

Principal Areas of Disagreement Summary Statement (PADSS) from Surrey County Council - Version Number: Three Submitted at: Deadline Five - 6<sup>th</sup> June 2024

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<b>Needs case (including capacity and demand)</b>				
1	The capacity deliverable with the NRP Proposed Development	The Applicant has produced updated simulation modelling of the future capacity of the runway with the NRP <b>[REP1-054]</b> , which uses more appropriate assumptions about the separations required between departing aircraft but, nonetheless, indicates lower levels of delay. Further information has been sought regarding the calibration of this model to verify that it does not understate delays before it can be agreed that the NRP is capable of delivering the capacity uplift assumed over the longer term <b>[REP4-052]</b>	Further information regarding the validation of the updated simulation modelling is required.	Uncertain
2	The forecasts for the use of the NRP are not based on a proper assessment of the market for Gatwick, having regard to the latest Department for Transport forecasts and having regard to the potential for additional capacity to be delivered at other airports. The demand forecasts are considered too optimistic.	The demand forecasts have been developed 'bottom up' based on an assessment of the capacity that could be delivered by the NRP (see point above). It is not considered good practice to base long term 20 year forecasts solely on a bottom up analysis without consideration of the likely scale of the market and the share that might be attained by any particular airport. In this case, top down benchmarking against national forecasts has failed to properly allow for the developments that may take place at other airports and the extent to which the overall level of demand across the London system is reliant on the assumption that a third runway would be delivered at Heathrow. Alternative top-down forecasts have now been presented by GAL <b>[REP1-052]</b> that show slower growth	The adoption of the top-down forecasts, including an allowance for capacity growth at the other London airports as the base case for the assessment of the impacts of the NRP and the setting of appropriate controls on growth relative to the impacts.	Uncertain

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		<p>in the early years following the opening of the NRP. These are considered more reasonable than the original bottom-up forecasts adopted by the Applicant but still fail to take adequate account of the extent to which some part of the demand could be met by expansion at other airports serving London including a third runway or other expansion being delivered at Heathrow.</p>		
3	Overstatement of the wider, catalytic, and national level economic benefits of the NRP.	<p>The methodology used to assess the catalytic employment and GVA benefits of the development is not robust, leading to an overstatement of the likely benefits in the local area.</p> <p>The national economic impact assessment is derived from demand forecasts which are considered likely to be optimistic and fails to properly account for potential displacement effects from other airports, as well as other methodological concerns.</p>	<p>The catalytic impact methodology needs to properly account for the specific catchment area and demand characteristics of each of the cross-section of airports to ensure that the catalytic impacts of airport growth are robustly identified.</p> <p>The national economic impact assessment should robustly test the net impact of expansion at Gatwick having regard to the potential for growth elsewhere and properly account for Heathrow specific factors, such as hub traffic and air fares. See ref 1.</p>	Uncertain
<b>Environmentally Managed Growth</b>				
4	Unlike other airport expansion schemes there is no attempt to	The controls being proposed by GAL are considered inadequate to effectively manage the environmental effects of the NRP. As part of their DCO application Luton	The rationale for an environmentally managed growth (EMG) approach and	Uncertain

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	consider environmental impacts holistically	Airport have proposed a Green Controlled Growth approach, which places controls on four key categories of environmental effect: air quality, greenhouse gas emissions, aircraft noise and surface access. If any limit is breached, further growth will be stopped, mitigation will be required and ultimately, airport capacity would be constrained until environmental performance returned below the limits. An environmentally managed growth approach is required to ensure the mitigations for environmental effects agreed as part of any DCO consent are effective and enforceable and that the environmental impacts of the proposed development do not exceed those assessed.	outline of how an EMG framework might operate has been submitted at Deadline 5. This would provide more effective and enforceable controls that urgently need to be incorporated into proposals, whereby GAL is required to mitigate in advance of growth.	
Traffic and transport				
5	Legislation and Policy	SCC is concerned about the level of growth assumed by GAL in its case for the scheme and that by attempting to accommodate such growth, the NRP includes additional car parking spaces and enhancements to the highways network that might not otherwise be required.	Further exploration of airport capacity and resultant demand and whether this would require all the proposed infrastructure required in the DCO. See ref 1.	Uncertain
6	Assessment methodology, assumptions and limitations of the assessment	SCC is concerned that the modelling tools adopted cannot be considered accurate enough to provide confidence in their outputs, whether it is likely that GAL will be able to meet their Surface Access Commitments and thus whether the ES has thoroughly assessed all the potential impacts.	The Covid sensitivity test, now issued, is only one of a number that SCC would like. Sensitivity test information in respect to the issues raised regarding model accuracy, as well stress tests such as impact of realistic minimum and maximum car access/parking charges and	Possible. Useful discussions have been held in May and SCC await further information from GAL

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			lower than expected rail provision/patronage.	
7	Assessment methodology, assumptions and limitations of the assessment	SCC is concerned that the extent of the VISSIM model includes only one junction in Surrey's network (Longbridge Roundabout), but the extent should be much larger.	The microsimulation study area to be increased to cover more of the SCC network, to enable detailed investigation of the impact of the NRP on its local road network to be understood and include: A23/Massetts Road A23/Victoria Road A217/Tesco Roundabout, and A217/Hookwood Roundabout	Possible. Useful discussions have been held in May and SCC await further information from GAL
8	Baseline Environment	SCC is concerned that high levels of background traffic on the SRN (M25), (which is demonstrated as being at capacity in 2029 in the westbound direction in the morning peak and in the eastbound direction in the evening peak), will increase traffic on the local road network both directly and indirectly as non-airport traffic re-routes off the SRN on to SCC's network.	SCC wishes to understand the volumes of traffic transferred on to its network either directly to/from the airport or displaced from the SRN on to its network and what the impacts of this traffic would be.	Possible. Useful discussions have been held in May and SCC await further information from GAL
9	Baseline Environment	SCC is concerned that the baseline includes the 2,500 additional spaces via robotics at the South Terminal long stay parking area even though it is yet to be agreed whether this would count as permitted development as it has not been trialled yet.	SCC wishes to understand the implications if the 2,500 spaces are not permitted development - in particular, whether the associated highway infrastructure proposed would still be appropriate in such a case, and that the DCO should not provide permission for	Uncertain

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			<p>these spaces if they are not allowed under permitted development.</p> <p>In any event, parking expansion should be phased.</p>	
10	Highway impact – including journey times	<p>Modelling shows capacity issues at a number of junctions as detailed in the Surrey LIR.</p> <p>There are also journey time impacts, also detailed in the Surrey LIR</p>	<p>Mitigation measures to improve performance of these junctions should be included.</p> <p>SCC require the journey time impacts to be mitigated, especially in terms of buses.</p>	<p>Uncertain</p> <p>Discussions have been held in May and SCC await further information from GAL but this remains uncertain unless GAL changes its stance that no further mitigation is required.</p>
11	Mitigation and Enhancement Measures Adopted as Part of the Project	<p>SCC is concerned that the following elements of the surface access interventions which form part of the SAC remain unspecified:</p> <ul style="list-style-type: none"> <li>• Financial support for enhanced regional express bus or coach services and local bus services;</li> <li>• Funding to support local authorities in implementing additional parking controls or in enforcement action against unauthorised off-airport passenger parking sites;</li> <li>• Charges for car parking and forecourt access to influence passenger travel choices;</li> </ul>	<p>A draft S106 was provided in Feb 2024. The local authorities have provided initial comments to the Applicant and seek clarification on a range of matters within the SAC and substantial revisions to the S106 as a consequence.</p>	<p>Possible but depends on the contents of the s106 agreement.</p>

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		<ul style="list-style-type: none"> <li>• Introducing measures to discourage single-occupancy private vehicle use by staff, incentivise active travel use and increase staff public transport discounts;</li> <li>• Use of the Sustainable Transport Fund to support sustainable transport initiatives; and</li> <li>• Provision of a Transport Mitigation Fund to support additional measures should these be needed as a result of growth related to the Airport.</li> </ul>		
12	Mitigation and Enhancement Measures Adopted as Part of the Project	<p>SCC note that a heavy reliance is placed on charges for car parking and forecourt access (see above) and also for rail projects to deliver surface access commitments. However, there are no new rail proposals associated with the project, just 2-3 extra peak hour trains and 10 extra off-peak trains per hour that are planned to happen regardless of the project.</p>	<p>Sensitivity tests that assume less ambitious delivery of increased rail services to the airport and to understand what GAL is prepared to do to ensure that this is a minimum level of rail service to the airport. A contribution is required to the proposed Network Rail Schemes assumed in the baseline.</p>	<p>Uncertain Network Rail submissions suggest that whilst it is theoretically possible to return to pre-Covid timetables, there is neither the money nor operational desire to do so. This places meeting the mode share targets at risk.</p>
13	Mitigation and Enhancement Measures Adopted as Part of the Project	<p>SCC is concerned that the bus and coach services seem to be under-played: they fail to meet the target in the 2014 ASAS for a second runaway, and there is no indication of the willingness of operators to provide these services or advise if others may be required</p>	<p>Further evidence of GAL's engagement with bus and coach operators and to understand GAL's commitment to delivering improved bus and</p>	<p>Possible but depends on the contents of the s106 agreement.</p>

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			coach access and increased contribution to passenger and staff mode share.	
14	Mitigation and Enhancement Measures Adopted as Part of the Project	<p>Feedback provided by SCC in February 2023 (GAL NRP DCO_Review of Highways Design Strategy Report_v1) with regard to the highway and active travel infrastructure proposals has not been satisfactorily actioned, while review of the submitted material associated with the DCO application has identified further queries and concerns. GAL provided information direct to SCC in October 2023, which SCC reviewed and provided feedback to GAL as SCC still has outstanding concerns, which have not been addressed.</p> <p><b>Updated position (Deadline 1):</b> SCC considers that this is still outstanding. SCC reviewed the information provided by Arup on 5<sup>th</sup> October and provided comments accordingly.</p> <p><b>Updated position (Deadline 5):</b> SCC considers that the updated position (April 2024) comment from GAL is still applicable.</p> <p>Further information was submitted by GAL/Arup to SCC on 1<sup>st</sup> May 2024 with a meeting held on 9<sup>th</sup> May to discuss matters. This included updated information/responses from GAL in relation to the Highway Design Strategy Report. SCC considers that the</p>	Plans to be provided or conditioned that are detailed enough to judge design compliance and that cover all the proposed improvements, with acceptance of the design also conditioned accordingly. GAL to revise the highway and active travel infrastructure proposals to address the issues raised.	Uncertain

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		<p>following matters are still outstanding following review of the latest information and meeting:</p> <ul style="list-style-type: none"> <li>• <b>Impact on bus journey times</b> – SCC has requested information on bus journey time impact</li> <li>• <b>Construction</b> – SCC remains concerned about construction of the project, particularly in relation to the impact on Longbridge Roundabout and Balcombe Road in terms of extent and duration of work, while the Construction Traffic Management Plan and Construction Workforce Travel Plan submitted as part of the DCO are outline level, and thus will need to be developed in full with SCC;</li> <li>• <b>Departures from Standard</b> – SCC has caveated that agreement to the proposed Departures from Standard is dependent on the 2-1 merge on the southern arm of the Longbridge Roundabout being reviewed/improved along with understanding the queuing impact of the signalised A23 junction with pedestrians and cyclists as it has been futureproofed that way;</li> <li>• <b>Active Travel route from A23 Brighton Road to North Terminal via Longbridge Roundabout</b> – this route contains shared use pinchpoints at the 2 River Mole bridges, which are being widened anyway, thus SCC has repeatedly requested that these are widened to provide a segregated</li> </ul>		



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		<p>route. Also, there are sharp deviations in the route around car park Y that GAL say will be addressed during detailed design;</p> <ul style="list-style-type: none"> <li>• <b>Active Travel route between The Crescent and North Terminal via Riverside Garden Park &amp; new A23 signalised crossing</b> – SCC has repeatedly requested that this route is improved for cycling rather than just being futureproofed as this is the most direct and hence SCC’s preferred route between Horley and North Terminal.</li> <li>• <b>Active Travel route between The Crescent and South Terminal via relandscaped car park B</b> – SCC has repeatedly requested that this route is improved for cycling as the most direct and hence SCC’s preferred route between Horley and South Terminal.</li> <li>• <b>Active Travel access to east of the railway</b> – SCC has repeatedly requested that a new railway bridge for cyclists is provided in the vicinity of the A23 as there are no crossings between Victoria Road and Radford Road, other than through the South Terminal requiring cyclists to dismount and use lifts. As an alternative, SCC requests that the proposed footpath labelled C1 is upgraded to also allow access for cyclists.</li> <li>• <b>A23 Southbound exit from Longbridge Roundabout</b> – SCC has requested that the 2-to-1 lane merge on the A23 southbound roundabout</li> </ul>		

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		<p>exit is reviewed/improved as the proposed merge appears narrower and shorter than the existing (which has been lengthened since the Stage 3 RSA), thus generating a similar concern that this may cause conflict as it is currently designed.</p> <p><b>Bus priority</b> - the highway infrastructure proposed does not incorporate any bus priority, therefore it is recommended/requested that it is reviewed/ revised to incorporate this to assist the significant modeshift required</p>		
15	Mitigation and Enhancement Measures Adopted as Part of the Project	<p>The active travel infrastructure proposed is unsatisfactory, especially considering ambitious sustainable mode share targets set.</p> <p><b>Updated position (Deadline 1):</b> SCC considers that this is still outstanding. SCC reviewed the information provided by Arup on 5th October and provided comments accordingly.</p> <p><b>Updated position (Deadline 5):</b> SCC considers that the updated position (April 2024) comment from GAL is still applicable. Please see the SCC response to previous row for more detail.</p>	SCC requests inclusion of additional active travel route improvements requested, as detailed in the Surrey LIR.	Uncertain
16	Assessment of Effects	SCC has already outlined concerns about the performance of the models used, the extent of models used and low level of impacts reported. Until these have been addressed, SCC cannot comment on the assessment of effects.	SCC wishes to see concerns about the modelling tools addressed before the assessment of effects can be agreed.	Possible. Useful discussions have been held in May and SCC await

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				further information from GAL
17	Surface Access Commitments	It is a concern to SCC that GAL appear to have proposed a less ambitious sustainable transport mode share target than previous documents aimed for and that efforts to meet them in a business-as-usual scenario seem to have been neglected.	<p>SCC note GAL's comments at ISH4 as to why the targets in the Second Decade of Change published in the same year as the DCO application, are now just an aspiration and not consistent with SAC.</p> <p>The reduction in the mode share target further emphasises the need for commitments that follow the principle of environmentally managed growth, such as those being pursued by Luton Airport in their DCO application. These commitments would prevent growth until interim surface access commitments had been met and thus ensure that sustainable travel was at the heart of Gatwick's growth, rather than a target after growth.</p>	Uncertain EMG will seek to enforce GAL's aspirational targets
18	Securing mitigation	SCC is concerned that the highway-based mitigation, secured through this DCO, is planned to commence as soon as the airside works have been completed rather	SCC wishes to see mitigation that leads to sustainable travel delivered upon commencement	Uncertain Acceptance of EMG will increase the

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		than establishing whether they would be required at that time if the SAC were met or exceeded. That the first Annual Monitoring Report (AMR) will be produced no later than six months before the commencement of dual runway operations provides the opportunity for evidenced based growth to occur.	of works and that additional highway capacity and parking capacity is not commenced until the SAC are met. See also comments at ref 17 above.	likelihood of agreement.
19	Securing mitigation	SCC is concerned that <i>“if the AMR shows that the mode share commitments have not been met or, in GAL's reasonable opinion, suggests they may not be met (having regard to any circumstances beyond GAL's control which may be responsible)”</i> ; GAL has the opportunity to prepare an action plan for the next two years to address any shortfall but that there does not appear to be any sanction if the SAC are not met by that time.	SCC wishes to see growth delivered in a sustainable way, such that the SAC are met before further growth in passenger and staff numbers is allowed. See also comments at ref 17 above.	Uncertain Acceptance of EMG will increase the likelihood of agreement.
20	Securing mitigation	SCC is concerned about the impact of construction of the SAC on its road network.	SCC wishes to see mitigation during the Longbridge Roundabout construction, A23 reconstruction and Balcombe Road Bridge installation. SCC require the Applicant's construction to operate as per the proposed routing via the M23 spur with minimal use of SCC's network	Uncertain
21	Securing mitigation	The Applicant has not entered into discussion with SCC in relation to the interaction of the Project with the Lane Rental and Permit Schemes in operation within Surrey.	The Applicant needs to engage with SCC regarding consideration of Lane Rental schemes as well as the Permit	Uncertain

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			scheme within the DCO. A meeting is to be arranged.	
22	Securing mitigation	The entrance to the Longbridge Roundabout compound is not defined.	SCC requests that further information is provided for the Longbridge construction compound. The existing access is considered inappropriate as detailed in the LIR.	Likely
23	Securing mitigation	SCC is concerned that separate entrances to the South Terminal compound are proposed for HGVs (from the roundabout) and private vehicles (from Balcombe Road). This implies that an extended journey on the local road network is required.	SCC wishes to see all access to the South Terminal compound from the South Terminal Roundabout. Additional detail is sought during the examination.	Uncertain
<b>Drainage and impact on Lead Local Flood Authority</b>				
24	Protective Provisions for Lead Local Flood Authority	Protective Provisions for Lead Local Flood Authority in respect of Ordinary Watercourses are not in dDCO.	Protective Provisions must be agreed and included in the DCO. While the Council welcome the removal of the disapplication of section 23 from the dDCO [REP3-006], they do not consider that their concerns regarding drainage have been satisfactorily addressed. The Applicant states that only one component of the project will require Ordinary Watercourse Consent ("OWC"). The lead local flood authorities ("LLFAs") consider considerably	Uncertain

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			more elements will require an OWC. The LLFAs have suggested that a meeting is held with GAL and their consultants (7 <sup>th</sup> June)	
Noise				
25	Air noise - Threshold and scope of LOAELs and SOAELs	The ES only considers the Leq metric for LOAELs and SOAELs. In doing so it makes reference to national policy. The consideration only of Leq as a metric is too narrow as it does not represent all the effects of air noise and other metrics should be applied to the decision processes within the project to inform impact and mitigation (see ref 27 below). In determining the LOAELs and SOAEL more recent data, including planning decisions and revised health assessment criteria need to be applied. The health impact of noise is likely to be a significant underestimate of the noise impact in view of the choice of LOAELs and SOAEL. (See LIR NV4)	Inclusion of assessment for a wider range of criteria, including but not exclusively, awakenings, N above contours in addition to the Lden and Lnight should be used and more recent information/data applied to calculate significance of effects, especially in terms of health.	Uncertain
26	Air noise - No attempt has been made to expand on the assessment of likely significant effects through the use of secondary noise metrics.	Context is provided to the assessment of air noise through consideration of the secondary L <sub>Amax</sub> , overflight, Lden and L <sub>night</sub> noise metrics. However, no conclusions on how these secondary metrics relate to likely significant effects have been made so their use in terms of the overall assessment of likely significant effects is unclear.	Provide some commentary about how secondary metrics relate to likely significant effects and whether the assessment of secondary metrics warrants identifying a likely significant effect.	Uncertain
27	Air noise - Properties that are newly exposed to noise levels exceeding the SOAEL are not identified	It is important to identify how many properties are newly exposed to noise levels exceeding the SOAEL to determine compliance with the first aim of the ANPS.	Identify how many and the location of properties newly exposed to noise levels exceeding the SOAEL.	Likely

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			Identify how many properties are exposed to noise levels exceeding the SOAEL for both the Central Case and the Slower Transition Case.	
28	Ground noise – issues with the ground noise modelling and assessment. The assessment should consider the Slower Transition Case as per the aircraft noise assessment.	<p>There are issues with the ground noise modelling as discussed in the LIR. Engine ground running, auxiliary power unit, fire training ground activities and engine around taxi noise should all be included in LAeq,T ground noise predictions.</p> <p>Higher levels of ground noise will be identified in the Slower Transition Case. Consequently, there is potential for receptors to experience significant noise effects that are not identified in the Central Case assessment.</p>	<p>Production of ground noise contour maps for the assessment years as produced for air noise and road traffic noise. It would be expected that LAeq and LAmx contour plots are provided for each assessment year and scenario. LAeq contours should be provided from the LOAEL upwards in 3dB increments.</p> <p>An assessment of Slower Transition Case ground noise effects should be provided to identify the potential for exceedances of the SOAEL at sensitive receptors and eligibility for noise insulation on a precautionary basis. (See LIR Ref. NV11)</p>	Uncertain
29	Construction noise - Significant construction noise effects	Residual significant construction noise effects should be controlled through mitigation. Insulation will be	Provide more detail on noise control measures within the	Likely

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		provided, but it is not clear if this would be sufficient mitigation to reduce significant noise effects.	Code of Construction Practice as set out in the LIR (Refs. NV1, NV2 and NV3) . Noise barriers are relied upon to reduce significant construction noise effects; however, these barriers are not secured in the DCO. As such, construction noise mitigation cannot be relied upon.	
30	Noise envelope – not policy compliant nor fit for purpose	SCC considers there are substantial deficiencies in the Noise Envelope that need to be addressed before it could be considered fit for purpose. The proposed monitoring, review and enforcement of the Noise Envelope is not agreed. SCC would like to see an environmentally managed growth approach to implementation and enforcement.	Development of an Environmentally Managed Growth approach which would include the noise envelope and a monitoring, reporting, and modelling regime that enables the airport’s growth to be accurately recorded and predicted and with appropriate governance that includes local authorities to scrutinise the monitoring and enforce environmental limits. (See LIR Ref. NV6).	Uncertain
31	Noise envelope - Sharing the benefits	No details on how benefits of new aircraft technology would be shared between the airport and local communities are provided. Sharing the benefits has not been removed from national aviation policy and is a fundamental part of the noise envelope.	Details on how noise benefits are shared with the local community in accordance with policy requirements set out in	Uncertain



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			the Aviation Policy Framework (see LIR Ref. NV6).	
32	Noise envelope – Incentives to achieve faster fleet transition	Basing the noise envelope contour limits on the Slower Transition Case means there is no incentive to push the transition of the fleet to quieter aircraft technology Furthermore, a first review of the contour 9 years after opening or when 382,000 Air Traffic Movements is achieved provides limited incentive for GAL to achieve a faster fleet transition and secure noise benefits.	GAL <u>identifies the Central Case as the most likely so it should be used to define Noise Envelope limits.</u> The DCO should provide for 5 yearly (or more frequent) reviews of the Noise Envelope as part of an environmentally managed growth approach (see Ref. 30 above and LIR Ref. NV6).	Uncertain
33	Noise envelope - Annual noise contour limits	Noise contour area limits relate only to the 92-day summer period. There should be additional noise contour area limits in place to control growth during periods of the year outside the 92-day summer period.	It is noted that Gatwick have night noise controls as part of their status as a designated airport and these controls relate to the summer and winter night periods. However, there is no guarantee that these controls would be retained if their designated status changed or DfT changed their approach to night noise controls. A commitment should be made in the DCO to retain and maintain these controls.	Uncertain
34	Noise envelope - Flexibility of noise contour area limits to	GAL wants flexibility to increase noise contour area limits depending on airspace redesign and noise emissions	There should be no allowance for the noise envelope limits to	Uncertain

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	account for airspace redesign and future aircraft technology	from new aircraft technology. If expansion is consented, any uncertainties from airspace redesign or new aircraft technology should be covered within the constraints of the Noise Envelope.	increase as a result of these factors. (See LIR Ref. NV6)	
35	Noise envelope - CAA to regulate the Noise Envelope; mechanism needed to involve relevant local authorities in regulation	There is no mechanism for host authorities to review Noise envelope reporting or take action against limit breaches or review any aspects of the Noise Envelope. The joint local authorities should be part of a Noise Envelope Scrutiny group.	A mechanism should be included to allow local authorities to have a role in scrutinising Noise Envelope reporting, enforcing limit breaches or reviewing any aspects of the Noise Envelope. This should be secured as part of an environmentally managed growth approach - see Ref 34 above.	Uncertain
36	Noise envelope - Adoption of an action plan	A breach would be identified for the preceding year, with an action plan in place for the following year. Consequently, it would be two years after a breach before a plan to reduce the contour area would be in place. <b>Updated position (Deadline 5):</b> SCC maintain their position.	More forward-planning needs to be adopted to ensure that action plans are in place before a breach of the noise contour area limit occurs. This should be secured as part of an environmentally managed growth approach - see Ref 30 above.	Uncertain
37	Noise envelope - Two consecutive breaches to occur before capacity declaration restrictions	24 months of breach would be required before capacity declaration restrictions for the following were adopted. Consequently, it would be three years after the initial breach before capacity restrictions were in place.	More forward-planning needs to be adopted to ensure that action plans are in place before a breach of the noise contour area limit occurs. This should be	Uncertain

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			secured as part of an environmentally managed growth approach - see Ref 30 above.	
38	Noise envelope - Prevention of breaches	The proposed approach to ensuring the noise envelope is not breached is not robust in terms of the timing when action would be taken, against a forecast breach, and the ability to manage slot allocation. As proposed, slots could already have been allocated to airlines such that a breach could not be prevented. No details are provided on what kind of actions are proposed to achieve compliance in the event of a forecast breach.	Details on actions to be adopted to prevent a breach should be provided as part of an environmentally managed growth approach (see Ref 30 above).	Uncertain
39	Noise envelope - Prevention of breaches	The proposed approach to ensuring the noise envelope is not breached is not robust in terms of the timing when action would be taken. Thresholds (cf. Luton's Green Controlled Growth approach) that prompt action before a limit breach occurs and forward looking noise budgets should be used to ensure that the noise envelope is not breached.	Adopt a set of thresholds that trigger preventative action and require forward looking noise budgets to prevent breaches of limits should be included as part of an Environmentally Managed Growth approach and secured through DCO requirements (see Ref 30 above). Noise controls should have a forward-looking component that can be applied during scheduling to provide confidence that noise limits would not be exceeded.	Uncertain

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40	Noise envelope - Capacity declaration restrictions as a means of managing aircraft noise	This is not an effective means of preventing future noise contour limit breaches and thresholds and forward looking noise budgets should be used to control the allocation of slots to ensure that the noise envelope is not breached.	Slot restriction measures should be adopted to ensure the noise envelope is not breached This should be included as part of an Environmentally Managed Growth approach and secured through DCO requirements (see Ref 30 above). Noise controls should have a forward-looking component that can be applied during scheduling to provide confidence that noise limits would not be exceeded.	Uncertain
41	Noise insulation scheme - How would the scheme roll out	Residents of properties within the inner zone will be notified within 6 months of commencement of works, however, it is not clear how the noise insulation scheme would prioritise properties for provision of insulation.	Provide details on how the scheme would roll out and prioritisation to ensure effective and timely installation. This should include a market test of the availability of contractors and insulation materials and an annual target regularly updated to ensure it is fit for purpose in terms of monetary values and any changes to Govt. policy.	Likely
42	Noise insulation scheme - eligibility	The air noise insulation scheme is only based on average Leq contours rather than single mode contours and is confined to Leq metrics.	The scheme must reflect the on-the-day noise experience of residents and this is better represented by single mode	Uncertain

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			contours and additional metrics (see LIR Ref. NV5).	
43	Noise insulation scheme - Provision of different types of noise insulation, ongoing maintenance/replacement and addressing overheating	<p>Is noise insulation in the Outer Zone restricted to ventilators or will the occupier have flexibility to make alternative insulation improvements?  There appears to be no provision for the ongoing maintenance / replacement costs of the noise insulation with this cost simply passed to the owner.  A lack of measures to prevent overheating in noise insulated homes especially in the summer months at night would occur if windows are required to be closed to achieve good acoustic conditions. Acoustic ventilators may not have sufficient cooling capability to deal with the issue of overheating.</p> <p>The Applicant has not addressed the matter of overheating other than to offer blinds to windows exposed to direct sunlight (paragraph 4.2.4 [REP4-017]), which not deemed sufficient.</p>	Clarity on the flexibility of the noise insulation scheme, maintenance and addressing overheating concerns. (See LIR Ref. NV5).	Uncertain
44	Noise insulation scheme - Measurement of ground noise to identify eligibility	It is unclear how noise monitoring would be undertaken to determine eligibility through cumulative ground and air noise. Properties that may experience cumulative levels of air and ground noise that would include them in the NIS Outer Zone should be screened for monitoring and offered an insulation package if eligible.	Provide details on how monitoring of ground noise would be undertaken and how a property would be identified as appropriate for monitoring of ground noise. Houses that need insulation should be identified prior to the commencement of the project	Likely

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			opening (currently 2029) and insulated, not after the project has opened.	
45	Noise insulation scheme - How will effective insulation requirements be determined	<p>It is unclear if a property in the Inner Zone would be assessed to determine the most effective means of insulation.</p> <p>The following questions are made with reference to ES Appendix 14.9.10 Noise Insulation Scheme Update Note [REP2-032]:</p> <ul style="list-style-type: none"> <li>• How will it be determined if the acoustic performance of insulation has significantly reduced?</li> <li>• What is considered to be a significant reduction in performance?</li> <li>• How would the Applicant judge whether external doors provide at least 5dB(A) less sound attenuation than acoustic windows?</li> <li>• How would the Applicant judge whether ceilings of bedrooms provide at least 5dB(A) less sound attenuation than acoustic windows?</li> </ul> <p>Why is 5dB(A) or less chosen as a trigger level?</p>	Provide details on how Inner Zone properties would receive the most appropriate and effective insulation packages	Likely
46	Noise insulation scheme - Noise insulation for community buildings	Schools are included in the Noise insulation Scheme, but it is unclear if other community buildings (e.g. care homes, places of worship, village halls, hospitals etc.) would be eligible for noise insulation.	Provide details on what community buildings would be eligible for noise insulation and what level of insulation would be provided. The inclusion of nurseries is welcome, however no additional community buildings have been included.	Uncertain

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			All community buildings that are sensitive to noise should qualify for insulation.	
47	Noise insulation scheme - Properties that have already received insulation	It is not clear if properties that have already received insulation would be eligible for upgraded noise insulation as part of the new scheme.	Clarification on how properties that have already received insulation would be treated under the new scheme. This is not explicit in the updated Noise Insulation Scheme. It would be helpful if the Applicant could direct to the appropriate section of <b>[REP4-018]</b> .	Likely
48	Loss of amenity outside space	Access to outdoor space is important for health and wellbeing, but noise insulation will not reduce levels likely to cause annoyance outside including in gardens.	An appropriate compensation scheme where existing properties are permanently affected (sSee LIR Ref. NV16).	Unlikely – although the Applicant has proposed financial compensation before .
<b>Employment and Skills and Socio economic</b>				
49	Assessment methodology - No consideration of effects at a local authority level.	There is no assessment of effects undertaken at a local authority level. The impacts of the project on key variables such as employment, labour market, housing (including affordable), social infrastructure and temporary accommodation need to be assessed.	GAL should undertake an assessment of project impacts on each local authority.	Unlikely
50	Assessment of significant effects	Queries remain in relation to the significance of effects during the first year of operation, operational effects and cumulative effects. These include overlap with other schemes and potential labour supply issues, magnitude	GAL should revisit the assessments based on the comments. GAL should also undertake an assessment of impact at local authority level	Uncertain

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		scoring used and need for assessment at local authority level.	for those authorities based in the FEMA.	
51	Assessment of population and housing effects – vacant properties	GAL provides an analysis of vacant properties, which implies that bringing these back into use will help meet the demand generated by non-home based workers. There is no analysis of why these properties are vacant, length of time vacant and barriers to bringing them back into use.	A more robust assessment of private rented market is required. GAL needs to consider how it can help to bring these properties back into use, both in the short term by the non-home based workers but also by bringing a benefit to local areas and bringing properties back into use by local population once construction is complete.	Unlikely
52	Assessment of population and housing effects – impacts on affordable housing	<p>Paragraph 7.5.1 of the Assessment of population and housing effects recognises that the project is likely to generate demand for affordable rented housing which is greater than the number of homes in the existing stock. If this exercise is done at a local authority level, then the figures are very different and the true impacts local impact could be seen.</p> <p>The assessment concludes that despite the demand from the project being skewed towards affordable housing, there are unlikely to be impacts on affordable housing beyond what is emerging or planned for. Given that affordable housing delivery does not currently meet need, the conclusion does not appear well founded.</p>	GAL should substantiate the conclusion that the project is unlikely to have any impact on affordable housing demand. The analysis should be updated at a local authority level to help identify issues which need to be planned for and mitigated.	Uncertain



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53	Gatwick Construction Workforce distribution technical note - Private rented sector (PRS) accommodation	Details are provided of allocation of NHB workers by local authority vs supply of private rental sector beds. Table 6-5 presents PRS bed supply for 2021 by local authority but it isn't clear how these figures have been derived given Paragraph 3.5.2 advised the data on bedrooms was gathered from the 2011 Census. In addition, whilst the figures present PRS bed supply, they do not advise on the availability of accommodation. In the light of a declining supply of rental accommodation and feedback from local authorities on limited availability this would seem to be a significant omission.	GAL should review other potential sources that could inform a more up-to-date understanding of available private rented accommodation. This could include liaison with local authorities in the FEMA. The authorities remain concerned whether the Applicant's assumptions for NHB workers are sufficiently precautionary, particularly given more conservative assumptions made for other DCOs in the south east of England, and having regard to existing skills shortages within the construction industry.	Uncertain
54	Employment and Skills Business Strategy - Lack of information on implementation plan, performance, measurable targets, funding and financial management, monitoring and reporting. Route map from ESBS to Implementation Plan is not identified.	Options identified in the ESBS are not necessarily directly aligned with local specific issues and need. The document states that performance, financial management, monitoring and reporting systems will be set out in detail in the Implementation Plan. It is unclear why GAL is unable to provide further details within the ESBS in order to provide sufficient reassurance that appropriate systems will be in place. The ESBS also provides no explanation on whether it would differentiate between the provision and outputs offered	GAL should provide more detail on tailored initiatives align to local need. This should include relevant baseline information to demonstrate local need. GAL should provide details on performance, financial management, monitoring and reporting to be developed further as part of an Implementation Plan. GAL	Uncertain

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		through the DCO vs. provision and outputs offered in a Business as Usual (BAU) scenario. Furthermore, the ESBS does not set out any process for how the Implementation Plan would be developed.	should explain the difference in BAU and DCO scenarios in terms of provision and outputs. A route map is required to explain the process from ESBS to Implementation Plan.	
55	Gatwick Community Fund	Insufficiency of Gatwick Community Fund amounts.	Detail was provided in the draft S106 shared in Feb 2024. The local authorities have provided initial comment to the Applicant and are firmly of the view that the fund proposed is insufficient. Queries have also been raised in relation to spend eligibility criteria.	Uncertain
<b>Public Health, including air quality</b>				
56	Health impact of ultrafine particles	That the health impact of ultrafine particles appears to be understated and that there is a lack of any plans to undertake long term residential real time monitoring of ultrafine particles, both number and size distribution, using equipment used on the UK national network	Request for the local authority real time (NOx, PM, ozone) and diffusion tube monitoring to be funded (revenue and capital replacement costs to 2047 or 389,000 movements. Discussion in relation to ultrafine monitoring is continuing through S106 discussions.	Uncertain
57	Assessment of true pollutant concentrations in the period 2029 - 2032	Separation of construction and operational assessments over the period 2029 to 2032 is likely to result in an	Request for combined assessment. The local	Uncertain

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		underestimation of the 'true' pollutant concentrations experienced by residents during this period.	authorities are in discussion with the applicant on this.	
<b>Rights of Way</b>				
58	Additional complimentary RoW improvements not fully explored	The scheme has not fully explored how further improvements to the Rights of Way network around the airport could increase opportunities for sustainable travel from surrounding residential areas such as Charlwood, Hookwood and Povey Cross.	Inclusion of additional active travel improvements and consideration of how wider infrastructure improvements can be enabled through the various funds being made available.	Uncertain
<b>Landscape and Visual</b>				
59	The approach to and judgements within the Landscape and Visual Impact Assessment	<p>Range of concerns, including quality of visualisations, approach to tranquillity assessment, treatment of undesignated landscapes and assessment of effect.</p> <p>As set out in the LIR a number of requests remain in relation to visualisations including need for photomontages for both construction and operation and fully rendered photomontages for key near and middle-distance viewpoints.</p> <p>For the tranquillity impact on SHNL, the Applicant to provide further justification for why an increase in overflight of up to 20% is not considered significant.</p>	Addressing of concerns relating to the assessment. For a number of viewpoint locations where existing vegetation is being removed, the Applicant's approach to visualisations (individual photowire visualisations showing combined elements from both the construction and operational phases of the Project superimposed onto existing baseline viewpoint photography) would not provide a fair representation of what would be likely to be seen if the proposed development is	Uncertain

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			implemented. Visualisations produced for projects of this nature typically show a development at specific timescales, e.g. construction, operation Year 0 and operation Year 15.	
60	Consideration of the potential changes to the Surrey Hills AONB boundary	It does not appear that this has been considered.	Consideration in assessment. Whilst we note the overflight mapping shown on ES Figures 8.6.3 – 8.6.7, these do not show the proposed Surrey Hills Extension Areas boundaries, which vary from those of the existing Area of Great Landscape Value. We also note that the six mapped ranges of overflights are fairly crude, so an area of landscape where overflights increase to the next coloured range (with the NRP) could theoretically experience an almost four-fold increase in overflights, e.g. from 51 to 200. We request that the Applicant clarifies this point regarding the overflight mapping affecting proposed Extension Areas, and also confirms that no existing	Uncertain

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			parts of the Surrey Hills National Landscape would experience more than a 20% increase in daily overflights with the NRP Project.	
61	The loss of or change in existing green infrastructure, including potential loss of important or historic hedgerows and existing greenspace.	Information on general rather than detailed loss is provided in the documentation.	Detailed plans showing extent of vegetation loss. As a result of removals along the A23, there will be a prolonged interim period of ongoing harm to visual and landscape receptors, and mitigation/compensation planting (including an agreed ratio of new trees planted for those lost) will need to be carefully considered as part of the detailed LEMP(s) and obligation(s)	Likely
<b>Biodiversity and ecology</b>				
62	The extent of loss of mature broadleaved woodland (and other habitats)	It is not clear from the application document how much woodland is being lost and how much is being enhanced / replanted. The same is true for other habitats. The ecology chapter for the ES does not quantify the amount of loss or compensation. A reference is made to these figures being included in Biodiversity Net Gain (BNG) assessment however this information is not clear within the BNG report (screenshots of the BNG metric have been provided – but this is difficult to navigate and is	GAL should quantify losses and replacement habitat in the Ecology chapter for the ES. Additional compensation is required for the mature woodland loss. Especially considering the lag time for newly planted woodland to	Likely. The local authorities will review the updated BNG metric to be provided at D5.

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		<p>difficult to review). The impact assessment should quantify the loss to accurately describe the impact. In addition, this information would aid with understanding and transparency.</p>	<p>mature and reach target condition.</p> <p>The BNG metric should be supplied in Excel format to aid with review of information. Habitat parcels should be clearly referenced in figures and the Excel metric so that the two can be easily cross referenced and to aid with clarity over what compensation / enhancement is proposed.</p>	
63	Bat roost surveys of trees have not been undertaken	<p>The ecology chapter for the ES states: <i>'A total of 43 trees within the surface access improvements boundary were identified as having bat roost potential and of these 36 would be lost. They comprised nine with High roost potential, 28 with Medium roost potential and six with Low roost potential'</i>.</p> <p>No bat roost surveys of 'high' or 'medium' trees proposed for removal have been carried out to inform the baseline and impact assessment. This contravenes policy in relation to protected species. ODPM circular 06/2005 states: <i>'The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.....</i></p>	<p>Bat roost surveys of trees are required before determination. Rare bat species have been recorded during other bat surveys and as such, there is uncertainty and lack of information on the status of roosting bats within the application.</p> <p>Surveys are required to inform impacts and mitigation / compensation for roosting bats.</p>	Uncertain. Surveys are underway at present. Pending results, mitigation measures may need to be updated.

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		<p><i>It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted'.</i></p>		
64	Lack of information on reptile and great crested newt (GCN) mitigation	<p>The ecology chapter for the ES states that reptile and GCN mitigation will involve translocation to receptor sites and where relevant, European Protected Species Licences would be applied for post DCO consent. However, no detailed information is provided for the reptile and GCN mitigation strategy, for example:</p> <ul style="list-style-type: none"> <li>• Where are the receptor sites? Reference is made to Longbridge Roundabout, Museum fields and other mitigation areas but there is no detail as to which one of these has been chosen to be the receptor locations for reptiles and GCN.</li> <li>• No methodology or timings information for the mitigation strategies.</li> </ul>	<p>Additional information has been provided in the Applicant's SoCG response. This should be included within the submission documentation. It remains unclear whether residual impacts have been assessed appropriately without having an outline mitigation strategy in place.</p>	<p>Likely. GAL state that a draft Reptile Mitigation Strategy will be provided at Deadline 5. SCC will review.</p>
65	No compensation provided for loss of ponds	<p>The ecology chapter states that no replacement ponds will be provided within the application site due to airport airstrike safety. This is fully justified however, it is not understood why off-site provision of new ponds has not been considered.</p>	<p>It remains unclear why replacement ponds could not be provided off-site – preferable within the nearby Biodiversity Opportunity Areas</p>	<p>Uncertain</p>

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			to maximise ecological opportunities / outcomes.	
66	Longbridge Roundabout Mitigation area (Gatwick Dairy Farm)	Clarification is required as to what the legal mechanism will be adopted for the management and maintenance of Longbridge Roundabout Mitigation area (Gatwick Dairy Farm). It is assumed that land will be compulsory purchased and all future management and maintenance of the land would be the responsibility of GAL.	GAL has now confirmed that they will be responsible for maintenance. Discussion will continue on access arrangements to enable this.	Likely
67	Need to adopt a landscape scale approach to assessing and addressing ecological impacts	Ecological impacts will extend beyond the project site boundary with potential impacts on bat populations, riparian habitats downstream of the airport and the spread of non-native aquatic species. Disturbance and habitat severance within the airport, including the removal of woodland, trees and scrub along the A23, will impact the functioning of wildlife corridors, notably bat commuting routes both within the site and the wider landscape. Maintenance of habitat connectivity across the airport and wider landscape remains a concern.	GAL should adopt a landscape scale approach to assessing and addressing ecological impacts, including the need to provide off site mitigation, compensation and BNG. SCC would expect enhancements to green corridors and improved habitat connectivity to extend beyond the confines of the airport, along key corridors such as the River Mole and Gatwick Stream. The local authorities are requesting a landscape and ecology enhancement fund to target landscape enhancement.	Uncertain
68	Additional opportunities for biodiversity enhancement	Many potential opportunities for biodiversity enhancement, both within and outside the Site, were never explored. For example, conversion of 'amenity grassland' currently present on road verges and	Explore further opportunities for biodiversity enhancement, both within and outside the Site.	Uncertain



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		roundabouts within the Site to wildflower grassland through reduced mowing and/or re-seeding with wildflowers, and the improved management of Gatwick Stream and Crawter's Brook.	The local authorities are requesting a new role to manage the above fund and support delivery of projects.	
69	Gatwick Greenspace partnership	Continued support for the Gatwick Greenspace Partnership is proposed to be included within the new NRP Section 106 Agreement. Engagement is required with partners on proposals.	Clarification required as to why this has not been included within the S106 provided in Feb 2024 as set out in the Planning Statement. This is now included within the draft S106. Discussions are continuing on the Ecology schedules.	Likely
<b>Carbon and Climate Change</b>				
70	Legislation, policy and guidance - Impact of Emissions Trading Scheme (ETS)/CORISA.	It's not clear if GAL considers the impact of changes to ETS/CORISA in aviation forecasts used to develop the 'need case'.  The Applicant has relied on the Jet Zero High Ambition assumptions but only tested the against the central case. The Applicant notes that if the targets are not being met, the Government will have to take action nationally to reduce demand levels and this might include higher costs of SAFs or new technologies. However, because GAL has not prepared top-down forecasts from first principles, it has simply not presented any sensitivity analysis of the consequences of higher carbon related costs on demand. This differs from the approach adopted at other airports such as Luton where sensitivity tests were	Confirmation of whether the impact of ETS/CORISA changes have been taken into account?	Likely

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		explicitly presented of the effect on demand if economic growth was slower or carbon costs higher, as well as the effect of other airports bringing forward expansion.		
71	The unsustainable growth of airport operations may result in significant adverse impacts to the climate.	Growth may lead to unsustainable surface access transportation and airport operation growth.	To monitor and control GHG emissions during the project construction and operation it is suggested a control mechanism similar to the Green Controlled Growth Framework submitted as part of the London Luton Airport Expansion Application, is provided. 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 transportation. Emission limits and thresholds for pertinent project stages should be established. Should any	Uncertain

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			exceedances of these defined limits occur, growth should be halted.	
72	Revisions required to the definition of “commencement”	In particular, the implications arising from certain operations which fall outside that definition and which do not appear to be controlled (article 2(1), interpretation);	Revisions required. Owing to the absence of justification for each exemption, the councils consider these works should be subject to the approval of either the local planning authority or local highway authority. The Council therefore maintains its position.	Uncertain
73	Article 3 (development consent etc. granted by Order)	Use of the wording “construct, operate and use”	Justification for drafting required. The use of the term adjacent to needs to be explained.	Uncertain
74	Article 9 (planning permission)	Confirmation required around which planning permission and conditions the applicant is concerned about	Justification required. Article 9(5): the Council is of the view that the exceptions concerning permitted development rights within article 9(5) (and requirements 4 and 10) should be removed and drafting included which provides the permitted development rights do not apply.	Uncertain

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75	Article 21 Agreements with highway authorities	The need for highway authorities to agree template agreements before the end of the Examination with the applicant under article 21 (agreements with highway authorities)	The Applicant and SCC intend to agree template article 21 agreements, based on the council's existing section 38 and 278 agreements. This must be done as soon as possible.	Likely
76	Article 10 Consideration of Highway authority Lane Rental and Permit Scheme	The disapplication of several provisions of the New Roads and Street Works Act 1991 without the application of the relevant highway authority's permit scheme (article 10; application of the 1991 Act). The Applicant must explain why the disapplication of the cited provisions is relevant to this project.	SCC has provided details of how the Surrey Permit Scheme has been incorporated within a made DCO. The Council notes the applicant is considering the implications of the application of the highway authority's permit scheme to the authorised development and will discuss further with the highway authority.	Uncertain
77	Article 11 Street works	The way in which street works are controlled under article 11 (street works). It departs from most precedents by authorising interference with any street within the Order limits, rather than those specified in a schedule.	Revisions required. The usual cross-reference to a schedule should be included.	Uncertain
78	Deeming provisions	The inclusion of deeming provisions in articles 12(4) (power to alter layout, etc. of streets), article 14 (temporary closure of streets), 18 (traffic regulations), 22 (discharge of water), and 24 (authority to survey and investigate the land)	Revisions required. SCC consider that there should be no deeming provision.	Uncertain

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		<p>For example, for Article 12 (power to alter layout, etc. of streets) the key factor in determining an application expeditiously is the quality of the submission. It is often necessary for the highway authority to request revised submissions (sometimes several requests are needed) and Applicants do not always provide the requested material in good time. A sub-standard submission and an Applicant which does not provide revised submissions timeously can lead to applications taking longer than 56 days (and, occasionally, substantially longer than 56 days) to determine. There is no question of a local highway authority consenting a submission which is sub-standard because of the risk of compromising highway safety. Owing to this, and given the deeming provision, SCC and WSCC would have to refuse the application and follow the procedure under paragraph 4 (appeals) of Schedule 11 (procedures for approvals, consents and appeals) to the dDCO. SCC and WSCC consider it would be more sensible for the deeming provision to be omitted.</p>		
79	Article 14 (temporary closure of routes)	<p>The standard to which alternative routes must be provided under article 14(5) (temporary closure of streets). The Applicant should provide a temporary substitute street which is not of a lower standard than the street that was closed where an alternative of that standard is available.</p>	<p>Revisions required to article 14. Firstly the streets should be referenced in a schedule. Drafting changes to clarify standard to which alternative routes must be provided. The deeming provision should be deleted.</p>	Uncertain

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80	Article 16 New means of access	The proposal to allow the applicant to create new means of access without the street authority's consent under article 16 (access to works)	<p>Revisions required. Regarding article 16(1), the Authorities consider only the words "and with the consent of the street authority ... and no consent to be required in respect of airport roads" should be added.</p> <p><b>Updated Position: Deadline 5</b>  The Council welcomes the inclusion of the consent provision in article 16(2) (access to works).  The Council considers that, in paragraph (2), the words "(such consent not to be unreasonably withheld or delayed)" should be deleted because paragraph (4) contains a deeming provision. It is unreasonable to include</p>	Uncertain
81	Article 18 Traffic regulations	How the "instrument" referred to in article 18(6)(a)(traffic regulations) will be accessed	Revisions required. Absent reasonable justification, paragraph (1) should also be subject to the traffic authority's consent. Detail required on "the instrument" referred to. Who will "hold it" and how will it be published.	Uncertain

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			<p>The Council considers it would be helpful if this was made explicit on the face of the Order and that the undertaker must replicate the steps the highway authority must take when publicising TROs. Again, this should be made explicit on the face of the Order. The Council would welcome the opportunity to discuss these points with the Applicant.</p>	
82	Article 25 which relates to trees and hedgerows	Hedgerow works are excluded from the definition of "commencement" (art.2) but this article controls hedgerow works so further explanation is needed as to how they work together	<p>Revisions required. The Article should include a Schedule and a plan to specifically identify the hedgerows to be removed. While the Council welcome the amendments made to article 25, the Council considers they do not go far enough. The most significant omission is the need for article 25 (in accordance with the relevant guidance, Advice Note Fifteen: Drafting Development Consent Orders) to either – (i) include a schedule and a plan which identifies the hedgerows to be</p>	Uncertain

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			removed (whether in whole or in part) or (ii) make the power for general removal of hedgerows subject to local authority consent.	
83	Article 31 (time limit for exercise of authority to acquire land compulsorily)	The usual period of five years is doubled. Further information about project complexity is required	Justification required. The time period should be reduced to 5 years, starting when the order comes into force, rather than the "start date".	Uncertain
84	Article 40 (special category land)	Timing of vesting of special category land	The Applicant and the Legal Partnership Authorities are still in dialogue and negotiation regarding how the gap in time between the acquisition of the open space land and its replacement is to be managed so that it does not unduly deprive the public of the benefit of the enjoyment of the open space.	Likely
85	Article 48 (Defence to proceedings in respect of statutory nuisance) Exemptions are proposed from large parts of section 79(1) of the Environmental protection Act without adequate justification	Residents should be able to bring nuisance action as they can at present	Justification for exemptions required. Revisions required to ensure it is not so wide-ranging	Uncertain



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86	Inclusion of hotels as authorised development	Further justification requested in relation to inclusion of work nos 26, 27 and 28 as authorised development. This relates to concerns related to parking provision.	No further comments on the principle of hotels being authorised development. However, control documents required to contain adequate controls on the provision of additional on-airport parking.	Uncertain
87	Drafting of requirements in Schedule 2	including: the drafting of “start date” (R.3(2) (time limits and notifications); the 14-day notification period in R3(2); why some documents must be produced “in accordance with” the certified documents and others must be produced either “in general accordance” or “in substantial accordance” with them;	Revisions required to address inconsistencies.	Uncertain
88	Drafting of Requirement 15 (air noise envelope)	The Air Noise Envelope is not considered fit for purpose as it does not align with policy requirements. In addition there is no role for any local authority control in this requirement. A mechanism should be included in the DCO to require the CAA to involve the local authorities and other key stakeholders in scrutinising noise envelope reporting.	The air noise envelope provision should include: -A “mitigate to grow approach” An Environmental Scutiny Group (ESG) including local authorities -Appropriate enforcement powers for the ESG -Establish appropriate sanctions for technical and limit breaches -Integrate existing noise controls into the noise envelope	Uncertain

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89	Drafting of Requirement 18 (noise insulation scheme)	Justification is required on a number of points, such as why the time limits in the requirement have been chosen.	Drafting revisions to ensure the requirement is enforceable and precise. The local authorities require amendments to ensure provisions in the scheme are consistent with their proposed metrics and thresholds.	Uncertain
90	Drafting of Requirement 19 (airport operations)	<p>Greater specificity is required.</p> <p>R.19(2) would restrict dual runway operations to 386,000 <u>commercial</u> air transport movements per annum. The Councils consider a control on <u>total</u> air transport movements per annum would be preferable.</p> <p>R.19(3) allows the use of the northern runway between the hours of 23:00 - 06:00 when the southern runway is not available for use “for any reason”. The Councils consider “for any reason” to be too broad and considers the use of the northern runway between these times should only be used when the southern runway is not available because of planned maintenance and engineering works.</p> <p>The requirement needs to restrict use of the northern runway to departures and to Code C aircraft or smaller (the basis of the current proposals and assessments in the ES)</p> <p>The requirement needs to include a night movement cap.</p>	<p>Revisions required.</p> <p>We note that the restriction to Code C has now been included.</p> <p>Regarding paragraph 4(a), the proposed drafting is too broad. For instance, condition 3 (runway use) of the 1979 planning permission allows use of the emergency runway when the “main runway is temporarily non operational by reason of an accident or a structural defect or when maintenance to the main runway is being undertaken”. The Authorities consider it would be reasonable if similar wording were incorporated into paragraph 4(a)</p>	Uncertain

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91	Drafting of Requirement 20 (surface access)	<p>The dDCO gives too much flexibility in allowing the development to proceed with only retrospective checks to see if the mitigation proposed is delivering results. This is reactive and ineffective, in particular in considering whether the development is appropriate for the communities who may be affected by the adverse impacts of the development and whether there is sufficient amelioration of those impacts. R20 appears to say that the operation can only be carried on if there is adherence to the surface access commitments but when those surface access commitments are considered more carefully they are toothless in terms of constraining any activity at the airport.</p> <p>The intention is that the surface commitments will be a certified document, and Requirement 20 requires the operation to be in accordance with those commitments. For example, the mode shift target of 55% has to be tested three years after the commencement of operations. If this is not achieved, the monitoring arrangements in the SAC envisage a reporting process and preparation of action plans for future activity. However, there is no commitment to curtail operations either during the period of the preparation of action plans or until such time as the targets are met. Therefore, this target does not actually constrain the operation of the airport.</p>	<p>SCC considers it as more appropriate to have clear steps set out in the DCO to regulate the growth and clear sanctions should the mitigation measures not be achieved.</p> <p>The Luton airport expansion is currently before the Secretary of State with proposals which seek to manage growth as the Authorities suggest, i.e. green controlled growth (which is set out in Part 3 of Schedule 2 of the Luton dDCO). The Secretary of State will have to decide, in deciding that development consent order, whether those controls are necessary, but it is clearly relevant that the operator and promoter of that development consider that managed growth is workable and they are putting that forward as the way in which they will achieve both their growth but also achieve the environmental objectives.</p>	Uncertain

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92	Schedule 11 (procedure for approvals, consents and appeals)	the 8-week for determining significant applications. It would be more straightforward if the major works had their own deadlines.	Revisions required. Concerns raised in relation to fees have also not been addressed.	Uncertain
93	Finalisation of Section 106 Agreement	Substantial revisions required to draft S106.	A draft was shared in Feb 2024. The local authorities have provided initial comments to the Applicant. Negotiations on the draft S106 continue.	Uncertain