



Gatwick Airport Northern Runway Project

Statement of Common Ground Between Gatwick Airport Limited and Surrey County Council – Tracked Version

Book 10

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1 Introduction

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in support of the examination phase for the proposed Gatwick Northern Runway Project (NRP). The Application was made by Gatwick Airport Limited (the Applicant) to the Secretary of State for the Department for Transport (the Secretary of State) pursuant to Section 37 of the Planning Act 2008 (PA 2008).
- 1.1.2 The Application comprises alterations to the existing northern runway which, together with the lifting of the current restrictions on its use, would enable dual runway operations. It also includes the development of a range of infrastructure and facilities which, with the alterations to the northern runway, would enable an increase in the airport's passenger throughput capacity. This includes substantial upgrade works to certain surface access routes which lead to the airport. A full description of the Proposed Development is included in **ES Chapter 5: Project Description** (Doc Ref. 5.1).
- 1.1.3 SoCGs are an established means in the planning process of allowing all parties to identify and focus on specific issues that may need to be considered during the Examination. The purpose and possible content of SoCG is detailed in the Department for Communities and Local Government's guidance entitled 'Planning Act 2008: examination of applications for development consent' (2015), stating:
- "A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence."*
- 1.1.4 The SoCGs between the Applicant and the local authorities comprises several documents, to which this document is one. The Statement of Commonality provides details of the structure and status of the SoCG between all the relevant Interested Parties, including the local authorities. Naturally, the level of detail across the suite of SoCG varies to reflect the nature and complexity of the matter, as well as the position between the parties.
- 1.1.5 This document solely relates to matters between the Applicant and Surrey County Council. A summary of the meetings and correspondence that has taken place between the parties is detailed in **Appendix 1** of this document.
- 1.1.6 The engagement between the parties across the breadth of matters is ongoing. Therefore, the SoCG is an evolving document and the detailed wording within it is still being discussed in detail between the parties. Future iterations will be submitted at each deadline; and both parties reserve the right to supplement the matters identified as discussions progress, to ensure it is comprehensive and up to date.
- 1.1.7 This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties, and where agreement has not (yet) been reached, and is presented in a tabular form. This SoCG does not seek to replicate information that is available elsewhere, either within the Application and/or Examination documents, referring out where

appropriate. The terminology used within the SoCG to reflect the status between the parties is either:

- “Agreed” to indicate where a matter has been resolved to the satisfaction of the parties.
- “Not Agreed” to indicate a final position where parties cannot agree.
- “Under discussion” to indicate where matters are subject of on-going discussion with the aim to either resolve or refine the extent of disagreement between the parties.

1.1.8 It can be assumed that any matters not specifically referred to in Section 2 of this SoCG are not of material interest or relevance to Surrey County Council; and therefore, have not been the subject of any discussions between the parties, or have been previously discussed and addressed through the DCO process. As such, those matters should be assumed to be agreed, unless otherwise raised in due course by any of the parties.

2 Current Position

2.1. Agricultural Land Use and Recreation

2.1.1 **Table 2.1** sets out the position of both parties in relation to agricultural land use and recreation matters.

Table 2.1 Statement of Common Ground – Agricultural Land Use and Recreation Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
There are no issues relating to the baseline for this topic in this Statement of Common Ground.					
Assessment Methodology					
There are no issues relating to the assessment methodology for this topic in this Statement of Common Ground.					
Assessment					
2.1.3.1	Impact on agricultural land	<p>The dDCO would allow the permanent acquisition of c. 2.25 acres of agricultural land to facilitate Work Nos. 37 (Works associated with the Longbridge Roundabout junction) and 40 (Works associated with land to the north east of Longbridge Roundabout). If development consent is granted this will result in the loss of agricultural land, which has been identified as potentially suitable for Biodiversity Net Gain purposes.</p> <p>Updated position (Deadline 1): Discussions ongoing.</p> <p>Updated position (Deadline 5): Discussions ongoing.</p>	<p>Paragraphs 19.9.10 and 19.9.13 of ES Chapter 19 Agricultural Land Use and Recreation assess the effect of the loss of approximately 0.9ha of agricultural land from the Gatwick Dairy Farm land holding. Paragraph 19.9.13 states that:</p> <p><i>“The loss of approximately 0.9 hectares from Holding 5, for highway improvements and environmental mitigation works would affect an area within a single field of a larger tenanted landowner but the current livestock-based operation would not be jeopardised by this limited loss of land and there would be no severance of land from the remaining area of the holding.”</i></p> <p>Updated Position (April 2024): Discussions between the Applicant and Surrey County Council are continuing.</p>	ES Chapter 19 Agricultural Land Use and Recreation [APP-044]	Under discussion
2.1.3.2	Impact on open space	<p>Replacement open space will be provided at Gatwick Dairy Farm. It is not clear what site selection process was adopted to determine why this is the most appropriate location for replacement open space. By its nature, open space should be accessible and beneficial to local communities. The proposed open space would sit between River Mole to the east and agricultural land to the west. It is not clear how this will benefit local communities, particularly since, by article 40(1) of the dDCO, the replacement open space land will not be provided until some time after the open space land has vested in GAL.</p> <p>Updated position (Deadline 1): Discussions ongoing.</p> <p>Updated position (Deadline 5): Whilst it noted a number of sites were considered for replacement open space it is not clear from the response why they were not prioritised given they could have been brought forward earlier than the land at Dairy Farm. This will be used as a construction compound for a number of year before the replacement open space can be delivered. This will be a number of years after the open space has been lost.</p>	<p>The construction of the highway improvement works at Longbridge roundabout to enable the roundabout to have a slightly larger diameter and to accommodate wider circulating lanes, enhanced active travel infrastructure, improved exit and entry lanes, and drainage attenuation would affect land that eventually forms part of the replacement open space or where proposed maintenance and footpath accesses to the open space would be provided.</p> <p>It would therefore not be possible to establish and provide access to the open space proposed in advance of the highway works. However, the location of the works on the southern edge of the existing Church Meadows would not restrict the continued use of the main area of Church Meadows, during this period, albeit within a slightly reduced area.</p> <p>The Statement of Reasons in paragraphs 10.1.9 – 10.1.26 explains that:</p> <p><i>10.1.19 The proposed areas of the replacement open space significantly exceed the area of public open space permanently lost. In total, approximately 1.95 ha of replacement land would be provided compared to a loss of approximately 1.16 ha. This</i></p>	<p>Statement of Reasons [AS-008]</p> <p>4.8.1 Surface Access Highways Plans – General Arrangements – For Approval [APP 020]</p>	Under discussion

provides an increase of approximately 0.79 ha (68%) of open space available to local communities.

10.1.20 The areas of replacement open space provided greatly exceed in quantity the land permanently acquired from each of Church Meadows.... In Church Meadows a loss of 0.13 ha is replaced by 0.52 ha.

10.1.21 The proposed locations of the areas of replacement open space are the closest available parcels of land to those areas that would be permanently lost.

10.1.23 The areas of replacement open space would be available to the communities that the existing open space currently serves, including local residents, airport staff and visitors in locations as close as possible to the current provision.

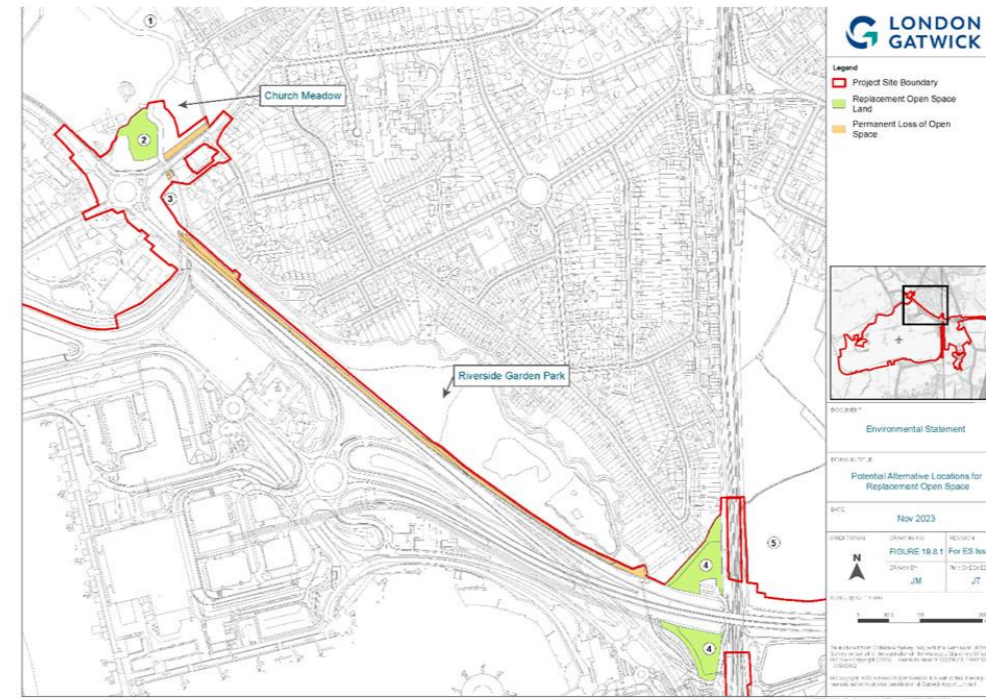
10.1.25 The replacement open space at Church Meadows is currently used to support a livestock-based farming enterprise. The current grassland use of the replacement land would enable the early establishment of a usable and attractive space, similar to the existing area of Church Meadows. The implementation of planting proposals in accordance with the principles set out in the ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan (Doc Ref. 5.3) would further enhance the quality of the replacement open space as the landscaping develops.

10.1.26 The replacement land is therefore land which is not less in area than the open space land to be acquired and is no less advantageous to the persons, if any, entitled to rights of common or other rights, and to the public. It therefore satisfies section 131(4) and the definition in section 131(12) of the 2008 Act.

Updated Position (April 2024):

Although the areas of open space affected by NRP form part of the same Riverside Green Chain, as designated by Reigate and Banstead Borough Council, they comprise separate discrete areas of land within this designation, one forming the fringe of Riverside Garden Park, a second small area of land immediately to the south of the A23 Brighton Road and also land that forms part of Church Meadows to the north of the A23 Brighton Road.

A range of potential options for suitable replacement open space were considered and their locations are shown on the figure below (overlaid onto Figure 19.8.1 of the ES [APP-058]).



All are in relatively close proximity to the open space to be lost, in accordance with the requirements of Reigate and Banstead Local Plan Policy OSR 1 for the establishment of Urban Open Space under.

1. Provision of land to the north of Church Meadows but to the east of the River Mole.
2. Land to the west of the River Mole, north of the A23 Brighton Road
3. Land to the south of the A23 Brighton Road immediately to the south-east of the Longbridge Roundabout where there is a small area of woodland not affected by adjacent the highway improvement works to Longbridge Roundabout which adjoins the existing thin strip of open space to the west of the River Mole.
4. Land in Car Park B to the north and south of the A23 London Road.
5. Land to the east of the London to Brighton Railway, north of the A23 London Road.

Options 1, 3 and 5 were discounted for the following reasons.

Option 1 – Land to the North of Church Meadows. This option was discounted as the land to the north of the existing Church Meadows already forms part of the Reigate and Banstead Riverside Garden Chain, which is already designated open space, and therefore would not be able to be used as new replacement open space.

Option 3 - Land to the south of the A23 Brighton Road immediately to the south-east of the Longbridge Roundabout. This small area of land is isolated and landlocked from any other areas of land, bounded by roads and the River Mole. Unlike the proposed replacement areas where the provision of a new bridge over the River Mole and a new linking footway can be provided, this area cannot feasibly be linked to other existing open spaces in the same way due to the isolated nature of the parcel and the limited area available in which to locate new linking infrastructure, which would have to be through the provision of a significant bridge structure over the River Mole. The access

			<p>into the existing strip of open space alongside the west bank of the River Mole is also unsuitable for public access, which is currently provided via a gate that leads to a steep earth bank.</p> <p>This area therefore does not form an accessible or contiguous area of land to the main areas of Riverside Garden Park and Church Meadows affected by NRP and has therefore been discounted.</p> <p>Option 5 – Land to the east of the London to Brighton railway, north of the A23 London Road. This was discounted as it is identified for development as the Horley Business Park to the West of Balcombe Road in the Development Management Plan (HOR9). It is also located approximately 250m to the south of the edge of Riverside Garden Park and is physically separated from the existing open space by Gatwick Car Park B and the Railway line.</p> <p>The options to provide replacement open space in areas of Car Park B (Option 4) and to the west of the River Mole, north of Longbridge Roundabout (Option 2) were therefore taken forward into the development of the open space strategy for NRP.</p> <p>In response to feedback received on the delivery of the replacement open space, Article 40 of version 6.0 of the draft Development Consent Order (Doc Ref.2.1) submitted at Deadline 3 requires an Open Space Delivery Plan to be submitted before the loss of any existing open space which includes a timetable for the submission of the Landscape and Ecology Management Plans for the replacement land and a timetable for the laying out of the replacement land as open space.</p>		
Mitigation and Compensation					
2.1.4.1	Mitigation for impacts at Gatwick Dairy Farm	<p>SCCaL would like GAL to propose appropriate mitigation against sterilisation of its development land. This could include ensuring the realignment of STR does not prevent access into the retained land and any structures and drainage works do not prohibit development on the adjoining land.</p> <p>Updated position (Deadline 1): Discussions ongoing.</p> <p>Updated position (Deadline 5): Discussions ongoing.</p>	<p>The delivery of the replacement open space is secured in Part 5 of the Draft DCO.</p> <p>The concept designs for the areas of replacement open space will therefore be developed in accordance with the principles provided in the Landscape and Ecological Management Plan and in consultation with Surrey County Council and Reigate and Banstead Borough Council including access arrangements to the replacement open space and the retention of access to the remaining area of Gatwick Dairy Farm.</p> <p>Updated Position (April 2024):</p> <p>Discussions on the Heads of Terms are continuing with Surrey County Council in relation to the land at Gatwick Dairy Farm, including the retention of the access to the remaining area of Gatwick Dairy Farm.</p> <p>In response to feedback received on the delivery of the replacement open space, Article 40 of version 6.0 of the draft Development Consent Order (Doc Ref.2.1) submitted at Deadline 3 requires an Open Space Delivery Plan to be submitted before the loss of any existing open space which includes a timetable for the submission of the Landscape and</p>	<p>Draft DCO (REP3-006)</p> <p>ES Appendix 8.8.1 Outline Landscape and Ecology Management Plan Parts 1 to 4 [APP-113 to APP-116]</p>	Under discussion

			<p>Ecology Management Plans for the replacement land and a timetable for the laying out of the replacement land as open space.</p> <p>ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan [REP2-021 to REP2-027] sets the overarching vision for the Project. The LEMPs for areas of replacement open space, including management and maintenance arrangements will be submitted to and approved by the LPA before work commences as set out within Requirement 8(1) of the draft DCO. These LEMPs are required to be substantially in accordance with the principles in the outline LEMP.</p> <p>The draft Section 106 Agreement [REP2-004] proposes funding arrangements for the maintenance of the Church Meadows open space replacement area.</p>		
<p>Other</p>					
<p><i>There are no other issues relevant to this topic in this Statement of Common Ground.</i></p>					

2.2. Air Quality

2.2.1 Table 2.1 sets out the position of both parties in relation to air quality matters.

Table 2.2 Statement of Common Ground – Air Quality Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
<i>Issues relating to air quality are included within the Health and Wellbeing section of this Statement of Common Ground.</i>					

2.3. Capacity and Operations

2.3.1 Table 2.3 sets out the position of both parties in relation to capacity and operations matters.

Table 2.3 Statement of Common Ground – Capacity and Operations Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
<i>Please see the joint Statement of Common Ground prepared in relation to Capacity and Operations (Doc Ref. 10.1.18).</i>					

2.4. Climate Change

2.4.1 Table 2.4 sets out the position of both parties in relation to climate change matters.

Table 2.4 Statement of Common Ground – Climate Change Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
2.4.1.1	ES Chapter 15 Climate Change baseline - Time periods considered for climate change projections are not far enough into the future to represent the worst case scenario.	<p>The most distant time period chosen for assessment was 2040-2069 (2060s) (as detailed in paragraph 15.5.2), however, some asset components are assumed to be operational in perpetuity, and therefore these climate change projections are not adequately far enough into the future to represent the worst case scenario.</p> <p>Updated position (Deadline 1): It is acknowledged that the Applicant did undertake a thorough climate data gathering exercise sufficient to inform the assessment and meet planning requirements.</p>	<p>The most distant time period chosen for the assessment was 2050-2079 (2060s), not 2040-2069. This time period was selected to represent a reasonable worst-case scenario at the highest resolution that is available. The UKCP18 12km projections used within the assessment do not go beyond 2080. This dataset also include a range of useful variables to support the assessment (e.g. the number of hot days). The probabilistic projections do not contain these variables. In addition to this, it is recommended by the Met Office that consistency is maintained between the time periods used within an assessment. The most pessimistic RCP scenario was also employed to provide an indication of potential worst-case scenario conditions. Climate projections up to 2100 are used in ES Chapter 12: Traffic and Transport and ES Chapter 11: Water Environment in accordance with DMRB guidance.</p>	<p>ES Chapter 12: Traffic and Transport [APP-037]</p> <p>ES Chapter 11: Water Environment [APP-036]</p>	Agreed
Assessment Methodology					
2.4.2.1	ES appendix 15.8.1 Climate Change Resilience Assessment - Lack of consideration of storm events / wildfire / fog	<p>Storm events are not considered sufficiently in this assessment. Wildfire is not mentioned as a possible climate hazard to impact the airport's operation. However, wildfires in the surrounding area, in particular the smoke they generate can impact airport operations. Risks associated with fog were not included in the risk assessment, however, fog can impact visibility and ability to perform day to day airport operations.</p> <p>Updated Position (Deadline 5): It is noted the Applicant has prepared the 'Examination Technical Note – Climate Change 2: Wildfire and fog risks' which has been reviewed and is considered to address this issue.</p>	<p>Storm events are considered through the inclusion of extreme rainfall (increased probability of extreme weather events (Risks 2, 13-15 in ES Appendix 15.8.1 Climate Change Resilience Assessment) and high winds (risks 18-21 in ES Appendix 15.8.1 Climate Change Resilience Assessment) within the assessment. The risks associated with these hazards have been assessed as medium. Additional information on changes in wind speeds can be found in Chapter 15 (Paragraph 15.5.28) (APP-040). Reductions in wind speeds are anticipated in winter and summer. Quantitative data on changes in lightning across the UK are not provided by UKCP18 at the 12km scale. A summary of the Met Office findings for changes in lightning flash rate across the UK is provided in Chapter 15 (Paragraph 15.5.27) which suggests that Gatwick can expect lightning frequency to increase during summer and spring and decrease during autumn. Risks 22 and 23 in Appendix 15.8.1 Climate Change Resilience Assessment provide information on the potential impacts, existing mitigation measures and risks associated with increased lightning strikes.</p>	<p>ES Appendix 15.8.1 Climate Change Resilience Assessment [APP-187]</p> <p>ES Chapter 15 Climate Change [APP-040]</p>	<p>Agreed – although it is insufficient for updated information to just be added to the SoCG</p>

			<p>GAL will put more detail about fog in the Statement of Common Ground (SoCG) of which there will be one combined one for climate change.</p> <p>Additional data is now available for wildfire that was not available at the time of submission of the DCO application, GAL will put more detail about wildfire in the SoCG.</p>		
2.4.2.2	ES appendix 15.8.1 Climate Change Resilience Assessment - Insufficient detail on the climate change impact on critical airport equipment and infrastructure.	<p>Consideration to be given to how climate change could impact critical equipment and infrastructure e.g. power, telecommunications as well as the embedded and additional mitigations to reduce this risk. For example, flooding or storm events impact critical power equipment and causing a power outage.</p> <p>Updated position (Deadline 1): It is acknowledged that the Applicant has given consideration to the impact climate change could have on 'critical equipment and infrastructure', with subsequent mitigation measures being put in place, as well as consideration being given when new/upgraded products are required.</p> <p>It is acknowledged that the Applicant does not have the exact design of power and telecommunications equipment, but it's assumed that the appropriate mitigation measures identified will be applied to critical equipment.</p>	<p>Electronic equipment is considered within the climate change resilience assessment (ES Appendix 15.8.1 Climate Change Resilience Assessment). Risks 6, 9 and 24 make reference to electronic equipment and the mitigation measures that are in place to ensure it remains operational. This equipment is designed to current temperature ranges based on existing standards and will be updated as part of business as usual operations. New/upgraded products would be sourced based on the latest available design standards.</p> <p>Risk 12 also highlights how HVAC equipment is designed to cope with extreme cold temperatures.</p> <p>Risk 15 highlights risks associated with flooding of electrical equipment and mechanical operating mechanisms. The FRA sets out a Flood Resilience Statement and a Surface Access Drainage Strategy to increase flood storage capacity at site and reduce flood risk for all assets including electrical equipment. Power and telecommunications is incorporated within electronic equipment. At present, the exact design of power and telecommunications equipment is unknown and therefore the equipment was grouped into 'electronic equipment'. It is assumed that the appropriate mitigation measures identified will be applied to critical equipment.</p>	ES Appendix 15.8.1 Climate Change Resilience Assessment [APP-187]	Agreed
Assessment					
2.4.3.1	ES Chapter 15 Climate Change assessment of significant effects - Identification of construction risks is limited	<p>Construction risks identified (refer Table 15.8.5 of ES Chapter 15 Climate Change) are limited and could be addressed in more detail e.g. flooding of site or construction compounds causing health and safety issues, damage to equipment and/or impacts to the construction programme and resulting cost increases.</p> <p>Updated position (Deadline 1): Whilst more detail could be added to the construction impacts identified, the Applicant's assessment of construction impacts does constitute a robust assessment that meets the planning requirements and the work undertaken is consistent with the relevant local council's policies regarding climate change</p>	<p>In addition to the information provided in Table 15.8.5 of ES Chapter 15 Climate Change, further information on the identified construction risks is provided in Table 2.1.1 of ES Appendix 15.8.1 Climate Change Resilience Assessment. This risk consider the impact of the increased numbers of extremely hot days and the range of risks covered by the increased probability of extreme weather events including heatwaves and flooding. However, appropriate mitigation measures are in place to mitigate these hazards and risks. These are detailed within the Code of Construction Practice which details the methods in place to ensure construction can be sustained during adverse weather events. Several design measures are included to reduce the risk associated with flooding (e.g. avoiding temporary buildings and operation-critical building systems being in flood risk</p>	<p>ES Chapter 15 Climate Change [APP-040]</p> <p>ES Appendix 15.8.1 Climate Change Resilience Assessment [APP-187]</p> <p>ES Appendix 5.2.3: Code of Construction Practice (REP1-021)</p>	Agreed

			zones. This is to ensure that the delivery of the project will comply with appropriate environmental and health and safety legislation. The Gatwick Operations Adverse Weather Plan will also support continued construction during adverse weather events.		
2.4.3.2	ES Chapter 15 Climate Change assessment of significant effects - Inconsistency and lack of detail in some climate impact statements	<p>The climate impact statements (Table 15.8.5 and Table 15.8.6 of ES Chapter 15 Climate Change) are lacking in consistency in that some are missing an 'impact'. They have a cause, an 'event' but no end 'impact'. This end result is what should determine the consequence rating and could have led to an underestimation of risk.</p> <p>Updated position (Deadline 1): Whilst there are different approaches to undertaking climate change risk assessments, and further detail and clarity around impact statements would be helpful, the Applicant's assessment of operational impacts does however constitute a robust assessment that meets the planning requirements.</p>	The anticipated impacts of climate change are provided for all risks identified within the CCRA. In Chapter 15 of the ES (Climate Change) this is included within Tables 15.8.5 and 15.8.6 within the 'Climate Change Impact' column and in ES Appendix 15.8.1 (Climate Change Resilience Assessment) within Table 2.1.1 in the 'Climate Change Impact' column. Risk ratings would not change following a clarification of specific impacts and therefore no material impact on the assessment will arise.	Tables 15.8.5 and 15.8.6 of ES Chapter 15 Climate Change [APP-040]	Agreed
2.4.3.3	ES appendix 15.8.1 Climate Change Resilience Assessment - Inconsistency and lack of detail in some climate impact statements.	<p>The impact statements are lacking in consistency in that some are missing an 'impact'. They have a cause and an 'event' but no end 'impact'. This end result is what should determine the consequence rating and may be why no risks are rated higher than a medium.</p> <p>Updated position (Deadline 1): Whilst there are different approaches to undertaking climate change risk assessments, and further detail and clarity around impact statements would be helpful, the Applicant's assessment of operational impacts does however constitute a robust assessment that meets the planning requirements and the work undertaken is consistent with the relevant local council's policies regarding climate change.</p>	The anticipated impacts of climate change are provided for all risks identified within the CCRA. In Chapter 15 of the ES (Climate Change) this is included within Tables 15.8.5 and 15.8.6 within the 'Climate Change Impact' column and in ES Appendix 15.8.1 (Climate Change Resilience Assessment) within Table 2.1.1 in the 'Climate Change Impact' column. Risk ratings would not change following a clarification of specific impacts and therefore no material impact on the assessment will arise.	Tables 15.8.5 and 15.8.6 of ES Chapter 15 Climate Change [APP-040]	Agreed
2.4.3.4	ES appendix 15.8.1 Climate Change Resilience Assessment - Concerns regarding underestimation of risk	<p>Regarding Risk 7, there is a concern that the impacts could be more severe than just delays in fuelling i.e. reaching flashpoint of aviation fuel on extreme hot days could lead to combustion. Also given it has been suggested that there may be hydrogen usage for low emissions vehicles during construction and potentially hydrogen storage / fuelling capabilities during operation, the climate risk around this should be more thoroughly explored.</p> <p>Updated position (Deadline 1): It is acknowledged that the Applicant has sufficient existing controls in place to combat the risk of fuel combustion.</p>	This risk is aligned with the most recent ARP3 report for Gatwick Airport. The existing procedures that are in place at Gatwick to minimise the risk of fuel combustion during hot weather will also take place during future operation. The airport will continue to adhere to the Airport Fire Service aspects embedded within Gatwick's Heat Plan, as set out in the Airside Operations Adverse Weather Plan (GAL, 2021) as required by the CAA regulations.	n/a	Agreed

Mitigation and Compensation

2.4.4.1	ES Chapter 15 Climate Change mitigation, enhancement and monitoring - Lack of identification of additional mitigation / adaptation measures.	<p>Whilst GAL may not have assessed any of the risks as 'significant', the identification of further mitigation or adaptation measures is an omission in the report. Further adaptation measures e.g. design decisions or operational management measures should be noted and communicated with an indication of who is responsible and timing.</p> <p>Updated position (Deadline 1): It is acknowledged that the Applicant has outlined adequate mitigation and adaptation measures for the project in the report and appendixes, in addition to referencing existing policies and plans in place at GAL.</p>	<p>Further adaptation measures are not formally identified (under the heading of 'further mitigation') as no significant risks were identified within the assessment which would require mitigation that is not already embedded within the Project. However, mitigation measures are included within relevant chapters/documents. The Code of Construction Practice (ES Appendix 5.3.2) includes an overview of relevant mitigation measures. This document is referenced within Chapter 15 of the ES (Climate Change). The Gatwick Airside Operations Adverse Weather Plan (GAL, 2021) sets out additional measures that should be followed during other extreme weather events. The Outline Climate Resilience Design Principles captured within the Design and Access Statement detail how elements of the design have been developed to account for climate change adaptation and would be implemented at the time of construction.</p> <p>An additional summary of mitigation measures/commitments made in relation to mitigation can be found in the Mitigation Route Map.</p> <p>Additionally, several mitigation measures are already embedded within the project. These are detailed within Table 15.8.4 and 15.9.1 in Chapter 15 of the ES (Climate Change).</p>	<p>ES Appendix 5.3.2: Code of Construction Practice (REP1-021)</p> <p>ES Chapter 15 Climate Change (APP-040)</p> <p>Design and Access Statement, Volume 5 (APP-257)</p> <p>ES Appendix 5.2.3 Mitigation Route Map (APP-078)</p>	Agreed
2.4.4.2	ES appendix 15.5.2 Urban Heat Island Assessment - Mitigation measures should be proposed to reduce the impact of UHI effect.	<p>The UHI Assessment states that 'mitigation of UHI is essential to ensure future resilience as the climate changes' and that that project could 'exacerbate the increase in UHI effect' but does not propose the implementation of any specific mitigation measures.</p> <p>Updated position (Deadline 1): It is acknowledged that the Applicant will monitor UHI. It's also recommended that where feasible and appropriate additional UHI mitigation measures are incorporated.</p>	<p>This statement in Paragraph 3.2.3 of Appendix 15.5.2 Urban Heat Island Assessment is not specific to the project, but refers to the UHI effect in urban centres more generally. The specific evaluation for the project is included in Section 3.3 'Evaluation of the Project'. It is not expected that the Project could create a new UHI effect. However, increased impervious surface cover and buildings alongside projected climate change-induced increases in temperature could exacerbate the increase in the UHI effect.</p> <p>It is noted in Paragraph 3.3.2 of Appendix 15.5.2: Urban Heat Island Assessment that the risks associated with the UHI effect (which were assessed as medium) should be monitored.</p>	<p>ES Appendix 15.5.2 Urban Heat Island Assessment (APP-186)</p>	Agreed
2.4.4.3	Carbon and Climate Change	<p>The lack of identification of additional mitigation / adaptation measures is a key omission from the Climate Change Resilience Assessment (APP-187) and the Urban Heat Island Assessment (APP-186). Whilst GAL may not have assessed any of the risks as 'significant', the identification of further adaptation measures that can increase asset resilience should be noted, especially considering the potential underestimation of risk detailed above.</p> <p>Updated position (Deadline 1): It is acknowledged that the Applicant has outlined mitigation and adaptation measures for the</p>	<p>Further adaptation measures are not formally identified (under the heading of 'further mitigation') as no significant risks were identified within the assessment which would require mitigation that is not already embedded within the Project. However, mitigation measures are included within relevant chapters/documents. The Code of Construction Practice (ES Appendix 5.3.2) includes an overview of relevant mitigation measures. This document is referenced within Chapter 15 of the ES (Climate Change). The Gatwick Airside Operations Adverse Weather Plan (GAL, 2021) sets out additional measures that should be followed during other extreme weather</p>	<p>ES Appendix 5.3.2 Code of Construction Practice (REP1-021)</p> <p>ES Chapter 15 Climate Change (APP-040)</p> <p>Design and Access Statement Volume 5 (APP-257)</p>	Agreed

		<p>project in the report and appendixes, in addition to referencing existing policies and plans in place at GAL.</p>	<p>events. The Outline Climate Resilience Design Principles captured within the Design and Access Statement detail how elements of the design have been developed to account for climate change adaptation and would be implemented at the time of construction.</p> <p>An additional summary of mitigation measures/commitments made in relation to mitigation can be found in the Mitigation Route Map.</p> <p>Additionally, several mitigation measures are already embedded within the project. These are detailed within Table 15.8.4 and 15.9.1 in Chapter 15 of the ES (Climate Change).</p>	<p>ES Appendix 5.2.3 Mitigation Route Map [APP-078]</p>	
<p>Other</p>					
<p><i>There are no other matters relevant to this topic in this Statement of Common Ground.</i></p>					

2.5. Construction

2.5.1 Table 2.5 sets out the position of both parties in relation to construction matters.

Table 2.5 Statement of Common Ground – Construction Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
2.5.1.1	Securing mitigation	<p>SCC is concerned about the impact of construction of the SAC on its road network.</p> <p>Updated Position (Deadline 3): SCC require the Applicant’s construction to operate as per the proposed routing via the M23 spur with minimal use of SCC’s network</p> <p>Updated Position (Deadline 5): See also 2.5.1.4, where confirmation is sought in relation to construction compound access</p>	<p>The indicative construction sequencing and mitigation measures for the Longbridge Roundabout and Balcombe Road Bridge are detailed in the ES Appendix 5.3.1, Buildability Report Part B.</p> <p>The comprehensive construction methodology, programme, and traffic management arrangements will be developed and finalised during the detailed design and pre-construction stages in coordination with Local Highway Authorities and National Highways.</p> <p>Updated position (April 2024): Please refer to ES Appendix 5.3.2: Code of Construction Practice Annex 3 - Outline Construction Traffic Management Plan. This outline plan states that Junction 9 of the M23 will be the main construction access point. From Junction 9, the M23 Spur leads directly to Airport Way, which serves as the entrance and exit to the airport via the South and North Terminal roundabouts.</p>	<p>ES Appendix 5.3.1 Buildability Report Part B Part 1 [APP-080]</p> <p>ES Appendix 5.3.1 Buildability Report Part B Part 2 [APP-081]</p> <p>ES Appendix 5.3.2: Code of Construction Practice Annex 3 - Outline Construction Traffic Management Plan</p>	Under discussion
2.5.1.2	Securing mitigation	<p>Whilst previous information indicated that Longbridge Roundabout would form part of the main construction routing, it now appears that construction routing for the other compounds beyond South Terminal (Airside, MA1, Car Park B, Car Park Y, Car Park Z,) will use the North Terminal Roundabout for access.</p> <p>Updated position (Deadline 1): Queries remain. How will GAL use North Terminal Roundabout whilst/ when it is improved?</p> <p>Is this temporary construction compound off the Longbridge Roundabout “just” for the construction of the Longbridge element of the scheme, or is it a construction compound for other elements of the NRP?</p> <p>Updated Position (Deadline 3): Removed as covered by ref 2.5.1.1 above.</p>	<p>The proposed Longbridge roundabout will be slightly larger diameter and extend further west and north to accommodate wider circulating lanes, enhanced active travel infrastructure, and improved capacity on exit and entry lanes, especially for the A23 Brighton Road arm to and from Horley. The existing segregated left turn lane from the A23 Brighton Road southbound into the A23 London Road eastbound will be widened, along with the associated structures supporting this section of the highway and will include a shared use path heading east from the roundabout.</p> <p>Temporary construction compound activities associated with the proposed permanent works will be conducted within Church Meadows, using an access road shared with Dairy Farm as described in the Buildability Report.</p> <p>Construction vehicle access to and from the temporary construction compound at Longbridge Roundabout will be via the existing access track off the eastern side of A217, located approximately 45 metres north of the Longbridge roundabout. The use of Longbridge Roundabout is essential for the A23 Northbound Widening, A23</p>	<p>ES Appendix 5.3.1 Buildability Report Part B Part 1 [APP-080]</p> <p>ES Appendix 5.3.1 Buildability Report Part B Part 2 [APP-081]</p> <p>ES Appendix 5.3.3 Indicative Construction Sequencing [APP-088]</p>	Removed

			<p>London Road Bridge Replacement, North Terminal Roundabout Flyover, A23 Brighton Road Bridge Replacement, and Stilt Bridge Widening.</p> <p>The proposed construction methodology and traffic management stages are given in ES Appendix 5.3.1, Buildability Report Part B. The routes for construction vehicles (IHGVs, trucks, and equipment) are outlined in ES Appendix 5.3.3, Outline Construction Traffic Management Plan.</p>		
2.5.1.3	Securing mitigation	<p>The entrance to the Longbridge Roundabout compound is not defined.</p> <p>Updated position (Deadline 1): The existing access track is inappropriate in terms of width, geometry, its lack of visibility at its crossing of the shared cycle/footway and proximity with the pedestrian signals at the approach to the roundabout. We would expect to see right turns in to the site only allowed via u turns at the Tesco roundabout (ie only left in and left out).</p> <p>Updated Position (Deadline 3): SCC requests that further information is provided for the Longbridge construction compound. The existing access is considered inappropriate as detailed in the LIR.</p> <p>Updated position (Deadline 5): SCC seek further detail during the examination</p>	<p>Temporary construction compound activities associated with the proposed permanent works will be conducted within Church Meadows, using an access road shared with Dairy Farm.</p> <p>Construction vehicle access to and from the temporary construction compound at Longbridge Roundabout will be via the existing access track off the eastern side of A217, located approximately 45 metres north of the Longbridge roundabout.</p> <p>Updated position (April 2024): GAL in consultation with their Contractors (when appointed) will produce detailed temporary layout proposals for the entrance to the Longbridge construction compound and obtain approval from relevant highway authority.</p>		Under discussion
2.5.1.4	Securing mitigation	<p>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.</p> <p>Updated position (Deadline 1): The report states that Balcombe Road will also be used by private vehicles - Buildability Report Part B para 7.4.6 states “Direct access to Balcombe Road for only workforce private cars will be provided. This access will also be used during the replacement of Balcombe Road Bridges that are part of the South Terminal Roundabout works. The access would also allow limited early access to the land to commence construction of the compound prior to access off the South Terminal Roundabout.</p> <p>Updated Position (Deadline 5): SCC question why this detail can not be confirmed in plans at this stage?</p>	<p>The proposed construction methodology and construction vehicle routes is detailed in ES Appendix 5.3.1. Buildability Report Part B, and the Outline Construction Traffic Management Plan.</p> <p>All construction vehicle access will be through the South Terminal Roundabout. Additionally, a separate access route from Balcombe Road is planned specifically for constructing the compound, which includes building the ramps and connections to the South Terminal Roundabout. This access will also facilitate the Balcombe Road Bridge Replacement and the associated embankment widening works.</p> <p>Updated position (April 2024): It is anticipated that all Project construction vehicles (including private vehicles) will use the temporary compound entrance at the South Terminal roundabout. Private vehicle will only using the Balcombe Road access when the use of south Terminal roundabout entrance would result in extended journeys on the local road network.</p>	<p>ES Appendix 5.3.1 Buildability Report Part B Part 1 [APP-080]</p> <p>ES Appendix 5.3.1 Buildability Report Part B Part 2 [APP-081]</p> <p>ES Appendix 5.3.2: Annex 3 – Outline Construction Traffic Management Plan [APP-085]</p>	Under discussion

2.5.1.5	Construction Impact	<p>For the A23 Longbridge reconstruction, it appears that the south side utility bridge won't be used for pedestrians and the alternative route would be to use the north footway and then go anticlockwise around the whole roundabout. A widened utility bridge for pedestrians etc. would need to be considered in the scheme boundary extent. A controlled pedestrian crossing may need to be considered north/east of the Longbridge Roundabout if users are expected to use the north footway.</p> <p>Updated position (Deadline 1): SCC would like consideration of these points in advance to be certain that it does not impact the DCO boundary.</p> <p>Updated position (Deadline 5): As above</p>	<p>The detailed construction methodology, programme, and traffic management arrangements will be developed and finalised during the detailed design and pre-construction stages in coordination with Local Highway Authorities and National Highways.</p> <p>Updated position (April 2024): The detailed arrangements will be developed such that the safety and mobility of pedestrians and cyclists will be ensured through temporary pathways and crossings built within the DCO boundary.</p>	n/a	Under discussion
2.5.1.6	Construction Impact	<p>GAL will need to engage with SCC regarding consideration of Lane Rental schemes as well as the Permit scheme within the DCO as Surrey and West Surrey County Councils have commenced operation of Lane Rental Schemes under Section 74a of New Roads and Street Works Act 1991.</p> <p>Updated position (Deadline 1): Response provided does not respond to request made. SCC require inclusion within the DCO.</p> <p>Updated position (Deadline 5): A meeting is to be arranged to discuss further. Date for the meeting tbc.</p>	<p>GAL will establish a Traffic Management Working Group (TMWG) prior to construction commencing as committed to within the CoCP. The TMWG will be responsible for coordinating and managing material and people movement in accordance with this CoCP (ES Appendix 5.3.1) and other relevant controls including the oCTMP (ES Appendix 5.3.3) and oCWTP (ES Appendix 5.3.2)</p> <p>The traffic management plans will be detailed during the detailed design and pre-construction stages in collaboration with National Highways and Local Highway Authorities.</p> <p>Updated position (April 2024): GAL acknowledges SCC's request and would like to understand further the Council's position in respect of more flexibility in the charges applied for a scheme of this nature and size.</p>	<p>ES Appendix 5.3.1 Buildability Report Part B Part 1 [APP-080]</p> <p>ES Appendix 5.3.1 Buildability Report Part B Part 2 [APP-081]</p> <p>ES Appendix 5.3.2 Code of Construction Practice (Doc Ref. 5.3)</p> <p>ES Appendix 5.3.2: Annex 3 – Outline Construction Traffic Management Plan [APP-085]</p> <p>ES Appendix 5.3.2: Annex 2 – Outline Construction Workforce Traffic Plan [APP-084]</p>	Under discussion
2.5.1.7	Construction Impact	<p>SCC requests confirmation that the A23 temporary panel bridge will be suitable for Special Type General Order vehicles as this does serve as a primary route into Horley.</p>	<p>The temporary bridge planned for the A23 will be suitable for Special Type General Order (STGO) vehicles.</p> <p>The detailed design and construction methodology for this A23 temporary bridge will be finalized during the pre-construction stage, in close coordination with Local Highway Authorities and National Highways.</p>	n/a	Agreed

2.5.1.8	Construction Impact	<p>Replacement of the Balcombe Road overbridge will most likely close the road below it to pedestrians for a period with a temporary tunnel underneath to protect pedestrians. Therefore, SCC requests further details regarding reconstruction of the Balcombe Road bridge as this has not been indicated previously.</p> <p>Updated position (Deadline 1): SCC would like consideration of these points in advance to be certain that it does not impact the DCO boundary.</p> <p>Updated position (Deadline 5): SCC would like consideration of these points in advance</p>	<p>The indicative proposed construction methodology for the replacement of the Balcombe Road Bridge is given at ES Appendix 5.3.1 Buildability Report Part B. The detailed construction methodology will be finalised during the detailed design and pre-construction stage.</p> <p>ES Appendix 19.8.1: Public Rights of Way Management Strategy describes the approach to managing impacts on PRow because of construction and operation of the Project to reduce disruption to users (as far as possible).</p> <p>The detailed PRow implementation plans for individual PRow would be developed prior to the commencement of construction.</p> <p>Detailed PRow implementation plans would be in general alignment with the PRow Management Strategy for the Project and subject to approval by the relevant Local Planning Authority.</p> <p>Updated position (April 2024): The Balcombe Road Bridge works will fully consider the safety and mobility of pedestrians and cyclists during the detailed design and pre-construction planning stages, with relevant details subject to consultation and approval by the applicable Highway Authority. We consider the associated construction works can be completed within the DCO boundary.</p>	<p>ES Appendix 5.3.1 Buildability Report Part B Part 1 [APP-080]</p> <p>ES Appendix 5.3.1 Buildability Report Part B Part 2 [APP-081]</p> <p>ES Appendix 19.8.1 Public Rights of Way Management Strategy [APP-215]</p>	Under discussion
2.5.1.9	Construction Workforce Travel Plan and Traffic Management Plan	<p>SCC acknowledges the high-level measures, promotion and monitoring proposed in the Outline Construction Workforce Travel Plan but as these are high level with nothing confirmed, a Full Construction Workforce Travel Plan will be needed for SCC to be able to agree to these.</p> <p>Updated position (Deadline 1): SCC recognise that the construction workforce travel plan and construction traffic management plan are both secured through requirements within the DCO and must be approved by the highway authority.</p>	<p>The impact from construction traffic due to movement of construction materials will be managed in accordance with a Construction Traffic Management Plan (CTMP). The impact of construction workforce travelling to and from the Airport will be managed in accordance with a Construction Workforce Travel Plan (CWTP), both of which will be developed by GAL and its contractors during detailed design / pre-construction stage in accordance with the Outline Construction Traffic Management Plan.</p> <p>The detailed Construction Traffic Management Plan (CTMP) and Construction Workforce Travel Plan (CWTP) will be developed during detailed design and pre-construction stage in consultation with the relevant highway authority and the National Highways.</p>	<p>ES Appendix 5.3.2 Annex 3 Outline Construction Traffic Management Plan [APP-085]</p> <p>ES Appendix 5.3.2 Annex 2 Outline Construction Workforce Travel Plan [APP-084]</p>	Agreed

2.6. Cumulative Effects and Interrelationships

2.6.1 Table 2.6 sets out the position of both parties in relation to cumulative effects and interrelationships matters.

Table 2.6 Statement of Common Ground – Cumulative Effects and Interrelationships Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
<i>There are no issues relating to Cumulative Effects and Interrelationships within this Statement of Common Ground.</i>					

2.7. Draft DCO and Explanatory Memorandum

2.7.1 Table 2.7 sets out the position of both parties in relation to Draft DCO and Explanatory Memorandum matters.

Table 2.7 Statement of Common Ground – Draft DCO and Explanatory Memorandum Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
2.7.1.1	Revisions required to Article 22 Discharge of Water	<p>Ordinary watercourses are not adequately addressed.</p> <p>Updated position (Deadline 1): Regarding ordinary watercourses, the Council considers the provision of the drainage protective provisions secured on behalf of Surrey County Council in Part 4 of Schedule 9 to the M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 (SI 2002/549) would be an appropriate starting point. The Council would welcome the applicant’s comments on this suggestion.</p> <p>Updated Position (Deadline 5): 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 more elements will require an OWC. The LLFAs have suggested that a meeting is held with GAL and their consultants to understand these differences and to progress this issue. This is due to take place on 7th June.</p>	<p>The precise nature of the Council's concern with the drafting of article 22 is not clear from this comment – please clarify.</p> <p>Updated position (April 2024): In version 6.0 of the draft Development Consent Order [REP3-006] submitted at Deadline 3, the disapplication of section 23 of the Land Drainage Act 1991 in article 47 has been removed. This reflects that the Applicant only anticipates requiring ordinary watercourse consent in respect of one component of the Project, the extension to the culvert to the east of Balcombe Rd on the Haroldslea Stream. The Applicant is content for the existing regime for ordinary watercourse consent to apply in respect of this singular instance and therefore does not propose to disapply this regime or replace it with bespoke arrangements in protective provisions included in the DCO.</p> <p>The Applicant is reviewing the proposed protective provisions but, in light of the above, considers it likely that they will now be unnecessary.</p>	Draft DCO (REP3-006)	Under discussion
2.7.1.2	Revisions required to the definition of “commencement”	<p>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);</p> <p>Updated position (Deadline 1): All references in this column to the draft Development Consent Order (“dDCO”) are to Version 3.0 of the dDO [PDLA-004] dated February 2024. This column provides a summary of the Council’s position in respect of the points detailed in Table 2.7. Further detail, particularly in respect of points not addressed in Table 2.7, will be submitted at Deadline 1.</p> <p>It is noted that each of the 15 exceptions to the definition of “commencement” is either included in at least one of the following made DCOs: Sizewell C, Manston Airport, and M25 Junction 28, or “aligns with emerging drafting submitted in the Luton Airport Expansion” dDCO.</p> <p>The SoCG and Explanatory Memorandum (“EM”) [AS-006] identify precedents; however, this is not enough. For instance, it does not</p>	<p>The drafting of the definition of "commence" has advanced since the version commented upon. There are now 15 exceptions at sub-paragraphs (a) to (o) of article 2(1).</p> <p>These exceptions are all preceded by at least one of the Sizewell C (article 2), Manston Airport (article 2) or M25 J28 (article 2) DCOs or align with emerging drafting submitted in the Luton Airport Expansion application (Schedule 2, Part 1). The only additional provision is sub-paragraph (n) (establishment of temporary haul roads), which has been included as a separate limb for clarity, though the stated activity falls within the scope of other more generally worded exceptions from "commencement" in precedent DCOs (e.g. 'construction of temporary structures').</p> <p>As per paragraph 3.4.1 of the Explanatory Memorandum to the Draft Development Consent Order ("ExM"), it is reasonable and proportionate to include the specified exceptions to enable the efficient use of time in the construction timetable prior to the triggering of "commencement" under the DCO. All pre-commencement activities will be subject to the</p>	<p>Draft DCO [REP3-006]</p> <p>Explanatory Memorandum to the Draft Development Consent Order [REP1-007]</p> <p>ES Chapter 5 Project Description [REP1-016]</p>	Under discussion

	<p>follow that a provision relevant to the authorisation of a nuclear-powered generating station in Suffolk or the alteration of a motorway junction in Essex is relevant to the instant project. The relevance must be explained and the inclusion of the provision justified. The same point applies to provisions based on those which are included in airport DCOs, made or otherwise.</p> <p><i>Advice Note Fifteen: Drafting Development Consent Orders</i> (republished July 2018 (version 2)) is clear on this point. It states –</p> <p>“If a draft DCO includes wording derived from other made DCOs, this should be explained in the Explanatory Memorandum. The Explanatory Memorandum should explain why that particular wording is relevant to the proposed draft DCO, for example detailing what is factually similar for both the relevant consented NSIP and the Proposed Development. It is not sufficient for an Explanatory Memorandum to simply state that a particular provision has found favour with the Secretary of State previously; the ExA and Secretary of State will need to understand why it is appropriate for the scheme applied for. Any divergence in wording from the consented DCO drafting should also be explained. Note, though, that policy can change and develop”.</p> <p>(Paragraph 1.5, emphasis added).</p> <p>In the light of the above, it is clear the applicant should give reasons specific to each exception being suggested, rather than seeking to rely on the generic reference to precedent made in the EM and SoCG.</p> <p>The Council notes pre-commencement activities are subject to the COCP; however, this is not clear from Requirement 7 (code of construction practice) and it should be made explicit on the face of the dDCO. The limitations of the COCP, and the Council’s concerns about that document, are described elsewhere in this document.</p> <p>Paragraph 3.4.1 of the EM [AS-006] states the excluded operations “do not give rise to any materially new or materially different environmental effects to those assessed in the Environmental Statement (Doc Ref. 5.1), being either de minimis or having minimal potential for adverse effects, in line with the Planning Inspectorate’s Advice Note 15”. Paragraph 3.4.1 then goes on to refer to them as “low impact preparatory works”.</p> <p>Certain of the excluded operations would seem capable of giving rise to significant effects and it is not clear how the dDCO restricts these works to “low impact preparatory works”. To give one example, sub-</p>	<p>Code of Construction Practice and its associated management plans (see requirement 7) and must be carried out in accordance with the Carbon Action Plan (see requirement 21).</p> <p>The activities specified in this definition were selected to accord with precedent and as activities which can be (and, in many cases, must be) carried out early in the construction timetable. As per the ExM, the activities do not give rise to materially new or materially different environmental effects to those assessed in the ES.</p> <p>The ES assesses the environmental impacts from preparatory and construction activities for the project, and the activities captured by the exceptions to the definition of "commence" have been assessed as part of this exercise. However, given that the exceptions are categories of activities which form part of the wider preparatory and construction works timetable, there are not specific passages of the ES which can be cited in respect of each individual exception. Certain of the pre-commencement activities which can be identified with particular certainty at this stage are described from Paragraph 5.3.8 of ES Chapter 5: Project Description.</p> <p><u>Updated position (April 2024):</u></p> <p><u>The Applicant reiterates that the approach of excepting certain construction activities from triggering "commencement" of the DCO is well precedented in made DCOs. The Council's comments on the relevance of precedent are noted, but the Applicant considers that it is useful to bring this to the ExA's attention to demonstrate where drafting approaches are commonly deployed by promoters and accepted by the Secretary of State. The justification for excepting activities from "commencement" accompanies the references to precedent in paragraph 3.4.1 of the Explanatory Memorandum to the Draft Development Consent Order [REP1-007].</u></p> <p><u>In respect of the Council's comment on the CoCP, this is already apparent on the face of the DCO. Requirement 7 specifies that "Construction of the authorised development must be carried out in accordance with the code of construction practice unless otherwise agreed with CBC" (emphasis added). There is no reference to commencement. Therefore, any part of the authorised development being carried out is subject to the CoCP. Duplicative wording in a separate location of the draft DCO is unnecessary.</u></p> <p><u>All pre-commencement activities will be subject to the CoCP and its associated management plans (see requirement 7); the written schemes of investigation for Surrey and West Sussex (see requirement 14); the</u></p>		
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		<p>paragraph (k) (“erection of temporary buildings and structures”) does not place any limit on the size of the “buildings and structures” or indicate what “temporary” might mean. An explanation is needed.</p> <p>Regarding temporary exempted works generally (for instance, as well as the temporary buildings and structures already referred to, sub-paragraph (n) provides for the “establishment of temporary haul roads” and sub-paragraph (o) for the “temporary display of site notices, advertisements or information”) it is not clear how these will be dealt with when they are no longer needed. Again, this needs to be made clear on the face of the dDCO.</p> <p>The Council is surprised by the applicant’s conclusion that no passage from the ES can be cited in respect of any exception (noting that, to give one example, the exception could provide for a temporary building of limitless size). The Council considers this approach to pre-commencement activities to be too casual and owing to this, and the lack of certainty as to what the exceptions to “commencement” would entail, considers these works should be subject to the approval of either the local planning authority or local highway authority, depending on the type of works involved.</p> <p><u>Updated Position (Deadline 3):</u> <u>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.</u></p> <p><u>Updated Position (Deadline 5):</u></p> <p><u>The Applicant states “Certain of the pre-commencement activities which can be identified with particular certainty at this stage are described from paragraph 5.3.8 of ES Chapter 5: Project Description. [REP1-017]”. In that document, Table 5.3.1: Indicative Sequencing of Construction Works identifies the following pre-commencement activities –</u></p> <ul style="list-style-type: none"> <u>• pre-construction activities (including surveys for any Unexploded Ordnance (UXO) and any necessary pre-construction surveys). This would seem to fall within sub-paragraph (b) of the definition of “commence” in article 2(1) (interpretation);</u> <u>• establishment of compounds. This would seem to fall within sub-paragraph (m) of the definition of “commence”;</u> <u>• fencing. This would seem to fall within sub-paragraph (e) of the definition of “commence”; and</u> 	<p><u>carbon action plan (see requirement 21) and the flood resilience statement (see requirement 24). These control measures provide sufficient assurance that impacts of pre-commencement works will be adequately managed.</u></p>		
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		<ul style="list-style-type: none"> diversion works and re-provision of essential replacement services. These would seem to fall within sub-paragraph (h) of the definition of "commence". <p>No mention of the remaining elements of the definition of "commence" is included in Table 5.3.1.</p> <p>The Council therefore maintains its position as set out in Update 1: the applicant should give reasons specific to each exception being suggested. For instance, no justification is given for the inclusion of the "erection of temporary buildings and structures" (sub-paragraph (k) and no idea is provided regarding the size of these or what "temporary" might mean. Regarding the "establishment of temporary haul roads" (sub-paragraph (n)), and the "temporary display of site notices" it is not clear how these will be dealt with when they are no longer needed.</p>			
2.7.1.3	Article 3 (development consent etc. granted by Order)	<p>Use of the wording "construct, operate and use"</p> <p>Updated position (Deadline 1): A drafting point regarding article 3(2): the EM says this paragraph is preceded in art.3(2) of the Manston Airport DCO 2022; however, while Gatwick refers to "Any enactment applying to land <u>within or adjacent</u> to the Order limits ..." Manston refers to "Any enactment applying to land <u>within, adjoining or sharing a common boundary</u> with the Order limits".</p> <p>The Council would be grateful if the applicant could confirm why it departed from the cited precedent.</p> <p>Updated Position (Deadline 5): The Council notes the Applicant's position regarding the use of "adjacent"; however, it is not clear from the Applicant's answer or (say) from the Explanatory Memorandum what "adjacent to" means in practice i.e. the extent of that land adjacent to the Order limits will be affected. Can this be explained? For instance, for illustrative purposes, shown on a plan?</p>	<p>Several precedent DCOs contain a separate article authorising the operation and use of the authorised development – see, for example, article 7 of the Sizewell C DCO: "<i>The undertaker is authorised to operate and use the authorised development for which development consent is granted by this Order.</i>"</p> <p>In drafting article 3 of the draft DCO, it was considered that it was clearer and more succinct to subsume the separate authorisation of operation and use into a single provision in article 3.</p> <p>Updated position (April 2024):</p> <p>The Applicant considers that "adjacent" is more appropriate than the wording cited in the Manston Airport Development Consent Order 2022. It is not clear to the Applicant the distinction between land "adjoining" the Order limits and land "sharing a common boundary with the Order limits" from the Manston Order. Use of "adjacent" captures enactments which affect land adjoining the Order limits and land otherwise very near to the Order limits, both of which may still (if not taking effect subject to the provisions of the Order) hinder the carrying out of the authorised development (e.g. by preventing access to the site).</p> <p>The Applicant notes that the drafting in article 3(2) of the draft DCO (including "or adjacent") is well precedented in made DCOs, including article 3(9) of the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024, article 4(2) of the A66 Northern Trans-Pennine Development Consent Order 2024 and article 3(2) of the Boston Alternative Energy Facility Order 2023.</p>	Draft DCO (REP3-006)	Under discussion
2.7.1.4	Article 9 (planning permission)	Confirmation required around which planning permission and conditions the applicant is concerned about	Please refer to paragraphs 4.24 – 4.28 of the ExM, which explains the rationale for article 9 in light of the recent Supreme Court decision in <i>Hillside Parks Ltd v Snowdonia National Park Authority</i> [2022] UKSC 30.	Draft DCO (REP3-006)	Under discussion

		<p>Updated position (Deadline 1): To allow the Council to understand the full implications of article 9(3) and (4), the Council requests the applicant provides a full list of the existing planning permissions (including deemed planning permission) which are at issue. Once that information is provided, the Council will be better able to say whether those provisions are acceptable.</p> <p>Regarding article 9(4), who will decide what “incompatible” means and how that will be conveyed to other parties (e.g. the local planning authority)?</p> <p>Regarding article 9(5), the Council disagrees with the applicant’s analysis that retaining permitted development rights would “allow for <u>minor works</u> to be separately consented without needing to rely on an amendment to the Order, which would be disproportionate and impractical”.</p> <p>First, the Council considers the potential scope of development permitted by the provisions cited in article 9(5) cannot be dismissed as “minor works” and is unconvinced these should be retained. Second, if further development, which is not authorised by the DCO, is to take place at the airport, it should be subject to control by the local planning authority. Third, if the applicant wants the DCO to authorise yet further works, these should be included in Schedule 1 in the usual way (and their effects assessed). This approach is consistent with <i>Advice note thirteen: Preparation of a draft order granting development consent and explanatory memorandum</i> (Republished February 2019 (version 3)) which states (at paragraph 2.9) the dDCO should include the following –</p> <ul style="list-style-type: none"> • “A full, precise and complete description of each element of the NSIP, preferably itemised in a Schedule to the DCO; and • A full, precise and complete description of each element of any necessary “associated development””. <p>The retention of permitted development rights could, contrary to <i>Advice note thirteen</i>, result in a partial and incomplete description of the proposed development being included in the dDCO.</p> <p>Updated Position (Deadline 5): The Council is mainly concerned with paragraphs (4) and (5), neither of which is included in the corresponding provisions of the Lower Thames Crossing or Luton draft DCOs. (See article 56 of the former [REP10-005] and article 45 of the latter [REP11- 092]).</p>	<p>Other recently submitted DCO applications make similar provision, including the draft Luton Airport Expansion DCO (article 45) and Lower Thames Crossing DCO (article 56).</p> <p>As regards the cited wording which disapplies incompatible conditions of previously granted planning permissions, similar wording features in article 45(2)(c) of the draft Luton Airport Expansion DCO.</p> <p>In response to the further queries:</p> <ol style="list-style-type: none"> 1) The drafting at article 9(1) of the draft DCO is a model provision (article 36) which is well-established in numerous precedent DCOs. The drafting is by reference to section 264 of the Town and Country Planning Act 1990 ("TCPA 1990") and the effect is to ensure that permitted development rights attaching to the undertaker in relation to operational land have effect as they would do if planning permission had been granted for the authorised development. "Operational land" is defined in section 263 TCPA 1990. 2) Sub-paragraphs (2) and (3) address legal risk arising from the <i>Hillside</i> decision and ensure that (i) the authorised development can continue to be carried out notwithstanding an incompatible planning permission and (ii) planning permissions granted and initiated prior to commencement of the authorised development under the DCO can continue to be lawfully implemented thereafter. Whether activities authorised by the DCO are taking place pre- or post-commencement do not affect these principles. 3) As above. 4) 'Incompatibility' is as discussed in the <i>Hillside</i> decision. A planning permission would be 'incompatible' with the development authorised by the DCO if it were physically impossible to build out both developments (e.g. due to overlapping consented structures). <p>There is no sub-paragraph (9) in article 9 of the current draft DCO and it is presumed that this point is in reference to sub-paragraphs (5) and (6) of the present drafting. These make clear that the DCO does not restrict the future exercise by the undertaker of permitted development rights. This is necessary to ensure that GAL as airport operator can continue to rely on its extant permitted development rights to facilitate the ongoing operation of the airport and allow for minor works to be separately consented without needing to rely on an amendment to the Order, which would be disproportionate and impractical.</p> <p>Updated position (April 2024):</p>	<p>Explanatory Memorandum to the Draft Development Consent Order [AS-006]</p> <p>Written Summary of Oral Submissions from Issue Specific Hearing 2: Control Documents / DCO [REP1-057]</p>	
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2.7.1.5	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)	Noted.	draft DCO^{n/a} [REP3-006]	Under discussion

Updated position (Deadline 1): The Council notes paragraph 3 (fees) is to be populated and looks forward to discussing the most appropriate way forward regarding fees. On a drafting point, the Council considers the provision should go beyond the payment of a fee in respect of “any for agreement, endorsement or approval in respect of a requirement” and should also apply to the payment of a fee in respect of the granting of any consent in respect of the Order. It will be remembered that several articles require the consent of the street authority (e.g. articles 12(3) and 14(4)), the traffic authority (e.g. article 18(5)(c)) and the highway authority (article 24(4)) and the cost associated with administering this work should also be covered by the applicant.

Updated Position (Deadline 3): The Applicant and SCC intend to agree template article 21 agreements, based on the council’s existing section 38 and 278 agreements.

Updated Position (Deadline 5):

Template agreements

The Council notes that, in the Applicant’s response to ExQ1 reference EN.1.10 (Maintenance of Landscape Adopted by Highway Authorities), relating to the maintenance of landscaping to be adopted by Highway Authorities, the Applicant makes reference to the need to enter into Section 278 agreements. The Council considers it would be sensible if the template for this document was agreed as soon as possible.

Fees

The current fee for discharge of planning conditions based on Regulation 16 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 is £145 per request. This will not adequately resource Crawley Borough Council as a main discharging authority (or indeed any other authority identified as a discharging authority) to cover its costs for the volume and complexity of work required to address these requirements.

In their Deadline 3 Response to ExQ1, the Legal Partnership Authorities set out a suggested approach to resourcing this Project. Based on the fees being offered there is no prospect whatsoever that the Authorities can secure adequate resources to cover the costs of discharging requirements. To add insult to injury, paragraph 3(2) of Schedule 11 provides for the repayment of any fee paid to the discharging authority within 35 days of (a) the application is rejected as invalidly made or (b) the authority not determining the application within the determination period. Paragraph 3(2) is unreasonable and must be deleted: if an application is rejected, it will have been rejected

Updated position (April 2024): The Council’s comments on template agreements are noted.

On fees, drafting has been included in version 6.0 of the **draft DCO** submitted at Deadline 3 [REP3-006] to provide for the payment of fees by the undertaker to discharging authorities providing their agreement, endorsement or approval in respect of requirements to which Part 1 of Schedule 11 to the DCO applies. The specified fee is by reference to the fee payable to local planning authorities in respect of the discharge of planning conditions for non-householder development in regulation 16 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012.

This approach is well precedented, including in paragraph 4 of Schedule 11 to the Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order 2024, paragraph 2 of Schedule 4 to the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 and paragraph 26 of Schedule 2 to the Manston Airport Development Consent Order 2022.

		<p>because the material provided by the Applicant was unsatisfactory. The discharging authority should not be punished financially for this. Officers will have had to deal with the application even if the application is eventually rejected and the Applicant should cover that cost. Similarly, it might not be possible for a discharging authority to determine an application within the determination period if, say, information or material it has requested is not provided until late in that period. Again, the discharging authority should not be punished financially for this.</p> <p>The Council also considers the provision should go beyond the payment (per paragraph 3(1) of Schedule 11) of a fee in respect of “any for agreement, endorsement or approval in respect of a requirement” and should also apply to the payment of a fee in respect of the granting of any consent under the Order. For example, it will be remembered that several articles require the consent of the street authority (e.g. articles 12(3) and 14(4)), the traffic authority (e.g. article 18(5)(c)) and the highway authority (article 24(4)). The cost associated with administering this work should also be covered by the Applicant. The Explanatory Memorandum [REP3-008] twice refers to the “complex nature and scale of the Project” (paragraphs 7.19 and 7.49). The Council considers this should be reflected in the fee regime in Schedule 11 to the dDCO [REP3-006]. Turning to precedents, it will be noted that the Sizewell C (Nuclear Generating Station) Order 2022 (SI 2022/853), includes in paragraph 3 of Schedule 24 a bespoke fee regime for the discharge of requirements. A similar approach could be followed here; alternatively, the fee regime could be dealt with via a planning performance agreement.</p>			
2.7.1.6	Consideration of Highway authority Lane Rental and Permit Scheme	<p>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).</p> <p>Updated position (Deadline 1): The Council maintains its opposition to the disapplication of sections 73B, 73C, 77 and 78A of the 1991 Act. The Council notes the cited precedents. It is now for the applicant to explain why the disapplication of the cited provisions is relevant to this project. That is the approach required by paragraph 1.5 of Advice Note Fifteen (see comments on article 2(1) re “Commencement” above). While the Council has not undertaken an analysis of the cited precedents, the Council assumes the inclusion of these provisions was not controversial in those projects. The position is different here because their inclusion is of concern to the Council. Moreover, it does not follow that what is appropriate for a highways or a nuclear power DCO is relevant to an airport</p>	<p>The drafting of article 10 has advanced since the version commented on by the Councils and the cross-references are now complete. The latest draft no longer refers to "permit schemes".</p> <p>Section 74A of the 1991 Act is no longer disapplied in the latest draft of the DCO. Sections 73B, 73C and 78A of the 1991 Act are disapplied in several precedent DCOs, including the Sizewell C (article 15), Manston Airport (article 10), A303 (Amesbury to Berwick Down) (article 8) and A417 Missing Link (article 12) DCOs. Section 77 of the 1991 Act is disapplied in the Sizewell C DCO (article 15).</p> <p>GAL invites the Councils to please specify the precise nature of their concern with the disapplication of these provisions and why the approach here should depart from the precedent outlined.</p> <p>Updated position (April 2024):</p>	Draft DCO [REP3-006]	Under discussion

		<p>DCO. Similarly, provisions relevant to one airport DCO might not be relevant to another.</p> <p>Updated Position (Deadline 3): SCC has provided details of how the Surrey Permit Scheme has been incorporated within a made DCO.</p> <p>Updated Position (Deadline 5): 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. The Council would welcome these discussions and emphasises that the Traffic Management (Surrey County Council) Permit Scheme Order 2015 (as varied) was incorporated into the M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 (SI 2022/549). Other local authority permit schemes have been incorporated into other DCOs.</p>	<p><u>Sections 73A, 73B, 73C and 78A of the 1991 Act are prospective provisions that will be applied through sections 55 and 57 of the Traffic Management Act 2004. These provisions are not yet in force, but should they become legislation then they are disapplied for the purpose of the Project. The disapplication of these provisions (which are designed primarily to regulate the carrying out of street works by utility companies in respect of their apparatus) is appropriate given the scale of highway works proposed under the DCO, the specific authorisation given for those works by the DCO and the specific provisions in the DCO which would regulate the carrying out of the works included in the DCO and ensure sufficient measures to mitigate any impacts of these works.</u></p> <p><u>The disapplication of these provisions is well precedented, including in article 8 of the A66 Northern Trans-Pennine Development Consent Order 2024 and article 11 of the Boston Alternative Energy Facility Order 2023.</u></p> <p><u>Section 77 of the 1991 Act provides that, where a highway is used as an alternative route to a highway that is restricted or prohibited due to street works, the undertaker must indemnify the highway authority of the highway used as a diversion in respect of costs of strengthening that highway or making good any damage caused by the diverted traffic.</u></p> <p><u>It is appropriate to disapply this provision in a DCO context because the impacts of the Project, including as regards traffic, have been subject to a full EIA and, where impacts have been identified, appropriate mitigation has been incorporated into the Project's design or otherwise secured. Section 77 of the 1991 Act would cut across this mitigation package.</u></p> <p><u>The disapplication of section 77 of the 1991 Act is precedented in article 15 of the Sizewell C (Nuclear Generating Station) Order 2022.</u></p> <p><u>As regards the highway authority's permit scheme, the Applicant is considering the implications of this proposal and will discuss this further with the relevant highway authorities.</u></p>		
2.7.1.7	Street works	<p>The way in which street works are controlled under article 11 (street works).</p> <p>Updated position (Deadline 1): Owing to the small number of streets affected within the Order limits, it would seem straightforward to cross-refer in the article to a specified list. The applicant will be aware that such an approach is not unusual. Absent such cross-reference, the Council maintains its position that the power should be subject to street authority control.</p>	<p>The precise nature of the Council's concern with the drafting of article 11 is not clear from this comment – please clarify.</p> <p>Article 11 is by reference to streets "within the Order limits" rather than a specified list of streets because (i) there are only a small number of streets within the Order limits and there is little benefit therefore in listing them in a schedule and (ii) GAL foresees a need for flexibility as regards the streets under which it may need to carry out works, particularly in</p>	<p>Draft DCO [REP3-006]</p> <p>Land Plans [AS-015]</p>	Under discussion

		<p><u>Updated Position (Deadline 3): The usual cross-reference to a schedule should be included.</u></p> <p><u>Updated Position (Deadline 5): The Council maintain their concern that article 11 departs from most precedents by authorising interference with any streets within the Order limits, rather than those specified in a schedule.</u></p> <p><u>This is a significant departure from the Model Provisions (see Model Provision 8(1)) and established precedent; for example, article 14 (street works) of the Sizewell C (Nuclear Generating Station) Order 2022 (SI 2022/853), article 12 (street works) of the M42 Junction 6 Development Consent Order 2020 (SI 2020/528), and article 10 (street works) of the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (SI 2014/2384).</u></p> <p><u>The Council's position is set out in the West Sussex LIR (Appendix M, column 8) [REP1-069], the SCC PADSS (column 87), and the Legal Partnership Authorities' response to ExQ1 DCO1.22 [REP3-135].</u></p>	<p>relation to necessary utility diversions which may become apparent during construction.</p> <p>Further, such an approach is preceded in several DCOs, including the A38 Derby Junctions (article 11), A47 Wansford to Sutton (article 15), A57 Link Roads (article 10) and Thurrock Flexible Generation Plant (article 11) DCOs.</p> <p>The additional wording proposed in bold is not included in any of these precedent DCOs. Its inclusion would be a departure from well-established precedent and therefore unjustified.</p> <p>The approach in the draft DCO, that article 11 does not require the consent of the street authority while article 12 does, is preceded in the Sizewell C DCO (see articles 13 and 14). The works envisaged by article 12, which extend inter alia to permanently altering the nature and characteristics of streets, are of greater consequence to the ongoing use of the streets in question than the more limited works envisaged by article 11, which are largely in or under the streets. There is therefore good reason why the street authority's consent should be required for works under article 12 and not article 11.</p> <p><u>Updated position (April 2024):</u> <u>The Applicant does not consider it necessary for article 11 to reference a schedule setting out a list of streets. There are a small number of streets within the Order limits and, due to the nature of this Project's site, the vast majority are either airport roads or are the subject of the surface access works comprised in the authorised development. Through the examination and by reference to plans including the Land Plans [AS-015], stakeholders are able to examine the extent of the Order limits and therefore the extent of streets over which the article 11 power may be exercised. The Applicant is not aware that the Council has raised specific concerns regarding the exercise of article 11 over particular streets. In that context, preparing and referencing a schedule of all streets within the Order limits would mean that article 11 has the same effect as presently.</u></p>		
2.7.1.8	Deeming provisions	<p>The inclusion of deeming provisions in articles 12(4) (power to alter layout, etc. of streets), article 14(8) (temporary closure of streets), 18(10) (traffic regulations), 22(5) (discharge of water), and 24(6) (authority to survey and investigate the land)</p> <p><u>Updated Position (Deadline 3): 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</u></p>	<p>The drafting of article 14 has advanced since the version commented on by the Councils.</p> <p><u>New sub-paragraph after sub-paragraph (5)</u></p> <p>The additional wording proposed to be included after existing sub-paragraph (5) is not considered necessary. Sub-paragraph (4) already provides that: "The undertaker must not temporarily alter, divert, prohibit</p>	Draft DCO [REP3-006]	Under discussion

		<p>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> <p>SCC consider that there should be no deeming provision.</p> <p>Updated Position (Deadline 5): Regarding deemed consent, the Council agrees with the position set out in row 9 of Appendix M to the Joint West Sussex LIR [REP1-069]: the deeming provision should be deleted. The Council's notes the Applicant's position that a "failure to respond to requests for consent/approval in a timely manner can lead to significant delays in a construction timetable".</p> <p>The Council does not disagree with this; however, owing to the fact that (per paragraph (3)), the consenting authority must not unreasonably withhold or delay consent, the scenario envisaged by the applicant is unlikely to arise. In any event, it is unreasonable to include the deeming provision and the "unreasonably withhold or delay consent" wording. Turning to the precedents mentioned by the applicant, the inclusion of a "deeming provision" does not appear to have been controversial in any of those projects and so the issue was not considered in detail by the Examining Authority or Secretary of State. The position is clearly different here.</p>	<p>the use of or restrict the use of any street without the consent of the street authority, which may attach reasonable conditions to any</p> <p>consent but such consent must not be unreasonably withheld or delayed". Should the street authority wish to request an alternative route to the temporarily altered/diverted/restricted etc. street be provided, it can do so as a condition to its consent (provided that such a condition is reasonable in the circumstances).</p> <p>Materially similar formulations of article 14 (without the additional proposed wording) were included in precedent DCOs including the M25 Junction 10/A3 Wisley Interchange (article 14) and A38 Derby Junctions (article 15) DCOs. It is also noted that a similar approach has been taken in the emerging draft Luton Airport Expansion DCO (article 13).</p> <p>"Must not be of a lower standard"</p> <p>The further proposed amendment in bold to what is now sub-paragraph (5) ("and must not be of a lower standard") is not justified. Where a street is being temporarily altered, diverted or restricted (etc.), it is not reasonable to require that the temporary diversion be of the same standard as the main permanent route. Indeed, this is unlikely to be the case.</p> <p><u>Deeming provision</u></p> <p>Several provisions of the DCO (including this article 14) contain deeming provisions where the consent of a third-party body is required. A failure to respond to requests for consent in a timely manner can lead to significant delays in a construction timetable. Use of deeming provisions in respect of some key consents is therefore considered reasonable and in alignment with the objectives of the Planning Act 2008 to ensure efficient delivery of nationally significant infrastructure projects. To reflect the Councils' concern regarding deemed approval, the time period after which consent is deemed given has been extended to 56 days rather than the 28 days included in the version of the DCO upon which the Councils have commented.</p> <p>Updated position (April 2024):</p> <p>The Applicant reiterates its position that deeming provisions are justified and appropriate. A failure to respond to requests for consent/approval in a timely manner can lead to significant delays in a construction timetable. Use of deeming provisions in respect of some key consents/approvals is therefore considered reasonable and in alignment with the objectives of</p>		
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			<p>the Planning Act 2008 to ensure efficient delivery of nationally significant infrastructure projects.</p> <p>The time period after which consent is deemed given has been extended to 56 days in response to the Councils' previous comments and the Applicant considers that this period is sufficient for matters subject to deemed consent to be thoroughly considered and a decision reached, even if further information is requested of the undertaker.</p> <p>The Applicant does not consider the scenario posited by the Councils, that the appeal process in paragraph 4 of Schedule 11 to the DCO would need to be followed in the event that an application was refused due to a poor-quality submission and delayed provision of further information by the undertaker, to be realistic. If the approving body had not had a reasonable period of time to consider further information provided by the undertaker, the undertaker would be highly unlikely to trigger an appeal under paragraph 4 of Schedule 11. It would be simpler, faster and more likely to result in approval for the undertaker to resubmit the application for approval under the relevant article and commence the 56-day deeming period anew. The Applicant therefore does not consider the reason provided by the Councils for omitting deeming provisions to be convincing.</p> <p>It is noted that deeming provisions are well precedented in recently made DCOs, including the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024, the A12 Chelmsford to A120 Widening Development Consent Order 2024 and the Boston Alternative Energy Facility Order 2023 (all of which, it is noted, use a shorter period than the draft DCO of 28 days after which consent is deemed to have been granted).</p>		
2.7.1.9	Alternative routes Article 14 (Temporary Closure of Routes)	<p>The standard to which alternative routes must be provided under article 14(5) (temporary closure of streets).</p> <p>Updated position (Deadline 1):</p> <p>New sub-paragraph after sub-paragraph (5)</p> <p>The Council cannot envisage a situation when it would not want an alternative temporary route to be provided and considers it would be more straightforward if this was made clear in the DCO.</p> <p>"Must not be of a lower standard"</p>	<p>The drafting of article 14 has advanced since the version commented on by the Councils.</p> <p>New sub-paragraph after sub-paragraph (5)</p> <p>The additional wording proposed to be included after existing sub-paragraph (5) is not considered necessary. Sub-paragraph (4) already provides that: "The undertaker must not temporarily alter, divert, prohibit the use of or restrict the use of any street without the consent of the street authority, which may attach reasonable conditions to any consent but such consent must not be unreasonably withheld or delayed". Should the street authority wish to request an alternative route to the temporarily altered/diverted/restricted etc. street be provided, it can do so as a</p>	Draft DCO [REP3-006]	Under discussion

	<p>The Council notes the applicant's response and is considering its position.</p> <p><u>Deeming provision</u></p> <p>The extension of deadline from 28 to 56 days is welcomed; however, the Council maintains its in-principle objection to the deeming provision.</p> <p>Updated Position (Deadline 3): 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.</p> <p>Updated Position (Deadline 5): <u>New sub-paragraph after sub-paragraph (5)</u></p> <p><u>The Council maintains the position described in the Deadline 1 updated position.</u></p> <p><u>"Must not be of a lower standard"</u></p> <p><u>The Council is no longer pursuing this point.</u></p> <p><u>Deeming provision</u></p> <p><u>Regarding deemed consent, the Council agrees with the position set out in row 9 of Appendix M to the Joint West Sussex LIR [REP1-069]: the deeming provision should be deleted. The Council's notes the Applicant's position that a "failure to respond to requests for consent/approval in a timely manner can lead to significant delays in a construction timetable".</u></p> <p><u>The Council does not disagree with this; however, owing to the fact that (per paragraph (3)), the consenting authority must not unreasonably withhold or delay consent, the scenario envisaged by the applicant is unlikely to arise. In any event, it is unreasonable to include</u></p>	<p><u>condition to its consent (provided that such a condition is reasonable in the circumstances).</u></p> <p><u>Materially similar formulations of article 14 (without the additional proposed wording) were included in precedent DCOs including the M25 Junction 10/A3 Wisley Interchange (article 14) and A38 Derby Junctions (article 15) DCOs. It is also noted that a similar approach has been taken in the emerging draft Luton Airport Expansion DCO (article 13).</u></p> <p><u>"Must not be of a lower standard"</u></p> <p><u>The further proposed amendment in bold to what is now sub-paragraph (5) ("and must not be of a lower standard") is not justified. Where a street is being temporarily altered, diverted or restricted (etc.), it is not reasonable to require that the temporary diversion be of the same standard as the main permanent route. Indeed, this is unlikely to be the case.</u></p> <p><u>Deeming provision</u></p> <p><u>Several provisions of the DCO (including this article 14) contain deeming provisions where the consent of a third-party body is required. A failure to respond to requests for consent in a timely manner can lead to significant delays in a construction timetable. Use of deeming provisions in respect of some key consents is therefore considered reasonable and in alignment with the objectives of the Planning Act 2008 to ensure efficient delivery of nationally significant infrastructure projects. To reflect the Councils' concern regarding deemed approval, the time period after which consent is deemed given has been extended to 56 days rather than the 28 days included in the version of the DCO upon which the Councils have commented.</u></p> <p>Updated position (April 2024):</p> <p><u>New sub-paragraph after sub-paragraph (5)</u></p> <p><u>The Council's position on this is noted, but the Applicant does not consider it useful to any party to limit the relevant Council's discretion to address a variety of situations that may arise under article 14 when the existing drafting would already facilitate the solution the Councils are seeking (i.e. temporary diversions on a case-by-case basis should the relevant street authority consider this necessary). In any event, it is noted that Horsham District Council is not a street authority and therefore does not appear to have a relevant interest in this provision.</u></p> <p><u>"Must not be of a lower standard"</u></p>		
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		<p><u>the deeming provision and the “unreasonably withhold or delay consent” wording.</u></p> <p><u>Turning to the precedents mentioned by the applicant, the inclusion of a “deeming provision” does not appear to have been controversial in any of those projects and so the issue was not considered in detail by the Examining Authority or Secretary of State. The position is clearly different here.</u></p> <p>The drafting of article 14 has advanced since the version commented on by the Councils.</p> <p>New sub-paragraph after sub-paragraph (5)</p> <p>The additional wording proposed to be included after existing sub-paragraph (5) is not considered necessary. Sub-paragraph (4) already provides that: “The undertaker must not temporarily alter, divert, prohibit the use of or restrict the use of any street without the consent of the street authority, which may attach reasonable conditions to any consent but such consent must not be unreasonably withheld or delayed”. Should the street authority wish to request an alternative route to the temporarily altered/diverted/restricted etc. street be provided, it can do so as a condition to its consent (provided that such a condition is reasonable in the circumstances).</p> <p>Materially similar formulations of article 14 (without the additional proposed wording) were included in precedent DCOs including the M25 Junction 10/A3 Wisley Interchange (article 14) and A38 Derby Junctions (article 15) DCOs. It is also noted that a similar approach has been taken in the emerging draft Luton Airport Expansion DCO (article 13).</p> <p>“Must not be of a lower standard”</p> <p>The further proposed amendment in bold to what is now sub-paragraph (5) (“and must not be of a lower standard”) is not justified. Where a street is being temporarily altered, diverted or restricted (etc.), it is not reasonable to require that the temporary diversion be of the same standard as the main permanent route. Indeed, this is unlikely to be the case.</p> <p><u>Deeming provision</u></p>	<p><u>The Applicant is not aware of any precedent for the Councils' proposed new wording and does not consider it justified, not least because it is unclear what would constitute an alternative route being "available" and what level of effort would be required of the Applicant to make such a route "available". The Applicant notes that the street authority must consent to any temporary alteration, diversion, prohibition or restriction on use of a street under paragraph (4) and can attach reasonable conditions, which would allow it to ensure the provision of a suitable diversion.</u></p> <p><u>The Applicant considers that the present wording is well-balanced and notes that it is well precedented in materially the same form in DCOs including article 14 of the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024, article 13 of the Boston Alternative Energy Facility Order 2023 and article 13 of the Southampton to London Pipeline Development Consent Order 2020.</u></p> <p>Draft DCO (REP3-006)</p>		
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		<p>Several provisions of the DCO (including this article 14) contain deeming provisions where the consent of a third-party body is required. A failure to respond to requests for consent in a timely manner can lead to significant delays in a construction timetable. Use of deeming provisions in respect of some key consents is therefore considered reasonable and in alignment with the objectives of the Planning Act 2008 to ensure efficient delivery of nationally significant infrastructure projects. To reflect the Councils' concern regarding deemed approval, the time period after which consent is deemed given has been extended to 56 days rather than the 28 days included in the version of the DCO upon which the Councils have commented.</p> <p>Updated position (April 2024):</p> <p><u>New sub-paragraph after sub-paragraph (5)</u> <u>The Council's position on this is noted, but the Applicant does not consider it useful to any party to limit the relevant Council's discretion to address a variety of situations that may arise under article 14 when the existing drafting would already facilitate the solution the Councils are seeking (i.e. temporary diversions on a case-by-case basis should the relevant street authority consider this necessary). In any event, it is noted that Horsham District Council is not a street authority and therefore does not appear to have a relevant interest in this provision.</u></p> <p><u>"Must not be of a lower standard"</u> <u>The Applicant is not aware of any precedent for the Councils' proposed new wording and does not consider it justified, not least because it is unclear what would constitute an alternative route being "available" and what level of effort would be required of the Applicant to make such a route "available". The Applicant notes that the street authority must consent to any temporary alteration, diversion, prohibition or restriction on use of a street under paragraph (4) and can attach reasonable conditions, which would allow it to ensure the provision of a suitable diversion.</u></p> <p><u>The Applicant considers that the present wording is well-balanced and notes that it is well-precedented in materially the same form in DCOs including article 14 of the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024, article 13 of the Boston Alternative Energy Facility Order 2023 and article 13 of the Southampton to London Pipeline Development Consent Order 2020.</u></p>			
2.7.1.10	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).	GAL is content to add this wording to article 13. Updated position (April 2024):	draft DCO [REP3-006] n/a	Under discussion

		<p>Updated position (Deadline 1): The Council maintains its position that consent is required for the creation of new means of access.</p> <p>Updated Position (Deadline 3): Regarding article 16(1), the Authorities consider <u>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.</u></p> <p>Updated Position (Deadline 5): 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 <u>unreasonable to include the deeming provision and the “unreasonably withhold or delay consent” wording.</u></p>	<p><u>Street authority consent is now required for exercise of the power in article 16(1), as per article 16(2) – see version 6.0 of the draft DCO submitted at Deadline 3 [REP3-006].</u></p>		
2.7.1.11	Article 18 Traffic regulations	<p>How the “instrument” referred to in article 18(6)(a)(traffic regulations) will be accessed.</p> <p>Updated position (Deadline 1): The Council looks forward to hearing from GAL regarding the way in which the “instrument” will be accessed.</p> <p>Updated Position (Deadline 3): <u>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.</u></p> <p>Updated Position (Deadline 5): <u>The Authorities have no comments in respect of the amendments made to article 18 in the latest version of the dDCO [REP3-006] ; however, they agree with the concerns in respect of this article, as set out in the following rows of Appendix M to the West Sussex LIR [REP1-069]: row 22 (regarding paragraph (1)), row 23 (regarding paragraph (5)), row 24 (regarding paragraph (6)), and row 25 (regarding paragraph 10)).</u></p> <p><u>Regarding how the instrument will be “held” etc., the Applicant states –</u></p> <p><u>“As is currently the case for traffic regulation orders made by the Applicant in its role as an airport operator, any instruments would be available for inspection at the Applicant’s registered office address”.</u></p>	<p>The drafting of article 14 has advanced since the version commented on by the Councils.</p> <p><u>New sub-paragraph after sub-paragraph (5)</u></p> <p>The additional wording proposed to be included after existing sub-paragraph (5) is not considered necessary. Sub-paragraph (4) already provides that: “The undertaker must not temporarily alter, divert, prohibit the use of or restrict the use of any street without the consent of the street authority, which may attach reasonable conditions to any consent but such consent must not be unreasonably withheld or delayed”. Should the street authority wish to request an alternative route to the temporarily altered/diverted/restricted etc. street be provided, it can do so as a condition to its consent (provided that such a condition is reasonable in the circumstances).</p> <p>Materially similar formulations of article 14 (without the additional proposed wording) were included in precedent DCOs including the M25 Junction 10/A3 Wisley Interchange (article 14) and A38 Derby Junctions (article 15) DCOs. It is also noted that a similar approach has been taken in the emerging draft Luton Airport Expansion DCO (article 13).</p> <p>“Must not be of a lower standard”</p> <p>The further proposed amendment in bold to what is now sub-paragraph (5) (“and must not be of a lower standard”) is not justified. Where a street is being temporarily altered, diverted or restricted (etc.), it is not reasonable to require that the temporary diversion be of the same</p>	Draft DCO {[REP3-006]}	Under discussion

		<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>	<p>standard as the main permanent route. Indeed, this is unlikely to be the case.</p> <p><u>Deeming provision</u></p> <p>Several provisions of the DCO (including this article 14) contain deeming provisions where the consent of a third party body is required. A failure to respond to requests for consent in a timely manner can lead to significant delays in a construction timetable. Use of deeming provisions in respect of some key consents is therefore considered reasonable and in alignment with the objectives of the Planning Act 2008 to ensure efficient delivery of nationally significant infrastructure projects. To reflect the Councils' concern regarding deemed approval, the time period after which consent is deemed given has been extended to 56 days rather than the 28 days included in the version of the DCO upon which the Councils have commented.</p> <p>Updated position (April 2024):</p> <p>The Applicant considers that traffic regulations that are specified in schedules to the DCO should not require subsequent traffic authority consent as these measures can be scrutinised during the examination. However, the Applicant is content that exercise of the power in article 18(3) to revoke, amend or suspend existing traffic regulation orders or implement new restrictions which are not specified in the DCO should be subject to traffic authority consent (provided they do not relate to airport roads). It is acknowledged that notification is required in respect of any exercise of the article 18 powers.</p> <p>Article 18 has been amended in version 6.0 of the draft DCO submitted at Deadline 3 [REP3-006] to ensure that the above is clear in the drafting.</p> <p>As is currently the case for traffic regulation orders made by the Applicant in its role as an airport operator, any instruments would be available for inspection at the Applicant's registered office address.</p>		
2.7.1.12	Article 25 which relates to trees and hedgerows	<p>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> <p>Updated position (Deadline 1): If "the removal of hedgerows, trees and shrubs" (i.e one of the exceptions from the definition of "commence" per article 2(1)(f)) is to be controlled by article 25, the Council considers this should be made explicit in the article itself.</p>	<p>While "removal of hedgerows, trees and shrubs" is excluded from the definition of "commence" in article 2 as noted, the present article (now article 25) will still govern how these activities are carried out, article 25 providing the underlying authority for these activities.</p> <p>The wording relating to "important hedgerows" has been removed from the latest draft of article 25, following confirmation that no such hedgerows are anticipated to be affected by the proposed development.</p>	Draft DCO (REP3-006)	Under discussion

	<p>The applicant suggests that updated article 25 will refer to tree and hedge works needing to be carried out in accordance with BS 3998:2010 (or more recent industry best practice). However, the most recent dDCO [PDLA-004] does not include this (well-precedented) wording and the Council would be grateful if the applicant could explain its position.</p> <p>Paragraph 22.1 of <i>Advice Note Fifteen: Drafting Development Consent Orders</i> (Republished July 2018 (version 2)) states –</p> <p>“It is recommended that DCO Articles of this kind [i.e. which articles which provide for interference with hedgerows] are made relevant to the specific hedgerows intended for removal. To support the ExA, the Article should include a Schedule and a plan to specifically identify the hedgerows to be removed (whether in whole or in part). This will allow the question of their removal to be examined in detail. Alternatively, the Article within the DCO could be drafted to include powers for general removal of hedgerows (if they cannot be specifically identified) but this must be subject to the later consent of the local authority”.</p> <p>Article 25 is inconsistent with this recommendation: it does not include a schedule or plan, yet it seeks to remove (under article 25(5)) any obligation to secure consent. No reasonable justification is given for this inconsistency. The Council considers the hedgerow-related provisions need to be recast to make them consistent with paragraph 22.1.</p> <p>Updated Position (Deadline 3): The Article should include a Schedule and a plan to specifically identify the hedgerows to be removed.</p> <p>Updated Position (Deadline 5): 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 removed (whether in whole or in part) or (ii) make the power for general removal of hedgerows subject to local authority consent. Detailed justification and suggested amendments are included in row 31 of Appendix M [REP1-069], which the Council agrees with.</p>	<p>Defining "hedgerow" by reference to the Hedgerow Regulations 1997 is well-established in many DCO precedents, including the Sizewell C (article 81), Southampton to London Pipeline (article 42) and Manston Airport (article 34) DCOs. Including a bespoke definition would be a significant departure from precedent and is not considered to be justified.</p> <p>The drafting of article 25 has advanced since the version commented upon by the Councils. For example, article 25(1)(b) now includes "<i>or property within the authorised development</i>". GAL will carefully consider the other proposed additions and will include them in the next draft of the DCO where reasonable and justified. It is not anticipated that there will be any concerns with tree and hedge works needing to be carried out in accordance with BS 3998:2010 (or more recent industry best practice).</p> <p>By way of initial comment on the remaining suggested additions, the new proposed sub-paragraph (3) does not appear necessary because:</p> <ul style="list-style-type: none"> • it is unclear what is meant by "<i>relative bodies</i>"; • (3)(a) is not needed because authority is only conferred on the undertaker to fell or lop in the circumstances specified in sub-paragraphs (1)(a) and (b); • (3)(b) is not needed because the DCO will not obviate the need for consents required for protected species or laws related thereto; • (3)(c) is not needed because the draft DCO does not contain drafting obviating the need to obtain a felling licence and such a licence would therefore be required prior to felling; and <p>(3)(d) is not needed because the existence and protection afforded by tree preservation orders is not disturbed by the DCO (in the absence of express provision).</p> <p>Updated position (April 2024): The Applicant does not consider it necessary to include additional unprecedented text in article 25 confirming the existing position that article 25 will control any works to hedgerows, trees and shrubs.</p> <p>The Council's reference to Advice Note Fifteen is noted but the Applicant draws the Council's attention to the fact that this offers only a recommendation in respect of articles of this kind, rather than a binding rule or precedent.</p> <p>Indeed, the weight of precedent in made DCOs is for articles that authorise the removal of hedgerows within the Order limits without subsequent local authority consent. For example, article 17(6) of the A66</p>	
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2.7.1.13	Article 31 (time limit for exercise of authority to acquire land compulsorily)	<p>The usual period of five years is doubled. Further information about project complexity is required.</p> <p>Updated position (Deadline 1): The Council considers the power to acquire land or interests in land should be exercisable for 5, and not 10, years. It should run from the date the order comes into force, rather than the "start date".</p> <p>Updated Position (Deadline 3): The time period should be reduced to 5 years, starting when the order comes into force, rather than the "start date".</p> <p>Updated Position (Deadline 5): The Council maintains the position that the ten-year period is excessive. While a ten-year period was included in article 45 of the Thames Tideway DCO (SI 2014/2384), that order consented a wastewater transfer and storage tunnel, a number of connection tunnels and other significant works at 24 sites (across 14 local authority areas) in London along the route of the tunnel. It is an exceptional project and so the inclusion of an exceptional acquisition period must be considered in that context.</p> <p>Regarding the "start date", the weight of precedent is with the start date starting when the Order comes into force. If that drafting is</p>	<p>The drafting of this article (now article 31) has advanced since the version commented on by the Councils. A time period of ten years has been included, as justified in paragraphs 7.18 – 7.20 of the ExM. This is precedented as described in the ExM and it is further noted that the same approach has been taken in the emerging draft Luton Airport Expansion DCO (article 26).</p> <p>Updated position (April 2024):</p> <p>The Applicant considers that the nature and constituent works of the Project justify a 10-year period. ES Appendix 5.3.3: Indicative Construction Sequencing [REP2-016] sets out that the highway works are anticipated to be completed in 2032, with other works not completed until 2035. Allowing a 10-year period within which to exercise compulsory acquisition powers ensures that the Applicant is able to exercise powers proportionately as and when parcels of land are needed for particular works or the operation of the authorised development, rather than having to acquire land earlier on a conservative basis in anticipation of said land being necessary for works later in the construction sequencing or for future operation.</p> <p>Where feasible, the Applicant intends to carry out construction pursuant to temporary possession powers, only vesting permanent interests or</p>	<p>Draft DCO (REP3-006Dec Ref-2.1)</p> <p>Explanatory Memorandum to the Draft Development Consent Order [AS-006]</p> <p>ES Appendix 5.3.3: Indicative Construction Sequencing [REP2-016]</p>	Under discussion

		<p>satisfactory for controversial schemes such as the Thames Tunnel, Sizewell C, and countless recent national highways DCOs (including Stonehenge), it seems difficult to justify treating the instant project differently, especially since it will already lead to the sterilisation of land for a decade (even if the usual start date is followed).</p>	<p>rights where necessary for construction and otherwise upon works completion, allowing for a more precise scope of land or rights to be permanently acquired. This approach is only feasible if the undertaker retains its compulsory acquisition powers at the time of completion of works, otherwise it will need to pre-emptively acquire rights and land.</p> <p>It is appropriate and necessary for the time period to commence on the "start date" (as defined in the draft DCO) due to the increasing prevalence of judicial review challenges by objector groups to high-profile DCOs. The government's policy paper 'Getting Great Britain building again: Speeding up infrastructure delivery' (2023) notes that "over half of all legal challenges to NSIP decisions have been brought since 2020" and that even unsuccessful legal challenges can "set a project back years in delays"¹. It is inappropriate for the period within which the undertaker can exercise compulsory acquisition powers to be reduced (potentially substantially) while legal challenges are finally determined. The rationale for the ten-year period detailed immediately above means that such a reduction in the feasible time period within which to exercise such powers may result in a necessarily more conservative approach to land take.</p>		
2.7.1.14	Article 40 (special category land)	<p>Timing of vesting of special category land.</p> <p>Updated position (Deadline 1): Ordinarily, the Council would expect the order to provide for the acquisition of existing open space land only once a scheme for the provision of the open space land has been implemented to the local planning authority's satisfaction.</p> <p>Updated Position (Deadline 3): Why should the vesting of open space in the Applicant not wait until a scheme for the provision of replacement land as open space has been implemented to the satisfaction of the relevant body.</p> <p>Updated Position (Deadline 5): Regarding the delivery plan, the Council considers the undertaker should be responsible for maintaining the replacement land as open space and that article 40(2) should be amended accordingly. (The Joint Legal Authorities' suggested drafting is included in their Deadline 4 document "Legal Partnership Authorities Response to the Applicant's Schedule of Changes – Version 2", which is included at Appendix A to REP4-042.</p>	<p>The drafting of article 15 has advanced since the version commented on by the Councils and is now complete.</p> <p>The explanation for the single length of footpath proposed to be permanently stopped up for which no substitute is provided is included in ES Chapter 19: Agricultural Land Use and Recreation and ES Appendix 19.8.1: Public Rights of Way Management Strategy. In summary, this portion of footpath would remain as part of the promoted Sussex Border Path but the classification as a 'footpath' would be removed and replaced by the shared use active travel cyclist and pedestrian route along this section of highway.</p> <p>Updated position (April 2024):</p> <p>Section 131 of the Planning Act 2008 indicates that replacement land need not be provided before special category land can be acquired pursuant to a development consent order. Section 131 allows for an order to authorise the compulsory acquisition of such land without the need for special parliamentary procedure provided that the Secretary of State is satisfied that, inter alia, "replacement land has been or will be given in exchange for the order land" (emphasis added).</p>	<p>Draft DCO (REP3-006)</p> <p>ES Chapter 19: Agricultural Land Use and Recreation [APP-044]</p> <p>ES Appendix 19.8.1: Public Rights of Way Management Strategy [APP-215]</p>	Under discussion

¹ <https://www.gov.uk/government/publications/getting-great-britain-building-again-speeding-up-infrastructure-delivery/getting-great-britain-building-again-speeding-up-infrastructure-delivery>

			<p>The approach adopted in article 40 of the draft DCO is preceded in several recently made DCOs. Article 45 of the Chelmsford to A120 Widening Development Consent Order 2024, article 38 of the A38 Derby Junctions Development Consent Order 2023 and article 34 of the A303 (Amesbury to Berwick Down) Development Consent Order 2023 all allow the acquisition of special category land once the Secretary of State (in consultation with the relevant planning authority) has certified that a scheme for the provision of the replacement land as open space and a timetable for the implementation of the scheme has been received from the undertaker. In each case the scheme need not have been laid out prior to acquisition of the special category land.</p> <p>Article 40 of the draft DCO similarly provides that special category land is not to vest in the undertaker until an open space delivery plan has been submitted to and approved by Crawley Borough Council (in consultation with Reigate & Banstead Borough Council and Mole Valley District Council). This delivery plan must include a timetable for (i) the submission of a landscape and ecology management plan pursuant to requirement 8 for each part of the replacement land and (ii) the laying out of each part of the replacement land as open space.</p> <p>Through the Applicant's submission of and adherence to the delivery plan, the relevant local authorities will have oversight of, and be involved in, the delivery of the replacement open space.</p>		
2.7.1.15	Drafting of requirements in Schedule 2	<p>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; the drafting of R.14 (archaeological remains); and of those which concern noise (e.g. R.15 (air noise envelope), R.18 (noise insulation scheme)); the ambiguous drafting and omissions in R.19 (airport operations);</p> <p>Updated position (Deadline 1):</p> <p>Requirements: general</p> <p>The Council would like to understand why "in general accordance" has been used in Requirements 8(3), 10(2), 11(2), 21 and 22(2); and why “substantially in accordance” has been used in Requirements 7, 8(4), 12(2), 13(2) and 22(3).</p> <p>Requirement 3: start date By Requirement 3(1), development must commence within 5 years of the “start date” i.e. the later of the day</p>	<p>Several provisions of the DCO (including this article 14) contain deeming provisions where the consent of a third-party body is required. A failure to respond to requests for consent in a timely manner can lead to significant delays in a construction timetable. Use of deeming provisions in respect of some key consents is therefore considered reasonable and in alignment with the objectives of the Planning Act 2008 to ensure efficient delivery of nationally significant infrastructure projects. To reflect the Councils' concern regarding deemed approval, the time period after which consent is deemed given has been extended to 56 days rather than the 28 days included in the version of the DCO upon which the Councils have commented.</p> <p>Updated position (April 2024):</p> <p>Requirements: general</p> <p>The drafting of the requirements in Schedule 2 to the draft DCO has advanced significantly since these comments. References to "general accordance" have been replaced and, where appropriate to provide for a</p>	Draft DCO (REP3-006)	Under discussion

		<p>after (a) the day on which the period for legal challenge of the Order under the 2008 Act has expired; and (b) the final determination of any legal challenge under the 2008 Act. The Council objects to the extended duration of “start date”, which should be when the order comes into force.</p> <p><u>Requirement 3: notice period etc.</u></p> <p>By Requirement 3(2), the relevant planning authority must be given 14 days' notice of commencement of each part of the authorised development. The Council considers a more generous notice period should be included. The Council also considers the local highway authority, which is also a discharging authority for certain requirements, should be notified of commencement.</p> <p>The Council's has several concerns about each of the noise-based requirements. In summary, these include the following points –</p> <p><u>Requirements 15 (air noise envelope)</u></p> <p>There is no role for any local authority control in this Requirement and the Council considers there should be. (The same point applies to R.16 (air noise envelope) and R17 (verification of air noise monitoring equipment)).</p> <p>While the EM summarises the Requirement, it does not provide the necessary justification as required by paragraph 1.5 of Advice Note Fifteen. For instance, it does not provide the source of this provision (if any), the section of the Planning Act 2008 under which it is made, or why it is appropriate for the development of the project. Similarly, It does not explain why the CAA is the appropriate body for discharging Requirements 15 to 17. The Council considers the EM should be amended to reflect these points. The Councils can then better consider their position in respect of them these requirements.</p> <p>The Council notes R.15(4) requires the applicant to publish certain information on a website within 45 days of it being approved by the independent air noise reviewer. The Council seeks confirmation as to why such a long deadline is included. Once approved, a document can be published on a website within seconds. (The same point applies to Rs. 16(6) and 17.</p> <p><u>Requirement 18 (noise insulation scheme)</u></p>	<p><u>degree of flexibility, "substantially in accordance" has been used. This is subject to the new definition of this phrase in article 2 (interpretation).</u></p> <p><u>Requirement 3: start date</u></p> <p><u>It is appropriate and necessary for the time period to commence on the "start date" (as defined in the draft DCO) due to the increasing prevalence of judicial review challenges by objector groups to high-profile DCOs. The government's policy paper 'Getting Great Britain building again: Speeding up infrastructure delivery' (2023) notes that "over half of all legal challenges to NSIP decisions have been brought since 2020" and that even unsuccessful legal challenges can "set a project back years in delays"². It is inappropriate for the period within which the undertaker can begin development to be reduced (potentially substantially) while legal challenges are finally determined.</u></p> <p><u>Requirement 3: notice period etc.</u></p> <p><u>The notice provisions have developed significantly since the Council's comment and the Council is invited to review the latest version of the draft DCO submitted at Deadline 3 [REP3-006].</u></p> <p><u>Requirement 15 (air noise envelope):</u></p> <p><u>With regard to the role of the Local Authority's in relation to Requirement 15, during consultation with the TWGs and the Noise Envelope Group (NEG) in summer 2022 the local authorities were consulted on the concept and make-up of a "Review Body" which would review and approve the outputs from the noise envelope when it becomes active. GAL's proposal for a sub-committee of GATCOM was opposed by the LPAs. The suggestion of having Local Authorities as the "Review Body" was also discussed during the NEG meetings and there was concern on the part of Community Representatives regarding there being a conflict of interest between economic benefit in that some councils receive money from the Airport as part of the S106 agreement but are impacted little by the noise from airlines using the airport. There was no clear resolution on the issue within the NEG and GAL subsequently decided that the CAA would be best placed to perform the function of Independent Reviewer as explained in ES Appendix 14.9.7: The Noise Envelope. The Local Authorities can monitor the outputs of the review process and in the case of a breach take enforcement action as appropriate. The same position applies for Requirements 16 and 17.</u></p>		
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² <https://www.gov.uk/government/publications/getting-great-britain-building-again-speeding-up-infrastructure-delivery/getting-great-britain-building-again-speeding-up-infrastructure-delivery>

<p>Again, little justification is provided for this requirement, which appears to be unprecedented.</p> <p>In the first instance, it would be helpful to know why each of the time limits set out in the requirement has been chosen. For instance, in R.18(1), why does the applicant have up to 3 months from commencement of Work Nos. 1 to 7 to submit noise insulation scheme details to the relevant planning authority? Why can't that be done (say) before commencement? The same point applies to the 6-month limit in R.18(2). The Council would expect these points to be explained or sign-posted in the EM.</p> <p>Again in R.18(2), the Council considers the requirement to use "appropriate steps" to notify residential properties to be imprecise and considers these "steps" should be described in the requirement. As well as being imprecise, absent the explanation, the requirement would be difficult to enforce. In its current form, the requirement does not appear to satisfy at least two of the six tests of conditions (i.e. enforceable and precise) as required by the <i>Circular 11/95: Use of conditions in planning permission</i>.</p> <p><u>Requirements 19 (airport operations)</u></p> <p>R.19(1) requires the applicant to serve notice on the relevant planning authority no later than 7 days after the commencement of dual runway operations informing of the same. The EM explains the timeframe is relevant "to other control mechanisms", though it does not explain what these are and it is not clear from the DCO what these are. The Council would welcome an explanation.</p> <p>R.19(2) would restrict dual runway operations to 386,000 commercial air transport movements per annum. The Council considers a control on total air transport movements per annum would be appropriate and considers a total of no more than 389,000 would be reasonable.</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 Council considers "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><u>Updated Position (Deadline 5):</u></p> <p><u>Requirement 3: start date</u></p>	<p><u>The Air Noise Envelope provisions are bespoke to the Air Noise Envelope, and the information which explains that is contained in Appendix 14.9.7 – the Noise Envelope [APP-177]</u></p> <p><u>The period of 45 days is provided for in R.15(4) because it allows time for the Applicant to consider appealing a decision before publication of the information, and this approach is taken to avoid confusion with material being appealed via the DCO being presented to the public.</u></p> <p><u>Requirement 18 (noise insulation scheme):</u> <u>It is again confirmed that this is a bespoke provision, which gives effect to the Noise Insulation Scheme [APP-180]. The Applicant has a period of 3 months from commencement of Work Nos. 1 – 7 (inclusive) to submit details of how the noise insulation scheme is to be promoted and administered to persons considered to be vulnerable to noise related effects to ensure equitable access to the noise insulation scheme because this is a reasonable period time after works have commenced, by which point a decision to deliver the project has been taken. There is no reason why this must be before commencement, as this does not adversely impact the ability of the Applicant to deliver the noise insulation measures to properties within the Inner Zone before operations from the northern runway commence. Further details of the steps to be taken to advertise the scheme are detailed in ES Appendix 14.9.10 Noise Insulation Scheme Update Note, and information contained in that note will be included in an updated version of the Noise Insulation Scheme document which is to be submitted at Deadline 4. The comments regarding preciseness and enforceability are not agreed with, as the Requirement and the control document that sits behind this are both clearly drafted and it will be able to be known whether what those require has been complied with.</u></p> <p><u>Requirement 19 (airport operations):</u> <u>The requirements drafted by reference to the commencement of dual runway operations (requirements 6(2), 15(1), 16(4), 17, 18(4), 18(6), 19(1) and 20) all have effect "from" or "following" (or equivalent) that date or require actions to have been taken by a certain anniversary of the commencement of dual runway operations. It is therefore appropriate for the purposes of monitoring compliance with these requirements for the undertaker to notify CBC of the actual date on which commencement of dual runway operations occurs.</u></p> <p><u>In respect of the comment on what is now requirement 19(1) (previously numbered 19(2)), the Applicant refers to its response to Action Point 1 in The Applicant's Response to Actions from Issue Specific Hearing 2: Control Documents / DCO [REP1-063], which explains the definition of</u></p>	
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		<p>Regarding "start date", see the answer in row 2.7.1.13 above.</p> <p>Requirement 3: notice period</p> <p>The Council considers –</p> <ul style="list-style-type: none"> a more generous notice period for the commencement of each part of the authorised development should be provided. the other local authorities should also be notified of commencement (the administrative burden of doing so will be negligible). before Requirement 3, there should be a requirement which provided that no part of the authorised development can commence until a masterplan for each part of the development has been submitted to and approved in writing by the relevant planning authority. (Example drafting is set out in the Authorities' answer to DCO.1.40 (R3). Further detail on these points is set out in the Legal Partnership Authorities' response to ExQ1 DCO.1.40 (R3) [REP3- 135]) in respect of the amendments that should be made to this requirement. <p>Requirement 15 (air noise envelope)</p> <p>The Council notes the Applicant's response; however, it considers the requirement should make provision for local authority control.</p> <p>At Deadline 4, the Joint Local Authorities submitted their Introduction to a proposal for an Environmentally Managed Growth Framework [REP4-050] ("the Introduction"), which explains that the DCO requirements which include controls related to environmental effects provide the Applicant with too much flexibility. The Introduction states the Joint Local Authorities consider a bespoke Environmentally Managed Growth Framework should apply to the proposed development and that a worked-up Framework will be submitted to the Examination as soon as possible. The Framework will apply to the air noise envelope (requirements 15 and 16), and to requirements 19 (airport operations), 20 (surface access), and 21 (carbon action plan).</p> <p>Requirement 19 (airport operations)</p> <p>The Council maintains its position regarding paragraph (2) being too broad. The Council disagrees that its proposed wording "lacks</p>	<p>"commercial air transport movements" and why it would be inappropriate to impose a hard limit on flights that do not fall within this definition, which are urgent and largely unplanned in nature. The Applicant further refers to its response to comments on Action Point 1 in section 5.5 of its Response to Deadline 2 Submissions (Doc Ref. 10.20).</p> <p>On requirement 19(2) (previously numbered 19(3)), it is important that the Applicant is able to continue to use the northern runway when the main runway is unavailable for reasons other than planned maintenance or engineering works and for this purpose "for any reason" must be retained. For example, if there was an incident on the main runway or damage to that runway, the Applicant would use the northern runway as it does currently using the same flight paths. This would not result in any increase of movements and associated noise within those hours by comparison to use of the main runway.</p> <p>The central purpose of Requirement 19(2) is to ensure that only one runway will ever operate between 23:00 – 06:00, and the southern runway will continue to be the primary runway which is used during those hours, preserving the status quo. The current wording achieves this.</p>		
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		<p>precision” since it is similar to the wording used in condition 3 of the 1979 planning permission.</p> <p>The Council agrees with the position set out in the Legal Partnership Authorities Response to the Applicant’s Schedule of Changes, which is included at Appendix A of [REP4-042].</p> <p>Regarding paragraph 4(a), the proposed drafting is again 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”.</p> <p>The Council considers it would be reasonable if similar wording were incorporated into paragraph 4(a). Condition 3 also requires GAL to notify the local planning authority in advance of when maintenance is to be carried out. A similar provision should be included in Requirement 19. The Council does not agree to the inclusion of paragraph (4)(b) because it could have the effect of overriding the prohibition under paragraph (3). The Council does not consider this approach to be reasonable. It is noted that while the Explanatory Memorandum [REP3-008] summarises paragraph (3), it does not justify the inclusion of paragraph (4).</p> <p>In the light of the above comments, the Authorities’ proposed amendments to existing Requirement 19 are set out in row 92 of Appendix A to [REP4-042]. The Council obviously agrees with these proposed amendments.</p> <p>The points made above under “Requirement 15 (air noise envelope)” regarding the Environmentally Managed Growth Framework also apply to this requirement.</p>			
2.7.1.16	Schedule 11 (procedure for approvals, consents and appeals)	<p>the 8-week for determining significant applications.</p> <p>Updated position (Deadline 1): The Council notes paragraph 3 (fees) is to be populated and looks forward to discussing the most appropriate way forward regarding fees. On a drafting point, the Council considers the provision should go beyond the payment of a fee in respect of “any for agreement, endorsement or approval in respect of a requirement” and should also apply to the payment of a fee in</p>	<p>The drafting of this Part of the DCO has advanced since the version commented on by the Councils. This article is now article 20 and paragraphs 5.56 – 5.58 of the ExM contain an explanation for this article.</p> <p>Updated position (April 2024): The Council’s comment is noted. However, it is likely that the undertaker would agree an extension with the discharging authority were this required following an application being made for “major works”. The</p>	<p>Draft DCO (REP3-006)</p> <p>Explanatory Memorandum to the Draft Development</p>	Under discussion

		<p>respect of the granting of any consent in respect of the Order. It will be remembered that several articles require the consent of the street authority (e.g. articles 12(3) and 14(4)), the traffic authority (e.g. article 18(5)(c)) and the highway authority (article 24(4)) and the cost associated with administering this work should also be covered by the applicant.</p> <p>Updated Position (Deadline 3): <u>It would be more straightforward if the major works had their own deadlines.</u></p> <p>Updated Position (Deadline 5): <u>The Applicant has not addressed the Council's point (see "Updated Position (Deadline 1)" above) that paragraph 3 (fees) should also apply to the payment of a fee in respect of the granting of any consent under the Order. (For example, it will be remembered that several articles require the consent of the street authority (e.g. articles 12(3) and 14(4)), the traffic authority (e.g. article 18(5)(c)) and the highway authority (article 24(4)) and the cost associated with administering this work should also be covered by the Applicant).</u></p> <p><u>Regarding the Applicant's reluctance to include a longer deadline for determining major works, while the Council notes the Applicant states the undertaker is "going to take a pragmatic approach to agreeing any request from the discharging authority for an extension of time". This gives cold comfort when the period for determining major works is either 6 weeks or 8 weeks, which is substantially shorter than if a local planning authority were to discharge a major works application under the Town and Country Planning Act 1990. The Council reiterates its position that major works should have their own deadline.</u></p>	<p><u>alternative would be that the application would be refused by the discharging authority or not decided in time, either of which could only be escalated through the appeal process in paragraph 4 of Schedule 11 to the draft DCO. This process would likely require significant time and expenditure and the undertaker would be mindful of that before triggering those provisions. The undertaker is therefore realistically going to take a pragmatic approach to agreeing any request from the discharging authority for an extension of time. In any event, the Applicant considers that the standard 6 or 8 week deadline is perfectly adequate for detailed consideration of details that may be subject to approval.</u></p>	<p>Consent Order [AS-006]</p>	
2.7.1.17	DCO schedules and plans	<p>Amendments required to address inconsistencies and errors.</p> <p>Updated position (Deadline 1): Full detail is provided in the LIR.</p> <p>Updated Position (Deadline 5): <u>The Council considers these matters have been addressed by the Applicant in REP3-078.</u></p>	<p>The precise nature of the Council's concerns with the schedules and plans is not clear from this comment – please clarify.</p> <p>Updated position (April 2024): <u>The Council's comments in its LIR have been responded to in the Applicant's Response to the Local Impact Reports [REP3-078].</u></p>	<p>Draft DCO (REP3-006)</p> <p>Applicant's Response to the Local Impact Reports [REP3-078].</p>	<p>Under discussion <u>Agreed</u></p>
2.7.1.18	Protective provisions	<p>The need for Protective Provisions for the Lead Local Flood Authority in respect of Ordinary Watercourses.</p> <p>Updated position (Deadline 1): <u>Regarding article 46 (disapplication of legislative provisions), the Council notes the need for any protective provisions will be discussed with the LLFA and updates provided where necessary. The Council considers the drainage protective provisions secured on behalf of Surrey County Council in Part 4 of</u></p>	<p>The need for any protective provisions will be discussed with the LLFA and updates provided where necessary.</p> <p>Updated position (April 2024): <u>Please see the response to 2.7.1.1 above.</u></p>	<p>Draft DCO (REP3-006) Dec Ref. 2.1)</p>	<p>Under discussion</p>

		<p>Schedule 9 to the M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 (SI 2002/549) would be an appropriate starting point. The Council would welcome the applicant's comments on this suggestion.</p> <p>Updated Position (Deadline 5): Please see the response to 2.7.1.1 above.</p>			
2.7.1.19	Schedule 1 Authorised Development	<p>The inclusion of Work Nos. 26, 27, 28 and 29 (which all concern hotels) in Schedule 1 (authorised development).</p> <p>Updated position (Deadline 1): It is not clear to the Council how these hotel-related Works are “associated development”, per section 115 of the Planning Act 2008. There does not appear to be an explanation in the EM. A satisfactory explanation is needed. Moreover, the Council is concerned about the prospect of these works evading proper environmental controls. Owing to these facts, the Council considers these Works should be deleted from the dDCO.</p> <p>Updated Position (Deadline 5): The council has no further comments on this issue.</p>	<p>Several provisions of the DCO (including this article 14) contain deeming provisions where the consent of a third-party body is required. A failure to respond to requests for consent in a timely manner can lead to significant delays in a construction timetable. Use of deeming provisions in respect of some key consents is therefore considered reasonable and in alignment with the objectives of the Planning Act 2008 to ensure efficient delivery of nationally significant infrastructure projects. To reflect the Councils' concern regarding deemed approval, the time period after which consent is deemed given has been extended to 56 days rather than the 28 days included in the version of the DCO upon which the Councils have commented.</p> <p>In any event, the drafting of article 16 has advanced since the version commented on by the Councils and no longer contains a deeming provision.</p> <p>Updated position (April 2024): Section 115 of the 2008 Act provides that development consent may be granted for “associated development” alongside “development for which development consent is required”. “Associated development” is defined as development associated with the principal development.</p> <p>As per the 'Guidance on associated development applications for major infrastructure projects' (Department for Communities and Local Government – April 2013), it is for the Secretary of State to decide on a case-by-case basis whether development constitutes “associated development”. By reference to the 'core principles' that the guidance notes the Secretary of State will take into account:</p> <ul style="list-style-type: none"> Associated development should support the construction or operation of the principal development or help address its impacts. Hotel accommodation on-site supports the operation of the airport in providing necessary accommodation for passengers. It further helps to address the airport's impacts, as 	Draft DCO (REP3-006)	Under discussion No longer pursuing

			<p>alluded to in the Councils' comment, by reducing the need for transport between accommodation and the airport.</p> <ul style="list-style-type: none"> • Associated development should be subordinate to the principal development. The hotels are subordinate to the use of the airport and facilitate this use. They are not an aim in themselves. • Development should not be treated as associated development if its purpose is solely to cross-subsidise the principal development. That is not the case here. • Associated development should be proportionate to the nature and scale of the principal development. The hotels are a proportionately small part of the overall proposed development. <p>In light of the above application of the 'core principles', GAL considers that it is open to the Secretary of State to conclude that the hotels are "associated development", and that such a conclusion is clearly justified.</p> <p>If the Council disagrees with this analysis, please provide detailed justification by reference to this guidance and the reasoning above.</p> <p>It is not clear on what basis that Council asserts that hotel works may "evad[e] proper environmental controls". These works would form part of the authorised development under the DCO and therefore be subject to the requirements, including the CoCP by virtue of requirement 7. Further detail is requested from the Council as to the precise nature of their concern.</p>		
2.7.1.20	Section 106	<p>SCC wishes to see issues with the DCO resolved and requires further information as to when the proposed section 106 agreement will come forward and when negotiations will begin in earnest.</p> <p>Updated position (Deadline 1): Draft S106 was first received by the local authorities in early February 2024. Currently being reviewed.</p> <p>Updated Position (Deadline 5): Negotiations on the draft section 106 continue and the Applicant's latest draft document is currently awaited.</p>	<p>GAL is preparing a draft of the section 106 agreement and will circulate this to the relevant local authorities for comment in due course.</p> <p>Updated position (Deadline 1): A draft Section 106 Agreement has been shared with the Local Authorities and discussions are ongoing. The draft legal agreement is to be submitted at Deadline 2.</p> <p>Updated position (April 2024): The Applicant received comments back on the majority of the Schedules of the draft s106 Agreement by the end of April and is currently reviewing the comments. Topic-specific meetings between the Applicant and the JLAs are scheduled for w/c 6 May 2024.</p>	n/a	Under discussion
2.7.1.21	Bayhorne Farm	<p>Prior to the DCO application being submitted Surrey County Council was in the process of bringing forward this site to deliver employment uses which are needed to support the growth of the local economy.</p>	<p>GAL is continuing to discuss Heads of Terms with SCC.</p> <p>Updated position (April 2024):</p>	n/a	Under discussion

	<p>The impact of the application is significant and non-reversible if development consent is granted.</p> <p>At page 8 of the Statement of Reasons [AS-008] GAL states in respect of acquisition of land at Bayhorne Farm “The Applicant has issued Heads of terms to Surrey County Council and believes that there is no reason why a voluntary agreement cannot be concluded between the parties.”</p> <p>SCCaL confirms the Heads of Terms have been rejected as they did not address the Council’s concern with respect to sterilisation of development land. The terms offered did not provide a basis for matters to be agreed between the parties by agreement. Therefore, GAL’s statement that a voluntary agreement can be reached based on the Heads of Terms is rejected and is not reflective of the Council’s position.</p> <p>Updated position (Deadline 1): Discussion ongoing</p> <p>Updated Position (Deadline 5): <u>The Legal Partnership Authorities’ Deadline 4 response “Compulsory Acquisition Hearing 1 Post-Hearing submission” [REP4-056] summarises the Council’s position regarding Bayhorne Farm (see row 5.1).</u></p> <p><u>At the meeting on 20th October 2023 SCC confirmed to GAL the Draft Heads of Terms were not accepted. No further terms have been offered to SCC.</u></p> <p><u>SCC provided the relevant information to GAL and their agent on 9th April 2024 setting out the impact of the GAL scheme on the land at Bayhorne Farm and mitigation sought. To date GAL have not responded to this information.</u></p> <p><u>On 16th April 2024 GAL’s agent confirmed GAL are preparing a sub-set of property issues within the SOCG. To date no timeframe has been given for when these sub-set of title and land issues will be provided.</u></p> <p><u>A email was sent by SCC’s agent to GAL’s agent on 8th May 2024 confirming the issues for SCC with regard to mitigation sought and impacts at Bayhorne Farm.</u></p> <p><u>A further email was sent by SCC’s agent to GAL’s agent on 16th May 2024 alongside the masterplan document made available as part of the post-hearing submissions and re-affirming SCC’s commitment to working with GAL to find a resolution. To date no further information has been received from GAL addressing SCC’s concerns.</u></p>	<p><u>The Applicant has been in consultation with Surrey County Council since November 2022 with the last meeting with Surrey County Council representatives and their appointed agent having taken place on 1st February 2024.</u></p> <p><u>At Bayhorne Farm, the outstanding points of concern for Surrey County Council centre upon the potential impact on the Applicant’s proposals prejudicing the long-term aspirations to develop Bayhorne Farm for alternative uses.</u></p> <p><u>Numerous meetings took place (see below) between the applicant and SCC’s appointed agent between October 2022 and October 2023.</u></p> <p><u>As a result of these early meetings, in respect of SCC’s assertion that the Applicant’s scheme will sterilise the proposed development of Bayhorne Farm, the Applicant has offered (in draft Heads of Terms dated 22/06/2024 the following wording:</u></p> <p><u><i>For the avoidance of doubt, the Purchaser has no intention of creating a ransom strip by proposing the freehold acquisition of the Purchase Land. The Purchase Land is intended to be transferred freehold to National Highways following the construction of the proposed Highway works by the Purchaser. Should a scenario arise whereby the Purchaser remains the freeholder of all or part of the Purchase Land they will return any surplus land (declaration of land surplus to be at the discretion of the Purchaser) to Surrey County Council for nil consideration. For the avoidance of doubt, it will remain the SCC’s responsibility to seek all consents required to facilitate access on to the trunk road network.</i></u></p> <p><u>At a meeting on 20 October 2023, SCC’s new agent set out their position regarding the Applicant’s proposals, including rejection of the proposed heads of terms, and requested further information regarding the scheme proposals. The Applicant provided this information, including copies of minutes from several previous meetings with SCC’s previously appointed agents, on 21 November 2023.</u></p> <p><u>At a meeting on 8th November 2023, SCC advised the Applicant that they had commissioned a set of reports and studies. SCC advised the Applicant that this initiative was proposed to glean a greater understanding of the potential impact of the Applicant’s proposed works upon SCC’s holding, particularly the development aspirations for Horley Business Park. The content of GAL’s proposed heads of terms was not discussed in detail at this meeting. SCC chose to concentrate on demonstrating their opinion of the proposed impacts of GAL’s proposals. SCC’s assertion is that GAL’s proposed highway works propose to utilise</u></p>		
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			<p>the existing capacity of the local and trunk road network that would otherwise be available to SCC for the development of Bayhorne Farm. Therefore, GAL's proposals meet the SCC development aspirations for Bayhorne Farm.</p> <p>At a meeting on 1st February 2024, SCC provided a spoken summary of the findings of the reports and studies. At the meeting, the Applicant requested copies of the data supporting SCC's claims in respect of impacts. SCC's agent confirmed they would supply the information. The content of GAL's proposed heads of terms was not discussed in detail at this meeting. SCC chose to concentrate on demonstrating their opinion of the proposed impacts of GAL's proposals.</p> <p>On 28th March 2024, the Applicant followed up on the request for copies of the reports and asked for confirmation of the date they would be issued.</p> <p>On 5th April 2024, the Applicant emailed SCC's agent asking where the requested report and data were and confirming that, even if received immediately, the likelihood of the Applicant being able to review the data meaningfully before CAH1 was extremely low.</p> <p>On 9th April 2024, the SCC provided the Applicant with data and information from their study.</p> <p>On 16th April 2024, the Applicant requested SCC's agent confirm that the information sent was the full extent of what was due to be provided. The Applicant also suggested that a subset of the existing Statement of Common Ground with SCC be prepared. The Applicant is in the process of preparing the subset SoCG. SCC has yet to respond.</p> <p>The Applicant is reviewing the information and reports received (with National Highways) and will respond as soon as possible.</p> <p>Aside from providing the data and information from their study on 9th April 2024, SCC has made no written or detailed proposals to GAL in respect of the heads of terms provided.</p> <p>During CAH1, GAL responded to SCC's representation in respect of the proposed provision of a 4th arm to the South Terminal Roundabout. GAL's response can be seen and heard from 5.10 mins to 6.11 mins of this recording: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020005/TR020005-002251-CAH1%20Part%202.html</p>		
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			Finally, GAL proposes to prepare a subset SoCG specifically for land matters. This is being drafted and will be issued shortly.		
2.7.1.22	Draft Development Consent Order	<ul style="list-style-type: none"> SCCaL has concerns about the drafting of the dDCO. A summary (which is not exhaustive) is set out below – Article 28 (Compulsory acquisition of rights and imposition of restrictive covenants) – the breadth of powers sought under paragraph (1) and (2); Article 31 (Time limit for exercise of authority to acquire land compulsorily) – the time limit of 10 years for exercising compulsory purchase powers is excessive, particularly in the context the construction programme provided in the ES Chapter 5: Project Description [APP-030]. Article 35 (Acquisition of subsoil or airspace only) – it is currently unclear how this provision will affect SCCaL’s land. Article 37 (Temporary use of land for carrying out the authorised development) – the breadth of powers sought under this article, particularly paragraph (11), and the uncertainty of how it will affect SCCaL’s land. Article 39 (Temporary use of land for maintaining the authorised development) – the breadth of powers sought under this article, and the uncertainty of how it will affect SCCaL’s land. <p>Updated position (Deadline 5): GAL’s responses are noted. However, they do not address the queries in respect of what powers sought under the DCO will be exercised in respect of SCC’s land.</p>	<p>GAL is happy to continue its engagement with SCC in relation to how the powers sought in the draft DCO will affect SCC’s land.</p> <p>The compulsory acquisition powers sought are justified as explained in section 7 of the Explanatory Memorandum and section 6 of the Statement of Reasons. GAL is happy to respond to any specific comments from SCC on the wording of the relevant articles.</p> <p>As regards the 10 year time limit in article 31, this time period is justified in paragraphs 7.18 – 7.20 of the ExM. This is precedented as described in the ExM and it is further noted that the same approach has been taken in the emerging draft Luton Airport Expansion DCO (article 26).</p> <p>Updated position (April 2024):</p> <p>To the extent that further information has been provided by Surrey County Council on these points through its Written Representation and Local Impact Report, this has been responded to in the Applicant’s separate responses to those documents.</p>	<p>Explanatory Memorandum to the Draft Development Consent Order [AS-006]</p> <p>Statement of Reasons [AS-008]</p>	Under discussion
2.7.1.23	<p>Article 48 (Defence to proceedings in respect of statutory nuisance)</p> <p>Exemptions are proposed from large parts of section 79(1) of the Environmental protection Act without adequate justification</p>	<p>Residents should be able to bring nuisance action as they can at present.</p> <p>Justification for exemptions required. Revisions required to ensure it is not so wide-ranging</p> <p>Updated Position (Deadline 5): The West Sussex Authorities have provided a comprehensive explanation why this article should be amended and have set out their suggested amendments. Having considered the Applicant’s answer to this question, the West Sussex Authorities maintain their position, as set out in row 39 of Appendix M to the West Sussex LIR [REP1-069]. The Council agrees with the West Sussex authorities’ position.</p>	<p>Article 49 (defence to proceedings in respect of statutory nuisance) must be viewed in the context that section 158 of the Planning Act 2008 provides a general statutory authority for carrying out development or anything else authorised by a DCO, which serves as a defence in civil or criminal proceedings for nuisance. This general defence is expressly subject to any contrary provision made in a particular DCO (section 158(3) of the 2008 Act) and article 49 therefore caveats and details how the general defence applies in respect of the cited types of nuisance. Section 152 of the Planning Act 2008 provides for compensation to persons whose land is injuriously affected by the carrying out of works, where a defence of statutory authority in civil or criminal proceedings for nuisance is available by virtue of section 158 and article 49.</p> <p>Article 49 makes clear that an order cannot be made on the basis of one of the cited types of statutory nuisance where the alleged nuisance is (i) attributable to the carrying out of the authorised development in accordance with the construction noise controls in the Control of Pollution</p>		Under discussion

			<p><u>Act 1974 ("CoPA") or (ii) is a consequence of the authorised development that cannot be reasonably avoided. It is appropriate that an undertaker should not face a finding of statutory nuisance for carrying out development scrutinised through the examination process and consented by order of the Secretary of State in the above circumstances. Article 49 imposes a high standard on the undertaker – notably higher than section 158 of the 2008 Act itself – by referring to the CoPA processes and specifying that the nuisance must not have been reasonably avoidable. This strikes a fair balance.</u></p> <p><u>The Applicant's approach in including an article regarding proceedings for statutory nuisance is well precedented and the precise selection of types of nuisance is precedented in article 38 of the M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016.</u></p> <p><u>In any event, the Applicant notes that many of the cited types of nuisance in the Environmental Protection Act 1990 (the "EPA") are likely to be of limited utility against the Applicant:</u></p> <ul style="list-style-type: none"> <u>• subsection (c) (fumes or gases emitted from premises so as to be prejudicial to health or a nuisance) does not apply to premises other than private dwellings (section 79(4) of the EPA);</u> <u>• subsection (fb) (artificial light emitted from premises so as to be prejudicial to health or a nuisance) does not apply to artificial light emitted from an airport (section 79(5B)(a) of the EPA);</u> <u>• subsection (g) (noise emitted from premises so as to be prejudicial to health or a nuisance) does not apply to noise caused by aircraft (section 79(6) of the EPA); and</u> <u>• subsection (ga) (noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street) does not apply to noise made by traffic (section 79(6A)(a) of the EPA).</u> <p><u>Further, to the extent that categories of nuisance would be applicable, these were considered in the Applicant's Statement of Statutory Nuisance [APP-265], which concluded that, taking into account the mitigation measures and controls set out in the Applicant's ES, "none of the matters of statutory nuisance addressed by the Act are predicted to arise". The Applicant is therefore unlikely to need to rely upon article 49, but it is appropriate and necessary (for the reasons immediately above) that it is available if required.</u></p>		
2.7.1.24	<u>Drafting of Requirement 14 (archaeological remains)</u>	<u>Within Surrey, SCC should be the discharging authority for this requirement</u>	<u>The Applicant amended Requirement 14 in version 6.0 of the draft DCO submitted at Deadline 3 [REP3-006] to clarify that Surrey County Council is the relevant authority as regards archaeological remains in Surrey.</u>		<u>Agreed</u>

		<p>References to the local planning authority should be replaced with the county Archaeologist from a Surrey context</p> <p>Updated Position (Deadline 5): Agreed</p>			
2.7.1.25	Drafting of Requirement 15 (air noise envelope)	<p>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.</p> <p>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</p> <p>Updated Position (Deadline 5): Please see the Council’s response on Requirement 15 above at row 2.7.1.15.</p>	<p>This comment is not agreed with. The noise envelope represents a robust method of control which will ensure the noise envelope limits are complied with. We otherwise refer to our more detailed response in relation to the noise envelope at Table 2.16. The CAA is the appropriate body to scrutinise the noise envelope, having the relevant expertise to do so. Where they wish to the local authorities may consider the Local Authorities can monitor the outputs of the review process and in the case of a breach take enforcement action as appropriate.</p>		Under discussion
2.7.1.26	Drafting of Requirement 18 (noise insulation scheme)	<p>Justification is required on a number of points, such as why the time limits in the requirement have been chosen.</p> <p>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.</p> <p>Updated Position (Deadline 5): Please see the Council’s response on Requirement 18 above at row 2.7.1.15.</p>	<p>Please see the above response at Row 2.7.1.15 in respect of Requirement 18.</p>		Under discussion
2.7.1.27	Drafting of Requirement 19 (airport operations)	<p>Greater specificity is required. R.19(2) would restrict dual runway operations to 386,000 commercial air transport movements per annum. The Councils consider a control on total air transport movements per annum would be preferable. 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. 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). The requirement needs to include a night movement cap.</p> <p>Updated Position (Deadline 5): Please see the Council’s response on Requirement 19 above at row 2.7.1.15.</p>	<p>In respect of the comment on what is now requirement 19(1) (previously numbered 19(2)), the Applicant refers to its response to Action Point 1 in The Applicant’s Response to Actions from Issue Specific Hearing 2: Control Documents / DCO [REP1-063], which explains the definition of “commercial air transport movements” and why it would be inappropriate to impose a hard limit on flights that do not fall within this definition, which are urgent and largely unplanned in nature. The Applicant further refers to its response to comments on Action Point 1 in section 5.5 of its Response to Deadline 2 Submissions (Doc Ref. 10.20).</p> <p>It is important that the Applicant is able to continue to use the northern runway when the main runway is unavailable for reasons other than planned maintenance or engineering works and for this purpose “for any reason” must be retained. For example, if there was an incident on the main runway or damage to that runway, the Applicant would use the northern runway as it does currently using the same flight paths. This</p>	<p>The Applicant’s Response to Actions from Issue Specific Hearing 2: Control Documents / DCO [REP1-063]</p> <p>draft DCO [REP3-006]</p> <p>Response to Deadline 2 Submissions (Doc Ref. 10.20)</p>	Under discussion

			<p><u>would not result in any increase of movements and associated noise within those hours by comparison to use of the main runway.</u></p> <p><u>The Council's proposed wording in this respect is unduly restrictive, and it is not agreed that the form of words used in Requirement 19(2) lacks precision or would result in any instance of unassessed impacts arising.</u></p> <p><u>The central purpose of Requirement 19(2) is to ensure that only one runway will ever operate between 23:00 – 06:00, and the southern runway will continue to be the primary runway which is used during those hours, preserving the status quo. The current wording achieves this.</u></p> <p><u>The Project has been designed on the basis that the repositioned northern runway will not be routinely used for arriving aircraft and there are operational requirements why that would not be feasible, including that the northern runway is currently and will remain with the Project a non-instrument runway (where a pilot is reliant on visual cues to make a safe approach and landing). However, in light of comments from the ExA and local authorities, the Applicant has proposed to secure this operational restriction by requirement and has amended requirement 19 in version 6.0 of the draft DCO submitted at Deadline 3 [REP3-006] to do so.</u></p> <p><u>As regards routine use of the northern runway by Code C aircraft only, this is how the airport with the Project is envisaged to operate and it is acknowledged that this assumption fed into ES Appendix 14.9.2: Air Noise Modelling [APP-172]. The Applicant is therefore content to provide further comfort to the ExA by also securing this in the amended requirement 19 in version 6.0 of the draft DCO submitted at Deadline 3 [REP3-006].</u></p> <p><u>In respect of both of the above new components of requirement 19, the Applicant notes that developments in technology and best practice over time may mean that these operational restrictions should be reviewed. To cater for such a process of review in the most proportionate manner, new requirement 19(4) allows either of the above restrictions to be disapplied or substituted as agreed in writing by the Secretary of State, who must consult the CAA and Crawley Borough Council. This mechanism ensures that the Secretary of State, the expert aviation body CAA and the lead local authority are involved in any decision to amend these restrictions, should circumstances merit such an alteration, which would need to be sufficiently justified to the Secretary of State.</u></p> <p><u>As regards a night movement cap, the DfT regulates night movements in the core night period and will continue to do so, as they consider</u></p>		
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			appropriate for the airport and its role in the south-east region. It is not considered necessary or appropriate for the DCO to duplicate this regime or to layer further control on top of it.		
2.7.1.28	Drafting of Requirement 20 (surface access)	<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. 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> <p>Update position (Deadline 5): The local authorities will submit a worked-up Environmentally Managed Growth Framework into the Examination as soon as possible.</p>	<p>The Applicant refers to its submissions on the principle of managed growth, including by comparison to Luton's Green Controlled Growth approach, in Section 5 of its Written summary of oral submissions from Issue Specific Hearing 2: Control Documents / DCO [REP1-057].</p> <p>Updated position (Deadline 5): The Applicant has responded to the JLAS' Introduction to a proposal for Environmentally Managed Growth at Appendix B of The Applicant's Response to Deadline 4 Submissions (Doc Ref. 10.38)</p>	Written summary of oral submissions from Issue Specific Hearing 2: Control Documents / DCO [REP1-057]	Under discussion

2.8. Ecology and Nature Conservation

2.8.1 Table 2.8 sets out the position of both parties in relation to ecology and nature conservation matters.

Table 2.8 Statement of Common Ground – Ecology and Nature Conservation Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
2.8.1.1	Bat roost surveys of trees have not been undertaken	<p>The ecology chapter for the ES states: ‘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’. 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:</p> <p>‘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..... 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’.</p> <p>Updated position (Deadline 1): As stated, bat roost surveys are required before determination</p> <p>Updated position (Deadline 5): It is our understanding that these surveys are underway at present (see GAL’s response to LIR). Pending results, mitigation measures may need to be updated.</p>	<p>Bat roost surveys will be completed prior to the commencement of construction to inform the bat licence. These are required to ensure compliance with the relevant legislation protecting bats.</p> <p>Update position (April 2024): 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 (Doc Ref. 5.3)), 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>	<p>ES Appendix 5.3.2: Code of Construction Practice [REP1-021]^{n/a}</p> <p>ES Chapter 9: Ecology and Nature Conservation [APP-034]</p> <p>CoCP Annex 6 (Doc Ref. 5.3)</p>	Not Agreed
Assessment Methodology					
2.8.2.1	Biodiversity Net Gain (BNG) baseline assessment methodology	The BNG baseline has been calculated excluding those areas of the site which will not be impacted by the proposals (i.e airfield grassland). This is a non-standard approach and it is assumed that this approach has been adopted so that net gain can be	The approach to the BNG baseline was discussed extensively with both Natural England and the Biodiversity Working Group. There are extensive areas of habitats that are not impacted by the construction of the Project but have been included within the Order Limits to reflect the existing airport boundary and make clear that	ES Chapter 9 Ecology and Nature Conservation [APP-034]	Agreed. However, SCC is of the view that

		<p>achieved from a lower baseline value (i.e. net gain is easier to achieve as baseline value is lower).</p>	<p>such land, forming part of the operational airport, remains subject to (as well as benefitting from) the powers and controls secured by the DCO. As set out in Natural England's RR, the area impacted should be used as the baseline for the BNG assessment. This is in line with other DCO applications such as Luton Airport Expansion.</p> <p>GAL are committed to delivering biodiversity net gain through the Project and have worked extensively with stakeholders to ensure this is incorporated.</p>		<p>if BNG best practice guidelines are not followed, in is inappropriate to state the scheme is achieving BNG</p>
2.8.2.2	<p>Need to adopt a landscape scale approach to assessing and addressing ecological impacts</p>	<p>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.</p> <p>Updated position (Deadline 1): SCC does not agree that this is a landscape approach.</p> <p>Updated Position (Deadline 3): The local authorities are requesting a landscape and ecology enhancement fund to target landscape enhancement.</p> <p>Updated Position (Deadline 5): The local authorities continue to request a landscape and ecology enhancement fund. Additional mitigation is required and this is being explored further through S106 discussions with the Applicant.</p>	<p>As set out in paragraph 9.4.9 <i>et seq.</i> of Chapter 9 Ecology and Nature Conservation of the ES, the potential for ecological impacts beyond the DCO limits was recognised through the extension of the survey work beyond the limits, where necessary (bats, GCN, riparian mammals etc.).</p> <p>As such, the impact assessment has considered impacts outwith the DCO limits, where there is the potential for such impacts to occur.</p> <p>The impacts of the Project on habitat connectivity have been considered within Section 9 of Chapter 9 Ecology and Nature Conservation of the ES. This concluded that, although there would be nowhere that connectivity would be completely removed, there were areas where it would be reduced due to the loss of woodland. This was assessed as being of moderate adverse significance until the replacement planting matured sufficiently when this was reduced below the threshold of significance.</p> <p>The long-term maintenance of habitat connectivity both across the airport and between the airport and the wider landscape as a result of the Project has been a key driver of the overall Ecology Strategy, as set out in the oLEMP.</p> <p>Opportunities to create enhanced corridors beyond the confines of the existing airport boundary have included those at Brook Farm and Longbridge Roundabout, as set out in the oLEMP (Appendix 8.8.1 of the ES).</p> <p>Updated position (April 2024): The draft Section 106 Agreement [REP2-004] includes the Applicant's proposed commitment to provide funding towards the Gatwick Greenspace Partnership in Schedule 6.</p>	<p>ES Chapter 9 Ecology and Nature Conservation [APP-034]</p> <p>ES Appendix 8.8.1 Outline Landscape and Ecology Management Plan Parts 1 to 4 [APP-113 to APP-116]</p> <p>draft Section 106 Agreement [REP2-004]</p>	<p>Under discussion</p>

Assessment					
2.8.3.1	The extent of loss of mature broadleaved woodland (and other habitats)	<p>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 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>Updated position (Deadline 1): The BNG metric has not been provided by GAL.</p> <p>The Ecology chapter still needs to quantify losses, enhancements and creation in order to assess impacts. This is in line with CIEEM EIA guidelines. BNG does not replace existing legal protections and policy for ecology.</p> <p>Updated position (Deadline 5): The local authorities will review the updated BNG metric to be provided at D5.</p>	<p>The BNG Metric will be supplied via PINS. This provides a breakdown of the loss/gain of the different habitats.</p> <p>Updated position (April 2024): An updated BNG Metric will be provided at Deadline 5.</p> <p>Although the BNG metric does not replace the need for impact assessment, it does provide a means of quantifying the losses/gains of each habitat and is included as an appendix to ES Chapter 9 Ecology and Biodiversity [APP-034], Appendix 9.9.2 Biodiversity Net Gain Statement [APP-136] for this purpose. The data contained within that appendix are referred to throughout the impact assessment to help illustrate and quantify the impacts and associated effects which are then assessed in line with CIEEM guidance.</p>	<p>ES Appendix 9.9.2: Biodiversity Net Gain Statement [APP-136]</p>	Under discussion
Mitigation and Compensation					
2.8.4.1	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"> 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. No methodology or timings information for the mitigation strategies. <p>Updated position (Deadline 1): The information provided in response should be included within the submission documentation. It is unclear whether residual impacts have been assessed appropriately without having an outline mitigation strategy in place.</p>	<p>A Ghost GCN licence is being produced and will be agreed with Natural England as part of the SoCG process. This will include details of mitigation, as necessary, designed according to the Great Crested Newt Mitigation Guidelines (English Nature 2001). The mitigation principals for GCN would include fencing and pitfall trapping, if necessary, or habitat manipulation and clearance under Ecology Clerk of Works (ECoW). Receptor sites will be chosen as appropriate for the population being translocated. Options could include within Brook Farm or the existing biodiversity areas within the Gatwick Estate.</p> <p>Mitigation strategy for reptiles will be defined following pre-commencement surveys. As per Table 9.8.1 of Chapter 9 Ecology and Nature Conservation, in areas where small populations are identified, if appropriate, habitat manipulation will be used to encourage animals to move out of the construction zone. If larger populations found, or if habitat manipulation is not considered appropriate due to the isolation of the habitat to be cleared, areas</p>	<p>ES Chapter 9 Ecology and Nature Conservation [APP-034]</p>	Not Agreed

		<p>Updated Position (Deadline 3): 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>Updated position (Deadline 5): It is standard practice for an outline mitigation strategy to be submitted prior to planning approval. Whilst we appreciate the finer detail will come later, a high level overview is required so as to be satisfied that the 'favourable conservation status' of the population will be maintained. SCC will review the Deadline 5 submission.</p>	<p>will be fenced with reptile-proof fencing and subject to an appropriate period of trapping with animals moved to a receptor site suitable for the location animals are being moved from. The location of the receptor site will depend on where the population is located and will be determined during detailed design. Examples of options for receptor sites could include grassland along the River Mole and Gatwick Stream corridors or within Brook Farm.</p> <p>Timings of mitigation with respect to both GCN and reptiles would be in accordance with best practice (i.e. when animals are active between March and October), in appropriate weather conditions.</p> <p>Updated position (April 2024): The principles of the mitigation for both GCN and reptiles will be set out in the relevant licence/mitigation strategy. Draft GCN licence will be agreed with Natural England via the SoCG process. A draft Reptile Mitigation Strategy, based on the current survey data, will be provided to the Examination at Deadline 5.</p>		
2.8.4.2	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>Updated position (Deadline 1): The response does not clarify why pond provision could not be considered offsite and also whether small wildlife ponds would increase risk of bird strike?</p> <p>-Updated position (Deadline 5): We understand the reasoning as to why ponds are not being provided on site (bird strike risk), however, to date, we are still unclear why the provision of off-site ponds has not been considered / explored?</p>	<p>The issue of the provision of ponds in relation to airport safeguarding is described in Section 9 of Chapter 9 Ecology and Nature Conservation in the ES.</p> <p>Updated position (April 2024): The creation of ponds within the airport was discussed extensively with airport safeguarding during the design of the Project. The conclusion of this discussion was that any water body, even small wildlife ponds, with open water would potentially attract wildfowl which would then increase strike risk. However, the Project does include reed bed areas, including to the north of South Terminal Roundabout, to act as surface water attenuation. Although they will not hold water permanently, these have been designed to be heavily vegetated, thereby avoiding attracting wildfowl, while still being wetland habitat. Although not direct mitigation for the loss of ponds, it will provide some of the same ecological function, especially during rain events..</p>	ES Chapter 9 Ecology and Nature Conservation [APP-034]	Under discussion
2.8.4.3	Longbridge Roundabout Mitigation area (Gatwick Dairy Farm)	<p>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.</p> <p>Updated position (Deadline 1): No further information has been made available</p>	<p>GAL is preparing further information on this matter and will provide to the LPAs once available.</p> <p>Updated position (April 2024): Negotiations continue between the Applicant, Surrey County Council and the relevant occupiers regarding the voluntary acquisition of land at Gatwick Dairy Farm and the Applicant is optimistic that agreement will be reached before the end of the examination, meaning that use of compulsory acquisition powers</p>	n/a	Under discussion

		<p><u>Updated position (Deadline 5): The JSCs set out their position in relation to the maintenance of the Replacement Open Space at Deadline 4.</u></p>	<p><u>will not be necessary. However, such powers are sought over this parcel of land in case agreement is not reached.</u></p> <p><u>Once acquired, the parcel of land at Gatwick Dairy Farm will be used in connection with Work No. 37 (works associated with the Longbridge Roundabout junction improvements) and Work No. 40 (replacement open space north east of Longbridge Roundabout).</u></p> <p><u>The works associated with the Longbridge Roundabout improvements will be maintained by Surrey County Council as the relevant highway authority following their completion, in accordance with a highway agreement to be entered into by the highway authority and the undertaker pursuant to article 21 (agreements with highway authorities).</u></p> <p><u>Once laid out, the replacement open space will be vested in Reigate and Banstead Borough Council pursuant to article 40 (special category land). The draft DCO section 106 agreement under negotiation between the Joint Local Authorities and the Applicant provides for a maintenance contribution to Reigate and Banstead Borough Council in respect of the maintenance and management of this replacement open space.</u></p>		
2.8.4.4	Additional opportunities for biodiversity enhancement	<p>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 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</p> <p><u>Updated Position (Deadline 3): The local authorities are requesting a new role to manage the above fund and support delivery of projects.</u></p> <p><u>Updated Position (Deadline 5): The local authorities continue to request a landscape and ecology enhancement fund. Additional mitigation is required and this is being explored further through S106 discussions with the Applicant.</u></p>	<p>Opportunities for biodiversity enhancement as part of the Project have been explored for the road network being modified along the A23, where practicable. The landscape design for the internal road network has not yet been completed. The option for the inclusion of reduced mowing management methods will be considered as part of that process.</p> <p>Opportunities to create enhanced corridors beyond the confines of the existing airport boundary have included those at Brook Farm and Longbridge Roundabout, as set out in the oLEMP.</p>	ES Appendix 8.8.1 Outline Landscape and Ecology Management Plan Parts 1 to 4 [APP-113 to APP-116]	Under discussion
2.8.4.5	Security of long term positive management of the two existing biodiversity areas managed by GAL, the North West Zone (NWZ) and	<p>The North West Zone (NWZ) and Land East of the Railway Line (LERL) are of considerable biodiversity value and key components of the ecological network. Any loss or degradation could have significant impacts on the effectiveness and viability of the proposed mitigation areas. ES Ch. 9 Section 9.6.172 states</p>	<p>The NWZ will be included within the LEMP for the River Mole works and the LERL within the LEMP for the works in that area.</p> <p>Requirement 8 of the dDCO sets out that appropriate LEMPs for these areas are to be produced, based on the oLEMP. This places</p>	Requirement 8 of the Draft DCO (REP3-006)	Agreed subject to revision of the oLEMP

	Land East of the Railway Line (LERL)	<p>that 'Positive work through the GAL Biodiversity Action Plan (BAP) is likely to continue ...'.</p> <p>Updated Position (Deadline 3): The Applicant's SoCG response confirms that the NWZ will be included in the LEMP for the River Mole and the LERL within the LEMP for works in that area. SCC would like to see this confirmed within an updated oLEMP.</p> <p>Updated position (Deadline 5) The updated oLEMP now confirms that the NWZ and LERL will be included in the relevant LEMP</p>	<p>a legal obligation on GAL to undertake the management proposed which will, in turn, protect these areas.</p> <p>Updated position (April 2024): An updated oLEMP making it clear that the management of the LERL will be incorporated into the relevant LEMP will be submitted at Deadline 4.</p>	<p>ES Appendix 8.8.1 Outline Landscape and Ecology Management Plan Parts 1 to 4 [APP-113 to APP-116]</p>	<p>to clarify this point</p>
Other					
2.8.5.1	Gatwick Greenspace partnership	<p>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.</p> <p>Updated position (Deadline 1): The draft S106 provided does not include any provision for the Gatwick Greenspace Partnership</p> <p>Updated position (Deadline 5): Discussions are continuing on the draft s106 in relation to the Ecology schedules.</p>	<p>SCC's request is noted. Details of the S106 will be circulated as they evolve.</p> <p>Updated position (Deadline 1): A draft Section 106 Agreement has been shared with the Local Authorities and discussions are ongoing. The draft legal agreement is to be submitted at Deadline 2.</p> <p>Updated position (April 2024): The draft Section 106 Agreement [REP2-004] includes the Applicant's proposed commitment to provide funding towards the Gatwick Greenspace Partnership in Schedule 6.</p>	<p>draft Section 106 Agreement [REP2-004]n/a</p>	<p>Under discussion</p>

2.9. Forecasting and Need

2.9.1 **Table 2.9** sets out the position of both parties in relation to forecasting and need matters.

Table 2.9 Statement of Common Ground – Forecasting and Need Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
<i>Please see the joint Statement of Common Ground prepared in relation to Forecasting and Need (Doc Ref. 10.1.198).</i>					

2.10. Geology and Ground Conditions

2.10.1 **Table 2.10** sets out the position of both parties in relation to geology and ground conditions matters.

Table 2.10 Statement of Common Ground – Geology and Ground Conditions Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
<i>There are no issues relating to Geology and Ground Conditions within this Statement of Common Ground.</i>					

2.11. Greenhouse Gases

2.11.1 Table 2.11 sets out the position of both parties in relation to greenhouse gases matters.

Table 2.11 Statement of Common Ground – Greenhouse Gases Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
2.11.1.1	Baseline information review - GHG emissions from airport buildings and ground operations does not appear to include maintenance, repair, replacement or refurbishment emissions.	<p>The scope of the GHG emissions arising from airport buildings and ground operations does not appear to cover maintenance, repair, replacement or refurbishment emissions. Therefore, this would under account the operational GHG emissions. It is not clear what is captured under “other associated businesses”.</p> <p>Updated position (Deadline 1): Under the IEMA GHG Assessment methodology used in the ES, the Applicant must update the assessment to evidence that exclusions are <1% of total emissions and where all such exclusions total a maximum of 5%.</p> <p>Additionally, GAL should recognise the potential impact of emissions stemming from airport operations at least qualitatively for the sake of transparency. This acknowledgment aligns with one of the key principles of GHG accounting.</p> <p>Updated Position (Deadline 5): In Deadline 4, the Applicant has submitted updated calculations estimating emissions from maintenance, repair, replacement, and refurbishment activities. These emissions account for approximately 2.12% of the total emissions. The Applicant demonstrates that these emissions fall below the IEMA threshold, and therefore, they are not required to be included in the total whole-life carbon assessment.</p>	<p>The methodology for the assessment was structured to follow the ANPS classification of emissions into four categories, and the assessment of Construction impacts was limited within the ES to those impacts prior to opening. The assessment was not seeking to provide a Whole Life Carbon assessment of the Project - a point explicitly noted within the ES.</p> <p>Maintenance and repair of the newly constructed elements within the Project will be required. A full life cycle carbon assessment would seek to quantify this over a defined study period, which would likely extend beyond the 2050 assessment period (which is used based on assessing risk to UK achieving carbon targets). Within the timescales between opening year (2029) and the end of the assessment year (2050) it is considered unlikely that maintenance, repair, replacement, and refurbishment GHG emissions would be so great as to materially change the assessment of operational emissions. The mitigation set out in the ES Appendix 5.4.2 Carbon Action Plan, specifically regarding to employing PAS2080 as a Carbon Management System, would necessitate GAL adopting a whole life carbon approach in the management and mitigation of emissions from Modules B2-B5 as part of their wider carbon management approach.</p> <p>Regarding terminology of “associated businesses” in Table 16.4.1 of ES Chapter 16 Greenhouse Gases seeks to include other operations within the boundary of the Application that generate waste during typical operations of the airport.</p> <p>Updated position (April 2024) We intend to provide further analysis to inform the scale of emissions arising from maintenance, repair, replacement or refurbishment within the study period as part of a submission at Deadline 4.</p>	<p>ES Appendix 5.4.2 Carbon Action Plan [APP-091]</p> <p>ES Chapter 16 Greenhouse Gases [APP-041]</p>	<p>Under discussion Agreed</p>
Assessment Methodology					
2.11.2.1	Assessment of aviation GHG emissions - It is not clear how or if GAL converted CO2 emissions from aircraft to CO2e.	It is not clear if GAL undertook a conversion from CO2 to CO2e as this would impact the aviation emissions by around a 0.91% increase BEIS (2023) ³ . If not accounted for, this would increase aviation GHG emissions by approximately 48,441	The modelling process estimated fuel consumption from aviation, and that this was then converted to estimated tCO2e using the appropriate conversion factor. All aviation emissions within the ES are reported to reflect tonnes of carbon dioxide equivalent (tCO2e).	n/a	Agreed

		tCO2e in 2028 in the most carbon-intensive year where 5.327 MtCO2e was estimated to be released (Table 5.2.1). Updated Position (Deadline 5): Addressed.			
2.11.2.2	Carbon and Climate Change	<p>The GHG Assessment is non-compliant with the GHG Protocol Corporate Accounting Standard and GHG accounting best practice, with potentially not all emission sources included.</p> <p>Updated position (Deadline 1): Under the IEMA GHG Assessment methodology used in the ES, the Applicant must update the assessment to evidence that exclusions are <1% of total emissions and where all such exclusions total a maximum of 5%.</p> <p>Additionally, GAL should recognise the potential impact of emissions stemming from airport operations at least qualitatively for the sake of transparency. This acknowledgment aligns with one of the key principles of GHG accounting.</p> <p>Updated Position (Deadline 5): <u>In Deadline 4, the Applicant has submitted updated calculations estimating emissions from maintenance, repair, replacement, and refurbishment activities. These emissions account for approximately 2.12% of the total emissions. The Applicant demonstrates that these emissions fall below the IEMA threshold, and therefore, they are not required to be included in the total whole-life carbon assessment.</u></p>	<p>The comment is noted but the suggested omissions are not detailed in the comment.</p> <p>Updated position (April 2024) <u>Please refer to the response at 2.11.1.1.</u></p>	n/a	Under discussion Agreed
Assessment					
2.11.3.1	<p>Assessment of significant effects - The ES fails to consider the risks raised by the CCC's expert advisory panel, which warns that the UK jet zero policy is non-compliant with the UK's net zero trajectory. Therefore, it is considered that the conclusion of ES is not in alignment with the IEMA (2022) GHG Assessment Guidance.</p>	<p>The CCC, in their latest progress in reducing emissions publication (June 2023) and previous publications, raised serious concerns over the UK Jet Zero policy as summarised in Page 267, 'Airport expansion' bullet point of the latest report1</p> <p>The GHG aviation methodology has resulted in a lack of transparency with regard to the emissions relative to the without Project Scenario since by 2047, there will be an increase of around 60,922 Annual Aircraft Movements as presented in Table 3.7.1 of the ES [TR020005]. The GHG Assessment conceals the emissions by applying emissions reductions from the Jet Zero High Ambition scenario.</p>	<p>It is for government to respond, annually, to the reports of the CCC. In its most recent report (2023), the Government Response included the following:</p> <p><i>"We will monitor progress against our emissions reduction trajectory on an annual basis from 2025, with a major review of the Strategy and delivery plan every five years. The first major review will be in 2027, five years after publication of the Strategy in 2022.</i></p> <p><i>The Jet Zero Strategy sets out details on how the aviation sector can achieve net zero without government intervening directly to limit aviation growth. DfT analysis shows that in all modelled scenarios we can achieve our net zero targets by focusing on new</i></p>	n/a	Agreed

		<p>Therefore, based on the 'high risk' of the Jet Zero High Ambition Scenario not being achieved, emissions from the Project will be significantly higher than the baseline scenario. Hence, based on the advice from the CCC, it would suggest that the expansion of the GAL airport and increase in demand is not in line with the UK's net zero trajectory. ▸</p> <p>Updated Position (Deadline 5): Addressed</p>	<p><i>fuels and technology, rather than capping demand, with knock-on economic and social benefits.</i></p> <p><i>If we find that the sector is not meeting the emissions reductions trajectory, we will consider what further measures may be needed to ensure that the sector maximises in-sector reductions to meet the UK's overall 2050 net zero target."</i></p> <p>The NRP application accords with government policy. As set out in the Government's Response, aviation expansion (explicitly including the NRP) will not compromise the Government's commitment to the UK's net zero trajectory.</p>		
2.11.3.2	Assessment of significant effects - no assessment of cumulative UK airport expansion emissions has been considered on how this will impact the UK's net zero trajectory	<p>The UK's eight biggest airports plan to increase to approximately 150 million more passengers a year by 2050 relative to 2019 levels². This Figure is not up to date as Gatwick is proposing to increase its operating capacity to 80.2 million passengers per annum, which would make the total Figure >150 million more passengers a year by 2050 relative to 2019 levels. As discussed above, airport expansion, demand management, and reliance on nascent technology are three key areas raised by the CCC that could jeopardise the UK's net zero trajectory. A significant increase of >150 million passengers will greatly increase the UK's cumulative aviation emissions, which may have significant consequences on the UK's net zero trajectory.</p> <p>Updated position (Deadline 1): We acknowledge the Applicant's assessment has been undertaken with consideration to the Jet Zero high ambition trajectory and that this trajectory is representative of government's current 'budget' for aviation to contribute to net zero. On this basis it could be considered to align with the approach set out by IEMA.</p> <p>Updated Position (Deadline 5): Addressed</p>	<p>It is considered within the assessment that Jet Zero, and the underlying modelling carried out by UK Government as part of this, provides a more comprehensive cumulative assessment of aviation emissions than could be carried out by the Applicant. This is noted in ES Paragraph 16.10.4 that references the IEMA Guidance noting that "The inappropriateness of undertaking a cumulative appraisal (other than by contextualising against Carbon Budgets) is reflected in the IEMA guidance. This guidance notes that 'effects from specific cumulative projects...should not be individually assessed, as there is no basis for selecting any particular (or more than one) cumulative project that has GHG emissions for assessment over any other'."</p>	ES Chapter 16 Greenhouse Gases [APP-041]	Agreed
Mitigation and Compensation					
There are no issues relating to mitigation and compensation for this topic within this Statement of Common Ground.					
Other					
2.11.5.1	Legislation policy and guidance - Consideration of UK Climate Change Committee (CCC) Progress in reducing emissions report	<p>The latest Climate Change Committee Progress Report to Parliament published in June 2023 has identified their main concerns and criticisms of the current UK Aviation climate change policy and risks to achieving net zero.</p> <p>Updated Position (Deadline 5): Addressed</p>	<p>It is for government to respond, annually, to the reports of the CCC. In its most recent report (2023), the Government Response included the following:</p> <p><i>"We will monitor progress against our emissions reduction trajectory on an annual basis from 2025, with a major review of the Strategy and delivery plan every five years. The first major review will be in 2027, five years after publication of the Strategy in 2022.</i></p>	n/a	Agreed

			<p>The Jet Zero Strategy sets out details on how the aviation sector can achieve net zero without government intervening directly to limit aviation growth. DfT analysis shows that in all modelled scenarios we can achieve our net zero targets by focusing on new fuels and technology, rather than capping demand, with knock-on economic and social benefits.</p> <p>If we find that the sector is not meeting the emissions reductions trajectory, we will consider what further measures may be needed to ensure that the sector maximises in-sector reductions to meet the UK's overall 2050 net zero target.”</p> <p>The NRP application accords with government policy. As set out in the Government's Response, aviation expansion (explicitly including the NRP) will not compromise the Government's commitment to the UK's net zero trajectory.</p>		
2.11.5.2	Carbon and Climate Change	<p>The Greenhouse Gas (GHG) Assessment fails to consider the risks of the Jet Zero Aviation Policy and how this could compromise the UK's net zero trajectory in alignment with the concerns raised to the UK Government by the Climate Change Committee.</p> <p>Updated Position (Deadline 5): Addressed</p>	It is not for the applicant or for the examination to assess risks on the basis that government policy will fail.	n/a	Agreed
2.11.5.3	Unsustainable growth of airport operations may result in significant adverse impacts to the climate	<p>Growth may lead to unsustainable surface access transportation and airport operation growth.</p> <p>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 exceedances of these defined limits occur, growth should be halted.</p> <p>Updated Position (Deadline 5): The Applicant should consider how it can foster sustainability into the projects governance processes to demonstrate that it will monitor and control GHG emissions during the project from</p>	<p>The Climate Change Act places a duty on the Secretary of State to prepare “such proposals and policies as the Secretary of State considers will enable the carbon budgets that have been set under this Act to be met.” (Section 13).</p> <p>That duty lies with the Secretary of State and it is apparent that the Government has put in place a clear framework of policy to ensure that the Government's duty and commitment is met. The Jet Zero Strategy forms part of that policy framework and, within it, the Government makes clear that its modelling demonstrates that the commitment can be met without demand management – i.e. without constraining the growth of airports. That conclusion is reached in the light of the acknowledged importance of aviation to the UK and the critical importance of the Government supporting growth in the aviation sector, whilst meeting its binding carbon reduction targets.</p> <p>The JZS is also clear that the Government is monitoring the position closely and will take further measures if necessary, if it becomes apparent that the trajectory of aviation emissions is not being achieved. In these circumstances, a control of the type proposed by the local authority in this case would cut across the</p>	Appendix B of The Applicant's Response to Deadline 4 Submissions (Doc Ref. 10.38)	Not Agreed

		<p>operation using a control mechanism to similar to the Green Controlled Growth Framework.</p> <p>-A worked up Environmentally Managed Growth Framework will be submitted to the Examination as soon as possible</p>	<p>balance being struck by government and would not meet the relevant tests of necessity or appropriateness.</p> <p>Updated position (Deadline 5): The Applicant has responded to the JLAs' Introduction to a proposal for Environmentally Managed Growth at Appendix B of The Applicant's Response to Deadline 4 Submissions (Doc Ref. 10.38)</p>		
2.11.5.4	<p>GAL does not identify the risks associated with using carbon offset schemes.</p>	<p>Document 5.4.2, Section 1.14 This states that, "In 2016/17, we achieved 'Level 3+ - Neutrality' status under the Airport Carbon Accreditation scheme, which is a global carbon management certification programme for airports (Ref 1.1). GAL has been working hard to reduce carbon emissions under GAL's control (from a 1990 baseline) and offset the remaining emissions using internationally recognised offset schemes." The scientific community has identified various risks around using offsetting schemes to claim net zero or carbon neutrality. GAL should specifically state which offset scheme they intend to use so research can be conducted into the trustworthiness of the scheme.</p> <p>GAL should state if they comply with the Airport Carbon Accreditation Offset Guidance Document which specifies the type of offsetting Schemes that need to be used. In addition, and where reasonably practical, GAL should seek to utilise local offsetting schemes that can deliver environmental benefits to the area and local community around the airport. These should align key offsetting principles.</p> <p>Updated Position (Deadline 5): Addressed</p>	<p>At Gatwick today, through its Airport Carbon Accreditation Level 4+, the Applicant buys offsets covering residual Scope 1 and 2 GHG emissions (as well as business travel).</p> <p>In order for the Applicant to maintain its ACA certification, any offsets – removal and/or reduction – must be bought from schemes accredited by the ACA.</p> <p>ACA is the only global, airport-specific carbon standard which relies on internationally recognised methodologies. It provides airports with a common framework for active carbon management with measurable goalposts. The programme is site-specific allowing flexibility to take account of national or local legal requirements, whilst ensuring that the methodology used is always robust</p> <p>Details of Level 4+ available on the ACA website: https://www.airportcarbonaccreditation.org/about/7-levels-of-accreditation/</p> <p>With a view to achieving Net Zero for Scope 1 and 2 GHG emissions by 2030 (under both its existing Decade of Change commitments, and the equivalent under the Carbon Action Plan as part of the Project), the Applicant is in the process of transitioning from use of carbon reduction offsets to carbon removal offsets instead (as the use of carbon removal offsets would not meet the definition of Net Zero). For 2023, GAL purchased 25% removal offsets and 75% reduction offsets.</p> <p>Furthermore, the Applicant is investigating the development of a local removal project, independent of the Project. Any such project will need to be accredited by the ACA.</p>		Agreed
2.11.5.5	<p>If the Applicant does not provide infrastructure or services to help decarbonise surface transport emissions it may have the potential to result in the</p>	<p>The Applicant should provide infrastructure within the Airport to support the anticipated uptake of electric vehicles and provide electric vehicle charging infrastructure. Additionally, the Applicant should support measures such as Green Bus programmes.</p>	<p>The Transport Assessment [AS-079] and the Surface Access Commitments (SAC) [APP-090] set out how the Applicant's commitments to sustainable travel are binding under the DCO.</p>	Transport Assessment [AS-079]	Agreed

	<p>underreporting of the Project's impact on the climate. The full impact of the Proposed Development on the government meeting its net zero targets cannot be identified.</p>	<p>Updated Position (Deadline 5): The Applicant has demonstrated in Deadline 3 that it is committed to providing charging infrastructure for electric vehicles used to access the Airport (both passenger and staff) to facilitate the use of ultra-low and zero emission vehicles for those journeys that are made by car. The Applicant is also committed to investing £1m to Metrobus in hydrogen buses for the local network.</p>	<p>An updated version of ES Appendix 5.4.1: Surface Access Commitments [REP3-028] has been submitted at Deadline 3 which adds further detail to Commitment 12. Under Commitment 12A GAL shall produce a strategy for providing charging infrastructure for electric vehicles used to access the Airport (both passenger and staff) to facilitate the use of ultra-low and zero emission vehicles for those journeys that are made by car.</p> <p>-Achieving the modes shares set out will significantly reduce surface transport emissions. We are continuing to invest in charging infrastructure for passengers and staff within a wider strategy for EVs on the campus as part of our Decade of Change programme independent of the DCO. This includes a partnership with Gridserve to provide an electric vehicle charging forecourt on airport, completed in early 2024. Our passenger valet parking service also offers an EV charging service. For operational vehicles there is a programme underway to deliver the Applicant's and third party airfield EV charging requirements.</p> <p>The Applicant has invested or pledged over £1m to Metrobus in hydrogen buses for the local network serving the airport and continues to support the transition to ultra low or zero emission vehicles in local bus services and in the Applicant's own surface transport fleet.</p> <p>Decarbonisation of all surface transport is a matter for Government policy and the Applicant cannot mandate that all surface access journeys are by zero emission vehicles ahead of meeting those policy targets</p>	<p>Surface Access Commitments [APP-090]</p> <p>Surface Access Commitments – Version 2 [REP3-029]</p>	
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2.12. Health and Wellbeing

2.12.1 Table 2.12 sets out the position of both parties in relation to health and wellbeing matters.

Table 2.12 Statement of Common Ground – Health and Wellbeing Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
There are no issues relating to the baseline for this topic within this Statement of Common Ground.					
Assessment Methodology					
2.12.2.1	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 underestimation of the 'true' pollutant concentrations experienced by residents during this period. Updated position (Deadline 5): At this time the JSCs are in discussion with the applicant on this.	Project Lifetime Effects are set out in ES Chapter 20: Cumulative Effects and Inter-Relationships, Table 20.8.3. This specifically considers the combined effects of different assessment years. ES Chapter 20 also reports on receptor-led Inter-related effects. i.e. the potential for multiple effects to interact, spatially and temporally, to create inter-related effects on a receptor or receptor group.	ES Chapter 20: Cumulative Effects and Inter-Relationships [APP-045]	Under discussion
Assessment					
2.12.3.1	Consideration of cumulative impact on key neighbourhoods	Parts of Horley and Charlwood will be affected by both construction and operation of the project. Horley Central and South is one of the most deprived LSOAs in Surrey and the full cumulative impact of construction and operation phases of the project must be considered, including the short and long term effects on physical and mental well being and health. Updated Position (Deadline 3): We note that the Applicant is to provide signposting regarding the provision of data on health and well-being and cumulative impact at deadline 2. Updated Position (Deadline 5): No further comment, although please see air quality and construction noise comments.	ES Chapter 18: Health and Wellbeing defines the site-specific study areas in Section 18.4, paragraph 18.4.13. Paragraph 18.4.10 explains that the 'site-specific' population relates to the most localised effects close to sources. Horley Central & South (E05012876) is one of the 9 wards. ES Chapter 18: Health and Wellbeing sets out the assessment of interactions and combined effects in Section 18.11, paragraph 18.11.1 to 18.11.22. That section considers how each of the potential health effects that are assessed in isolation within Section 8.8 may interact or result in greater effects in combination. The assessment follows guidance (IEMA 2022) and presents the analysis both by geographic population and by vulnerable group sub-population. ES Chapter 18 paragraphs 18.11.3 to 18.11.8 explains the combined site-specific effects. Consideration is given to short and long term effects and to effects on physical and mental wellbeing outcomes. The assessment concludes that there would not be no new or materially different significant population health effects due to inter-related effects. Notwithstanding this conclusion, paragraph 18.11.22 sets out further mitigation to ensure there is a process to mitigate against exceptional circumstances relating to vulnerable individuals and combined effects. This is a best practice assessment and approach to combined effect mitigation. Cumulative effects between different projects are set out in Chapter 18 Section 18.10, paragraph 18.10.1-32 to 18.11.22. Additional information is set out in ES Chapter 20: Cumulative Effects and Inter-Relationships.	ES Chapter 18: Health and Wellbeing [APP-043] ES Chapter 20: Cumulative Effects and Inter-Relationships [APP-045] The Applicant's Response to Actions - ISH2-5 [REP2-005]	Under discussion

			<p>Updated Position (April 2024): Information is set out in the Deadline 2 Submission The Applicant's Response to Actions - ISH2-5 [REP2-005], Section 3.5 ISH3: Action Point 7.</p>		
<p>2.12.3.2</p>	<p>Health impact of ultrafine particles</p>	<p>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.</p> <p>Updated position (Deadline 1): Assumption around proportional changes in modelled PM_{2.5} acting as a potential indicator of the proportional change in aviation related ultrafines is considered flawed, and likely to significantly underestimate aviation UFP impact, and thus potential health impact.</p> <p>Updated Position (Deadline 3): This has not been reflected in the draft S106 provided in Feb 2024. Further negotiation required</p> <p>Updated position (Deadline 5): Discussions in relation to ultrafine monitoring is continuing through S106 discussions.</p>	<p>ES Chapter 18: Health and Wellbeing sets out the assessment of population health effects associated with ultra fine particulates in Section 18.8, paragraph 18.8.67 to 18.8.85. The assessment explains the state of epidemiological understanding on the extent to which UFPs are likely to affect health outcomes for populations near airports. The current evidence is that there is not a large effect. The health assessment is conservative, the likely population health effects reflect current scientific understanding and are therefore not understated. Monitoring is supported by the health assessment.</p> <p>ES Chapter 13: Air Quality sets out proposed monitoring for the Project, see paragraphs 13.9.7-19. In addition to monitoring key pollutants GAL commits to participating in national aviation industry body studies of UFP emissions at airports including those reviewing how monitoring could be undertaken. This reflects that one of the current weaknesses of the epidemiological literature is inconsistent study designs. The appropriate commitment is therefore for participation in a coordinated national study of UFPs across airports.</p> <p>Updated Position (April 2024): Deadline 2 Submission - 10.11 Draft Section 106 Agreement [REP2-004].</p> <ul style="list-style-type: none"> Section 7, UFP local monitoring Appendix 5, Draft Air Quality Action Plan, paragraph 4.3.4, participation in national study. <p>It is agreed that UFP particle number concentration and PM_{2.5} mass concentration are distinctly different units of measurement and so PM_{2.5} is not used as a proxy of UFP. ES Chapter 18: Health and Wellbeing [APP-043] and ES Chapter 13: Air Quality [APP-038] do not use a proportional changes in modelled PM_{2.5} as an indicator of the proportional change in aviation related UFP. The relevant relationship is that both UFP and PM_{2.5} of aviation origin independently correlate with aircraft movements (being the common source). There is not a reliance on this being a linear or proportional relationship. In the absence of methods that allow quantification of UFP, the assessment has simply pointed to aviation PM_{2.5}, as well as aircraft movements and scientific literature, as information triangulated to inform a professional judgment as to the likely 'relative' scale of change. E.g. a small PM_{2.5} mass concentration change may be associated with a disproportionately higher (non-</p>	<p>ES Chapter 18: Health and Wellbeing [APP-043]</p> <p>ES Chapter 13: Air Quality [APP-038]</p>	<p>Under discussion</p>

			<p>linear UFP particle number concentration count; however the relative change for both depends on the number of aircraft movements, as well as other factors including aircraft type and meteorological conditions. Linearity in the relationship between PM_{2.5} and UFP has not been assumed so there is not an underestimate of the likely effect size or public health implication. The UK Health Security Agency (UKHSA) have scrutinized the assessments and find that, “Following our review of the submitted documentation we are satisfied that the proposed development should not result in any significant adverse impact on public health” [RR-4687].</p>		
2.12.3.3	Ultrafine particles	<p>Residents’ exposure to ultrafine particles (UFP) and the fact that the health impact assessment of UFP appears to understate the potential impact.</p> <p>Updated position (Deadline 1): Assumption around proportional changes in modelled PM_{2.5} acting as a potential indicator of the proportional change in aviation related ultrafines is considered flawed, and likely to significantly underestimate aviation UFP impact, and thus potential health impact.</p> <p>Updated position (Deadline 5):- The key points here are that:</p> <ul style="list-style-type: none"> The air quality assessment has failed to assess the change in exposure to aviation related ultrafines, in a population already exposed to ‘high’ levels of ultrafine particles. It is therefore unclear how the health assessment has assessed the health impact given it has no data on the change in exposure to work from. <p>From the commentary the applicant still seems to be linking ultrafines to PM_{2.5} i.e. ‘both UFPs and PM_{2.5} are predominantly of common origin (combustion engine operation)’ which is a fundamentally flawed assumption in relation to aviation ultrafines.</p> <p>The applicant has failed to assess the health impact and thus needs to fund ultrafine monitoring in full from the commencement of the project so the real world impact can be assessed to mitigate the failings of the assessment.</p>	<p>ES Chapter 18: Health and Wellbeing sets out the assessment of population health effects associated with ultra fine particulates in Section 18.8, paragraph 18.8.67 to 18.8.85. The assessment explains the state of epidemiological understanding on the extent to which UFPs are likely to affect health outcomes for populations near airports. The current evidence is that there is not a large effect size and that the most appropriately public health response is monitoring. The health assessment is conservative, the likely population health effects reflect current scientific understanding and are therefore not understated. Monitoring is supported by the health assessment (see paragraph 18.8.85).</p> <p>ES Chapter 13: Air Quality sets out proposed monitoring for the Project, see paragraphs 13.9.7-19. Paragraph 13.9.19 confirms that GAL commits to participating in national aviation industry body studies of UFP emissions at airports including those reviewing how monitoring could be undertaken. This reflects that one of the current weaknesses of the epidemiological literature is inconsistent study designs. The appropriate commitment is therefore for participation in a coordinated national Government run study of UFPs across airports.</p> <p>Updated Position (April 2024): See 2.12.3.2 above. Suggest this is a duplicate that can be removed.</p>	<p>ES Chapter 18: Health and Wellbeing [APP-043]</p> <p>ES Chapter 13: Air Quality [APP-038]</p>	Under discussion
Mitigation and Compensation					
2.12.4.1	Exploration of cumulative health impacts	<p>SCC wishes to see further exploration of cumulative health impacts and identification of any resulting need for further mitigation and to reiterate district and borough requests for the local authority real time (NO_x, PM, ozone) and diffusion tube</p>	<p>Cumulative effects between different projects are set out in Chapter 18 Section 18.10, paragraph 18.10.1-32 to 18.11.22. Additional information is set out in ES Chapter 20: Cumulative Effects and Inter-Relationships. The health assessment conclusions on cumulative air quality effects are informed by ES Chapter 13: Air</p>	<p>ES Chapter 18: Health and Wellbeing [APP-043]</p>	Under discussion

		<p>monitoring to be funded (revenue and capital replacement costs) to 2047 or 389,000 movements.</p> <p>Updated position (Deadline 1): Further discussions on operational monitoring and the S106 are proposed to resolve this matter as current (Feb 2024) do not address funding to full capacity i.e. 2047 and appear to have omitted ozone</p> <p>Updated position (Deadline 5) Current proposals in draft s106 are to only fund monitoring to 9 years after opening (2038) not the airport at full capacity (2047). Monitoring to 2047 especially important given applicant not planning on modelling the 2047 scenario</p>	<p>Quality. Cumulative air quality effects are discussed in Chapter 13 section 13.11. The Air Quality assessment is cumulative, particularly with respect to traffic emissions, including all planned growth in the with and without Project scenarios. As no new or materially different significant effects in relation to air quality and population health effects are expected due to cumulative projects, including taking into account non-thresholds effects, no further mitigation and monitoring is proposed beyond that already set out in ES Chapter 13 for the main assessment.</p> <p>The assessment in Section 13.9 of ES Chapter 13 Air Quality summarises the proposed operational phase air quality monitoring.</p> <p>Monitoring commitments will be secured under the draft Section 106 agreement to be entered in relation to the Project.</p> <p>The Section 106 agreement commits to funding of monitoring at three existing local authority stations and the continuation of monitoring at Gatwick airport monitoring site. In addition, Gatwick will add an additional Defra reference equivalent monitor and additional indicative MCERT continuous monitors. This approach is considered proportionate given the cost of monitoring equipment and the results of the ES which show there are no significant effects being predicted.</p> <p>Updated position (Deadline 1): A draft Section 106 Agreement has been shared with the Local Authorities and discussions are ongoing. The draft legal agreement is to be submitted at Deadline 2.</p> <p>Updated Position (April 2024): The draft 106 Agreement was submitted at Deadline 2 [REP2-004]. The Applicant has provided a draft Air Quality Action Plan (AQAP) at Appendix 5 of Draft Section 106 Agreement [REP2-004]. The document sets out measures and monitoring commitments related to air quality and odour management to be undertaken by GAL which are secured under the DCO or s106 Agreement.</p>	<p>ES Chapter 20: Cumulative Effects and Inter-Relationships [APP-045]</p> <p>ES Chapter 13: Air Quality [APP-038]</p>	
<p>Other</p>		<p><i>There are no other issues relating to this topic within this Statement of Common Ground.</i></p>			

2.13. Historic Environment

2.13.1 Table 2.13 sets out the position of both parties in relation to historic environment matters.

Table 2.13 Statement of Common Ground – Historic Environment Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
<i>There are no issues relating to the baseline for this topic within this Statement of Common Ground.</i>					
Assessment Methodology					
2.13.2.1	Written Scheme of Investigation for Post-Consent Archaeological Investigations – Surrey	<p>The sampling strategies set out in paragraphs 6.2.17 and 6.2.18 are not wholly acceptable as they do not conform to the minimum standards adopted by the council for the examination of archaeological features.</p> <p>Updated Position (Deadline 3): The Applicant proposes incorporating into updated Written Scheme of Investigation.</p> <p>Updated Position (Deadline 5): The updated WSI responds to comments made.</p>	<p>This sampling strategies set out in the WSI for Surrey can be revised in the next version of the document.</p> <p>Updated Position (April 2024): GAL has updated the relevant paragraphs of the WSI to conform with General Standards for Archaeological Projects in Surrey (Surrey County Council Historic Environment Planning, 2023). -The revised Surrey WSI was submitted at Deadline 2.</p>	ES Appendix 7.8.2: Written Scheme of Investigation for post-consent Archaeological Investigations - Surrey [APP-105]	Agreed subject to updated WSI for Surrey
Assessment					
<i>There are no issues relating to the assessment for this topic within this Statement of Common Ground.</i>					
Mitigation and Compensation					
<i>There are no issues relating to the mitigation and compensation for this topic within this Statement of Common Ground.</i>					
Other					
<i>There are no other issues related to this topic within this Statement of Common Ground.</i>					

2.14. Landscape, Townscape and Visual

2.14.1 Table 2.14 sets out the position of both parties in relation to landscape, townscape and visual matters.

Table 2.14 Statement of Common Ground – Landscape, Townscape and Visual Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
<i>There are no other issues relating to the baseline in this Statement of Common Ground.</i>					
Assessment Methodology					
2.14.2.1	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>Updated Position (Deadline 3): 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. 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> <p>Updated position (Deadline 5): We acknowledge that tranquillity assessment is highly subjective, as it relates to individuals' perceptions of relative tranquillity and sensitivities to factors that might affect this, such as aircraft noise and the presence of overflying aircraft in views.</p> <p>We are in broad agreement with the identified judgements of tranquillity effects as a result of the Project, insofar as these would be adverse but are unlikely to constitute a 'significant' reduction in the perception of relative tranquillity and the enjoyment of nationally designated landscapes for most people; however we consider that for some more sensitive individuals an increase in overflights of 20% could constitute a significant reduction in perceived tranquillity within such landscapes.</p>	<p>Visualisations included in the ES as photomontage/photo wirelines (ES Chapter 8 Figures 8.9.1 to 8.9.128) are to Type 3 of the Landscape Institute, Visual Representation of Development Proposals: Technical Guidance Note 06/19. The methodology for the preparation of visualisations is in Appendix 8.4.1. Maximum parameters are modelled accurately. The visualisations show maximum parameters of the proposed development as simple wireline boxes, which is appropriate for the inclusion within a DCO. A Design and Access Statement has been prepared to provide design quality control without being too restrictive for future design stages.</p> <p>The tranquillity study has been determined through an appropriate methodology (to accommodate specific criteria in CAP1616 Appendix B, para B30 and B56). Frequency of aircraft movements and general orientation of flights are illustrated in ES Figures 8.6.3 to 8.6.7 together with nationally designated landscapes. The increase in overflying aircraft at less than 7000 ft above local ground level as a result of the project, compared to the future baseline scenario in 2032, has informed the assessment of perception of tranquillity with nationally designated landscapes.</p> <p>No reference is provided as to what 'treatment of undesignated landscapes and assessment of effect' are. This needs to be clarified by SCC. The Applicant is happy to discuss these issues further during the TWG's and provide any further information required as part of the SoCG process.</p> <p>Updated Position (April 2024): At this stage of the design of the Project a specific design for any particular construction compound has not been assessed or illustrated in any visualisations, but rather a reasonable worst case has been based on the activities which will be undertaken within the compound and used to create wireline photomontages, ES Figures 8.9.1 to 8.1.928 [REP2-008]. The CoCP and ES</p>	<p>ES Chapter 8 Landscape, Townscape and Visual Figures - Part 3 [APP-062]</p> <p>ES Chapter 8 Landscape, Townscape and Visual Figures Parts 1 [APP-060]</p> <p>ES Chapter 8 Landscape, Townscape and Visual Figures Parts 2 [APP-061]</p> <p>ES Appendix 8.4.1 Landscape Townscape and Visual Impact Assessment Methodology [APP-109]</p> <p>Design and Access Statement Volumes 1 to 5 [APP-253 to APP-257]</p> <p>ES Appendix 5.3.2: Code of Construction Practice [REP1-021]</p>	Under discussion

			<p>Appendix 5.3.1: Buildability Report [APP-079, APP-080, APP-081] set out the general nature of compounds and their key elements. The CoCP at Section 4: General Requirements and Section 5: Management of Environmental Effects set out typical measures to minimize impacts on landscape and visual resources. These would include the appropriate positioning of infrastructure within the compound, appropriate types, locations and operation of lighting and the type/height of boundary treatments including security fences and screens. The construction activities must be carried out in accordance with the CoCP under Requirement 7 of the draft DCO (Doc Ref. 2.1).</p> <p>ES Chapter 8: Landscape, Townscape and Visual Resources [APP-033] Section 8.9 includes a thorough assessment of effects on the perception of tranquillity within the Surrey Hills National Landscape and other nationally designated landscapes as a result of an increase in the number of overflying aircraft up to 7,000 ft above local ground level compared to the future baseline situation in 2032 (See Table 8.9.1 for summary of representative assessment locations and overflight numbers including Leith Hill and Witley and Milford Common). The maximum increase in daily overflights of 15 to 20% is defined in ES Appendix 8.4.1 Landscape, Townscape and Visual Impact Methodology [APP-109] Table 2.2.7 as 'increase in number of daily overflights discernible to people'. It is considered that the increase in overflights may be imperceptible to some receptors. The magnitude of change is generally considered to be negligible and the level of effect up to Minor adverse. Whilst an adverse effect on the perception of tranquillity within nationally designated landscapes is identified as a result of the Project, it is not considered to constitute significant harm to this perceptual quality or people's ability to enjoy these landscapes.</p>	<p>-ES Figures 8.9.1 to 8.1.928 [REP2-008]</p> <p>ES Appendix 5.3.1: Buildability Report [APP-079, APP-080, APP-081]</p>	
2.14.2.2	LVIA	<p>The approach to and judgements within the Landscape and Visual Impact Assessment especially in relation to:</p> <ul style="list-style-type: none"> the tranquillity assessment including its extent. assessment of landscape value and sensitivity in relation to undesignated landscapes such as those not in close proximity to the airport; the judgement around significance of effects on landscape character and features including in relation to those judged to have 'moderate' levels. The number of viewpoints, especially in relation to mid and far distant views, or changes to layouts; the approach to the 	<p>The extent of the tranquillity study area considered within the LTVIA at Chapter 8 of the ES has been determined through an appropriate methodology which applies the criteria in CAP1616 Appendix B to consider overflights from aircraft at up to 7,000 ft above local ground level. See also ES Appendix 14.9.2: Air Noise Modelling. The increase in overflying aircraft as a result of the Project, compared to the future baseline scenario in 2032, has informed the assessment of perception of tranquillity with nationally designated landscapes.</p>	<p>ES Chapter 8 Landscape, Townscape and Visual Resources [APP-033]</p> <p>Figures 8.9.1 to 8.9.128 of ES Chapter 8 Landscape, Townscape and</p>	Under discussion

		<p>visual baseline assessment, and the approach to sensitivity, magnitude and significance.</p> <ul style="list-style-type: none"> The quality of visual assessment presentation in relation to the wire-frame images, the issue of accuracy and completeness. <p>Updated position (Deadline 5): 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 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. Further detail is provided in the JSC D4 submission (REP4-054)</p>	<p>Existing and proposed ZTVs have been undertaken for a 15 km radius to inform the extent of the study area. The ZTV indicates that the vast majority of land that may be potentially intervisible with development at Gatwick Airport lies within a 5 km radius. This has defined an appropriate study area to capture the relevant landscape and townscape receptors (including undesignated landscapes) that are likely to be affected by the Project and to ensure that all likely significant effects have been identified. ES chapter 8 includes a thorough assessment of landscape value, sensitivity, magnitude of impact and significance of effect based on a methodology within Appendix 8.4.1.</p> <p>32 representative viewpoint locations have been identified to inform the assessment of effects on visual amenity. 10 further candidate viewpoint locations requested by consultees were analysed and not taken for assessment within the ES due to lack of visibility (See ES Appendix 8.6.2).</p> <p>The visual baseline situation is described in ES Chapter 8 section 8.6. This includes a description of the view from 32 representative viewpoints. An assesemnt of effects on receptors in these public locations and also in private locations in key residential and commercial properties is included in the ES Chapter 8 at Sections 8.9. and 8.11. A definition of visual receptor sensitivity criteria is included at Table 2.2.4 of ES Appendix 8.4.1 LTVIA Methodology. The assessment of effect is described in Section 8.9. and 8.11 of ES Chapter 8 and includes sensitivity, magnitude of impact and level of effects for each visual receptor during day and night and summer and winter.</p> <p>Photomontage/photo wirelines based on maximum parameter models defined within the DCO (ES Chapter 8 Figures 8.9.1 to 8.9.128) are to Type 3 of the Landscape Institute, Visual Representation of Development Proposals: Technical Guidance Note 06/19. The methodology for the preparation of visualisations is in ES Appendix 8.4.1.</p> <p>Updated position (April 2024): The Applicant would welcome an updated position or response from SCC against this SoCG item, or confirmation if this item can be marked as 'agreed' or 'no longer pursuing'.</p>	<p>Visual Figures - Part 3 [APP-062]</p> <p>ES Appendix 8.4.1 Landscape Townscape and Visual Impact Assesment Methodology [APP-109]</p> <p>ES Appendix 8.6.2 Additional Viewpoints [APP-111]</p> <p>ES Appendix 14.9.2: Air Noise Modelling [APP-172]</p>
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Assessment					
2.14.3.1	Consideration of the potential changes to the Surrey Hills AONB boundary	<p>It does not appear that this has been considered.</p> <p><u>Updated position (Deadline 5)</u></p> <p><u>We acknowledge the assessment of proposed Extension Areas for inclusion within the Surrey Hills National Landscape, including the additional viewpoint photography. We note the Applicant's position that 'Any boundary change would result in a larger area of nationally designated landscape that is overflowed by aircraft however, the overall conclusions within ES Chapter 8 regarding the level of effect on the perception of tranquillity within the Surrey Hills NL would not change'. This would result in the identified adverse effects on perceptions of relative tranquillity extending over this larger area of nationally designated landscape.</u></p> <p><u>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 parts of the Surrey Hills National Landscape would experience more than a 20% increase in daily overflights with the NRP Project.</u></p> <p><u>With regard to the Applicant's comment on sky glow / new night light sources as a result of the Project, we would request confirmation of whether an objective lighting assessment has been undertaken and if so, whether this has been applied to existing and proposed areas of nationally designated landscape in order to understand likely quantitative changes in sky glow and feed into assessment of effects on perceptions of relative tranquillity, dark skies, landscape character and visual amenity.</u></p>	<p>Following contact with the Surrey Hills AONB unit regarding the progress of the boundary review process they confirmed that the evidence gathering in 2022 was complete and Natural England consultants are considering evaluation areas and Candidate Areas. Public consultation on the proposed extensions is ongoing in 2023.</p> <p>Any assessment of predicted effects on the landscape, views or perception of tranquillity on the basis of land that may or may not be included in the AONB is not included in the ES.</p> <p><u>Updated Position (April 2024):</u></p> <p><u>Please refer to the Applicant's response to ExQ1 LV.1.8 response included in Deadline 3 , which states:</u></p> <p><u>Natural England began work on the Surrey Hills Boundary Review following a written Ministerial Statement on 24th June 2021. As part of the consultation process the Surrey Hills National Landscape (SHNL) team has mapped areas where it is considered there is strong evidence for further extensions to the identified candidate areas. As yet there has been no change to the boundary of the National Landscape.</u></p> <p><u>ES Chapter 8 Landscape, Townscape and Visual Resources [APP-033] includes an assessment of effects on landscape character and special qualities of the Surrey Hills National Landscape, any views from or to the designated landscape and effects on the perception of tranquillity as a result of overflying aircraft at sections 8.9. and 8.11. See also ES Chapter 8 Figures 8.4.2, 8.4.3, 8.6.3 to 8.6.7 and 8.9.1 to 8.9.128 [REP2-006, REP2-007, REP2-008]).</u></p> <p><u>If the identified new areas are designated, they would significantly increase the area of the Surrey Hills National Landscape. The ZTV within ES Chapter 8 Figure 8.4.3 [REP2-006] indicates that small, scattered areas on the tops of ridges and hills on the south side of the existing National Landscape would potentially form vantage points for distant views of Gatwick and the NRP.</u></p> <p><u>Field surveys have been conducted within the proposed areas of National Landscape extension at several locations within the ZTV to test the potential for visibility. Panoramic photography</u></p>	n/a <u>ES Chapter 8 Figure 8.4.3 [REP2-006]</u>	Under discussion <u>No longer pursuing</u>

			<p><i>has been undertaken to inform the assessment (See Figures D3 1, 2 and 3 in Appendix B). Two photos have been captured in Extension Area 10 near Bletchingley (approximately 9km from the Project) and one photo has been captured at Extension Area 11 at Reigate Park (approximately 7km from the Project). Intervening landform and vegetation obscures existing development at Gatwick from most locations visited within the SHNL Extension Areas. The photo at VP33 near Bletchingley shows that distant views of the taller buildings and infrastructure at Gatwick are visible within the context of other development at Crawley and Horley and the M25 motorway in the mid-distance. Any increase in the built form or aircraft movements at Gatwick as a result of the Project would be imperceptible at this distance. At night new light sources would be visible in the well lit context of the airport, Horley and Crawley. Effects on visual receptors of high sensitivity would be of negligible magnitude, resulting in no more than negligible adverse effects, which is not significant.</i></p> <p><i>Any boundary change would result in a larger area of nationally designated landscape that is overflowed by aircraft however, the overall conclusions within ES Chapter 8 regarding the level of effect on the perception of tranquillity within the Surrey Hills NL would not change. ES Figures 8.6.3 to 8.6.7 [REP2-007] illustrate the baseline and proposed increase in the numbers of overflights that have informed the assessment of the perception of tranquillity within a wider study area, that would include any boundary change.</i></p>		
2.14.3.2	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. Updated Position (Deadline 3): SCC note that an Arboricultural Impact Assessment has been submitted at deadline 1. SCC has not fully reviewed yet. Updated position (Deadline 5): The updated AIA has been reviewed. The Applicant's statement that 'The majority of the vegetation that would be removed as part of the surface access improvements of the A23 would be scrub and small to medium sized trees' is considered an over-simplification and underplays the value of the existing trees that would be lost. The majority of the extensive tree and tree group removals along the north and south sides of the A23 (including on and around the	The majority of the vegetation that would be removed as part of the surface access improvements of the A23 would be scrub and small to medium sized trees. Reinstatement of scrub and tree planting (illustrative designs for landscape mitigation are shown in the Outline LEMP). Annex 4 of the oLEMP includes Tree Removal and Protection Plans for the surface access proposals including location and standard specification of tree protection fences. Effects on landscape character and visual amenity as a result of vegetation loss generally and within existing green space (Riverside Garden Park) are assessed during construction and when operational within the LTVIA at Chapter 8 of the ES, sections 8.9. and 8.11.	ES Appendix 8.8.1 Outline Landscape and Ecology Management Plan Parts 1 to 4 [APP-113 to APP-116] ES Chapter 8 Landscape, Townscape and Visual Resources [APP-033] ES Appendix 8.10.1: Tree Survey Report and Arboricultural	Under discussion – see points made in ecology section

		<p>north and south terminal roundabouts and Longbridge roundabout) have been classified as Category A (high quality) and Category B (medium quality), and include large, mature specimens. Due to their height and density many of these trees and tree groups have the appearance and function of woodland belts and are visually prominent; and whilst replacement planting would start to gradually mitigate for these losses, it is considered that it would take at least 15 years following replanting for the new trees to begin approaching the equivalent visual amenity, green infrastructure and biodiversity values of many of those to be lost.</p> <p>As such, 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), should the DCO be granted.</p> <p>The Applicant acknowledges that it may not be possible to re-create the equivalent existing scale, structure and function of the surface access vegetation corridor, due to current National Highways buffer requirements:</p> <p>‘Reinstatement of scrub and tree planting will be designed in accordance with guidelines by National Highways (DMRB LD117 Landscape Design, the Manual of Contract Documents for Highways Works, Major Projects and Highways England, DMRB Asset Data Management Manual Volume 13) which would limit the extent of woodland that could be replanted adjacent to the highway, compared to the existing situation. Approximately 3.1 ha of woodland planting is currently located within a 9m buffer, defined in DMRB LD117, either side of the highway within the surface access improvements area. The DMRB LD117 prevents planting of larger/climax trees/woodland within the 9 metre buffer and any planting within this area is subject to agreement with NH’.</p>	<p>Landscape proposals are illustrated in the Outline LEMP including provision of replacement green space.</p> <p>Further work is currently being undertaken to identify all important trees and hedgerows that are likely to be impacted by the development. Additional tree surveys have been undertaken. Work is ongoing to complete Arboricultural Impact Assessments to include landscape protection measures. The Applicant is happy to discuss these issues further during the TWG’s and provide any further information required as part of the SoCG process.</p> <p>Updated Position (April 2024): The Applicant awaits SCC’s feedback on the AIA submitted at Deadline 1, noting that an updated version was submitted at Deadline 3 to address feedback from IPs received at Deadline 2.</p>	<p>Impact Assessment [REP1-026, REP1-027, REP1-028, REP1-029, REP1-030]</p> <p>ES Appendix 5.3.2 Code of Construction Practice [REP1-021]</p> <p>Code of Construction Practice Annex 6 – Outline Arboricultural and Vegetation Method Statement [REP1-023, REP1-024, REP1-025]</p>	
Mitigation and Compensation					
2.14.4.1	Approach to mitigation and compensation	<p>Approach to mitigation and compensation for all adverse landscape and visual effects including consideration of strategic green infrastructure in and around the airport.</p> <p>Updated position (Deadline 5): We are disappointed at the lack of information on detailed design for new development provided at the DCO stage; particularly for new prominent buildings such as terminal extensions and hotels, which go beyond purely functional operational airport infrastructure. Further detail is available in the</p>	<p>Maximum parameter models have been assessed for elements within the Project (where necessary) and form an appropriate level of detail required for the application (see ES Chapter 8, Table 8.7.1). A greater level of detail for landscape mitigation proposals is provided for the surface access improvements, in accordance with DMRB in ES Appendix 8.8.1, Outline LEMP. A Design and Access Statement has been prepared to provide design quality control without being too restrictive for future design stages. Publicly accessible replacement green space</p>	<p>ES Chapter 8 Landscape, Townscape and Visual Resources [APP-033]</p> <p>ES Appendix 8.8.1, Outline Landscape and Ecology</p>	Under discussion

		<p>Joint Surrey D4 response. We note that in response to D3 submissions the Applicant is considering how to incorporate a formal design review process prior to discharging specific requirements. Further detail is required on this.</p> <p>We would also re-iterate concerns previously expressed by Joint Surrey Councils and Joint West Sussex Councils regarding the numerical approach to tree and other green infrastructure losses and mitigation/compensation, which fails to suitably determine and account for the monetary and ecosystem services impacts of the losses.</p>	<p>would be created in locations at car park B and Longbridge roundabout when the temporary construction compounds are removed to compensate for any loss of green infrastructure and space, representing a benefit to the local community, Gatwick staff and visitors and biodiversity.</p> <p>Updated position (April 2024): The Applicant would welcome an updated position or response from SCC against this SoCG item, or confirmation if this item can be marked as 'agreed' or 'no longer pursuing'.</p>	<p>Management Plan [APP-113]</p> <p>Design and Access Statement Volumes 1 to 5 [APP-253 to APP-257]</p> <p>Appendix 8.8.1 Outline LEMP [REP2-021, REP2-022, REP1-023, REP2-024, REP2-025, REP2-026, REP2-027, REP2-028]</p> <p>ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment [REP1-026, REP1-027, REP1-028, REP1-029, REP1-030]</p> <p>ES Appendix 5.3.2 Code of Construction Practice [REP1-021]</p> <p>Code of Construction Practice Annex 6 – Outline Arboricultural and Vegetation Method Statement [REP1-023, REP1-024, REP1-025]</p>	
<p>Other</p> <p><i>There are no other issues relating to topic in this Statement of Common Ground.</i></p>					

2.15. Major Accidents and Disasters

2.15.1 Table 2.15 sets out the position of both parties in relation to major accidents and disasters matters.

Table 2.15 Statement of Common Ground – Major Accidents and Disasters Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
<i>There are no issues relating to Major Accidents and Disasters within this Statement of Common Ground.</i>					

2.16. Noise and Vibration

2.16.1 Table 2.16 sets out the position of both parties in relation to noise and vibration matters.

Table 2.16 Statement of Common Ground – Noise and Vibration Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
<i>There are no issues relating to the baseline for this topic within this Statement of Common Ground</i>					
Assessment methodology					
2.16.2.1	Air noise - Threshold and scope of LOAELs and SOAELs	<p>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 and other metrics should be applied to the decision processes within the project to inform impact and mitigation. In determining the LOAELs and SOAEL more recent data, including planning decisions and revised health assessment criteria need to be applied. The consideration only of the Leq metric does not represent all the effects of air noise.</p> <p>Updated position (Deadline 1): The air noise LOAEL for daytime and night-time periods are defined in national policy. Justification for the air noise SOAELs should be provided.</p> <p>Updated Position (Deadline 3): The health impact of noise is likely to be a significant under estimate of the noise impact in view of the choice of LOAELs and SOAEL. (See LIR NV4).</p> <p><u>More recent information used to calculate significance of effects.</u></p> <p>Updated position (Deadline 5): SCC maintain their position that likely significant effects are not appropriately identified by the LAeq,T metric and supplementary metrics should be used to identify likely significant effects.</p>	<p>The assessment follows current policy and guidance so that all air noise effects are assessed. The awakenings study provided in ES Appendix 14.9.2 provides additional assessment of the effects across the district.</p> <p>Updated Position (April 2024): The Applicant has provided Further explanation of the threshold levels uses in The Applicant's Response to ExQ1 - Noise and Vibration (Doc Ref 10.16)-. The Applicant believes the ES correctly identifies the likely significant effects of the Project in accordance with relevant policy and guidelines.</p>	<p>ES Appendix 14.9.2 Air Noise Modelling [APP-172]</p> <p>The Applicant's Response to ExQ1 - Noise and Vibration (Doc Ref 10.16)</p>	Not Agreed
2.16.2.2	Air noise - No attempt has been made to expand on the assessment of likely significant effects through the use of secondary noise metrics.	<p>Context is provided to the assessment of ground noise through consideration of the secondary L_{max}, overflight, L_{den} and L_{night} noise metric; however, no conclusions on how this metric relates to likely significant effects have been made so the use of secondary metrics in terms of the overall assessment of likely significant effects is unclear.</p> <p>Updated position (Deadline 1): Supplementary noise metrics should be used supplement the primary metric assessment to identify likely significant effects.</p>	<p>Paragraph 14.4.79 of the ES explains: <i>The assessment of significance is based primarily on the predicted levels and changes in the primary noise metrics and the factors described above, but additional noise metrics (the secondary noise metrics) are used to provide more detail on the changes that would arise.</i></p> <p>Updated Position (April 2024): For ground noise the change in number of L_{max} events above 65dB in the day and 60dB at night as well as comparison with ambient noise has also been used in addition to Leq levels in some cases</p>	<p>ES Chapter 14: Noise and Vibration [APP-039]</p> <p>ES Appendix 14.9.3 Ground Noise Modelling [APP-173]</p>	Not Agreed

		<p>Updated position (Deadline 5): Can the Applicant explain why their response refers to ground noise when the matter relates to air noise? SCC maintain their position that likely significant effects are not appropriately identified by the LAeq,T metric and supplementary metrics should be used to identify likely significant effects.</p>	<p>in arriving at the overall assessment of significance. For example in the Charlwood, Riverside Horley, Bonnetts Lane, and Lowfield Heath Assessment Areas as discussed in Section 8 of ES Appendix 14.9.3 Ground Noise Modelling [APP-173].</p>		
2.16.2.3	<p>Ground noise – <u>issues with the ground noise modelling and assessment</u>. The assessment of ground noise should also consider the slower transition case as per the aircraft noise assessment.</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 identified in the Central Case assessment.</p> <p>Updated Position (Deadline 3): There are issues with the ground noise modelling as discussed in the LIR.</p> <p>Production of ground noise contour maps for the assessment years as produced for air noise and road traffic noise.</p> <p>Updated position (Deadline 5): The information provided in The Applicant's Response to ExQ1 - Noise and Vibration [REP3-101] does not fully address SCC's position. Contour plots should be provided to allow better understanding of ground noise effects for each assessment year and scenario. It would be expected that LAeq and LMax contour plots are provided. LAeq contours should be provided from the LOAEL upwards in 3dB increments.</p>	<p>A sensitivity test will be undertaken for the Slower Transition Fleet case for ground noise. The results of this test will be analysed and presented in the form of a technical note that will be shared with the local authorities.</p> <p>Updated Position (April 2024): The Applicant has provided Supporting Noise and Vibration Technical Notes to Statements of Common Ground, Appendix B - Ground Noise Fleet Assessment (Doc Ref 10.13) which provides an updated assessment of ground noise with the slower transition fleet and -further details of how provision of noise insulation will be based on predicted levels.</p>	<p>Supporting Noise and Vibration Technical Notes to Statements of Common Ground, Appendix B - Ground Noise Fleet Assessment (Doc Ref 10.13) n/a</p>	Under discussion
Assessment					
2.16.3.1	<p>Air noise - Properties that are newly exposed to noise levels exceeding the SOAEL are not identified</p>	<p>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.</p> <p>Updated position (Deadline 1): This information should be provided in the ES so it is clear and understandable.</p> <p>Updated position (Deadline 5): The Applicant has not addressed this matter.</p>	<p>The increase in the population within SOAEL with the Project compared to without the Project in the noisiest year, 2032, can be seen by subtracting the population in Table 14.6.5 (baseline) from those in Table 14.9.7 (with Project). For both day and night, central case fleet and slower transition fleet this gives a population of approximately 100 people. All properties forecast to be above SOAEL with the Project in the noisiest year, 2032, with the slower transition fleet will be offered the Inner Zone noise insulation package consistent with the policy requirement to avoid significant adverse effects on health and quality of life.</p>	<p>ES Chapter 14 Noise and Vibration [APP-039]</p>	Under discussion
Mitigation and Compensation					
2.16.4.1	<p>Construction noise - Significant construction noise effects</p>	<p>Residual significant construction noise effects should be controlled through mitigation. Insulation will be provided, but it is not clear if this would be sufficient mitigation to reduce significant noise effects.</p>	<p>Paragraph 14.9.62 of ES Chapter 14 states: This assessment identifies with mitigation approximately 37 properties where significant effects could arise during daytime construction with no properties identified as likely to require noise insulation for daytime noise. These effects will</p>	<p>ES Chapter 14 Noise and Vibration [APP-039]</p>	Under discussion

		<p>Updated position (Deadline 1): Clarification is required of construction noise assessment information presented in paragraphs 14.9.5 to 14.9.12 [APP-039] as it does not seem to correlate with the identification of likely significant effects.</p> <p>Alignments and heights of noise barriers used to reduce significant noise effects should be provided and a commitment made to secure provision of noise barriers.</p> <p>Updated Position (Deadline 3): Provide more detail on noise control measures within the Code of Construction Practice as set out in the LIR (Refs. NV1, NV2 and NV3)</p> <p>Updated Position (Deadline 5): 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.</p>	<p>be mitigated as far as practicable through the measured laid out in the CoCP.</p> <p>Paragraph 14.9.63 states: For night-time construction, this assessment identified approximately ten residential properties where noise levels could be above SOAEL and noise insulation could be required to avoid significant adverse effects.</p> <p>Updated Position (April 2024): Tables 14.9.1 and 14.9.2 give only example noise levels at the 12 representative receptors in each of the 12 Receptor Areas, as shown in Figure 14.4.1, and as explained in Paragraph 14.9.5. Construction noise levels have been modelled at all building and as noted in paragraph 14.9.6 below these tables 'The assessment then provides a narrative assessment of effects at these receptors and all receptors in the relevant receptor area'.</p> <p>Paras 14.9.5 and 14.9.46 of ES Chapter 14: Noise Vibration explain that construction will be carried out in accordance with ES Appendix 5.3.2 Code of Construction Practice. Table 14.9.3 of Chapter 14, identifies relevant "Best Practical Means" measures which will be adopted. Where noise barriers have been identified as practicable they have been included within the assessment as discussed in paras 14.9.50 – 14.9.52.</p>	<p>ES Appendix 5.3.2: Code of Construction Practice (REP1-021)</p>	
<p>2.16.4.2</p>	<p>Noise envelope - Annual noise contour limits</p>	<p>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.</p> <p>Updated position (Deadline 5): 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.</p>	<p>Notwithstanding the explanation provided, annual Lden and Lnight contours are provided for baseline and with Project conditions in Section 14.6 and 14.9 of ES Chapter 14 to illustrate noise changes over the whole year including the winter months.</p> <p>Section 4 of ES Appendix 14.9.2 provides tables of annual Lden and Lnight.</p> <p>Figures 14.9.28 and 14.9.39 show annual Lden and Lnight contours.</p> <p>Para 14.9.136 to 14.9.139 discuss the changes in annual Lden and Lnight contours compared to the changes in summer season Leq 16 hr and Leq 8 hour night contours.</p>	<p>ES Chapter 14: Noise and Vibration [APP-039]</p> <p>ES Appendix 14.9.2: Air Noise Modelling [APP-172]</p> <p>ES Appendix 6.2.1: Scoping Report Part 1 [APP-092]</p> <p>ES Appendix 6.2.1: Scoping Report Part 2 [APP-093]</p>	<p>Under discussion</p>

			<p>Gatwick with the NRP will also be subject to an overall annual ATM limit of 386,000 movements.</p> <p><u>Updated Position (April 2024): The limits are set for the whole 24 hour period by using 16 hour day and 8 hour night limits, and for the 92 day summer season which is the noisiest time of year when noise impacts are greatest. The convention for assessing and controlling noise from UK airports over the 92 day summer season has been in place for many years, both in DfT policy and CAA guidance primarily because UK airports tend to be noisier in the summer months because of increased travel abroad in our holiday season and also because in the summer when it is warmer windows tend to be open more, increasing noise levels inside buildings.</u></p> <p><u>Noise levels at Gatwick are highest in the summer. ES paragraph 14.9.138 notes that summer season $L_{eq, 8 hr}$ contours are about 35% larger than annual L_{night} contours and summer season $L_{eq, 8 hr}$ night noise levels are about 1.7dB higher than annual L_{night} 8 hour noise levels.</u></p> <p><u>Annual L_{den} and L_{night} contours are provided for baseline and with Project conditions in Section 14.6 and 14.9 of ES Chapter 14 to illustrate noise changes over the whole year including the winter months. Section 4 of Appendix 14.9.2 provides tables of annual L_{den} and L_{night}. Figures 14.9.28 and 14.9.39 show annual L_{den} and L_{night} contours. Para 14.9.136 to 14.9.139 discuss the changes in annual L_{den} and L_{night} contours compared to the changes in summer season $L_{eq, 16 hr}$ and $L_{eq, 8 hr}$ night contours. Paragraph 14.9.139 concludes as follows. <i>The increase in size of the annual L_{night} contours in 2032 due to the Project compared to the 2032 base is 11-12%, which is slightly larger than the increase in the summer $L_{eq, 8 hr}$ noise contours of 9%. The increase in area of the annual day evening night L_{den} noise levels due to the Project in 2032 compared to the 2032 base is 17% which is the same as the increase in the summer daytime $L_{eq, 16 hr}$ 51 dB contours in 2032. Overall, this suggests that any seasonality in the way the extra capacity delivered by the Project is used has little effect on noise levels across seasons.</i> The Applicant therefore concludes that there is no need to add annual noise contour limits to limit noise impacts, and adding annual noise contours limits to the Noise Envelope would add complexity that is not necessary to meet the purpose.</u></p>	ES Chapter 4: Existing Site and Operation [APP-029]	
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<p>2.16.4.3</p>	<p>Noise envelope - Flexibility of noise contour area limits to account for airspace redesign and future aircraft technology</p>	<p>GAL wants flexibility to increase noise contour area limits depending on airspace redesign and noise emissions 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.</p> <p>Updated position (Deadline 1): There should be no allowance for Noise Envelope limits to increase to give certainty to local communities on future noise levels.</p> <p>Updated position (Deadline 5): SCC maintain their position on this matter. Airspace changes should be able to occur within the constraints of the Noise Envelope.</p>	<p>The Noise Envelope provides certainty for the periods which it is set in accordance with CAP1129. The noise envelope should reflect evidence of the improvements in average fleet noise performance over time and should not function to prevent airlines serving changing markets or introducing new carbon-efficient aircraft. There may also be extraordinary circumstances in which it could be necessary to review the noise envelope limits upwards. These points are fully as described in Sections 6.3 to 6.7 of the Noise Envelope.</p> <p>Any change to the noise envelope would require a formal review following the processes laid out in Section 8, including consultation and approval of the Secretary of State.</p> <p>Updated Position (April 2024): The council requests 'There should be no increase in noise limit from the 2019 baseline noise contour areas'. ES Chapter 14: Noise and Vibration [APP-039] paragraphs 14.2.40 to 14.2.48 describe the government's latest policy statement of aviation noise <i>Policy Paper, Overarching Aviation Noise Policy, DfT, March 2023</i>. This includes the following: <i>We consider that "limit, and where possible reduce" remains appropriate wording. An overall reduction in total adverse effects is desirable, but in the context of sustainable growth an increase in total adverse effects may be offset by an increase in economic and consumer benefits. Thus, current government policy allows increases in noise, as is inevitable in the year the runway opens, and in terms of contours areas is forecast above the 2019 baseline for daytime noise, but not night-time noise.</i></p> <p>The policy statement goes on: <i>In circumstances where there is an increase in total adverse effects, "limit" would mean to mitigate and minimise adverse effects, in line with the Noise Policy Statement for England.</i></p> <p>The policy recognises that growth may increase noise impacts and that this increase may be offset by an increase in economic and consumer benefits. It also places increased emphasis on mitigation in such cases. The Project proposes an appropriate range of mitigation measures, in addition to the existing controls that will</p>	<p>ES Appendix 14.9.7 The Noise Envelope [APP-177]</p> <p>ES Chapter 14: Noise and Vibration [APP-039]</p>	<p>Not Agreed</p>
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			<p>continue in connection with the operation of the airport, and this includes a substantially improved Noise Insulation Scheme (NIS), as discussed in Section 14.9, in line with the Noise Policy Statement for England.</p> <p>The Applicant has also provided further explanation of the analysis of sharing the benefits in response to Examining Authority's question NV.1.9 in The Applicant's Response to ExQ1 - Noise and Vibration (Doc Ref 10.16) which concludes: Following the same methodology, the GAL analysis showed that in 2038 when the Noise Envelope limits reduce, compared to the future 2038 baseline the degree of sharing the benefits would be 50% to the industry (as growth) and 50% to the community (as noise reduction) when measured in terms of the area of the day LOAEL with the Slower Transition Fleet. For night-time the degree of sharing the benefits would be 34% to the industry (as growth) and 66% to the community (as noise reduction). It was noted that in the early years after opening noise increases and there is a smaller benefit to the community</p>		
2.16.4.4	Noise envelope - CAA to regulate the Noise Envelope; mechanism needed to involve the relevant local authorities in regulation	<p>To date, the CAA have not accepted a role regulating the Noise Envelope. 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.</p> <p>Updated position (Deadline 1): The Host Authorities should be part of an independent group set up to regulate the Noise Envelope.</p> <p>Updated Position (Deadline 3):</p> <p>A mechanism should be included to allow local the host authorities to have a role in scrutinising Noise Envelope reporting, enforcing limit breaches or reviewing any aspects of the Noise Envelope, and take action in the case of any breaches This should be secured as part of an environmentally managed growth approach - see Ref 31</p> <p>Updated position (Deadline 5): SCC maintain their position that the joint local authorities should be part of-a Noise Envelope scrutiny group and any supporting technical group.</p> <p>:</p>	<p>During consultation with the TWGs and the Noise Envelope Group (NEG) in summer 2022 the local authorities were consulted on the concept and make-up of a "Review Body" which would review and approve the outputs from the noise envelope when it becomes active. GAL's proposal for a sub-committee of GATCOM was opposed by the LPAs. The suggestion of having Local Authorities as the "Review Body" was also discussed during the NEG meetings and there was concern on the part of Community Representatives regarding there being a conflict of interest between economic benefit in that some councils receive money from the Airport as part of the S106 agreement but are impacted little by the noise from airlines using the airport. There was no clear resolution on the issue within the NEG and GAL subsequently decided that the CAA would be best placed to perform the function of Independent Reviewer as explained in the The Noise Envelope. The Local Authorities can monitor the outputs of the review process and in the case of a breach take enforcement action as appropriate.</p>	ES Appendix 14.9.7 The Noise Envelope [APP-177]	Not Agreed
2.16.4.5	Noise envelope - Adoption of an action plan	<p>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.</p>	<p>As described in ES Appendix 14.9.7: The Noise Envelope, each year an Annual Monitoring and Forecasting Report will be required to not only report monitoring of last year's performance against the Noise Envelope limits but to</p>	ES Appendix 14.9.7: The Noise Envelope [APP-177]	Not Agreed

		<p>Updated position (Deadline 1): Capacity restrictions are not sufficient to prevent potential breaches and slot restriction measures should be adopted.</p> <p>Updated Position (Deadline 3): This should be secured as part of an environmentally managed growth approach.</p> <p>Updated position (Deadline 5): SCC maintain their position.</p>	<p>forecast compliance 5 years ahead, so that noise control measures can be planned and implemented in advance. The Noise Envelope, in Section 7.3, puts restrictions of further capacity declaration in the event that an exceedance of the noise envelope is forecast. The approach ensures action is taken in a timely manner to require compliance, with the sufficient threat of capacity restrictions if a breach is not remedied through the action plan measures within a reasonable time period. This strikes an appropriate fair balance, for the in the unlikely event of actual breach taking into account the purposefully forward-looking nature of the annual monitoring and forecasting approach.</p> <p>Updated Position (April 2024): The noise envelope covers the busiest three months of the year at which there is currently little available capacity and close to 100% slot utilisation over the operational day. From the point that the noise envelope is introduced, GAL will treat the noise envelope limits as a scheduling constraint such that there will be a link formed between it and the capacity declaration. The allocation of new slots in any year is predicated on the take-up of those slots not resulting in an exceedance of the noise envelope. The ATM forecast will be processed through the noise model to check it meets the noise envelope limit for the forecast capacity before the slots are allocated. This should ensure the subsequent allocation and take-up of those slots within the capacity declaration will not result in a forecasted exceedance of the noise envelope limits. It is anticipated that actual performance will track well to forecast performance, particularly as those are refined against one another over time through the production of the Annual Monitoring and Forecasting Reports, and this proposal is therefore considered to be the most effective method to prevent breaches arising</p>		
2.16.4.6	Noise envelope - Two consecutive breaches to occur before capacity declaration restrictions	<p>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.</p> <p>Updated position (Deadline 1): Capacity restrictions are not sufficient to prevent potential breaches and slot restriction measures should be adopted.</p>	<p>As described in ES Appendix 14.9.7: The Noise Envelope, each year an Annual Monitoring and Forecasting Report will be required to not only report monitoring of last year's performance against the Noise Envelope limits but to forecast compliance 5 years ahead, so that noise control measures can be planned and implemented in advance. The Noise Envelope, in Section 7.3, puts restrictions of further capacity declaration in the event that an exceedance of the noise envelope is forecast. The approach ensures action is</p>	ES Appendix 14.9.7: The Noise Envelope [APP-177]	Not Agreed

		<p>Updated Position (Deadline 3): This should be secured as part of an environmentally managed growth approach —</p> <p>Updated position (Deadline 5): SCC maintain their position</p>	<p>taken in a timely manner to require compliance, with the sufficient threat of capacity restrictions if a breach is not remedied through the action plan measures within a reasonable time period. This strikes an appropriate fair balance, for the in the unlikely event of actual breach taking into account the purposefully forward-looking nature of the annual monitoring and forecasting approach.</p> <p>Updated Position (April 2024): Please see the response immediately above that addresses capacity release.</p>		
2.16.4.7	Noise envelope - Prevention of breaches	<p>No details are provided on what kind of actions are proposed to achieve compliance in the event of a forecast breach.</p> <p>Updated position (Deadline 1): There is concern that, if a breach is identified in a previous year, it would be two years after the breach before any action could be implemented. Capacity restrictions are not sufficient to prevent potential breaches and slot restriction measures should be adopted.</p> <p>Updated Position (Deadline 3): 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.</p> <p>Details on actions to be adopted to prevent a breach should be provided as part of an environmentally managed growth approach</p> <p>Updated position (Deadline 5): SCC maintain their position</p>	<p>Some of the noise management measures available are discussed in Section 2 of ES Appendix 14.9.2 Air Noise Modelling, and Section 7 of the Noise Envelope describes restrictions on capacity declaration as a result of the noise envelope.</p> <p>Updated Position (April 2024): Please see responses above. The Applicant will develop the forecasting process and report in the year before dual runway commences to provide reassurance that the process is on place and working as planned before operations begin.</p> <p>The position put forward is also not agreed to. A key element of the Noise Envelope approach, which is absent from other examples, is the use of future forecasting and the correlation of this with actual performance, so as to identify breaches before they arise and prevent them, including preventing the release of further capacity until measures have been identified which result in a forecast that does not predict any breach. It is a very robust approach.</p>	<p>ES Appendix 14.9.2 Air Noise Modelling [APP-172]</p> <p>ES Appendix 14.9.7 The Noise Envelope [APP-177]</p>	Not Agreed
2.16.4.8	Noise envelope - Prevention of breaches	<p>Adoption of thresholds that prompt action before a limit breach occurs would provide confidence in the noise envelope.</p> <p>Updated position (Deadline 1): Thresholds should be adopted so action can be taken if they are breached to prevent limits being breached.</p> <p>Updated Position (Deadline 3): 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</p>	<p>As described in ES Appendix 14.9.7: The Noise Envelope, each year an Annual Monitoring and Forecasting Report will be required to not only report monitoring of last year's performance against the Noise Envelope limits but to forecast compliance 5 years ahead, so that noise control measures can be planned and implemented in advance. The Noise Envelope, in Section 7.3, puts restrictions of further capacity declaration in the event that an exceedance of the noise envelope is forecast. The approach ensures action is taken in a timely manner to require compliance, with the sufficient threat of capacity restrictions if a breach is not remedied through the action plan measures within a</p>	<p>ES Appendix 14.9.7: The Noise Envelope [APP-177]</p>	Not Agreed

		<p>limit breach occurs and forward looking noise budgets should be used to ensure that the noise envelope is not breached.</p> <p>A set of thresholds that trigger preventative action and require forward looking noise budgets to prevent breaches of limits should be included</p> <p>Updated position (Deadline 5): SCC maintain their position. There is no evidence that forecasts can reliably predict what actually happens in reality. Noise controls should have a forward-looking component that can be applied during scheduling to provide confidence that noise limits would not be exceeded.</p>	<p>reasonable time period. This strikes an appropriate fair balance, for the in the unlikely event of actual breach taking into account the purposefully forward-looking nature of the annual monitoring and forecasting approach.</p> <p>Updated Position (April 2024): The Noise Envelope proposed does not include trigger levels, because unlike the Luton proposal it requires forecasts five years ahead to demonstrate future compliance, rather than being backward looking. This will mean that each year it will be possible to correlate actual performance with forecasted performance, to understand the accuracy of forecasts and to best predict when any breach may occur and ensure steps are taken to address this before it occurs. In addition, to ensure the proposed forecasting process is developed and is robust before the project commences operation the Applicant will carry out the noise contour forecasting and provide the first Annual Monitoring and Forecasting Report in the year before commencement of dual runway operations. Updates will be made to the DCO and the Noise Envelope Document as necessary to confirm this latter point.</p>		
2.16.4.9	Noise envelope - Capacity declaration restrictions as a means of managing aircraft noise	<p>This would not prevent new slots being allocated within the existing capacity and is not an effective means of preventing future noise contour limit breaches if a breach occurred in the previous year.</p> <p>Updated position (Deadline 1): Capacity restrictions are not sufficient to prevent potential breaches and slot restriction measures should be adopted.</p> <p>Updated Position (Deadline 3): thresholds and forward looking noise budgets should be used to control the allocation of slots to ensure that the noise envelope is not breached. Included as part of an environmentally managed growth approach and secured through DCO requirements.</p> <p>Updated position (Deadline 5): SCC maintain their position. There is no evidence that forecasts can reliably predict what actually happens in reality. Noise controls should have a forward-looking component that can be applied during scheduling to provide confidence that noise limits would not be exceeded.</p>	<p>As described in ES Appendix 14.9.7: The Noise Envelope, each year an Annual Monitoring and Forecasting Report will be required to not only report monitoring of last year's performance against the Noise Envelope limits but to forecast compliance 5 years ahead, so that noise control measures can be planned and implemented in advance. The Noise Envelope, in Section 7.3, puts restrictions of further capacity declaration in the event that an exceedance of the noise envelope is forecast. The approach ensures action is taken in a timely manner to require compliance, with the sufficient threat of capacity restrictions if a breach is not remedied through the action plan measures within a reasonable time period. This strikes an appropriate fair balance, for the in the unlikely event of actual breach taking into account the purposefully forward-looking nature of the annual monitoring and forecasting approach.</p>	ES Appendix 14.9.7: The Noise Envelope [APP-177]	Not Agreed
2.16.4.10	Noise insulation scheme - How would the scheme roll out	<p>How would the noise insulation scheme prioritise properties for provision of insulation.</p>	<p>Paragraph 4.1.10 and 4.1.11 of ES Appendix 14.9.10 outline the process to prioritise the scheme with the Inner Zone first. Further detail on implementation of the NIS is</p>	ES Appendix 14.9.10 Noise Insulation Scheme [APP-180]	Under discussion

		<p>Updated position (Deadline 1): Details of the noise insulation roll out should be provided including a market test the availability of contractors and insulation materials.</p> <p>Updated Position (Deadline 3): 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.</p> <p>Provide details on 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</p> <p>Updated position (Deadline 5): The Applicant should provide evidence through a market test regarding the availability of contractors and insulation materials to meet the proposed roll out.</p>	<p>being prepared and will be shared with the TWG. Further prioritisation will use higher noise level bands to implement the scheme to those most affected first, albeit it is considered that there is sufficient time for all properties in the inner zone to receive noise insulation before operations commence.</p> <p>Paragraph 4.1.13 of ES Appendix 14.9.10 explains: We propose to base the new NIS on the worst-case end of this range, associated with the Slow Transition Fleet. As such, we propose to use the forecast 2032 Leq contour area to set the geographical boundary for our enhanced NIS.</p> <p>The noise insulation package offered in the Outer zone will be acoustic ventilators, and acoustic glazing where necessary to upgrade single glazing, to noise sensitive rooms. There will be some flexibility as to how the package is decided.</p> <p>Paragraphs 5.1.1 and 5.1.2 of ES Appendix 14.9.10 outline the noise insulation scheme for schools, and the kind of measures that will be offered, noting that details will be developed on a case by case basis. The scheme is intended only for community buildings that are sensitive to noise because they are used for teaching.</p> <p>Paragraph 4.1.11 of ES Appendix 14.9.10 explains how eligibility for the Inner Zone noise insulation scheme will if necessary be extended by measurement of cumulative ground and air noise. Two small areas are noted as possible candidates but the vast majority of eligibility will be clear from air noise contours with the option to extend this if noise disturbance is reported by residents beyond. Measurements would be carried out by installing noise monitoring equipment in the relevant area.</p> <p>Updated Position (April 2024): The Applicant has provided further details of how provision of noise insulation will be prioritised and programmed in ES Appendix 14.9.10 Noise Insulation Scheme Update Note [REP2-032]. The Noise Insulation Scheme will be updated and resubmitted to the Examining Authority incorporating these additions. The Applicant has considered the speed at which the scheme can be rolled out. In 2015 a single contractor delivered the current scheme to 418 homes, and the</p>	<p>ES Appendix 14.9.10 Noise Insulation Scheme Update Note [REP2-032]</p>	
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			Applicant is confident the new scheme can be delivered, if necessary, using multiple contractors.		
2.16.4.11	Noise insulation scheme - How would properties be eligible Eligibility	<p>Residents of properties within the inner zone will be notified within 6 months of commencement of works; however, it is not clear what noise contours eligibility would be based upon</p> <p>Updated Position (Deadline 3): The air noise insulation scheme is only based on average Leq contours rather than single mode contours and is confined to Leq metrics.</p> <p>The scheme must reflect the on the-day noise experience of residents and this is better represented by single mode contours and additional metrics (see LIR Ref. NV5).</p> <p>Updated Position (Deadline 5): SCC maintain their position that eligibility should be based on single mode contours and additional metrics and not standard mode contours as the Applicant proposes (see LIR Re.NV5).</p>	<p>Paragraph 4.1.10 and 4.1.11 of ES Appendix 14.9.10 outline the process to prioritise the scheme with the Inner Zone first. Further detail on implementation of the NIS is being prepared and will be shared with the TWG. Further prioritisation will use higher noise level bands to implement the scheme to those most affected first, albeit it is considered that there is sufficient time for all properties in the inner zone to receive noise insulation before operations commence.</p> <p>Paragraph 4.1.13 of ES Appendix 14.9.10 explains: We propose to base the new NIS on the worst-case end of this range, associated with the Slow Transition Fleet. As such, we propose to use the forecast 2032 Leq contour area to set the geographical boundary for our enhanced NIS.</p> <p>The noise insulation package offered in the Outer zone will be acoustic ventilators, and acoustic glazing where necessary to upgrade single glazing, to noise sensitive rooms. There will be some flexibility as to how the package is decided.</p> <p>Paragraphs 5.1.1 and 5.1.2 of ES Appendix 14.9.10 outline the noise insulation scheme for schools, and the kind of measures that will be offered, noting that details will be developed on a case by case basis. The scheme is intended only for community buildings that are sensitive to noise because they are used for teaching.</p> <p>Paragraph 4.1.11 of ES Appendix 14.9.10 explains how eligibility for the Inner Zone noise insulation scheme will if necessary be extended by measurement of cumulative ground and air noise. Two small areas are noted as possible candidates but the vast majority of eligibility will be clear from air noise contours with the option to extend this if noise disturbance is reported by residents beyond. Measurements would be carried out by installing noise monitoring equipment in the relevant area.</p> <p>Updated Position (April 2024): With regards single mode contours, this issue has been discussed in the Topic</p>	ES Appendix 14.9.10 Noise Insulation Scheme [APP-180]	Under discussion

[Working Group Meetings](#). GAL responded to a technical note issued on behalf of Local Authorities on 6th January 2023 in relation to noise metrics. The response was circulated to Local Authorities on 3rd February 2023 as part of papers for Noise TWG 4 of 8th February 2023. The issue is addressed directly on page 374 of ES Appendix 14.9.9: [Report on Engagement on the Noise Envelope](#).

[Leq 16 hr and Leq 8 hour are defined as average modal split by DfT when defining LOAEL](#). This is because long term noise effects such as annoyance and sleep disturbance are not determined by either noise levels on westerly operating days or by noise levels on easterly operating days, but by the combination of both as experienced in the relevant proportions over the long term. [CAP 1506 Survey of Noise Attitudes 2014: Aircraft Noise and Annoyance, Second Edition, July 2021](#) concludes: that “Practically, this means that single-mode contours are unsuitable for decision making, but that they may be helpful for portraying exposure and changes to exposure. Of the average-day modes, the existing 92-day summer average mode was found to correlate better than shorter average modes. There was therefore no evidence found to support a change from the current practice of basing LAeq,16h on an average summer day.”

[Single mode noise contours would not provide an appropriate representation of noise effects](#). However, GAL has issued information in the ES on noise levels on easterly and westerly days, because this may be helpful in illustrating changes in exposure. For this GAL chose 7 [Community Representative Locations](#) (See ES Figure 14.9.1) as described in para 14.9.150 and 14.9.151 of the **ES Chapter 14: Noise and Vibration**. Paras 14.9.152 to 14.9.158 of ES Chapter 14 describe the noise changes that the NRP will produce, including on easterly days and westerly days, using the data in terms of Leq, 16 hr, Leq 8 hr, N65, and N60 for average mode, westerly mode and easterly mode provided for 2032 with the Project, the 2032 base and 2019 base, for the central case and slower transition fleet in 14 tables 4.2.1 to 4.2.14 of ES Appendix 14.9.2: [Air Noise Modelling](#).

[If 100% easterly contours were generated and reported they would extend further to the East than average mode](#)

			<p>contours. Likewise, if 100% westerly contours were generated and reported they would extend further to the West than average mode contours. If adopted for a noise insulation scheme as suggested these two additional areas to the East and West would be included. The additional area to the East would be within the combined 100% model split contours roughly 30% of the summer 92-day period, i.e. on average 28 days. The additional area to the West would be within the 100% model split contours roughly 70% of the summer 92-day period, i.e. on average 64 days. It would be inequitable to offer a noise insulation package to the additional area to the West and so the additional area to the East that is within the noise level 2.3 times less often.</p>		
<p>2.16.4.12</p>	<p>Noise insulation scheme - Provision of different types of noise insulation, ongoing maintenance/replacement and addressing overheating</p>	<p>Is noise insulation in the Outer Zone restricted to ventilators or will the occupier have flexibility to make alternative insulation improvements? Ongoing maintenance costs should not be borne by the householder.</p> <p>Updated position (Deadline 1): Ventilators do not deal with the issue of overheating, which would occur if windows are required to be closed to achieve good acoustic conditions.</p> <p>Updated Position (Deadline 3): 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>Updated position (Deadline 5): 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 SCC deem as not sufficient.</p>	<p>Paragraph 4.1.10 and 4.1.11 of ES Appendix 14.9.10 outline the process to prioritise the scheme with the Inner Zone first. Further detail on implementation of the NIS is being prepared and will be shared with the TWG. Further prioritisation will use higher noise level bands to implement the scheme to those most affected first, albeit it is considered that there is sufficient time for all properties in the inner zone to receive noise insulation before operations commence.</p> <p>Paragraph 4.1.13 of ES Appendix 14.9.10 explains: We propose to base the new NIS on the worst-case end of this range, associated with the Slow Transition Fleet. As such, we propose to use the forecast 2032 Leq contour area to set the geographical boundary for our enhanced NIS.</p> <p>The noise insulation package offered in the Outer zone will be acoustic ventilators, and acoustic glazing where necessary to upgrade single glazing, to noise sensitive rooms. There will be some flexibility as to how the package is decided.</p> <p>Paragraphs 5.1.1 and 5.1.2 of ES Appendix 14.9.10 outline the noise insulation scheme for schools, and the kind of measures that will be offered, noting that details will be developed on a case by case basis. The scheme is intended only for community buildings that are sensitive to noise because they are used for teaching.</p> <p>Paragraph 4.1.11 of ES Appendix 14.9.10 explains how eligibility for the Inner Zone noise insulation scheme will if</p>	<p>ES Appendix 14.9.10 Noise Insulation Scheme [APP-180]</p>	<p>Under discussion</p>

			<p>necessary be extended by measurement of cumulative ground and air noise. Two small areas are noted as possible candidates but the vast majority of eligibility will be clear from air noise contours with the option to extend this if noise disturbance is reported by residents beyond. Measurements would be carried out by installing noise monitoring equipment in the relevant area.</p> <p>Updated Position (April 2024): The Applicant has provided further details of the provision of noise insulation including the specification of acoustic ventilators to reduce overheating in 5.3 ES Appendix 14.9.10 Noise Insulation Scheme Update Note [REP2-032] and these change and other changes will be included in a revised NIS submitted to the Examining Authority.</p>		
2.16.4.13	Noise insulation scheme - Measurement of ground noise to identify eligibility	<p>It is unclear how noise monitoring would be undertaken to determine eligibility through cumulative ground and air noise.</p> <p>Updated position (Deadline 1): Two locations are mentioned for monitoring, but there is no information regarding how other locations be screened for monitoring. No information is provided on what the trigger for noise monitoring would be. Properties that may experience cumulative levels of air and ground noise that would include them in the NIS Outer Zone should be monitored and offered an insulation package.</p> <p>Updated Position (Deadline 3): 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.</p> <p>Houses that need insulation should be identified prior to the commencement of the project opening (currently 2029) and insulated, not after the project has opened.</p> <p>Updated position (Deadline 5): The Applicant should provide evidence through a market test regarding the availability of contractors and insulation materials to meet the proposed roll out. Properties in the ground noise outer zone should qualify for insulation. Details should be provided on the process of monitoring eligibility for ground noise compensation and the triggers for noise monitoring</p>	<p>Paragraph 4.1.10 and 4.1.11 of ES Appendix 14.9.10 outline the process to prioritise the scheme with the Inner Zone first. Further detail on implementation of the NIS is being prepared and will be shared with the TWG. Further prioritisation will use higher noise level bands to implement the scheme to those most affected first, albeit it is considered that there is sufficient time for all properties in the inner zone to receive noise insulation before operations commence.</p> <p>Paragraph 4.1.13 of ES Appendix 14.9.10 explains: We propose to base the new NIS on the worst-case end of this range, associated with the Slow Transition Fleet. As such, we propose to use the forecast 2032 Leq contour area to set the geographical boundary for our enhanced NIS.</p> <p>The noise insulation package offered in the Outer zone will be acoustic ventilators, and acoustic glazing where necessary to upgrade single glazing, to noise sensitive rooms. There will be some flexibility as to how the package is decided.</p> <p>Paragraphs 5.1.1 and 5.1.2 of ES Appendix 14.9.10 outline the noise insulation scheme for schools, and the kind of measures that will be offered, noting that details will be developed on a case by case basis. The scheme is intended only for community buildings that are sensitive to noise because they are used for teaching.</p>	<p>ES Appendix 14.9.10 Noise Insulation Scheme [APP-180]</p> <p>ES Appendix 14.9.10 Noise Insulation Scheme Update Note [REP2-032]</p> <p>Supporting Noise and Vibration Technical Notes to Statements of Common Ground, Appendix B - Ground Noise Fleet Assessment (Doc Ref 10.13)</p>	Under discussion

			<p>Paragraph 4.1.11 of ES Appendix 14.9.10 explains how eligibility for the Inner Zone noise insulation scheme will if necessary be extended by measurement of cumulative ground and air noise. Two small areas are noted as possible candidates but the vast majority of eligibility will be clear from air noise contours with the option to extend this if noise disturbance is reported by residents beyond. Measurements would be carried out by installing noise monitoring equipment in the relevant area.</p> <p><u>Updated Position (April 2024): The Applicant has provided further details of how provision of noise insulation will be prioritised and programmed in ES Appendix 14.9.10 Noise Insulation Scheme Update Note [REP2-032]. Further details of properties qualifying for noise insulation due to ground noise and how this will be provided before the predicted noise impacts arise is given in Supporting Noise and Vibration Technical Notes to Statements of Common Ground, Appendix B - Ground Noise Fleet Assessment (Doc Ref 10.13). The Noise Insulation Scheme will be updated and resubmitted to the Examining Authority incorporating these additions.</u></p>		
2.16.4.14	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>Updated position (Deadline 1): Response does not address the stakeholder position.</p> <p><u>Updated position (Deadline 5): The following questions are made with reference to ES Appendix 14.9.10 Noise Insulation Scheme Update Note [REP2-032]:</u></p> <ul style="list-style-type: none"> <u>How will it be determined if the acoustic performance of insulation has significantly reduced?</u> <u>What is considered to be a significant reduction in performance?</u> <u>How would the Applicant judge whether external doors provide at least 5dB(A) less sound attenuation than acoustic windows?</u> <u>How would the Applicant judge whether ceilings of bedrooms provide at least 5dB(A) less sound attenuation than acoustic windows?</u> <u>Why is 5dB(A) or less chosen as a trigger level?</u> 	<p>Paragraph 4.1.10 and 4.1.11 of ES Appendix 14.9.10 outline the process to prioritise the scheme with the Inner Zone first. Further detail on implementation of the NIS is being prepared and will be shared with the TWG. Further prioritisation will use higher noise level bands to implement the scheme to those most affected first, albeit it is considered that there is sufficient time for all properties in the inner zone to receive noise insulation before operations commence.</p> <p>Paragraph 4.1.13 of ES Appendix 14.9.10 explains: We propose to base the new NIS on the worst-case end of this range, associated with the Slow Transition Fleet. As such, we propose to use the forecast 2032 Leq contour area to set the geographical boundary for our enhanced NIS.</p> <p>The noise insulation package offered in the Outer zone will be acoustic ventilators, and acoustic glazing where necessary to upgrade single glazing, to noise sensitive rooms. There will be some flexibility as to how the package is decided.</p>	<p>ES Appendix 14.9.10 Noise Insulation Scheme [APP-180]</p> <p><u>ES Appendix 14.9.10 Noise Insulation Scheme Update Note [REP2-032]</u></p>	Under discussion

			<p>Paragraphs 5.1.1 and 5.1.2 of ES Appendix 14.9.10 outline the noise insulation scheme for schools, and the kind of measures that will be offered, noting that details will be developed on a case by case basis. The scheme is intended only for community buildings that are sensitive to noise because they are used for teaching.</p> <p>Paragraph 4.1.11 of ES Appendix 14.9.10 explains how eligibility for the Inner Zone noise insulation scheme will if necessary be extended by measurement of cumulative ground and air noise. Two small areas are noted as possible candidates but the vast majority of eligibility will be clear from air noise contours with the option to extend this if noise disturbance is reported by residents beyond. Measurements would be carried out by installing noise monitoring equipment in the relevant area.</p> <p>Updated Position (April 2024): The Applicant has provided further details of how provision of noise insulation will be assessed in ES Appendix 14.9.10 Noise Insulation Scheme Update Note [REP2-032] that explains how properties in the Inner Zone will be assessed.</p>		
2.16.4.15	Noise insulation scheme - Noise insulation for community buildings	<p>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.</p> <p>Updated position (Deadline 1): Response does not address the stakeholder query.</p> <p>Updated position (Deadline 5): The inclusion of schools in the noise insulation scheme is welcomed; however, SCC's position is that all community buildings that are sensitive to noise should qualify for insulation.</p>	<p>The incu Paragraph 4.1.10 and 4.1.11 of ES Appendix 14.9.10 outline the process to prioritise the scheme with the Inner Zone first. Further detail on implementation of the NIS is being prepared and will be shared with the TWG. Further prioritisation will use higher noise level bands to implement the scheme to those most affected first, albeit it is considered that there is sufficient time for all properties in the inner zone to receive noise insulation before operations commence.</p> <p>Paragraph 4.1.13 of ES Appendix 14.9.10 explains: We propose to base the new NIS on the worst-case end of this range, associated with the Slow Transition Fleet. As such, we propose to use the forecast 2032 Leq contour area to set the geographical boundary for our enhanced NIS.</p> <p>The noise insulation package offered in the Outer zone will be acoustic ventilators, and acoustic glazing where necessary to upgrade single glazing, to noise sensitive</p>	<p>ES Appendix 14.9.10 Noise Insulation Scheme [APP-180]</p> <p>The Applicant's Response to ExQ1 - Noise and Vibration (Doc Ref 10.16)</p>	Under discussion

			<p>rooms. There will be some flexibility as to how the package is decided.</p> <p>Paragraphs 5.1.1 and 5.1.2 of ES Appendix 14.9.10 outline the noise insulation scheme for schools, and the kind of measures that will be offered, noting that details will be developed on a case by case basis. The scheme is intended only for community buildings that are sensitive to noise because they are used for teaching.</p> <p>Paragraph 4.1.11 of ES Appendix 14.9.10 explains how eligibility for the Inner Zone noise insulation scheme will if necessary be extended by measurement of cumulative ground and air noise. Two small areas are noted as possible candidates but the vast majority of eligibility will be clear from air noise contours with the option to extend this if noise disturbance is reported by residents beyond. Measurements would be carried out by installing noise monitoring equipment in the relevant area.</p> <p>Updated Position (April 2024): Paragraphs 5.1.1 and 5.1.2 of ES Appendix 14.9.10 outline the noise insulation scheme for schools, and the kind of measures that will be offered, noting that details will be developed on a case by case basis. The scheme is intended only for community buildings that are sensitive to noise because they are used for teaching. In response to the Examining Authority’s question NV.1.19 the Applicant has confirmed this will include rooms used for teaching in Nurseries, see The Applicant’s Response to ExQ1 - Noise and Vibration (Doc Ref 10.16).</p> <p>Paragraphs 14.9.159 to 14.9.161 of the ES consider the significance of noise impacts on community buildings, reporting the noise changes predicted and concludes that effects would be negligible or minor and not significant. So mitigation through noise insulation is not required.</p>		
2.16.4.16	Noise insulation scheme - Properties that have already received insulation	<p>It is not clear if properties that have already received insulation would be eligible for upgraded noise insulation as part of the new scheme.</p> <p>Updated position (Deadline 5): It would be helpful if the Applicant could direct to the appropriate section of [REP4-018].</p>	<p>That is the case. An appendix to the NIS will be provided giving further details on its implementation and clarifying this.</p> <p>Updated Position (April 2024): The Applicant has provided further details of how provision of noise insulation including confirmation that properties that</p>	<p>ES Appendix 14.9.10 Noise Insulation Scheme Update Note [REP2-032].n/a</p>	Under discussion

			have taken the current scheme will be eligible in ES Appendix 14.9.10 Noise Insulation Scheme Update Note [REP2-032].		
2.16.4.17	Noise Envelope	<p>The Noise Envelope design process did not follow best practice guidance set out in CAP1129 or good practice from other airports. SCC would have expected local authorities and stakeholder groups to have been involved in the envelope design from the outset and prior to the statutory consultation in September 2021, with the process of examining all noise envelope options, metrics and limits from a first principles basis. The Civil Aviation Authority (CAA) recognises the potential need for independent, technical advisory third parties to assist stakeholders to reach agreement, but there was no such involvement at Gatwick.</p> <p>Updated position (Deadline 1): The Noise Envelope in its current state is not policy compliant and is not fit for purpose.</p> <p>Updated position (Deadline 5): SCC maintain their position on this matter.</p>	<p>The noise envelope proposed in the DCO follows the guidance provided in CAP1129 including the need to consult on its development. ES Appendix 14.9.9 Report on Engagement on the Noise Envelope provides an account of the 12 two-hour meetings dedicated to the Noise Envelope Group process that were held between 26 May and 11 October 2022 between the airport and stakeholders. It also provides copies of the considerable volume of written material that was exchanged between the airport and the Noise Envelope Group stakeholder during this consultation. A summary of wider consultation undertaken since 2019 is provided at Section 4.2 of ES Appendix 14.9.7 The Noise Envelope. The local authorities have employed AECOM to provide them with independent expert advice on aircraft noise using funding provided by GAL.</p>	<p>ES Appendix 14.9.9 Report on Engagement on the Noise Envelope [AS-023]</p> <p>Section 4.2 of ES Appendix 14.9.7 The Noise Envelope [APP-177]</p>	Not Agreed
2.16.4.18	Noise Envelope	<p>It must be demonstrated how the noise benefits of future aircraft technology are shared between the airport and local communities, as required in the Aviation Policy Framework.</p> <p>Updated position (Deadline 1): Sharing the benefits has not been removed from national aviation policy. GAL do not share any noise benefits from new aircraft technology up to and around 2029 in the slower transition fleet case.</p> <p>Updated position (Deadline 5): The Applicant's method for sharing the benefits is flawed as it allows for a substantial increase in noise contour area in the 2032 daytime period over the 2019 baseline. It is hard to understand how it can be justified that any benefits have been shared with the local community in this case.</p>	<p>Paragraph 14.2.44 described how the reference to Sharing the Benefits of aircraft noise emission reduction has been removed from the government's Overarching Aviation policy Statement in March 2023. We consulted on sharing the benefits through our Noise Envelope Group in summer 2022.</p> <p>An illustration of sharing the benefits was discussed and is reported in pages 165 to 175 of ES Appendix 14.9.9: Report on Engagement on the Noise Envelope.</p> <p>As communicated previously, GAL does not control airline fleet procurement and the airport sits within well-defined existing regulatory frameworks governing noise management, airport charges, slots and the requirement to consult on noise related actions which could be operating restrictions. Airline feedback to the Noise Envelope Group also explained that many factors can influence fleet procurement, some of which could be outside of the airlines' control. The York Aviation review of the PEIR for the Local Authorities noted 'We consider that the fleet mix assumed in the Central Case for assessment is somewhat optimistic, particularly in the early years given the deferral of aircraft orders that has occurred during the pandemic, but that the Slower Transition Case represents a robust worst case'.</p>	<p>ES Appendix 14.9.5 Air Noise Envelope Background [APP-175]</p> <p>The Applicant's Response to ExQ1 - Noise and Vibration (Doc Ref 10.16)</p>	Not Agreed

			<p>The reasons for adopting the Slower Transition Fleet noise contours areas are given in ES Appendix 14.9.5 Air Noise Envelope Background at Section 3.2.</p> <p>It is not agreed that airspace change (which is a project in its own right and subject to its own assessment) can reasonably be assessed in the ES. Moreover, the noise impacts of more carbon emissions efficient aircraft and legislative drivers for their adoption are not able to be predicted. For further information on those matters please refer to sections 6.5 and 6.6 of the Noise Envelope Document.</p> <p><u>Updated Position (April 2024): The Applicant has provided further explanation of the analysis of sharing the benefits in response to Examining Authority's question NV.1.9 in The Applicant's Response to ExQ1 - Noise and Vibration (Doc Ref 10.16) which concludes: Following the same methodology, the GAL analysis showed that in 2038 when the Noise Envelope limits reduce, compared to the future 2038 baseline the degree of sharing the benefits would be 50% to the industry (as growth) and 50% to the community (as noise reduction) when measured in terms of the area of the day LOAEL with the Slower Transition Fleet. For night-time the degree of sharing the benefits would be 34% to the industry (as growth) and 66% to the community (as noise reduction). It was noted that in the early years after opening noise increases and there is a smaller benefit to the community..</u></p>		
2.16.4.19	Noise Envelope	<p>The Noise Envelope should provide certainty about the levels of noise which can be expected in the future in accordance with CAP 1129; however, the Noise Envelope allows for noise contour limits to increase as a result of airspace changes and new aircraft technology. There should be no allowance for noise contour area limits to increase as a result of these factors.</p> <p>Updated position (Deadline 1): Sharing the benefits has not been removed from national aviation policy. GAL do not share any noise benefits from new aircraft technology up to and around 2029 in the slower transition fleet case.</p> <p>There should be no allowance for Noise Envelope limits to increase to give certainty to local communities on future noise levels</p>	<p>The Noise Envelope provides certainty for the periods which it is set in accordance with CAP1129. The noise envelope should reflect evidence of the improvements in average fleet noise performance over time and should not function to prevent airlines serving changing markets or introducing new carbon-efficient aircraft. There may also be extraordinary circumstances in which it could be necessary to review the noise envelope limits upwards. These points are fully as described in Sections 6.3 to 6.7 of the Noise Envelope.</p> <p>Any change to the noise envelope would require a formal review following the processes laid out in Section 8, including consultation and approval of the Secretary of State.</p>	ES Appendix 14.9.7 The Noise Envelope [APP-177]	Not Agreed

		<p>Updated position (Deadline 5): The Applicant's method for sharing the benefits is flawed as it allows for a substantial increase in noise contour area in the 2032 daytime period over the 2019 baseline. It is hard to understand how it can be justified that any benefits have been shared with the local community in this case. <u>Airspace changes should be able to occur within the constraints of the Noise Envelope.</u></p>	<p>Updated Position (April 2024): Please see Row 2.16.4.18 above on sharing benefits.</p>		
2.16.4.20	Noise Envelope	<p>There is no mechanism for local authorities to review Noise Envelope reporting, enforce limit breaches or review any aspects of the Noise Envelope.</p> <p>Updated position (Deadline 1): The local Authorities should be part of an independent group set up to regulate the Noise Envelope</p> <p>Updated position (Deadline 5): <u>SCC are of the opinion that the joint local authorities should be part of a Noise Envelope scrutiny group and any supporting technical group. This should be secured as part of an environmentally managed growth approach.</u></p>	<p>The Noise Envelope provides certainty for the periods which it is set in accordance with CAP1129. The noise envelope should reflect evidence of the improvements in average fleet noise performance over time and should not function to prevent airlines serving changing markets or introducing new carbon-efficient aircraft. There may also be extraordinary circumstances in which it could be necessary to review the noise envelope limits upwards. These points are fully as described in Sections 6.3 to 6.7 of the Noise Envelope.</p> <p>Any change to the noise envelope would require a formal review following the processes laid out in Section 8, including consultation and approval of the Secretary of State.</p>	ES Appendix 14.9.7 The Noise Envelope [APP-177]	Not Agreed
2.16.4.21	Noise Envelope	<p>Thresholds should be adopted into the Noise Envelope with the intention that action can be implemented prior to a contour limit breach occurring.</p> <p>Updated position (Deadline 1): Thresholds should be adopted so action can be taken if they are breached to prevent limits being breached.</p> <p>Updated position (Deadline 5): <u>The Applicant has not provided any information to support the use of forecasts to prevent contour limit breaches. SCC maintain that forecasts are not reliable enough to prevent noise contour area limit breaches. An alternative forward-looking method with thresholds should be adopted that can be applied during scheduling that can provide more confidence that breaches would not occur. This should be secured as part of an environmentally managed growth approach.</u></p>	<p>As described in ES Appendix 14.9.7: The Noise Envelope each year an Annual Monitoring and Forecasting Report will be required to not only report monitoring of last year's performance against the Noise Envelope limits but to forecast compliance 5 years ahead, so that noise control measures can be planned and implemented in advance. The Noise Envelope, in Section 7.3, puts restrictions on further capacity declaration in the event that an exceedance of the noise envelope is forecast, in addition to providing for actions to be taken in the unlikely event of actual breaches.</p>	ES Appendix 14.9.7: The Noise Envelope [APP-177]	Not Agreed
2.16.4.22	Noise Envelope	<p>The Noise Envelope thresholds are not agreed. It is not appropriate to use the slow transition case to define noise contour limits. There is no incentive to push the transition of the fleet to quieter aircraft technology.</p>	<p>Paragraph 14.2.44 described how the reference to Sharing the Benefits of aircraft noise emission reduction has been removed from the government's Overarching Aviation policy Statement in March 2023. We consulted on sharing the</p>	ES Appendix 14.9.5 Air Noise Envelope Background [APP-175]	Not Agreed

		<p>Updated position (Deadline 1): Sharing the benefits has not been removed from national aviation policy. GAL do not share any noise benefits from new aircraft technology up to and around 2029 in the slower transition fleet case.</p> <p>Updated position (Deadline 5): The Applicant's method for sharing the benefits is flawed as it allows for a substantial increase in noise contour area in the 2032 daytime period over the 2019 baseline. It is hard to understand how it can be justified that any benefits have been shared with the local community in this case. The Applicant identifies the central case as the most likely so it should be used to define Noise Envelope limits.</p>	<p>benefits through our Noise Envelope Group in summer 2022.</p> <p>An illustration of sharing the benefits was discussed and is reported in pages 165 to 175 of ES Appendix 14.9.9: Report on Engagement on the Noise Envelope.</p> <p>As communicated previously, GAL does not control airline fleet procurement and the airport sits within well-defined existing regulatory frameworks governing noise management, airport charges, slots and the requirement to consult on noise related actions which could be operating restrictions. Airline feedback to the Noise Envelope Group also explained that many factors can influence fleet procurement, some of which could be outside of the airlines' control. The York Aviation review of the PEIR for the Local Authorities noted '<i>We consider that the fleet mix assumed in the Central Case for assessment is somewhat optimistic, particularly in the early years given the deferral of aircraft orders that has occurred during the pandemic, but that the Slower Transition Case represents a robust worst case</i>'.</p> <p>The reasons for adopting the Slower Transition Fleet noise contours areas are given in ES Appendix 14.9.5 Air Noise Envelope Background at Section 3.2.</p> <p>It is not agreed that airspace change (which is a project in its own right and subject to its own assessment) can reasonably be assessed in the ES. Moreover, the noise impacts of more carbon emissions efficient aircraft and legislative drivers for their adoption are not able to be predicted. For further information on those matters please refer to sections 6.5 and 6.6 of the Noise Envelope Document.</p> <p>Updated Position (April 2024): Please see Row 2.16.4.18 above on sharing benefits.</p>		
2.16.4.23	Noise Envelope	<p>Capacity declaration restrictions are a weak form of noise control as new slots within that capacity can be allocated. Slot restriction measures should be adopted.</p> <p>Updated position (Deadline 1): Capacity restrictions are not sufficient to prevent potential breaches and slot restriction measures should be adopted.</p>	<p>As described in ES Appendix 14.9.7: The Noise Envelope, each year an Annual Monitoring and Forecasting Report will be required to not only report monitoring of last year's performance against the Noise Envelope limits but to forecast compliance 5 years ahead, so that noise control measures can be planned and implemented in advance. The Noise Envelope, in Section 7.3, puts restrictions of further</p>	<p>ES Appendix 14.9.7: The Noise Envelope [APP-177]</p>	Not Agreed

		<p>Updated position (Deadline 5): The Applicant has not provided any information to support the use of forecasts to prevent contour limit breaches. SCC maintain that forecasts are not reliable enough to prevent noise contour area limit breaches. An alternative forward-looking method should be adopted that can be applied during scheduling that can provide more confidence that breaches would not occur. This should be secured as part of an environmentally managed growth approach.</p>	<p>capacity declaration in the event that an exceedance of the noise envelope is forecast. The approach ensures action is taken in a timely manner to require compliance, with the sufficient threat of capacity restrictions if a breach is not remedied through the action plan measures within a reasonable time period. This strikes an appropriate fair balance, for the in the unlikely event of actual breach taking into account the purposefully forward-looking nature of the annual monitoring and forecasting approach.</p> <p>Updated Position (April 2024): <u>The noise envelope covers the busiest three months of the year at which there is currently little available capacity and close to 100% slot utilisation over the operational day. From the point that the noise envelope is introduced, GAL will treat the noise envelope limits as a scheduling constraint such that there will be a link formed between it and the capacity declaration. The allocation of new slots in any year is predicated on the take-up of those slots not resulting in an exceedance of the noise envelope. The ATM forecast will be processed through the noise model to check it meets the noise envelope limit for the forecast capacity before the slots are allocated. This should ensure the subsequent allocation and take-up of those slots within the capacity declaration will not result in a forecasted exceedance of the noise envelope limits. It is anticipated that actual performance will track well to forecast performance, particularly as those are refined against one another over time through the production of the Annual Monitoring and Forecasting Reports, and this proposal is therefore considered to be the most effective method to prevent breaches arising.</u></p>		
2.16.4.24	Noise Envelope	<p>The DCO should provide for 5 yearly (or more frequent) reviews of the Noise Envelope. 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.</p> <p>Updated position (Deadline 1): Sharing the benefits has not been removed from national aviation policy. The Noise Envelope is not policy compliant and is not fit for purpose.</p> <p>Updated position (Deadline 5): The Applicant's method for sharing the benefits is flawed as it allows for a substantial increase</p>	<p>Paragraph 14.2.44 described how the reference to Sharing the Benefits of aircraft noise emission reduction has been removed from the government's Overarching Aviation policy Statement in March 2023. We consulted on sharing the benefits through our Noise Envelope Group in summer 2022.</p> <p>An illustration of sharing the benefits was discussed and is reported in pages 165 to 175 of ES Appendix 14.9.9: Report on Engagement on the Noise Envelope.</p> <p>As communicated previously, GAL does not control airline fleet procurement and the airport sits within well-defined</p>	ES Appendix 14.9.5 Air Noise Envelope Background [APP-175]	Not Agreed

		<p>in noise contour area in the 2032 daytime period over the 2019 baseline. It is hard to understand how it can be justified that any benefits have been shared with the local community in this case. The Applicant has not addressed the matter of the initial review period/regular reviews prior to (and post) 2038.</p>	<p>existing regulatory frameworks governing noise management, airport charges, slots and the requirement to consult on noise related actions which could be operating restrictions. Airline feedback to the Noise Envelope Group also explained that many factors can influence fleet procurement, some of which could be outside of the airlines' control. The York Aviation review of the PEIR for the Local Authorities noted 'We consider that the fleet mix assumed in the Central Case for assessment is somewhat optimistic, particularly in the early years given the deferral of aircraft orders that has occurred during the pandemic, but that the Slower Transition Case represents a robust worst case'.</p> <p>The reasons for adopting the Slower Transition Fleet noise contours areas are given in ES Appendix 14.9.5 Air Noise Envelope Background at Section 3.2.</p> <p>It is not agreed that airspace change (which is a project in its own right and subject to its own assessment) can reasonably be assessed in the ES. Moreover, the noise impacts of more carbon emissions efficient aircraft and legislative drivers for their adoption are not able to be predicted. For further information on those matters please refer to sections ,6.5 and 6.6 of the Noise Envelope Document.</p> <p>Updated Position (April 2024): Please see Row 2.16.4.18 above on sharing benefits.</p>		
2.16.4.25	Noise Envelope	<p>The Noise Envelope group set up following consultation should have had an independent chair rather than being chaired by an airport employee. This would have given greater confidence in the process to community and local authority stakeholders.</p> <p>Updated position (Deadline 5): SCC's position remains unchanged. Noise Envelope consultation was not adequate.</p>	<p>We do not accept that the chairing of the Noise Envelope Group by GAL in any way restricted the scope of its discussions or its reporting of the issues raised. Moreover, whilst the Noise Envelope Group itself was chaired by a GAL member of staff, the two sub-groups that fed into it were chaired by independent people rather than GAL employees. The local sub-group was chaired by the chair of the Noise Management Board Community Noise Group and the Aviation Sub-group was chaired by the chair of the Noise Management Board Noise Delivery Group.</p>	n/a	Not Agreed
2.16.4.26	Noise Envelope	<p>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 approach to implementation and enforcement.</p>	<p>GAL has consulted the local authorities and stakeholders to seek views on the Noise Envelope and develop a proposal taking account of those views that meets the policy requirements and follows CAA guidance.</p>	ES Appendix 14.9.9: Report on Engagement on the Noise Envelope [AS-023]	Not Agreed

		<p>Updated position (Deadline 1): The Noise Envelope is not policy compliant and is not fit for purpose.</p> <p>Updated Position (Deadline 3): <u>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).</u></p> <p>Updated Position (Deadline 5): <u>SCC maintain their position on this matter.</u></p>	<p>See Row 13.11 of this table for the response to concerns regarding the noise envelope reviewer.</p> <p>Updated Position (April 2024): <u>The host local authorities will be provided with the annual monitoring and forecasting reports approved by the CAA. This will confirm the position in respect of compliance with the noise envelope. In the unlikely event of any breach of the terms of the DCO the Host LPA's may petition action and seek to rely on section 161 of the Planning Act 2008. Moreover, the host LPA's will also retain their role under Regulation 598/2014 in relation to the introduction of noise related operating restrictions pursuant to the DCO requirements. There is therefore a sufficient level of scrutiny and ability to take action provided for the host LPA's. The CAA, who have relevant knowledge and expertise, are the most appropriate persons to review the noise envelope submissions made pursuant to the DCO of the purpose of their verification.</u></p>		
2.16.4.27	Noise insulation scheme	<p>The air noise insulation scheme is only based on average Leq contours rather than single mode contours and is confined to Leq metrics.</p> <p>Updated position (Deadline 1): Supplementary noise metrics should be used supplement the primary metric assessment to identify likely significant effects</p> <p>Updated position (Deadline 5): <u>Supplementary noise metrics were not used appropriately and should be used to identify likely significant effects.</u></p>	<p>This issue has been discussed in the TWGs. GAL responded to a technical note issued on behalf of Local Authorities on 6th January 2023 in relation to noise metrics. The response was circulated to Local Authorities on 3rd February 2023 as part of papers for Noise TWG 4 of 8th February 2023. The issue is addressed directly on page 374 of ES Appendix 14.9.9: Report on Engagement on the Noise Envelope.</p> <p>Single mode contours are not included in the ES for the reasons discussed with the TWG as noted in the column to the left. Para 14.9.150 and 14.9.151 of the ES Chapter 14: Noise and Vibration describe 7 Community Representative Locations chosen for describing noise changes. Paras 14.9.152 to 14.9.158 of ES Chapter 14 describe the noise changes that the NRP will produce at these 7 locations, including on easterly days and westerly days, using the data in terms of Leq, 16 hr, Leq 8 hr, N65, and N60 for average mode, westerly mode and easterly mode, provided for 2032 with the Project, the 2032 base and 2019 base, for the central case and slower transition fleet in 14 tables 4.2.1 to 4.2.14 of ES Appendix 14.9.2: Air Noise Modelling.</p> <p>The Government has been consulting on noise insulation schemes as part of its future aviation policy. In its consultation Aviation 2050 — the future of UK aviation</p>	<p>ES Appendix 14.9.9: Report on Engagement on the Noise Envelope [AS-023]</p> <p>ES Chapter 14: Noise and Vibration [APP-039]</p> <p>ES Appendix 14.9.2: Air Noise Modelling [APP-172]</p>	Not Agreed

			<p>(December 2018) it proposed a number of measures including: a) extending the noise insulation policy threshold beyond the current 63dB LAeq 16hr contour to 60dB LAeq 16hr. This is the average mode Leq 16 hr not single mode. The proposed scheme follows government guidance, in terms of the metric with which to define a noise insulation scheme, and in addition offers it at lower noise levels. For an airport such as Gatwick that has an uneven split between easterly and westerly operations in the summer (roughly 70/30) it would be unfair to use single mode contours that arise on 30% of days for some but 70% of say for others.</p> <p>Updated Position (April 2024): The assessment follows current policy and guidance so that all air noise effects are assessed. The awakenings study provided in ES Appendix 14.9.2 provides additional assessment of the effects across the district.</p> <p>GAL engaged with the LPAs before and after the PEIR to discuss and explain the scenarios modelled and reported in the ES. These comprise:</p> <ul style="list-style-type: none"> • 8 metrics - Leq 16 hr, Leq 8 hr night, N65 day, N60 night, Lden, LNight, Lmax and overflights; • 5 assessment years – 2019, 2029, 2032, 2038 and 2047 • 2 Fleet transition scenarios, the Central Case and Slower Transition Case. <p>These are presented in 71 figures in the ES relating to air noise impacts with the data tabulated in Appendix 14.9.2. The Applicant considers the ES has made sufficient use of supplementary noise metrics to fully illustrate the noise changes that the Project will bring, both increases and reductions. Available guidance indicates how to judge significance using the primary metrics, not the supplementary metrics.</p>		
2.16.4.28	Noise insulation scheme	<p>There are concerns about the noise level at which the different schemes start.</p> <p>Updated Position (Deadline 5): See LIR Ref NV5:</p> <ul style="list-style-type: none"> • Inner zone noise insulation scheme extended to full single mode Easterly and Westerly 60dBLAeq 16h noise contours of the expanded airport to mitigate day effects. 	<p>Please clarify these concerns. The Inner zone addresses noise levels above SOAEL, the Outer zone is set at daytime noise levels 9 dB below the SOAEL.</p>	n/a	<p>Under discussion Not Agreed</p>

		<ul style="list-style-type: none"> Inner zone boundary definition to include one additional noise induced awakening contour to mitigate night effects. 			
2.16.4.29	Noise insulation scheme	<p>A lack of measures to prevent overheating in noise insulated homes especially in the summer months at night.</p> <p>Updated position (Deadline 1): Ventilators provide a flow of fresh air but do not provide any cooling so this point is not addressed.</p> <p>Updated position (Deadline 5): Additional information provided is not sufficient to address this matter. The insulation scheme should include cooling as an option.</p>	<p>Overheating has been addressed by the provision of acoustic ventilators to all rooms with acoustic insulation. Further details have been developed on the specification of these ventilators and this will be provided in the technical note on implementation of the scheme and shared with the TWG.</p> <p>Updated Position (April 2024): The Applicant has provided further details of the provision of noise insulation including the specification of acoustic ventilators to reduce overheating in ES Appendix 14.9.10 Noise Insulation Scheme Update Note [REP2-032]. The scheme does not provide air conditioning.</p>	<p>ES Appendix 14.9.10 Noise Insulation Scheme Update Note [REP2-032] R/A</p>	Not Agreed
2.16.4.30	Noise insulation scheme	<p>There appears to be no provision for the ongoing maintenance / replacement costs of the noise insulation with this cost simply passed to the owner.</p> <p>Updated position (Deadline 1): Points are still to be agreed with stakeholders. It should be stressed that overheating is NOT addressed by acoustic ventilators, which only introduce fresh air and do not have any cooling capability.</p> <p>Updated position (Deadline 5): Additional information provided is not sufficient to address this matter. The insulation scheme should include cooling as an option.</p>	<p>The noise insulation scheme proposed was presented as 4 slides and discussed in the TWG on 4th January 2023 and has been discussed with the TWG.</p> <ul style="list-style-type: none"> i) The noise thresholds applied are in line with good practice and exceed government policy requirements. This issue has been responded to at Row 13.100 of Table 13 in Appendix 1. ii) Overheating has been addressed by the provision of acoustic ventilators to all rooms with acoustic insulation. Further details have been developed on the specification of these ventilators and this will be provided in the technical note on implementation of the scheme and shared with the TWG. This issue has been responded to at Row 13.102 of Table 13 in Appendix 1. iii) The running costs of acoustic ventilators have been discussed with the TWG and are very low particularly if only used in hot weather. iv) Everyone is eligible for the scheme whether or not they have qualified previously. This will be further clarified in a technical note on implementation of the scheme and shared with the TWG. 	<p>ES Appendix 14.9.10 Noise Insulation Scheme [APP-180]</p> <p>ES Appendix 14.9.10 Noise Insulation Scheme Update Note [REP2-032]</p>	Under discussion

			Updated Position (April 2024): The Applicant has provided further details of the noise insulation scheme including what is included and costs in ES Appendix 14.9.10 Noise Insulation Scheme Update Note [REP2-032].		
Other					
2.16.5.1	Construction Noise	<p>Range of issues subject to clarification.</p> <p>Updated position (Deadline 1): Clarification is required of construction noise assessment information presented in paragraphs 14.9.5 to 14.9.12 [APP-039] as it does not seem to correlate with the identification of likely significant effects.</p> <p>Alignments and heights of noise barriers used to reduce significant noise effects should be provided and a commitment made to secure provision of noise barriers.</p> <p>Updated position (Deadline 5): Construction noise predictions are presented in Table 14.9.1 (daytime) and Table 14.9.2 (night-time) of Chapter 14 Noise and Vibration [APP-039]. There is some confusion regarding how these results apply to the construction noise assessment as they do not align with results presented in Table 3.1.2 and Table 3.1.3 [APP-171]. Paragraph 14.9.8 [APP-039] states: “The daytime SOAEL for residential receptors for construction noise is Leq, 12 hr 75 dB. This level of construction noise is not predicted at any of the representative community locations”. This directly contradicts the identification of daytime exceedances of the SOAEL in paragraph 16.9.26 [APP-039]. The construction noise assessment assumes that percussive piling techniques will be avoided but there is no commitment to this in the Code of Construction Practice [REP4-007]. Percussive piling noise and vibration effects should be assessed unless a commitment can be made to avoid this method of piling.</p> <p>Noise barriers have been used to reduce significant construction noise effects and are not secured in the DCO. As such, they cannot be relied upon to mitigate construction noise.</p>	<p>Please clarify what these issues are.</p> <p>Updated Position (April 2024): Tables 14.9.1 and 14.9.2 provide predicted noise levels for the 12 representative receptors as described in paragraph 14.9.5. Construction noise modelling is done at all buildings in each Receptors Area and paragraph 14.9.6 notes that after these tables ‘The assessment then provides a narrative assessment of effects at these locations and at all receptors in the relevant Receptor Area’. Thus the discussion of impacts covers not just the Representative Receptors, which in some cases are the worst affected, but not in all cases, and in each case the significantly affected properties are identified.</p> <p>Paras 14.9.5 and 14.9.46 of ES Chapter 14: Noise Vibration explain that construction will be carried out in accordance with ES Appendix 5.3.2 Code of Construction Practice. Table 14.9.3 of Chapter 14, identifies relevant “Best Practical Means” measures which will be adopted. Where noise barriers have been identified as practicable they have been included within the assessment as discussed in paras 14.9.50 – 14.9.52.</p>	ES Appendix 5.3.2 Code of Construction Practice	Under discussion
2.16.5.2	Noise envelope - Sharing the benefits	<p>No details on how benefits of new aircraft technology would be shared between the airport and local communities are provided. This is a fundamental part of the noise envelope.</p> <p>Updated position (Deadline 1): Sharing the benefits has not been removed from national aviation policy. GAL do not share any noise benefits from new aircraft technology up to and around 2029 in the slower transition fleet case.</p>	<p>GAL notes the Council’s disagreement and would be interested to understand how the Council interpret national policy and which specific parts of GAL’s interpretation it disagrees with.</p> <p>GAL has consulted with the TWG since August 2021, explaining our proposed methodology and emerging finds and approach to mitigation. While it is not wholly clear what aspect of policy HDC refer to, we note that policy on sharing the benefits has been discussed at the Noise Envelope</p>	ES Appendix 14.9.9: Report on Engagement on the Noise Envelope [AS-023]	Not Agreed

		<p>Updated position (Deadline 5): The Applicant's method for sharing the benefits is flawed as it allows for a substantial increase in noise contour area in the 2032 daytime period over the 2019 baseline. It is hard to understand how it can be justified that any benefits have been shared with the local community in this case.</p>	<p>Group and our interpretation, as discussed in summer 2022 is recorded in ES Appendix 14.9.9: Report on Engagement on the Noise Envelope including in pages 165 to 175.</p> <p>Updated Position (April 2024): Please see Row 2.16.4.30 above.</p>		
2.16.5.3	<p>Noise envelope – Incentives to achieve faster fleet transition Slow fleet transition noise contour area limits</p>	<p>There is no incentive to push the transition of the fleet to quieter aircraft technology.</p> <p>Updated position (Deadline 1): Sharing the benefits has not been removed from national aviation policy. GAL do not share any noise benefits from new aircraft technology up to and around 2029 in the slower transition fleet case.</p> <p>Updated Position (Deadline 3): 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. 31 above and LIR Ref. NV6).</p> <p>Updated position (Deadline 5): SCC maintain their position on this matter. The Applicant identifies the central case as the most likely so it should be used to define Noise Envelope limits.</p>	<p>Paragraph 14.2.44 described how the reference to Sharing the Benefits of aircraft noise emission reduction has been removed from the government's Overarching Aviation policy Statement in March 2023. We consulted on sharing the benefits through our Noise Envelope Group in summer 2022.</p> <p>An illustration of sharing the benefits was discussed and is reported in pages 165 to 175 of ES Appendix 14.9.9: Report on Engagement on the Noise Envelope.</p> <p>As communicated previously, GAL does not control airline fleet procurement and the airport sits within well-defined existing regulatory frameworks governing noise management, airport charges, slots and the requirement to consult on noise related actions which could be operating restrictions. Airline feedback to the Noise Envelope Group also explained that many factors can influence fleet procurement, some of which could be outside of the airlines' control. The York Aviation review of the PEIR for the Local Authorities noted '<i>We consider that the fleet mix assumed in the Central Case for assessment is somewhat optimistic, particularly in the early years given the deferral of aircraft orders that has occurred during the pandemic, but that the Slower Transition Case represents a robust worst case</i>'.</p> <p>The reasons for adopting the Slower Transition Fleet noise contours areas are given in ES Appendix 14.9.5 Air Noise Envelope Background at Section 3.2.</p> <p>It is not agreed that airspace change (which is a project in its own right and subject to its own assessment) can reasonably be assessed in the ES. Moreover, the noise impacts of more carbon emissions efficient aircraft and legislative drivers for their adoption are not able to be predicted. For further information on those matters please refer to sections 6.5 and 6.6 of the Noise Envelope Document.</p>	<p>ES Appendix 14.9.5 Air Noise Envelope Background [APP-175]</p> <p>ES Appendix 14.9.7: The Noise Envelope [APP-177]</p>	Not Agreed

2.16.5.4	Loss of amenity outside space	<p>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.</p> <p>An appropriate compensation scheme where existing properties are permanently affected (See LIR Ref. NV16)</p> <p>Updated position (Deadline 5): SCC maintain their position that compensation should be provided where residual significant effects are identified.</p>	<p>The ES predicts significant air noise effects from the Project at approximately 80 properties and acknowledges (see para 14.9.199) that insulation would not reduce noise levels outside, so some disturbance in outside activities is likely for properties with outside space, such as gardens or balconies, and significant moderate adverse effects are expected in this area.</p>		Under discussion

2.17. Planning and Policy

2.17.1 **Table 2.17** sets out the position of both parties in relation to planning and policy matters.

Table 2.17 Statement of Common Ground – Planning and Policy Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
<i>There are no issues relating to Planning and Policy in this Statement of Common Ground.</i>					

2.18. Project Elements and Approach to Mitigation

2.18.1 Table 2.18 sets out the position of both parties in relation to project elements and approach to mitigation matters.

Table 2.18 Statement of Common Ground – Project Elements and Approach to Mitigation Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
2.19.1.1	Unlike other airport expansion schemes there is no attempt to consider environmental impacts holistically	<p>As part of their DCO application Luton 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. No comparable approach is proposed at Gatwick.</p> <p><u>Updated position (Deadline 5): A worked-up Environmentally Managed Growth Framework will be submitted to the Examination as soon as possible.</u></p>	<p>The Applicant has included as part of the Application the mitigation identified as being necessary under the Environmental Statement to address the potential adverse impacts of the Project. Specific to those environmental topics and impacts which are considered most sensitive to airport growth (noise, carbon, surface access and air quality), the relevant mitigation is primarily contained within the Noise Envelope, Surface Access Commitments and Carbon Action Plan documents, each secured as requirements to, and to be certified as part of, the draft DCO (with additional air quality mitigation proposed to be included within the s106 Agreement). Each of those ‘control’ documents sets out bespoke independent governance, monitoring and mitigation arrangements to ensure the proper functioning and delivery of the underlying mitigation/commitments.</p> <p><u>Updated position (April 2024): The Applicant has responded on this matter through the Issue Specific Hearings and submissions to previous deadlines. Most notably in The Applicant’s Written Summary of Oral Submissions from ISH2 [REP1-057] and The Applicant’s Response to Local Impact Reports [REP3-078]. The Applicant would welcome an updated position or response from SCC against this SoCG item in response to those submissions.</u></p>	<p>ES Appendix 14.9.7 The Noise Envelope [APP-177]</p> <p>ES Appendix 5.4.1 Surface Access Commitments [APP-090]</p> <p>ES Appendix 5.4.2 Carbon Action Plan [APP-091]</p> <p>Draft DCO (REP3-006)</p> <p><u>The Applicant’s Written Summary of Oral Submissions from ISH2</u> [REP1-057]</p> <p><u>The Applicant’s Response to Local Impact Reports</u> [REP3-078]</p>	Not Agreed
2.19.1.2	Inclusion of hotels as authorised development	<p>Further justification requested in relation to inclusion of Work nos 26, 27 and 28 as authorised development.</p> <p>Updated position (Deadline 1): It is not clear to the Council how these hotel-related Works are “associated development”, per section 115 of the Planning Act 2008. There does not appear to be an explanation in the EM. A satisfactory explanation is needed. Moreover, the Council is concerned about the prospect of these works evading proper environmental controls. Owing to these facts,</p>	<p>An explanation of hotel and office provisions as Associated Development within the Project was provided at the Planning TWG in November 2022 justified against the Planning Act 2008 and Government’s supporting guidance, and no subsequent queries were raised by the LAs. A response was also provided on this against Item 3.93 in the October 2023 versions of the Issues Trackers.</p> <p><u>Updated position (April 2024): As above, an explanation of the hotel and office provisions as Associated</u></p>	n/a	Under discussion

		<p>the Council considers these Works should be deleted from the dDCO.</p> <p>Updated position (Deadline 5): See also 2.7.1.19</p>	<p>Development was provided at previous TWGs as detailed above.</p>		
2.19.1.3	Finalisation of Section 106 Agreement	<p>Negotiation on the S106 has not yet started.</p> <p>Updated position (Deadline 1): Draft S106 was first received 1.2.24.</p> <p>Updated Position (Deadline 3): Substantial revisions required to draft S106.</p> <p>A draft was shared in Feb 2024. The local authorities have provided initial comments to the Applicant.</p> <p>Updated position (deadline 5)</p> <p>Negotiations on the draft section 106 continue and the Applicant's latest draft document is currently awaited.</p>	<p>GAL will issue a draft of the Section 106 Agreement in connection with the NRP to the local authorities. GAL looks forward to receiving initial feedback on the first draft and continuing engagement with the parties to ensure a final, signed version has been submitted by the close of the examination.</p> <p>Updated position (Deadline 1): A draft Section 106 Agreement has been shared with the Local Authorities and discussions are ongoing. The draft legal agreement is to be submitted at Deadline 2.</p> <p>Updated position (April 2024): The Joint Local Authorities and GAL are continue to work together and engaging on the draft Section 106 Agreement. At the time of writing, the Applicant and JLAs have agreed a series of meetings on each of the schedules of the s106 agreement.</p>	n/a	Under discussion

2.19. Socio-Economics and Economics

2.19.1 Table 2.20 sets out the position of both parties in relation to socio-economics and economics matters.

Table 2.19 Statement of Common Ground – Socio-Economics and Economics Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
2.19.1.1	Gatwick Construction Workforce distribution technical note - Private rented sector (PRS) accommodation	<p>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.</p> <p>Updated position (Deadline 1): The Applicant should source up-to-date for all data sources used in the chapter to avoid adopting an inconsistent approach to the assessment. Local authorities need to input into the assessment of temporary accommodation to provide an up-to-date picture of availability.</p> <p>Updated Position (Deadline 3): Deleted reference to 'the English Housing Survey'.</p> <p>Updated position (Deadline 5): 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.</p>	<p>Paragraph 3.5.4 explains how the estimate has been derived.</p> <p>Table 6.5 shows that even if all NHB workers sought PRS accommodation (which they will not – some will seek B&Bs) the highest demand as a share of stock in any local authority is 0.68%. This is well below any reasonable estimate of vacancy rates in the PRS.</p> <p>The English Housing Survey reports vacancy rates in the PRS that are over twice as high as in the social rented and owner occupied sectors and in 2019/20 (the last available data) these were 10%.</p> <p>Updated position (April 2024): The Applicant has provided a revised assessment of the housing need during construction using updated data from the 2021 Census and has provided a further assessment of the construction workforce in a separate note in response to the Local Impact Reports.</p>	<p>ES Appendix 17.9.1: Gatwick Construction Workforce Distribution Technical Note [APP-199].</p> <p>ISH3 Action Point 5 in The Applicant's Response to Actions ISH2-5 [REP2-005]</p> <p>The Applicant's Response to Local Impact Reports Appendix D – Construction Labour Market and Accommodation Impacts [REP3-082]</p>	Under discussion
2.19.1.2	Out of date baseline data sources	<p>Several of the baseline data sources are out of date which is a concern given the reliance on these sources to inform the various assessments.</p> <p>Updated position (Deadline 1): The Applicant should source up-to-date for all data sources used in the chapter to avoid adopting an inconsistent approach to the assessment</p> <p>Updated position (Deadline 5): The Applicant should obtain up-to-date for all data sources used in the chapter to avoid adopting an inconsistent approach to the assessment. Latest update by Applicant has not provided this.</p>	<p>The analysis presented in the PEIR was primarily based on 2019 data (i.e. pre-Covid) given that the economy and wider socio-economic conditions are expected to rebound to pre-pandemic levels before the Project's commencement. For the same reasons, the same approach is carried over in the ES, however, where appropriate, relevant data sources such as labour market and employment indicators have been updated to reflect the latest available position based on data availability.</p> <p>Updated position (April 2024): The Applicant has also provided a response during Issue Specific Hearing 3 on using a mixture of pre-Covid and post-Covid data. Some data has inevitably changed since submission of the application and will continue to change</p>	<p>n/a</p> <p>Deadline 1 Submission – Written Summary of Oral Submissions from Issue Specific Hearing 3: Socio-economics [REP1-058] – Section 3.1</p>	Under discussion

			<p>but it does not materially change the assessment. There is also no requirement to update data throughout the Examination as new data becomes available. Pre-Covid data was used as it provides a benchmark against which the economy would operate at a normal level or operating in normal conditions. However, where there have been updates to data or new data was available, it was incorporated into the assessment. Therefore, a blend of pre- and post-Covid data was used as some post-Covid data was volatile due to the effects of Covid, which meant 2019 remained most suitable for some data.</p>		
2.19.1.3	Out of date baseline data sources	<p>The need to revisit the approach to estimating construction employment and forecasting availability of temporary accommodation given the reliance on old data and not accounting for local variations.</p> <p>Updated position (Deadline 1): The Applicant should source up-to-date for all data sources used in the chapter to avoid adopting an inconsistent approach to the assessment.</p> <p>The Applicant should undertake an assessment of impacts at local authority level to ensure local implications of the Scheme are picked up.</p> <p>Updated position (Deadline 5): The Applicant should obtain up-to-date for all data sources used in the chapter to avoid adopting an inconsistent approach to the assessment. Latest update by Applicant has not provided this.</p>	<p>Paragraph 7.5.1 talks about proportions not numbers. The absolute level of demand is significantly lower than the supply of stock.</p> <p>The proportions being delivered are higher than the proportion of demand from workers.</p> <p>In addition, many of the workers will already be resident in the area so will not constitute new housing demand.</p> <p>The analysis concludes that the potential tenure demands associated with the Project are unlikely to have any impact on affordable housing demands beyond what is already emerging or being planned for.</p> <p>As set out in response to point 3.4, impacts are assessed at the appropriate functional spatial scale and with additional information also provided at local authority level.</p> <p>Updated position (April 2024): The Applicant restated its position in Issue Specific Hearing 3 – information is provided on impacts at local authority level but the assessment of significance is (correctly) done at the functional market area level.</p> <p>ES Appendix 17.9.3: Assessment of Population and Housing Effects contains a housing assessment at a local authority level and the Applicant’s Response to Issue Specific Hearings includes a local authority-level assessment for all authorities where more than one non-home based worker is expected to be based (Crawley, Reigate and Banstead, Mole Valley, Mid Sussex, Tandridge, Horsham and Croydon).</p>	<p>Consultation Issues Tables Autumn 2021 [APP-219]</p> <p>Consultation Issues Tables Summer 2022 [APP-221]</p> <p>ES Appendix 17.9.3 Assessment of Population and Housing Effects [APP-201]</p> <p>ISH3 Action Point 5 in the Applicant’s Response to Actions ISH2-5 [REP2-005]</p> <p>Appendix 17.9.1: Gatwick Construction Workforce Distribution Technical Note [APP-199]</p> <p>Appendix 17.9.1: Gatwick Construction Workforce Distribution Technical Note [APP-199]</p> <p>Written Summary of Oral Submissions from Issue Specific Hearing 3: Socio-economics [REP1-058] – Section 3.2</p>	Under discussion

			<p>Construction employment at the local authority level is provided in ES Appendix 17.9.1: Gatwick Construction Workforce Distribution Technical note.</p> <p>Please refer to the response at Row 2.19.1.2 of this Table for the Applicant's position on up-to-date data.</p>		
2.19.1.4	Out of date baseline data sources	<p>The assessment of housing and population relies on out-of-date data and should be using up-to-date information given it will impact on labour supply/housing conclusions. The assessment also makes optimistic projections on housing and doesn't appear to fully consider existing constraints.</p> <p>Updated position (Deadline 1): The Applicant should source up-to-date for all data sources used in the chapter to avoid adopting an inconsistent approach to the assessment.</p> <p>Updated position (Deadline 5): The Applicant should obtain up-to-date for all data sources used in the chapter to avoid adopting an inconsistent approach to the assessment. Latest update by Applicant has not provided this.</p> <p>Could be combined with 2.19.1.2 /3 to avoid repetition</p>	<p>The analysis presented in the PEIR was primarily based on 2019 data (i.e. pre-Covid) given that the economy and wider socio-economic conditions are expected to rebound to pre-pandemic levels before the Project's commencement. For the same reasons, the same approach is carried over in the ES, however, where appropriate, relevant data sources such as labour market and employment indicators have been updated to reflect the latest available position based on data availability.</p> <p>Updated position (April 2024): Please refer to the response at Row 2.19.1.2 of this Table.</p>	ES Chapter 17: Socio-Economics [APP-042]	Under discussion
Assessment Methodology					
2.19.2.1	Assessment methodology - No consideration of effects at a local authority level.	<p>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.</p> <p>Updated position (Deadline 1): An assessment of impacts is required at the local authority level to understand local implications of the Scheme</p> <p>Updated position (Deadline 5): SCC believes an assessment of impacts is required at the local authority level to ensure local implications of the Scheme are identified.</p>	<p>Detailed analysis of the construction employment expected to be generated by the Project is provided in ES Appendix 17.9.1: Gatwick Construction Workforce Distribution Technical Note, including an assessment of the potential construction labour supply and their spatial distribution. This data has informed the assessment of the labour market within Section 17.9 of ES Chapter 17: Socio-Economic.</p> <p>Wider effects of the construction phase have been assessed in terms of potential impacts on the construction supply chain measured relative to the scale of construction sector enterprises (as opposed to employment which is used for direct effects only) in each of the assessment areas.</p> <p>GAL's response reiterated that an assessment of the potential demand for housing during the construction phase has been added to the Assessment of Population and Housing Effects.</p>	<p>ES Chapter 17 Socio-Economics [APP-042]</p> <p>ES Appendix 17.9.1: Gatwick Construction Workforce Distribution Technical Note [APP-199]</p> <p>ES Chapter 17: Socio-Economic [APP-042].</p> <p>Appendix 17.9.3 Assessment of Population and Housing Effects [APP-201]</p> <p>Written Summary of Oral Submissions from Issue Specific Hearing 3: Socio-economics [REP1-058] – Section 3.2</p>	Under discussion

			<p>As set out in response to point 3.4, impacts are assessed at the appropriate functional spatial scale and with additional information also provided at local authority level.</p> <p>Updated position (April 2024): The Applicant restated its position in Issue Specific Hearing 3 – information is provided on impacts at local authority level but the assessment of significance is (correctly) done at the functional market area level.</p>		
2.19.2.2	Assessment methodology - Assessment of impacts on property prices	<p>An assessment of project impact on property values has been scoped out of the assessment despite PINS advice on the issue (PINS ID 4.10.3). Unless subsequently agreed otherwise by PINS, an assessment of project impacts on property prices is still required.</p> <p>Updated position (Deadline 1): PINs advised that the applicant should undertake an assessment of impacts on property prices. Applicant advised at a TWG meeting that they would be undertaking this assessment. Applicant has acknowledged in the ES there will be an adverse impact on property prices.</p> <p>Updated Position (Deadline 3): SCC no longer pursuing this point.</p>	<p>GAL has not included a specific assessment of effects on property prices in the ES for the reasons set out in Table 17.4.2 of ES Chapter 17 Socio-Economic (APP-042).</p> <p>Impacts on residential property values have not been included in scoping for other comparable DCO projects (e.g. Heathrow, Manston, Luton).</p>	ES Chapter 17 Socio-Economic [APP-042].	Under discussion No longer pursuing
2.19.2.3	Gatwick Construction Workforce distribution technical note – distance travelled to work date	<p>Additional information is requested in a number of areas:</p> <ul style="list-style-type: none"> Does the Construction Industry Training Board data in terms of average distance workers travel to sites for each region of the UK adequately consider differences that exist within local geographies. Where Census 2011 data is being relied upon for analysis, there needs to be acknowledgement this could affect the accuracy of home-based (HB) and non-home based (NHB) worker estimations. <p>The gravity model used to identify the split of HB and NHB workers does not appear to take account of current local labour supply constraints locally.</p> <p>Updated position (Deadline 1): The Applicant has not answered the question. The Applicant should undertake an assessment of impacts at local authority level.</p> <p>Updated position (Deadline 5): No longer pursuing</p>	<p>This is explained in the Gatwick Construction Workforce Distribution Note. The average proportion of non-home based workers in England is 5% and in the South East is 7%. A NHB share of 20% therefore is conservative.</p> <p>There is no evidence of a shortage of construction workers such that the project would be unable to recruit HB workers. GAL will seek to employ contractors who have a workforce and these will include local contractors.</p> <p>Whilst the project itself is large, its demand for workers is small in the context of the size of the construction workforce</p> <p>Updated position (April 2024): There is no Surrey construction labour market. It is appropriate to do the assessment at functional market area level. There is also no evidence that construction skills shortages give rise to constraints either in general or for this project specifically. However, the assessment already takes account of workers travelling from outside the area, including NHB workers. The assessment assumes 20% NHB which is significantly higher than the national and regional averages of 5% and 6%.</p>	<p>ES Appendix 17.9.1: Gatwick Construction Workforce Distribution Technical Note [APP-199].</p> <p>ES Chapter 17: Socio-Economics [APP-042] – Table 17.6.6 and Section 17.9</p> <p>The Applicant's Response to Local Impact Reports Appendix D – Construction Labour Market and Accommodation Impacts [REP3-082]</p>	Under discussion No longer pursuing

			<p>A bottom-up cumulative assessment of construction activity over the next 10 years would show significantly more labour available than there is demand because most construction projects over that time period are not yet planned.</p> <p>The latest data from the CITB shows a decline in demand for infrastructure construction workers in the next few years.</p> <p>A further response on the construction workforce and accommodation issues is provided in the Construction Labour Market and Accommodation Impacts note in response to Local Impact Reports.</p>		
2.19.2.4	Sensitivity and magnitude gradings	<p>The need to revisit sensitivity and magnitude gradings for several assessments in the socio-economic chapter.</p> <p>Updated position (Deadline 1): Council has concerns related to sensitivity and magnitude criteria for several socio-economic receptors.</p> <p>Updated position (Deadline 5): Council concerns remain related to sensitivity and magnitude criteria for several socio-economic receptors, Applicant has not addressed this.</p>	<p>As shown in ES Chapter 17 Socio-Economics, the thresholds applied vary across receptors and geographies. These are ultimately based on a professional judgment, however proposed thresholds were presented during Topic Working Groups for comment.</p> <p>Updated position (April 2024): The magnitude criteria in ES Chapter 17: Socio-Economic have been based upon industry best practice. The Applicant has also justified sensitivity at various socio-economic receptors in Table 17.6.6.</p>	ES Chapter 17 Socio-Economics [APP-042]	Under discussion
2.19.2.5	Assessment of socio-economic effects at local authority level	<p>The assessment of socio-economic effects has been undertaken at different geographical levels but has not assessed impacts at a local authority level. This is despite ongoing issues concerning labour supply, housing (including affordable) and temporary accommodation in the local authorities located close to the project. As a result of this approach, the assessment does not identify specific impacts on these areas.</p> <p>Updated position (Deadline 1): An assessment of impacts is required at the local authority level.</p> <p>Updated position (Deadline 5): SCC believes an assessment of impacts is required at the local authority level to ensure local implications of the Scheme are identified.</p>	<p>A range of geographies are used on the basis that significant effects on socio-economic receptors might differ in geography depending on the receptor. This includes the Project Site Boundary, Local Study Area, North West Sussex Functional Economic Market Area (also the same as the North West Sussex Housing Market Area, 'NWS HMA'), Labour Market Area and Six Authorities Area. Reasoning and justification for these is given within the Socio-Economic Chapter. Local authority level outputs are also provided. A further study area has also been adopted for the purposes of assessing housing effects, as housing effects are felt across housing market areas which are not reflected in any of the other geographies. In the Summer 2022 consultation it was commented the analysis did not address previous concerns about most of the demand for housing being concentrated in the NWS HMA. Subsequently, for the assessment of population and housing effects, outputs are given at a local authority level within Annexes including for the key scenarios a total specifically for the NWS HMA.</p>	<p>Consultation Report Annex A, Consultation Issues Tables Autumn 2021 [APP-219]</p> <p>Consultation Report Annex C, Consultation Issues Tables Summer 2022 [APP-221]</p> <p>ES Chapter 17 Socio-Economics [APP-042] paras 17.4.8-13</p> <p>ES Socio-Economic Effects Figures [APP-052]</p> <p>ES Appendix 17.6.1 Socio-Economic Data Tables [APP-197]</p>	Under discussion

			<p>Updated position (April 2024): Please refer to the responses at Rows 2.19.2.1 of this Table.</p>	<p>ES Appendix 17.9.3 Assessment of Population and Housing Effects [APP-201]</p>	
Assessment					
2.19.3.1	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, as well as other methodological concerns.</p> <p>Updated position (Deadline 1): See joint authority response to this issue</p> <p>Updated position (Deadline 5): Discussion ongoing. For joint authority position see paras 51-60 of REP4-052.</p>	<p>Catalytic impacts refers to the economic activity of firms that are not in the indirect or induced footprint of the airport choosing to locate near the airport because of the connectivity that it offers. The catalytic effect is derived as a residual from total net impacts and footprint impacts. Total net impacts are estimated on the basis of an elasticity relationship we have derived between air traffic and local employment. This elasticity relationship represents a net relationship as it accounts for the net increase in local employment generated by an increase in air traffic.</p> <p>The assessment of national impacts follows DfT's TAG and assesses costs and benefits from the scheme where possible given the available data and information at the time of submission. While this type of assessment is not required for private-sector schemes, we use TAG welfare analysis as it is considered a useful framework to assess and present the economic impacts (costs and benefits) of the Project that are additional at the national level. Benefits included in the Net Present Value calculations exclude impacts that would potentially double-count benefits (e.g. trade benefits are quantified but not included in the NPV).</p> <p>We are arranging a technical working group meeting to address these issues in early January 2024.</p> <p>Updated position (April 2024): Following further TWGs the Applicant is providing a further explanatory note.</p>	<p>ES Appendix 17.9.2 Local Economic Impact Assessment [APP-200].</p> <p>Needs Case Appendix 1 - National Economic Impact Assessment [APP-251].</p> <p>The Applicant's Response to the ExA's Written Questions (ExQ1) – Socio-Economic Effects [REP3-103] – SE.1.20.</p>	Under discussion
2.19.3.2	Wider economic benefits	<p>The wider economic benefits of the project have been overstated due to the failure to adequately distinguish the demand that could be met at Gatwick from the demand which could only be met at Heathrow and the economic value that is specific to operations at Heathrow. The methodology by which the wider catalytic impacts in the local area has been assessed is not robust.</p> <p>Updated position (Deadline 1): See joint authority response to this issue</p>	<p>Catalytic impacts refers to the economic activity of firms that are not in the indirect or induced footprint of the airport choosing to locate near the airport because of the connectivity that it offers. The catalytic effect is derived as a residual from total net impacts and footprint impacts. Total net impacts are estimated on the basis of an elasticity relationship we have derived between air traffic and local employment. This elasticity relationship represents a net</p>	<p>ES Appendix 17.9.2 Local Economic Impact Assessment [APP-200].</p> <p>Needs Case Appendix 1 - National Economic Impact Assessment [APP-251].</p>	Under discussion

		<p>Updated position (Deadline 5): Discussion ongoing. For joint authority position see paras 51-60 of REP4-052.</p>	<p>relationship as it accounts for the net increase in local employment generated by an increase in air traffic. The assessment of national impacts follows DfT's TAG and assesses costs and benefits from the scheme where possible given the available data and information at the time of submission. While this type of assessment is not required for private-sector schemes, we use TAG welfare analysis as it is considered a useful framework to assess and present the economic impacts (costs and benefits) of the Project that are additional at the national level. Benefits included in the Net Present Value calculations exclude impacts that would potentially double-count benefits (e.g. trade benefits are quantified but not included in the NPV).</p> <p>We are arranging a technical working group meeting to address these issues in early January 2024.</p> <p>Updated position (April 2024): Please refer to the response at Row 2.19.3.1 of this Table.</p>		
2.19.3.3	Economic benefits	<p>As a result of capacity overstatement, it also means the economic benefits are overstated.</p> <p>Updated position (Deadline 1): See joint authority response to this issue</p> <p>Updated position (Deadline 5): Discussion ongoing. For joint authority position see paras 51-60 of REP4-052.</p>	<p>Catalytic impacts refers to the economic activity of firms that are not in the indirect or induced footprint of the airport choosing to locate near the airport because of the connectivity that it offers. The catalytic effect is derived as a residual from total net impacts and footprint impacts. Total net impacts are estimated on the basis of an elasticity relationship we have derived between air traffic and local employment. This elasticity relationship represents a net relationship as it accounts for the net increase in local employment generated by an increase in air traffic.</p> <p>The assessment of national impacts follows DfT's TAG and assesses costs and benefits from the scheme where possible given the available data and information at the time of submission. While this type of assessment is not required for private-sector schemes, we use TAG welfare analysis as it is considered a useful framework to assess and present the economic impacts (costs and benefits) of the Project that are additional at the national level. Benefits included in the Net Present Value calculations exclude impacts that would potentially double-count benefits (e.g. trade benefits are quantified but not included in the NPV).</p>	<p>ES Appendix 17.9.2 Local Economic Impact Assessment [APP-200].</p> <p>Needs Case Appendix 1 - National Economic Impact Assessment [APP-251].</p>	Under discussion

			<p>We are arranging a technical working group meeting to address these issues in early January 2024.</p> <p>Updated position (April 2024): Please refer to the response at Row 2.19.3.1 of this Table.</p>		
2.19.3.4	Assessment of significant effects	<p>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 scoring used and need for assessment at local authority level.</p> <p>Updated position (Deadline 1): Assessments require revisiting and an assessment at local authority level is required.</p> <p>Updated position (Deadline 5): SCC believes an assessment of impacts is required at the local authority level to ensure local implications of the Scheme are identified.</p>	<p>As shown in ES Chapter 17 Socio-Economics, the thresholds applied vary across receptors and geographies. These are ultimately based on a professional judgment, however proposed thresholds were presented during Topic Working Groups for comment.</p> <p>Updated position (April 2024): Please refer to the responses at Rows 2.19.1.3 and 2.19.2.4 of this Table. Additionally, an assessment of effects provided at different spatial levels including FEMA is provided in Table 17.6.6 and Section 17.9 in ES Chapter 17: Socio-Economic. A further response is provided in the Construction Labour Market and Accommodation Impacts note in response to Local Impact Reports.</p>	<p>ES Chapter 17 Socio-Economics [APP-042]</p> <p>The Applicant's Response to Local Impact Reports Appendix D – Construction Labour Market and Accommodation Impacts [REP3-082]</p>	Under discussion
2.19.3.5	Assessment of population and housing effects – vacant properties	<p>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.</p> <p>Updated position (Deadline 1): Applicant hasn't answered the question.</p> <p>Updated position (Deadline 5): Applicant hasn't answered the question.</p>	<p>To determine the potential housing effects, the number of NHB workers (ie those who will temporarily migrate to the area) allocated to each local authority area has been compared with the total number of bed spaces available in the private rented sector. Table 6.1.1 of ES Appendix 17.9.3 sets out the distribution of NHB construction works (at peak) within the key authorities. The numbers in any single local authority are very small and their lengths of stay will be relatively short. In Crawley the peak number of NHB workers is estimated to be only 115 and not all of these will seek PRS accommodation.</p> <p>Updated position (April 2024): The Applicant has provided an assessment using updated data from the 2021 Census, including updated data on vacant bedspaces within The Applicant's Response to Actions in ISH 2 – 5.</p>	<p>ES Chapter 17 Socio-Economic [APP-042].</p> <p>ES Appendix 17.9.3 Assessment of Population and Housing Effects [APP-201].</p> <p>ISH3 Action Point 5 in the Applicant's Response to Actions ISH2-5 [REP2-005]</p>	Under discussion
2.19.3.6	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</p>	<p>Paragraph 7.5.1 talks about proportions not numbers. The absolute level of demand is significantly lower than the supply of stock.</p>	<p>Consultation Report Annex A, Consultation Issues Tables Autumn 2021 [APP-219],</p>	Under discussion

		<p>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> <p>Updated position (Deadline 1): Project will increase pressures on supply of affordable housing. Applicant should undertake assessment at local authority level.</p> <p><u>Updated position (Deadline 5): SCC believes an assessment of impacts is required at the local authority level to ensure local implications of the Scheme are identified. This includes consideration of the pressures on the supply of affordable housing.</u></p>	<p>The proportions being delivered are higher than the proportion of demand from workers.</p> <p>In addition, many of the workers will already be resident in the area so will not constitute new housing demand.</p> <p>The analysis concludes that the potential tenure demands associated with the Project are unlikely to have any impact on affordable housing demands beyond what is already emerging or being planned for.</p> <p>As set out in response to point 3.4, impacts are assessed at the appropriate functional spatial scale and with additional information also provided at local authority level.</p> <p>Updated position (April 2024): <u>Please refer to the response at Row 2.19.1.1 of this Table.</u></p>	<p>Consultation Report Annex C, Consultation Issues Tables Summer 2022 [APP-221]</p> <p>ES Appendix 17.9.3 Assessment of Population and Housing Effects [APP-201]</p>	
Mitigation and Compensation					
2.19.4.1	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	<p>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 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.</p> <p>Updated position (Deadline 1): More detailed information is required in the ESBS as set out in the LIR.</p> <p><u>Updated position (Deadline 5): SCC has shared its concerns in relation to the ESBS in their Deadline 4 submission.</u></p>	<p>Please refer to ES Appendix 17.8.1 Employment, Skills and Business Strategy for details.</p> <p>The plan will include more specific detail on the objectives, initiatives and activities, targets, milestones, implementation processes and partners, including how objectives will be met at the local level. The approach to monitoring and evaluation of actions and impacts will be included. GAL recognises that the skills, employment and business growth and productivity fields are dynamic and fast-moving in terms of national and local policy responses, skill needs and demands and technological changes. The project will be delivered over a period of 15+ years. Thus, the strategy and implementation plan will need to incorporate capacity for the projects and associated targets and outcomes to flex and change in response effectively to changing circumstances as required.</p> <p>Updated position (April 2024): <u>The ESBS Implementation Plan will describe how GAL will collaborate with partners to define and implement a clear regional 'identity' and promotion strategy. Initial scoping research, informed by a partner workshop, has just completed and the recommendations will inform the Implementation Plan.</u></p>	<p>ES Appendix 17.8.1 Employment, Skills and Business Strategy [APP-198].</p> <p><u>Draft Section 106 Agreement Annex: ESBS Implementation Plan</u> [REP3-069]</p>	Under discussion

			<p>The Implementation Plan will include specific delivery plans for each of the 6 themes in the ESBS. These Delivery Plans will differentiate between BAU activity related to the relevant theme, details of any pilot activity currently being undertaken in that theme, and proposed delivery post consent.</p> <p>To support the development of the draft Implementation Plan, workshops were held on 25 March and 8 April with relevant stakeholders and representatives of the Joint Local Authorities. To assist this work GAL shared examples of draft delivery plans (covering two ESBS themes) and used the workshop to explore delivery against each ESBS theme - including clear information on current BAU activity, and ESBS pilot activity. This work will continue at a workshop with JLAs on 30 May and will be used to inform the draft Implementation Plan.</p>		
2.19.4.2	Gatwick Community Fund	<p>Lack of commitment on Gatwick Community Fund amounts.</p> <p>Updated position (Deadline 1): Draft S106 first shared 1.2.24.</p> <p>Updated Position (Deadline 3): 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.</p> <p>Updated Position (Deadline 5): Concerns remain around value of the fund. The JSC's Deadline 4 submission also included queries around funding eligibility criteria.</p>	<p>This will be set out in the S106 agreement.</p> <p>Updated position (Deadline 1): A draft Section 106 Agreement has been shared with the Local Authorities and discussions are ongoing. The draft legal agreement is to be submitted at Deadline 2.</p> <p>Updated position (April 2024): Further detail is provided in Sections 3.15 and 4.16 in the Applicant's Response to Local Impact Reports.</p>	n/a	Under discussion
2.19.4.3	Economic benefits	<p>There remains uncertainty as to how Surrey's residents will benefit and insufficient detail as to how economic benefits for Surrey's residents will be secured and delivered.</p> <p>Updated position (Deadline 1): The Applicant refers to Crawley residents in its response which isn't relevant to the question.</p> <p>The Applicant should undertake an assessment at local authority level to determine local impacts. They should also provide further details of the benefits of the Scheme for Surrey residents.</p>	<p>The assessment sets out the likely distribution of new employees, including Crawley residents, based on the current distribution of employees. Crawley residents will not need to do anything special in order to be able to benefit.</p> <p>GAL proposes enhancing the ability of target groups to access employment through the ESBS. The Implementation Plans underneath the ESBS will set out how measures will be targeted (by area or group) and these will be agreed and delivered in partnership with local partners including CBC.</p>	<p>ES Chapter 17 Socio-Economics [APP-042] paras 17.4.8-13</p> <p>ES Socio-Economic Effects Figures [APP-052]</p> <p>ES Appendix 17.8.1 Employment, Skills and Business Strategy [APP-198].</p>	Under discussion

		<p>Updated position (Deadline 5): It Still remains unclear regarding benefits of Scheme for Surrey residents.</p>	<p>It is confirmed within the Socio-Economic Chapter that the Local Study Area incorporates the whole of Crawley and parts of Horsham, Mid Sussex, Mole Valley, Reigate and Banstead and Tandridge. The selection of output areas is based upon a 'best fit' match of the urban area surrounding Gatwick, incorporating the main towns of Crawley and Horley and some smaller settlements located near to the Project site boundary such as Charlwood, Copthorne, Hookwood, Ifieldwood, Salfords and Smallfield. A map of the Local Study Area is also provided.</p> <p>The DCO Application was accompanied by ES Appendix 17.9.3: Assessment of Population and Housing Effects which contains an assessment of the population and housing effects of the employment generated by the Project. The assessment is available to view on PINS website.</p> <p>The assessment focuses on the labour and housing market areas, but also sets out the information and data at the Local Authority level. This approach to the population and housing assessment has been presented through a number of Socio-Economics TWGs, including the sessions on 16th May 2022, 7th July 2022 and 6th December 2022.</p> <p>Updated position (April 2024): The references to Crawley should read "Surrey". Please see the response at Row 2.19.4.1 of this Table.</p>		
<p>2.19.4.4</p>	<p>Employment and Skills Business Strategy</p>	<p>The Employment and Skills Business Strategy (ESBS) is generic, lacking detail and clarity and does not provide sufficient detail on, amongst other things, local baseline; tailored local initiatives aligning with local needs and priorities; outputs; measurable targets, details of funding and approach to monitoring.</p> <p>Updated position (Deadline 1): More detailed information is required in the ESBS as set out in the LIR.</p> <p>Updated position (Deadline 5): SCC has shared its concerns in relation to the ESBS in their Deadline 4 submission.</p> <p>This entry could be combined with 2.19.4.1 to reduce repetition</p>	<p>Please refer to ES Appendix 17.8.1 Employment, Skills and Business Strategy for details.</p> <p>The plan will include more specific detail on the objectives, initiatives and activities, targets, milestones, implementation processes and partners, including how objectives will be met at the local level. The approach to monitoring and evaluation of actions and impacts will be included. GAL recognises that the skills, employment and business growth and productivity fields are dynamic and fast-moving in terms of national and local policy responses, skill needs and demands and technological changes. The project will be delivered over a period of 15+ years. Thus, the strategy and implementation plan will need to incorporate capacity for the projects and associated targets and outcomes to flex</p>	<p>ES Appendix 17.8.1 Employment, Skills and Business Strategy [APP-198].</p>	<p>Under discussion</p>

			<p>and change in response effectively to changing circumstances as required.</p> <p>The ESBS Implementation Plan will describe how GAL will collaborate with partners to define and implement a clear regional 'identity' and promotion strategy. Initial scoping research, informed by a partner workshop, has just completed and the recommendations will inform the Implementation Plan.</p> <p>Updated position (April 2024): Please see the response at Row 2.19.4.1 of this Table.</p>		
2.19.4.5	Education Engagement Strategy	<p>GAL's Education Engagement Strategy targets age groups aged 5 – 24 and wider families. GAL should also consider offering new training courses that recognise the upskilling needs of an adult population. Adults returning to work will need a more tailored offer.</p> <p>Updated position (Deadline 1): More detailed information is required in the ESBS as set out in the LIR. Updated position (Deadline 5): SCC has shared its concerns in relation to the ESBS in their Deadline 4 submission.</p>	<p>The ESBS Implementation Plan will be drawn up in partnership with local authorities and including targeting of activity which could include these groups.</p> <p>Updated position (April 2024): Please see the response at Row 2.19.4.1 of this Table.</p>	n/a	Under discussion
2.19.4.6	ESBS clarifications	<p>Clarification and further work are required in a number of areas. SCC also requires further engagement around the ESBS and expects to see it supported by a draft implementation plan with named partners and a timeline supporting the delivery of the activities. Local authority input into the principles of the Gatwick Community Fund is also needed.</p> <p>Updated position (Deadline 1): More detailed information is required in the ESBS as set out in the LIR Updated position (Deadline 5): SCC has shared its concerns in relation to the ESBS in their Deadline 4 submission.</p>	<p>The Implementation Plan will be drawn up in partnership with local authorities and will include targeting of areas and groups.</p> <p>Updated position (April 2024): Please see the response at Row 2.19.4.1 of this Table.</p>	n/a	Under discussion
Other					
There are no other issues relevant to this topic in this Statement of Common Ground					

2.20. Traffic and Transport

2.20.1 Table 2.1 sets out the position of both parties in relation to traffic and transport matters.

Table 2.20 Statement of Common Ground – Traffic and Transport Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
2.20.1.1	Baseline Environment	<p>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.</p> <p>Updated position (Deadline 1): Response points to assessment criteria that highlights the point that Table 31 cannot assess impacts on close to / at capacity roads.</p> <p>Updated position (Deadline 5): <u>SCC wish to engage further with GAL and National Highways regarding their network being at capacity in the business-as-usual scenario and the implied impact on our road network as a result.</u></p>	<p>Road traffic flow difference plots for the tested scenario combinations are provided in Section 12.4 of Annex B of the Transport Assessment. These provide an estimate of the traffic transferring onto or from different road links as a result of the Project. A magnitude of impact assessment was undertaken across the modelled area to understand the impact of the Project on junctions and links within the model. This process is outlined in Chapters 5 and 12 of the Transport Assessment and in section 6.12 of Annex B (Strategic Transport Modelling Report) of the Transport Assessment. The assessment results are presented in Section 12.8 of Annex B of the Transport Assessment.</p> <p>Updated position (April 2024): <u>Table 21 in Transport Assessment Annex B: Strategic Transport Modelling Report has a small error in the alignment of the columns. Please see Table 12.3.1 in the Transport Assessment [REP3-058] for the correct version. This shows that all junctions operating over 95% capacity in the Application scenario will be highlighted as Medium or High Impact, if the difference as a result of the Project is over 2 percentage points.</u></p>	Transport Assessment [REP3-058AS-079]	Under discussion
2.20.1.2	Baseline Environment	<p>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.</p> <p>Updated position (Deadline 1): This should not be in the baseline as it is subject to GPDO consultation with Crawley</p> <p>Updated position (Deadline 5): <u>No change</u></p>	<p>As explained in Section 4.4 of ES Chapter 4, a GPDO Consultation was submitted for a trial of Robotic Parking in 2019 (Crawley Borough Council reference CR/2018/0935/CON). The trial was delayed due to COVID-19 pandemic. It is proposed to extend robotic parking over a larger area of existing car park to provide the additional 2,500 spaces in three phases - 500 spaces in 2024 and 1000 spaces in each of 2025 and 2026. These further phases will also come forward as permitted development subject to GDPO consultations with Crawley Borough Council.</p> <p>Updated position (April 2024): <u>The Applicant has provided a further response on robotic parking at section 4.6 of The Applicant's Response to Actions - ISHs 2-5 [REP2-005] which notes that the intensification of the parking use as a result of the conversion of existing self-park spaces to</u></p>	ES Chapter 4: Existing Site and Operation [APP-029] The Applicant's Response to Actions - ISHs 2-5 [REP2-005]	Under discussion

			robotic parking spaces will come forward in advance of the Project as permitted development (pursuant to Schedule 2, Part 8, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO"), subject to the prior consultation requirements with the local planning authority as set out in the GPDO.		
2.20.1.3	Modelling suite	<p>The public transport model validation over-estimates public transport demand in Greater London and the South East and does so significantly for the county of Surrey.</p> <p>Updated position (Deadline 1): Report referenced shows limited data compared to more detailed modelling reports.</p> <p>Updated position (Deadline 5): SCC are awaiting further information following discussions with GAL that took place in May</p>	<p>Annex B Strategic Transport Modelling Report of the Transport Assessment, section 5.2.11, describes that at 24hr level the 2-dir modelled passenger volumes are 1% above the counts for the Southern network (ie for GTR services crossing the London cordon at Victoria, Blackfriars and London Bridge). In the individual periods, the 2-dir volumes differ from the counts by +1% (AM), 0% (IP), +4% (PM), -2% (OP1) and +6% (OP3).</p> <p>Updated position (April 2024): We will continue to discuss this matter with SCC through further engagement</p>	Transport Assessment Annex B Strategic Transport Modelling Report [APP-260]	Under discussion
Assessment Methodology					
2.20.2.1	Assessment methodology, assumptions and limitations of the assessment	<p>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.</p> <p>Updated position (Deadline 1): SCC have raised concerns with COVID-19 transport modelling.</p> <p>Note SCC's preference for environmentally led growth.</p> <p>Updated Position (Deadline 3): The Covid sensitivity test, now issued, is only one of a number that SCC would like.</p> <p>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 lower than expected rail provision/patronage.</p> <p>Updated position (Deadline 5): SCC are awaiting further information following discussions with GAL that took place in May</p>	<p>The Examining Authority has made a Procedural Decision dated 24 October 2023 to request the Applicant to provide a detailed response to look at accounting for COVID-19 in the transport modelling. This work is being undertaken for submission to the ExA in due course.</p> <p>Our mode share commitments within the Surface Access Commitments document represent the position we are committing to achieve, based on our modelling of mode choice and transport network operation.</p> <p>Updated response (Deadline 1): The response to the ExA's Procedural Decision on accounting for Covid-19 in the transport modelling has been submitted and is available on the Project Webpage.</p> <p>Updated position (April 2024): Regarding the point around environmentally led growth the Applicant has responded to Surrey County Council's detailed concerns in The Applicant's Response to the Joint Surrey Local Impact Reports [REP3-078] ref TT16. GAL has carefully considered the approach to growth and surface access commitments. The commitments being made and the way in which they are structured are appropriate in the context of the anticipated rate of growth which is forecast for dual runway operations at the airport.</p>	Accounting for Covid-19 in Transport Modelling [AS-121] and its Appendices [AS-122] The Applicant's Response to the Joint Surrey Local Impact Reports [REP3-078]	Under discussion

			<p>ES Appendix 5.4.1: Surface Access Commitments [REP3-028] sets out a monitoring strategy which is in keeping with the existing process for monitoring ASAS targets and the development of Action Plans in consultation with the Transport Forum Steering Group. The Sustainable Transport Fund and bus and coach contributions are secured in the draft DCO S106 Agreement [REP2-004] to support the increased use of sustainable modes of travel services. The Applicant is also committing to provide a Transport Mitigation Fund, which is secured in the draft DCO S106 Agreement [REP2-004] and would be available to address impacts over and above what was modelled and which were not anticipated.</p> <p>The Applicant will continue to engage with SCC on this matter.</p>		
2.20.2.2	Assessment methodology, assumptions and limitations of the assessment	<p>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.</p> <p>Updated position (Deadline 1): SCC submitted concerns with the VISSIM modelling November but is yet to hear back.</p> <p>In particular, SCC is still concerned about this. The model appears to be skewed towards the Crawley area, yet based on the distribution of airport traffic, the Horley area should feature more heavily (Transport Assessment Diagram 12.3.2: TR020005 APP-258).</p> <p>Also, the A23 Brighton Road / Massetts Road signal junction is around 350m away from Longbridge Roundabout and thus the traffic pattern arriving at Longbridge Roundabout will be different in the model due to the signal operation. Therefore, the current model is not likely to represent the true operational impact on Surrey's road network.</p> <p>Updated Position (Deadline 3): and include: A23/Massetts Road A23/Victoria Road A217/Tesco Roundabout, and A217/Hookwood Roundabout</p> <p>Updated position (Deadline 5): SCC are awaiting further information following discussions with GAL that took place in May</p>	<p>Microsimulation modelling has been carried out for 2032 and 2047 with and without the Project, covering the network in the vicinity of the Airport, as set out in Section 13 of the Transport Assessment. The area covered by the microsimulation model remains as indicated in the Autumn 2021 consultation, as it is considered that the strategic model, which covers a much wider area but includes the local road network in the vicinity of the Airport, provides an appropriate means of assessing local network performance. The effects of the Project in relation to driver delay have been considered, as explained in Section 12.9 of Chapter 12 to the ES and Section 12 of the Transport Assessment. The strategic modelling work, described in Section 12 of the Transport Assessment, considers 2029, 2032 and 2047 with and without the Project and demonstrates the effects on the performance of the wider SRN and the local road network within the modelled area.</p> <p>Impacts have been considered in relation to junction performance and driver delay, using the magnitude of impact criteria set out in Table 12.4.6 of ES Chapter 12: Traffic and Transport.</p> <p>Updated position (April 2024): No further update.</p>	ES Chapter 12: Traffic and Transport [AS-076]	Under discussion
2.20.2.3	Modelling suite	<p>SCC is concerned that the modelling tools adopted cannot be considered accurate enough to provide confidence in their outputs, questions whether it is likely that GAL will be able to meet their Surface Access Commitments (SAC) [APP-090] and</p>	<p>The model performance is outlined in Section 5 of Annex B of the Transport Assessment. This outlines the overall performance of the models covering the highway assignment, public transport assignment and variable</p>	Transport Assessment [AS-079]	Under discussion

		<p>therefore whether the Environmental Statement (ES) has thoroughly assessed all the potential impacts.</p> <p>Updated position (Deadline 1): The information provided is not complete as the validated reports were not submitted into inquiry.</p> <p>Updated position (Deadline 5): SCC are awaiting further information following discussions with GAL that took place in May</p>	<p>demand modelling realism. This is further commented on in the Transport Assessment, Section 12.3.</p> <p>Updated position (April 2024): The LMVR has been shared with SCC as part of stakeholder engagement sessions when the modelling suite was being developed to ensure feedback was incorporated into the model build process.</p>		
2.20.2.4	Modelling suite	<p>The highway model has introduced a tiered approach to calibration and validation standards, yet the tolerances applied to calibration/validation have not been applied to impact assessments.</p> <p>Updated position (Deadline 1): SCC deem it suitable to tier the impact assessment</p> <p>Updated position (Deadline 5): Agreed following discussions with GAL that took place in May</p>	<p>The tiered approach adopted to calibrate and validate the highway assignment model on screenline performance was agreed with the local highway authorities and National Highways. The link level criteria was retained as per the guidance in TAG Unit M3.1 - it was considered suitable to not tier the impact assessment.</p> <p>Updated position (April 2024): We will continue to discuss this matter with SCC through further engagement.</p>	Transport Assessment [AS-079]	Under discussion Agreed
2.20.2.5	Modelling suite	<p>The lack of interaction between the highway and public transport models may mean that future year bus and coach travel will not reflect delays associated with traffic growth over time and that may result in over-estimated demand for these modes.</p> <p>Updated position (Deadline 5): awaiting further information following discussions between SCC and GAL. However, SCC wish to ensure that bus journey times are reliable and become an attractive mode for staff.</p>	<p>There is no direct interaction between the highway and public transport model in terms of bus speeds however bus speeds have been reduced in the future year scenarios based on Road Traffic Forecasts. This process is detailed in section 7.12 of Annex B (Strategic Transport Modelling Report) of the Transport Assessment.</p> <p>Updated position (April 2024): No further update.</p>	Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260]	Under discussion
2.20.2.6	Modelling suite	<p>The realism test results for car fuel costs, which are higher than TAG criteria, and may result in a greater shift away from car than might otherwise be expected.</p> <p>Updated position (Deadline 1): Table 26 of TN05 shows that the overall value is -0.35 yet is -0.39 in AoDM.</p> <p>Updated position (Deadline 5): Agreed following discussions that took place with GAL in May.</p>	<p>The realism tests are within TAG criteria for the three tests which are detailed in 5.4 of Annex B (Strategic Transport Modelling Report) of the Transport Assessment. Specifically the car fuel cost sits at -0.35 with TAG guidance suggesting between -0.25 and -0.35 as acceptable.</p> <p>Updated position (April 2024): We will continue to discuss this matter with SCC through further engagement.</p>	Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260]	Under discussion Agreed
Assessment					
2.20.3.1	Assessment of Effects	<p>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.</p>	<p>The model performance is outlined in Section 5 of Annex B of the Transport Assessment. This outlines the overall performance of the models covering the highway assignment, public transport assignment and variable</p>	Transport Assessment Annex B: Strategic	Under discussion

		<p>Updated position (Deadline 1): Much is a repeat issue. Regarding assessment of effects, we note the changes in Autumn 2021 but Table 31 still shows medium impacts when links could potentially shift to 100%.</p> <p>Updated Position (Deadline 5): SCC are awaiting further information following discussions with GAL that took place in May</p>	<p>demand modelling realism. This is further commented on in the Transport Assessment Section 12.3. The transport modelling covers a large area which includes all roads in neighbouring Districts, as indicated in Diagram 5.3.3 of the Transport Assessment. The extent of the models was consulted on with local highway authorities as part of the specification of the model.</p> <p>A magnitude of impact assessment was undertaken across the modelled area to understand the impact of the Project on junctions and links within the model. This process is outlined in Chapters 5 and 12 of the Transport Assessment and in section 6.12 of Annex B (Strategic Transport Modelling Report) of the Transport Assessment. The assessment results are presented in Section 12.8 of Annex B of the Transport Assessment. This assessment was discussed with stakeholders and at Topic Working Groups; the criteria used in the magnitude of impact assessment were amended following the Autumn 2021 Consultation following feedback from stakeholders at that time.</p> <p>Updated position (April 2024): No further update at this time as it relates to matters that the Applicant is discussing with SCC regarding the transport modelling</p>	<p>Transport Modelling Report [APP-260]</p>	
2.20.3.2	Traffic and transport conclusion	<p>A recurring theme of these traffic and transport comments is that of certainty of outcome. The evidence presented is based on assumptions contained within models. There are queries around capacity and demand within the airport forecasts and this leads to SCC concerns as to whether all the proposed highway infrastructure and additional parking spaces are required.</p> <p>Updated position (Deadline 1): The issue of certainty of outcome relates to the fact that if mode share is not met – the outcome is unknown.</p> <p>We welcome parking size increase being as and when required, but the trigger must be stipulated.</p> <p>Updated position (Deadline 5): SCC are awaiting further information following discussions with GAL that took place in May</p>	<p>The assessment indicates that completion of the highway works by three years after dual runway operations commence is appropriate in order to provide sufficient capacity for traffic generated by the Project, based on the air passenger forecasts used in the assessment. GAL has indicated in the Application that the 1,100 additional car parking spaces being sought within the DCO would be brought forward as and when required, in response to demand but also in the context of the mode share commitments.</p> <p>Updated position (April 2024): The updated response is noted and the Applicant welcomes further discussions with SCC on the outcomes. A Car Parking Strategy [REP1-051] has been submitted.</p>	<p>Transport Assessment [AS-079]</p>	Under discussion
2.20.3.3	Traffic and transport conclusion	<p>SCC has demonstrated that there are elements of the models that have higher degrees of uncertainty than usual (the tiered high validation) and other modelling elements that could have a higher propensity to deliver public transport mode share than may otherwise be the case. Furthermore, SCC is not aware of the</p>	<p>The tiered approach adopted to calibrate and validate the highway assignment model on screenline performance was agreed with the local highway authorities and National Highways. The link level criteria was retained as per the guidance in TAG Unit M3.1 - it was considered suitable to</p>	<p>Chapter 7 of the Transport Assessment [AS-079]</p>	Under discussion

		<p>levels of parking and access charge that will be required to deliver the mode share levels published, and whilst the values used in the model are presented, these are not benchmarked. It is hard therefore for SCC to be sure that the measures proposed will be sufficient for the SACs to be met and that the assessment of impacts and effects is robust.</p> <p>Updated position (Deadline 1): Repeat issue. Given the heavy lifting done by the charges (compared to other modes) it is vital that SCC has confidence that the charges will deliver results as modelled.</p> <p>Updated Position (Deadline 5): SCC are awaiting further information following discussions with GAL that took place in May</p>	<p>not tier the impact assessment.</p> <p>The committed mode shares are informed by the strategic modelling work and the parking and forecourt charges set out in Chapter 7 of the Transport Assessment. Further information is being prepared on the justification for the proposed number of car parking spaces. This will be shared with the local authorities in due course.</p> <p>Updated position (April 2024): The charges are just one element in terms of the commitments being made. The updated version of the Surface Access Commitments [REP3-028] sets out a monitoring strategy which is in keeping with the existing process for monitoring ASAS targets and the development of Action Plans in consultation with the Transport Forum Steering Group.</p>		
Mitigation and Compensation					
2.20.4.1	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"> Financial support for enhanced regional express bus or coach services and local bus services; Funding to support local authorities in implementing additional parking controls or in enforcement action against unauthorised off-airport passenger parking sites; Charges for car parking and forecourt access to influence passenger travel choices; Introducing measures to discourage single occupancy private vehicle use by staff, incentivise active travel use and increase staff public transport discounts; Use of the Sustainable Transport Fund to support sustainable transport initiatives; and <p>Provision of a Transport Mitigation Fund to support additional measures should these be needed as a result of growth related to the Airport.</p> <p>Updated position (Deadline 1): Awaiting further information.</p> <p>Updated position (Deadline 3): 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>The funding of the committed bus and coach interventions will be subject to discussions with operators at the time. GAL is committed to using parking charges to influence air passenger travel choices and to achieve the mode share commitments. GAL needs to be able to retain flexibility to review and amend its parking charges in response to progress against the mode share commitments and to anticipated parking demand at different times of year. Further information is being prepared on the application of these measures in support of the Surface Access Commitments.</p> <p>Updated position (April 2024): An updated Draft S106 Agreement [REP2-004] has been submitted which provides further information on the STF, TMF and other funding commitments.</p> <p>An updated Surface Access Commitments [REP3-028] document has been submitted at Deadline 3.</p>	<p>ES Appendix 5.4.1: Surface Access Commitments [APP-090]</p> <p>Draft S106 Agreement [REP2-004]</p>	Under discussion

		<p><u>Updated position (Deadline 5): Discussions are still on-going between the respective lawyers on the latest Section 106 Agreement, and how it relates to the SACs within the DCO</u></p>			
<p>2.20.4.2</p>	<p>Mitigation and Enhancement Measures Adopted as Part of the Project</p>	<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. SCC would like to see 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</p> <p><u>Updated position (Deadline 1):</u> SCC recognise that normal transport modelling practice is being adopted. However, without these schemes being delivered in full and against pre-Covid-19 timetable levels, uncertainty remains.</p> <p><u>Updated position (Deadline 3):</u> A contribution is required to the proposed Network Rail Schemes assumed in the baseline.</p> <p><u>Updated position (Deadline 5):</u> SCC are awaiting further information following discussions with GAL that took place in May</p>	<p>Committed rail projects are included in the future baseline and the with Project scenarios where they have a sufficient level of certainty, in line with normal transport modelling practice. The assessment for the Project shows that there is no significant adverse impact on rail which requires mitigation. The assessment highlights that rail services are typically busiest northbound towards London in the morning peak, and southbound towards Gatwick in the afternoon peak. In general, the greatest increases in patronage related to the Project will be in the counter-peak direction.</p> <p><u>Updated position (April 2024):</u> The increased rail services included in the Future Baseline are those which are committed (and in some cases already in operation). Further discussions are taking place with Network Rail but the Applicant understands that the improvements considered in the future baseline are already committed and therefore no funding is required from the Applicant for them.</p> <p><u>Paragraph 9.4.19 of the Transport Assessment [AS-079]</u> sets out further improvements which are not considered sufficiently advanced to be considered as committed at this stage. These are not included in the future baseline or with Project modelling and the assessment indicates that the effects related to crowding on rail services would not be significant. There is therefore no need for the Applicant to fund these schemes.</p>	<p>Transport Assessment <u>[AS-079]</u></p>	<p>Under discussion</p>
<p>2.20.4.3</p>	<p>Mitigation and Enhancement Measures Adopted as Part of the Project</p>	<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><u>Updated position (Deadline 5):</u> the employee mode choice estimates showed an elasticity of 0.58. A 20% increase in bus travel times reduces the employee bus mode share by 1.6%. This indicates that employees using the bus have to use the bus, whereas the significant majority of employees use the car. A key concern of bus passengers is bus journey reliability as opposed to just journey time. Therefore, as traffic increases in the area, the reliability of buses is likely to be negatively affected, but improving that reliability will assist in providing some employees with a</p>	<p>The SACs set out GAL's commitment to deliver bus and coach improvements and these inform the mode share commitments. GAL routinely liaises with public transport operators, whether separately or as part of discussions with the Transport Forum Steering Group and wider Gatwick Transport Forum and will continue to do so prior to and after the delivery of the Project.</p> <p><u>Updated position (April 2024):</u> An updated Surface Access Commitments [REP3-028] document has been submitted at Deadline 3. This includes the need for the Applicant to use reasonable endeavours to enter into agreements with the relevant transport operators and/or local authorities.</p>	<p>ES Appendix 5.4.1: Surface Access Commitments <u>[APP-090]</u></p>	<p>Under discussion</p>

		<p>reasonable alternative to using the car for commuting. Consequently, SCC considers the Applicant should be working with relevant transport operators and local authorities to implement bus priority measures to help enhance bus reliability as well as helping to maintain or enhance journey times.</p>			
2.20.4.4	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 do not appear to have been satisfactorily actioned, while review of the submitted material associated with the DCO application has identified further queries and concerns.</p> <p>While GAL has now provided further explanation in response to this feedback via their consultants Arup on 5th October 2023, SCC considers that many of the concerns and issues raised are still outstanding.</p> <p>Updated position (Deadline 1): SCC considers that this is still outstanding. SCC reviewed the information provided by Arup on 5th October and provided comments accordingly.</p> <p>Updated position (Deadline 5): SCC considers that the updated position (April 2024) comment from GAL is still applicable (<i>"The feedback received from SCC raised a series of comments against the technical design deliverables issued for their review and comment. A number of the comments raised have been closed out, however there are some that are recognised as outstanding and these are subject to ongoing technical engagement"</i>).</p> <p>Further information was submitted by GAL/Arup to SCC on 1st May 2024 with a meeting held on 9th May to discuss matters. This included updated information/responses from GAL in relation to the Highway Design Strategy Report. SCC considers that the following matters are still outstanding following review of the latest information and meeting:</p> <ul style="list-style-type: none"> • Impact on bus journey times – SCC has requested information on bus journey time impact but is yet to receive it. • Construction – 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 	<p>The Rights of Way and Access plans and corresponding DCO schedules (Schedule 4) will be updated to provide improved clarity on the distinction between different types of footway / shared-use cycle track and segregated cycle track provision included as part of the scheme proposals.</p> <p>In addition to the information shared through technical design engagement (including the Topic Working Group sessions focussed on Active Travel), the DCO application documents include General Arrangement Drawings, Engineering Section Drawings and Structure Section Drawings that provide additional detail on the preliminary scheme proposals. Typical minimum widths of footway provision through the scheme is 2.0m, typical minimum width of shared-use paths provided through the scheme is 3.0m and typical minimum width of segregated cycle tracks is 5.0m (3.0m for two way cyclist use and 2.0m for pedestrians). Separation distances to the carriageway vary in accordance with proposed speed limits and as a result of local site features that influence the design. Localised reductions in active travel infrastructure width provision are proposed at constraints (e.g. at bridge structures) with due consideration of relevant design guidance (e.g. as set out in LTN 1/20). Detailed design drawings would be developed at the detailed design stage after the DCO has been granted in consultation with the relevant highway authorities.</p> <p>As set out in the responses provided on 5th October, no further mitigation is considered to be required to meet the mode share targets set out in the SAC.</p> <p>Updated position (April 2024): The feedback received from SCC raised a series of comments against the technical design deliverables issued for their review and comment. A number of the comments raised have been closed out, however there are some that are recognised as outstanding and these are subject to ongoing technical engagement.</p>	<p>Rights of Way and Access Plans (REP1-014)</p> <p>Surface Access Highways General Arrangements (APP-020)</p> <p>ES Appendix 5.4.1: Surface Access Commitments (APP-090)</p>	Under discussion

[Workforce Travel Plan](#) submitted as part of the DCO are outline level, and thus will need to be developed in full with SCC;

- [Departures from Standard](#) – 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;
- [Active Travel route from A23 Brighton Road to North Terminal via Longbridge Roundabout](#) – this route contains shared use pinch-points at the 2 River Mole bridges, which are being widened but insufficiently to provide a continuous route, thus SCC has repeatedly requested that these are widened to provide a continuous segregated route. Also, there are sharp deviations in the route around car park Y that GAL state will be addressed during detailed design;
- [Active Travel route between The Crescent and North Terminal via Riverside Garden Park & new A23 signalised crossing](#) – This is the most direct route between Horley and the North Terminal and hence SCC's preferred route. SCC has repeatedly requested this route is improved for cycling rather than being futureproofed
- [Active Travel route between The Crescent and South Terminal via relandscaped car park B – this is the most direct route between Horley and the South Terminal and thus](#) SCC has repeatedly requested this route is improved and opened for cycling.
- [Active Travel access to east of the railway](#) – SCC has repeatedly requested a new railway bridge for cyclists is provided in the vicinity of the A23. There are currently no crossings between Victoria Road and Radford Road, other than via the South Terminal requiring cyclists to dismount and use lifts alongside airport passengers with and their luggage. As an alternative, SCC requests that the proposed footpath labelled C1 is upgraded to also allow access for cyclists.
- [A23 Southbound exit from Longbridge Roundabout](#) – SCC has requested the 2-to-1 lane merge on the A23 southbound roundabout exit is reviewed/improved as the proposed merge appears narrower and shorter than the existing (which has been lengthened since the Stage 3

		<p>RSA), thus generating a similar concern this may cause conflict as it is currently designed.</p> <p>Bus priority - 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 mode shift required</p>			
2.20.4.5	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>Updated position (Deadline 1): SCC considers that this is still outstanding. SCC reviewed the information provided by Arup on 5th October and provided comments accordingly.</p> <p>Updated position (Deadline 5): SCC considers that the updated position (April 2024) comment from GAL is still applicable. Please see the SCC response to 2.20.4.4 for more detail.</p>	<p>The proposed improvements are illustrated in the Surface Access Highways – General Arrangements and Rights of Way and Access Plans. A further summary of the proposals is provided in Section 5.2 of the ES Project Description.</p> <p>No further mitigation is considered to be required to achieve the mode share targets set out in the SACs.</p> <p>Updated position (April 2024): The feedback received from SCC raised a series of comments against the technical design deliverables issued for their review and comment. A number of the comments raised have been closed out, however there are some that are recognised as outstanding and these are subject to ongoing technical engagement.</p>	<p>Rights of Way and Access Plans (REP1-014)</p> <p>Surface Access Highways General Arrangements [APP-020]</p> <p>ES Chapter 5: Project Description (REP1-016)</p>	Under discussion
2.20.4.6	Surface Access Commitments	<p>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> <p>Updated position (Deadline 1): Business as usual would see a 53% public transport mode share in 2032 (Table 72). A 55% target is not that ambitious on that basis.</p> <p>Updated Position (Deadline 3): 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>	<p>For business as usual operations, the targets set out in our Decade of Change strategy and our current ASAS remain in place and we will continue to work to achieve those prior to the opening of the Project.</p> <p>The range of interventions to improve sustainable travel has been tested to inform the mode share commitments reported in the Application. The SAC also includes a section on our further aspirations, which includes more ambitious mode share targets which we will be working towards, but we have set the committed mode shares explicitly to ensure that the core surface access outcomes set out in ES Chapter 12: Traffic and Transport and in the Transport Assessment are delivered. Further clarification is sought as to why the commitments are not considered ambitious.</p> <p>We have carefully considered the approach to growth and surface access commitments. We are confident that the commitments we are making and the way in which they are structured are appropriate in the context of the anticipated rate of growth which is forecast for dual runway operations at the airport.</p>	<p>ES Chapter 12 Traffic and Transport [AS-076]</p> <p>Transport Assessment [AS-079]</p> <p>The Applicant's Response to the Local Impact Reports [REP3-078]</p> <p>draft S106 Agreement [REP2-004]</p>	Under discussion

		<p>Updated Position (Deadline 5): The joint authorities disagree that the SACs are a robust way of addressing the sustainable travel requirements, and are referring to the intention to require EMG of GAL.</p>	<p>Updated position (April 2024): As set out in Section 3.10 item TT16 of The Applicant's Response to the Local Impact Reports [REP3-078], the commitments being made and the way in which they are structured are appropriate in the context of the anticipated rate of growth which is forecast for dual runway operations at the airport-- The updated version of the Surface Access Commitments [REP3-028]v sets out a monitoring strategy which is in keeping with the existing process for monitoring ASAS targets and the development of Action Plans in consultation with the Transport Forum Steering Group. The Sustainable Transport Fund and bus and coach contributions are secured in the draft S106 Agreement [REP2-004] to support the increased use of sustainable modes of travel services. The Applicant is also committing to provide a Transport Mitigation Fund, which is secured in the draft DCO S106 Agreement [REP2-004] and would be available to address impacts over and above what was modelled and which were not anticipated.</p>		
2.20.4.7	Securing mitigation	<p>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 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.</p> <p>Updated Position (Deadline 3): See also comments at row 2.20.4.6 above.</p> <p>Updated Position (Deadline 5): The joint authorities disagree that the SACs are a robust way of addressing the sustainable travel requirements, and are referring to the intention to require EMG of GAL.</p>	<p>The assessment assumes that the highway works would be commenced once the airside works have been completed, as the modelling indicates that completion of the highway works by three years after dual runway operations commence is appropriate in order to provide sufficient capacity for traffic generated by the Project, based on the air passenger forecasts used in the assessment. Based on VISSIM local modelling work, the need for the highway improvements is set out in Chapter 13 of the Transport Assessment.</p> <p>Updated position (April 2024): See response to Row 2.20.4.6.</p>	Transport Assessment [AS-079]	Under discussion
2.20.4.8	Securing mitigation	<p>SCC is concerned that "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)", 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.</p> <p>Updated Position (Deadline 3): See also comments at row 2.20.4.6 above.</p>	<p>The SAC set out the monitoring strategy which is in keeping with the existing process for monitoring ASAS targets and the development of Actions Plans in consultation with the Transport Forum Steering Group, and which could ultimately require approval by the TFSG in the event of successive AMRs demonstrating that the mode share commitments have not been met.</p> <p>Updated position (April 2024): See -response to Row 2.20.4.6.</p>	ES Appendix 5.4.1 Surface Access Commitments [APP-090]	Under discussion

		<p>Updated Position (Deadline 5): The joint authorities disagree that the SACs are a robust way of addressing the sustainable travel requirements, and are referring to the intention to require EMG of GAL.</p>			
2.20.4.9	Additional complimentary RoW improvements not fully explored	<p>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.</p> <p>Updated position (Deadline 5): SCC considers that this is still outstanding - please see the SCC response to 2.20.4.4 for more detail.</p>	<p>The proposed active travel improvements are designed to benefit as large a population as possible by targeting densely populated residential areas where employees reside with improved active travel infrastructure in an effort to maximise the uptake of sustainable travel.</p> <p>Povey Cross and Hookwood will both benefit from the improved Longbridge to South Terminal active travel provision due to their proximity to the Longbridge active travel improvements.</p> <p>Updated position (April 2024): No further update.</p>	Transport Assessment [AS-079]	Under discussion
2.20.4.10	Mitigation and enhancement measures adopted as part of the project	<p>In particular, SCC has previously highlighted concerns with the active travel route being promoted via Longbridge Roundabout as it is not the most direct route and incorporates sections of shared use on bridges that are being widened in any case; users are thus twice compromised. SCC highlighted that these concerns would be lessened if the more direct route between Gatwick and Horley via the new signalised crossing of A23 London Road and Riverside Garden Park was provided for pedestrians and cyclists. SCC has also expressed concern with the decision not to improve links over the Brighton Mainline for cyclists.</p> <p>Updated position (Deadline 1): SCC has repeatedly requested that the route through Riverside Park is promoted as the preferred active travel route, along with a new railway crossing for cyclists. However, the requests have not been actioned.</p> <p>Updated Position (Deadline 3): A contribution is required to the proposed Network Rail Schemes assumed in the baseline.</p> <p>Updated Position (Deadline 5): GAL are still not prepared to do anything other than future proof the North Terminal signals to provide for cyclists at a later date (at the expense of SCC). They have no intention to provide the much more direct cycle links through Riverside Park to North Terminal, and from the most south easterly end of The Crescent (adjacent to 96) to the existing car park on the north side of Airport Way/West side of the main London Brighton railway line to South Terminal. GAL are also not prepared to provide a cycle access into their campus from</p>	<p>The proposed introduction of a pedestrian crossing provision at the new A23 London Road signal controlled junction at North Terminal seeks to minimise environmental impacts to Riverside Garden Park through the provision of an upgraded footway connection to the existing access into the park, east of the proposed junction.</p> <p>The provision of the new pedestrian crossing at this location takes account of journey time considerations for pedestrians travelling between southern Horley and the airport. The new more direct route for pedestrians is expected to lead to an increased proportion of staff travelling by foot from this area.</p> <p>The design proposals don't preclude potential future provision of a shared-use path connection to / from the park, noting that it may not be considered desirable by all park users/project stakeholders for additional cyclists to travel through the middle of the park between the existing car park and the junction as opposed to on route around the edge of the park such as NCR 21. The proposed cross section of the widened central reserve on A23 London Road at the staggered crossing and the proposed footway link on the western side of North Terminal Link have been future proofed to enable potential future upgrade to shared-use path provision. The footway connection into Riverside Garden Park on the eastern side of A23 London Road would need to be widened to accommodate a section of shared-use path resulting in increased footprint impacts in the park.</p>	Transport Assessment [AS-079]	Under discussion

		<p>Balcombe Road to the extensive land uses/ activities on the east side of the main Brighton line, which would reduce the need to upgrade the cycle crossing facilities from West to East over the main Brighton line.</p>	<p>The route is proposed as pedestrian only as cyclists are anticipated to prefer to travel between Horley and the airport either via the new active travel path connection between Longbridge Roundabout and North Terminal Roundabout on the western side of A23 London Road or via the existing NCR 21 route to South Terminal (including the A23 London Road subway). The section of shared-use path provision on the western side of A23 London Road would be substantially wider than the desirable minimum value of 3.0m with a 5.3m wide provision (including separation distance to the carriageway) proposed. This is not expected to materially impede usage or impact the attractiveness of the route by cyclists.</p> <p>The introduction of a pedestrian only crossing will reduce the number of pedestrians present on NCR21 and the Longbridge to South Terminal cycle track, reducing the potential opportunity for conflict between users.</p> <p>With regards to improved links over the London to Brighton Rail line, as set out in TWG 5 on Active Travel, three potential options were developed for consideration in relation to enhanced east-west crossing provision for pedestrians and cyclists over the rail line. Options 1 (Replacement of the existing rail footbridge) and Option 3 (Additional widening of the Airport Way Rail bridge on its northern side) were on the northern side of Airport Way. Option 2 (Additional widening of the Airport Way Rail bridge on its southern side) was on the southern side of Airport Way. None of the options examined were taken forward into the final preliminary design proposals. The key reasons for the decision can be summarised as follows:</p> <ul style="list-style-type: none"> • Existing crossing provision over the railway provides good connectivity for walkers and cyclists wishing to access the airport. NRP proposals create no additional severance effects to existing routes • Design options considered would have a range of environmental (e.g. vegetation loss, impacts on proposed planting and increased embodied carbon), visual, disruption (road and rail), constructability and cost dis-benefits, considered to be disproportionate to the value brought about by the options considered. • For residents of southeast Horley (east of the rail line), Victoria Road rail bridge provides connectivity for cyclists to 		
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			<p>NCR 21 and onward connection to airport assets and Gatwick train station across the rail line with journey distances less than 5km. Similarly for residents of eastern and north-eastern Horley north of Victoria Road Rail bridge NCR 21 passes from the eastern side of the rail line to the western side of the rail line via an existing rail subway located approximately 440m north of Victoria Rail bridge providing onward connectivity to/from the airport.</p> <ul style="list-style-type: none"> • Access to South Terminal Hilton hotel from Balcombe Road for pedestrians is to be via the proposed new pedestrian access route off Balcombe road to be introduced just south of Airport Way and connecting into existing Gatwick footway network. • The train station / terminal access points at South Terminal and the associated elevated Passenger Transport Interchange link bridges provide connectivity over the rail line with cycle storage facilities available either side of the rail line and onward connectivity to/from North Terminal provided via the Inter Terminal shuttle and the proposed upgrade shared use-path connection between North Terminal and South Terminal. <p>Updated position (April 2024):</p> <p><u>The Applicant has undertaken the rail modelling for the assessment in line with DfT guidance, including the use of an Uncertainty Log to consider whether schemes are sufficiently certain to include in the future baseline forecast years. The assessment shows that there would be no significant adverse effects on the rail network arising from the Project and therefore no additional mitigation is required, nor is funding from the Applicant to future baseline schemes being undertaken by Network Rail.</u></p>		
2.20.4.11	Mitigation and enhancement measures adopted as part of the project	Based on the DCO proposals, SCC considers that the active travel infrastructure proposed is unsatisfactory, especially considering the ambitious sustainable mode share targets set [it is noted that section 8.6.16 of the Transport Assessment APP-258] states “The model outputs also indicate that around 9% to 10% of staff journeys made to and from locations within 8km of the airport, compared to the target of 15% for such journeys. Thus, improvement to the more direct route between Gatwick and Horley via the new signalised crossing of A23 London Road and Riverside Garden Park to provide for pedestrians and cyclists, as well as cycle links over the Brighton mainline, is considered by	<p>The proposed improvements are illustrated in the Surface Access Highways – General Arrangements and Rights of Way and Access Plans. A further summary of the proposals is provided in Section 5.2 of the ES Project Description.</p> <p>No further mitigation is considered to be required to achieve the mode share targets set out in the SACs.</p> <p>The proposed introduction of a pedestrian crossing provision at the new A23 London Road signal controlled junction at North Terminal seeks to minimise environmental impacts to Riverside Garden Park through the provision of an upgraded</p>	<p>Rights of Way and Access Plans (REP1-014)</p> <p>Surface Access Highways General Arrangements [APP-020]</p> <p>ES Chapter 5: Project Description (REP1-016)</p>	Under discussion

		<p>SCC to be vital if GAL are to achieve their sustainable mode share targets set.</p> <p>Updated position (Deadline 1): SCC has repeatedly requested that the route through Riverside Park is promoted as the preferred active travel route, along with a new railway crossing for cyclists. However, the requests have not been actioned.</p> <p>Updated position (Deadline 3): 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>Updated position (Deadline 5): GAL are still not prepared to do anything other than future proof the North Terminal signals to provide for cyclists at a later date (at the expense of SCC). They have no intention to provide the much more direct cycle links through Riverside Park to North Terminal, and from the most south easterly end of The Crescent (adjacent to 96) to the existing car park on the north side of Airport Way/West side of the main London Brighton railway line to South Terminal. GAL are also not prepared to provide a cycle access into their campus from Balcombe Road to the extensive land uses/ activities on the east side of the main Brighton line, which would reduce the need to upgrade the cycle crossing facilities from West to East over the main Brighton line.</p>	<p>footway connection to the existing access into the park, east of the proposed junction.</p> <p>The provision of the new pedestrian crossing at this location takes account of journey time considerations for pedestrians travelling between southern Horley and the airport. The new more direct route for pedestrians is expected to lead to an increased proportion of staff travelling by foot from this area.</p> <p>The design proposals don't preclude potential future provision of a shared-use path connection to / from the park, noting that it may not be considered desirable by all park users/project stakeholders for additional cyclists to travel through the middle of the park between the existing car park and the junction as opposed to on route around the edge of the park such as NCR 21. The proposed cross section of the widened central reserve on A23 London Road at the staggered crossing and the proposed footway link on the western side of North Terminal Link have been future proofed to enable potential future upgrade to shared-use path provision. The footway connection into Riverside Garden Park on the eastern side of A23 London Road would need to be widened to accommodate a section of shared-use path resulting in increased footprint impacts in the park.</p> <p>The route is proposed as pedestrian only as cyclists are anticipated to prefer to travel between Horley and the airport either via the new active travel path connection between Longbridge Roundabout and North Terminal Roundabout on the western side of A23 London Road or via the existing NCR 21 route to South Terminal (including the A23 London Road subway). The section of shared-use path provision on the western side of A23 London Road would be substantially wider than the desirable minimum value of 3.0m with a 5.3m wide provision (including separation distance to the carriageway) proposed. This is not expected to materially impede usage or impact the attractiveness of the route by cyclists.</p> <p>The introduction of a pedestrian only crossing will reduce the number of pedestrians present on NCR21 and the Longbridge to South Terminal cycle track, reducing the potential opportunity for conflict between users.</p> <p>With regards to improved links over the London to Brighton</p>		
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			<p>Rail line, as set out in TWG 5 on Active Travel, three potential options were developed for consideration in relation to enhanced east-west crossing provision for pedestrians and cyclists over the rail line. Options 1 (Replacement of the existing rail footbridge) and Option 3 (Additional widening of the Airport Way Rail bridge on its northern side) were on the northern side of Airport Way. Option 2 (Additional widening of the Airport Way Rail bridge on its southern side) was on the southern side of Airport Way. None of the options examined were taken forward into the final preliminary design proposals. The key reasons for the decision can be summarised as follows:</p> <ul style="list-style-type: none"> • Existing crossing provision over the railway provides good connectivity for walkers and cyclists wishing to access the airport. NRP proposals create no additional severance effects to existing routes • Design options considered would have a range of environmental (e.g. vegetation loss, impacts on proposed planting and increased embodied carbon), visual, disruption (road and rail), constructability and cost dis-benefits, considered to be disproportionate to the value brought about by the options considered. • For residents of southeast Horley (east of the rail line), Victoria Road rail bridge provides connectivity for cyclists to NCR 21 and onward connection to airport assets and Gatwick train station across the rail line with journey distances less than 5km. Similarly for residents of eastern and north-eastern Horley north of Victoria Road Rail bridge NCR 21 passes from the eastern side of the rail line to the western side of the rail line via an existing rail subway located approximately 440m north of Victoria Rail bridge providing onward connectivity to/from the airport. • Access to South Terminal Hilton hotel from Balcombe Road for pedestrians is to be via the proposed new pedestrian access route off Balcombe road to be introduced just south of Airport Way and connecting into existing Gatwick footway network <p>The train station / terminal access points at South Terminal and the associated elevated Passenger Transport Interchange link bridges provide connectivity over the rail line with cycle storage facilities available either side of the rail line and onward connectivity to/from North Terminal provided via the Inter Terminal shuttle and the proposed upgrade shared use-path connection between North Terminal and South Terminal.</p>		
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			<p>Updated position (April 2024): The feedback received from SCC raised a series of comments against the technical design deliverables issued for their review and comment. A number of the comments raised have been closed out, however there are some that are recognised as outstanding and these are subject to ongoing technical engagement.</p>		
2.20.4.12	<p>Mitigation and enhancement measures adopted as part of the project Mitigation and enhancement measures adopted as part of the project</p>	<p>SCC requires:</p> <ul style="list-style-type: none"> 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; and GAL to revise the highway and active travel infrastructure proposals to address the issues raised. <p>Updated position (Deadline 1): SCC has repeatedly requested that the route through Riverside Park is promoted as the preferred active travel route, along with a new railway crossing for cyclists. However, the requests have not been actioned.</p> <p>Updated position (Deadline 5): Please see the SCC response to 2.20.4.4 for more detail with regard to the active travel infrastructure.</p> <p>With regard to design compliance, discussions are ongoing between GAL and SCC with regard to sign off of the design and associated departures, which is anticipated to continue as part of detailed design.</p>	<p>The Rights of Way and Access plans and corresponding DCO schedules (Schedule 4) will be updated to provide improved clarity on the distinction between different types of footway / shared-use cycle track and segregated cycle track provision included as part of the scheme proposals.</p> <p>In addition to the information shared through technical design engagement (including the Topic Working Group sessions focussed on Active Travel), the DCO application documents include General Arrangement Drawings, Engineering Section Drawings and Structure Section Drawings that provide additional detail on the preliminary scheme proposals. Typical minimum widths of footway provision through the scheme is 2.0m, typical minimum width of shared-use paths provided through the scheme is 3.0m and typical minimum width of segregated cycle tracks is 5.0m (3.0m for two way cyclist use and 2.0m for pedestrians). Separation distances to the carriageway vary in accordance with proposed speed limits and as a result of local site features that influence the design. Localised reductions in active travel infrastructure width provision are proposed at constraints (e.g. at bridge structures) with due consideration of relevant design guidance (e.g. as set out in LTN 1/20). Detailed design drawings would be developed at the detailed design stage after the DCO has been granted in consultation with the relevant highway authorities.</p> <p>As set out in the responses provided on 5th October, no further mitigation is considered to be required to meet the mode share targets set out in the SAC.</p> <p>Updated position (April 2024): No further mitigation is considered to be required to meet the mode share targets set out in the SAC.</p>	<p>Rights of Way and Access Plans (REP1-014)</p> <p>Surface Access Highways General Arrangements [APP-020]</p> <p>ES Appendix 5.4.1: Surface Access Commitments [APP-090]</p>	Under discussion
2.20.4.13	Surface access commitments	In GAL's Second Decade of Change (2023), it is reported that "By 2030, Gatwick aims to achieve 60% passenger and staff travel to	The mode shares reported in Tables 8.6.2 and 8.6.3 of the Transport Assessment are the results from the strategic	Chapter 8 of the Transport	Under discussion Agreed

		<p>the airport by public transport and zero and ultra-low emissions journey modes.” This 60% target applies to both passengers and staff separately, with the following detailed targets:</p> <ul style="list-style-type: none"> 52% of passenger journeys by public transport by 2030, with remaining journeys by zero and ultra-low emission modes; and <p>48% of staff journeys by public transport, shared travel and active travel by 2030; with remaining journeys by zero and ultra-low emission modes.</p> <p>However, data provided in Tables 8.6.2 (landside passenger two-way rail demand and mode share) and 8.6.3 (landside passenger two-way bus/coach demand and mode share) of the Transport Assessment [AS-079] paint a different picture. The data shows that, in 2029, the 24hr future baseline for public transport mode share (comprising rail mode share (42%) and bus/coach mode share (7%)) would be 49%. The 24hr future baseline for public transport mode share with the Project (comprising rail mode share (43%) and bus/coach mode share (8%)) would be 51%. (The council acknowledges that the latter figure would be 52% by 2032). Targets for staff are also missed.</p> <p><u>Updated position (Deadline 5): SCC acknowledge that this issue is a result of confusion in the Transport Assessment (referring to busy day rather than the annualised figures). This matter can be agreed upon, although our reservations regarding the SAC remain.</u></p>	<p>transport modelling work for a busy summer day, as described in paragraph 8.6.5. The SACs committed mode shares are annualised (paragraph 4.2.1 of the SACs), and as set out in paragraph 8.6.7 of the Transport Assessment, the annual average mode shares are estimated to be higher than the busy summer day. Seasonal variation of the data is described in Section 8.1 of the Transport Assessment.</p> <p><u>Updated position (April 2024): No update required</u></p>	<p>Assessment [AS-079]</p> <p>ES Appendix 5.4.1: Surface Access Commitments [APP-090]</p>	
2.20.4.14	Surface access commitments	<p>SCC would like GAL to propose an alternative set of 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> <p><u>Updated position (Deadline 5) The local authorities will submit a worked up Environmentally Managed Growth Framework into the examination as soon as possible.</u></p>	<p>We have carefully considered the approach to growth and surface access commitments. We are confident that the commitments we are making and the way in which they are structured are appropriate in the context of the anticipated rate of growth which is forecast for dual runway operations at the airport.</p> <p><u>Updated position (April 2024): See response to row 2.20.4.6.</u></p>	<p>ES Appendix 5.4.1: Surface Access Commitments [APP-090]</p>	Under discussion
2.20.4.15	Traffic and transport conclusion	<p>To reduce uncertainty, SCC request that GAL change its approach to growth and, like Luton Airport’s proposals, pursue a sustainable growth agenda which is constrained until Surface Access Commitments have been met. As an approach, it delivers the same outcomes as that which is proposed, but delivers them ahead of growth, not retrospectively. It will add incentive to the</p>	<p>For business as usual operations, the targets set out in our Decade of Change strategy and our current ASAS remain in place and we will continue to work to achieve those prior to the opening of the Project.</p> <p>The range of interventions to improve sustainable travel has</p>	<p>ES Chapter 12 Traffic and Transport [AS-076]</p>	Under discussion

		<p>action plans that would be delivered should the AMR show that the SAC have not been met.</p> <p><u>Updated position (Deadline 5): The local authorities will submit a worked up Environmentally Managed Growth Framework into the examination as soon as possible.</u></p>	<p>been tested to inform the mode share commitments reported in the Application. The SAC also includes a section on our further aspirations, which includes more ambitious mode share targets which we will be working towards, but we have set the committed mode shares explicitly to ensure that the core surface access outcomes set out in ES Chapter 12: Traffic and Transport and in the Transport Assessment are delivered. Further clarification is sought as to why the commitments are not considered ambitious.</p> <p>We have carefully considered the approach to growth and surface access commitments. We are confident that the commitments we are making and the way in which they are structured are appropriate in the context of the anticipated rate of growth which is forecast for dual runway operations at the airport.</p> <p><u>Updated position (April 2024): See response to row 2.20.4.6.</u></p>	<p>Transport Assessment [AS-079]</p>	
<i>Other</i>					
2.20.5.1	Traffic and transport conclusion	<p>SCC has also requested information regarding the plans and schedules of the DCO; receipt of which could reduce other uncertainties.</p> <p><u>Updated position (Deadline 5); SCC continue to see further detail on access arrangements for the construction compounds in Surrey.</u></p>	<p>The responses to issues raised in relation to the draft DCO are contained in Table 2.7 of this SoCG</p> <p><u>Updated position (April 2024): No update required</u></p>	<p>Draft DCO (REP3-006)</p>	Under discussion
2.20.5.2	<u>Highway impact – including journey times</u>	<p><u>Modelling shows capacity issues at a number of junctions as detailed in the Surrey LIR. There are also journey time impacts, also detailed in the Surrey LIR.</u></p> <p><u>Mitigation measures to improve performance of these junctions should be included. SCC require the journey time impacts to be mitigated, especially in terms of buses</u></p> <p><u>Updated position (Deadline 5): please see SCC's updated position on matter 2.20.4.3. Both bus journey times and, in particular, bus reliability need to be enhanced especially with rising traffic levels as a result of the Applicant's proposals. This will help to encourage some employees to view the bus as an alternative to commuting by car at least some of the time and when shift start and end times permit. SCC requires the increases in delays to buses to be mitigated by the Applicant working with both transport operators and local authorities to implement bus priority at key locations.</u></p>	<p><u>Please see The Applicant's Response to Local Impact Reports [REP3-078] which considers each of the junctions raised. The operation of the junctions is not expected to be significantly affected by the Project and no mitigation is considered necessary. The Applicant will continue to engage with Surrey Country Council on this matter.</u></p> <p><u>The Project is not expected to have a significant impact on journey times, only between 1 and 2 minutes on the routes mentioned. The numbers quoted for the A217 are actually a decrease in journey time due to the improvements introduced by the highway mitigation for the Project. Through the monitoring process, and ongoing engagement, if unforeseen highway issues at key locations are identified that are shown to be related to the Project, the Transport Mitigation Fund would offer a potential source of funding for an intervention to resolve those issues. This could include the provision of bus priority measures, subject to the</u></p>	<p>The Applicant's Response to Local Impact Reports [REP3-078]</p>	Under discussion

			process set out in the updated version of ES Appendix 5.4.1: Surface Access Commitments [REP3-028] and in the draft Section 106 Agreement [REP2-004].		
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2.21. Waste and Materials

2.21.1 **Table 2.21** sets out the position of both parties in relation to waste and materials matters.

Table 2.21 Statement of Common Ground – Waste and Materials Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
<i>There are no issues relating to Waste and Materials. It may be necessary to add points in light of any DCO change application relating to the CARE facility.</i>					

2.22. Water Environment

2.22.1 Table 2.22 sets out the position of both parties in relation to water environment matters.

Table 2.22 Statement of Common Ground – Water Environment Matters

Reference	Matter	Stakeholder Position	Gatwick Airport Limited Position	Signposting	Status
Baseline					
<i>There are no issues relating to the baseline for this topic within this Statement of Common Ground.</i>					
Assessment Methodology					
2.22.2.1	Clarity required around climate change allowances used in relation to the water environment	<p>Only contains details of fluvial climate change allowance. Surrey County Council design guidance recommends using the Upper End rather than Central when determining climate change allowances. Clarity is required about climate change allowances used in relation to the water environment.</p> <p>Updated position (Deadline 1): SCC would like to understand GAL's justification for a 40 year design life for the airfield as opposed to the 100 years for highway works?</p> <p>Updated Position (Deadline 3): Further detail has been provided in GAL's SoCG response. No further comment.</p> <p>Updated Position (Deadline 5): SCC notes the information presented at The Issue Specific Hearing and has no further comment to make.</p>	<p>An assessment of the effects of the Project on flood risk are reported in the flood risk assessment informed by hydraulic modelling including fluvial, pluvial, airfield and highway drainage flood risk.</p> <p>The modelling has incorporated the predicted impacts of climate change on peak river flows for fluvial flood risk and rainfall intensity for drainage in accordance with current Environment Agency guidance based on UKCP18. Additionally, an Integrated Catchment Model has been developed to consider and assess the interaction between fluvial and pluvial flood risk.</p> <p>Section 3.7 of the FRA sets out the climate change allowances adopted and assessed for the Project.</p> <p>Updated position (April 2024): On this basis, can SCC confirm if this item can be marked as 'agreed' or 'no longer pursuing'.</p>	ES Appendix 11.9.6: Flood Risk Assessment [APP-147]	Under discussion No longer pursuing
2.22.2.2	In the Flood Risk Assessment there are only very limited references to sustainable drainage	<p>The non-statutory technical standards for sustainable drainage have not been referenced. These state that discharge should be to pre-development greenfield run-off rates for the 1 in 1 year and 1 in 100 year events.</p> <p>The limited reference to sustainable drainage in the proposals, including a lack of reference to non-statutory technical standards for sustainable drainage or SCC guidance for sustainable drainage.</p> <p>Updated position (Deadline 1): SCC is disappointed that there has been no attempt to achieve to betterment.</p> <p>Updated Position (Deadline 3): Further detail has been provided in GAL's SoCG response. No further comment.</p>	<p>SCC SuDS Guidance has been considered and referenced through technical engagement with the LLFA (see Design and Access Statement Volume 5 Section 6.11).</p> <p>Discharge is proposed to be limited to greenfield runoff rates in accordance with the SuDS Guidance where practical.</p> <p>Due consideration has been given to sustainable drainage elements at preliminary design stage as set out in the technical note shared with LLFA. Sustainable drainage elements with multifunctional benefits (e.g. amenity) have been proposed within SCC catchment including basin and ditch. The design is to be further developed at detailed design stage in accordance with</p>	Design and Access Statement Volume 5 [APP-257] Draft DCO (REP3-006)	Under discussion No longer pursuing

			<p>the Design Principles in Volume 5 of the Design and Access Statement. after DCO has been granted. Requirements 10 and 11 of the draft DCO state that approval will be required from the lead local flood authority and highways authority respectively to the drainage detailed designs before construction may commence.</p> <p><u>Updated position (April 2024): On this basis, can SCC confirm if this item can be marked as 'agreed' or 'no longer pursuing'.</u></p>		
Assessment					
There are no issues relating to the assessment for this topic within this Statement of Common Ground.					
Mitigation and Compensation					
2.22.4.1	Revisions required to Code of Construction Practice Annex 1 Water Management Plan	<p>Revisions required relating to temporary diversion of an ordinary watercourse, discharges to a watercourse and ordinary watercourse consent.</p> <p>Updated position (Deadline 1): Revisions required to Code of Construction Practice Annex 1 – Water Management Plan to correctly reference processes relating to ordinary watercourse consent. For example, inconsistency between para 8.1.2 and 8.2.1</p> <p>Revisions also required to schedule 1 and 2 of the dDCO for accuracy purposes. For example foul drainage is not reviewed by the LLFA.</p> <p><u>Update position Deadline 5</u> <u>The requested amendments have been incorporated</u></p>	<p>It would be helpful for SCC to clarify what revisions are required.</p> <p>Updated Position (April 2024): <u>SCC has provided suggested amendments that have been incorporated into the updated Water Management Plan submitted to examination at Deadline 3.</u></p> <p><u>The dDCO amendments have been accepted by the Applicant and are included in the updated dDCO submitted at Deadline 3.</u></p>	n/a	Under discussion <u>Agreed</u>
Other					
2.22.5.1	Protective Provisions for Lead Local Flood Authority	<p>Protective Provisions for Lead Local Flood Authority in respect of Ordinary Watercourses are not in dDCO.</p> <p>Updated position (Deadline 1): Design principles with regards to ordinary watercourse works have not been discussed or agreed with SCC.</p> <p>We understand every eventuality cannot be considered, but some details about culverting (when, where, how), crossing and outfalling into watercourses should included</p>	<p>Requirements 10 and 11 of the draft DCO state that approval will be required from the lead local flood authority and highways authority respectively to the drainage detailed designs before construction may commence. In addition these requirements state that the designs must be in accordance with the design principles in Appendix 1 of the Design and Access Statement.</p> <p>If SCC has any specific requests please share those with us.</p>	<u>Draft DCO (REP3-006)</u> Design and Access Statement Volume 5 Appendix A1 <u>[APP-257]</u>	Under discussion

		<p>See comment at chapter 2.7 about the need for Protective provisions.</p> <p><u>Updated Position (Deadline 3): SCC has provided an example from a made DCO within Surrey.</u></p> <p><u>Updated position (Deadline 5):</u> A meeting between the Lead Local Flood Authorities and the Applicant is due to be held on 7th June to discuss Ordinary Watercourse consents. SCC is of the view that there is considerably more than one component of the project that will require ordinary watercourse consent.</p>	<p><u>Updated position (April 2024):</u> <u>As covered in 2.7.1.1 – Version 6 of the Development Consent Order [REP3-006], submitted at Deadline 3, the disapplication of section 23 of the Land Drainage Act 1991 in article 47 has been removed. This reflects that the Applicant only anticipates requiring ordinary watercourse consent in respect of one component of the Project, the extension to the culvert to the east of Balcombe Rd on the Haroldslea Stream. The Applicant is content for the existing regime for ordinary watercourse consent to apply in respect of this singular instance and therefore does not propose to disapply this regime or replace it with bespoke arrangements in protective provisions included in the DCO.</u></p> <p><u>The Applicant is reviewing the proposed protective provisions but, in light of the above, considers it likely that they will now be unnecessary.</u></p> <p><u>The drainage design is to be further developed at detailed design stage in accordance with the Design Principles in Volume 5 of the Design and Access Statement, and the surface and foul water drainage details will be submitted to and approved by the relevant authorities under Requirement 10 of the draft DCO.</u></p>		
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3 Signatures

3.1.1 The above SoCG is agreed between the following:

Duly authorised for and on behalf of Gatwick Airport Limited, The Applicant	Name
	Job Title
	Date
	Signature
Duly authorised for and on behalf of Surrey County Council	Name
	Job Title
	Date
	Signature

Appendix 1: Record of Engagement Undertaken

Date	Form of Correspondence	Details
13 February 2019	In-Person Meeting	TWG on DCO Application
7 March 2019	In-Person Meeting	NRP update given to Gatwick Officers Group
8 May 2019	In-Person Meeting	TWG on NRP update
5 June 2019	In-Person Meeting	NRP update given to Local Authorities Gatwick Officers Group
20 August 2019	In-Person Meeting	TWG on Land Environment
21 August 2019	In-Person Meeting	TWG on Surface Access and Transport
28 August 2019	In-Person Meeting	TWG on Air Quality, Carbon and Climate Change, and Major Accidents and Disasters
28 August 2019	In-Person Meeting	TWG on Economics and Employment
29 August 2019	In-Person Meeting	TWG Meeting on Noise
3 September 2019	In-Person Meeting	Technical Officers Group Meeting
18 September 2019	In-Person Meeting	Health Stakeholder Group Meeting
26 September 2019	In-Person Meeting	TWG on MAAD
27 November 2019	In-Person Meeting	TWG on Consultation Update
27 January 2020	In-Person Meeting	TWG Air Quality, Carbon and Climate Change and MAAD
30 January 2020	In-Person Meeting	TWG Economics and Employment
3 February 2020	In-Person Meeting	TWG on Land Based Topics
4 February 2020	In-Person Meeting	TWG on Surface Access
5 February 2020	In-Person Meeting	TWG on Noise
6 February 2020	In-Person Meeting	TWG on Water Environment
26 February 2020	In-Person Meeting	TWG on Consultation Update
27 July 2021	Virtual Meeting – MS Teams	TWG on Surface Access
29 July 2021	Virtual Meeting – MS Teams	TWG Landscape, Visual and Land and Water Environment
3 August 2021	Virtual Meeting – MS Teams	TWG on Economy, Employment, Housing and Health
4 August 2021	Virtual Meeting – MS Teams	TWG on Health and Wellbeing
5 August 2021	Virtual Meeting – MS Teams	TWG on Land Use and Recreation, Geology, Heritage, and Ecology
12 August 2021	Virtual Meeting – MS Teams	TWG on Air Quality, Carbon and Climate Change, and MAAD
16 March 2022	Virtual Meeting – MS Teams	TWG on Post Consultation Update
4 May 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Noise
10 May 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Land and Water Environment
11 May 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Air Quality
12 May 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Planning (Mitigation update and Design)
16 May 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Econ & Soc-Econ
17 May 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Transport

25 May 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Planning (Forecasting & Capacity)
07 June 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Noise
09 June 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Land and Water Environment
14 June 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Econ & Soc-Econ
15 June 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Transport
20 June 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Health & MAAD
21 June 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Air Quality
28 June 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Noise
29 June 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Land & Water Environment
5 July 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Planning (Mitigation Update and Design)
7 July 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Econ & Soc-Econ
14 July 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Air Quality
26 July 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Transport
27 July 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Health & MAAD
8 August 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Planning B (Forecast & Capacity)
16 September 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Planning B (Forecast & Capacity)
26 September 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Land & Water Environment
27 September 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Transport
28 September 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Econ/Soc-Econ
3 October 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Carbon & Climate Change
4 October 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Health
14 October 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Noise
19 October 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Planning A (Mitigation Update & Design)
21 October 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Air Quality
31 October 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Land & Water
1 November 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Transport
2 November 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Econ/Soc-Econ
7 November 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Carbon & Climate Change
8 November 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Health
8 November 2022	Virtual Meeting – MS Teams (Recorded)	Biodiversity Sub-Group Meeting
10 November 2022	Virtual Meeting – MS Teams	Minerals Scoping meeting with WSCC/SCC

18 November 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Econ/Soc-Econ (mop up session)
23 November 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Planning A (Mitigation Update & Design)
24 November 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Planning B (Forecast & Capacity)
29 November 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Noise
30 November 2022	Virtual Meeting – MS Teams (Recorded)	LLFA/GAL meeting on FRA and River Mole culvert
2 December 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Land & Water
5 December 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Transport
6 December 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Air Quality
8 December 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Carbon & Climate Change
12 December 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Major Accidents & Disasters
14 December 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Noise (Noise Envelope)
14 December 2022	Virtual Meeting – MS Teams (Recorded)	Biodiversity Sub-Group Meeting
14 December 2022	Virtual Meeting – MS Teams (Recorded)	TWG on Econ/Soc-Econ
4 January 2023	Virtual Meeting – MS Teams (Recorded)	TWG on Noise
10 January 2023	Virtual Meeting – MS Teams (Recorded)	TWG on Land & Water
16 January 2023	Virtual Meeting – MS Teams (Recorded)	TWG on Air Quality
17 January 2023	Virtual Meeting – MS Teams (Recorded)	TWG on Planning (Mitigation Update and Design)
18 January 2023	Virtual Meeting – MS Teams (Recorded)	TWG on Carbon
19 January 2023	Virtual Meeting – MS Teams (Recorded)	TWG on Health and MAAD
31 January 2023	Virtual Meeting – MS Teams (Recorded)	TWG on Transport
8 February 2023	Virtual Meeting – MS Teams (Recorded)	TWG on Noise
9 February 2023	Virtual Meeting – MS Teams (Recorded)	TWG on Land & Water
7 March 2023	Virtual Meeting – MS Teams (Recorded)	TWG on Planning B (Forecast and Capacity)
13 March 2023	Virtual Meeting – MS Teams (Recorded)	TWG on Air-Quality
14 March 2023	Virtual Meeting – MS Teams (Recorded)	TWG on Planning B (Forecast and Capacity)
10 November 2023	Virtual Meeting – MS Teams (Recorded)	TWG on Transport (Highways)
11 December 2023	Virtual Meeting – MS Teams (Recorded)	TWG on Greenhouse Gases
12 December 2023	Virtual Meeting – MS Teams (Recorded)	TWG on Employment Skills & Business Strategy
13 December 2023	Virtual Meeting – MS Teams (Recorded)	TWG on Air Quality
15 December 2023	Virtual Meeting – MS Teams (Recorded)	TWG on Transport (Post-COVID Modelling)
20 December 2023	Virtual Meeting – MS Teams (Recorded)	TWG on Noise

9 February 2024	Virtual Meeting – MS Teams (Recorded)	TWG on Ops and Capacity
15 February 2024	Virtual Meeting – MS Teams (Recorded)	TWG on Catalytic Impacts Assessment
15 February 2024	Virtual Meeting – MS Teams (Recorded)	TWG on Needs and Forecasting