

# Update to CAA Principal Area of Disagreement Summary Statement for London Gatwick Airport Limited's July 2023 DCO application

## Chapter 1

# Update to the CAA's Principal Areas of Disagreement Summary Statement

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- 1.1 The Civil Aviation Authority (CAA), in its capacity as a statutory consultee under planning law, submitted a Relevant Representation (RR-0831) to the Planning Inspectorate on Gatwick Airport Limited's (GAL) application for a Development Consent Order (DCO) TR020005.
- 1.2 In RR-0831, the CAA highlighted that GAL described a role for the CAA as an Independent Air Noise Reviewer to scrutinise and verify the Annual Monitoring and Forecasting Reports (for example in Appendix 14.9.7 to the Environmental Statement (APP-177) paragraphs 7.1.2 to 7.1.10). The CAA stated that it did not agree that it was appropriate for the DCO to designate an individual regulatory or oversight role absent a broader direction from Government. However, we were willing to explore with GAL how the requirements of such a role could become part of environmental publications which we are intending to have in place for the wider industry.
- 1.3 Consequently, the CAA included this issue as its sole Principal Area of Disagreement and produced a Summary Statement.
- 1.4 In its last update to its PADSS (REP2-039) the CAA noted that, Ssince it submitted its Relevant Representation, the CAA had~~s~~ continued to discuss the issue with GAL and ~~could an~~ now provide an update to its initial view, namely, that we acknowledged~~d~~ that we have the skills and independence to fulfil the role and could undertake such a role provided that:
- i) it was defined in such a way that it could be transferred to a more appropriate body without needing a new planning application (for example, by having a clause allowing the Secretary of State to nominate a replacement); and
  - ii) there was a commitment that GAL would fund the role through some mechanism.
- 1.5 Since submitting REP2-039, the CAA has had further discussions with GAL on this topic, and has looked further at the process described in the draft DCO (REP3-006) and the Noise Envelope Appendix 14.9.7 to the ES (APP-177). GAL has proposed amendments to address the two issues described in REP2-039 with which the CAA is content.
- 1.6 However, the CAA still has concerns about the noise review process. In particular, there does not appear to be any consequence to the CAA not

approving a GAL noise report. As currently written, constraints on GAL's ability to declare more capacity only arise when a noise report is published which shows an actual or forecast exceedance of the noise envelope. The CAA has proposed to GAL that this could be addressed by amending section 14 (5) to read:

(5) The undertaker shall not be permitted to declare any further capacity for commercial air transport movements from the airport where—

(a) the most recent annual monitoring and forecasting report submitted to the independent air noise reviewer or by the Secretary of State has not been approved;

(b) The undertaker is not in compliance with an approved noise action plan;

(c) two consecutive annual monitoring and forecasting reports either when submitted to the independent air noise reviewer by the undertaker in accordance with sub-paragraph (2) of this requirement or when approved by the independent air noise reviewer or by the Secretary of State (as is relevant in the circumstances) identify that the same noise envelope limit has been exceeded during the previous 24 months of the operation of the airport; or

(d) an annual monitoring and forecasting report either when submitted to the independent air noise reviewer by the undertaker in accordance with sub-paragraph (2) of this requirement or when approved by the independent air noise reviewer or by the Secretary of State (as is relevant in the circumstances) identifies that a noise envelope limit is forecast to be exceeded;

1.7 GAL has proposed amendments to the DCO and Noise Envelope appendix to ensure that it has to either submit an updated noise report or make an appeal, which goes some way to meeting the CAA's concerns. However, GAL does not accept that it should not be permitted to declare additional capacity whilst this process is ongoing, as would be the case with the CAA's proposed amendment above.

4.51.8 The CAA is still in discussions with GAL on this topic and expects to review further iterations of the relevant section of the DCO. However, we retain a high degree of confidence that this issue can be resolved during the examination period.

4.61.9 Consequently, the CAA has updated its principal area of disagreement, which is described in the table below.

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Principal Areas of Disagreement Summary Statement (PADSS) from Civil Aviation Authority		Version Number: <del>32</del> Submitted at: <del>026/036</del> /2024	
Principal Issue in Question	Concern held	What need to change/be amended/be included in order to satisfactorily address the concern	Likelihood of concern being addressed during Examination
Proposed role of CAA as Independent Reviewer for AMFR	Role as described <del>does not align with existing CAA duties is not clear in all circumstances.</del>	Description of role/review process to be amended in the DCO to include:  <del>i) Mechanism by which the role could pass from the CAA in future if another organisation were better placed to undertake it.</del>  ii) <del>Confirmation that the CAA could recoup the cost of undertaking the role from the applicant</del> <u>Condition only allowing GAL to declare an increase in capacity if the most recent noise report is approved.</u>	High

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