP1/016] identifies highway improvements as part of the Project, and upgrades to junctions are included in Chapter 16 of the Environmental Statement [TR020005/REP4/006], this is further noted in [REP4-036] The Applicant's Response to Actions ASH6: Climate Change (including Greenhouse Gases):</p> <p>The Applicant has therefore not provided a clear explanation as to why the GHG impact of highway improvements has not been included in the Future Baseline Methodology seen in Appendix 16.9.1 [TR020005/APP/191], despite including them in the Project description, and if the upgraded highway junctions account for all highway improvements described in ES Chapter 5.</p> <p>Furthermore, National Highways request that the Applicant clarifies how the carbon assessment of the construction of highway improvements and subsequent operation has been considered, as National Highways notes that they are not included within Appendix 16.9.1 [APP-191] and Appendix 16.9.3 [TR020005/APP/193] respectively. National Highways consider the current wording is ambiguous, with paragraph 1.2.9 of Appendix 16.9.1 stating that the highway works are estimated using cost while Table 2.4.1 only identifies construction materials for buildings.</p> <p>Otherwise National Highways request that the Applicant provide an assessment of highways improvements in isolation. This is to enable National Highways to consider the significance of these works relative to the assets National Highways will ultimately be responsible for in accordance with its statutory obligations.</p> <p>B2-5 emissions have been excluded due to not meeting the significance criteria set out in the IEMA guidance, based on the conclusions found in the Supporting Greenhouse Gas Technical Note submitted at Deadline 4 [TR020005/REP4/020]. Given that the same reasoning could apply to the whole life carbon emissions attributed to highways improvements, would the inclusion of WTT emissions for the mandatory modules of B6 and B7 along with modules B2-5 raise the excluded emissions to above the criteria of 5% of the Proposed Development emissions?</p>		A1-3	A4	A5	B1	B2-3	B4-5	B6	B7	B8	C1-4	GAL	Y	Y	Y	Y	TBC	TBC	Y	Y	TBC	TBC	SRN/ RN	TBC	TBC	TBC	TBC	TBC	TBC	TBC	TBC	TBC	TBC
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GAL	Y	Y	Y	Y	TBC	TBC	Y	Y	TBC	TBC																										
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Appendix C Section 5	REP4-039	<p>Based on the review, the following recommendations are proposed to GAL in terms of enhancing Gatwick's Adverse Weather Plan to account for both construction and climate change.</p> <p>5.1.1 Recommendations on best practices for handling of adverse weather (Document 1)</p> <p>Recommendations from the EUROCONTROL document are already incorporated in GAL's AWP. However, it is recommended making it clearer when certain actions are part of BAU operations, as it is not always evident when reading the AWP.</p> <p>5.1.2 Recommendations on review of climate change risks for aviation (Document 2)</p> <p>Appendix C – Climate Change Technical Note – Adverse Weather Plan Review – May 2024 Page 13 Our northern runway: making best use of Gatwick It is recommended that GAL include explicit mention of storm intensity, ensuring clarity and precision in the wording (#1). Additionally, considering the importance of tourism demand in the operational context and mentioned in the EUROCONTROL documents, even if changes in tourism demand sit with different operations planning team, it is recommended to make reference to it within the plan and signpost the relevant documents and/or processes (#2). As sea level rise is not a pertinent factor for Gatwick Airport due to its inland location, it does not require inclusion in the AWP.</p> <p>5.1.3 Recommendations on review of preparations for summer, and winter, adverse weather (Documents 3 & 4)</p> <p>It can be inferred from the weather state descriptions that weather states include actions for most summer and winter conditions. However, there are some uncertainties regarding one weather state, particularly regarding hail, which has weather warnings from the Met Office but lacks corresponding actions in the plan. It is recommended to add specific state for hail or to expand upon the descriptions for Cumulonimbus (CB) Activity and or Ice states to address this gap. Given the new findings from Climate Change Technical Note: Wildfire and fog, and the new emerging risk from wildfire and climate change, it is also recommended that the inclusion of wildfire in the AWP is considered in future updates, where planning would be similar to the volcanic-ash and heat plans measures.</p> <p>5.1.4 Recommendations for extreme weather events not being considered during construction</p> <p>It is recommended that the AWP is updated prior to construction starting, to consider how risks from extreme weather events other than wind are addressed during construction and note that the actions may have more of a temporary nature.</p>	<p>ES Chapter 15 states that climate impact on construction and operation on upgraded highways junctions have been considered. National Highways request that the Applicant undertake a climate change risk assessment of highways improvement works during construction and operation. This assessment should clarify which Asset Group highway improvement works fall under in ES Appendix 15.4.1 Climate Change Resilience Definitions [TR020005/APP/184] or 15.8.1 ES Appendix Climate Change Resilience Assessment [TR020005/APP/187] similar to how the scope of works have been included in ES Chapter 16: Greenhouse Gases [TR020005/APP/041]. This is to ensure these works relevant to National Highways are considered in the recommendations set out in Supporting Climate Change Technical Notes to Statements of Common Ground, Appendix C – Climate Change Technical Note – Adverse Weather Plan review [TR020005/REP4/039].</p>