



Gatwick Airport Northern Runway Project

The Applicant's Response to Deadline 4 Submissions

Book 10

VERSION: 1.0

DATE: JUNE 2024

Application Document Ref: 10.38

PINS Reference Number: TR020005

1	Introduction	1
1.1	Overview	1
2	Responses submitted by Interested Parties to ExQ1	2
2.1	Overview	2
2.2	Air Quality	2
2.3	Case for the Proposed Development	2
2.4	Climate and Greenhouse Gases	3
2.5	Compulsory Acquisition and Temporary Possession	9
2.6	Cumulative Effects	23
2.7	Development Consent Order and Control Documents	32
2.8	Ecology and Nature Conservation	58
2.9	General and Cross Topic	65
2.10	Historic Environment	77
2.11	Land Use and Recreation	88
2.12	Landscape, Townscape and Visual Resources	89
2.13	Noise and Vibration	106
2.14	Socio-Economics	151
2.15	Traffic and Transport	164
2.16	Water Environment	222
3	Response to Other Deadline 4 Submissions	227
3.1	Overview	227
3.2	AIPUT	227
3.3	CAGNE	230
3.4	East Sussex County Council	244
3.5	Gatwick Area Conservation Campaign	255
3.6	Gatwick Green	301
3.7	Heathrow Airport	301
3.8	Kent County Council	302
3.9	Joint Local Authorities	306
3.10	Joint Surrey Councils	307
3.11	Marathon Asset Management	339
3.12	National Highways	340
3.13	New Economics Foundation	348

3.14	Nutfield Conservation Society	349
3.15	Royal Mail	350
3.16	Susan Goodwin	351
3.17	West Sussex Authorities	352

1 Introduction

1.1 Overview

1.1.1 This document has been prepared to set out the Applicant's response to submissions received at Deadline 4. As per previous deadlines, the Applicant is mindful of the volume of information already submitted into the examination and has sought to limit the duplication of submissions it has already made on certain subjects. As such, the Applicant has not responded to every submission or point made; instead, it has responded by exception where the submission raises a new matter and/or where the Applicant considers such a response may be helpful to the ExA. Silence on an issue, therefore, should not be interpreted as agreement – but instead a recognition of the approach taken by the Applicant in this document.

1.1.2 There are also a number of more detailed IP submissions which the Applicant has proposed to defer its response to Deadline 6 in order to ensure a full, comprehensive response is provided (which it was considered more helpful to the examination than providing an initial, interim response at this deadline). Such deferrals are indicated where relevant in the corresponding text underneath.

1.1.3 This document has been structured as follows:

- Responses submitted by Interested Parties to the Examining Authority's first set of Written Questions (ExQ1); and
- Responses to other documents submitted at Deadline 4.

2 Responses submitted by Interested Parties to ExQ1

2.1 Overview

2.1.0 At Deadline 4, a number of Interested Parties (IPs) provided further comments on the Applicant's response to ExQ1. The subsections below set out their responses and the Applicant's response (if relevant). To avoid unnecessary repetition, the ExA's original questions and the Applicant's original responses are not copied below.

2.2 Air Quality

2.2.0 The Applicant has received comments on its response to ExQ1 – Air Quality from the Legal Partnership Authorities [[REP4-069](#)], Mole Valley District Council [[REP4-074](#)] and National Highways [[REP4-079](#)]. Due to the volume of air quality input required for the Applicant's submission at Deadline 5, it has deferred providing a response to the substantive air quality points raised by those IPs until Deadline 6. Please note that the Applicant is submitting **Appendix A: Response to the Joint West Sussex Authorities – Air Quality** (Doc Ref. 10.38) at Deadline 5 in response to the comments on air quality submitted at Deadline 3.

2.3 Case for the Proposed Development

[Legal Partnership Local Authorities](#)

2.3.0 The Legal Partnership Local Authorities' submission on the Applicant's Response to ExQ1 – Case for the Proposed Development cross-refer to paragraphs within its submission also made at Deadline 4 by York Aviation. Rather than repeat the Applicant's response here, it respectfully requests that the Joint Local Authorities refer to the Applicant's comments made on that paper at **Appendix E: Response to York Aviation** (Doc Ref. 10.38) of this document. That document deals with matters relating to the principle of development and the case for the scheme. Matters related to the future baseline or sensitivity testing are addressed in the Applicant's response to the ExA's Rule 17 request.

2.4 Climate and Greenhouse Gases

Legal Partnership Local Authorities

2.4.0 The table below sets out the Applicant’s responses to the Legal Partnership Authorities’ comments on ExQ1 in relation to climate and greenhouse gases [\[REP4-060\]](#).

Table 1: Responses to ExQ1 - Climate and Greenhouse Gases from the Legal Partnership Authorities

ExQ1	Legal Partnership Authority Response	Applicant’s Response
CC.1.1	<p>While it is acknowledged that aviation emissions are regulated by appropriate mechanisms, the Authorities consider the Applicant lacks adequate measures to monitor and control local emissions stemming from construction, surface access transportation, and operational energy usage.</p> <p>Hence, a control mechanism similar to the Green Controlled Growth Framework, submitted as part of the London Luton Airport Expansion DCO Application, should form part of this application also.</p> <p>Implementing such a framework would make sure that the Applicant demonstrates sustainable growth while effectively managing its environmental impact. Within a</p>	<p>The authorities are referred to Appendix B: Response to the JLAs’ Environmentally Managed Growth Framework Proposition (Doc Ref. 10.38), which comprises a response to their document Introduction to a proposal for Environmentally Managed Growth Framework [REP4-050].</p> <p>In terms of offsetting, GAL has been carbon neutral since 2017. Carbon neutrality is recognised through the ACI Airport Carbon Accreditation scheme (ACA) with offsets bought covering Scope 1 and Scope 2 GHG emissions (as well as business travel). GAL is currently accredited at Level 4+ of ACA and is committed to maintaining this.</p> <p>To maintain ACA accreditation, GAL can only purchase offsets that are aligned to schemes recognized by the ACA. The ACA Offsetting Guidance is publicly available: https://www.airportcarbonaccreditation.org/wp-</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>framework document, the Applicant should define monitoring and reporting requirements for GHG emissions for the Applicant's construction activities, airport operations and surface access transportation. Similar to the London Luton Airport Green Controlled Growth Framework, emission limits and thresholds for pertinent project stages should be established. Should any exceedances of these defined limits occur, the Applicant must cease project activities. Where appropriate, the Applicant should undertake emission offsetting in accordance with the Airport Carbon Accreditation Offset Guidance Document to comply with this mechanism.</p> <p>In addition, and where reasonably practical, the Applicant should seek to utilise local offsetting schemes that can deliver environmental benefits to the area and local community around the airport. Offsets should align with the following key offsetting principles:</p> <ul style="list-style-type: none"> • Additional (i.e. that the offset project and resulting emissions reductions would not have occurred in the absence of the offset project and the revenue from selling offsets); 	<p>content/uploads/2023/12/ACA-Offset-Guidance-Documents-FINAL-09112023-2.pdf</p> <p>As GAL transitions from carbon neutral to net zero status, absolute carbon reductions are being achieved. Consequently, residual emissions, and the amount of offsets required, are reducing. For net zero only removal offsets are allowed. GAL is in the process of transitioning from reduction to removal offsets. For 2023, GAL bought 25% removal offsets and 75% reduction offsets.</p> <p>GAL provided an offsetting statement in the 2023 Decade of Change Performance Summary which is publicly available: https://www.gatwickairport.com/company/reports/sustainability-reports.html</p> <p>Currently GAL buys offsets annually in arrears from the voluntary carbon market (VCM). GAL is investigating developing a local removal offsetting project which would, ideally, provide all offsets from 2030. It should be noted that any local offsetting scheme will have to be accredited by an ACA recognised scheme.</p> <p>Further information was given in GAL's response to Action Point 13 following ISH6 in The Applicant's Response to</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<ul style="list-style-type: none"> • They should be permanent and irreversible; • Without leakage in that they don't increase emissions outside of the proposed development; • Have a robust accounting system to avoid double counting; and be without negative environmental or social externalities. <p>The LPA still stand by their position that there is a role to oversee greenhouse gas emissions from the Proposed Development at a local level. While it is acknowledged aviation emissions will be controlled at a national level through national and international policy, the LPA want to see the airport grow in an environmentally sustainable way that aligns with the aims and ambitions of local policy to reduce greenhouse gas emission and mitigate the impact on the climate. LPA oversight of emissions from the expansion of airport buildings and operations would help to lessen some of the uncertainty associated with airport growth.</p>	<p>Actions ISH6: Climate Change (including Greenhouse Gases) [REP4-036].</p> <p>The authorities are referred to Appendix B: Response to the JLAs' Environmentally Managed Growth Framework Proposition (Doc Ref. 10.38), which comprises a response to their document, Introduction to a proposal for Environmentally Managed Growth Framework [REP4-050], and which similarly addresses the JLAs request for oversight/control of emissions arising from the Project.</p>
CC.1.3	<p>The LPA acknowledge that the Jet Zero Strategy provides legally binding targets to decarbonise the UK aviation sector. It also acknowledges that the Applicant's CAP provides a set of measures to align with Proposed</p>	<p>The authorities are referred to Appendix B: Response to the JLAs' Environmentally Managed Growth Framework Proposition (Doc Ref. 10.38), which comprises a response to</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>Development with the requirements of the Jet Zero Strategy.</p> <p>While the CAP sets out a series of carbon reduction measures, enabling actions and a process to monitor progress for its delivery, there is still an element of uncertainty with its delivery. To overcome some of this uncertainty, the LPA consider the CAP should be strengthened by tying its delivery to environmentally sustainable growth.</p> <p>Implementing an Environmentally Controlled Growth framework would make sure that the Applicant demonstrates sustainable growth while effectively managing its environmental impact. This framework would define monitoring and reporting requirements for GHG emissions for the Applicant's airport buildings, operations and surface access transportation. Emissions limits and thresholds should be established. Should any exceedances of these defined limits occur, the Applicant must cease project activities. Where appropriate, the Applicant should undertake emission offsetting in</p>	<p>their document, Introduction to a proposal for Environmentally Managed Growth [REP4-050].</p> <p>The Applicant further refers the authorities to its response to the JLAs' comments in respect of CC.1.1 above.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>accordance with the Airport Carbon Accreditation Offset Guidance Document to comply with this mechanism.</p> <p>The framework would regularly be reviewed and updated to ensure it aligns with current policy and guidance.</p>	

Kent County Council

2.4.1 The below table sets out the Applicant's responses to the Kent County Council's comments on ExQ1 in relation to climate change and greenhouse gases [[REP4-055](#)].

Table 2: Response to ExQ1 - Climate Change and Greenhouse Gases from Kent County Council

ExQ1	Kent County Council Response	Applicant's Response
N/A	<p>The Climate Change Committee calculates carbon budgets using science-based targets and exists, as an expert forum, to advise the government on what is achievable. The Committee's key message on airport expansion is stated very clearly in its 2023 Report to Parliament: "Airport expansion. The Committee's Sixth Carbon Budget Advice recommended no net expansion of UK airports to ensure aviation can achieve the required pathway for UK aviation emissions. Since making this recommendation the Committee has noted that airports</p>	<p>The Applicant's position in relation to the recommendations of the Climate Change Committee was explained at ISH6 (see Section 4.1 of the Written Summary of Oral Submissions ISH6: Climate (including Greenhouse Gases) [REP4-032] and the response to CC.1.1 within The Applicant's Response to ExQ1 – Climate and Greenhouse Gases [REP3-086].</p>

ExQ1	Kent County Council Response	Applicant's Response
	<p>across the UK have increased their capacities and continue to develop capacity expansion proposals. This is incompatible with the UK's Net Zero target unless aviation's carbon-intensity is outperforming the Government's pathway and can accommodate this additional demand. No airport expansions should proceed until a UK-wide capacity management framework is in place to annually assess and, if required, control sector CO2 emissions and non-CO2 effects." [Source: 'Progress in reducing UK emissions – 2023 Report to Parliament, p267]. KCC concurs with the concerns of the Climate Change Committee, who explain that "the Jet Zero Strategy approach is high risk due to its reliance on nascent technology - especially rapid sustainable aviation fuel uptake and aircraft efficiency savings - over the period up to the Sixth Carbon Budget". [Source: 'Progress in reducing UK emissions – 2023 Report to Parliament, p267].</p>	
N/A	<p>KCC would recommend, following the Precautionary Principle, to not grant consent for this project currently. The government will monitor progress against the emissions reduction trajectory in the Jet Zero Strategy on an annual basis from 2025, with a major review of the Strategy and delivery plan every five years. The first major</p>	<p>The Applicant notes that KCC's position is directly contrary to government policy which commits the government to monitor and manage the UK's carbon reduction obligations and which has repeatedly confirmed that it sees no role for demand management in general, let alone the extreme approach recommended by KCC. The Applicant considers that granting</p>

ExQ1	Kent County Council Response	Applicant's Response
	<p>review will be in 2027. Therefore, we recommend that the project should be placed on hold until the review in 2027, when the impact of this expansion can be evaluated against the emission pathway in the Jet Zero Strategy to ensure that it sits within the Sixth Carbon Budget. The project should only be given the go ahead to proceed if the extra emissions will still allow the government to meet the Sixth Carbon Budget and its legally binding obligations.</p>	<p>consent for the Project would be consistent with the government meeting its Sixth Carbon Budget and its legally binding obligations. This is addressed in ES Chapter 16: Greenhouse Gases [REP4-005] at paragraphs 16.9.93 and 16.9.96.</p> <p>As an example of the Government's approach, these matters were recently addressed for instance in the Government's Environment Audit Committee in March 2024, which can be found at ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan – Part 1 [REP3-032].</p>

2.5 Compulsory Acquisition and Temporary Possession

Legal Partnership Local Authorities

2.5.0 The below table responds to the Legal Partnership Authorities' reply [REP4-070] to the Applicant's ExQ1 response on Compulsory Acquisition and Temporary Possession.

Table 3: Response to ExQ1 - Compulsory Acquisition and Temporary Possession from Legal Partnership Authorities

ExQ1	Legal Partnership Authority Response	Applicant's Response
CA.1.8	<p>a) The highway authorities (Surrey CC and West Sussex CC) wish to answer this point in respect of the proposed</p>	<p><u>Protective provisions</u></p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>Compulsory Acquisition (CA) of Highway Land.</p> <p>SCC and WSCC have vested in them by operation of law under the Highways Act 1980, sufficient legal interest in land which is subject to highway rights, to enable them to discharge their highways functions.</p> <p>Some of the areas of land which are the subject of CA in the order are parcels of land over which those respective Highway Authorities have legal interests and highway responsibilities.</p> <p>In some instances, it appears that GAL's proposals are to carry out works of alteration or improvement to existing highways and, at the end of the exercise, the highway will not be stopped up and it will remain subject to highway rights. An example is the A23 Brighton Road feeding northwards into the Longbridge roundabout. By way of example, among other areas of adjacent highway land, Plot 1/014 is part of the carriageway of the A23 Brighton Road. It is shown on Inset Sheet 1 of the land plans [AS-015]. Plot 1/014 is just to the right of the centre of the roundabout.</p> <p>In Part 1 of the Book of Reference [AS-010] (see page 26),</p>	<p>The Applicant confirms that the powers sought are proportionate. Notwithstanding the protection in Article 21, the Applicant is willing to incorporate specific protective provisions for the benefit of local highway authorities to alleviate any residual concerns and has been seeking clarity on what provisions are required. Although discussions with WSCC and SCC are ongoing, to date, no details or specific drafting have been provided by the highway authorities and the Applicant requests that, should the highway authorities wish to have protective provisions, they provide their proposed drafting for the Applicant's review.</p> <p>The JLAs' view that the issue is clearly capable of resolution and is therefore not a major concern is welcomed and shared by the Applicant.</p> <p><u>Applicant's approach to CA</u></p> <p>The Applicant's approach to seeking compulsory acquisition powers over the full extent of land required for the highway improvement works is justified because:</p> <ol style="list-style-type: none"> 1. The Applicant requires powers in the DCO to ensure that any unknown land rights over parcels of land required for the

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>Plot 1/014 is shown as being subject to permanent acquisition. The subsoil of the plot is shown as being owned by Surrey County Council and Reigate and Banstead Borough Council, and Surrey County Council, as local highway authority, is shown as the occupier.</p> <p>On sheet 2 of the Works Plans [REP3-011], Plot 1/014 is within the Works Area Limit for Work No. 37, which is described in Schedule 1 to the DCO [REP3-006] as works associated with the Longbridge Roundabout junction improvements. It includes (paragraph (b)) the widening and realignment of the A23 Brighton Road. At the completion of the works, the land will remain as part of the highway. It is not intended to be stopped up so as to remove highway rights, and it is not intended, so far as the Councils are aware, for the Applicant to retain permanent control of the highway surface.</p> <p>As things stand, the Authorities are not clear from what is in the Applicant's material, why there is a need for CA of that plot, or of any similar local highway plots which are shown as being subject to CA in similar circumstances.</p> <p>The Authorities have noted from the Applicant's Statement</p>	<p>highway improvement works – either forming part of the widened highways or required for ongoing maintenance of the widened highways – can be overridden such that they do not hinder the use and maintenance of the highways after their completion. When the undertaker exercises temporary possession powers under the DCO, article 32(3) provides that private rights of way over areas temporarily possessed are temporarily suspended and unenforceable, but only for so long as the undertaker remains in possession of the land. Once the highway works are completed using such powers and handed to the relevant highway authority, there is a risk that unknown rights could then resume which hinder the operation and/or maintenance of the improved highways.</p> <p>Allowing the Applicant the power to compulsorily acquire land required for the widened highways ensures that contrary rights can be extinguished using the DCO powers where required, facilitating the securing of clean title and thus ensuring the deliverability of the scheme. Whilst the Applicant accepts this risk is unlikely to materialise in practice, it is nonetheless an actual risk and one that needs to be mitigated against to safeguard the delivery of the scheme and is consistent with the approach to CA adopted across the Project. As previously</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>of Reasons [AS- 008] under the heading “Proportionate” the applicant states:</p> <p>“Steps have been taken to ensure that the land and interests proposed to be acquired are proportionate. Noting that GAL owns the freehold of most of the land required, GAL has sought to take powers of rights over land rather than the compulsory acquisition of the freehold in certain instances (as shown shaded blue on the Land Plans (Doc Ref. 4.2)) and has not sought powers over certain plots where it would not be proportionate to do so (as shown shaded grey on the Land Plans (Doc Ref. 4.2)).</p> <p>For example, for certain plots GAL has sufficient certainty that the land is not required permanently and has therefore only sought powers to compulsorily acquire permanent rights and temporary possession powers. This is mainly the case for land which is required for planting and GAL needs to obtain rights to maintain the planting but does not need to hold the freehold to do so.”</p> <p>When considering this evaluation of proportionality in relation to Highway Land, the Legal Partnership Authorities do not understand why it could be considered proportionate</p>	<p>stated, to the extent possible the Applicant will only use temporary possession powers in carrying out the highway works.</p> <p>2. The Applicant has also noted the uncertainty which has come to light through the land referencing process and discussions with the highway authorities as to the extent of each authority's respective land ownership. The Applicant considers it important to retain CA powers over all land required for the improved highways to ensure that, if the ownership of plots of land required for the scheme proves to be different to that currently identified by the parties (e.g. a plot of land which a highway authority considers it owns proves to be in third-party ownership), the Applicant will be able to acquire this land and ensure the deliverability of the scheme.</p> <p><u>Alternative arrangements by agreement</u></p> <p>As the Applicant has made clear, compulsory acquisition powers will only be used as a last resort where required to facilitate delivery of the Project. Therefore, where at all possible the Applicant will look to make arrangements for any necessary acquisition of land or rights by agreement with the relevant highway authorities. Article 21 of the Draft</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>for the Applicant to be exercising powers of CA and permanent acquisition, as opposed to reaching an accommodation with the highway authorities (via highways agreements such as Section 278 Agreements) to enable the relevant highway improvements to be carried out without the need for CA.</p> <p>The Authorities consider that this issue is eminently capable of resolution (by negotiation), so at this stage, it is not a fundamental point that is a major concern. However, the Authorities do take the position that since CA should be the last resort, and since they have not seen an adequate explanation for the Applicant's approach, at the moment, they are not persuaded that that part of the tests are met in relation to the taking of Highway Plots.</p> <p>The Authorities have noted that paragraph 18(3) of Schedule 9 to the draft DCO (protective provisions for National Highways), says that the undertaker may not exercise CA powers, acquire new rights or seek to impose or extinguish any restrictive covenants over any of the strategic network except with the consent of National Highways. The Authorities consider that if the powers of CA are to remain over any local highway land which is not</p>	<p>Development Consent Order (Doc Ref. 2.1) provides that the undertaker must enter into an agreement with the relevant highway authority prior to commencing any local highway work. It has always been envisaged that discussions regarding land and rights would form part of the negotiations for such an agreement. However, following comments made by the local highway authorities at CAH1, the Applicant has been seeking to discuss this detail now and is content to enter into a private agreement in advance if that is desired by the local highway authorities.</p> <p>Specifically, the Applicant has had an initial discussion with WSCC regarding private treaty agreements for land owned by WSCC outside the adopted highway. At present the only plot where this would apply appears to be part of the highway and therefore WSCC are considering their requirements here. The remainder of plots have been claimed by National Highways and therefore WSCC will discuss this with National Highways further. The Applicant has also continued its engagement with SCC and is including these plots in its ongoing discussions about private land agreements.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>intended to be stopped up under the DCO, then similar provisions should be put in place for the local highway authorities. Otherwise, the powers over such highway land should either be removed in their entirety or limited to powers of temporary possession.</p>	<p>Further detail about the progression of negotiations is set out in the Land Rights Tracker (Doc Ref. 8.6).</p>
CA.1.11	<p>The Authorities' general point regarding the compelling case in the public interest</p> <p>As a general point, the Authorities note that the “compelling case in the public interest” test, which the Applicant needs to meet, engages with the wider merits arguments in relation to the NRP as a whole as being discussed at the Examination. That is to say that if the ExA is not persuaded of the wider merits of the NRP as a matter of the overall planning balance, it is unlikely to be satisfied that the Applicant has demonstrated that there is a compelling case in the public interest to take private land and to interfere with private rights in order to deliver such a project.</p> <p>The Authorities are not yet persuaded of this wider case and so – when considering the case for compulsory acquisition (“CA”) where some of the local authorities have land interests which are affected – their general position on the</p>	<p>The Applicant is confident that it has demonstrated the justification for Compulsory Acquisition (CA) in both the Statement of Reasons [AS-008] and previous submissions and responses to Surrey County Council as Landowner (SCCaL) and the ExA. The Applicant is working with SCCaL to produce a set of Terms that ensure the Landowner's protection so as not to impede the viability of the proposed development.</p> <p>The Applicant has undertaken a review of possible alternatives for the location for the South Terminal roundabout (Plot 4/470) drainage attenuation pond instead of the GAL's proposal in the southeast corner of land at Bayhorne Farm.</p> <p>The alternative location proposed is at the northern end of Bayhorne Farm.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>merits carries across as a relevant factor in the question of whether CA powers are justified.</p> <p>[See the JLAs' response for specific examples].</p>	<p>The alternative location proposed is located in Flood Zone 2 and in an area where there is existing surface water flooding.</p> <p>In addition, there are a number of challenges in conveying surface water from the M23 and Airport Way to the alternative pond location, including gradient, pond depths, potential requirements for pumping stations, and extensive culverting requirements through Bayhorne Farm. The significant distance between the M23/Airport Way and the proposed alternative location may also lead to challenges in gaining technical approval from National Highways.</p> <p>There is also a risk that the outfall proposed for the GAL proposed location of the surface water attenuation pond may need to change from Gatwick Stream to Haroldslea Stream and/or include requirements for a pumping station, which may not be considered favourable by approving authorities, including the Lead Local Flood Authority and National Highways.</p> <p>The Applicant has considered the alternative suggested by SCC but because of the reasons stated above, it has not progressed.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
CA.1.17	<p>While the Authorities are not “statutory undertakers”, they note that National Highways benefit from protective provisions in the draft DCO, including one which states (amongst other things) that no strategic road network land will be compulsorily acquired without the agreement of National Highways (see paragraph 18(3) of Schedule 9). If agreement is not reached with the Applicant on the local highway land issue summarised at CA.1.8, then similar protective provisions should be put in place for the local highway authorities.</p>	<p>As above, the Applicant is content to provide such equivalent protective provisions to the local highway authorities if this is required. To ensure that the authorities' concerns are fully addressed, the Applicant invites proposed drafting.</p>
CA.1.37	<p>The Authorities accept as a point of principle that the Applicant can acquire open space prior to delivering replacement open space land; however, as previously mentioned, the Authorities are concerned about the potential gap in time between the taking of the open space and the delivery of the replacement land. (See for example row 37 of Appendix M of the West Sussex LIR [REP1-039]).</p> <p>In paragraph 5.1 of the Authorities' document “Compulsory Acquisition Hearing 1 Post-Hearing Submission”, (which is being submitted at Deadline 4), the Authorities' concerns in respect of Riverside Gardens Park and Church Meadow are</p>	<p>The Applicant has responded to the matter of replacement open space in the Deadline 4 submission of the Statement of Common Ground Between Gatwick Airport Limited and Surrey County Council [REP1-045]</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>set out. Riverside Gardens Park and Church Meadow are in the vicinity of the Longbridge roundabout and the Brighton Road (A23). The Applicant proposes to acquire some of the land which is currently designated Open Space Land, and there are also powers to acquire rights over some of it. The open space land to be acquired is proposed to be replaced by replacement open space land, some of which (Plot 1/13) is in the vicinity of Church Meadow and the rest (plots 1/200, 1/220, 1/289, 1/290A and 1/292) is beyond the southern end of Riverside Gardens Park. The replacement land is described in Part 2 of Schedule 10 to the DCO. The Authorities note from the Applicant's remarks at CAH1 that the Applicant is in the process of preparing a note on open space provisions and how the arrangements for replacement open space are intended to work. In particular, the Applicant indicated at CAH1 that some of the open space land to be acquired is to be redesignated so that it will fall within section 131(5) of the Planning Act 2008 rather than under section 131(4). The Authorities understand that this will mean that some of the land to be taken will not be replaced, because the area to be taken falls below the relevant size threshold. In turn, the Applicant says that</p>	

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>Schedule 10 to the DCO will be changed at D4.</p> <p>Notwithstanding the forthcoming note, the Authorities and Applicant remain in dialogue regarding how the gap in time between the acquisition of the open space land and its replacement is to be managed so that it does not unduly deprive the public of the benefit of the enjoyment of the open space.</p> <p>Regarding the proposed delivery plan, please see row 69 of the Authorities' "Response to the Applicant's Schedule of Changes [REP3- 005]" which is being submitted at Deadline 4. Row 69 sets out the Authorities' suggested amendments to article 40, as drafted in the dDCO submitted at Deadline 3. [REP3-006].</p>	

Marathon Asset Management MCAP Global Finance (UK) LLP

2.5.1 The below table responds to the Marathon Asset Management's reply [[REP4-123](#)] to the Applicant's ExQ1 response on Compulsory Acquisition and Temporary Possession.

Table 4: Response to ExQ1 - Compulsory Acquisition and Temporary Possession from Marathon Asset Management MCAP Global Finance (UK) LLP

ExQ1	Marathon Asset Management Response	Applicant's Response
CA.1.3	There is no entry in the Land Rights Tracker for Marathon. Marathon would request that it is included in the Tracker.	The Land Rights Tracker (Doc Ref. 8.6 v3) has been updated to include Marathon Asset Management.
CA.1.7	This statement is understood to be incorrect as the temporary northern access proposed by GAL to the north of Marathon's Property (north of Plot 1/026) (which temporary access is required to maintain access to the hotel) may necessitate provision of land outside of Order Limits. Marathon are awaiting from GAL further details of the proposed northern access (which have not yet been provided).	<p>The Applicant can confirm that an access option presented to Marathon Asset Management (MAM) at their request does include a small area approximately 100sqm outside of the order limits. In meetings and correspondence to date, MAM has confirmed that they would grant rights to the Applicant over this land as part of a negotiated settlement to facilitate access and mitigation works as this is their preferred access option.</p> <p>If a negotiated settlement cannot be reached on this matter, the Applicant will proceed with an access mitigation option which is provided within the order limits as it had originally intended.</p> <p>The latest version of the Concept Design for the specifically requested mitigation option was provided to MAM on 29th May 2024 and the Applicant awaits feedback.</p>

ExQ1	Marathon Asset Management Response	Applicant's Response
CA.1.10	<p>Marathon made submissions at CAH1 in respect of what is considered an excessive land take/flexibility in relation to Marathon's property. Marathon consider that GAL have failed to provide adequate plot specific justification for both acquisition and acquisition of land and new rights. Please see Marathon's CAH1 Post Hearing Submissions for further details of Marathon's concerns (which we do not repeat here to avoid duplication).</p> <p>Consistent with our response to a) above, Marathon considers that an excessive permanent land take is proposed at this stage. Whilst Marathon's preference is to see the permanent land take in relation to Marathon's property reduced prior to the grant of the DCO (discussions regarding which are ongoing with GAL), it is concerned that there should be some mechanism by which GAL can be held to account to ensure that powers of CA would not be exercised over land not actually required. It is noted that other landowners at CAH1 have raised similar concerns. Marathon will be inviting the ExA to impose a binding obligation/enforceable mechanism to secure this, absent agreement with GAL.</p>	<p>The Applicant has outlined it's justification for the powers being sought in the dDCO over plots 1/026, 1/057, 1/061, 1/062 within the Statement of Reason [AS-008] within Appendix 1, page 9. The land has been included for utility diversions, the works associated with the highway improvement works at Longbridge Roundabout, and the extension to the active travel path. The works at Longbridge Roundabout have been submitted as part of the application in outline but are subject to detailed design. The detailed design process will consider the utility diversions which are present and the exact location of the road based on ground conditions, water features, planting etc. Until this has been carried out, the Applicant needs to retain the flexibility to ensure that the scheme is deliverable once the detailed design has been carried out.</p> <p>Article 27 of the dDCO (Doc Ref. 2.1) restricts the amount of land that the Applicant can acquire compulsorily to only that which is required for the Project. This is the mechanism / safeguard as requested by Marathon which holds the Applicant to account over how much land such powers are, in fact, exercised over.</p>

ExQ1	Marathon Asset Management Response	Applicant's Response
		<p>The Heads of Terms currently in negotiation with MAM outline for a commitment from the Applicant to only exercise permanent acquisition over land it needs to retain following the completion of works, with any surplus land being returned.</p>
CA.1.12	<p>Whilst Marathon welcome the recent engagement by GAL, key information is still awaited from GAL in order for Marathon to fully understand the impacts of the Project/DCO on Marathon's property and to assess and agree appropriate mitigation in respect of access to the hotel, noise mitigation and matters affecting the operation of the hotel. Please see Marathon's Post CAH1 Submissions for further details.</p>	<p>The Applicant has undertaken further noise surveys and provided data from those surveys to MAM. A full Noise Assessment Report has been provided at Deadline 5 – see the Holiday Inn Noise Report (Doc Ref. 10.41). The Noise Assessment Report outlines and addresses in detail the concerns and questions raised by Stantec on behalf of MAM. Direct discussions with Marathon are ongoing.</p>
CA.1.22	<p>At CAH1, Counsel for Marathon requested details of the percentage of agreements GAL had reached for land actually subject to compulsory acquisition powers pursuant to the DCO. The Ex A asked GAL to provide this. Marathon will await GAL's response.</p>	<p>The Applicant provided a response to this as part of The Applicant's Response to CAH1 Actions [REP4-038] in its Deadline 4 submissions.</p>

ExQ1	Marathon Asset Management Response	Applicant's Response
CA.1.29	Marathon consider the TP power is too open ended. Please see Marathon's response to ExQ1 CA1.29 for a full response on this point.	Marathon's response to ExQ1 CA.1.29 expressed concern that they considered there to be no limit on how long temporary possession could be taken for under Article 38. This is because the restriction is actually in Article 37(3) of the dDCO (Doc Ref. 2.1). This provides that the undertaker must not, without the agreement of the owners, remain in possession of any land over which it has taken temporary possession under Article 37 after 1 year from the end of the relevant works being completed.
CA.1.43	Marathon would highlight that Plot 1/062 sits outside of the Longbridge Roundabout works package boundary. The GAL response states that permanent rights may be required for the purposes of accessing and maintaining utilities assets. GAL have failed to demonstrate that permanent rights need to be acquired over Plot 1/062. Please see Marathon's Post CAH1 Submissions for further details of Marathon's concerns and what information Marathon considers GAL should provide to enable a proper understanding of the position in relation to Plot 1/062 and also the proposed CPO and take/rights to be acquired over Marathon's property generally.	The Applicant can confirm that Plot 1/062 is outside of the extents of permanent limits of Work No. 37. However, as set out in Table B in Appendix A of the Statement of Reasons [AS-008] , permanent rights are required in relation to minor works, including protective works, access or utility diversions. Available information on existing utility assets at this location shared by relevant statutory undertakers has highlighted the presence of a number of existing utility assets in the grass area west of Longbridge roundabout including water mains, sewer and telecommunications assets. Modifications to these assets (including potential protection and/or diversion works) are envisaged to be required within Plot 1/062 under the scope of ancillary or related development as defined in Schedule 1 of

ExQ1	Marathon Asset Management Response	Applicant's Response
		the Draft DCO [REP3-006] . Permanent rights of access are envisaged to be required for the modified utility assets and the widened highway. Temporary access is also required to this plot in relation to construction activities associated with the works in this area.

2.6 Cumulative Effects

Legal Partnership Local Authorities

2.6.0 The below table responds to the Legal Partnership Authorities' reply [\[REP4-061\]](#) to the Applicant's ExQ1 response on Cumulative Effects.

Table 5: Response to ExQ1 - Cumulative Effects from the Legal Partnership Authorities

ExQ1	Legal Partnership Authority Response	Applicant's Response
CE.1.1	The Authorities do not wish to repeat their position in relation to the Cumulative Effects Assessment ("CEA") carried out by the Applicant [APP-045] . This has not changed from that stated in earlier submissions [REP1-068, REP3-135] . (See, in particular Chapter 19 of REP1-068 and the answer to CE1.1 of REP3-	In the Applicant's view, this is a surprising submission, particularly given the Authorities' recognition that it contradicts the guidance given in PINS Advice Note 17. The authorities also recognise the practical difficulties of doing so in Comments on any further information /

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>135). There are, however, a number of comments to bring to the ExA's attention in response to the Applicant's responses to the first Written Questions.</p> <p>While the Applicant's position is clear; that it is "not required or practical" [REP3-088] to carry out a full cumulative impact assessment of the Project and Heathrow's Third Runway (R3), in the Authorities' view it is necessary for the Applicant to robustly demonstrate the absence of any impacts that will require mitigation. Notwithstanding the guidance given in Advice Note 17, the Authorities do not view the CEA as an exercise in weighing up whether R3 will come forward, but in providing an assessment of the impacts of multiple projects which are likely to come forward. Whether or not the Applicant themselves are certain R3 will come forward is not relevant. It is government policy and should be assessed fully in order to demonstrate there are no significant impacts which require mitigation.</p> <p>The Applicant's decision not to carry out a full CEA is, in part, borne out of the lack of adequate information available [REP3-088], however, it continues to state that the sensitivity work carried out indicates there will be no significant cumulative effects. The Authorities have sought, at various stages, further details around how the Applicant has reached this conclusion</p>	<p>submissions received by Deadline 3 [REP4-052] at paragraph 13.</p> <p>The Applicant has set out its position on the subject of a cumulative assessment with the third runway at Heathrow on a number of occasions, not least in 10.16 The Applicant's Response to the ExA's Written Questions (ExQ1): Cumulative Effects [REP3-088] and in 10.24 Appendix D: Response to Heathrow's Deadline 3 Submission [REP4-025].</p> <p>The Authorities' submission also omits to recognise that the Applicant <u>has</u> provided a cumulative assessment of the NRP with the North West runway at Heathrow in ES Chapter 20: Cumulative Effects and Inter-Relationships [APP-045], particularly at Table 20.7.2, as best it can.</p> <p>For the reasons explained there, the uncertainty over the development of the new runway and the associated lack of information about that project means that no further cumulative assessment is necessary or possible. The Applicant has provided as much information as it can on cumulative effects. No more detailed environmental assessment can be reliably carried out given the absence of</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>and looks forward to a review of the Applicant's Deadline 4 submissions relating to the assessment of the interaction between the two expansion proposals.</p> <p>Expansion at Heathrow, specifically Heathrow's Northwest Runway Scheme, has national policy support in the form of the Airports National Policy Statement. In the Applicant's response to CE 1.1 it is suggested that the burden of assessing any cumulative impact of LHR R3 and the Applicant's Project should sit with Heathrow Airport. This appears to be on the grounds that the Applicant has sought permission for expansion before Heathrow Airport and Heathrow is, therefore, the agent of change. Notwithstanding the support in national policy for airports other than Heathrow to make best use of existing runways, the Authorities are concerned that, in taking this approach and excluding LHR R3 from the main CEA, the Applicant may be circumventing or undermining the ANPS.</p>	<p>information about the Heathrow project or any information about when or whether it may come forward.</p> <p>GAL is not aware of any unanswered requests for more information. If the Authorities' concern is related to the impact on demand at Gatwick, that does not require a cumulative environmental impact assessment (which is a separate issue from the question of demand) and forecasts of impact on demand are set out in any event in the ES: Appendix 4.3.1: Forecast Data Book [APP-075] at Annex 4 and in the Needs Case Technical Appendix [REP1-052] in Section 7.</p> <p>The absence of and inability to undertake a more detailed cumulative environmental assessment has absolutely no relationship to the robustness of the ANPS and GAL simply does not understand why it is asserted that the ANPS could be undermined by the absence of a more detailed cumulative environmental assessment.</p> <p>The Authorities should also recognise that, as Chapter 20 and Table 20.7.2 describe, if a cumulative exercise was possible, it would likely involve a relative decline in air traffic levels at Gatwick following the opening of Heathrow R3, and</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>a <u>lower</u> level of impact in the Authorities' areas as the performance and impacts of the NRP would be reduced.</p>
CE.1.2	<p>The Authorities comments on the table (Table 1 Developments considered in the ES for the Cumulative effects) provided by the Applicant in response to CE1.2 are set out below in the final column highlighted in pink.</p> <p>The Authorities were provided with a proposed long-list of Other Development by the Applicant on 3 occasions (6 September 2022, 25 January 2023 and 28 April 2023) and asked to provide suggested amendments to these lists.</p> <p>Feedback was not sought on these occasions on the overall approach including how the Zones of Influence were set.</p> <p>Comments made in response to the long- and short-lists shared in January 2023 were not reflected in the list shared in May 2023. In this sense, the Authorities consider that engagement with local authorities to inform the CEA was limited.</p>	<p>GAL prepared and circulated a guidance note 'Approach to Cumulative Environmental Assessment' to the local authorities from the outset and with each subsequent round of requests (September 2022, January 2023, April 2023) which explained the methodology and the way in which GAL would assess sites and requested updates on suggested cumulative sites.</p> <p>When it comes to assessing the developments for cumulative assessment purposes, it was necessary to apply qualifying thresholds consistently. As such, in accordance with paragraph 3.2.5 of the PINS Guidance Note 17, GAL used professional judgement and considered whether to supplement the threshold criteria in order to avoid excluding 'other existing development and/or approved development' that is below the threshold criteria limits but has characteristics likely to give rise to a significant effect.</p> <p>GAL does not believe that there were any relevant developments in the threshold categories at the time of making the assessments and when questions arose, GAL's</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		assessment of sites was explained directly to the respective local authorities.
	<p>Crawley Borough Local Plan 2023-2040 Modifications Consultation Draft February 2024 Allocations in the Crawley Borough Local Plan 2023-2040 have been included within the short list and should be given greater weight as the Plan moves closer to adoption. This Total figure (5,330 dwellings and 17.93 ha of employment land) includes the Gatwick Green, Forge Wood and Town Centre sites listed below which have been identified separately due to their proximity and/or scale to the Project.</p>	<p>The Crawley Borough Council Draft Local Plan (2023 to 2040) is going through examination but is not yet adopted. The Inspector's Advice Letter dated 31st January 2024 requested further clarification from the Council on a range of matters including queries GAL raised in respect of the Gatwick Green strategic employment allocation. The Council has not yet responded to this request from the Inspector (at the time of writing on 28 May 2024) and GAL consider that there are still unresolved objections to the Draft Local Plan at this stage of the process.</p> <p>For the purposes of the long list no new sites have been added as a result of The Crawley Borough Local Plan 2023-2040 Main Modifications Consultation Draft February 2024 and the sites have been taken into account as set out in the D3 response.</p>
	Land West of Ifield	<p>The approach taken to considering future development West of Ifield is described in Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260]. This development is not sufficiently certain to be included in the</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>While this was included in the short list, the site was excluded from Transport Assessment. The Authorities consider the cumulative effects on the transport network should be assessed by the Applicant.</p>	<p>core scenarios for the assessment of the Project, but has been included in a separate cumulative scenario which is described in Chapter 14 of Transport Assessment Annex B and in Section 12.11 of ES Chapter 12: Traffic and Transport [REP3-106].</p>
	<p>Land West of Southwater</p> <p>The Authorities consider there is the potential for cumulative impacts to occur as a result of the development and the Project and that the Transport Assessment should consider the cumulative impacts on the highway network</p>	<p>Land West of Southwater is now under construction. It was included within the Uncertainty Log (Appendix C of Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260]), and therefore is included within the strategic modelling. The approach to modelling development such as this is outlined in Section 9 of Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260].</p>
	<p>Land East of Billingshurst</p> <p>The Authorities consider there is the potential for cumulative impacts to occur as a result of the development and the Project and that the Transport Assessment should consider the cumulative impacts on the highway network</p>	<p>The approach to modelling development such as this is outlined in Section 9 of Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260]. The Uncertainty Log (Appendix C of Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260]) identified a quantum of 493 houses that are currently under construction, and deemed Near Certain, and a further 650 houses which are Reasonably Foreseeable. These</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>definitions are set out in Table A2 of TAG Unit M4, with Reasonably Foreseeable sites being those identified within a development plan but with no submission of planning application. For these sites, the outcome may happen but there is significant uncertainty and TAG states that these should be excluded from the core scenario. Therefore, the impact of the 493 is included in the modelling while the remaining are not included given their relative statuses in line with TAG.</p>
	<p>Brookleigh, Burgess Hill</p> <p>The Authorities consider there is the potential for cumulative impacts to occur as a result of the development and the Project and that the Transport Assessment should consider the cumulative impacts on the highway network. This is due to the scale of the development and proximity of the site to the Strategic Road Network, which links it to Gatwick Airport (A23/M23). In addition, in its response to ExQ1 GEN 1.30 [REP3-091] the Applicant states 'the model highlights potential impacts of future base growth at junctions in the Burgess Hill area alongside increases in the number of links at or over capacity in this area'.</p>	<p>It is understood that this site was formerly known as Northern Arc. Northern Arc features across multiple lines in the Uncertainty Log deemed as more than likely and is therefore included within the transport modelling - see lines 58-62 of Table 2 of Appendix C and the method outlined in Section 9 of Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260].</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>Science and Technology Park, Burgess Hill</p> <p>The Authorities consider there is the potential for cumulative impacts to occur as a result of the development and the Project and that the Transport Assessment should consider the cumulative impacts on the highway network. This is due to the scale of the development and proximity of the site to the Strategic Road Network, which links it to Gatwick Airport (A23/M23). In addition, in its response to ExQ1 GEN 1.30 [REP3-091] the Applicant states 'model highlights potential impacts of future base growth at junctions in the Burgess Hill area alongside increases in the number of links at or over capacity in this area'.</p>	<p>This site is considered reasonably foreseeable for the purposes of the transport modelling (identified within a development plan but no planning application submitted), which follows TAG guidance, and is therefore not sufficiently certain to be included within the modelling, as outlined in Section 9 and Uncertainty Log ID 180 of Appendix C of Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260].</p>
	<p>The Hub, Burgess Hill</p> <p>The Authorities consider there is the potential for cumulative impacts to occur as a result of the development and the Project and that the Transport Assessment should consider the cumulative impacts on the highway network. This is due to the scale of the development and proximity of the site to the Strategic Road Network, which links it to Gatwick Airport (A23/M23). In addition, in its response to ExQ1 GEN 1.30 [REP3-091] the Applicant states 'model highlights potential</p>	<p>It is understood that this site was formerly known as Northern Arc. Northern Arc features across multiple lines in the Uncertainty Log deemed as more than likely and is therefore included within the transport modelling - see lines 58-62 of Table 2 of Appendix C and the method outlined in Section 9 of Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260].</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>impacts of future base growth at junctions in the Burgess Hill area alongside increases in the number of links at or over capacity in this area."</p>	
	<p>West of Burgess Hill</p> <p>The Authorities consider there is the potential for cumulative impacts to occur as a result of the development and the Project and that the Transport Assessment should consider the cumulative impacts on the highway network. This is due to the scale of the development and proximity of the site to the Strategic Road Network, which links it to Gatwick Airport (A23/M23). In addition, in its response to ExQ1 GEN 1.30 [REP3-091] the Applicant states 'model highlights potential impacts of future base growth at junctions in the Burgess Hill area alongside increases in the number of links at or over capacity in this area."</p>	<p>The Uncertainty Log (ID 153 of Appendix C of the Strategic Transport Modelling Report - Annex B of the Transport Assessment) identified development to take place 'Broad Location to the West of Burgess Hill, Hurstpierpoint and Sayers Common' and classified this as reasonably foreseeable (identified within a development plan but no planning application submitted). As such there is not enough certainty about the site for it to have been included within the transport modelling, in line with TAG and the approach set out in Section 9 of Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260].</p>
	<p>Sustainable Community at Sayers Common</p> <p>The Authorities consider there is the potential for cumulative impacts to occur as a result of the development and the Project and that the Transport Assessment should consider the cumulative impacts on the highway network. This is due to the</p>	<p>The development of the transport models relied on the preparation of an uncertainty log with input from local authorities (see Appendix C and Section 9 of Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260]). This process identified a number of sites in the Sayers Common area (Uncertainty Log IDs 120,</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	scale of the development and proximity of the site to the Strategic Road Network, which links it to Gatwick Airport (A23/M23). In addition, in its response to ExQ1 GEN 1.30 [REP3-091] the Applicant states 'model highlights potential impacts of future base growth at junctions in the Burgess Hill area alongside increases in the number of links at or over capacity in this area.'	150, 153, 169, 195 - 198 709, 712), although none by this particular name. Note that only Uncertainty Log ID 120 has a near certain or more than likely status in accordance with TAG, and is therefore included in the core modelling.

2.7 Development Consent Order and Control Documents

Legal Partnership Local Authorities

2.7.0 The below table responds to the Legal Partnership Authorities' reply [\[REP4-062\]](#) to the Applicant's ExQ1 response on the Development Consent Order and Control Documents.

Table 6: Response to ExQ1 - Development Consent Order and Control Documents from the Legal Partnership Authorities

ExQ1	Legal Partnership Authority Response	Applicant's Response
DCO.1.2	The Authorities note the Applicant's response; however, they consider it would be helpful to the better understanding of the Order if a Schedule (in addition to the	The Applicant has included a new Schedule 13 (informative maximum parameter heights) and has amended article 6 (limits of works) in version 7 of the draft DCO (Doc Ref. 2.1) submitted at Deadline 5 to accommodate the JLAs' request. The height parameters for the relevant parts of the authorised

ExQ1	Legal Partnership Authority Response	Applicant's Response
	Plans mentioned by the Applicant) were provided which sets out the maximum extents.	development have been excerpted and listed in Schedule 13 so that they are visible on the face of the DCO, though the Parameter Plans (Doc Ref. 4.7) will remain the determinative control on the extent of vertical development because there are several works the limits for which cannot be easily distilled into tabular form and for which the Parameter Plans offer greater specificity and therefore clarity.
DCO.1.3	The Authorities consider it is not clear from the Design Principles [REP3-057] which lighting principles from the Operational Lighting Framework (“the Framework”) have been incorporated into the former document (not least since the Framework does not refer to “lighting principles”). The Authorities consider the Framework, and the Design Principles should more clearly explain the relationship between the two documents and, in particular, set out which lighting principles have been included in the Design Principles. Once these amendments have been made, the Authorities will be able to properly consider how the contents of the Framework are secured through the DCO.	The Applicant has updated the Design Principles (Doc Ref. 7.3) at Deadline 5 to explain that the lighting principles contained therein are derived from the ES Appendix 5.2.2: Operational Lighting Framework [APP-077] .
DCO.1.5	a) The Legal Partnership Authorities’ position is that the Surface Access Commitments must be secured	a) The Surface Access Commitments are, and have been since the submission version of the draft DCO (Doc

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>under the DCO. Initial versions of the draft s.106 agreement included securing (among other obligations) a Sustainable Transport Fund and funding towards bus and coach services. The purpose of such funds was to give the Legal Partnership Authorities confidence that the Surface Access Commitments would be properly funded; these obligations represented one of various ways in which they Surface Access Commitments would be delivered. Following discussions on the draft s.106 agreement, the current proposal is to remove reference to the Sustainable Transport Fund and bus and coach investment from the agreement and for this to be included in an updated Surface Access Commitments document where the Legal Partnership Authorities consider the funding information more properly sits. Contributions paid to a relevant authority which will be used to meet Surface Access Commitments will remain in the s.106 agreement. It is also worth noting that the Transport Mitigation Fund, referred to in table 5.2 of the Planning Statement as required <i>“to deliver the relevant Surface Access Commitments”</i> is in the</p>	<p>Ref. 2.1), secured by requirement 20 (surface access commitments).</p> <p>The Applicant and JLAs are discussing the appropriate securing mechanism for a number of obligations originally included in the draft s106 Agreement. A revised s106 Agreement reflecting the progress of these discussions will be submitted at Deadline 6.</p> <p>d) The Applicant has shared a draft ESBS Implementation Plan with the JLAs and is not proposing to carry out any further work before the examination has finished.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>draft s.106 agreement as a fund available to mitigate against unforeseen impacts of the DCO.</p> <p>b) No comments.</p> <p>c) No comments.</p> <p>d) The Legal Partnership Authorities reserve their position to comment on the ESBS provisions contained within the draft s.106 agreement, including the ESBS itself and the draft Implementation Plan until further work has been carried out by the Applicant.</p>	
DCO.1.7	<p>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. The Authorities set out a suggested approach to resourcing this Project as</p>	<p>As set out in paragraph 9.75 of the Explanatory Memorandum to the DCO (Doc Ref. 2.2), the Applicant's approach to fees for discharging authorities is well precedented in made DCOs. The JLAs refer to their "<i>suggested approach</i>" in Responses to ExQ1 [REP3-135], which was for the parties to agree a planning performance agreement. So far as the Applicant is aware, the JLAs have not suggested alternative drafting on fees for inclusion in Schedule 11 of the draft DCO (Doc Ref. 2.1) or communicated what they would consider an acceptable quantum of fee.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>a response to this question [REP3- 0135]. Based on the fees being offered there is no prospect whatsoever that the Authorities can secure adequate resources to undertake these obligations.</p> <p>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.</p> <p>Paragraph 3(2) is unreasonable and must be deleted: if an application is rejected, it will have been rejected 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</p>	<p>Contrary to the JLAs' rhetorical assessment of paragraph 3(2) of Schedule 11, such provision features in each of the precedents cited in paragraph 9.76 of the Explanatory Memorandum [REP3-008]. The discharging authority will be able to determine quickly whether an application has been "<i>invalidly made</i>", which does not require the full substantive assessment and consultation process that may be needed to determine whether to grant or refuse an application (and through which the fees would be expected to be incurred). In such circumstance, it is right that the fee is returned (or credited for a future application).</p> <p>It is similarly right that the fee is returned if the discharging authority does not determine the application within the decision period specified in the draft DCO (Doc Ref 2.1). Such period is included to ensure that discharging requirements does not delay the progress of construction. If a discharging authority does not comply with this, it should not retain the fee. This accords with wider Government policy in the form of the 'Planning Guarantee' detailed in the December 2023 update to the Planning Practice Guidance, whereby planning application fees must be refunded to applicants where no decision has been made within a specified time.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>should not be punished financially for this.</p> <p>Finally, as mentioned in row 61 of Appendix M to the West Sussex authorities' LIR [REP1- 069], the Authorities consider 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 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>The Applicant is not aware of other made DCOs which provide for undertakers to pay for authority bodies to exercise their functions under the articles of the DCO. Many such functions flow from or replicate those authorities' existing statutory functions and the Applicant does not, therefore, consider it justified that the DCO should oblige it to pay a fee in such circumstances.</p>
DCO.1.17	<p>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>'Adjacent to' is included in this provision in its ordinary meaning (i.e. very near, next to or touching). The Applicant explained the need for this wording and the fact that it is well-precedented in made DCOs in response to ExQ1 DCO.1.17. Any local enactments subject to article 3(2) are not disapplied but are merely subjugated to the extent that they conflict with</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>the provisions of the DCO, thus ensuring the deliverability of the authorised development once the DCO has been granted.</p>
DCO.1.21	<p>The Authorities are 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>Article 9(4): regarding paragraph (4), the Applicant has confirmed in its answer to ExQ1 GEN1.2 [REP3-091]-</p> <p>"The operation of the repositioned northern runway, once implemented, would be incompatible with the restrictions on its use under the 1979 planning permission. As such, Article 9(4) would be engaged and that use restriction under the 1979 planning permission would cease to have effect".</p> <p>In its Deadline 4 response to this answer, the Authorities state the power under paragraph (4) should be limited to the identified mischief i.e. the relevant conditions of the planning permission. <u>The Authorities consider there is no</u></p>	<p>Article 9(4) of the draft DCO (Doc Ref 2.1) provides that any conditions to planning permissions granted prior to the date of the Order that are incompatible with the requirements of the Order or the authorised development shall cease to have effect from the date the authorised development is commenced. Contrary to the JLAs' comment, this has the same effect as article 56(3) of the Lower Thames Crossing draft DCO, which provides that to the extent that compliance with any conditions of a planning permission is inconsistent with the exercise of any power, right or obligation under the Order, no enforcement action may be taken under the 1990 Act in relation to compliance with those conditions.</p> <p>The justification for article 9(4) as drafted, which intentionally applies more widely than to just the 1979 planning permission, is set out in paragraphs 4.31 onwards of the Explanatory Memorandum to the DCO (Doc Ref. 2.2).</p> <p>Article 9(5) of the draft DCO (Doc Ref 2.1) provides that the Order does not prevent persons from seeking or implementing separate planning permission (including pursuant to permitted</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p><u>justification for this power, which extraordinary for a private company, to be cast any wider.</u></p> <p><u>Article 9(5): the Authorities maintain their position, which has been articulated in previous submissions, that the exceptions concerning permitted development rights within article 9(5) (and requirements 4 and 10) should be removed drafting included which provides the permitted development rights do not apply. (Please see, for example, column 6 of Appendix M to the West Sussex LIR [REP1-069], action point 10 of Legal Partnership Authorities Responses to Applicants Written Summary of Oral Submissions and Responses to Actions (from Issue Specific Hearings 1-5) [REP2-081], and paragraph 4.2 of Issue Specific Hearing 2: Control Documents and the DCO Post Hearing Submission [REP2-212].</u></p>	<p>development rights) for development within the Order limits. The nature of the JLAs' concern with this provision is not understood – it merely expressly states the existing position at law (in order to make this clear in light of <i>Hillside</i>), that the grant of a DCO for an area does not sterilise that area from any future grant of planning permission or use of permitted development rights. As per the Applicant's response to ExQ1: Development Consent Order and Control Documents, [REP3-089] DCO.1.21, there is precedent in made DCOs for such a provision.</p> <p>The Applicant has previously responded to the JLAs' unjustified suggestion that the Applicant have its permitted development rights removed by the DCO at row 6 of the Response to the Local Impact Reports - Appendix C - Response to DCO Drafting Comments [REP3-081]. The JLAs have not substantiated any basis for such a drastic measure, which is inconsistent with the grant of a degree of planning autonomy to airport operators by Government (under the authority of Parliament). The Applicant strongly resists this suggestion.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
DCO.1.22	<p>The Authorities note the inclusion of the new wording at article 11(1)(b) and (c) and consider these are fine.</p> <p>The Authorities maintain their concern that the article departs from most precedents by authorising interference with any streets within the Order limits, rather than those specified in a schedule. The Authorities 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].</p>	<p>The Applicant notes that while the JLAs maintain their general concern with the drafting of article 11, they have not advanced any particular concern regarding the exercise of article 11 over specific streets or otherwise engaged with the explanation provided by the Applicant (including the Applicant's cited precedents) in the Applicant's response to ExQ1: Development Consent Order and Control Documents, [REP3-089] DCO.1.22. In such circumstances, the Applicant maintains the position set out in that response.</p>
DCO.1.23	<p>Notwithstanding the fact that the alternative provision is located on the Gatwick estate, the Authorities assume (and would be grateful if the Applicant could confirm) that the crossing points between the various parts of the alternative provision (as shown on Sheet 1 of the Rights of Way and Access Plans) should be suitable for non-motorised access priority; for instance, by including (say) a dropped kerb with tactile or a raised side road entry which offers priority to pedestrians and cyclists.</p>	<p>The approach to the replacement provision for the part of Footpath 346_2sy proposed to be stopped up is under discussion between the Applicant and West Sussex County Council's PRow officer. A meeting is scheduled for 11 June 2024.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
DCO.1.29	<p>The Authorities maintain the position, as set out in column 33 of Appendix M to the West Sussex authorities' LIR [REP1-069], that the ten-year period is excessive. Similarly, the Authorities maintain the position set out in column 43 of Appendix M [REP1-069] regarding the definition of "start date".</p>	<p>The Applicant notes that while the JLAs maintain their general concern with the time period and the use of "start date", they have not engaged with the detailed reasoning provided by the Applicant in the Applicant's response to ExQ1: Development Consent Order and Control Documents [REP3-089], DCO.1.29. In such circumstances, the Applicant maintains the position set out in that response.</p>
DCO.1.32	<p>First, a point of clarification: the Applicant states paragraph (6) is well-precedented; however, the precedents are Transport and Works Act Orders and not development consent orders. (The Rother Valley Order (SI 2023/815) provides for the construction of a new railway, the maintenance of an existing railway, and includes provision for level crossings. The Network Rail Order (SI 2022/1406) concerns the construction of a new railway station in South Cambridgeshire and improvements to the West Anglia main line).</p> <p>Second, the Authorities note the Applicant is reviewing these provisions and will respond to the proposed update in respect of these provisions in due course.</p>	<p>On the JLAs' "<i>point of clarification</i>", the Applicant reiterates that paragraph (6) is extremely well-precedented, including in the majority of recently made DCOs. Of DCOs recently made by the Secretary of State for Transport see article 26(4) of the A66 Northern Trans-Pennine Development Consent Order 2024, article 37(4) of the A12 Chelmsford to A120 Widening Development Consent Order 2024 and article 30(4) of the A38 Derby Junctions Development Consent Order 2023.</p> <p>In version 7 of the draft DCO (Doc Ref 2.1) submitted at Deadline 5 (Doc Ref. 2.1) the Applicant has minorly amended articles 27, 28 and 34 to ensure that they effect the intention it explained in the Applicant's response to ExQ1: Development Consent Order and Control Documents [REP3-089], DCO.1.32.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
DCO.1.37	<p>The Authorities have provided a comprehensive explanation why this article should be amended and has set out its suggested amendments. Having considered the Applicant's answer to this question, it maintains its position, as set out in row 39 of Appendix M to the West Sussex LIR [REP1-069].</p>	<p>The Applicant notes that while the JLAs maintain their general concern with article 49, they have not engaged with the detailed reasoning provided by the Applicant in the Applicant's response to ExQ1: Development Consent Order and Control Documents, [REP3-089], DCO.1.37 nor the statutory context provided by section 158 of the Planning Act 2008 and section 79 of the Environmental Protection Act 1990. In such circumstances, the Applicant maintains the position set out in its previous response.</p>
DCO.1.39	<p>The Authorities response to this question is provided within [REP3-0135]. A few additional points based on the information provided by the Applicant are set out below:</p> <p><u>Specification of number of Car Parking spaces.</u> - Please see comments in response to DCO 1.39 under headings Works No 22 /23 and 32 in respect of car parks [REP3-135]. The Authorities remain concerned that without certainty over the number of parking spaces there is no control in the dDCO to prevent an oversupply of parking spaces for these carparks in the future, undermining sustainable travel to the airport (see (i) paragraph 2.29 for further detail [REP2-042] and (ii) Table 7 Action Point 6 [REP2-081]) which seeks the removal of permitted</p>	<p>The Applicant has reviewed the Legal Partnership Authorities response to ExQ1 [REP3-135] DCO.1.39 alongside the Joint West Sussex Authorities' Deadline 4 comments on any further submissions received by Deadline 3 [REP4-042] on the Design Principles and provided a response in Table 48 of this document, alongside updates to the Design Principles (Doc Ref. 7.3).</p> <p><u>Car Parking spaces</u></p> <p>Please refer to the Applicant's position in Section 3.7 of the Car Parking Strategy [REP1-051] on why a control or cap on</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>development rights.</p> <p><u>Works No 41 Pentagon Field</u> – The Authorities consider that the Applicant has not fully addressed this question as it still fails to acknowledge the extensive soil deposition and change to the land form which is proposed at this site which should form part of the Works for this Project. Please see detailed comments at response DCO 1.39 [REP3- 0135].</p> <p><u>Works No. 42</u> - No response has been provided.</p> <p><u>Ancillary or Related Development</u> - The Authorities consider that the temporary construction compounds should be listed as Works and therefore subject to detailed design control due to their visual impact on the area which may impact communities for up to 14 years (see comments in Chapters 8, 21 and 24 of the West Sussex LIR [REP1- 068]). To date, the Applicant has provided limited information on their appearance and design, with only illustrative material in the Design and Access Statement Vol 5 Part 8 [REP2-036] and little control over detail or appearance in the Code of Construction Practice Annex 3 [APP-085] which is</p>	<p>the amount of car parking spaces is neither warranted nor appropriate.</p> <p>In relation to the comment on the removal of permitted development rights, see the Applicant's response to the JLAs' response on ExQ1 DCO.1.21 above.</p> <p><u>Work No 41 Pentagon Field</u></p> <p>In response to the JLAs' comment, the Applicant has provided further detail on the Pentagon Field works through the following updates made at Deadline 5:</p> <ul style="list-style-type: none"> ▪ The description of Work No. 41 in the draft DCO (Doc Ref. 2.1) has been expanded to refer to the spoil bunds to be created. ▪ The site-specific design principle (DLP19) in the Design Principles (Doc Ref. 7.3) has been expanded to provide further design information on Pentagon Field, including the maximum height and slope gradient of the spoil bunds. <p>Please also refer to the Applicant's response on Pentagon Field contained at Appendix F (Doc Ref. 10.38) which</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>proposed to serve as the control document.</p> <p>How would (p) work in conjunction with Art. 25 to ensure that felling as only undertaken where necessary?</p> <p>The Applicant has answered this question as follows -</p> <p>However, the carrying out of the authorised development must be undertaken in accordance with the articles and requirements of the DCO, including article 25. Therefore, article 25 governs any felling, lopping or removal of trees, shrubs or hedgerows [under paragraph (p) of ancillary development]”.</p> <p>If this is the case, to avoid duplication and uncertainty, shouldn't paragraph (p) of ancillary development be deleted and article 25 relied on instead? The Authorities would welcome a reply from the Applicant on this point.</p> <p>Overall, the Authorities consider that the Applicant has not provided an adequate response to this question.</p>	<p>provides further information on the proposed works at Pentagon Field.</p> <p><u>Work No. 42</u></p> <p>The Applicant considers that the description of Work No. 42 is sufficiently detailed, with further site-specific Design Principles on the habitat enhancement, replacement planting and the weir and fish pass contained in the Design Principles (Doc Ref. 7.3), secured under requirements 4 and 5 of the Draft DCO (Doc Ref. 2.1).</p> <p><u>Temporary construction compounds</u></p> <p>The Applicant does not agree that temporary construction compounds should be listed as specified Work Nos.</p> <p>Section 4.5 of the ES Appendix 5.3.2: Code of Construction Practice (CoCP) [REP4-007] provides the necessary controls, including on the maximum height of each compound, which would be the main factor in visual impact. Additional information on the construction compounds, including a description of the compound elements, is described in Section 4.5 of the ES Appendix 5.3.2: [REP4-007]. As noted by the JLAs, the Design and Access Statement – Volume 5 [REP2-</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>036] contains detailed information on the anticipated layout and contents of the compounds. Further information on the compounds is also contained in the Buildability Reports Part A [REP2-013] and Part B [APP-080 and APP-081].</p> <p>Sections 4 and 5 of the ES Appendix 5.3.2: [REP4-007] sets out the measures to be followed to minimise impacts on landscape and visual resources. This includes 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.</p> <p>The establishment and operation of site construction compounds would be carried out in accordance with the CoCP pursuant to requirement 7 of the draft DCO (Doc Ref. 2.1).</p> <p><u>Article 25 and ancillary development</u></p> <p>Schedule 1 lists the development authorised by the Order, including ancillary or related development which is not specifically identified by a Work No. The articles and requirements of the DCO, including article 25, specify powers and obligations of the undertaker and govern how the authorised development is to be carried out. These facets of the DCO are necessarily inter-dependent and it is therefore</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		not duplicative for a type of development specified in Schedule 1 to be subject to provisions of an article or requirement elsewhere in the DCO. No deletion is therefore appropriate.
DCO.1.40 (R3)	<p>The Authorities welcome the inclusion of new paragraph (2)(d); however, they maintain their position (as set out in the response to ExQ1 DCO.1.40 (R3) [REP3-135]) in respect of the amendments that should be made to this requirement: in summary –</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), <p>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</p>	<p>In version 7.0 of the draft DCO (Doc Ref 2.1) submitted at Deadline 5 (Doc Ref. 2.1), the Applicant has provided for the notification of the other host authorities in requirement 3.</p> <p>In respect of notice periods, the present periods are considered sufficient. If the JLAs continue to disagree, they are invited to specify what they consider a suitably generous notice period to be and why such a period is required beyond the current period.</p> <p>As regards the JLAs' proposal for a masterplan requirement, the Applicant has considered how best to address this and has drafted a new requirement 2A which provides for the submission of a phasing scheme document to the host authorities and National Highways prior to commencement of the authorised development. This phasing scheme must set out the anticipated phases of construction by reference to the work numbers in Schedule 1 and a layout plan and must specify the indicative construction programme for the subsequent five years, with indicative timings for phases</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>drafting is set out in the Authorities' answer to DCO.1.40 (R3).</p>	<p>thereafter. The requirement obliges the undertaker to review and update this scheme throughout the project timeline. By the submission of such a document, the host authorities will have forewarning of upcoming phases of construction and any likely applications for discharge of requirements and can resource accordingly.</p> <p>Requirement 2A also requires that when the undertaker submits details or documents in respect of part of the authorised development, it identifies the phase in the submitted phasing scheme to which that part relates and, if the part does not comprise the whole of a phase, when details will be submitted for the remaining part(s) of the phase. This will contextualise submissions to the discharging authorities and ensure that they can track progress through the phases specified in the phasing scheme.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
DCO.1.40	<p>a) The Authorities are seeking to agree a common position in respect of the discharging arrangements and will revert to the ExA and Applicant once they have done so. (By way of example, Mole Valley DC wish to be responsible for any LEMP which concerns Work No. 40 (Longbridge Roundabout).</p> <p>b) No comments.</p> <p>c) While the Authorities understand what “part of the authorised development” is defined as in Schedule 2, a key concern is not knowing which part will come forward when. This concern is elaborated on in the Authorities Deadline3 response to ExQ1 1.40(R3) REP3-135]),</p> <p>d) No comments.</p>	<p>a) The Applicant awaits the JLAs' common position on discharging arrangements, which the Applicant notes has been under internal discussion by the JLAs for several deadlines.</p> <p>c) The Applicant refers to its new requirement 2A, detailed immediately above, which will provide sufficient information to the JLAs regarding when parts of the authorised development are anticipated to come forward.</p>
DCO.1.40 (R19)	<p>The Authorities are content with the deletion of "routinely" in paragraph (2). Similarly, they are content with new paragraph (3); however, they are concerned by the wide-ranging nature of paragraph (4)(a) and, in particular (4)(b), The concerns are set out in the Deadline 4 response to the</p>	<p>The Applicant has responded to the JLAs' comments on requirement 19 in the section of this document below headed 'Legal Partnership Authorities Response to the Applicant's Schedule of Changes – Version 2'.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>Applicant's Deadline 3 document Draft Development Consent Order – Schedule of Changes [REP3-005] (see rows 91 and 92).</p> <p>The remaining points made by the Applicant are relevant to the framework for environmentally managed growth, which will be shared with the Applicant and ExA as soon as possible.</p>	
DCO.1.46	<p>The Authorities maintain the position set out in the response to ExQ1 [RE3-135]: they have considerable concerns about the level of detail provided in the CoCP, irrespective of its status. Even if the document is an outline document, the Authorities consider that there are a number of topic areas for which sufficient detail is not provided, as set out in the Authorities' submissions to the examination (e.g. the West Sussex and SCC LIRs [REP1-068 and REP1-097]. This includes requiring further detail around the mitigation of construction phase impacts, including, but not limited to:</p> <ul style="list-style-type: none"> • visual impact of construction compounds – tree loss, design and layout, lighting, stockpiles; 	<p>The Applicant responded to JLAs' Deadline 3 Responses to ExQ1 [REP3-135], DCO.1.46 at Deadline 4, namely in Table 2.5 of The Applicant's Response to Deadline 3 Submissions [REP4-031]. In short, the Applicant disagrees with the JLAs' response given that the Code of Construction Practice [REP4-007] and its Annexes covers the items listed in their response to DCO.1.46.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<ul style="list-style-type: none"> • visual impact and management of the works on site and in relation to nearby footpaths and ancient woodland within the CoCP in relation to Pentagon Field; • measures within CoCP to ensure no construction activity is undertaken within ancient woodland and their minimum buffer zone; • tree protection measures/ arboricultural impact assessment; • measures within CoCP to protect the biodiversity areas, including vegetation retention plans and protective fencing; • impact on safeguarded minerals, and potential to avoid needless sterilisation; • Dust Management Plan; • Odour Management Plan; • Noise management and monitoring proposals; • construction traffic and non-road mobile machinery 	

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>emissions;</p> <ul style="list-style-type: none"> • construction noise and vibration, including from changes in road traffic noise levels due to construction traffic; • Online noise and dust reporting including for local communities; • Self-service portal for complaint recording and monitoring; and • construction engagement. <p>The Authorities' view is that it would be prudent for the CoCP to be an outline document, given that detailed design has not been undertaken and that a principal contractor is yet to be appointed by the Applicant. The CoCP should be updated accordingly as construction elements evolve, with approval required by the relevant authorities.</p>	
DCO.1.47	The Authorities note that the Deadline 4 version of the dDCO will include a requirement concerning the SWMPs.	New requirement 30 (site waste management plan) has been introduced in version 7 of the draft DCO (Doc Ref 2.1) submitted at Deadline 5.

ExQ1	Legal Partnership Authority Response	Applicant's Response
	The Authorities will comment on the proposed requirement at Deadline 5.	
DCO.1.48	The Authorities note that the Deadline 4 version of the dDCO will include requirements for the “Level 2” control documents. The Authorities will comment on the proposed requirement at Deadline 5.	New requirements 27 – 30 have been introduced in version 7 of the draft DCO submitted at Deadline 5 (Doc Ref. 2.1).
DCO.1.49	The Authorities maintain the position set out in their answer to ExQ1 1.49: while acknowledging the indicative construction sequencing submitted by the Applicant, owing to the complex nature and duration of the proposed construction period, the phasing of the construction period should be subject to approval and secured by a requirement in the DCO.	Please see the row above responding to the JLAs' comments on DCO.1.40 (R3) – the Applicant has introduced a new requirement 2A (phasing scheme) in version 7 of the draft DCO submitted at Deadline 5 (Doc Ref. 2.1) to ensure the host authorities have sufficient information on the anticipated phasing of the Project.
DCO.1.56	The Authorities await the Applicants comments on the proposed approach they set out at Deadline 3 [REP3-0135].	<p><u>Schedule 1 to the DCO</u></p> <p>Please refer to the Applicant's response to ExQ1 [REP3-089], DCO.1.56 and The Applicant's Response to ISH2 Actions: Control Documents/DCO [REP1-063] regarding the level of design information in DCO Schedule 1 v. the Design Principles.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p><u>Works Plans and Parameter Plans</u></p> <p>The Legal Partnership Authorities response regarding Works Plans under ExQ1 DCO.1.56 pointed to GEN.1.39, however the document did not contain a response to GEN.1.39. Clarification from the authorities is therefore requested.</p> <p>As explained in the Applicant's response to ExQ1 [REP3-091] GEN.1.39, the Project has been assessed against the maximum extent and area of each Work No. as shown on the Works Plans (Doc Ref. 4.5) and Parameter Plans (Doc Ref. 4.7) on a reasonable worst-case basis. This is a common approach in large-scale infrastructure projects, where a lengthy design process means it is necessary to maintain a level of flexibility for the detailed design stage post-DCO consent and which is facilitated through the use of the Rochdale Envelope for assessment purposes.</p> <p><u>Additional Plans</u></p> <p>Additional plans showing tree belts, root protection areas, landscaping and drainage features are included in the DCO Application, namely within the ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment [REP3-037 to REP3-042], ES Appendix 5.3.2: Code of</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>Construction Practice Annex 6: Outline Arboricultural and Vegetation Method Statement [REP3-022 to REP3-027] and ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan [REP4-012 to REP4-016].</p> <p><u>Further design detail in the DAS control document</u></p> <p>Please refer to the Applicant's response to the Joint West Sussex Authorities' comments [REP4-045] on the Design Principles and the Legal Partnership Authorities response to ExQ1 [REP3-135], DCO.1.39 in Table 13 of this document, in regards to parts (a) and (b).</p> <p><u>Design Review Panel / Stakeholder Engagement</u></p> <p>Further to the Applicant's response to ExQ1 [REP3-091] , GEN.1.21 and The Applicant's Response to Deadline 3 Submissions [REP4-031], the Applicant has engaged directly with the Local Authorities on the role and process of an independent Design Advisor. An Annex to the Design Principles (Doc Ref. 7.3) is submitted at Deadline 5 which sets out GAL's proposed approach to design review at the post-DCO consent, detailed design stage of the Project.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
DCO.1.57	<p>The Authorities consider that the Applicant has not adequately addressed the question.</p> <ul style="list-style-type: none"> a) The Authorities consider the description of works in Schedule 1 should be expanded upon, this point is already explained in response to question DCO 1.39 [REP3-0135]. b) Comments on the Detailed Design Principles – Appendix 1 of the Design and Access Statement – please see the detailed comments provided within a separate Joint West Sussex Authorities Deadline 4 submission document (need to add X ref). c) It is noted that there has been no response by the Applicant to this question. 	<p>Please refer to the Applicant's response to the Joint West Sussex Authorities' comments [REP4-045] on the Design Principles and the Legal Partnership Authorities response to ExQ1 [REP3-135], DCO.1.39 in Table 13 of this document, in regards to parts (a) and (b).</p> <p>The Applicant did not respond to part (c) of ExQ1 DCO.1.57 given it had provided amendments to the Design Principles instead.</p>

National Highways

2.7.1 The below table responds to the National Highways' reply [REP4-079] to the Applicant's ExQ1 response on the Development Consent Order and Control Documents.

Table 7: Response to ExQ1 - Development Consent Order and Control Documents

ExQ1	National Highways Response	Applicant's Response
DCO.1.19	<p>Outside of the examination, National Highways has continued to engage with the Applicant in relation to the vertical Limits of Deviation applied to the Surface Access Works. The Applicant has presented the following proposed amendments: Taking on board National Highways' response, the vertical limits of deviation are proposed to be amended to provide reduced typical limits of deviation across the surface access highways elements of the scheme (1m upwards and 1m downwards, as per A66 scheme) with exceptions created for the North Terminal Flyover Link (Work No. 36f), the Gatwick Spur mainline at the South Terminal Flyover (Work No. 35a between approx. CH 880 and CH 1680), the South Terminal Roundabout slip road links Work No. 35b,c,e,f) and the A23 London Road diverge to Airport Way (Work No 36e) where the greater limits of 1.5m upwards and 2m downwards would apply. The assets where greater limits would apply are considered to have greater opportunities for design refinement at the detailed design stage (e.g. to minimise cut/fill volumes on the links, account for contractor innovation, and to address highway authority comments in relation to design proposals such as</p>	<p>As per National Highways' comment, these changes have been agreed and have been incorporated into version 7 of the draft DCO submitted at Deadline 5 (Doc Ref. 2.1). National Highways' requested changes have also been reflected on the respective drawings within the Parameter Plans (Doc Ref. 4.7) and the Surface Access Highways Plans – Engineering Section Drawings (Sheet 7) (Doc Ref. 4.8.2).</p>

ExQ1	National Highways Response	Applicant's Response
	<p>optimising the alignments for road user safety or maintenance requirements), all of which would be undertaken in consultation with the relevant highway authorities. National Highways can confirm that the proposed changes to the Limits of Deviation outlined above are considered acceptable. These amendments represent a stricter general Limits of Deviation whilst offering the flexibility for further refinement where necessary. However, in order to ensure that these changes can be readily viewed and cross referenced across the draft Development Consent Order (dDCO) and associated plan, National Highways requests that the following is undertaken: Where Work Number 35a is to be afforded greater DCO flexibility, National Highways requests that separate identifiers are provided to distinguish between those sections of Work Number 35a that would be subject to 1m and those subject to 2m Limits of Deviation, for example (Work Number 35a(i) and Work Number 35a(ii) etc). This is considered necessary due to the parameter plans not containing chainage details.</p>	

ExQ1	National Highways Response	Applicant's Response
DCO.1.40	National Highways notes the general overview provided by the Applicant, but still has a number of concerns as set out in National Highways' response to this written question [TR020005/REP3/138]. National Highways considers that unless these modelling concerns are resolved, the works should be developed prior to the commencement of any airport growth, rather than three years after such growth has been enabled by the DCO	The Applicant and National Highways are continuing to discuss this point bilaterally and the Applicant is optimistic that agreement will be reached on the drafting shortly.

2.8 Ecology and Nature Conservation

Legal Partnership Local Authorities

2.8.0 The below table responds to the Legal Partnership Authorities' reply [[REP4-063](#)] to the Applicant's ExQ1 response on Ecology and Nature Conservation.

Table 8: Response to ExQ1 - Ecology and Nature Conservation from the Legal Partnership Authorities

ExQ1	Legal Partnership Authority Response	Applicant's Response
EN.1.5	Although the Applicant claims that the Project will achieve over 20% BNG, the BNG calculations are based on the areas of habitat to be lost rather than all habitats within the DCO Limits as highlighted in Section 9.10 of the West	The rationale for the approach to Biodiversity Net Gain (BNG) is set out in section 2.1.7 of ES Appendix 9.9.2: Biodiversity Net Gain Statement [REP3-047]. The approach was discussed and agreed with Natural England during pre-application consultation,

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>Sussex Joint LIR [REP1-068]. Thus, the Applicant's approach does not follow the DEFRA BNG guidance. Given the extent of habitat loss and that the impacts, particularly of woodland loss, will be long term, it is considered that the proposed BNG is insufficient.</p> <p>Whilst the Legal Partnership Authorities understand that it is not directly applicable to the DCO context, the BNG statutory framework (Understanding biodiversity net gain - GOV.UK (www.gov.uk)) provides a useful framework by which the delivery of BNG by development can be assessed. That framework clearly states that all habitats, whether or not they are impacted by the proposed development, are required to provide BNG. The Legal Partnership Authorities would suggest that, unless the BNG baseline is assessed in accordance with the statutory framework (considering all habitat within the DCO application boundary), the Applicant cannot claim that 20% BNG is being achieved. In fact, it may be that the scheme is delivering substantially less (or even a loss) and the ExA needs to be cognisant of this.</p>	<p>as set out in section 5.10 of Natural England's Relevant Representation [RR-3223]:</p> <p><i>We acknowledge that the biodiversity baseline provided is based upon all land within the development's order limit (735ha), however the net gain shown within the metric is based only upon land impacted during the project (230.09ha). This was agreed with GAL at the pre-application stage due to the constraints associated with providing a 10% gain on the full site, particularly when comparing it to the size of the site actually lost. This is in line with Luton Rising's BNG proposal for the London Luton Airport Expansion project.</i></p> <p>The approach of considering the net gain only within the area of land impacted by the development (circa 230ha) reflects the fact that the DCO order limits are drawn around the airport as a whole (735ha), rather than around the individual works areas as would be the case for most developments consented under the Town and Country Planning Act 1990 for which BNG was originally designed. This is because the operation of the airport as a whole in its expanded form requires the powers the DCO would grant to be applicable across the entire airport operation rather than because there are physical impacts to all of the land within that boundary. If the baseline of the airport as a whole</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>were considered (i.e. the entire 735ha), the degree of a 10% uplift would be very substantial and not reflective of the magnitude of any impact which is relatively small in the context of the airport as a whole. This position with respect to approach to BNG baseline was accepted by Natural England in the Statement of Common Ground (point 2.8.4.2) [REP1-037]</p>
EN.1.7	<p>The Authorities recognise the importance of airport safeguarding and the need to minimise the risk of bird strike. However, they do not accept this as a reason not to provide sufficient compensatory woodland habitat, either on-site or off-site. As highlighted in Section 9.75 of the West Sussex Joint LIR [REP1-068], the Authorities remain concerned that there is insufficient compensatory woodland planting and request greater clarity on the extent of habitat creation.</p> <p>It is our understanding that 'risk' species for bird strike include large birds</p> <ul style="list-style-type: none"> - wildfowl (ducks, geese and swans) or large flocks of smaller birds, such as starling. It is unclear how woodland / shrub/ tree planting increases the likelihood 	<p>It is helpful that all parties recognise the importance of safeguarding at the airport and the restrictions that this puts on the Applicant. In this context the Applicant is continuing to think more broadly about how it can satisfy the JLAs' desires and working with the safeguarding specialists to consider practical solutions, including particular species, for additional tree planting across the order limits.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	of bird strike, especially if the new planting was to be located 'off-site'.	
EN.1.9	Confirmation in the updated oLEMP that maintenance and management will be undertaken for at least 30 years is welcomed. However, it is still of concern that the oLEMP is so lacking in detail regarding ecological monitoring.	<p>The approach to ecological monitoring of the Project post construction is set out in sections 11.19.4 <i>et seq.</i> of ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan (oLEMP) [REP4-012]. This sets out that habitat condition assessments will be completed at yearly intervals to monitor their establishment. Species-specific monitoring would be undertaken dependant on the requirements of any Natural England licence.</p> <p>As set out in section 1.1.4 of of ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan (oLEMP) [REP4-012], each LEMP submitted will include full details of monitoring arrangements along with the associated timetable and duration, to be in accordance with the principles set out in the oLEMP.</p> <p>As such, therefore, the oLEMP includes the principles with respect to ecological monitoring while the full details, in accordance with these principles will be included in the individual LEMPs.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
EN.1.12	<ul style="list-style-type: none"> It is considered that the Applicant has not addressed the question with regard to the impact on the quality of the woodland. While there are 2 design principles LA8 and LA11 specified in respect to lighting in Appendix 1 of the DAS [REP3-056], there is no design detail provided to control visual and light impacts on nearby woodland in terms of building form. The Authorities consider that the Applicants should not just rely on a lighting solution but embed mitigation into the design of the building. For example, the sides of the building could be more enclosed on the elevations facing the woodland or louvred to reduce light pollution. Moreover, tall lighting columns could be omitted from the top deck and replaced with lower level lighting. There is no specific design detail or principles for Car Park Y in Appendix 1 [REP3-056], a point related to concerns already raised in the West Sussex LIR Chapters 8, 21 and 24 [REP1-068]. Additional detail should be provided on the finish of the car park to address not just light spill on the woodland but also its visual impact on properties to the 	<p>The application does not contain definitive layouts and designs for the proposed car parks. The Design and Access Statement (DAS) [REP2-032, REP2-033, REP2-034, REP2-035, REP2-036] includes indicative plans and diagrams of car parks, including Car Park Y (DAS Volume 3 – Figures 79, 80, 81 and 82 [REP2-034]). Alongside the project-wide design principles, site-specific design principles are included for individual works, including Car Park Y (DBF20, DDP10 and DLP14).</p> <p>The detailed design must be prepared in accordance with the Design Principles [REP3-056], as secured under Requirement 4 of the dDCO [REP3-006]. The Applicant therefore considers that the provision Car Park Y would constitute “excepted development” as set out in The Applicant's Response to ISH2 Actions [REP1-063] and therefore, in line with DCO Requirement 4, the Applicant would consult CBC on the detailed design of it. This would include with respect to the provision of lighting design and overall finish. The lighting design would therefore need to be in accordance with LA11 that requires that all lighting is designed to avoid disturbance of areas of value to</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>north. It is still considered there is inadequate control on the design and appearance of Car Park Y and the Authorities consider that the design principles for the Works should be further developed taking account of the sensitive site context.</p>	<p>bats through the use of shielding. On this basis, the combination of design principals and approval by CBC will ensure that the quality of the proposed woodland habitat around Car Park Y is not impacted by the lighting – i.e. that the design will ensure there are no impacts to the woodland from the lighting and, as such, no impacts to the quality of the woodland.</p> <p>The visual impact of Car Park Y is considered in the assessment within Section 8.9 of ES Chapter 8: Landscape, Townscape and Visual Resources [APP-033] is based on the maximum design scenarios set out in Table 8.7.1. The figures in the DAS provide an indication of car park development of this scale and nature within these locations. Landscape proposals have not been designed at this stage, however a general principle of perimeter planting in the form of linear belts of native trees, shrubs and hedgerows to screen and soften Car Park Y have been included in ES Appendix 8.8.1 Outline Landscape Ecology Management Plan [REP3-031, REP3-033, REP3-035], more specifically Section 3: Landscape and Ecology Zone Objectives (Zone 1) and the assessment and mitigation of effects is included in Section 9 of ES Chapter 8: Landscape, Townscape and Visual Resources [APP-033].</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
EN.1.13	<p>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>Noted. Tree climbing surveys are being undertaken according to good practice guidelines (Collins 2023) for all trees identified as having bat roost potential. To date (following a first climb), no roosts have been found. A further two climbs will be undertaken on all trees that were still considered to have roosting potential following the first climb over the next six week.</p>
EN.1.14	<p>Whilst it is understood that any GCN translocation exercise would be undertaken under licence from Natural England, the lack of information on receptor sites and their management is of concern. Furthermore, it is of concern that there are no proposals for the creation of new ponds to maintain and enhance the existing GCN populations.</p> <p>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 – i.e. where are the GCN being translocated? So as to be satisfied that the 'favourable conservation status' of the population will be maintained.</p>	<p>The broad approach to GCN mitigation is set out in Table 9.8.1 of ES Chapter 9 Ecology and Nature Conservation [APP-034]. A draft licence with respect to GCN is being prepared, based on updated surveys, and will be shared with Natural England's licensing team for their determination to enable them to issue an appropriate Letter of No Impediment to the Secretary of State. The licence contains full details of the approach to mitigation, including translocation and receptor site location/description.</p>

2.9 General and Cross Topic

Legal Partnership Authorities

2.9.0 The below table responds to the Legal Partnership Authorities’ reply [[REP4-064](#)] to the Applicant’s ExQ1 response on General and Cross Topic.

Table 9: Response to ExQ1 - General and Cross-Topic from the Legal Partnership Authorities

ExQ1	Legal Partnership Authority Response	Applicant’s Response
GEN.1.4	The Gatwick Masterplan 2019 makes clear that the three scenarios it sets out are not exclusive choices; Gatwick could transition from one to another within the timeframes of the master plan (para 7 in the Executive Summary) and para 1.2.8 “There are three broad ways that – used either together or in combination – might enable Gatwick to grow to meet increasing demand for air travel”.	There appears to be a typing error in the LPA Response. The text at para 1.2.8 of the Gatwick Masterplan says “ <i>There are three broad ways that – used either separately or in combination – might enable Gatwick to grow to meet increasing demand for air travel.</i> ”
GEN.1.5	CBC’s adopted, and Modifications Draft Local Plan, (Policy GAT2 in both), safeguard land to the south of Gatwick for a potential future southern runway, as required by the Aviation Policy Framework 2013. The Government’s consultation on the policy proposals for its Aviation Strategy, Aviation 2050, published in December 2018, after the Airports National Policy	GAL is disappointed that Crawley Borough Council’s Draft Local Plan 2023 – 2040 provides policy support for speculative logistics development on land that was formerly safeguarded for an additional runway to the south of the existing airport. The proposed ‘Gatwick Green’ allocation as a Strategic Employment Location under Policy EC4 of the Draft Local Plan 2023 – 2040 will make the delivery of an additional runway to the south of the

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>Statement, states in paragraph 3.66 that it is "prudent to continue with a safeguarding policy to maintain a supply of land for future national requirements..." Aviation 2050 also states that the Government is not at the point of making a decision on long term (beyond 2030) need and that it proposed to ask the National Infrastructure Commission to include airport capacity in future national infrastructure assessments to determine if there is a needs case for further runways beyond 2030 (paragraph 3.13). The second National Infrastructure Assessment Baseline report (November 2021) states that the future demand for air travel, and the approach to expanding runway capacity in the South East is currently unclear. Therefore, the Second Assessment will not further consider airport capacity (page 63). The Second Assessment was published in October 2023 and does not include any reference to airport capacity. Therefore, CBC reluctantly concluded that, as there is no certainty in Government policy that land at Gatwick is no longer required to be safeguarded, the emerging Local Plan needed to retain the safeguarding policy.</p> <p>Following conclusion of the Local Plan examination</p>	<p>airport more complex and costly and will add to operational challenges for the efficient movement of vehicles. The 'Gatwick Green' land parcel (the boundary is defined by a single land ownership) located in the middle of the safeguarded land would disrupt GAL's ability to implement the Gatwick Airport 2019 Masterplan as envisaged in the future.</p> <p>Despite taking a contrary view to GAL on the extent of the safeguarded land that should be retained, the Inspector's Post Hearings Advice Letter 31 Jan 2024 supports the need to safeguard land to deliver an additional wide-spaced runway at Gatwick Airport. The Inspectors Advice Letter states:</p> <p><i>"The combination of the 2019 Airport Masterplan and the ongoing process of clarifying the need for additional runway capacity in the south-east as instigated through the 2018 draft Aviation Strategy 'Aviation 2050: The Future of UK Aviation' (which postdates the Airports National Policy Statement (June 2018)) to meet a minimum threshold for the 'robust evidence' required by NPPF paragraph 106 c) for safeguarding." (paragraph 9)</i></p> <p>The Inspectors further acknowledge that:</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>hearings, the Local Plan Inspectors issued a post-hearing letter dated 31 January. This endorses the Local Plan's approach to the safeguarding of land critical for an expanded Gatwick Airport.</p> <p>However, given the significant constraints that safeguarding imposes on the ability of the borough to meet its housing and other development needs, the adopted Local Plan at paragraph 1.33 and the Modifications Draft Local Plan consultation draft at para 1.36 confirm that a review of the Local Plan will be triggered should national aviation policy clarify that safeguarding can be removed at Gatwick. CBC would seek this certainty from the Secretary of State should consent be granted for the Project, given the significant impacts of safeguarding on development in the borough and the very limited prospect then that a southern runway would be constructed before 2050. Gatwick would be continually growing its capacity, and the Project air transport movements would use all those included for Gatwick in the Jet Zero modelling.</p>	<p><i>"If ongoing processes on national aviation policy do not reach a positive conclusion that additional wide-spaced runway provision at Gatwick Airport is needed, then we agree with the Borough Council that this would trigger a plan review. This is recognised at paragraph 1.36 of the submitted plan. Accordingly, we do not consider it necessary for soundness to include a specific plan review policy."</i> (paragraph 10).</p> <p>GAL notes that Paragraph 9.17, not Paragraph 1.33 of the Crawley Borough Council Adopted Local Plan 2015, follows this approach:</p> <p><i>"Depending on the government's response to the recommendations of the Airports Commission, policies in the Local Plan may need to be reviewed to reflect the latest national aviation policy. This may need to include, if relevant, the future use of currently safeguarded land if it is concluded at a national level that there is no requirement to safeguard it for additional runways."</i></p> <p>This approach is continued as set out at Paragraph 1.36 of the Modification Draft Local Plan. The Inspectors' Post Hearing Advice concludes:</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p><i>“In particular, should changes to national aviation policy allow for the removal of the safeguarding of all the land for Gatwick Airport expansion, the opportunities and constraints of this land will be considered comprehensively through a review of the Local Plan, rather than as piecemeal development.”</i></p> <p>GAL understands the rationale for Crawley Borough Council’s approaches in the adopted and emerging Local Plan policies but GAL is unclear what is meant by the suggestion that <i>“CBC would seek this certainty from the Secretary of State should consent be granted for the Project, given the significant impacts of safeguarding on development in the borough and the very limited prospect then that a southern runway would be constructed before 2050”</i>.</p> <p>GAL do not consider that it is the role of the DCO examination to deliberate on the possible direction of national planning policy or the anticipated need for a full wide-spaced southern runway at Gatwick in the future. Nor does GAL consider that the determination of the Northern Runway DCO is the appropriate trigger for the removal of safeguarded land. GAL would welcome further clarity on this statement, but as matters stand consider that CBC’s position may wrongly suggest a role for the DCO</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		process in relation to safeguarding policy, which is entirely unjustified.
GEN.1.12	<p>The section 106 agreement, as currently drafted, expires 9 years after opening (2038), yet the emissions inventory shows pollution from the airport increasing between 2038 and 2047 (with the applicant refusing to model 2047), indicating an ongoing need for monitoring around the airport.</p> <p>Therefore the Joint Authorities view is that if monitoring cannot be secured via the s106 agreement to 2047 or 389,000 movements i.e. the airport at full capacity (with the opportunity to extend monitoring beyond 2047 if needed at that time) then securing monitoring under the DCO would provide a more secure mechanism for the monitoring commitments.</p> <p>The Applicant's response does not give a clear explanation of why air quality monitoring is not secured under the DCO, other than the Applicant does not consider it necessary because their assessment finds no significant effects in line with current air quality</p>	<p>In continuing discussions with the JLAs, the Applicant is proposing under the draft DCO s106 Agreement to continue the air quality monitoring until there are two years of data which show no breach of any legal requirements, noting that the monitoring will also be carried out for nine years after dual runway operations commencing regardless of the results of the monitoring. This will be based on legal requirements from time to time and therefore will capture evolving scientific assessments.</p> <p>The monitoring proposed by the Applicant exceeds what is required by the conclusions of the ES Assessment. As noted by the JLAs, the Applicant supports the understanding of air pollution effects more generally in the local area. A commitment is made for the continuation of current monitoring and additional monitoring at several proposed sites using a mixture of monitoring types, including another DEFRA equivalent reference (MCERTS) monitor and indicative MCERTS monitoring equipment to be able to monitor key pollutants of concern. Compared to current monitoring, this approach increases the spatial and temporal collection of monitoring data to allow</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>standards.</p> <p>Although limits are not currently being exceeded, scientific and medical evidence is evolving resulting in WHO target values for nitrogen dioxide being lowered to 10 µg/m³ from 40 µg/m³, and EU nitrogen dioxide standards reduced from 40 µg/m³ to 20 µg/m³. Monitoring to ensure mitigations remain effective in safeguarding local air quality in the long term (i.e. over the lifetime of the project) is therefore still needed.</p> <p>In addition the local authorities have pointed out in the response to AQ1.1 that:</p> <ul style="list-style-type: none"> - air pollution such as nitrogen dioxide is a 'no threshold' pollutant and thus has a health impact on the communities surrounding the airport effectively down to zero exposure hence monitoring is important. - It is also important to ensure that pollution levels around the airport are falling and not rising regardless of the standard, as while the applicant makes much of no UK standards being breached it appears to miss the fact that UK policy in relation to air pollution has moved on 	<p>assessment of ambient air quality. The 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>The monitoring location funding proposed by CBC would not provide data above that already committed to be collected by monitoring carried out by GAL or RBBC or to add to the knowledge of ambient air quality at the airport.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>from a simple pass / fail approach, to ensuring that levels of pollution exposure are reduced over time and that any new developments should help in this process - as outlined at the start of the AQ sections for the Surrey LIR [REP1-097] and West Sussex LIR [REP1-068].</p> <p>It is also worth noting that that while the headline level of pollution is falling, on the Horley Gardens Estate at some sites this headline fall masks a significant change in the nature of the pollution exposure, with the falls in airport related road traffic NOx pollution at the RG1 site for example more than offset by the rise in aircraft related NOx pollution Surrey LIR (chapter 11 para 11.88 and table 11.5) [REP1- 097].</p> <p>The joint authorities also note that the applicant expresses a wish to support the understanding of air pollution effects more generally in the local area by continuing its current funding for monitoring for RBBC. However, the support is not extended wider. A request from Crawley borough council for funding for its air quality monitoring station on the airport's eastern border was turned down by the applicant.</p>	

ExQ1	Legal Partnership Authority Response	Applicant's Response
GEN.1.21	<p>Please refer to the detailed response to this provided by the Authorities at Deadline 3 [REP3-135]. The Authorities are disappointed to that the Applicant's design approach does not involve engagement with the wider community and only limited engagement with the discharging Authorities, it is not considered this approach will secure high quality design outcomes.</p>	<p>Further to the Applicant's response to ExQ1: General and Cross-Topic [REP3-091], GEN.1.21 and The Applicant's Response to Deadline 3 Submissions [REP4-031], the Applicant has engaged directly with the Local Authorities on the role and process of an independent Design Advisor. An Annex to the Design Principles (Doc Ref. 7.3) is submitted at Deadline 5 which sets out GAL's proposed approach to design review at the post-DCO consent, detailed design stage of the Project.</p>
GEN.1.22	<p>The Authorities wish to see the Applicant address in full the local sustainability policies set out in the Crawley Borough Local Plan, these policies are evidenced and justified though the local plan examination process and reflect the local situation within the borough.</p>	<p>The Applicant has addressed CBC's Local Plan policies, including sustainability-related policies, in Annex A of the Local Policy Compliance Tables contained in the Planning Statement Appendix E: Local Policy Compliance Tables [REP3-055]. Annex A responds to existing adopted local policies as well as CBC's emerging draft local policies within the Draft Crawley Borough Local Plan 2023-2040.</p> <p>At Issue Specific Hearing 6: Climate Change (Action 9) [REP4-036], GAL explained how the standards it has set and committed for the airport exceed those set in the Local Plan and those set by CBC for itself in relation to climate change.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
GEN.1.28	<p>As set out in the West Sussex LIR [REP1-068] paragraphs 17.68 and 17.69, and the West Sussex Authorities 'D3 submission [REP3-117] para 2.5.9, the Authorities still question whether it is appropriate for the Future Baseline to simply assume that these spaces can come forward through Permitted Development. This 2500 space increase should be considered as part of the Project and, 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. The Applicant's potential ability to greatly increase the amount of on-airport parking in this way highlights the need for control over future parking provision which would otherwise not be controlled.</p>	<p>The Applicant considers that it is appropriate to include the additional 2500 parking spaces as part of the Future Baseline assumptions to ensure the Project's impacts are accurately assessed against the relevant reference point in accordance with the Infrastructure Planning Environmental Impact Assessment Regulations 2017 (the EIA Regulations) and the Scoping Opinion.</p> <p>The 2500 parking spaces form part of the Airport's development that will be achieved in the absence of the Project. To the extent that the robotic operation of the car park requires prior consultation subject to the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO"), it is noted that the condition of the relevant permitted development right (condition F2, Part 8, Schedule 2 of the GPDO) requires the airport operator to <i>consult</i> the local planning authority before carrying out any development (unless the development falls within the category described in F4). Notably, the condition does not require <i>prior approval</i> of the local planning authority.</p> <p>As the Applicant has previously noted in response to Action Point 6 (Future Baseline Provision) of the Response to Rule 17 Letter – Car Parking (Doc Ref: 10.21), in the context of the overall scale</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>of parking at and serving the airport no significant environmental effects would arise from managing the car park in this way.</p> <p>In any event, in the alternative, if it had to be assumed that the robotic car parking should not be included in the Future Baseline, passenger forecasts would be unaffected.</p> <p>In terms of the assertion that future parking provision should be subject to control by the local planning authority, the Applicant notes its response to Action Point 6 (Controls on Parking Capacity) of the Response to Rule 17 Letter – Car Parking (Doc Ref: 10.21), where it explained that the provisions made in the Surface Access Commitments require GAL to maintain and enhance sustainable mode shares through a number of measures, including the proportionate use of parking controls and pricing. This effectively limits future airport parking to that which is consistent with the DCO Application and it is therefore not in the Applicant's interest to pursue any further on-airport parking.</p> <p>The Applicant also notes its response to Action Point 12 in The Applicant's Response to Actions ISH7: Other Environmental Matters (Doc Ref 10.26.3) which provides further details on the Applicant's position in respect of the ExA's request to consider</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>how the removal of permitted development rights would impact the delivery of the 2,500 robotic parking spaces. In this response the Applicant explained that it does not consider there is any basis for the removal of permitted development rights, particularly in light of the Applicant's consistent achievement of high sustainable mode shares. Permitted development rights are provided for a reason; history shows that they have not been abused and they should not be removed simply because the authorities want them to be.</p> <p>The Applicant also strongly resists any assertion that a cap on parking spaces should be imposed for the same reasons noted above; the Applicant has successfully achieved its surface access targets in the absence of any such cap. The Applicant would also point to the potential unintended consequences that the imposition of such a cap could cause in terms of potentially greater demand for unauthorised off-airport parking capacity and/or fly-parking as set out in further detail in the Car Parking Strategy [REP1-051].</p> <p>The Applicant's view is that neither a removal of permitted development rights nor a cap on parking spaces is necessary or</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		justified, for the reasons explained above and as set out in the previous submissions referred to.
GEN.1.30	<p>The Applicant's response to the ExA's question about the assessment of the Future Baseline in ES Chapter 12 Transport [APP-037] is noted. Based on discussions that took place at Issue Specific Hearing 7, and the Applicant's statement at the start of Compulsory Acquisition Hearing, the Joint Authorities await further information from the Applicant in relation to the sensitivity tests of the Future Baseline. The Applicant has stated that they will continue to engage with York Aviation until Deadline 4. Should agreement not be reached between the Applicant and York Aviation, a sensitivity test of a revised, lower than the currently assessed, future baseline will be undertaken and submitted by the Applicant at Deadline 5. The Joint Local Authorities will assess this information and the impacts it has on ES Chapter 12 Transport [APP-037] once this information is submitted.</p>	<p>A sensitivity assessment has been undertaken in response to the ExA's Rule 17 request. Please see Rule 17 – Future Baseline Sensitivity Analysis (Doc Ref. 10.40).</p>

National Highways

2.9.1 The below table responds to National Highways’ reply [[REP4-079](#)] to the Applicant’s ExQ1 response on General and Cross Topic.

Table 10: Response to ExQ1 - General and Cross-Topic from National Highways

ExQ1	National Highways Response	Applicant’s Response
GEN.1.21	National Highways notes the Applicant’s response and reiterates National Highways’ position that it would reserve the right to be included as part of any design review panel in order to protect its interest in the safe operation and maintenance of the Strategic Road Network. National Highways requests that the Applicant provides clarity on the timeframes for its response to the Examining Authority.	Further to the Applicant’s response to ExQ1: General and Cross-Topic [REP3-091], GEN.1.21 and The Applicant’s Response to Deadline 3 Submissions [REP4-031], the Applicant has engaged directly with the Local Authorities on the role and process of an independent Design Advisor. An Annex to the Design Principles (Doc Ref. 7.3) is submitted at Deadline 5 which sets out GAL’s proposed approach to design review at the post-DCO consent, detailed design stage of the Project.

2.10 Historic Environment

Legal Partnership Authorities

2.10.0 The below table responds to the Joint Legal Partnership Authorities’ reply [[REP4-065](#)] to the Applicant’s ExQ1 response on Historic Environment.

Table 11: Response to ExQ1 - Historic Environment from the Legal Partnership Authorities

ExQ1	Legal Partnership Authority Response	Applicant's Response
HE.1.1	<p>West Sussex WSI</p> <p>Place Services (on behalf of Crawley Borough Council and West Sussex County Council) have provided a breakdown of their recommendations to GAL's archaeological consultants and would welcome a meeting to discuss the limited further work that has been proposed to date on the specific areas already identified that needs work. The updated Written Scheme of Investigation submitted at deadline 2 (REP2-020) included additional work proposed on the redesign of the Works are 43 (the reedbeds) which was agreed by ourselves as appropriate, however, none of our other concerns were addressed within the document.</p> <p>The level of work on the remainder of the site cannot be defined until the report on the present airport's development has been submitted. Place Services, as well as earlier Local Authority advisors, have requested a report on the development of the present airfield and its associated groundworks for a number of years. It is only once this document has been submitted and assessed that a final programme of investigation can be</p>	<p>A detailed report on the historical development of the airport has been submitted to Place Services for their review. A meeting was held between the Applicant and Place Service on 31/05/24 to discuss the final requirements for the West Sussex WSI. The updated WSI will subsequently be submitted into the Examination.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>determined. This document should also help define the final requirements within the WSI.</p> <p>Although the applicant has said that they have made changes to their WSI none of those recommended by West Sussex or Crawley are addressed. This is a serious concern as it is hoped this document can be agreed before the end of the examination.</p> <p>We are supportive of a meeting as soon as possible, as we are keen to establish the full requirements of the archaeological programme.</p>	
HE.1.2	<p>Response to (a)</p> <p>The Applicant's response to sub-question (a) is not considered adequate. What has been confirmed is that a 24m section of tree and hedgerow is to be removed to widen the existing closed gated entrance to the car park which is located approximately 30 metres to the east of the junction with Poles Lane.</p> <p>The surrounding tree screening is deciduous and views of this property can be glimpsed from public views along Lowfield Heath Road and from within the airfield particularly in the winter months.</p>	<p><u>Response to (a)</u></p> <p>From the outset, it should be recognised that Historic England has confirmed through the Statement of Common Ground between Gatwick Airport Limited and Historic England [REP1-035] that it does not have concerns regarding the Project's impact on the Charlwood House Listed Building.</p> <p>The submitted Parameter Plans (Doc Ref. 4.5), together with the Works Plans (Doc Ref. 4.7), provide the maximum extent and area of each Work No. that has been assessed under the Environmental Impact Assessment process to provide a reasonable worst-case assessment. The detailed design of</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>While the Applicant states the decked car park is to the east of Works Area 31, the parameter plan shows a maximum height of development of 11 metres extending westwards beyond the new widened site access to within approximately 30m of the junction Poles Lane (the scale bar on the works plan map does not appear to be correct). This parameter drawing GA9000108 Rev P01 [AS-131] is currently proposed to be approved and is the only plan showing the extent of built form therefore the concerns about visual impact remain. The height of any works for the drainage features or lighting or fencing for the remaining western part of the site is also not specified. This extent of built form on the eastern portion of the works site is also shown on Figure 1.1.1 in the OLEMP [REP3-031]. The revised design and access principles listed as DBF9 [REP3 -056] comprising of 3 loosely worded statements which do not provide the control over the positioning of the deck park in relation to the listed building. Limiting tree and hedgerow removal where possible is welcomed but is still too loosely worded and while a commitment to replanting along the southern boundary is supported this does not go far enough as the Authorities wish to see the effective screening for the car</p>	<p>each Project component (Work No.) is then controlled through the consultation and (where applicable) approval processes with the relevant determining body set out in Requirements 4 and 5 of the Draft DCO (Doc Ref. 2.1).</p> <p>Within the Design Principles (Doc Ref. 7.3), a site-specific design principle (DBF9) is included for Car Park X to control its detailed design.</p> <p>In response to the JLAs' response, Design Principle DBF9 has been amended as follows:</p> <ul style="list-style-type: none"> • To provide further commentary on the location of the decked parking area to ensure it is screened by mature vegetation to be retained, and not positioned directly north of the site access where vegetation removal is required to facilitate the access point. • To provide additional commentary on the proposed southern boundary planting to ensure it is designed to screen views from the Grade II* Listed Building and wider countryside, and minimises any light spill outside the car parking site.

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>park from not just the listed building but visual impact of the development (including any light spill) from the wider countryside to the south.</p> <p>The tree removal plan for the Car Park X Appendix 8.10.1 Sheet 12 of 13 [REP3-041] is confusing to understand as the key does not assist in identifying clearly which of the trees surveyed are being removed. The extent of tree loss along the southern boundary to form the widened access is unclear as this does not appear to correspond with the current access.</p> <p>The Authorities would like a clear survey drawing for this site showing individual trees (not broad groups) and clearly identifying which ones would be removed. The current drawing is not on an Ordnance Survey base and therefore the site relationship with surrounding features such as Charlwood House cannot be readily established.</p> <p>While it is noted that references to new and replacement planting for Car Park X has been included as a specific reference in the OLEMP para 3.2.3 [REP3-031] the wording is still not considered to adequately address the concerns about this sensitive boundary. Any planting to be effective needs adequate space to grow and establish and appropriate mix of species to provide year-round</p>	<p>The Design Principles (Doc Ref. 7.3) and relevant Parameter Plan (Doc Ref. 4.7) for Car Park X control the location of the decked parking area in relation to the Charlwood House Listed Building.</p> <p>In respect of the tree survey plans and removal plans:</p> <ul style="list-style-type: none"> • A Tree Survey Plan of Car Park X based on an Ordnance Survey map is contained in ES Appendix 8.10.1: Tree Survey Report an Arboricultural Impact Assessment (Part 1) [REP3-037] on the Airport Tree Survey Plans (Sheet 12 of 13). • The methodology for the assessment of individual trees and tree groups is explained in Section 3 of ES Appendix 8.10.1: Tree Survey Report an Arboricultural Impact Assessment (Part 1) [REP3-037] further detailed in Appendix F: Response to the JLAs on Arboriculture, Landscape and Ecology [REP4-028] submitted at Deadline 4. • The Preliminary Tree Removal and Protection Plan relating to Car Park X is contained in ES Appendix 5.3.2 – Annex 6: Outline Arboricultural and Vegetation Method Statement (Part 3) [REP3-027]

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>screening. Consideration of landscape opportunities is not sufficient. While the built form of the car park may be to east of listed building the surface car park will extend directly to the north of this building including any lighting. The existing screen should be supplemented to be effective year round screening to the countryside to the south.</p> <p>Response to (b)</p> <p>The Authorities do not consider that the Applicant has adequately answered this question. Having reviewed the revised Design and Access Statement volume 2 [REP2-033] there were no changes in the illustrative material to address this point or in volume 5 [REP2-036] or the Operational Lighting Framework [APP-077]. Lighting Principle LA8 as quoted is also unchanged from the original submission. The Authorities concerns remain as set out in the West Sussex LIR [REP1-068] summarised in table 7.1 (7.1B).</p>	<p>namely the Airport Preliminary Tree Removal and Protection Plans (Sheet 12 of 13). This is again based on an Ordnance Survey map. An update to the Preliminary Tree Removal and Protection Plans will be included at Deadline 6.</p> <p><u>Response to (b)</u></p> <p>As explained in the Applicant's Deadline 2 Cover Letter [REP2-001], the Design and Access Statement was updated to reflect Project Changes 1 to 3 following their acceptance by the Examining Authority.</p> <p>The Applicant explained in its response to Response to ExQ1: Historic Environment [REP3-095], HE.1.2 that indicative designs and measures to control lighting are contained in the Design and Access Statement (Volumes 2 and 5) [REP2-033 and REP2-036] and ES Appendix 5.2.2: Operational Lighting Framework [APP-077], and therefore no changes have been made to these documents. Similarly, no changes have been made to Design Principle LA8 in that it provides a commitment to control lighting within the site boundary.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
HE.1.3	<p>a) The Applicant has not provided this information as the revised Design and Access Statement volume 3 cited by the Applicant does not address this question. The concerns expressed in the West Sussex LIR Chapter 7 [REP1-068] remain. The updated Design Principles Document [REP3-056] provides no additional information or design controls.</p>	<p>As explained above and in the Applicant's Deadline 2 Cover Letter [REP2-001], the Design and Access Statement was updated to reflect Project Changes 1 to 3 following their acceptance by the Examining Authority.</p> <p>The ES Appendix 5.2.2: Operational Lighting Framework [APP-077] provides a technical framework for external lighting. Section 14 of the Framework explains the lighting arrangements for decked car parks, therefore applicable to the North Terminal Long Stay decked car park.</p> <p>In response to the Legal Partnership Authorities' comments, the Design Principles (Doc Ref. 7.3) have been expanded to provide specific lighting-related design principles for decked and surface car parking arrangements, drawing from the ES Appendix 5.2.2: Operational Lighting Framework [APP-077] to address concerns raised. Each principle requires the external lighting design to consider lighting measures to restrict potential obstructive lighting of ecological sensitive areas, heritage assets and surrounding landscapes.</p>
HE.1.7	<p>A) The Authorities note that elsewhere the Applicant has stated that the scheme applies to other premises which are in non-residential use which may be listed properties</p>	<p>An updated version of ES Appendix 14.9.10: Noise Insulation Scheme [REP4-017] was submitted at Deadline 4. Paragraph 4.3.15 sets out the proposed position with regard to</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>(see HE1.3)</p> <p>B) The Authorities wish to highlight that any noise mitigation for listed buildings such as Charlwood House and Charlwood Park Farmhouse will require bespoke design solutions and therefore the Applicant should build into the wording of the noise insulation scheme additional flexibility to allow the most appropriate acoustic design solution to be implemented to preserve the unique character of the heritage asset. It should be recognised that there may need to be flexibility on the budget for such buildings. The Applicant should ensure that any listed property owner is reimbursed in full for any costs incurred for pre-application heritage advice or planning permission that may need to be sought in order for any insulation scheme to be implemented. It is also recommended that this scheme be publicised prior to the commencement of works so mitigation can be in place before noisy works commence and given the lead in times for any extra listed building consents and planning permission that may be required from the Local Planning Authorities. The Authorities would like to see the above points included in an updated Noise Insulation Scheme</p>	<p>listed buildings. Where listed building consent and/or planning permission is required for the installation of noise insulation, GAL's contractors will undertake the requisite surveys and submit the applications for consent.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	Update Note [REP2-031].	
HE.1.9	<p>The West Sussex Joint Local Impact Report [REP1-068] sets out the Authorities' concerns over the impact that increased overflight of the High Weald AONB, due to increased use of Route 9, will have on the tranquillity of the protected landscape.</p> <p>In its response, the Applicant references the increased overflight at Wakehurst Place Royal Botanic Gardens, Historic Park and Garden and Grade 1 listed building. Whilst the 'dot' indicating the site falls within the '11 - 50' contour, the wider parks and gardens fall to the south, the most tranquil parts, and are within the 51 – 100 in 2032 contours [REP2-007] (Figure 8.6.7). Therefore, the figures in [APP-033] table 8.9.1 do not accurately reflect the impacts of increased overflight at this location and the magnitude of the impacts have been understated. The increased frequency of overflight, over areas which are tranquil in nature, will be very noticeable and harmful to the special characteristics of the protected landscape.</p>	<p>The Applicant considers that their position set out in Applicant's Response to ExQ1: Landscape, Townscape and Visual Resources [REP3-097], LV.1.6 is clear. ES Chapter 8: Landscape, Townscape and Visual Resources [APP-033] includes a thorough assessment of effects on the perception of tranquillity within nationally designated landscapes as a result of the proposed increase in the number of overflights. No significant harm to the special qualities of the landscapes or the purpose of their designation has been identified.</p> <p>The frequency of aircraft movements and the general orientation of flights are illustrated in the flight density plots in ES Chapter 8: Landscape, Townscape and Visual Resources Figures [REP2-007]. The baseline flights in 2019 for Gatwick alone, and with all overflights are shown in Figures 8.6.3, and 8.6.5. The 2032 future baseline and assessment cases for the Project and the Project with all overflights are shown respectively in Figures 8.6.6, 8.6.7 and 8.6.8. The figures show the number of overflights bracketed into five broad bands of colour. Areas of the High Weald National Landscape will experience an increase of up to 20% in</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>overflights compared to the future baseline situation in 2032. Areas of the heat map in Figures 8.6.6 and 8.6.7 indicate a change in colour from pale green (11 to 50 overflights a day) to yellow (51 to 100 overflights a day). In this situation the future baseline number of overflights would need to be between 42 and 50 to exceed the 50 flight threshold when 20% of overflights are added, increasing to between 50.4 and 60 overflights respectively. The figures clearly illustrate the likely increase in overflights within the whole study area if a maximum of 20% overflights are added to the future baseline situation across the whole study area, which is described in section 9 and 11 of ES Chapter 8: Landscape, Townscape and Visual Resources [APP-033].</p>
HE.1.11	<p>The West Sussex Joint Local Impact Report [REP1-068] sets out the Authorities concerns on this issue. In its response, the Applicant references the increased overflight at Wakehurst Place Royal Botanic Gardens, Historic Park and Garden and Grade 1 listed building. Whilst the 'dot' indicating the site falls within the '11 - 50' contour, the wider parks and gardens fall to the south, the most tranquil parts, and are within the 51 – 100 in 2032 contours [REP2-007] (Figure 8.6.7). Therefore, the</p>	<p>The frequency of aircraft movements and the general orientation of flights are illustrated in the flight density plots in ES Chapter 8: Landscape, Townscape and Visual Resources Figures [REP2-007]. The baseline flights in 2019 for Gatwick alone, and with all overflights are shown in Figures 8.6.3, and 8.6.5. The 2032 future baseline and assessment cases for the Project and the Project with all overflights are shown respectively in Figures 8.6.6, 8.6.7 and 8.6.8. The figures show the number of overflights bracketed into five</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>figures in [APP-033] table 8.9.1 do not accurately reflect the impacts of increased overflight at this location and the magnitude of the impacts may have been understated. In addition, the '51- 100' contour in 2032, [REP2-007] (Figure 8.6.7) moves much closer to the 'Wakehurst Place' dot, almost bringing it within this contour. As this site effectively sits on the border of two contours a finer grain assessment at this location needs to be undertaken, providing figures for Wakehurst Place (as an update to [APP-033] table 8.9.1. This would enable a precautionary/worst case assessment to be undertaken.</p>	<p>broad bands of colour. Areas of the High Weald National Landscape, including Wakehurst Place which covers an area of 490 acres including house, ancillary buildings, visitor centre, car park, formal gardens, parkland and woodland will experience an increase of up to 20% in overflights compared to the future baseline situation in 2032. Areas of the heat map in Figures 8.6.6 and 8.6.7 in the vicinity of Wakehurst Place indicate a change in colour from pale green (11 to 50 overflights a day) to yellow (51 to 100 overflights a day). In this situation the future baseline number of overflights would need to be between 42 and 50 to exceed the 50 flight threshold when 20% of overflights are added, increasing to between 50.4 and 60 overflights respectively. The figures clearly illustrate the likely increase in overflights within the whole study area if a maximum of 20% overflights are added to the future baseline situation across the whole study area, which is described in section 9 and 11 of ES Chapter 8: Landscape, Townscape and Visual Resources [APP-033]. No significant harm to the special qualities of the landscapes or the purpose of their designation has been identified.</p>

2.11 Land Use and Recreation

Legal Partnership Authorities

2.11.0 The below table responds to the Legal Partnership Authorities' reply [[REP4-066](#)] to the Applicant's ExQ1 response on Land Use and Recreation.

Table 12: Response to ExQ1 - Land Use and Recreation from the Legal Partnership Authorities

ExQ1	Legal Partnership Authority Response	Applicant's Response
LU.1.13	<p>The Authorities remain concern about the connectivity of this area via a permissive path to the wider footpath network as based on the limited detail provided in the Sketch Landscape Concept (Figure 1.2.1 of the OLEMP) [REP3-031], the drawing does not show a footpath connection along the western bank of the River Mole on land within the DCO Limits. This is also unclear from the works plans drawing GA 990002 Rev P03 [REP3-011] and it is noted that the permissive paths are also excluded from figure 19.6.4 in the ES Chapter 19 [APP-058].</p> <p>The Authorities still consider that a link into the Museum Field would be beneficial from Horley Road notwithstanding there is not footpath along the southern side of the road to provide an alternative route to any permissive path as the</p>	<p>The Applicant understands the JLAs requests in this area and is considering options to increase accessibility in this area. The Applicant is reaching out to representatives of the JLAs to discuss these options and work together to agree a solution with a view to providing an update to the ExA at Deadline 6.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	routes along the River Mole including the adopted rights-of-way are very wet and at times are impassable.	

2.12 Landscape, Townscape and Visual Resources

Legal Partnership Authorities

2.12.0 The below table responds to the Legal Partnership Authorities' reply [[REP4-067](#)] to the Applicant's ExQ1 response on Landscape, Townscape and Visual Resources.

Table 13: Response to ExQ1 - Landscape, Townscape and Visual Resources from the Legal Partnership Authorities

ExQ1	Legal Partnership Authority Response	Applicant's Response
LV.1.1	The Authorities do not consider that the Applicant has addressed this question in sufficient detail in its response Appendix A Doc Ref 10.16 [REP3-098]. The Reed Bed Treatment System Compound is not referenced in Appendix A or referenced in supporting document [REP1-021]. The maximum height of the works in Car Park Y varies between document between 6 metres and 8 metres. There is no new information provided since the Deadline 1 submission. None of the documents referenced in the Applicant's response are proposed to be certified in Schedule 12 of the dDCO and	Appendix A of the Applicant's Response to ExQ1: Landscape, Townscape and Visual Resources [REP3-097], LV1.1 refers to the seven main contractor construction compounds identified in the ES Appendix 5.3.2: Code of Construction Practice (CoCP) [REP4-007]. The temporary compound related to the reed beds is not included as does not comprise a 'main' construction compound and is specific to these particular works. The compound will be used for approximately 12 months during the construction of the water treatment works (reed bed system). Based on the specific use

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>therefore there is currently no control over the appearance of these large construction compounds (some of which will be in situ for up to 14 years). It is therefore considered that these construction compounds should be listed as Works (see further detail in response reference DCO 1.39) in addition to further information being provided to inform the Examination.</p> <p>JMc/CBC 8/5</p>	<p>of the compound to serve the construction of the water treatment works, no infrastructure above 6m high is anticipated in this location. Infrastructure and activities within the compound would be visible from permissive footpaths and the railway line. Effects on landscape character and visual amenity are included in the Change Application Report [AS-139].</p> <p>The maximum height of the Car Park Y construction compound is 8m, as stated in Appendix A [REP3-097] and in the (Table 4.1) ES Appendix 5.3.2: Code of Construction Practice (CoCP) [REP4-007].</p> <p>As explained in response to the Legal Partnerships' comments on DCO.1.39 above, the Applicant does not agree that temporary construction compounds should be listed as specified Work Nos.</p> <p>Section 4.5 of the ES Appendix 5.3.2: Code of Construction Practice (CoCP) [REP4-007] provides the necessary controls, including on the maximum height of each compound, which would be the main factor in visual impact. Additional information on the construction compounds, including a description of the compound elements, is described in Section 4.5 of the ES Appendix 5.3.2: Code of Construction</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>Practice (CoCP) [REP4-007]. As noted by the JLAs, the Design and Access Statement – Volume 5 [REP2-036] contains detailed information on the anticipated layout and contents of the compounds. Further information on the compounds is also contained in the Buildability Reports Part A [REP2-013] and Part B [APP-080] and [APP-081] on the general nature of compounds and their key elements.</p> <p>Sections 4 and 5 of the ES Appendix 5.3.2: Code of Construction Practice (CoCP) [REP4-007] sets out the measures to be followed to minimise impacts on landscape and visual resources. This includes 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 establishment and operation of site construction compounds would be carried out in accordance with the CoCP pursuant to Requirement 7 of the draft DCO (Doc Ref. 2.1).</p>
LV.1.2	<p>The Authorities response in respect of each of the items referred to in the Applicant's answer to question LV1.2 are set out below:</p> <p>a) The Authorities do not consider that the Applicant has</p>	<p>The Applicant has prepared a note providing further detail on the works proposed at Pentagon Field, in response to the JLAs comments, which is contained at Appendix F of this document</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>provided an adequate response to this question. The response suggests that the significant soil deposition of 'approximately 100,000 m³' of spoil is not a figure which has been reached following a rigorous process. The lack of information submitted – which lacks a topographical survey and site management details – suggests that the Applicant has not identified the true impacts of these works. In the absence of this information the Authorities would emphasise the need for additional information on this site including parameter plans and a survey drawing in order to understand the impact of this soil deposition on the landscape and its visual impact on surrounding features. A clearer plan is required to understand the impact on nearby rights of way and showing the means of site access.</p> <p>b) Views of Pentagon Field for walkers on 359Sy are not just from the Northern Boundary. The site is visible from the footpath further to the south allowing views through the tree cover eastwards towards Balcombe Road. The concerns expressed in the West Sussex LIR in relation to this site remain [REP1-068].</p> <p>c) The tree survey for Pentagon Field Appendix 8.10.1 Sheet 8 of 13 [REP3- 037] which is based on aerial</p>	<p>(Doc Ref. 10.38). This should be read alongside the Applicant's specific comments to parts (a) to (e) below.</p> <p>a) The response to LV.1.2 of ExQ1 provided by the Applicant remains relevant. The spoil will be progressively landscaped to its final levels as it is imported and eventually accommodate approximately 100,000m³ of spoil. Topographical and utility identification surveys would be completed during the early stages of design followed by any other surveys required by the designers (e.g. ground investigation, boreholes) to enable completion of the final detail design. ES Appendix 8.8.1: Outline Landscape Ecology Management Plan [REP4-012, REP4-013, REP4-014, REP4-015, REP4-016] includes Figure 1.2.18 for landscape proposals at Pentagon Field. Earth shaping is illustrated as a maximum parameter in photomontages located at public right of way 359Sy and roadside pavement ay Balcombe Road (See ES Landscape, Townscape and Visual Resources Figures - Part 2 [REP2-007], Figures 8.9.33 to 8.9.40) and assessed during construction and when operational within the LTVIA at ES Chapter 8: Landscape,</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>photography still does not identify clearly which trees are for removal and it is questionable whether just 3 specimens will be impacted in the absence of any detail on where the site access for the soil deposition will be located and proximity of the soil to the existing site trees. It noted that the Applicant is yet to submit this information on tree removal for this site (stated to be supplied at D4). The lack of this detail in terms of survey drawings and levels means further trees could be lost due to compaction from soil deposition, works within root protection areas or root damage from construction traffic accessing and circulating within the site to create the spoil landform. While for this site Works No 41 (considered in insolation) the level of tree mitigation would be adequate in accordance with CBC adopted Local Plan Policy CH6 as it is likely that the tree loss would be more than adequately compensated for by the 1 ha of planting proposed.</p> <p>d) No response needed.</p> <p>e) The Authorities consider that the Applicant's assumption that in 10 years the proposed planting would screen the spoil is not considered to be</p>	<p>Townscape and Visual Resources [APP-033], sections 8.9. and 8.11.</p> <p>b) Views from public right of way 359Sy within the LTVIA at ES Chapter 8: Landscape, Townscape and Visual Resources [APP-033], sections 8.9. and 8.11. The most open view at a field gate opening has been assessed, see Figures 8.8.37 to 8.9.40. Views from the footpath west of Pentagon Field are filtered (winter) or heavily filtered and screened (summer) by intervening hedgerow and woodland vegetation. The magnitude of impact on views from these sections of the footpath would be negligible and would not give rise to significant effects.</p> <p>c) ES Appendix 5.3.2: Code of Construction Practice Annex 6 – Outline Arboricultural and Vegetation Method Statement [REP3-022], [REP3-023], [REP3-024], [REP3-025], [REP3-026], [REP3-027] includes at Appendix B: Airport Preliminary Tree Removal and Protection Plans sheet 8 of 13, details of trees and indicative temporary protective fencing which would protect root protection zones. All perimeter trees and vegetation would be protected and retained. Temporary removal of</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>robustly justified as only limited details have been provided. There are a number of variables including planting mix and spacing, treatment of the site access and the nature of the spoil being deposited which could influence the growth and effectiveness of any tree screen. It is not clear from the submission if the trees are to be planted prior to the soil deposition or after the land raising has been completed.</p> <p>**</p> <p>The WSCC County Arboriculturist has commented that providing all aftercare is carried out and the ground is well prepared most trees should grow at a minimum rate of 0.5m in height per year. Assuming planting at 1m staggered spacings and 5 rows deep, the screen would be very dense and potentially by year 10 the trees could reach 5m in height. Two native woodland mixes, A and B are referenced by the Application, neither of which are specified on conceptual plans, and which would vary in overall height depending on which is planted. Furthermore, the existing hedgerow may need coppicing or reducing to 600mm in height for a significant distance either side of the site access to allow for sight lines for lorries depositing the spoil. This feature would</p>	<p>a small section, up to 12m long, of hedgerow H32 will be required to gain access for spoil deposition activities. The exact location will be determined at detailed design stage. The hedgerow will be reinstated following completion of activities.</p> <p>e) There would not be any planting of trees and shrubs in advance of the spoil deposition activities at Pentagon Field to prevent conflicts between newly planted areas and spoil placement activities. ES Appendix 8.8.1: Outline Landscape Ecology Management Plan [REP4-012, REP4-013, REP4-014, REP4-015, REP4-016] includes at Annex 3, Typical Planting Schedules of native species trees and shrubs which could be included in woodland planting proposals at Pentagon Field, to be implemented following spoil deposition. At detailed design stage a suitable species mix and specification notes will be supplied to provide an appropriate landscape feature. Tree species within the mixes (Field maple, Silver birch, Hawthorn, Aspen, Cherry, English oak and Small leaved lime) are capable of attaining a height of at least 5m within a 10 year period. The managed site access would be from the north via a GAL internal road, not part of the highway</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>need to be reinstated or maintained and should be considered in any LEMP.</p> <p>The Authorities note that there is no information on the nature of the material to be deposited and assuming the transported soil is soil and does not contain other materials (such as inert waste), then it is unlikely to create fine dust which does slow the rate of tree growth. Such detail should be in a construction management plan.</p>	<p>network via Balcombe Road. Temporary removal of a small section, up to 12m long, of hedgerow H32 will be required to gain access for spoil deposition activities. No further reduction in the height of the hedgerow would be required to achieve site lines at a managed public right of way crossing.</p>
LV.1.3	<p>While the Authorities note that no tracked changed documents have been provided for the Design and Access statement volumes 1 - 5, it appears no additional detail has been provided within these documents by the Applicant in response to this question. A more detailed response on the revised Appendix 1 – Design Principles document [REP3-056] is provided within a separate Joint West Sussex Authorities Deadline 4 submission.</p> <p>The response provided by the Applicant suggests that because they consider the car parks to be 'excepted development' they are not prepared to provide any further design detail. The Authorities do not accept this approach for</p>	<p>Tree survey plans, tree quality schedules, preliminary tree removal plans and impact assessment for the Project site are included in ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment [REP3-037, REP3-038, REP3-039, REP3-040, REP3-041, REP3-042] and include a worst case scenario approach based on the preliminary design work. Trees have been shown as retained within the limits of construction boundary only if they are far enough from any proposed construction that there is no possibility of them being removed.</p> <p>ES Appendix 5.3.2: Code of Construction Practice Annex 6 – Outline Arboricultural and Vegetation Method Statement [REP3-022, REP3-023, REP3-024, REP3-025, REP3-026,</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>the reasons set out in response Table 4 – Action Point 10 [REP2-081].</p> <p>The level of detail is inadequate, the Authorities have seen no tree protection or landscaping plans with sufficient detail matched to corresponding design information to be certain that trees and landscaping within and surrounding the car parks would be safeguarded.</p>	<p>REP3-027] includes at Appendix A and B Preliminary Tree Removal and Protection Plans which show details of trees and indicative temporary protective fencing. Trees within the construction areas of car parks and other proposed developments within the Project have been identified for removal, as a worst case scenario for assessment purposes.</p> <p>As stated in the Applicant's Response to the ExQ1, Landscape, Townscape and Visual Resources [REP3-097], LV.1.3 the DCO Application does not contain definitive layouts and designs for proposed car parks. The accompanying Design Principles (Doc Ref. 7.3 v3) include project-wide design principles for landscaping which sets out the design of native tree, shrub and hedgerow planting that would be appropriate for car parks within the Project. In particular, Design Principle L4 directs that any vegetation will be retained and incorporated into the design where feasible to minimise impacts on character and visual resources.</p> <p>Alongside the project-wide design principles, site-specific design principles are included for individual works. This includes site-specific principles for Car Park X, Car Park Y and for surface, multi-storey and decked car parking. The works must be carried out in accordance with the Design</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>Principles (Doc Ref. 7.3 v3), as secured under Requirement 4 of the draft DCO (Doc Ref. 2.1 v6).</p> <p>In line with DCO Requirement 4, the Applicant would consult CBC on the detailed design of these developments. It is therefore not accurate to characterise the Applicant's position as suggesting that they are not prepared to provide any further design detail. Requirement 4 provides the forum through which such design detail will be provided, and consulted upon with CBC, in due course.</p>
LV.1.4	<p>The Surrey Joint Authorities Local Impact Report [REP1-097] includes the Authorities' concerns on the impact on the landscape (Harm to Green Barrier) and the impact on neighbouring properties in south Horley. Our position remains unchanged.</p> <p>Further details on the works compounds were provided by the Applicant in [REP2-036]. Specifically, details were provided on the South Terminal Roundabout Contractors Compound (Para 8.3.8), Longbridge Roundabout Site Welfare Facility (Para 8.3.9) and Car Park B Compound (Para 8.3.10). Whilst details of the layouts and uses are provided for the South Terminal Roundabout Compound, no</p>	<p>At this stage of the design of the Project a specific design for any particular construction compound has not been produced, but rather a reasonable worst case has been assessed based on the activities which will be undertaken within the compound.</p> <p>ES Appendix 5.3.2 Code of Construction Practice (CoCP) [REP4-007] and ES Appendix 5.3.1: Buildability Report [APP-079, APP-080, APP-081] set out the general nature of compounds and their key elements although they do not contain detailed layouts of infrastructure at this stage. The CoCP describes how the Applicant will manage and minimise disturbance and other environmental impacts from construction activities required to deliver the Project whilst meeting the requirements of relevant legislation, codes of practice and</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>visual resources have been provided of the sections of the heights of structures included in the scheme. To help demonstrate the scale of the compound and its visual impacts, the ExA may wish to ask the Applicant for additional information and imaging of the South Terminal Contractors compound.</p> <p>Details for the Longbridge Roundabout Site Welfare Facility and the Car Park B Compound are more limited making visual impact assessments more challenging with no layout plans or sections of buildings. The ExA may wish to seek further plans and sections from the Applicant to help assess the impact of the two compounds on neighbouring residential properties.</p>	<p>standards. ES Chapter 8: Landscape, Townscape and Visual Resources [APP-033] includes an assessment of effects on landscape and townscape character and visual amenity. Photomontage/photo wirelines based on maximum parameter models, including construction compounds, are contained within Figures 8.9.1 to 8.9.128 of ES Landscape, Townscape and Visual Resources [REP2-007], [REP2-008].</p>

<p>LV.1.5</p>	<p>The Authorities do not believe the Applicant has evidenced how the proposed planting will be of adequate maturity at 5-10 years post planting to mitigate visual and townscape impacts. Much of the existing trees and tree groups are of moderate or high quality/value, having taken a number of decades to reach their current form and valued structural screening.</p> <p>Whilst landscaping concepts provide replacement planting where tree and scrub loss occurs, there appears to be an overall loss of these features adjacent to the surface access proposals. It is suggested that 'woodland planting' is proposed in many areas adjacent to surface access works as replacement for losses, but with a depth of only 1m (two rows of trees) for many of these lengths, this is not recognised as 'woodland planting' by the Authorities. No enhancement planting adjacent to retained vegetation, nor advanced planting is proposed near to these areas in mitigation which is disappointing.</p> <p>The Authorities note that the Applicant is not proposing tree mitigation in line with Crawley Borough Council's standards set out in policy CH6 in the adopted Crawley Borough Local Plan and explained in detail in the Green Infrastructure SPD [both referenced in REP1-068]. Due to the limited detail provided it is not currently possible to calculate the number of replacement trees necessary to mitigate those lost due to the</p>	<p>The design of the surface access improvements has progressed from the outset with the intent to reduce environmental impacts, notably removal of vegetation within the highways corridor and impacts on land within Riverside Garden Park. This has required at several stages, the agreement with National Highways to departures from the DMRB design standards where environmental impacts of fully compliant designs were a key factor. The preliminary scheme is extremely space efficient and manages to stay largely within the existing road corridor. The scheme does require additional signage and also has to meet standards in respect of visibility splays and other safety considerations for vehicular and pedestrian users.</p> <p>Reinstatement of scrub and tree planting has been 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</p>
---------------	--	---

proposed highway works however, the Authorities would expect the Applicant to comply with the policy and to provide payment in lieu on per tree basis (secured via a Section 106 Agreement) when replacements cannot be accommodated on site. Wording has been proposed to this effect which allows the amount due to be calculated when the numbers are known.

trees/woodland within the 9 metre buffer and any planting within this area is subject to agreement with NH.

Some of the additional losses in habitat have been required to meet stakeholder requirements for improved active travel routes. GAL has committed to Design principles and in the outline Landscape Ecology Management Plan to minimise tree and vegetation loss as part of the detailed highways design. Due to the outline nature of the scheme appropriate but conservative allowances have been made to ensure it can be constructed. The scheme therefore includes for a limit of deviation within which all construction impacts (which include access to the site and any necessary diversion of utilities) have to be accommodated.

The existing mature highway woodland and scrub planting provides a substantial green corridor for the A23 between the Gatwick Airport access roundabout and the Longbridge roundabout. The planting also provides a green buffer between the road and the urban green space of Riverside Garden Park and the buildings and infrastructure of Gatwick, filtering views of traffic, and although it is not usable, amenity green space. Trees and vegetation to be removed will be replaced within the proposed road corridor with native tree and scrub species, where feasible and with wide grass verges. Two new areas of urban green space will be created at Car Park B on the

eastern end of Riverside Garden Park. A further area of open space will be created north of Longbridge roundabout, adjacent to Church Meadows. These spaces will include extensive native woodland, scrub and grassland communities which offer usable amenity space for the public, diverse ecological habitats and linkages between urban and rural spaces. The addition of these areas of replacement open space will in time provide greater value, in terms of ecosystem services, than the removed highway planting. The value of the landscape/townscape within the Project site and its context and the visual amenity enjoyed by the local community and visitors to the area has been recognised during the design development. Due to the complexity of the surface access improvements works and the constrained footprint of this development adjacent to Riverside Garden Park and Gatwick Airport, the implementation of advance planting is not viable in this context. **ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment** [[REP3-037](#), [REP3-038](#), [REP3-039](#), [REP3-040](#), [REP3-041](#), [REP3-042](#)] includes an assessment of tree removals and replanting in accordance with CBC Policy CH6 at section 7. A revised version of the document will be submitted at Deadline 6.

ExQ1	Legal Partnership Authority Response	Applicant's Response
LV.1.6	<p>The West Sussex Joint Local Impact Report [REP1-068] sets out the Authorities' concerns over the impact that increased overflight of the High Weald AONB, due to increased use of Route 9, will have on the tranquillity of the protected landscape.</p> <p>The additional use of WIZAD is very clearly a change in the way the NPR was intended to be used and results in additional overflight. Overflight data has not been included for all assessment years so actual effects on the area cannot be gauged; the Applicant has not demonstrated that the use of WIZAD was intended to be used in such a way; it is by the airport breaking their implied ceiling of 46mppa through a variety of permitted developments and all the proposals of the DCO that the situation is starting to arise. While it may not be defined by the CAA as an air space change it is very clearly a change to the way the airspace is used due to the potential increase in flights. The Applicant has provided no information to show that this does not conflict with arrivals and the route is a formal consideration for airspace change so it does appear that the expansion at the airport is predicated on bringing this NPR into use.</p>	<p>The JLAs' note with regards the increased use of the WIZAD Standard Instrument Departure (SID) route (in the future baseline and NRP cases) is conflating two projects (GAL's airspace modernisation project and Northern Runway project), shows a misunderstanding of the GAL's airspace modernisation change proposal (ACP-2018-60) and the legislation, regulation and process regarding airspace change.</p> <p>We wish to make clear once again that the airspace change process is not part of the Project, and for the reasons previously explained it is not able to be assessed cumulatively with the Project. Those proposals will be subject to their own assessment in due course, and the acceptability of those airspace change proposals will be considered taking into account the representations which are made in respect of them at the relevant time. This response therefore focuses on the NRP related elements, however, where necessary will address specific points that relate to the airspace change process.</p> <p>The Applicant considers that its position set out in Applicant's Response to ExA's Written Questions: Landscape, Townscape and Visual Resources [REP3-097], LV.1.6 is clear. ES Chapter 8: Landscape, Townscape and Visual</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>In its response, the Applicant references the increased overflight at Wakehurst Place Royal Botanic Gardens, Historic Park and Garden and Grade 1 listed building. Whilst the 'dot' indicating the site falls within the '11 - 50' contour, the wider parks and gardens fall to the south, the most tranquil parts, and are within the 51 – 100 in 2032 contours [REP2-007] (Figure 8.6.7). Therefore, the figures in [APP-033] table 8.9.1 do not accurately reflect the impacts of increased overflight at this location and the magnitude of the impacts have been understated. The increased frequency of overflight, over areas which are tranquil in nature, will be very noticeable and harmful to the special characteristics of the protected landscape.</p>	<p>Resources [APP-033] includes a thorough assessment of effects on the perception of tranquillity within nationally designated landscapes.</p> <p>The use of WIZAD will involve a small number of Gatwick's departures more regularly crossing the landscape south of the airport, and these may be audible and visible. As a worst case, use of the WIZAD route will increase to around 32 movements per day in the future baseline by 2032, and the Project will increase this to around 39 movements per day. The frequency of aircraft movements and general orientation of flights are illustrated in the flight density plots in the ES Landscape, Townscape and Visual Resources Figures Part 2 [REP2-007]. The baseline flights in 2019 for Gatwick alone, and with all overflights are shown in Figures 8.6.3, and 8.6.5. The 2032 future baseline and assessment cases for the Project and the Project with all overflights are shown respectively in Figures 8.6.6, 8.6.7 and 8.6.8.</p> <p>No significant harm to the special qualities of the landscapes or the purpose of their designation has been identified in ES Chapter 8.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>Deadline 4 Submission - 10.24 ES Appendix B: Response to York Aviation - Capacity and Operations [REP4-023] at Reference 57 explains the timing of the airspace modernisation project deployment to the south of the Airport and that a deliberate decision to increase the intensity of usage on the WIZAD SID may constitute an airspace change.</p> <p>The statement referencing 'airspace change that would in the first phase seek to bring into operation or intensify the use of routes to the south of the airport including those that are likely to have a direct effect on Route 9 (WIZAD)' is perplexing and clarification from the JLAs on the basis for this statement would be useful to assist in a more detailed response. In short, under both the baseline and with Project scenarios, the use of the WIZAD SID would be based on the current airspace route structure and <u>operated in accordance with any existing restrictions or requirements.</u></p> <p>In terms of intensification of use, clarification on the operation of departure routes may be helpful. Flight plans are filed by an airline prior to a flight departing its origin airport that indicate the aircraft's intended route. Flight plans filed in the UK are co-ordinated by the Network Management Operations Centre (NMOC) at Eurocontrol, in Brussels. Approved flight plans are</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>returned to the relevant air traffic service providers for the departure airport at which point (prior to departure) the aircraft is issued with a published SID routeing (not WIZAD, as it is not a flight plannable route). In very specific circumstances, normally detailed in air traffic services procedures, air traffic control are authorised to use an alternative SID than the one assigned to the approved flight plan. For example, the WIZAD SID is one such alternative SID routeing that an aircraft may be allocated to as an alternative to a MIMFO (or Route 4) SID if it were impacted by adverse weather conditions. GAL plays no role in the assigning of the SID used by the flight, the SID assigned is entirely as an outcome of the flight planning process.</p>
LV.1.7	<p>The West Sussex Joint Local Impact Report [REP1-068] Chapter 8 sets out the Authorities' concerns over the impact that increased overflight of the High Weald AONB will have on the tranquillity of the protected landscape.</p> <p>In contrast to the Applicants analysis, [REP2-007] Figures 8.8.6 and 8.6.7 show that, with the Project, parts of the western section of the AONB will move from 11 – 51 daily overflights to 50 - 100 daily overflights. Therefore, it is not just areas that currently experience the greatest overflight that</p>	<p>The frequency of aircraft movements and the general orientation of flights are illustrated in the flight density plots in ES Chapter 8: Landscape, Townscape and Visual Resources Figures [REP2-007]. The baseline flights in 2019 for Gatwick alone, and with all overflights are shown in Figures 8.6.3, and 8.6.5. The 2032 future baseline and assessment cases for the Project and the Project with all overflights are shown respectively in Figures 8.6.6, 8.6.7 and 8.6.8. The figures show the number of overflights bracketed into five</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>would experience the greatest increase. The impact on some of the most tranquil (least overflown) parts of the AONB has been understated by the Applicant.</p>	<p>broad bands of colour. Areas of the High Weald National Landscape will experience an increase of up to 20% in overflights compared to the future baseline situation in 2032. Areas of the heat map in Figures 8.6.6 and 8.6.7 indicate a change in colour from pale green (11 to 50 overflights a day) to yellow (51 to 100 overflights a day). In this situation the future baseline number of overflights would need to be between 42 and 50 to exceed the 50 flight threshold when 20% of overflights are added, increasing to between 50.4 and 60 overflights respectively. The figures clearly illustrate the likely increase in overflights within the whole study area if a maximum of 20% overflights are added to the future baseline situation across the whole study area, which is described in section 9 and 11 of ES Chapter 8: Landscape, Townscape and Visual Resources [APP-033].</p>

2.13 Noise and Vibration

Legal Partnership Authorities

2.13.0 The below table responds to the Legal Partnership Authorities' reply [\[REP4-068\]](#) to the Applicant's ExQ1 response on Noise and Vibration.

Table 14: Response to ExQ1 - Noise and Vibration from the Legal Partnership Authorities

ExQ1	Legal Partnership Authority Response	Applicant's Response
NV.1.1	<p>The Applicant states that the change in attenuation between a 10m and 12m bund is only 0.5dB; however, no information to support this statement is provided in the application.</p> <p>The JLAs' position is that this reduction in bund height is a worsening on the current situation and there should be no opportunity to reduce the level of mitigation provided.</p> <p>If anything the development provides the opportunity to improve the situation by consideration of both extending and increasing the height of the bund and the JLAs would expect the Applicant to have undertaken this work. This is consistent with national planning policy.</p>	<p>There is insufficient space to maintain the bund at the same height in this particular area. The ground noise model, as described in ES Appendix 14.9.3 Ground Noise Modelling [APP-173], was used to study bund design options and their relative performances, as reported. The Applicant considers that the proposed re-provision of the noise bund will provide equivalent attenuation to that which is currently provided and that the 0.5dB difference is negligible and not significant. Accordingly, the Applicant has identified that further mitigation is not necessary. The Applicant also disagrees that this approach to identifying necessary mitigation is not consistent with national policy.</p>
NV.1.2	<p>1 The Applicant has not answered the question adequately. The removal of the bund is covered in Work No. 18 [APP-008] and the new barrier is secured as item DBF14 in Table 1.11.1 of Appendix 1 – Design Principles [REP2-037]. However, no reference is provided in Appendix 1 – Design Principles [REP2- 037] to ES Figure 5.2.1g [AS-135] for both the western noise bund/ wall and noise barriers at the north and south terminal junctions (item N3 in Table 1.11.1 [REP2-037]). It would be appropriate to include a reference</p>	<p>1 Both the removal and replacement of the western noise mitigation bund is comprised in Work No. 18 of the Draft DCO (Doc Ref. 2.1). Part (a) of Work No. 18 relates to the removal of the bund and part (b) relates to the construction of the replacement bund and wall. The location and extent of the western noise mitigation under Work No. 18 is specified on the Works Plan (Sheet 5) (Doc Ref. 4.5) and therefore secured under the Limits of Works in Part 2, paragraph 6 of the Draft DCO (Doc Ref. 2.1). Further design detail on the</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>to ES Figure 5.2.1g [AS-135] in Table 1.11.1 of Appendix 1 – Design Principles [REP2-037].</p> <p>2 The Applicant states that there would be a period of six months when part of the bund will be missing; however, there does not appear to be any information within the application to support this statement. We would request that the Applicant provide more detail on the removal of the existing bund and construction of new mitigation and provide information on how long that nearby receptors experience unmitigated levels of ground noise. Additionally, it should be identified whether this period of increased noise would constitute a likely significant effect.</p> <p>3 The Applicant states that noise modelling of a scenario with the existing bund removed has been undertaken, but no details of this modelling have been provided. We would request that the Applicant provide more details on this additional ground noise modelling.</p> <p>4 We welcome the commitment to secure noise insulation for properties affected by increased levels of ground noise prior to removal of the existing bund.</p>	<p>replacement noise mitigation (e.g. its height) is contained in Design Principle DBF13 of the Design Principles (Doc Ref. 7.3) secured under Requirement 4 of the Draft DCO (Doc Ref. 2.1).</p> <p>The two noise barriers at the North and South Terminal roundabouts to reduce traffic noise are shown on the Surface Access Highways Plans – General Arrangements [APP-020], secured under Requirement 5 of the Draft DCO (Doc Ref. 2.1).</p> <p>Speed limits are shown on Traffic Regulation Plans – Speed Limits [APP-023] and the corresponding Schedule 6 Part 1 of the Draft DCO (Doc Ref. 2.1 v7) as noted in Supporting Noise and Vibration Technical Notes to Statements of Common Ground, Appendix C - Traffic Noise Barrier Options Selection Report [REP3-071].</p> <p>2 - 5. The construction programme as referred to in our response provides the estimate that the longest period over which part of the bund will be missing before it is reinstated will be 6 months. The 3dB increase in ground noise modelled for this period at Westfield Place would be temporary and would not constitute a significant effect. The Applicant has in</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>5 The retention of this noise bund to provide acoustic mitigation is currently controlled under Condition 4 of planning application CR/125/1979 (see Chapter 4 [REP1-068] and the Applicant has not explained how the retention of any replacement acoustic feature once constructed is to be secured in perpetuity to safeguard affected properties.</p>	<p>any event undertaken to provide noise insulation to this property ahead of the bund being removed, to mitigate the effect. The requirement to install noise insulation for the single property affected by the 3dB increase in ground noise predicted when the bund is temporarily removed is secured through paragraph 5.9.15 of the ES Appendix 5.3.2: Code of Construction Practice [APP-082] which states:</p> <p><i>In order to protect the residents of Westfield Place on Charwood Road from noise, this property will be provided with permanent noise insulation as part of the Noise Insulation Scheme Inner Zone package of measures. The noise insulation will be installed prior to the partial removal of the noise bund adjacent to the western end of the airfield. The selection and installation of measures will be discussed with the property owner, GAL and the Principal Contractor prior to installation. There would not be a significant effect.</i></p> <p>The Applicant has also now included in version 7 of the draft DCO submitted at Deadline 5 (Doc Ref. 2.1) new requirement 32 (western noise mitigation bund) requiring the noise bund to be in place before dual runway operations commence and</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		to retain this unless otherwise agreed with Crawley Borough Council.
NV.1.3	<p>1 The JLAs are of the opinion that the concept of designated airport is a historical anomaly whereby state owned airports were designated for control by the Secretary of State. In any event, the designation status does not and should not preclude the securing of additional control in the DCO.</p> <p>2 Whilst recent consultation showed communities viewed designation favourably, this was mainly due to the belief that designation would bring about stricter controls¹.</p> <p>3 The JLAs' view is that overall there is a lack of adequate legislative control for aviation noise and that aviation noise policy is inadequate to deal with the issues communities face.</p> <p>4 By way of example, in 2003 The Future of Air Transport cm 6406 identified the need for new legislation in relation to the control of noise yet none has come to pass.</p> <p>5 The Green Paper 'UK airspace policy: a framework for balanced decisions on the design and use of airspace', 2017, refers to the limited controls imposed on designated</p>	<p>1 – 5: There is no basis in law or in policy for the opinion of the JLAs' that noise designated airports are a 'historical anomaly'. In fact, the opposite is the case, with the Government having continued to review noise controls for designated airports over time to ensure they remain effective to control noise from those airports which are identified to be of strategic importance to the UK. The most recent example of this is the '<i>Night flight restrictions: Heathrow, Gatwick and Stansted airports from October 2025</i>' consultation, in respect of which the response of the Government was published on 22 February 2024. Nothing in this Consultation or the response to it suggested that noise designated airport status was no longer necessary or appropriate or proposed to be repealed. It is also not the case that the designation precludes securing additional controls, as such additional controls (e.g. the Noise Envelope) are proposed as part of and to be secured by Requirements of this DCO. It is anticipated that the Government will continue to review the controls that it imposes on designated airports periodically to ensure they are suitable, and it is also considered that should</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>airports and states “Due to the regulatory nature of these controls and the associated processes any changes need to go through, the noise operating procedures set by Government at the designated airports have not changed for many years and now represent minimum industry practice. Therefore, they do not necessarily reflect the latest developments in noise management or the measures that an airport could put in place if they were not bound by the Government’s controls.”</p> <p>6 In other words, the designated airports have some of the weakest controls in the country but as they are the largest they have the greatest impacts on the population.</p> <p>7 The night noise regime is one of the controls set by the DfT and has been commented upon by both community groups and the JLAs as it applies controls to the period 23:30 to 06:00. This is inconsistent with other aviation policy that defines the night period as the 8 hours between 23:00 and 07:00 (the LAeq 8hr night). The JLAs raised their concerns in ISH5 about the lack of control in the shoulder periods and have also highlighted the importance of these hours as this is when disturbance makes it more difficult to get to sleep in the evening (23:00 to 23:30) or can cause</p>	<p>the noise designated airport regime end for any unexpected reason the Government would legislate to ensure suitable controls remain in place. As such, it is plainly evident that noise designated status airports are subject to an adequate system of legislative control for aviation noise. It is also submitted that there will continue to be without duplication of controls in the DCO, because of the continuation of the current noise designated status regime, or because if that regime is revoked a replacement regime would undoubtedly be provided for.</p> <p>6 The JLAs say <i>‘In other words, the designated airports have some of the weakest controls in the country but as they are the largest they have the greatest impacts on the population.</i> This is clearly not the case for Heathrow or Gatwick Airport, which have led the way in many areas of research into noise management measures, as summarised for Gatwick in ES Appendix 14.9.2: Air Noise Modelling [APP-172].</p> <p>Even if it were the case, however, it would be a consequence of deliberate national policy, as the APF explains at paragraph 3.10:</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>premature conscious awakenings early in the morning (06:00 to 07:00) and sleep cannot be resumed.</p> <p>8 In their written summary of the oral case for ISH-05, the Applicant rejected the suggestion that the 'shoulder periods' should be given special consideration or be subject to additional controls via the DCO, stating that (i) the <u>DfT consultation on night flight controls</u> did not propose to change definition of nighttime and (ii) "other controls must be taken into account and assumed to operate effectively." (Document 10.9.6 at §2.2.1, [REP1-066]).</p> <p>9 The DfT Consultation referred to was published on 22 February 2024 and considers proposals for night flight restrictions at Heathrow, Gatwick and Stansted from October 2025 when the current regime ends.</p> <p>10 It is correct that DfT are not proposing to change the definition of nighttime for the next regime, commencing in October 2025, however the passage highlighted by the Applicant in the hyperlink included in their summary of ISH-05 presents an incomplete picture when taken out of context. It reads:</p> <p>11 "We believe the existing restrictions on night flights are</p>	<p><i>"For many years, Heathrow, Gatwick and Stansted Airports have been designated for these purposes, and we will continue to maintain their status. These airports remain strategically important to the UK economy and we therefore consider that it is appropriate for the Government to take decisions on the right balance between noise controls and economic benefits, reconciling the local and national strategic interests. The future of these airports is also under consideration as part of the work of the Airports Commission and it would not be appropriate to change their regulatory status at this time."</i></p> <p>It cannot be for this examination to usurp that position. Moreover, the Applicant thinks a finding that these statements by the JLAs are frivolous and may be disregarded by the Secretary of State would be fair.</p> <p>7-16 There is a lengthy discussion in the JLAs' comments on the night flight restrictions consultation in relation to Stansted and the overlap between the DfT's regulation for the three designated airports and noise controls imposed locally through the planning system. The comments speculate as to what might be the outcome at Stansted Airport, which is unknown. Moreover, the comments speculate about what the</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>sufficient to meet the new night-time noise abatement objective. Therefore, while we await further evidence, we now propose to keep movement limits and noise quota limits the same for the next regime, with the possible exception of Stansted.”</p> <p>12 However the preceding paragraph makes it clear that the regime being referred to is a “bridging regime” designed to operate from October 2025 to October 2028, while the outcomes of two important studies on aviation noise are awaited. These are the Aviation Night Noise Effects (“ANNE”) study and the Aviation Noise Attitudes Study “ANAS”. The consultation explains that the outcomes of the ANNE study will “inform questions such as whether there should be a change to the 6.5 hour night quota period”. DfT has chosen a 3-year bridging regime instead of a 5-year regime because “5 years was considered too long as we wish to be able to review the night flight regime again – once we have the evidence from the ANNE study and the aviation noise attitudes survey”.</p> <p>13 The section of the consultation on Gatwick Airport notes that the application for development consent to bring the northern runway into routine use has been accepted for</p>	<p>future position for Gatwick may be after 2028. At the current time the outcome of the current Night Restrictions Consultation is unknown, as is the following consultation that will address the regime after October 2028. For the purposes of this application GAL assumes the current regime will remain in place as proposed by the DfT in its Night Flights restrictions consultation response document of February, 2024. This is entirely appropriate, and that this is a decision for the Secretary of State only serves to highlight why those matters must not be included in the DCO so as not to fetter their discretion in determining the appropriate controls, having regard to a range of considerations of national importance. The Applicant has offered within the Noise Envelope proposed in the DCO noise limits for the full 16 hour day and eight hour night, so that there is no gap in the noise management regime around the shoulder hours (2300-2300 and 0600-0700). The Applicant has also proposed an independent verification and review process, to ensure that objectively the airport is reflecting fleet transitions trends and the benefits of those continue to be captured and shared as appropriate.</p> <p>17. The JLAs further comment that <i>‘While the concept of the noise envelope provide some further control, it is not ideal</i></p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>detailed examination and “Depending on the outcome of the examination and the Secretary of State for Transport’s decision on the application, the airport anticipates that the project could be completed and ready for operational use by the end of the decade.” Therefore, the project would not be expected to be operational before the end of the bridging regime in October 2028 and certainly not before the publication of the ANNE study and the next round of consultation on the subsequent regime.</p> <p>14 In the section on Stansted, the consultation notes that, following planning permission granted in June 2021 for the airport to serve up to 43 million passengers per annum, a planning condition has imposed a night noise limit on operations at Stansted for the full 8-hour period of 23:00 – 07:00. The consultation suggests three options for how the bridging regime might deal with Stansted, two of which involve the removal of Government night controls and reliance being placed on the planning condition. It states that:</p> <p>“We believe option 1 and option 2 both have merit, as they fit with the Government’s expectation that appropriate noise controls are usually best set locally through the planning</p>	<p><i>and the JLAs have discussed...’</i>. The Applicant has taken the DfT policy for noise envelopes as is, consulted on it, and now proposes a noise envelope that complies with current noise policy.</p> <p>18-19. The JLAs comment say ‘<i>The DCO provides an opportunity to improve noise control, and for both outcome-based and process-specific measures similar to those specified by the Secretary of State, to be contained in a single framework ...’</i></p> <p>The DCO introduces new measures including a greatly enhanced noise insulation scheme, and for the first time limits on the noise which can be made over the 16 hour Leq day and 8hr Leq night periods, contained within a process-specific noise envelope which provides for forecasting, monitoring and enforcement. All these measures will be contained in the DCO, and the existing legislative controls will continue to sit alongside this (as is the case for many other pollution control regimes not duplicated in this, or other, DCOs). Government policy in this respect is clear in the ANPS that:</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>system. This is the case at all other airports currently, except the noise-designated airports: Heathrow, Gatwick and Stansted. There are airports</p> <p>which impact more people with night noise than Stansted, where the Government is content for local controls to be in place.”</p> <p>15 Thus, the DfT consultation read as a whole does not support the Applicant’s characterisation of it for several reasons:</p> <ul style="list-style-type: none"> a. The position from October 2028 is very uncertain, with the next regime explicitly described as a bridging regime while further research and evidence gathering is underway. There is a possibility that DfT night controls may be extended to cover a longer period after the publication of the ANNE and ANAS studies. b. The project permitted by the DCO would not be operational until after the end of the 3-year bridging regime. c. There is precedent for a designated airport to secure limits on night noise across the whole 8-hour nighttime 	<p><i>"4.53 Issues relating to discharges or emissions from a proposed project which affect air quality, water quality, land quality or the marine environment, or which include noise, may be subject to separate regulation under the pollution control framework or other consenting and licensing regimes..."</i></p> <p><i>"4.54 In deciding an application, the Secretary of State should focus on whether the development is an acceptable use of the land, and on the impacts of that use, rather than the control of processes, emissions or discharges themselves. The Secretary of State should assess the potential impacts of processes, emissions or discharges to inform decision making, but should work on the assumption that, in terms of the control and enforcement, the relevant pollution control regime will be properly applied and enforced. Decisions under the Planning Act 2008 should complement but not duplicate those taken under the relevant pollution control regime".</i></p> <p>Noting the above, it would be fair to identify the request at paragraph 19 by the JLAs to be frivolous, and not something</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>period via local planning controls in the shape of Stansted.</p> <p>d. DfT has expressed a preference in the consultation for noise controls to be set locally through the planning system where possible.</p> <p>16 Furthermore, the section of the 2024 DfT night noise consultation dealing with Stansted notes that, following planning permission granted in June 2021 for the airport to serve up to 43 million passengers per annum, a planning condition has imposed a night noise limit on operations at Stansted for the full 8-hour period of 23:00 – 07:00. The consultation suggests three options for how the “bridging regime” intended to operate from October 2025 to October 2028 might deal with Stansted, two of which involve the removal of Government night controls and reliance being placed on the planning condition. The consultation states that these two options “both have merit, as they fit with the Government’s expectation that appropriate noise controls are usually best set locally through the planning system.”</p> <p>Interestingly this is seen as possible because the power of the SoS is discretionary, so he may exercise discretion</p>	<p>it would be anticipated the Examining Authority would request the Secretary of State for Transport to opine on.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>where appropriate and necessary. By improving controls locally through the planning system it is no longer necessary to secure protections for communities through national controls over designated airports.</p> <p>17 While the concept of the noise envelope provide some further control, it is not ideal and the JLAs have discussed the concept of an environmental permit by reference to existing UK pollution control legislation and seeks to incorporate features of that regime to the extent possible within the DCO process.</p> <p>18 The DCO provides an opportunity to improve noise control, and for both outcome-based and process-specific measures, similar to those specified by the Secretary of State, to be contained in a single framework. If the JLAs were allowed a scrutiny role in the Noise Envelope, it would also allow them to represent the communities affected in setting strict noise control measures.</p> <p>19 The JLAs would request that the Examining Authority invite the DfT to provide their opinion on the extent of the controls that could be incorporated into a DCO.</p>	

ExQ1	Legal Partnership Authority Response	Applicant's Response
NV.1.4	<p>The Dublin Airport Northern Runway project made similar assumptions to the Applicant that northern runway departures would follow existing flight paths. However, after consent had been granted, a regulatory review by AirNav concluded it was not safe to operate the northern runway in parallel with the southern runway as northern runway departures may interfere with aborted landings on the southern runway. As such, northern runway aircraft flew on different flight paths to those assessed in the application. The Applicant should confirm whether the proposed northern runway can safely operate during aborted southern runway landings and if this has been agreed with the CAA.</p> <p>The Green Paper referred to above also made a clear linkage between development of infrastructure and airspace and the considerations that should be extended to both.</p> <p>The JLAs have expressed their concern about the effects of the proposed increases in overflight of Wizat (for which overflight datasets for a number of years have still not been provided). While these may not be defined as an air space change it is nonetheless a change to the way in which the airspace is used and contrary to its intention.</p>	<p>The JLAs ask '<i>The Applicant should confirm whether the proposed northern runway can safely operate during aborted southern runway landings and if this has been agreed with the CAA.</i>' The Applicant can confirm 'go-arounds' have been fully considered in the design of the Project. The safety of air traffic control procedures is a matter for the CAA which in its response to ExQ1 has stated that '<i>there are no obvious safety-related impediments why the project should not progress</i>' Communities Against Gatwick Noise and Emissions Response to ExQ1 [REP3-111].</p> <p>The JLAs' comments with regards the increased use of the WIZAD Standard Instrument Departure (SID) route (in the future baseline and NRP cases) appear to be conflating two projects (GAL's airspace modernisation project and Northern Runway project), and shows a possible misunderstanding of GAL's airspace change proposal and the legislation and regulation regarding airspace change. This response will focus on the NRP related elements, however, where necessary will refer to the airspace modernisation project.</p> <p>The increased use of the WIZAD SID in the future baseline and with the project cases is explained fully in The Applicant's Response to the Examining Authority's</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>The JLAs question whether it would be necessary to increase airspace capacity in this way were it not for increasing airport capacity. The two issues are closely linked. We note the Applicant's comment stating that 500 options are being considered but the JLAs were of the understanding that a substantial number had been screened out and that the next stage of the airspace change process would see far fewer options considered. It is understood that the Applicant is seeking to promote airspace change that would in the first phase seek to bring into operation or intensify the use of routes to the south of the airport including those that are likely to have a direct effect on Route 9 (Wizad) and on the residents of Horsham and the AONB for Mid Sussex.</p> <p>The Examining Authority may wish to invite comment from the CAA in relation to this matter and further clarification from Gatwick. There is substantial public interest in this matter.</p>	<p>Written Questions - Landscape, Townscape and Visual Resources [REP3-097] at LV.1.6.</p> <p>Deadline 4 Submission - 10.24 Appendix B: Response to York Aviation - Capacity and Operations [REP4-023] at Reference 57 explains the timing of the airspace modernisation project deployment to the south of the Airport and that a deliberate decision to increase the intensity of usage on the WIZAD SID may constitute an airspace change.</p> <p>The statement referencing '<i>airspace change that would in the first phase seek to bring into operation or intensify the use of routes to the south of the airport including those that are likely to have a direct effect on Route 9 (WIZAD)</i>' is perplexing and clarification from the JLAs of the basis for this statement would be useful to assist in a more detailed response.</p> <p>In terms of intensification of use, clarification on the operation of departure routes may be helpful. Flight plans are filed by an airline prior to a flight departing its origin airport that indicate the aircraft's intended route. Flight plans filed in the UK are co-ordinated by the Network Management Operations Centre (NMOC) at Eurocontrol, in Brussels. Approved flight</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>plans are returned to the relevant air traffic service providers for the departure airport at which point (prior to departure) the aircraft is issued with a published SID routeing (not WIZAD, as it is not a flight plannable route). In very specific circumstances, normally detailed in air traffic services procedures, air traffic control are authorised to use an alternative SID than the one assigned to the approved flight plan. For example, the WIZAD SID is one such alternative SID routeing that an aircraft may be allocated to as an alternative to a MIMFO (or Route 4) SID if it were impacted by adverse weather conditions. GAL plays no role in the assigning of the SID used by the flight, the SID assigned is entirely an outcome of the flight planning process.</p> <p>The JLAs repeat their concern over the effects, which presumably are noise effects, from increase use of the WIZAD route and state overflight data has not been provided. The Applicant has provided details of number of noise events in this area for example in point 2.17.2.3 of the Statement of Common Ground between Gatwick Airport Limited and Horsham District Council [REP1-040]. Two cases are considered of relevance to the Northern Runway Project, quite apart from any airspace change that may or may not arise due to Future Airspace Modernisation. These are the</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>future baseline and the future with the Northern Runway Project. Because the noise impacts of the Project are greatest in 2032, data has been provided for that year, extracted from the on line noise viewer that was published with the ES and supplied to the LPAs before that. Only daytime need be discussed because WIZAD is not used at night under AIP rules.</p> <p>Considering the baseline first. ES Figure 14.6.1 shows the 2019 baseline Leq 16 hr noise contours. The area north of Horsham is outside the LOAEL contour so not significantly affected by aircraft noise. Figure 14.6.12 shows the 2032 baseline Leq 16 hr. The area north of Horsham is outside the LOAEL contour so not significantly affected by aircraft noise. So the future baseline increase use of WIZAD as modelled in the ES does not create significant effects in this area.</p> <p>Now consider the effect of the Project. Figure 14.9.1 shows the 2032 with Project Leq 16 hr contours, the largest for any future year. The area north of Horsham is outside the LOAEL so is not significantly affected by aircraft noise. So the future increased use of WIZAD due to the Project as modelled in the ES does not create significant effects in this area.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>What may have given rise to this concern is that the ES also provides Number Above contours for this area, N65. These noise contours are provided following DfT and CAA guidance for additional information and are not used to judge significant effects. The information provided from the air noise viewer in the SOCG referenced above is essentially that the area north of Horsham eg at postcode RH125JN near Horsham just south of the A264 has a very low N65s in 2019, rising to 23.2 in the 2032 baseline and increased to 24.8 in 2032 with the Project. This is in the noisiest year with the noisiest fleet. N65 is the number of aircraft noise events above Lmax 65 dB on an average summer 16 hour day. Whilst depending on the local situation this may cause some disturbance during the noise events that would typically last 30 seconds or so it would not cause a significant noise impact. The fact that the location is well outside the daytime LOAEL contour confirms this. The route will not be used at night. That was the future baseline situation.</p> <p>With the Project in 2032 the N65 increases from 23.2 to 24.8. Similarly, this level of noise would not cause a significant noise impact. The location remains well outside the LOAEL</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		confirming this. The increase in noise due to the Project is to increase the N65 by 1.6 which is slight and not significant.
NV.1.5	<p>1 The airport has commenced a separate consultation for airspace change. Earlier this year the Applicant provided some 'workshops' and the process was explained. In answer to an attendee question, the airport confirmed that they would model to the WHO noise levels as a sensitivity test. These broadly correspond to the levels that the examining authority was requesting.</p> <p>2 Therefore the JLAs would ask the Examining Authority to seek clarification as to for airspace change proposals this can be achieved but for the NRP the airport are declining to do so.</p> <p>3 The JLAs have requested this information previously. We note the uncertainty that might be associated with producing data for lower noise levels and in part that is why the JLAs consider that provisions for continuously reducing uncertainty need to be incorporated into any DCO. In that way effects of aviation noise on populations can be better understood and with greater degree of confidence. At</p>	<p>1-2 The Applicant has responded to the Examining Authority's question explaining why it is not necessary to model noise to the suggested lower noise levels and that such modelling would not identify any new significant environmental effects even if such modelling was possible within the timescale of the DCO, which it is not.</p> <p>The ES uses the CAA's ANCON Model. The FASI-S options appraisals for Gatwick does not use the CAA's ANCON model. At the request of stakeholders the FASI-S options appraisal will develop its model over the coming year or so to give noise contours down to the WHO thresholds, noting these are approximate and only one consideration in appraising options.</p> <p>The FASI-S options appraisal, to be undertaken in the next year or so, will compare options by considering a number of metrics, which for noise will include Number Above, Leq and overflights, and population within various levels. These are modelled to compare the relative merits of options, not to assess adverse impacts as is required in an Environmental</p>

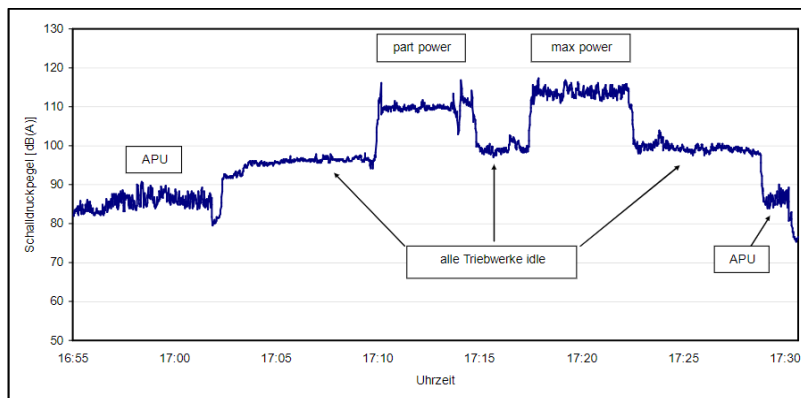
ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>present the JLAs have not received information on uncertainty and how it will be minimised.</p> <p>3 Should the Applicant be suggesting that there is no modelling time available then given that work of this nature is in progress for the separate Airspace Change proposals it would not seem unreasonable to the JLAs for the Examining Authority to require the information to be provided or at least seek clarification from the supplier about timescales. The JLAs consider that if the modeller reallocated time from airspace change to the Northern Runway Proposal then this should be possible. We note that the Applicant was able to produce proposals for the a new wastewater treatment plant promptly and see no reason why practically the modelling is not possible.</p> <p>4 Accepting that uncertainty will increase with the modelling of lower noise levels, the JLAs consider that they will still provide more information about where potential impacts may occur and that new effects of the Northern Runway may emerge.</p> <p>5 Whilst the purpose of the Environmental Statement may be to identify significant effects, the ANPS, NPPF and the</p>	<p>Statement to accompany a DCO. For example, one route option may overfly more people than another, making it less favourable than the other, but this makes no statement as to if those overflowed are adversely affected to the extent that needs to be mitigated. Similarly, a route option with populations within a low noise contour band can be scored as less favourable than one without, but that makes no statement as to if those within those contours are adversely affected to the extent that needs to be mitigated.</p> <p>3 The Applicant notes the JLAs' agreement that predicting noise levels at lower level has greater uncertainty. That uncertainty may not matter particularly for comparing airspace option when the difference is considered, but it is important when assessing impacts in absolute terms. At the request of the local authorities in the Noise Topic Group the Applicant has included a commitment to continuously review the noise monitoring data used to verify the noise model, including the siting of the Noise and Track Keeping terminals and processing of data, so as to reduce uncertainty of the ANCON model that will be used to verify compliance with the Noise Envelope Limits, in the Noise Envelope Section 7.4 of ES Appendix 14.9.7: The Noise Envelope [APP-177].</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>NPSE consider the adverse effects with appropriate responses at appropriate thresholds. Nothing in national aviation, noise or planning policy prohibits planning decision makers from taking into account noise impacts which do not constitute likely significant effects in EIA terms as material planning considerations. With regards to combined air and ground noise effects, the JLAs believe that sleep disturbance for air and ground noise should be combined. GAL have assessed both air and ground noise in terms of the LA_{max} metric, which is used to calculate sleep disturbance. It would follow that air and ground noise sleep disturbance could be combined.</p> <p>6 GAL state that the ground noise assessment adopts principles in BS 4142, which is incorrect. The assessment criteria are based on “the change in the Leq noise above the LOAEL” (paragraph 14.4.89 [APP-039]). The Applicant should explain how BS 4142 principles are adopted in the ground noise assessment.</p> <p>7 The Applicant also states that the ground noise assessment considers how ground noise compares with noise generated from other ambient noise sources, which is also incorrect. Paragraph 14.9.220 to 14.9.233 [APP-039]</p>	<p>4-5 Given the results of noise modelling at levels down to the WHO thresholds would necessarily be below the accepted lowest observable adverse effect level, it would not reveal any new observable adverse effects from the northern runway. To provide an indication of the changes that can be expected outside the various noise contours that are provided in the ES the Applicant has provided overflight mapping, which shows in all these areas the increases will be on existing flight paths as a result of approximately 19% increase in daytime flights and 9% increase in life lights in the summer season in connection with the Project.</p> <p>It is not considered necessary to assess sleep disturbance in relation to ground noise and air noise combined. Properties where maximum levels due to ground noise are predicted to be high enough to have the potential to cause awakenings have already been identified as having significant effects through assessment of the L_{Aeq} metric. Mitigation for properties considered to be significantly affected by ground noise is offered through the NIS as set out in section 5 of Supporting Noise and Vibration Technical Notes to Statements of Common Ground, Appendix B - Ground Noise Fleet Assessment [REP3-071]. The mitigation offered</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>discusses ground noise effects with no reference to other ambient noise sources. The Applicant should explain how it has considered other ambient noise sources in the assessment of ground noise.</p> <p>8 The JLAs welcome the provision of ground noise contours Supporting Noise and Vibration Technical Notes to the Statements of Common Ground [REP3-071]. However, only the SOAEL contours are presented. As the ground noise assessment considers the change in noise above the LOAEL, noise contours should be provided as per air noise contours; in 3 dB increments above the LOAEL. The JLAs also challenge the validity of the ground noise contours as some noise sources (taxiing) are assessed using the LAeq,T metric, whereas other sources (engine testing, auxiliary power units and end around taxiway usage) are assessed using the LAmx metric. Additionally, the JLAs have been requesting the use of the new fire training area is included in the ground noise assessment since scoping and the Applicant has not fulfilled this request. The Applicant maintains that the LAeq,T metric is used to assess likely significant effects and the defines the ground noise LOAEL and SOAEL in terms of the LAeq,T metric. Not including all ground noise sources as a reasonable worst-case day in the</p>	<p>through the NIS is assessed to be adequate to mitigate any potential for sleep disturbance due to ground noise.</p> <p>6 Ground noise considers a number of sources, including fixed ground noise sources which are discussed at paragraphs 17.9.74 through to 14.9.76 of the ES Chapter 14 Noise and Vibration [APP-039]. Assessment of the fixed ground noise sources is based around noise limits derived according to principles set out in BS 4142. The derivation of the limits is detailed within ES Appendix 14.9.3 Ground Noise Modelling [APP-173].</p> <p>7 Paragraphs 14.9.220 to 14.9.233 of the ES Chapter 14: Noise and Vibration [APP-039] provide a summary of the ground noise assessment only and the detailed assessment can be found within ES Appendix 14.9.3 Ground Noise Modelling [APP-173] (as clearly stated at the first of these paragraphs, 14.9.220). As stated at paragraph 14.6.25 of the ES Chapter 14: Noise and Vibration [APP-039], road traffic noise was modelled across the ground noise study area with results presented at Figures 14.6.33 and 14.6.34 of the ES [APP-063] and this has been used to inform the ground noise assessment. The detailed taxiing noise assessment at section 8 of the ground noise appendix , ES Appendix 14.9.3</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>LAeq,T ground noise predictions shows there is clearly a deficiency in the ground noise assessment.</p> <p>All sources need to be modelled as contributing to the reasonable worst-case day LAeq,T ground noise levels.</p> <p>9 The Applicant has attempted to provide some indication on how engine testing would contribute to the LAeq,T metric with some highly unrealistic assumptions. Paragraph 2.7.2 [REP1-050] states that peak engine testing noise levels would last for two minutes and events would occur, on average, 0.35 times per day. As such, engine testing noise LAeq,T noise has been calculated based on event lasting for 0.7 minutes (42 seconds). An example of a typical jet aircraft engine test is provided in the figure below2.</p>	<p>Ground Noise Modelling [APP-173] refers to levels of road traffic noise within each of the assessment areas. Where predicted ground noise is equal to or less than existing road traffic noise, this is taken into account when considering potential significant effects highlighted by the criteria set out in the ES Chapter 14: Noise and Vibration [APP-039]</p> <p>8 The ground noise contours provided within the Supporting Noise and Vibration Technical Notes to the Statements of Common Ground [REP3-071] demonstrate the limited potential for significant effects beyond the airport boundary. Below the SOAEL thresholds (represented by these contours), the change in ground noise relative to baseline and the existing road traffic noise become increasingly important as distance increases from the airport boundary. Furthermore, the accuracy of the prediction methodology becomes less reliable at distances beyond 1 km from noise sources since ISO 9613-2 only provides indications of accuracy for distances up to an 'upper limit' of 1000 m. Therefore, presenting ground noise contours in 3 dB increments above the LOAEL threshold would be misleading since the predictions may not represent what can be heard or measured at locations further from the airport boundary</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>10 The duration of this typical event is 25-minutes and the figure illustrates that high levels of noise (at a distance of 100m) occur for the duration of the event. It would be helpful if the Applicant could provide a typical engine testing profile that could be used to model ground noise such that ground running events would contribute to LAeq,T ground noise levels. This should be modelled as one event occurring on a reasonable worst-case day and should not be modelled as a partial event for an average day.</p>	<p>(compared to the contours representing the SOAEL thresholds).</p> <p>The Applicant has explained why noise from the fire training ground has been scoped out from ground noise modelling in the April 2024 update to ref 2.16.2.11 of 10.1.1 Statement of Common Ground between Gatwick Airport Limited and Crawley Borough Council - Version 2 (Doc Ref 10.1.1) submitted at Deadline 5 but in their updated Deadline 5 response the JLAs requested predicted noise levels to demonstrate that noise levels from fire training activities would not contribute to overall noise levels. The Applicant has now run the ground noise model to provide the requested noise level using the noise source assumptions stated in the SOCG response referred to above. The nearest noise sensitive receptor is Westfield House approximately 400m from the relocated fire training area beyond the noise bund and barrier that will reduce noise levels. The predicted noise level for worst case downwind conditions is Leq 48dB while the fire engine is operating and assuming a maximum of two hours operation a day this gives an Leq 16 hr 39dB for days when fire training occurs. The daytime ground noise levels here from aircraft taxing are Leq 16 hr 48dB and Leq 16 hr 64dB during westerly and easterly operations, respectively. The</p>



ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>11 The JLAs would welcome an updated ground noise model to determine whether any additional properties would qualify for noise insulation. Additionally, the JLAs would welcome the Applicant providing justification and supporting evidence as to why ground noise is not covered by the Outer Zone.</p> <p>12 We also note the reference to the National Noise Incidence Study 2000. As a national study it representative of the country and not this location. Furthermore, different sounds evoke different responses dependent on the nature. The JLAs consider that there is merit in this exercise.</p> <p>13 We note the Applicant's comments and refer back to the modelling comments on airspace change where they do propose to model to lower levels than those presented in the DCO.</p> <p>14 It is correct that the Environmental Noise Guidelines do not set policy standards for the UK. However, the Noise Policy Statement for England does set UK policy to allow for authoritative scientific evidence such as that within the ENG to be taken into consideration. (We note that the guidelines were further reviewed by Smith, Basner et al in 2022 and</p>	<p>predicted worst case level of noise from the fire training area is therefore 9 to 25dB below noise levels here from aircraft taxing and therefore does not contribute significantly to total noise levels and is not significant.</p> <p>EAT, APU and engine testing are assessed using L_{Amax} due to the relatively short durations over which noise from these sources would be experienced. EAT usage would only be required for a very limited number of category F aircraft as described at paragraph 14.9.219 of the ES Chapter 14: Noise and Vibration [APP-039]. APU usage occurs very rarely, for <i>'less than 3% of the time based on survey information'</i> as noted at paragraph 14.9.218 of the ES Chapter 14: Noise and Vibration [APP-039]. Engine testing occurs less than once per day for a very limited duration as set out in the technical note appendix on Engine testing [REP3-071]. None of these noise sources would be experienced as a continuous noise throughout the day or night periods nor would they contribute significantly to the predicted L_{Aeq} levels.</p> <p>9 Engine ground running predictions are based on noise measurements of engine testing at Gatwick which generally follow a similar pattern to the example provided in the JLA</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>included additional studies to those used to inform the ENG and found that the effect of aviation noise is understated in the ENG.) Where effects are consistent with one of the effects described in the LOAEL or SOAEL range in the NPSE then the evidence is material. The UK decision maker can then determine what weight is applied to that information in connection with all considerations.</p> <p>15 Presumably then, as the WHO work relates to health effects (although the WHO definition of health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity) the Applicant will be applying those standards in relation to the night effects which are predominantly health based and providing a detailed evidence review of the exposure response functions for health effects that occur during the (day) and night to consider how they should be managed and mitigated ?</p> <p>16 Nonetheless the Applicant is proposing to do so for airspace change and the JLAS consider it perverse that the promoter refuses to do so for the impacts of airport infrastructure.</p>	<p>response. During an engine test, the engines are usually run at a thrust setting known as 'ground idle' for most of the time across a nominal test period in the region of 30 – 60 mins and only increase to thrust settings at or above 'flight idle' for periods of 5 – 10 minutes (as seen in the JLA example). Generally, noise generated during 'flight idle' thrust settings is 10 – 15 dB higher than for 'ground idle' but is still not necessarily representative of the peak levels. The highest noise levels generated as part of an engine test tend to occur when changing between ground idle and flight idle thrust settings where a peak 5 – 10 dB higher than flight idle noise is often seen. The engine ground running predictions are based on the highest peak level for an engine test where thrust settings above flight idle were used for 11 minutes with a peak around 7 – 10 dB higher occurring when changing back to ground idle thrust settings. This highest peak results in a sound power level of 148 dBA which has been used in the predictions. These peaks are considered to be representative of full power thrust settings and as a worst-case it has been assumed that these might occur for up to 2 minutes during an engine test (as noted in JLA response). It is possible that averaging the 11 minutes above flight idle might result in a slightly higher L_{Aeq} than assuming full power</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>17 Furthermore, UK policy has adopted WHO standards previously and the lack of national urgency in considering these matters should not prevent, on a case by case the proper consideration in this process This is discussed further up and the JLAs note that it has been achieved for Dublin City Airport and consider that it should not be so readily dismissed by the Applicant.</p> <p>18 Accepting that it is not within the UK, Dublin City airport has and continues to do so. Although a slightly different exercise for the London Luton Airport Expansion, the Health and Community Chapter 13 includes a sensitivity test using WHO 2018 exposure response functions to test the outputs of that model. Simply that it has not been done elsewhere in the UK does not prevent it from being appropriate for Gatwick.</p> <p>19 The JLAs have commented on this in other documents and they continue to consider that it would be of value and assistance in demonstrating impacts.</p>	<p>for two minutes but this is unlikely to significantly change the overall outcome of the contribution to 16 hour L_{Aeq} values. The noise levels measured at ground idle are so far below the peak or above flight idle levels that there is no need to include these in the modelling.</p> <p>11 It is not considered necessary to update the ground model for the reasons set out above. The NIS outer zone is not relevant for ground noise since significant impacts requiring mitigation have been addressed by expanding the inner zone. The additional properties within the expanded NIS inner zone have been identified within the supporting noise and vibration technical note to the Statements of Common Ground [REP3-071] (see paragraph 5.1.7 and table 5).</p> <p>12. Noted.</p> <p>13 See above.</p> <p>14 The JLAs note <i>'We note that the guidelines were further reviewed by Smith, Basner et al in 2022 and included additional studies to those used to inform the ENG and found that the effect of aviation noise is understated in the ENG.'</i> The Applicant notes there has been great interest in the</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>ENGs and it should always be noted that such studies have inherent uncertainty. Another review titled a <i>Systematic Review of the Basis for WHO's New Recommendation for Limiting Aircraft Noise Annoyance</i> Truls Gjestland, SINTEF DIGITAL, N-7465 Trondheim, Norway, published in the International Journal of Environmental Research and Public Health, notes the opposite, concluding:</p> <p><i>The <u>moderate</u> quality evidence report was used by the WHO Guidelines Development Group to <u>strongly</u> recommend a limit of Lden 45 dB to avoid adverse health effects from aircraft noise.</i></p> <p><i>A separate dataset has been compiled from 18 post-2000 aircraft noise surveys. All of these surveys were conducted strictly in compliance with recommended standardized methods. The survey results were analysed according to the CTL method described in the standard ISO 1996-1, Annex E. The results of this effort indicate that the recommended exposure limit to avoid adverse health effects from aircraft noise should be Lden 53 dB.</i></p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		15-18. Given the above the Applicant does not consider it necessary to provide additional noise modelling for the reasons explained above.

ExQ1	Legal Partnership Authority Response	Applicant's Response
NV.1.7	<p>The Applicant appears to have directly copied the non-residential receptor assessment criteria in Table 2 directly from Chapter 16 of the London Luton Airport Expansion ES including a typo that was corrected at Deadline 9³. The Applicant may also wish to explain the relevance of criteria for schools, colleges and nurseries at noise levels of greater than 63 dB LAeq,16h, as this was defined in paragraph 11.2.1 of Appendix 16.1 of the London Luton Airport Expansion ES⁴ based on noise measurements at Breachwood Green School. This criterion was based on the difference between LAeq,16h and LA1,30min measurements; the Applicant should explain how the LA1,30min metric is accounted for in their assessment criteria for schools. The JLAs would request that the Applicant revise their response in light of this feedback.</p> <p>The JLAs would like to direct the Examining Authority to section 11 of the London Luton Airport Expansion ES⁴ for additional information on how non-residential assessment criteria were defined.</p> <p>The Applicant makes reference to the list of 50 community sensitive locations. The JLAs would request to understand whether this list is exhaustive and account for all noise</p>	<p>With regards schools, the criteria note that smaller changes are significant above higher threshold levels such as Leq 16 hr day 63dB. The ES uses a cautious approach of considering a 1dB increase and notes three of the 21 schools with increases above 1dB up to 1.4dB, none of which are above Leq 16 hr 63dB.</p> <p>There are only two schools with noise levels above Leq 16 hr 63dB; the Charlwood House Day Nursery for which noise levels reduce with the Project, and the Little House Montessorri for which noise levels increase by 0.7dB with the Project.</p> <p>The choice of 7 Community Representative Locations is explained in ES paragraphs 14.3.57 and 14.9.150 including <i>'so as to be representative of the communities most affected'</i> and <i>'These seven locations represent approximately half of the population within the 2032 Leq, 16 hour day 51 dB contour with the Project'</i>. It is simply not feasible or proportionate to report noise levels at over 26,000 receptors in the ES, although the Air Noise Viewer was developed to provide this on line.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>sensitive non-residential receptors. If it is not exhaustive, why were these receptors selected in favour of others? In addition, the Applicant provided information on secondary noise metrics (excluding overflights) at seven representative community locations. As this information is important for providing context, can the Applicant explain why only seven locations have been chosen when impacts are experienced at communities over a wide area? The JLAs' opinion is that overflights are an important part of providing context, through secondary metrics, and requests that the Applicant provides details on overflights when presenting secondary metrics.</p> <p>The Applicant's response on ground noise and road traffic noise are not adequate for explaining how noise effects at non-residential properties were considered. The Applicant identifies that some non-residential receptors were considered but it is not clear whether these lists are exhaustive. All non-residential receptors should be assessed on a case-by-case basis.</p>	<p>Non-residential receptors included in the ground noise assessment are considered to be worst-case. For example, there are a large number of commercial buildings within an industrial estate in the Lowfield Heath assessment area but these are not considered to be particularly noise sensitive and have therefore not been included in the assessment. Whereas St Michael & All Angels church in the Lowfield Heath assessment area is considered to be noise sensitive and has been specifically included as one of the 43 assessment locations.</p>
NV.1.8	<p>a) There is some confusion about the noise source data that the Applicant has used in the ground noise model. Table 3.1.1 [APP-173] identifies octave band sound</p>	<p>Category C and category E aircraft are referred to as small and large aircraft types respectively (see paragraphs 4.3.1, 4.4.1 and 4.5.1 of ES Appendix 14.9.3: Ground Noise</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>power data for four aircraft variants but does not explain how this data is applied in the model. Paragraph 4.5.1 [APP-173] identifies 'small' and 'large' aircraft types but does not state the noise source data used to represent these types.</p> <p>b) If the air noise model relies on traceable and verifiable information, it should be provided as part of the DCO application.</p> <p>Aircraft noise modelling is undertaken using information on Noise-Power Distance data and approach/ departure profiles from the Air Noise Performance database v2.3. These data are tweaked based on radar track data and measured noise data so local aircraft noise conditions can be modelled. The Applicant identifies that LASmax and SEL noise levels for individual aircraft have been measured at noise monitoring terminals but have not provided these measurements. Nor have they provided information on how this data has been used to validate the ANCON noise model and what the margin of error is for each aircraft variant at each monitoring location. The JLAs consider this information as important for understanding any limitations of noise contours. ECAC Doc 29 4th Edition is used when calculating</p>	<p>Modelling [APP-173]). Sound power data for the B747 and B787 have been used as representative of current generation and next generation large aircraft respectively. Sound power data for the A320 and A320Neo have been used as representative of current generation and next generation small aircraft respectively.</p> <p>The Local Authorities have agreed '<i>The use of ANCON is not disputed</i>' (10.1.1 Statement of Common Ground between Gatwick Airport Limited and Crawley Borough Council point 2.13.5.2). Model validation data has been provided. The CAA's Environmental Research and Consultancy Department ERCD presented a sample of SEL and Lmax data to the Noise Topic Working Group on 7 June 2022 demonstrating the model validation process. The slide deck was circulated and can be submitted to the Examination if necessary. Therefore, there is no requirement for ERCD to provide this.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>aircraft noise contours. This method applies a spectral adjustment to aircraft Noise Power Distance based on air absorption coefficients from either SAE-AIR-1845, SAE-ARP-5534 or SAE-ARP-866A.</p> <p>Can the Applicant identify which atmospheric attenuation method was applied when modelling aircraft noise.</p>	
NV.1.9	<p>1 Firstly we would highlight that CAP 1129, whilst forming the basis of useful conversation is limited and dated. Despite this you will see from the comments below that the JLAs consider that this was not applied in the spirit in which it was intended. In addition CAP1731, somewhat misleadingly titled Aviation Strategy: Noise Forecast and Analyses (CAA), also contains further information on noise limits.</p> <p>2 Both documents were produced prior to The Independent Commission on Civil Aviation Noise being dissolved and responsibilities being transferred to the CAA and so it does not necessarily follow that these documents are independent. Furthermore, CAP1129 actually calls for independent third parties/advice in setting noise envelopes. ICCAN was established precisely because of concerns that existing bodies, including the CAA, were not considered to</p>	<p>1-10 The Applicant has considered fully the guidance in CAP 1129 and the data provided in CAP 1731, and has responded to these comments that have been made before in the Statements of Common Ground and Local Impact Reports . The following responses provide summaries.</p> <p>1-2. The Applicant notes CAP1129 is from 2013, but that it represents current guidance on noise envelopes The CAA has confirmed it is more of a discussion on noise envelopes and is not a prescriptive description of what should or should not be included in one. Given that ICCAN has been disbanded it is not clear what the local authorities are suggesting, and no other guidance has been volunteered.</p> <p>3-5 The Applicant did not produce a fully developed proposal for the noise envelope in the PEIR. That proposal was brief</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>be impartial and independent in relation to civil aviation noise issues.</p> <p>3 The JLAs repeatedly raised concerns over the envelope design process at the statutory consultation when the Applicant produced a fully developed proposal with metrics and limits in the PEIR that had not been designed in conjunction with community groups and local authorities. Following the consultation, the Applicant set up a Noise Envelope Group (NEG) that included a separate Local Sub-Group for community stakeholders and local authorities and another separate Aviation Sub-Group for aviation stakeholders. The NEG was chaired by the Applicant unlike both Heathrow's and Luton's Noise Envelope Design Groups, which were independently chaired. This was somewhat surprising given the significant concerns of the local authorities and community groups over the process up to that point.</p> <p>4 The key stages in a noise envelope design based on CAP 1129 are set out in Appendix 14.9.5 [APP-175]:</p>	<p>with no details on procedures all of which have been developed through the consultation process. It was thought essential to propose noise limits to consult upon in order to facilitate discussions on whether those limits were appropriate and indeed whether they were adequate to share the benefits referred to in policy. The Applicant notes in contrast no noise limits were proposed to the Luton airport Noise Envelope Design Group, so no discussion on where the limit should lie or the sharing of benefits could take place.</p> <p>The Applicant has pointed out that both subgroups of the Noise Envelope Group were independently chaired.</p> <p>6-9 The JLAs response says: <i>During the process the Applicant made it clear that it believed the policy of "sharing the benefit" no longer applied and the JLAs welcome the fact that the Applicant now appears to accept that the policy does still form part of overall UK aviation policy.</i> During the Noise Envelope Group consultation the Applicant did not say sharing the benefits was not relevant, and in fact the Applicant opened up discussions on sharing the benefits in recognition of the policy through its presentation in the Noise Envelope Local subgroup meeting on the 23rd of June 2022 (see ES Appendix 14.9.9 Report on Engagement on the</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<ul style="list-style-type: none"> • to identify stakeholders, • set up a design envelope team from the stakeholders, • and produce a proposal. <p>5 The Applicant followed none of these steps and simply produced its own proposal and undertook Noise Envelope consultation with a proposal already in place. As a result, the process largely consisted of the airport explaining their proposals and stakeholders (community groups and LAs) feeling increasingly frustrated and disenfranchised.</p> <p>6 During the process the Applicant made it clear that it believed the policy of “sharing the benefit” no longer applied and the JLAs welcome the fact that the Applicant now appears to accept that the policy does still form part of overall UK aviation policy.</p> <p>7 The Applicant sets out their steps for demonstrating how noise benefits are shared but then does not provide any evidence of working regarding how the percentage benefits are shared.</p>	<p>Noise Envelope [AS-023]). That meeting and subsequent discussions explained and debated the Applicant’s methodology for identifying how benefits of reductions in air noise are shared and an alternative provided by a community noise group. The local authorities were present, but did not, and have not since, offered any alternative methodology to assess sharing the benefits. The Applicant’s analysis followed the methodology adopted in the Bristol Airport Planning Appeal Decision, Appeal Ref: APP/D0121/W/20/3259234, 2 February 2022. The Applicant demonstrated the methodology used in that case in a worked example to the Noise Envelope Group (see p166-168 of ES Appendix 14.9.9 Report on Engagement on the Noise Envelope [AS-023]). Applying the method to the Northern Runway Project (p169-175 of the same document) the Applicant estimated a 50/50 sharing of benefit in the daytime, and 66% to the community/34% to the Project in the night-time, with the Slower Transition Fleet Noise Envelope limits in 2038. The presentation noted for daytime ‘<i>In the early years after opening noise increases and the Project/industry takes the benefit</i>’ and for night-time ‘<i>In the early years after</i></p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>8 The Applicant limits their response by only looking at 2038, where there is a clear demonstration of shared benefits between the airport and local communities, but omits any analysis of other assessment years.</p> <p>9 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>10 Adopting noise contour limits based on the Central Case would be the JLAs preference. The slow transition case is based on the forecast that, by 2029, the fleet would be made up of 40% next generation aircraft (Table 3.1 of Appendix 14.9.5 [APP-175]). This assumption can be compared with proposed London Luton Airport Expansion, which forecast the fleet would be made up of 67% next generation aircraft by 2027. This forecast makes GALs forecast of 59% next generation aircraft by 2029 Table 3.1 of Appendix 14.9.5 [APP-175]) look too conservative. As such, there appears to be no reason that the central case could not be adopted for noise contour area limits.</p>	<p><i>opening noise increases and there is a smaller benefit to the community'.</i></p> <p>10 The JLAs note the Luton application appears to assume a more rapid transition to next generation aircraft than the Gatwick submission in 2029 when Northern Runway operations would begin. However, they do not comment on years after opening when the two forecasts are more similar and by 2038 when Luton's next generation proportion is lower than that forecast for Gatwick. It is not considered by GAL that its slower fleet transition forecast is too conservative.</p> <p>11 With regards the Central Case forecast, the Applicant has submitted an Updated Central Case Aircraft Fleet Report which demonstrates why the pre-Pandemic Central Case forecast is now out of date, why the Updated Central Case is now considered by the Applicant to represent the most likely rate of fleet transition, and why the Slower Fleet Transition case remains valid, and in the Applicant's view continues to reasonably represent the potential for global and market events to slow the rate of fleet transition.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>11 In light of the next generation forecasts for the proposed London Luton Airport Expansion the Local Authorities would urge the Examining Authority to request that the Applicant reviews their fleet forecasts in terms of current market trends.</p>	
NV.1.11	<p>By virtue of the fact that the DCO is reliant on night flight movement limit and quota count restrictions, it is important that they should, in some way, be linked to the DCO. As stated in our response at NV.1.3, the JLAs believe the concept of designated airports to be outdated and the DCO provides an opportunity for all noise control measures to be contained in a single framework. The ongoing DFT consultation on night flight controls suggests that DFT shares the JLAs' view that noise controls are best set locally through the planning system. We highlight that the power of the SoS is a discretionary one and, as such, if there is an alternative control it is reasonable to exercise discretion to disapply it. It in no way fetters the discretion of the SoS and perhaps would allow them the opportunity to complete revision of the Aviation Strategy and formulate new primary legislation to improve noise control at UK airports and conduct further research into the impacts of the noise.</p>	<p>Please see above in relation to NV1.3. If the JLAs wish to challenge government policy they should do so directly with the DfT, and not through this DCO examination.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>b) Whilst the JLAs agree with the Applicant's response on a night flight ban, the JLAs would like to see a more progressive approach through a commitment to the continual reduction in movements during the night and the night quota period as Gatwick has the highest summer night movements and the DCO seeks to increase that. The effects, and the worsening directly as a result of the new runway, are cited in the County based Local Impacts Reports and contained within the District's sections. A curfew would assist but it is the full 8- hour night that requires optimal protection.</p>	
NV.1.12	<p>The Applicant does not address the point that has been consistently raised by the JLAs of overheating. The summer period is when the most aircraft activity occurs and also when the highest temperatures occur. It follows that there are overheating risks if property occupants need to keep their windows closed to provide good internal noise conditions. The Applicant offers ventilators as part of the insulation package, which are not sufficient to mitigate overheating. The JLA request that the Applicant also offer the option of overheating mitigation as part of their noise insulation scheme.</p>	<p>The Applicant has included acoustic ventilators in the NIS to address overheating and specified their performance so that at least two air changes per hour are achieved to provide fresh air and cooling with windows closed. This is consistent with the approach taken on noise insulation schemes at other airports.</p> <p>The Applicant notes the JLAs comments on the noise insulation scheme being a fixed line passing through built up areas. However, it is unclear what the JLAs' mean by communities in this sense, and how adjustments to the noise insulation scheme boundary would be made in practice. The</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>The JLAs in their LIRs have also drawn on the exposure response functions contained in the SoNA work and that of awakenings to demonstrate how the noise insulation scheme (even as existing) is of insufficient extent to prevent or avoid exposure.</p> <p>In addition the JLAs consider that the noise contours should provide guidance on the extent of schemes but that, practically speaking, other factors should be included. For example, where a contour bisects a community, then the whole community should qualify for the upper level of insulation. As the Examining Authority has already highlighted the noise level does not suddenly step down at the notional line on a map and at distance from the airport.</p> <p>Furthermore, the JLAs have made clear that the noise insulation scheme needs to be based on the single mode contours for Easterly and Westerly operations as on any day this is how people will experience the noise. Gatwick have repeatedly refused to produce these. In contrast Heathrow has produced such information.</p> <p>In terms of the point about the satisfaction with the noise</p>	<p>Applicant has considered this. The current NIS is drawn on a map and does make some adjustments around built up areas. The proposed scheme is also presented on a map, but also on the online Air Noise viewer allowing the boundary to be viewed by any member of the public zoomed in to any particular area. In this way GAL will determine eligibility based on the noise contours which should be the basis of qualification.</p> <p>The JLAs have repeatedly referred to Heathrow implying that Heathrow airport has a noise insulation scheme based on single mode Leq noise contours. Whilst Heathrow may have produced single mode contours in the past, the Applicant is not aware of an existing noise insulation scheme at Heathrow that is based on Leq single mode noise contours. Heathrow's Noise Insulation policy has just been the subject of consultation and review through its Noise Action Plan.¹ The Scheme does not use single mode contours and is distinctly less generous than that proposed by GAL, with 63dB used as the threshold for qualification.</p>

¹ https://www.heathrow.com/content/dam/heathrow/web/common/documents/company/about/consultation/Heathrow_Noise_Action_Plan_2024-2028-Consultation.pdf

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>insulation, perhaps the Examining Authority can ask the airport what data they have from those people who have not received the scheme on whether they consider if they would benefit from it?</p> <p>In relation to the ventilators the JLAs have highlighted their concerns about reliance on these and do not consider the overall scheme to be satisfactory at this time.</p> <p>The noise insulation scheme also needs to take into consideration the average of one additional noise induced awakening per night over the 92 day summer period which it does not at present.</p>	<p>The Applicant also notes Heathrow is a very different airport, with very much higher volumes of traffic creating noise impacts much further from the airport than at Gatwick and affecting a great many more people.</p> <p>The JLAs refer to Luton airport DCO as a recent case. The Applicant has noted that the proposed Luton Airport noise insulation scheme is also based on average mode Leq noise contours and not single mode contours, for the reasons the applicant has already explained, for example in point 2.17.4.7 of the Statement of Common Ground between Gatwick Airport Limited and Horsham District Council [REP1-040] which notes:</p> <p><i>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 (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</i></p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p><i>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. There is not policy or other guidance requiring a single awakening to be used to set noise insulation standards.</i></p> <p>The Applicant therefore has based the noise insulation scheme on average mode Leq noise contours.</p>
NV.1.13	<p>Some of the JLAs referred to the exposure response function in the SoNA work referred to in ISH5 and in their LIRs.</p> <p>The JLAs highlight that aviation policy is somewhat fragmented, is overdue a full revision and considerably lagging the ever-increasing scientific evidence of the effects of aircraft noise</p> <p>The Applicant can exercise their discretion and go beyond policy. This would be consistent with Regulation 598/2014 on the ICAO Balanced Approach, that, as retained EU law, is precedent over policy.</p> <p>In CAP 2161, Survey of Noise Attitudes 2014: Aircraft Noise</p>	<p>The Applicant has demonstrated that the whole range of noise management activities at the airport are consistent with the ICAO balanced approach and the requirement in Regulation 598 to consider all measures before proposing a new measure that may be an operating restriction is met ES Appendix 14.9.5: Air Noise Envelope Background [APP-175].</p> <p>The Inner Zone NIS is based on the day and night SOAEL values. The amounts offered have been increased in the revised NIS submitted at Deadline 4.</p> <p>The Applicant's response to the Examining Authority's question clarifies that the noise insulation scheme Outer</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>and Sleep Disturbance, (further analysis) the same percentage as were affected at 55 dB LAeq 8h were found to be affected at 48 dB LAeq 8h. It has been argued by at least one local authority in the LIRs that, as a result, the night inner zone should be set at the lower threshold.</p> <p>Further the extent of the additional noise induced awakenings produced by Gatwick indicates that the existing scheme, rather than being generous, affords inadequate protection to the population at night based on the one additional aircraft noise induced awakening. Therefore, the inner zone night scheme should be extended to the extent of one additional aircraft noise induced awakening per night (as an average across the 92 summer night).</p> <p>The scheme for the 54 dB LAeq 18h day is a package of a maximum of £3500 for insulation only.</p> <p>The scheme for night inner zone 55 dB LAeq 8h is a maximum package of £20,000 to include insulation, ventilators, upgraded ceilings and replacement doors.</p> <p>The sleep disturbance impacts at 48 LAeq 8h arguably cross the SOAEL threshold, in light of SoNA and as set out above. Therefore the mitigation suggested by the use of the</p>	<p>Zone provided noise insulation for night-time noise above about $L_{eq\ 8\ hr}$ 48dB.</p> <p>The JLAs suggest <i>'the inner zone night scheme should be extended to the extent of one additional aircraft noise induced awakening per night (as an average across the 92 summer night)'</i> and by additional they mean additional due to all aircraft noise from the airport, rather than additional due to the Project. This suggests one awakening, due to aircraft noise is sufficiently significant to warrant noise insulation, and although they do not say how many people would need to be exposed to this, presumably this means for any individual i.e. a single property.</p> <p>ES Appendix 14.9.2: Air Noise Modelling [APP-172] notes <i>'An 'awakening' is defined as a move from deep Stage 4 or REM sleep to a Stage 1 or awake. It is important to note that as we sleep we change sleep stage numerous times and 'awaken' for all manner of reasons...'</i></p> <p>The final paragraph of ES Appendix 14.9.2: Air Noise Modelling [APP-172] reminds the reader of what 'awakenings' in this study are and how that may be interpreted as follows:</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>outer zone scheme is inadequate in the view of the JLAs</p>	<p><i>'This is a statistical result, and does not predict the effects of individuals, but it does indicate that even at the worst affected locations, where noise levels will increase the most as a result of the Project, there is likely to be less than one additional awakening per summer night per person as a result of the Project, in the population in that area overall. As noted in the methodology section above, it is currently unclear how many additional noise-induced awakenings are acceptable and without consequences for sleep recuperation and health. But, in the context described above, that an average healthy person awakens about 20 times a night for various reasons not connected with noise, an increase of less than one awakening per night in the busy summer season as a result of the Project seems likely to have a small health effect.'</i></p> <p>The JLAs' suggestion amounts to offering noise insulation to avoid the number of awakenings in a single average healthy person rising from 20 to 21 per night, i.e. rising by 5%. The Applicant's position is that this is not a significant health effect to an individual that is required to be avoided.</p> <p>The Applicant also notes the reference to Regulation 598/2014, however the relevance of this is not understood</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>given the Noise Insulation Scheme and how this is applied is not an noise operating restriction for the airport. Moreover, it has also been identified why with the noise insulation scheme proposed there will not be a noise problem which needs to be addressed, and which Regulation 598/2014 would provide the rules and processes in respect of.</p>
NV.1.14	<p>The Applicant states it is confident it can deliver the NIS within 4 years but provides no evidence to back up this assertion. The JLAs would request that the Applicant undertakes a market feasibility study to identify how long it would take for properties in the Inner Zone and the Outer Zone to be insulated.</p> <p>The JLAs consider the success of the installation of mitigation at properties to be a factor for the release of capacity on the new runway.</p>	<p>The Applicant's response to the Examining Authority says it is confident it can deliver the noise insulation measures to all properties in the Inner Zone (i.e. approximately 400) within 4 years. GAL is confident mainly because it delivered the current NIS to 418 properties in 2015 with a single contractor.</p>
NV.1.15	<p>The JLAs have consistently provided criticism of the ground noise assessment, which has yet to be addressed by the Applicant – see NV.1.5. The JLAs are of the opinion that the ground noise assessment is not fit for purpose and would urge the Applicant to provide an assessment that models all sources of ground noise for a reasonable worst-case day</p>	<p>Specific criticisms raised by the JLAs are addressed at NV.1.5 where it is concluded that an update to the ground noise model is not required</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	and provides suitable assessment criteria for identifying likely significant effects.	
NV.1.16	The JLAs have provided a separate response to ES Appendix 14.9.10 Noise Insulation Scheme Update Note [REP2-031]	The Applicant has provided a full update to the NIS in ES Appendix 14.9.10: Noise Insulation Scheme Version 2 [REP4-017] submitted at Deadline 4.
NV.1.18	Can the Applicant identify where this process is secured in the DCO?	The Applicant has noted the process in ES Appendix 14.9.10: Noise Insulation Scheme Version 2 [REP4-017] submitted at Deadline 4.
NV.1.20	The JLAs are concerned that measures relied upon to avoid significant construction noise and vibration effects are not secured in the DCO. S61 is not appropriate means of securing mitigation as it is a process that allows for significant effects to occur. The JLAs support the Examining Authority's request for a noise and vibration management plan that would be secured through the CoCP [APP-082] and contain details of specific construction noise and vibration mitigation required to avoid significant effects.	The need to bring forward suitable construction mitigation in respect of noise by way of best practicable means is secured though the Code of Construction Practice, which is provided for at Requirement 7 to the DCO. The Section 61 process, which is the process to be used to confirm the best practicable means and which will reflect all measures provided for in the Code of Construction Practice, has otherwise been found appropriate for major projects across the country and is considered appropriate for this one. The well established process allows the optimal noise control measures to be agreed with the local authority and applied once the final details of the construction methodology are

ExQ1	Legal Partnership Authority Response	Applicant's Response
		available, which inevitably they are not at the time of consenting the project.

Marathon Asset Management MCAP Global Finance (UK) LLP

2.13.1 The below table responds to Marathon Asset Management's reply [[REP4-123](#)] to the Applicant's ExQ1 response on Noise and Vibration.

Table 15: Response to ExQ1 - Noise and Vibration from Marathon Asset Management

ExQ1	Marathon Asset Management Response	Applicant's response
NV.1.8	Marathon note GAL's responses and have ongoing concerns with the noise assessment work in relation to Marathon's Holiday Inn Hotel as raised in Compulsory Acquisition Hearing 1 and summarised in the CAH1 post-hearing submissions.	The Applicant has been working with Holiday Inn's acoustic advisors, Stantec, since February 2024 so as to understand their concerns, to assess the potential effects and develop mitigation measures. This process has led to the preparation of the Holiday Inn Noise Report (Doc Ref. 10.41) submitted to the ExA at Deadline 5. That report addresses all Holiday Inn's noise concerns. It provides information to demonstrate air noise, ground noise, and road traffic noise effects from the Project will not be significant and it commits the Applicant to a Trigger Action Plan to manage construction noise to ensure

ExQ1	Marathon Asset Management Response	Applicant's response
		that noise impacts during construction will not significantly impacts users of the hotel.

Mole Valley District Council

2.13.2 Mole Valley District Council submitted comments on the Applicant's response to ExQ1 which mirror those made by the Joint Local Authorities. Therefore the Applicant respectfully requests that Mole Valley District Council refer to the responses provided above.

2.14 Socio-Economics

East Sussex County Council

2.14.0 The below table responds to East Sussex County Council's reply [[REP4-048](#)] to the Applicant's ExQ1 response on Socio-Economics.

Table 16: Response to ExQ1 - Socio-Economics from East Sussex County Council

ExQ1	East Sussex County Council Response	Applicant's Response
SE.1.5	Who has identified that there are no risks or adverse impacts? Has this been verified by a third party? There are potential risks to local areas in that demand for construction workers could see a draw	ES Chapter 17: Socio-Economic [APP-042] has been prepared by Lichfields, a planning and development consultancy with an extensive track record of preparing socio-economic assessments for ES chapters, having

ExQ1	East Sussex County Council Response	Applicant's Response
	<p>on construction talent from the wider geography leaving skills shortages elsewhere. Has this been investigated and disproved? AM – We are continuing to push back on this, including through our Deadline 4 submissions.</p>	<p>prepared more than 50 such assessments over the past decade for the public and private sector. Lichfields holds corporate membership of the Institute of Economic Development (IED) with 20 registered members. The IED establishes the firm's professional standing, knowledge, and expertise in the area of economic development practice. The authors of this ES Chapter have more than two decades of experience in socio-economic assessment.</p> <p>Within ES Chapter 17: Socio-Economic [APP-042] the Applicant states:</p> <p><i>“Based on the size of the receptor ... of each relevant study area, the construction workforce requirement would be equivalent to 0.8% of the construction labour market in the LSA, 0.4% in the FEMA, 0.2% in the LMA and 0.1% in the Six Authorities Area.”</i> (Paragraph 17.9.7)</p> <p>On the basis of this, the effect on the construction labour market was determined to be minor beneficial in the LSA and negligible in the FEMA, LMA and Six Authorities Area. Therefore, it is not considered that this would lead to construction skills shortages within the local or wider area. Further information regarding construction labour market and</p>

ExQ1	East Sussex County Council Response	Applicant's Response
		accommodation impacts was provided at Deadline 3 in The Applicant's Response to Local Impact Reports Appendix D: Construction Labour Market and Accommodation Impacts [REP3-082].
SE.1.6	We have not been included in creating the Implementation Plan as yet. We were unable to make the meeting which was called at short notice and no alternative to feed in was given. If there is not to be a DCO inclusion for the Employment Skills and Business Strategy (ESBS) -we still suggest there should be - then we need assurances that we will be given the opportunity to input into and approve the detail of Implementation Plan – with due time given for consideration in the s106 Agreement.	ESCC was invited to all local authority workshops including the one on 30th May, which they were able to attend. All Topic Working Group meetings are recorded and made available on line. Written material has been provided to all invitees and they are able to submit comments in writing. ESCC is an important stakeholder in delivering the ESBS and the Applicant wants to it contribute. The GAL ESBS team have contacted the relevant officers at ESCC to meet and gather their input as they have not been able to attend the most recent Implementation Plan workshops.
SE.1.7	We would welcome greater engagement with (East Sussex) schools. Will the Implementation Plan detail how this resource will be equitably accessed across the various LAs within the geography?	The Inspire and Motivate theme of the ESBS will involve engagement with schools across the region. The ESBS Implementation Plans will set out how the budget is split between time periods, ESBS Themes and Activities and (where appropriate) spatial scales.

ExQ1	East Sussex County Council Response	Applicant's Response
SE.1.8	<p>We have had very little communication and engagement in East Sussex from an employment and skills perspective. We suggest that GAL may wish to consult with our Skills Board (Skills East Sussex) which comprises all key players during the next stage of response development.</p>	<p>As set out in response to the comments on SE.1.6 above, the ESBS team have contacted the relevant officers at ESCC to meet and gather their input as they have not been able to attend the most recent Implementation Plan workshops. The Applicant is seeking advice from stakeholders on which existing organisations and activities could/should be involved in the delivery of the ESBS. These will be agreed through the Implementation Plan.</p>
SE.1.9	<p>We would welcome Gatwick adopting the Local Visitor Economy Strategy for Growth and working in collaboration with Experience Sussex to deliver this, rather than developing a separate strategy.</p>	<p>The Applicant is seeking advice from stakeholders on which existing organisations and activities could/should be involved in the delivery of the ESBS. These will be agreed through the Implementation Plan.</p> <p>The Applicant already has an active working relationship with Experience Sussex through the Gateway Gatwick partnership and is a member of the interim LVEP Board (East Sussex, Brighton & Hove and West Sussex LVEP).</p>
SE.1.10	<p>We would urge Gatwick to work closely with the LVEP on data capture to ensure a standard baseline approach to be adopted regionally and informed by the national VisitEngland/VisitBritain approach. This</p>	<p>The Applicant is a member of the interim LVEP Board and will continue to work with them. The detail of monitoring (such as helpfully suggested here) can/will be agreed through the Implementation Plan.</p>

ExQ1	East Sussex County Council Response	Applicant's Response
	<p>is likely to be a combination of different data sets to include:</p> <ul style="list-style-type: none"> • Air DNA • Lighthouse • Visit Britain/Visit England are working to build and improve data for LVEPs -and looking at central purchasing data such as mobile/ credit cards • ONS now provide some limited data sets <p>Whilst the Gatwick Gateway Partnership is recognised as one useful vehicle for brokering a shared approach to tourism promotion, ESCC would also wish to see active participation in the East Sussex, Brighton & Hove and West Sussex Local Visitor Economy Partnership.</p>	

Legal Partnership Authorities

The below table responds to the Legal Partnership Authorities' reply [\[REP4-071\]](#) to the Applicant's ExQ1 response on Socio-Economics.

Table 17: Response to ExQ1 - Socio-Economic from the Legal Partnership Authorities

ExQ1	Legal Partnership Authority Response	Applicant's Response
SE.1.1	<p>The Coast to Capital LEP no longer exists as originally founded. Government has transferred former LEP functions to upper tier local authorities. The LEP does not have a formal strategic economic development function and does not receive Government funding. Coast to Capital continues to exist as a private company.</p> <p>In future dialogue should be with WSCC and the new West Sussex economy board, as WSCC is now the accountable body to Government for the strategic economic function previously undertaken by the LEP. An Interim West Sussex Economy Board is advising on the strategic economic function on an interim basis, while the new board is established. The Careers Hub function transferred from the LEP to WSCC in September 2023, and the</p>	<p>References to the LEP reflect the situation which existed at the time when the assessment was prepared. The Authorities' response is noted in respect of future engagement.</p> <p>The Applicant is already an active member of the Interim West Sussex Economy Board and has been involved since its inception. The Applicant will continue to engage with WSCC in their strategic economic function.</p> <p>The Applicant is also a member of the West Sussex and Brighton & Hove Careers Hub Steering Group and will continue to engage with WSCC through this function.</p> <p>The Applicant will engage with the Growth Hub function as appropriate, now that this has been transferred to WSCC.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	Growth Hub function transferred from the LEP to WSCC in May 2024.	
SE.1.2	<p>The Applicant states that the socio-economic conditions in 2024/25 will be more comparable to the situation pre-Covid and cites ONS data to show that unemployment levels are back to 2019 levels. However, presenting figures at the national level is a very simplistic approach and does not robustly represent the current situation in the local authority areas. For example, Crawley's unemployment rate remains significantly higher than 2019 levels (and the highest in West Sussex):</p> <p>March 2024 - 4.0%</p> <p>March 2020 – 2.8%</p> <p>Analysis at a local authority level is critical given this is where impacts will largely occur. The Applicant should review and compare socio-economic conditions in 2019 and 2024/25 at the local authority level.</p>	<p>The Applicant acknowledges that certain socio-economic indicators – such as unemployment – have yet to return to 2019 levels. However, the Authorities' example of unemployment in Crawley does not reflect the conditions in the interim period; in March 2021 (the month of the 2021 Census), the claimant count measure of unemployment in Crawley was 8.2%; this is much higher than levels observed at present.</p> <p>With the exception of datasets such as the claimant count, which is updated monthly, many national statistics are only provided on a quarterly, if not annual basis, with a significant lag (this is particularly true of the 2021 Census, where multivariate data was released two years after).</p> <p>As many datasets are annual, 2023 data (the first full year broadly unaffected by the pandemic) has only become available in 2024. Given processing times for national statistics, many have only been released subsequent to the commencement of the Examination of the NRP in February 2024. Therefore, at the time of preparing the assessment it</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>was determined that 2019 data would be more representative of post-pandemic conditions than data collected at the height of the pandemic.</p> <p>The Applicant considers that this approach is robust, given a reversion to pre-pandemic socio-economic conditions is observed and projected to continue, while it also enabled assessments to be conducted using a consistent base year at the time of preparation.</p>
SE.1.4	<p>The Applicant has suggested that they will review the ESBS Implementation Plan every 5 years (with the exception being if there were another pandemic which would mean revisiting the Plan within 5 years). The Local Authorities believe that the Plan needs to be reviewed on a more frequent basis to meet and adapt to local need when required. The Applicant has acknowledged this point in their response. The Local Authorities request that the Applicant revisits the timescales for review.</p>	<p>The five-year review periods are long-stop dates – reviews may happen more frequently. The Applicant is continuing to work with the JLAs on how this is detailed within the drafting of the draft DCO s106 Agreement. The recalibration interval means the review period.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>The Authorities note that the Applicant has not confirmed what is meant by a “recalibration interval” or how this is triggered.</p>	
SE.1.5	<p>The Local Authorities believe that there are adverse impacts on skills and businesses in the local areas in proximity to the Scheme. This has been raised with the Applicant on several occasions, including via:</p> <ol style="list-style-type: none"> 1. Topic Working Group meetings. Notably the Applicant has failed to acknowledge this in their responses. 2. Through the PADDs, Relevant Representations and Written Representations. 3. Through the Local Impact Reports 4. At The ISH3 Hearing <p>The Applicant appears to now be removing reference to ‘mitigation’ in relation to the ESBS and is referring to this as an ‘enhancement’. The</p>	<p>The PEIR identified potential adverse impacts, the submitted ES does not. As such, in view of the absence of any identified significant adverse effects, it is appropriate that the ESBS was updated to remove references to mitigation and instead reference proposed enhancements.</p> <p>As has been explained to the Authorities through the Topic Working Groups, there are no significant adverse impacts on the labour market that require mitigation. The Project will create 3,200 direct jobs. Paragraph 17.6.17 of ES Chapter 17: Socio-Economic [APP-042] reports the following number of people who are currently unemployed:</p> <ul style="list-style-type: none"> • 6,880 in the Local Study Area • 10,700 in the Functional Economic Market Area • 90,100 in the Labour Market Area (from which most current airport employees are drawn)

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>Applicant appears to have changed their mind with what they consider to be mitigation.</p>	<ul style="list-style-type: none"> • 186,000 in the Six Authorities <p>This indicates that there is a more than sufficient number of people already living in the area who are actively looking for or could potentially be supported into work.</p> <p>Furthermore, the ES Appendix 17.9.3: Assessment of Population and Housing Effects [APP-201] demonstrates that future labour market growth will be faster than forecast jobs growth.</p> <p>The NRP will therefore help provide work for those who may not otherwise have it. This is a positive impact not a negative one.</p>
SE.1.6	<p>The Legal Partnership Authorities would comment that both Surrey County Council and Mid Sussex District Council should also be added to the list of authorities to be included in the ESBS steering Group.</p>	<p>Steering Group membership will be discussed further with the JLAs at a Topic Working Group to be held in June.</p>
SE.1.12	<p>The Applicant's response is very generic and it remains unclear how they intend to engage and prioritise local businesses. It refers to procurement opportunities, a portal and supply chain activities,</p>	<p>Adding Value through Procurement is one of the six themes of the ESBS. At the Draft ESBS Implementation Plan Workshop on 30th May stakeholders (including the local authorities) provided suggestions for priority target</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>but there is a notable absence in terms of supporting and prioritising <u>local</u> businesses.</p> <p>There is an opportunity for the Applicant to prioritise local suppliers through their procurement practices. This would meet both local economy and sustainability requirements/ expectations. Further detail is needed to show how the Applicant intends to support and prioritise local businesses.</p>	<p>businesses, key activities, delivery partners and performance measures for this (and the other themes). The Applicant will work with stakeholders to turn these into a delivery plan for the theme which will then be incorporated into the Implementation Plan.</p>
SE.1.13	<p>The Local Authorities note that this is a long-standing request from PINS, but the Applicant has not provided the further information. The Applicant has acknowledged there will be adverse impacts on property prices, but based on the Applicant's response, it remains unclear as to the extent of the impact. The Authorities wish to seek further clarity on this.</p>	<p>As per the Applicant's response to ExQ1 on this matter, an analysis of property price impacts was not scoped into the socio-economic assessment, as outlined in Table 17.4.2 of ES Chapter 17: Socio-Economic [APP-042]. The Applicant recognises that there may be effects on a small number of properties where compensation under the terms of Part 1 of the Land Compensation Act 1973 could become applicable, however, at this stage the extent of compensation cannot be specifically identified. As such, the Applicant reiterates that the existing estimates for property acquisition and compensation are commercially confidential, and that the assessment of compensation is not a material planning consideration.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
SE.1.16	<p>The Local Authorities note the Applicant's response, but question why the Applicant does not consider it necessary to include the ARELS as part of the DCO application. Through Environmental Statement Appendix 17.9.2 Local Economic Impact Assessment [APP-200], the Applicant has set out at Table 1.1 that as of 2047 up to 12,800 jobs are anticipated as a result of the project. Only 3,100 of these are shown as 'on airport', with the 'off airport' categories of indirect, induced, and catalytic accounting for 9,700 jobs. As referred to in the West Sussex LIR [REP1-068] at Paragraph 18.81, this is likely to result in an increased need for employment land, with demand (as the Applicant has acknowledged in its answer) likely to be directed closest to the airport. There will be employment land supply implications arising from the level of off-airport job growth identified by the Applicant, that will need to be planned for. As such, the Local Authorities consider there to be clear justification for the ARELS being submitted as part of the DCO.</p>	<p>The ARELS is not an assessment of where the 9,700 jobs are likely to be located – it uses a different methodology and is not spatially specific. It was prepared at the request of the Local Authorities and the results were shared through the Topic Working Group. How and where the jobs in the supply chain and wider economy are located is a matter for those companies and for future planning applications.</p>

Kent County Council

2.14.1 The below table responds to Kent County Council’s reply [[REP4-055](#)] to the Applicant’s ExQ1 response on Socio-Economics.

Table 18: Response to ExQ1 - Socio-Economic from Kent County Council

ExQ1	Kent County Council response	Applicant’s Response
SE.1.6	<p>We agree that KCC does not need to be party to the s106 Agreement, and we appreciate being included on the ESBS Steering Group, but the answer does not address the issue as to why the ESBC should be secured through the s106 Agreement rather than a Requirement of the DCO. If multiple parties are involved in the implementation of the ESBS, then it would be better for the Implementation Plan to be secured through a 'Stakeholder Actions and Commitments Register' where all parties would then have an equal say on the wording and implementation of the ESBS</p>	<p>The funding of the ESBS is the responsibility of the Applicant although and delivery will benefit from the involvement of many stakeholders. As the Applicant is creating new opportunities through the NRP it is appropriate that it also carries the responsibility for designing this strategy. This is why it has been framed as an obligation on the Applicant rather than a shared obligations.</p> <p>However, as explained, engagement from yourselves and other stakeholder will make the delivery of the ESBS Implementation Plan far more effective as you have the detail of the schemes that are operational at any time and additional experience and insight about which of those are successful. This is why there is such a high level of involvement requested of other stakeholders.</p> <p>As the ESBS Implementation Plan and ESBS Steering Group are intrinsically linked to the ESBS Fund; it was considered</p>

ExQ1	Kent County Council response	Applicant's Response
		<p>most helpful to all involved to have the three obligations together which, as a contribution is involved, is the draft DCO s106 Agreement. As explained in to the ExA however, the Applicant is receptive to any comments about preference for securing obligations.</p>

2.15 Traffic and Transport

East Sussex County Council

2.15.0 The below table responds to East Sussex County Council's reply [[REP4-048](#)] to the Applicant's ExQ1 response on Traffic and Transport. able 19: Response to ExQ1 – Traffic and Transport from East Sussex County Council

Table 19: Response to ExQ1 - Traffic and Transport from East Sussex County Council

ExQ1	East Sussex County Council's Response	Applicant's Response
TT.1.1.16	<p>A 2 hourly bus service from and to Uckfield via Forest Row and East Grinstead, enhanced to hourly at peak times will not be adequately attractive to encourage modal shift and would substantially compromise service users' journey planning arrangements. The service will need to be hourly, running 7 days a week, with ongoing</p>	<p>The Applicant has provided details of indicative services based on modelling of mode shares and the opportunity to establish increased public transport accessibility where there is currently relatively low public transport coverage but significant airport demand. It is important to recognise that these services are proposals based on current information</p>

ExQ1	East Sussex County Council's Response	Applicant's Response
	<p>funding from the Applicant. This future service provision will need to be planned in consultation with ESCC, given that it provides funding support for the current 261 route (Uckfield-Forest Row-East Grinstead). ESCC is open to switching its funding for 261 and contributing towards the cost of a replacement enhanced 261 service to/from Gatwick, subject to the Gatwick service also being able to provide for the needs of passengers currently using the 261.</p> <p>Diagram 11.3.1 in the Transport Assessment (TA) [REP 3-058] purports to show passenger use by coach to access by Gatwick from various areas. It shows low to medium levels of use (from 5-10 users per day to 10-50 users per day) from Eastbourne and surrounding areas of South Wealden. This needs clarification as there are no passenger coach services from these areas to Gatwick. Nor are there any from any part of East Sussex to Gatwick.</p> <p>In light of information provided in the TA, to address the potential for passengers (and the employee catchments additionally shown in Diagram 11.3.2 of [REP3-058]) then Gatwick should build on their commitment to funding a</p>	<p>and the Applicant would review these further, in advance of agreeing a service specification with potential operators and relevant authorities. The provision of funding for services should use the most relevant and up to date information on which to base the most appropriate mitigation. It would therefore be appropriate to consider negotiation with operators, both existing and potential new entrants to the market, over the 24 months prior to commencing operation, using contemporary data sources and operating costs. This approach would allow the most appropriate service specification given the conditions pertaining at that point in time. The Applicant has agreed to engagement with local authorities on the specification of routes for which funding will be provided and would welcome the opportunity to discuss ways in which multiple funding streams could be combined to achieve the best outcome. This is very similar to the way a number of new bus services have been negotiated and secured at the airport in recent years.</p> <p>The Applicant notes the suggested amendments to the service and welcomes further discussions with East Sussex County Council on the optimum service specification to achieve the desired mode shares and sustainable passenger</p>

ExQ1	East Sussex County Council's Response	Applicant's Response
	Gatwick-Uckfield bus/coach service and extend it to Eastbourne via Hailsham and Polegate.	demand. The applicant anticipates that such discussions will occur via the Transport Forum Steering Group (TFSG) of which East Sussex County Council is a member. The Applicant's obligations to hold quarterly meetings of the TFSG (and be responsible for the the administration of convening and holding meetings of the TFSG in accordance with the TFSG Terms of Reference) is secured in Schedule 3 of the draft Section 106 Agreement.

Legal Partnership Authorities

2.15.1 The below table responds to the Legal Partnership Authorities' reply [[REP4-072](#)] to the Applicant's ExQ1 response on Traffic and Transport.

Table 20: Response to ExQ1 - Traffic and Transport from the Legal Partnership Authorities

ExQ1	Legal Partnership Authority Response	Applicant's Response
TT.1.2	The Joint Local Authorities (JLAs) are of the opinion that a s106 obligation is not necessarily the most appropriate and enforceable means of providing the Sustainable Transport Fund (STF). The STF is just one mechanism by which the Applicant proposes to achieve compliance with	The Applicant is engaging with the JLAs on the obligations in the draft Section 106 Agreement and has provided the JLAs with a revised version of the Surface Access Commitments (SACs) which accepts the principle of locating the provisions of the Sustainable Transport Fund in the SACs instead of the Section 106 Agreement.

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>and ensure adequate funding for the Surface Access Commitments (SACs). The Applicant has explained to the JLAs that it has been included in the s.106 agreement as an assurance that the SACs will be delivered. Whilst these assurances are welcomed, the JLAs consider that how the SACs may be funded (such as through the STF) would best be included within the SACs document itself, rather than the s106 agreement. The key point is that the airport operator will be expected to meet its SACs irrespective of the level of funding to be provided and how this is to be secured. The JLAs have proposed to the Applicant that this measure be included within an updated SACs document and that discussion is under way.</p> <p>The JLAs accept the principle of having a TMF as a truly unforeseen circumstances mitigation fund. The Authorities have provided comments on the draft s.106 agreement and have some concerns with current proposals as to how the TMF will operate practically. These can be summarised as follows:</p> <p>-The JLAs do not agree that only GAL should be able to make a recommendation as to whether an application to</p>	<p>The Applicant notes the JLAs acceptance of the TMF as a contingency fund for unforeseen circumstances.</p> <p>In respect of GAL being able to make a recommendation as to whether an application to the fund should be considered, it is noted that the draft Section 106 Agreement does not preclude any other member from making such a recommendation. It is considered appropriate to include an express provision for GAL to make a recommendation to the TMF Decision Group on a TMF Application given GAL's status as the airport operator and the promotor of the Project (the unanticipated impacts of which are intended to be mitigated by the TMF). GAL needs to have the opportunity to scrutinise a TMF Application and provide the relevant technical expertise and context that only an airport operator can provide. It is noted that the obligation is to provide a recommendation only and as currently drafted there is no obligation on the TMF Decision Group to have regard to any such recommendation. Importantly, the ultimate decision on all TMF Applications will be for the TMF Decision Group and any such decision will be subject to the draft Section 106 dispute resolution clause.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>the fund should be considered.</p> <p>- The determination of any proposal should take place within 6 months, rather than 1 year in order to ensure mitigation is in place in a timely fashion.</p> <p>The JLAs also consider that some matters do not constitute unforeseen circumstances' and therefore need to be part of a separate contribution in order to mitigate the impacts of the development.</p>	
TT.1.3	<p>The Applicant has confirmed through [REP3-106] that reference to 'on-site' car parking (40,600) spaces in the Table accompanying this answer refers only to GAL-operated car parks within the airport boundary. As such, the figure excludes 4,694 authorised on-airport spaces that are not operated by GAL. The Authorities' wider concerns regarding the implications of this are set out in the West Sussex Deadline 4 submission.</p>	<p>The estimate of spaces not held by the airport operator but located within the airport boundary is included in the annual Gatwick Parking Survey used as the basis for modelling as part of the Transport Assessment. All of the car trips to and from these spaces are also included in the model as they have been captured in the extensive data collection supporting the model development. These car trips are considered as airport-related trips within the trip matrices. The authorised on-airport spaces provided by others are located close to airport-operated car parks and are therefore accessed in the same way.</p> <p>No changes to the location or quantity of spaces associated with on-airport parking was assumed, with the exception of the permitted</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>development at the Hilton Hotel, which has now lapsed. The implications of this are discussed in The Applicant's Response to the ExA's Written Questions (ExQ1) - Traffic and Transport [REP3-104] in answer to questions TT.1.38 and TT.1.40.</p>
TT.1.4	<p>The Legal Partnership Authorities wish to understand what is driving the statement that <i>'it would be unrealistic to assume that no additional journeys would be made by road'</i>.</p> <p>Is it an unwillingness to increase parking / forecourt access charges or that buses seem incapable of solving public transport demand or the rail provision is deemed at capacity? SCC are concerned that this renders the existing targets challenging and the aspirations as meaningless.</p> <p>The assessment only shows that there would not be significant adverse environmental effects or operational effects related to congestion if the SAC are met. We have not seen the impacts if the SAC are not met. Furthermore, our LIR highlights locations where further mitigation is required but has not been proposed.</p>	<p>The Applicant has explored the potential mode share outcomes that might be achieved with the Project through the strategic transport modelling suite, including the likelihood of achieving zero growth in airport-related demand by private car and the scale of interventions that might be required to achieve different outcomes. This takes account of the nature of the Airport which serves a catchment population spread across a large area, within which the provision of public transport and other travel choices varies considerably. The Applicant has determined its proposed commitments based on that modelling work, which suggests that an outcome in which no additional journeys would be made by road is not realistic; however, nor is it necessary to mitigate the impacts of the Project. Instead, the SAC have been developed to be realistic and proportionate to mitigate the surface transport impacts of the Project. There is no policy requirement to deliver the Project with 'no additional journeys' on the road, and it is misleading to focus on that theoretical proposition. Rather, the focus should be on whether the mitigation put forward by the Applicant (principally through the SAC) is</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>sufficient in respect of the Project. The Applicant has made extensive submissions to date to explain why it considers that it is.</p> <p>Choice of mode has been modelled by comparing the journey time and out-of-pocket costs of each mode, taking account of public transport fares that the Applicant has no influence over. The proposal in the ES Appendix 5.4.1: Surface Access Commitments [REP3-028] to increase forecourt and parking charges aims to reduce the difference in out-of-pocket costs such that public transport becomes relatively more attractive for those areas where there is a public transport alternative. For those areas where there is a reasonable case for providing a new, sustainable level of public transport accessibility the SACs also make the commitment to provide funding for such services. This would still leave some areas where it is not possible to provide a competitive public transport alternative to car travel, for all types of journeys to and from the airport.</p> <p>The ES Appendix 5.4.1: Surface Access Commitments [REP3-028] set out the mechanisms for ensuring the binding targets are met, for the monitoring proposed by the Applicant to track progress towards these commitments and for further mitigation to be triggered in the event targets do not appear to be on track. The Applicant is confident of achieving the quoted targets based on the assumptions</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>applied in modelling to support the Transport Assessment and will continue to work with public transport service providers and Network Rail to explore joint initiatives that could achieve higher mode shares over time, in line with our long term mode share aspirations. It is further noted that the mode share targets included in the ES Appendix 5.4.1: Surface Access Commitments [REP3-028] exceed those achieved or proposed by any other major UK airport. They remain challenging but achievable, supported by the investment proposed and Gatwick's existing, excellent rail accessibility.</p>
TT.1.6	<p>The Legal Partnership Authorities query what the question in the CAA survey asks for main mode of transport.</p> <p>Whilst 4.4% is relatively small overall, the correct allocation of these people to modes is vital to ensure that the SAC targets are robustly met. Note that the dual mode journey could equally be a long drive to Three Bridges station to avoid the forecourt charge. The Authorities require further information in this regard.</p>	<p>Details of the CAA's Departing Passenger Survey can be found on their website at https://www.caa.co.uk/data-and-analysis/uk-aviation-market/consumer-research/departing-passenger-survey/</p> <p>The CAA survey records up to three legs of a surface access journey to the airport, which may be by the same or different modes. Data for both main mode of transport and, at an aggregate level last mode of travel were provided in the publicly available data for 2018 and 2019 but only last mode is published for the 2022 survey, although more detailed data on the use of multiple modes is available from the CAA.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>The Applicant is not able to mandate the modes used for a passenger journey to the airport and aims to ensure there is choice available for all types of journey. GAL promotes sustainable modes where public transport is a feasible option, noting the convenience of Gatwick Airport railway station as an integrated transport interchange.</p>
TT.1.9	<p>The Applicant has confirmed through REP3-106 that its reference to 'on- site' car parking spaces refers only to GAL-operated car parks within the airport boundary. Where spaces not operated by GAL are located on-airport (i.e. within the Crawley Local Plan airport boundary) the applicant is incorrectly counting these as 'off-airport'. This approach means that 4,694 authorised on-airport spaces (not operated by GAL) are being excluded from the Applicant's calculations. The Authorities wider concerns regarding the implications of this are set out in the West Sussex Deadline 4 submission.</p> <p>SCC is concerned that the wording of the CAA survey means that parking in a residential road near a Gatwick bound bus stop or rail station is not necessarily picked up. SCC is concerned that this practice does happen and</p>	<p>The estimate of spaces not held by the airport operator but located within the airport boundary is included in the annual Gatwick Parking Survey used as the basis for modelling as part of the Transport Assessment. All of the car trips to and from these spaces are also included in the model as they have been captured in the extensive data collection supporting the model development. These trips are considered as airport-related trips within the trip matrices.</p> <p>No changes to the location or quantity of spaces associated with on-airport parking was assumed, with the exception of the permitted development at the Hilton Hotel, which has now lapsed. The implications of this are discussed in The Applicant's Response to the ExA's Written Questions (ExQ1) - Traffic and Transport [REP3-104] in answer to questions TT.1.38 and TT.1.40.</p> <p>The CAA survey represents a small sample of departing passengers, however all of the transport movements are captured as</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>these unsustainable journeys, where the majority of the journey is made by car, are potentially missing from the data.</p>	<p>part of the modelling underlying the Transport Assessment. Whilst it is accepted that a number of passengers may choose to drive and park locally to the airport and make the final leg of the journey by another mode the total parking capacity of over 60,000 on-airport (airport operated) and off-airport (third-party operated) spaces would cater for the vast majority of journeys.</p>
TT.1.10	<p>The Local Authorities disagree with the Applicant's response, as the current S106 agreement between GAL/CBC/WSCC does provide control, as it requires the airport operator to provide "sufficient but no more parking than necessary to achieve a combined on and off airport supply that is proportionate to 48% of non-transfer passengers choosing to use public transport for their journeys to and from the airport by end of 2024"</p> <p>However, the nature of this control would (if not complied with) necessarily be via legal recourse, highlighting a reason why the authorities are seeking greater control (via Environmentally Managed Growth) through the planning process to ensure that the SACs are met moving forward.</p>	<p>The authorities are referred to Appendix B: Response to the JLAs' Environmentally Managed Growth Framework Proposition (Doc Ref. 10.38), which comprises a response to their document Introduction to a proposal for Environmentally Managed Growth [REP4-050].</p> <p>The Applicant acknowledges that whilst the S106 Agreement dated 24 May 2022 contains the provision referred to by the Local Authorities, there is no specific control/limit on the <i>number</i> of parking spaces which can be provided by the Applicant in numerical terms (i.e. there is no cap on the number of parking spaces at the Airport).</p> <p>The Applicant has responded to the point about parking controls in its response to the JLAs comments on GEN 1.28 in Section 2.9 of this document. The Applicant wishes to reiterate that the controls proposed through the Surface Access Commitments (SACs) (by way of mode share commitments) are the most appropriate way to</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>The Local Authorities reiterate previously stated concerns regarding the Applicant's omission of existing on-airport spaces where these are not operated by GAL.</p>	<p>control the number of parking spaces provided at the Airport. The Applicant considers that the proposed recourse for a breach or anticipated breach of the SACs (which are secured via Requirement 20 of the draft Development Consent Order), is to identify specific mitigation to address any issues and engage with the TFSG in a similar manner that exists and has proved successful to date at the airport under successive Surface Access Strategies.</p> <p>The estimate of spaces not held by the airport operator but located within the airport boundary is included in the annual Gatwick Parking Survey used as the basis for modelling as part of the Transport Assessment. The location and quantity of these spaces do not change within the Future Baseline or with the Proposed Development and are therefore considered alongside other off-airport spaces as fixed capacity that cannot be influenced by the Applicant.</p> <p>All of the car trips to and from these spaces are included in the model as they have been captured in the extensive data collection supporting the model development. These trips are considered as airport-related trips within the trip matrices.</p>
TT.1.12	<p>The present level of staff travel by public transport is lower than the existing ASAS target and the proposed SAC</p>	<p>As set out in the response to ExQ TT 1.30, Applicant's Response to ExQ1: Traffic and Transport [REP3-104] the latest staff surveys</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>target. The Legal partnership Authorities wish to understand what measures will be applied in the immediate term to address this.</p> <p>The response from the Applicant is noted, with their view being that various measures to encourage staff to travel via sustainable and active means will be implemented to meet the targets within the SACs.</p> <p>The Applicant states that placing constraints on specific measures to be introduced would be counterproductive. It should be noted though that within the strategic model a charge of £5 for access to staff parking for single occupancy vehicles has been assumed and is therefore ingrained in the overall approach and has clearly influenced the modelled results.</p> <p>The Highway Authority remains concerned that the commitments in the SACs are vague and lack specific detail as to what measures are to be implemented.</p>	<p>show that the airport is still in recovery post-pandemic, and these mode shares are not a suitable direct comparator to the forecast mode shares in the strategic modelling, which take into account a range of sustainable interventions in the future baseline (paragraphs 12.6.52 to 12.6.76 of ES Chapter 12: Traffic and Transport [AS-076]) and with Project (paragraphs 12.8.6 of 12.8.9 of ES Chapter 12: Traffic and Transport [AS-076]).</p> <p>The measures in the immediate term for the baseline situation are set out in the current Gatwick Airport Surface Access Strategy 2022-2030 (published October 2022). These include initiatives on active travel and public transport use aimed at achieving our targets set for 2030. Progress on the Airport Surface Access Strategy and its associated Action Plan is reported to the Transport Forum Steering Group, of which the Highway Authority is a member.</p> <p>The Transport Assessment Annex B – Strategic Transport Modelling Report [APP-260] notes in paragraph 6.7.4 that the inclusion of a £5 charge for staff car parking is used as a proxy for what could be a range of measures to discourage single-occupancy car trips for journeys to work including but not limited to a change in the charging for employee parking. As with the current Airport Surface Access Strategy, the measures used to achieve the mode</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		share targets are kept under review and are informed by the regular Staff Travel Survey results.
TT.1.13	<p>The Authorities would like to see a list of sensitivity tests undertaken and who they have been shared with. We do not believe that we have seen any despite requests.</p> <p>Sensitivity tests for the future years 2032 and 2047 are presented in Post- Covid VISSIM Sensitivity Tests for 2032 and 2047, however the title states years 2023 and 2047. This error should be corrected to prevent confusion.</p> <p>The comments made previously in November 2023 by SCC that remain are:</p> <ol style="list-style-type: none"> 1) Network should be extended to cover the junctions along the A23 and A217 as previously requested by SCC; and 2) Junction specific results should be provided. <p>The above information will help to understand how the proposals will mitigate increases in traffic flows through Longbridge Roundabout and beyond.</p>	<p>The Applicant is continuing to engage with SCC regarding the sensitivity tests and two meetings were held in May 2024 with further technical information provided to inform the Statement of Common Ground on this issue.</p> <p>The Applicant is working through an initial review of an extended model to understand whether the concerns raised about the extent of the model warrant updated analysis.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
TT.1.14	<p>The Authorities refer to Network Rail statements in [REP1-090] that the rail timetable is not at pre-Covid levels and that there is no funding ear-marked to return to this level of rail provision.</p> <p>The Covid test showed the impact of this reduced rail provision, resulting in missed SAC targets.</p> <p>The Authorities would like it confirmed that the post-Covid rail timetable, unless changed, would be the default timetable and that failing to meet the SAC target as a result of this level of service rather than the pre-Covid level of service, is not considered to be a matter outside of GAL's control.</p>	<p>The mode share commitments in the ES Appendix 5.4.1: Surface Access Commitments [REP3-028] are for annualised mode shares to be achieved by the third anniversary of the commencement of dual runway operations.</p> <p>Commitment 1 in the ES Appendix 5.4.1: Surface Access Commitments [REP3-028] is for a minimum of 55% of air passenger journeys to and from the Airport to be made by public transport. Table 32 of Accounting for Covid-19 in Transport Modelling [AS-121] shows that the sensitivity test for post-Covid achieved 54.8% of air passenger journeys by public transport in 2032.</p> <p>Commitment 2 in the ES Appendix 5.4.1: Surface Access Commitments [REP3-028] is a minimum of 55% of airport staff journeys to and from the Airport to be made by public transport, shared travel and active modes. Table 33 of Accounting for Covid-19 in Transport Modelling [AS-121] shows that the sensitivity test for post-Covid achieved an equivalent mode share of 54.7% in 2032.</p> <p>The post-Covid testing shows mode shares only being 0.2 to 0.3 percentage points from the committed mode shares. The testing takes into account reduced rail services as well as bus and coach services, but as set out in paragraph 7.6.4 of Accounting for Covid-</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>19 in Transport Modelling [AS-121], sustainable transport mode shares are seen to drop slightly in the with Project sensitivity test as a consequence of the lower total highway demand and reduced congestion. This is considered a reasonable response from the sensitivity test model.</p> <p>NR Deadline 4 response in Network Rail Infrastructure Limited's Comments on Response to ExQ1 [REP4-080] stated that <i>"It is not standard practice to take account of unreliability or performance issues when forecasting demand into the future"</i> whilst also noting that impacts of the Project on the use of available capacity is a matter for the DCO to consider and using the network more intensively would put pressure on reliability. The Applicant acknowledges this and its post-Covid modelling assumes only the return to 2019 timetabled services with adjustments for known upgrades as described in paragraph 4.2.9 of Accounting for Covid-19 in Transport Modelling [AS-121]. Network Rail's response at Deadline 4 aligns with the evidence it gave at Hearing 4 that the network has capacity to return to the timetable that existed in 2019 and that such an assumed timetable is credible. The current specification of the timetable is a matter for the Department of Transport and train operating companies via their existing management contracts.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>The Applicant does not accept that matters of rail service level are within its control and requires clarification from the respondent as to how it believes this would be achieved. The Applicant has no responsibility or role for service levels delivered by train operating companies under contract with the Department for Transport, or on the maintenance or performance of rail infrastructure managed by Network Rail.</p> <p>Nevertheless, GAL is still committing to achieving the mode share commitments and to using the range of measures and initiatives set out in the SAC varying or amending their application as necessary to achieve the committed mode shares.</p>
TT.1.16	<p>The Authorities understand that these services are to be funded for five years. Should that fail to be commercially operable, what is GAL's proposal? If not commercially viable, presumably the mode share target will be missed. GAL's confirmation of its position would be welcomed.</p> <p>A 2 hourly bus service from and to Uckfield via Forest Row and East Grinstead, enhanced to hourly at peak times will not be adequately attractive to encourage modal shift and would substantially compromise service users' journey planning arrangements. The service will need to</p>	<p>The ES Appendix 5.4.1: Surface Access Commitments [REP3-028] states that GAL must achieve the annualised mode shares by the third anniversary of the commencement of dual runway operations and on an annual basis thereafter.</p> <p>Whilst the funding is committed for five years, the mode shares are committed to on an annual ongoing basis. Therefore if buses are not commercially viable and the mode share commitments are missed, this is likely to become evident as part of the monitoring commitments set out in Section 6 of ES Appendix 5.4.1: Surface Access Commitments [REP3-</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>be hourly, running 7 days a week, with ongoing funding from the Applicant. This future service provision will need to be planned in consultation with ESCC, given that it provides funding support for the current 261 route (Uckfield-Forest Row-East Grinstead). ESCC is open to switching its funding for 261 and contributing towards the cost a replacement enhanced 261 service to/from Gatwick, subject to the Gatwick service also being able to provide for the needs of passengers currently using the 261.</p> <p>Diagram 11.3.1 in the TA purports to show passenger use by coach to access by Gatwick from various areas. It shows low to medium levels of use (from 5-10 users per day to 10-50 users per day) from Eastbourne and surrounding areas of South Wealden. This needs clarification as there are no passenger coach services from these areas to Gatwick. Nor are there any from any part of East Sussex to Gatwick.</p> <p>In the light of information provided in the TA, to address the potential for passengers (and the employee catchments additionally shown in Diagram 11.3.2) then Gatwick should build on their commitment to funding a</p>	<p>028] and GAL will need to deliver further or other measures, set out in an agreed action plan, in order to achieve the mode share commitments.</p> <p>In terms of the repeated ESCC request on the specific bus funding, please see response to ESCC on TT.1.1.16.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	Gatwick-Uckfield bus/coach service and extend it to Eastbourne via Hailsham and Polegate.	
TT.1.23	SCC Comment – SCC has no specific comments on this question and answer. SCC's comments on the inadequacy of the proposed Active Travel infrastructure are set out in SCC's Local Impact Report [REP1-097].	<p>It is noted that SCC has no specific comments or questions in relation to the Applicants ExQ1 Response [REP3-104], therefore the ExQ1 reference no. TT.1.23 is considered closed.</p> <p>With regards to SCC's comments on the inadequacy of the proposed Active Travel infrastructure as set out in SCC's Local Impact Report [REP1-097], a detailed response was set out in the Applicant's Response to Local Impact Reports [REP3-078], reference no. TT6.</p>
TT.1.24	SCC Comment – SCC has no specific comments on this question and answer. SCC's comments on the inadequacy of the proposed Active Travel infrastructure are set out in SCC's Local Impact Report [REP1-097].	
TT.1.25	SCC is concerned that the proposed off carriageway active travel improvements from Longbridge Roundabout to South Terminal via North Terminal is not the most direct route between Horley and the airport. SCC has repeatedly requested that the route north from the proposed A23/North Terminal signalised crossing through Riverside Garden Park is improved. Similarly, improvement is needed from the southern end of The Crescent along the west side of the railway through the proposed open recreational space to be created within the extent of	<p>Further to the Applicant's Response to Local Impact Reports, a meeting which focused on Active Travel was held with SCC on the 9th May where SCC provided additional detail on their requests set out in response to items TT.1.25 and TT.1.27 as well as details on their requests for consideration of additional Active Travel infrastructure improvements for cyclists users on the proposed new pedestrian link between Balcombe Road and the South Terminal forecourt network. SCC agreed to confirm the position of relevant stakeholders such as RBBC in terms of whether all stakeholders wish for the paths in Riverside Garden Park to be upgraded for use</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	current Car Park B.	
TT.1.27	<p>SCC's comments on the inadequacy of the proposed Active Travel infrastructure are set out in SCC's Local Impact Report [REP1-097]. In particular, SCC has raised concern that the proposed off carriageway active travel improvements from Longbridge Roundabout to South Terminal via North Terminal is not the most direct route between Horley and the airport. SCC has repeatedly requested that the route north from the proposed A23/North Terminal signalised crossing through Riverside Garden Park is improved. Similarly, improvement is needed from the southern end of The Crescent along the west side of the railway through the proposed open recreational space to be created within the extents of the current Car Park B.</p>	<p>by cyclists. GAL set out key safety considerations associated with increased cyclist usage on the South Terminal forecourt network, noting the preference for continued use of NCR 21 as the preferred access route to South Terminal for cyclist users coming to/from eastern Horley. A follow up meeting will be arranged with SCC in June to seek to confirm whether any agreements can be reached on these outstanding items.</p>
TT.1.30	<p>SCC Comment - When is the airport expecting to have recovered and what confidence can we have that behaviour will return to previous norms?</p> <p>If the traffic model was built now, against current mode shares, what would be required to meet SAC targets?</p>	<p>Paragraph 8.1.1 and 8.1.2 of the Transport Assessment [REP3-058] consider the recovery of air passenger numbers. It is expected that overall demand for air travel will recover to previous levels as consumer behaviours return, driven by factors such as global and UK economic growth, disposable income, consumer confidence and the relative cost of air travel. There is therefore confidence that</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>The Authorities would welcome the Applicant's view on these questions.</p>	<p>passenger and airline demand will return to previous levels over the course of the next few years and then continue to grow thereafter.</p> <p>Please refer to Accounting for Covid-19 in Transport Modelling [AS-121] and the above response to TT.1.14 which considers post-Covid impacts on mode shares.</p> <p>The Applicant notes that the ES Appendix 5.4.1: Surface Access Commitments [REP3-028] sets out the outcomes of measures and provides these as binding commitments under the terms of the DCO. The Applicant will continue to use evidence of behaviour over the coming years to best define the measures by which it achieves the stated targets, rather than committing only to specific measures. This is consistent with its approach to the current Gatwick Airport Surface Access Strategy 2022-2030 (published October 2022).</p>
TT.1.31	<p>It would be a valuable sensitivity test to understand the impacts of reduced seat and standing capacity due to luggage.</p> <p>The Authorities would welcome the Applicant's view on this point.</p>	<p>The Applicant is currently in discussions with Network Rail and awaiting further feedback as part of ongoing SOCG discussions before doing any further analysis on rail crowding. The Applicant has commented on the potential implications of luggage on rail crowding in The Applicant's Response to Actions - ISHs 2-5 [REP2-005] and considers that this would not alter the overall outcomes of the assessment.</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		It is noted that the presence of luggage does not reduce seat capacity.
TT.1.33	<p>SCC Comment – SCC's comments on the inadequacy of the proposed Active Travel infrastructure are set out in SCC's Local Impact Report [REP1-097]. In particular, SCC considers that 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>	Please see above response to TT.1.23.
TT.1.34	<p>SCC Comment – Further to the question above in TT1.30 - Does the present mode share reflect the calibrated model?</p>	<p>Accounting for Covid in Transport Modelling [AS-121] presents the results of a 2023 present year forecast which demonstrated that the modelling reflected passenger mode shares observed in 2023.</p>
TT.1.35	<p>SCC Comment – SCC have repeatedly asked to see sensitivity tests to this effect. We remain unsighted of the potential impacts of failure, especially given it could be several years before the targets are met and there is no sanction should they not be met.</p>	<p>Please see above response to TT.1.13.</p> <p>In respect of the SACs, the revised Surface Access Commitments [REP3-028] submitted at Deadline 3 provide that if the Annual Monitoring Report suggests in GAL's or the TFSG's reasonable opinion that a mode share commitment may not be met (i.e. an</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>The Local Authorities remain concerned that the SACs as currently worded allow a substantial amount of time to pass, without meaningful sanction, to ensure that the modal split targets are met by the Applicant. The SACs allow two successive Annual Monitoring Reports to report that the mode share commitments have not been met before the TFSG can even consider or comment upon the action plan to address missing the mode share commitments.</p>	<p>anticipatory breach) GAL will in consultation with the TFSG prepare an action plan to identify such additional interventions which are considered reasonably necessary to correct such actual or potential non-achievement of the mode share commitments. The action plan shall be subject to approval by the TFSG (such approval not to be unreasonably withheld). These actions will apply to measures in GAL's control, or those actions that can be agreed with third parties such as service providers (and GAL shall use reasonable endeavours to agree such measures with third parties). GAL will implement the measures in the action plan once approved by the TFSG. This process ensures that any anticipated breach of the mode share commitments are responded to in good time with the intention of preventing any such breach.</p>
TT.1.36	<p>SCC Comment – SCC's comments on the inadequacy of the proposed Active Travel infrastructure are set out in SCC's Local Impact Report [REP1-097]. With regard to the provision along the A23, SCC considers that the route would be subject to fear and intimidation as it is next to the A23. SCC also questions the use of the shared use section from Longbridge Roundabout into Riverside Park for Gatwick Airport users. Instead, SCC has repeatedly requested that the route north from the proposed</p>	<p>With regards to SCC's comments on the inadequacy of the proposed Active Travel infrastructure as set out in SCC's Local Impact Report [REP1-097], a detailed response was set out in the Applicant's Response to Local Impact Reports [REP3-078], reference no. TT6. With regards to SCC's comments on the inadequacy of the proposed Active Travel infrastructure as set out in SCC's Local Impact Report [REP1-097], a detailed response was</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>A23/North Terminal signalised crossing through Riverside Garden Park is improved. Similarly, improvement is needed from the southern end of The Crescent along the west side of the railway through the proposed open recreational space to be created within the extents of the current Car Park B. These routes are more direct between Horley and Gatwick Airport than the proposed route from Longbridge Roundabout south of the A23.</p>	<p>set out in the Applicant's Response to Local Impact Reports [REP3-078], reference no. TT6.</p> <p>The proposed active travel provision running alongside A23 London Road consists of widened and improved provision when compared to the existing. The route will be lit by updated street lighting along its length. The reduced speed limit on A23 London Road will introduce safety benefits and likely increase the attractiveness of the route for users to make the route busier, it is considered this route will also benefit from passive surveillance by road users, both of which reduce the potential for fear and intimidation.</p> <p>Please see above response to TT.1.23 for ongoing engagement with SCC relating to their perceived inadequacy of the proposed Active Travel infrastructure,</p>
TT.1.37	<p>Clarity needs to be provided to show on the Rights of Way Access Plan that the shared footway/cycle way acting as an alternative to FP346/2sy is actually Highway. At present this isn't clear.</p> <p>The Authorities would welcome further clarity from the Applicant on this point.</p>	<p>Referring to the Rights of Way and Access Plans [REP3-013] and Draft Development Consent Order [REP3-006], Schedule 4, Part 3 shows that the section of FP346/2sy, which is being stopped up, is replaced by lengths of cycle track (sections labelled c2, c3, c4, c5, c6, c8, c40, c41 and c42 in the Rights of Way and Access Plans), parts of which are to be shared-use cycle tracks and other parts of which are to be segregated cycle tracks as illustrated in the plans. Part 1 of the draft DCO [REP3-006] sets out the definition of a cycle</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>track in accordance with the Highways Act 1980 and the 1984 Cycle Tracks Act 1984. The Acts in summary define a cycle track as a way over which the public have a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1972) with or without a right of way on foot. Part 1 of the draft DCO clarifies that for the purposes of this Order cycle tracks include a right of way by foot to enable shared/segregated cycle track provision for use by both pedestrians and cyclists.</p>
TT.1.38	<p>SCC Comment – SCC question the need for the additional 1,100 car parking spaces proposed. Is there a risk that by including them they will reduce the ability to meet the mode share targets in the SAC?</p> <p>As per the Local Authorities other comments, we remain concerned that some 4,694 existing on-airport spaces have been omitted from the Applicant's calculation due to them not being operated by GAL. These spaces still form part of the on-airport provision and are used by passengers travelling to/from the airport. Their exclusion presents a question as to whether the proposed 1,100 addition spaces to be provided through the DCO represent an over-provision.</p>	<p>The inclusion of 1,100 spaces is the residual requirement for summer peak period parking capacity after taking account of the mode share targets set out in the Surface Access Commitments being achieved.</p> <p>The estimate of spaces not held by the airport operator but located within the airport boundary are included in the annual Gatwick Parking Survey used as the basis for modelling as part of the Transport Assessment. All of the car trips to and from these spaces are also included in the model as they have been captured in the extensive data collection supporting the model development. These car trips are considered as airport-related trips within the trip matrices. The authorised on-airport spaces provided by others are located close to airport-operated car parks and are therefore</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>Given that there is no forecast change in park and fly demand in 2047 (as reported in Transport Assessment Annex B – Strategic Transport Modelling Report Table 70 and Table 133), SCC would like to see a phased approach to such development, should these additional spaces be required.</p>	<p>accessed in the same way. The location and quantity of these spaces does not change within the Future Baseline or with the Proposed Development and are therefore considered alongside other off-airport spaces as fixed capacity that cannot be influenced by the Applicant. In terms of the phased approach, please see the Applicant's Response to Rule 17 Letter - Car Parking [REP4-019] which shows how parking is anticipated to evolve in response to construction works and parking demand.</p>
TT.1.39	<p>SCC Comment – SCC wonders if, with revised information and aspirations, the factors could be revised as it seems that this estimate has been used since an early stage of model development and not revised since.</p>	<p>The Applicant does not intend to revise its projections of car parking requirement. The Applicant has provided detailed material on parking in Response to Rule 17 Letter - Car Parking [REP4-019] which sets out further information on the basis for the proposed number of car parking spaces and the context for it.</p>
TT.1.40	<p>SCC Comment – SCC wonder if this is saying that GAL intend to build the car park when convenient from a construction point of view, despite saying as and when necessary and arguably not until after 2032? The implication is that the car park will be built with other construction. It is not likely to be needed before 2032 and would potentially not be used as mode share targets need</p>	<p>The Project proposes a number of parking construction works, predominantly to replace spaces lost during works to construct other parts of the Project, notably close to the northern boundary of the airfield. The timing of Project works indicates that for some periods of the overall construction there will be a reduction in on-airport (airport-operated) capacity including when multi-storey or decked car parking capacity is constructed on existing car parks. It is noted, that some replacement parking will not be completed until 2038, as</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>to be met.</p> <p>The modelling shows that with and without the Project, parking does not change - so are these spaces required?</p> <p>Given that GAL has said that growth will mean more people will drive as public transport is not viable for all – this approach seems problematic, which without Environmentally Managed Growth, could go relatively unchecked. There is no sanction to a missed SAC. The threat of more off- site parking should not be a reason to allow more on site. GAL should invest the money saved in not building an additional 1,100 spaces into public transport accessibility improvements, to provide that impetus for sustainable access to the airport.</p>	<p>shown at Table 1 in the Applicant's Response to Rule 17 Letter – Car Parking [REP4-019].</p> <p>The addition of 1,100 spaces to cater for long term growth is proposed within an area of decking in the North Terminal Long Stay car park, which also caters for replacement capacity due to construction. The Applicant wishes to ensure that during the construction programme there is sufficient choice and availability of on-airport capacity to avoid pressure on off-airport sites, it therefore proposes that the full extent of the decking in North Terminal Long Stay is progressed to provide interim capacity. Whilst this includes the spaces identified for growth, the timing of other works means that the full extent of future car parking will not be reached until 2038. To clarify, this means that with the Project car parking capacity is expected to be lower than that of the Future Baseline until 2038. This can be achieved in part due to the higher projected sustainable mode shares.</p> <p>The Applicant does not accept that there is no sanction to a missed Surface Access Commitment. The revised Surface Access Commitments [REP3-028] submitted at Deadline 3 includes a sanction to submit a mitigation action plan and proposed mitigation measures to the Secretary of State if they cannot be agreed with the Transport Forum Steering Group following two successive Annual</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
		<p>Monitoring Reports showing a breach or anticipated breach of the mode share commitments.</p> <p>The authorities are referred to Appendix B: Response to the JLAs' Environmentally Managed Growth Framework Proposition (Doc Ref. 10.38), which comprises a response to their document, Introduction to a proposal for Environmentally Managed Growth Framework [REP4-050].</p> <p>As set out in the ES Appendix 5.4.1: Surface Access Commitments [REP3-028] monitoring of car parking demand and other surface access data will be used to show there is sufficient parking capacity on-airport to meet demand but that additional parking is not delivered earlier than required. These data will form part of the Annual Monitoring Report prepared for the Transport Forum Steering Group.</p>

Gatwick Area Conservation Campaign

2.15.2 The below table responds to GACC's reply [[REP4-106](#)] to the Applicant's ExQ1 response on Traffic and Transport.

Table 21: Response to ExQ1 - Traffic and Transport from Gatwick Area Conservation Campaign

ExQ1	GACC Response	Applicant's Response
TT.1.3	<p>Why has baseline data, without development proposals not been provided? Also, why not compare Heathrow and Gatwick passenger and staff spaces combined data?</p>	<p>Baseline data is provided for all the airports listed, including for Gatwick Airport, and this data is available for 2019.</p> <p>Passenger and staff car parking are significantly different products compared to air passenger car parking provision, and are subject to different variables, and therefore would not provide a meaningful comparison. Transport for London Comments on Responses to ExQ1 [REP4-082] provides a breakdown of air passenger and staff parking for Heathrow Airport. After adjustments for transfer air passengers, the table provided shows 617 spaces per mppa for Gatwick with Project, and 460 spaces per mppa for Heathrow (2023).</p> <p>As set out in the Applicant's response to TT.1.13, car parking provision is related to car mode share, passenger mix, airline and destination mix (short haul/long haul), location, pricing and other factors meaning a direct comparison is misleading.</p> <p>For instance, pre-Covid CAA mode share data (2019) for Gatwick and Heathrow has been considered. Although car parking provision per mppa and car driver mode share is lower for Heathrow, Heathrow has significantly higher taxi /</p>

ExQ1	GACC Response	Applicant's Response
		<p>minicab mode share than Gatwick (32% Heathrow vs. 14% Gatwick). This mode share generates more traffic movements (typically four drop off/pick up movements for each passenger trip compared to two “park and fly” movements) but with less parking requirements. Overall, Gatwick achieves a higher public transport (rail and bus) mode share than Heathrow</p>
TT.1.4	<p>The response is inadequate, and does not address the policy choice options available to the Applicant. Applicant's response notes “it would be unrealistic to assume that no additional journeys would be made by road.” But allowing additional journeys by road is a policy choice and the applicant has made a policy choice to facilitate car traffic growth. The Applicant could have chosen to constrain car traffic growth to no more than current levels or without project levels, but has chosen not to. If, as noted by the Applicant, higher levels of public transport mode share cannot be achieved then, we would contend, the planning application should not be approved or delivery should be conditional on no additional car growth. Additional car growth will cause a deterioration in air quality, increase greenhouse gas emissions and reduce journey times.</p>	<p>The Applicant is not able to mandate the modes that passengers use to access the airport as a “policy choice” as suggested by the respondent.</p> <p>The Applicant has explored the potential mode share outcomes that might be achieved with the Project through the strategic transport modelling suite, including the likelihood of achieving zero growth in airport-related demand by private car and the scale of interventions that might be required to achieve different outcomes. This takes account of the nature of the Airport which serves a catchment population spread across a large area, within which the provision of public transport and other travel choices varies considerably. The Applicant has determined its proposed commitments based on that modelling work, which suggests that an outcome in which no additional journeys would be made by road is not realistic.</p>

ExQ1	GACC Response	Applicant's Response
	<p>The response notes that the “Applicant is committing to significant investment in public transport”. The main mode of public transport access for the majority airport users is rail and the applicant is providing no additional rail service or capacity funding. Without additional investment in rail services and capacity, we disagree with the Applicant’s claim that they are committing significant investment in public transport.</p>	<p>Please see response to Legal Partnership Authorities, TT.1.4, in Table 20.</p> <p>The Applicant's response to TT.1.4 refers to other areas within the catchment of the airport that are currently less well served by public transport (i.e. those not near a railway station), where the Applicant is committing to significant investment in public transport. Paragraph 5 of Schedule 3 to the draft DCO S106 Agreement [REP2-004] secures a minimum £10 million investment from the Applicant to support the introduction or operation or use of bus and coach services.</p>
TT.1.6	<p>GACC are concerned about any car traffic growth generated by the project, whether allocated to the final leg or generated as a result of drop at a remote location. The response appears to suggest that GAL is trying to absolve itself from being responsible for impacts simply because they occur a particular distance from the airport. GACC disagrees with this approach. It also implies that, at best, the mode share figures for the Project require careful interpretation and, at worst, are overestimating achievement of the targets as car trips are hidden from the figures.</p>	<p>The impact of changes in car traffic associated with off site car parking using authorised off airport parking is included within the assessment. The impact of changes in car traffic associated with use of remote parking on street or in off site public car parks has not been included as it was not identified within the CAA dataset used to inform the assessment - this has not been identified as a major issue for consideration through the various stakeholder engagement.</p> <p>All public transport use where defined as the last trip leg in the CAA data is included. With respect to remote on-street parking, within walking distance of the airport, for example in</p>

ExQ1	GACC Response	Applicant's Response
		<p>Horley, local parking restrictions and permit systems are in place that stop any long term parking related to air passengers. Public car parks in central Horley are available and could be used by air passengers - this would be either around a 1.5 mile walk, or 5-10 minutes in a bus and paying the relevant fare. Given the pricing of these parking locations, the maximum duration of stay is typically 24 hours, unless a season ticket is purchased which to permit a 7 day continuous parking would cost around £130 as a minimum. On this basis the Applicant does not consider that public car parks, or on street parking, provide viable options for passengers or employees that are more attractive than what is already provided at the Airport. The Applicant has not been informed by local authorities through engagement of particular concerns around off site usage of public car parks, nor on-street parking and so for the reasons listed above, the Applicant considers its interpretation of the CAA data reasonable.</p>
TT.1.9	<p>The response provided is contradictory. It is unclear how the applicant can legitimately say that on-street or use of private driveways is not significant when it also notes that it is not possible to determine with certainty if a car parked has carried airport passengers or airport staff. The</p>	<p>The Applicant is committed to providing funding to support effective parking controls and / or monitoring and support local authorities in their enforcement actions against unauthorised off-airport car parking (Commitment 8 of ES Appendix 5.4.1: Surface Access Commitments [REP3-028] and Schedule 3</p>

ExQ1	GACC Response	Applicant's Response
	<p>uncertainty around off-airport parking is a significant gap in the ability to control car use and raises questions about the ability of the applicant to achieve its mode share targets. Several RRs have suggested the adoption of a Green Controlled Growth approach and this response underlines the need for such an approach.</p>	<p>of the draft Section 106 Agreement [REP2-004]). The Applicant is not itself able to enforce against parking on streets, nor to prevent the use of private driveways.</p> <p>GACC is referred to Appendix B: Response to the JLAs' Environmentally Managed Growth Framework Proposition (Doc Ref. 10.38), which comprises a response to their document Introduction to a proposal for Environmentally Managed Growth Framework [REP4-050].</p>
TT.1.35	<p>This is a weak, vague and obscure response, and provides no confidence in the robustness of the forecasting. GACC would expect to see a range of sensitivity analyses to be reported, showing the impact of a failure to meet modal targets.</p>	<p>The transport modelling work has been undertaken in keeping with DfT Transport Analysis Guidance (TAG) guidance and industry standard processes, together with engagement with National Highways and local authorities.</p> <p>The assessments submitted as part of the DCO Application are in the context of the requirement to assess a realistic worst case for the Project as part of the Environmental Impact Assessment as required in IEMA guidance on Environmental Assessment of Traffic and Movement (2023) (paragraph 1.24 and 1.25 on the Rochdale Envelope). There is no requirement to report or commit to measures for a range of different mode share scenarios as the Project is committed to one set of</p>

ExQ1	GACC Response	Applicant's Response
		mode shares as set out in the ES Appendix 5.4.1: Surface Access Commitments [REP3-028] .
TT.1.39	<p>This suggests that the car parking requirement was a fixed input into the modelling process, whereas the level of car parking is actually a key policy variable which will determine the level of car use in the models. In the absence of a model which includes a dynamic interaction between car parking need and highway demand, were a series of sensitivity tests carried out to determine the impact of alternative car parking input assumptions on car demand and, therefore, mode shares? If these tests weren't carried, can the Applicant explain how it determined the level of car parking requirement as an input to the modelling process.</p> <p>The response suggests that the Applicant has chosen to supply sufficient car parking to facilitate car access as a result of an absence of effective controls on off-airport car parking and park and fly trips. GACC regards the absence of these controls as a significant failure of the project transport strategy, and leads to doubts that the applicant will achieve its (already weak) mode share targets. For this reason, we recommend the adoption of a Green Controlled</p>	<p>Please see Response to Rule 17 Letter - Car Parking [REP4-019] which provides further information on car parking.</p> <p>The level of car parking assumed in the strategic transport model does not directly relate to demand generated for Park & Fly activity by the Airport (or vice-versa). This is because the average length of stay for a passenger vehicle parked at an airport is several days, which means that parking availability can be managed by the Applicant to respond to demand rather than used to influence demand directly. Nevertheless, care has been taken to determine the appropriate amount of car parking required to meet demand and the supply of car parking will not be the main factor that limits car use. The model includes the effect of car parking charges in determining mode share, since cost is the principal influence on choice in the strategic model.</p> <p>The authorities are referred to Appendix B: Response to the JLA's Environmentally Managed Growth Framework Proposition (Doc Ref. 10.38), which comprises a response to</p>

ExQ1	GACC Response	Applicant's Response
	Growth strategy with respect to Surface Access Commitments, specifically the mode share targets, as proposed for Luton Airport.	their document Introduction to a proposal for Environmentally Managed Growth [REP4-050].
TT.1.41	Parking provision is shown as absolute figures and mode shares are shown as percentages. GACC would like to see added to the table the absolute increase in car trips to the airport and how these are reconciled with the provision of car parking. As currently presented it is not possible to determine how the car parking provision is matched to the number of car trips. An overall picture of all car trip categories to the airport, including short and long term parking, park and ride and any other categories so that it can be seen how these are matched with parking provision.	Information on the number of Park & Fly trips to and from the Airport for the June busy day used in the assessment in each scenario is provided in Tables 70 and 133 of Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260]

Holiday Extras

2.15.3 The below table responds to Holiday Extras' reply [[REP4-108](#)] to the Applicant's ExQ1 response on Traffic and Transport.

Table 22: Response to ExQ1 - Traffic and Transport from Holiday Extras

ExQ1	Holiday Extras Response	Applicant's Response
------	-------------------------	----------------------

<p>TT.1.2</p>	<p>The Applicant’s response to this question raised by the Examining Authority reveals that the Sustainable Transport Fund will continue to operate in the future and is secured under the Draft DCO Section 106 Agreement at paragraph 4 of Schedule 3 [Document REP2-004]. It is understood that GAL will be responsible for the administration of convening and holding meetings of the Transport Forum Steering Group in accordance with the TFSG’s Terms of Reference in Appendix 3 of the same document [Document REP2-004] as amended from time to time in accordance with the process set out therein.</p> <p>No membership has been offered to companies operating lawful long term off-airport car parking services in the vicinity of London Gatwick Airport, and nor has any invitation been sent to any other company where the principal line of business is the provision of airport related passenger car parking. This is in contrast to Government policy on Airport Transport Forums which suggests that ATFs are made up of representatives, including passenger representatives and local businesses.</p> <p>In contrast, my clients have been offered a position in the Airport Transport Forum following representations raised into the Luton Rising DCO application. Furthermore, it is noted that the Stansted Air Transport Forum is defined as “a partnership</p>	<p>The purpose of the Transport Forum Steering Group is set out in the Terms of Reference, which responds to Government guidance. The purpose of Airport Transport Forums is to encourage partnership working between the airport, local authorities, transport operators and other stakeholders in order to encourage the uptake of sustainable modes of transport by airport passengers and staff and to reduce the potential negative impacts of road travel on the local area, such as air quality and road congestion.</p> <p>The Applicant makes no comment in relation to how other airports manage their Airport Transport Fora, noting that there are considerable differences pertaining to surface access at each of the major UK airports.</p> <p>Off airport parking companies are routinely invited to the annual Airport Transport Forum as are many different stakeholders and interested parties relevant to airport surface access.</p> <p>The Transport Mitigation Fund Decision Group will be made up of members of the Transport Forum Steering Group, and other parties as agreed by the TFSG, including but not limited to private organisations responsible for the delivery of sustainable transport services in common with</p>
---------------	---	---

	<p>of those interested in how journeys are made to and from London Stansted Airport by passengers, workers and other visitors”, before adding “The Forum is a private public partnership which brings together those who supply transport and infrastructure with those who use it, to ensure surface access is provided in a sustainable way.” 2.04</p> <p>The Applicant describes the Transport Mitigation Fund (TMF) as a contingent fund secured under the Draft Section 106 Agreement at paragraph 10 of Schedule 3 [Document REP2-004]. In the same way as the STF, those representatives on the Transport Mitigation Fund Decision Group (TMFDG) are to be established by GAL, which again includes no representatives from any private organisation responsible for or having an interest in how journeys are made to and from London Gatwick Airport by passengers. 2.05 Indeed, no indication is given as to whether certain projects are eligible for joint funding under both the STF and TMF.</p>	<p>the objectives of the Airport Surface Access Strategy and Surface Access Commitments.</p>
<p>TT.1.3</p>	<p>The Examining Authority asks how does London Gatwick Airport compare with other south east airports in terms of both on-site and authorised off-site car parking provision, requesting the Applicant to provide a table showing a comparison, looked at in terms of the ratio for each mppa. Although my clients acknowledged that UK airports do not</p>	<p>Information provided in the Applicant’s Response to ExA’s Written Questions: Traffic and Transport [REP3-104] compares publicly available data for car parking spaces provided by airport operators. The Applicant is not aware of similar data for authorised or unauthorised off-airport provision at other airports that are comparable to</p>

routinely provide information on authorised off-airport car parking, it is nevertheless the case that firstly, most UK airports provide information on both staff and passenger car parking provision, and secondly, when considering applications seeking the expansion of UK airports, whether or not as part of DCO applications, attention is focused on both on-airport and lawful off-airport passenger car parking provision.

[Please see the detailed reasoning within the JLA's submission]

To this end, the Examining Authority is specifically requested to give consideration to the removal of permitted development rights where it concerns on-airport related car parking and/or imposing a cap on the number of on-airport passenger car parking spaces in the event it is recommended that planning permission should be granted for the DCO application relating to the Northern Runway Proposals.

the Gatwick Parking Survey published by Crawley Borough Council on its website².

It is noted that the number of parking spaces for Heathrow Airport, consistent with the information in Table 1 in **Applicant's Response to ExA's Written Questions: Traffic and Transport** [REP3-104] was provided by Transport for London's **Comments on responses to ExQ1** [REP4-082] from material no longer available online, which the Applicant accepts. Please see response to Gatwick Area Conservation Campaign on TT.1.3, in Table 21.

The **ES Appendix 5.4.1: Surface Access Commitments** [REP3-028] sets out the number of additional spaces for which permission is sought under this DCO of 1,100 spaces, in addition to replacing spaces lost due to construction. In terms of the assertion that future parking provision should be subject to control the Applicant notes its response to Action Point 6 (Controls on Parking Capacity) of the Response to Rule 17 Letter – Car Parking (Doc Ref: 10.21), where it explained that the provisions made in the Surface Access Commitments require GAL to

² <https://crawley.gov.uk/sites/default/files/2024-01/Gatwick%20Parking%20Survey%20Results%20Summary%202023.pdf>

		<p>maintain and enhance sustainable mode shares through the use of parking controls and pricing. This effectively controls future airport parking to that which is set out in the DCO Application and it is therefore not in the Applicant's interest to pursue any further on-airport parking. This careful approach has worked historically without control; mode shares have progressively improved, whilst local authorities have relied on evidence of sufficient (but not too much) parking on airport when enforcing against unauthorised off-airport parking.</p>
<p>TT.1.4</p>	<p>The Applicant states that they currently achieve a higher public transport mode share than London Heathrow Airport, with the surface access commitments going further than the public transport mode shares which were “expected” for Heathrow in the Airport’s National Policy Statement at paragraph 3.5.1. 4.02 This statement however does not take into account those further improvements which London Heathrow Airport state will be made to buses serving all areas surrounding the airport, where at present areas to the north and east are significantly better served by existing bus routes than areas to the south and west.</p> <p>In the case of the Northern Runway Proposals the Applicant cannot forecast those improvements to existing bus serves, or</p>	<p>The Applicant's comment was made in specific reference to paragraph 5.17 of the Airport’s National Policy Statement which noted (in reference to the proposed third runway application) that “<i>Any application for development consent and accompanying airport surface access strategy must include details of how the applicant will increase the proportion of journeys made to the airport by public transport, cycling and walking to achieve a public transport mode share of at least 50% by 2030, and at least 55% by 2040 for passengers.</i>” The Applicant's comment is factual in respect of the current respective mode shares between the airports, and the proposed mode shares under the SACs by comparison to those ANPS targets; however, clearly what targets Heathrow proposes and subsequently</p>

	<p>the introduction of new services that the June 2019 London Heathrow Surface Access Proposals anticipate will arise from the Heathrow Airport Northern Runway proposals, working alongside Transport for London, other bus operators and local authorities who identify public transport initiatives that can be delivered, including bus priority measures. Furthermore, the comments raised by the Applicant do not take into account building on the improvements which will arise through the introduction of the Elizabeth Line; a new station on the HS2 line at Old Oak Common or to any upgrades to the Piccadilly Line. Importantly, the Applicant’s comments do not consider the delivery of either a Western Rail link to Heathrow, or a Southern Rail link to the same airport, and what benefits in terms of sustainable modes will arise from these two projects. What Graphic 3.59 referred to above does reveal is that it is anticipated that passenger car parking per million passengers will be lower at an international hub airport, compared to what is currently expected at a point-to-point airport.</p>	<p>achieves under its own ASAS in support of any future DCO application is unknown and so the Applicant makes no submission in that respect, which is clearly not a matter for this examination.</p>
<p>TT.1.6</p>	<p>The Examining Authority state “Paragraph 6.2.10 addresses passenger mode share. How are remote off-airport parking passengers considered in the mode share (authorised off-airport parking, park (on-street or public car park) and bus/taxi or walk)? Is there any data on these passengers?”</p>	<p>The Applicant has addressed this point in its answer to TT.1.6 in The Applicant's Response to the ExA's Written Questions (ExQ1) - Traffic and Transport [REP3-104] and in response to comments on TT.1.6 made by the Legal Partnership Authorities, set out in Table 19.</p>

Although CAA data does not identify those passengers that may park off site in public car parks or on street, it relies on the final leg normally used as the main mode of transport on arrival at the airport. Historically, the Applicant for consistency reasons, has sought to calculate the absolute number of passengers who use a particular mode of transport, before multiplying the total passenger number by the percentage of nontransfer passengers. The resultant figure, being the number of non-transfer passengers, is then multiplied by the percentage for a given mode of transport to give the absolute number of passengers using that mode of transport to access the airport.

It is however possible to use a more granular level of data from CAA which can distinguish passengers' surface access mode between those who leave their car either at a long term on-airport or long term off-airport site, and those passengers who depend on the "kiss-and-fly" mode, both falling within the generic modal split category of private transport, based on the last leg of the journey, but with considerable differences when assessing their overall sustainability credentials. The reasoning for adopting a more granular assessment lies in the fact that those relying on the "kiss-and-fly" mode are not contributing to either the demand for or supply of long term on or off airport car parking provision. In this way, it focuses on

those distinct modes which directly affect future long term on and off-airport related passenger car parking demand and supply. Table 1 overleaf sets out the modal share of passengers travelling to and from London Gatwick Airport in 2016, relying on bespoke data provided by CAA. It is noted that paragraph 7 of Schedule 3 of the latest Draft Section 106 Agreement [Document REP2-004] commits the Applicant on or before the commencement of the dual runway approach, and annually thereafter until the end of the monitoring period, to the payment of an off-airport parking support contribution to Crawley Borough Council for the purposes of off-airport traffic management and/or parking control and enforcement, with the intention of limiting unauthorised parking, deterring rat running and maintaining traffic flow. *(See table in original response from Holidays Extra)* To the extent these provisions are not expected to come into operation until 2032, would indicate that a similar assessment could take place during the intervening period, particularly with respect to airport related on-street car parking, A detailed examination of those technological platforms in which airport passengers rely for parking spaces being situated on private driveways of residential properties and other locations would provide an indication of the level of reliance placed on this form of off-airport related car parking, which could then be factored in to any proposed future on-airport car parking requirement. My clients have indicated in

	<p>this company’s Deadline 1 submission, that based a single example, 251 addresses were available to those wishing to utilise this form of parking provision over the time period specified.</p>	
<p>TT.1.9</p>	<p>In addition to the 4,939 or 4,924 car parking spaces referred to in the previous paragraph, a number of important conclusions emerge from the 2019 and 2023 Gatwick Car Parking Surveys. The figures of 4,939 or 4,924 spaces referred to in paragraph 6.14 are required to be added to the difference between the authorised capacity and revised capacity figures in Table 2, being 1,920 spaces (3,827 – 1,909 = 1,920), resulting in an overall total of 6,859 or 6,844 spaces. The 6,859 and 6,844 in turn are required to be deducted from the figures of 22,819 and 23,229, to produce a more robust assessment of authorised passenger car parking spaces off-airport. The conclusion to be derived from this exercise is that, in reality, the number of authorised passenger spaces off-airport is around 15,960 to 16,385 spaces and that is these figures which should be applied in Table 2 of Document REP1-051. This is irrespective of the fact that the same figures take no account of the point raised earlier concerning an absence of planning permission being granted for a mixed or composite use of hotels and off-airport car parking, particularly in those</p>	<p>The Applicant acknowledges that a number of authorised off-airport parking providers operate a “meet and greet” service whereby a passenger is met at the airport and their car is then driven away to a remote location. The vehicle would then be returned to the airport for the passenger to pick up on their arrival back at the airport. It is noted that, this is similar to valet operation conducted by the airport.</p> <p>The distinction between “on-airport” parking spaces and “off-airport” parking spaces and how those spaces have been treated in the Applications is set out in Table 50 of this document (the Applicant’s Response to West Sussex Joint Local Authorities Local Impact Reports on Car Parking Strategy) in response to West Sussex JLAs comments on Table 38: Car Parking Strategy.</p>

	<p>instances where the hotel sites lie outside the Operational Land area of London Gatwick Airport.</p>	
<p>TT.1.10</p>	<p>The Applicant in response to the questions raised by the Examining Authority under TT.1.10 states that “There is no control/limit on parking spaces imposed on the Applicant under any planning permission or agreement”. This candid response has to be viewed in the context of current adopted Local Plan Policy GAT3.</p> <p>The Local Planning Authority considers Policy GAT3 of the adopted Crawley Borough Local Plan 2015-2030 to be the mechanism which restricts provision of additional or replacement airport parking to sites within the airport boundary, but as my clients have already indicated in these representations, the same policy is declared redundant in circumstances where the Airport can take advantage of permitted development rights and effectively bypass the requirement to justify a demonstrable need in the context of proposals for achieving a sustainable approach to surface transport access to the airport.</p> <p>It is for this reason along with any independent governance arrangements surrounding on-airport car parking provision that the Examining Authority is requested to consider using a cap to control on-airport staff and passenger car parking in a</p>	<p>The respondent does not provide the remainder of the response in TT1.10 of Applicant’s Response to ExQ1 – Traffic and Transport [REP3-104], which goes on to say the following “<i>On-airport car parking capacity is reported each year to Crawley Borough Council, in accordance with the Applicant’s 2022 Section 106 agreement. This provides information on the type of parking being provided (mix of self park and block park) and locations. Surveys of cars parked provide a level of occupancy at the time of survey, noting that this will be very variable over time. Block parking, which allows for more cars to be parked per hectare than self-park, is used more during peak seasons in response to passenger demand and customer preferences for different products.</i>” This clarifies that the on-airport capacity may change during the year depending on demand for different parking products. In this sense the operation of spaces on-airport has no “control/limit” imposed by the airport’s current planning permission or agreement. There are however obligations under the current Section 106 agreement between the Applicant, Crawley Borough Council and West Sussex County Council that the Applicant should provide “<i>sufficient but no</i></p>

similar way to that considered appropriate at the time of the T5 inquiry involving London Heathrow Airport. The fact that on-airport car parking capacity is reported each year to Crawley Borough Council in accordance with the 2022 Section 106 Agreement, offers no comfort, particularly when there is an absence of any enforcement measures governing on-airport car parking provision whether for staff or passengers, with the ability of the airport to mix different forms of on-airport car parking at any time to suit its own business arrangements.

The answers given to the questions in TT.1.10 makes no reference to the extant Local Plan policy, but defers to pricing as the sole mechanism to be used efficiently to ensure a balance is struck between surface access strategy and goals for sustainable travel.

Pricing plays its own role as an important revenue stream for the airport, providing the necessary finance to support sustainable access commitments through the Sustainable Transport Fund. What is clearly important is that pricing can result in unforeseen circumstances in that if it is generally seen by the passenger as being over-expensive, it is more likely to lead to increases in unauthorized car parking off-site, along with added impetus focused on using technological platforms

more parking than necessary to achieve a combined on and off airport supply that is proportionate to 48% of non-transfer passengers choosing to use public transport for their journeys to and from the airport by end of 2024” This demonstrates the link between on-airport parking and sustainable mode share. The respondent acknowledges this obligation in its response to TT.1.34.

The Applicant has responded to the point about parking controls in its response to the JLAs comments on GEN 1.28 in Section 2.9 of this document. The Applicant wishes to reiterate that the controls proposed through the Surface Access Commitments (SACs) (by way of mode share commitments) are the most appropriate way to control the number of parking spaces provided at the Airport.

The Applicant also strongly resists any assertion that a cap on parking spaces should be imposed. The Applicant has successfully achieved its surface access targets in the absence of any such cap. The Applicant would also point to the potential unintended consequences that the imposition of such a cap could cause in terms of potentially greater demand for unauthorised off-airport parking capacity and/or fly-parking as set out in further detail in the **Car Parking Strategy** [[REP1-051](#)].

	<p>such as JustPark, which is of no benefit to either the Applicant or bona fide long term off-airport car parking operators.</p> <p>The Applicant states that it does not seek to control occupancy of off-airport capacity and neither does the DCO application seek to do so. The airport is nevertheless highly influential in persuading local planning authorities to impose restrictive policies into their Local Plans thereby effectively preventing the introduction of long term off-airport car parking sites ostensibly on sustainability grounds. My clients believe this is only part of the reasoning, with the airport operator occupying a strong position in both the upstream (access to the airport) and downstream (services to get to the airport) levels of the surface access sector. This at best means that airport operators have incentives to favour their own services, with the ability to prevent access to rival facilities. In this regard, for the Applicant to state that requests for additional capacity by long term offairport car parking operations would require planning permission, in the full knowledge that this is unlikely to be forthcoming, is a futile comment to make</p>	
TT.1.16	<p>The Applicant has referred in its answer to the Examining Authority’s Question TT.1.16 to a list of improvements to bus and coach services, which in themselves are provided at paragraph 11.3.16 of the Transport Assessment [Document</p>	<p>ES Appendix 5.4.1: Surface Access Commitments (SACs) [REP3-028] identifies these as services which will support achieving the mode share targets that the Applicant is committing to. It also notes that GAL will</p>

	<p>AS-079]. The mechanism for delivering these bus and coach services is set out in Commitments 5-7 provided at Document REP3-028. In Document REP3-028 these bus and coach enhancements are set out at Table 1 and Table 2, at paragraphs 5.2.2 and 5.2.4, and whilst the indicative frequency with the Project is shown, both tables include the words “Daytime: Between the hours of 0700-1900”, which is not reflected in paragraph 11.3.16 of the Transport Assessment [Document AS-079]. As Document REP3-028 is the most recent, it would appear that the improved frequencies of bus and coach services are only expected to take place between the hours of 0700 and 1900, which is of no benefit to passengers requiring to access London Gatwick Airport for an early morning flight, or who return after 1900hrs.</p>	<p>provide reasonable financial support to these, or other services which result in an equivalent level of improved public transport accessibility. The Applicant will also be required to consult with the TFSG on details of routes and timetables, having also liaised with the relevant bus operator and/or local authorities. The Applicant has a strong track record of working with bus service operators to deliver service enhancements and will continue to do so as part of the future ASAS which will be developed for the Project and framed by the SACs. The commitments set out in the SACs do not preclude the introduction of services on other routes or at other times of day.</p>
<p>TT.1.28</p>	<p>It would appear from the Applicant’s response to Question TT.1.28 concerning ultra-low or zero emission vehicle mode share targets that its strategy providing charging infrastructure for electric vehicles used to access the airport to facilitate ultra-low and zero emission vehicles is not intended to be published before 2030, despite charging facilities for passengers being already available on airport.</p> <p>With these factors in mind, there is no reason why there should not be amendments to the 2022 Airport Surface Access</p>	<p>The Applicant has made clear the distinction between promoting mode shift to sustainable modes and the support for reducing carbon emissions through the increased use of ultra-low and zero emission vehicles. In the context of the Surface Access Commitments, and the current Airport Surface Access Strategy the Applicant consistently applies mode share targets, rather than emission targets in order to reflect the surface access</p>

	<p>Strategy to reflect support for what is referred to as “wider surface access commitments to promote sustainable travel” in compliance with Commitment 12A of Document REP3-028.</p>	<p>context for reducing road congestion and limiting car parking capacity requirements.</p>
<p>TT.1.31</p>	<p>It is the experience of those acting on behalf of Holiday Extras Ltd that considerations regarding luggage storage areas on trains for airport passengers cannot be realistically divorced from considerations relating to passenger volumes and in particular forecast passenger standing space, particularly where trains do not all terminate at Gatwick Airport railway station, and where the primary function of the Brighton Main Line is to service commuters.</p> <p>The absence of any surveys undertaken by the Applicant in preparing its DCO application is considered to be a serious omission, particularly when it is acknowledged that no surveys of how luggage is accommodated on trains have been made available to GAL. Furthermore, the DCO application involves Gatwick Airport railway station having to accommodate 32mppa more than the station currently is designed to handle, at a time when Commitment 1 set out in Document REP3-028 seeks a minimum of 55% of air passenger journeys to and from the airport to be made by public transport, with a further aspirational target of 60%, albeit that this is not a commitment.</p>	<p>The Applicant has provided detailed analysis regarding the impacts of the Project on Gatwick Airport Railway Station in Transport Assessment – Annex D Station and Shuttle Modelling Report [APP-262] and on rail network capacity and crowding in Transport Assessment Annex B – Strategic Transport Modelling Report [APP-260]. The Applicant is continuing discussions with Network Rail and Govia Thameslink Railway regarding further analysis and clarification on the method and results of rail modelling.</p>

	<p>In the light of these facts, the Applicant’s evidence where it relates to future passengers relying on public transport by rail has to be questioned.</p>	
<p>TT.1.32</p>	<p>Holiday Extras Ltd do not seek to challenge the answers given by the Applicant to the two points raised by the Examining Authority in ExQ1 TT.1.32, but it is nevertheless a fact as pointed out in my clients’ response to Question TT.1.6 referred to earlier in these representations, that CAA do provide bespoke data of a more granular nature which allows for identifying those passengers relying on “kiss-and-fly” as well as those using “meet-and-greet” facilities. In this way, the various sub-categories consisting of private car parking having been indicated in the footnote to Table 1 included on page 11.</p> <p>Where passengers rely on technological platforms such as JustPark to park their vehicles on the private driveways of individual residential properties or in other locations lying on close proximity to London Gatwick Airport, there is a tendency for them to use taxi/Uber to access the airport or return to their car, which can distort the various mode shares set out in Tables 12.6.1 of Document AS-076.</p>	<p>The Applicant would be grateful for any evidence and data relating to the use of residential properties for airport-parking purposes as indicated by the respondent. As previously stated, whilst the Applicant acknowledges the use of online platforms such as JustPark to facilitate this activity it is not aware of any data confirming its extent or if its use is wholly for airport-related journeys.</p> <p>Whilst it is possible to search these sites for availability at any one time this does not show locations that are already occupied, or otherwise unavailable. The Applicant is not aware of any data relating to how many locations (and therefore total number of spaces) are registered uniquely with an online provider (to avoid double counting those registered with more than one provider) and the level of occupancy across the year or restrictions on availability (for example specific months only). Neither is it possible to confirm if an occupied space is for airport passenger parking, though it is accepted that proximity to the airport and the airport station would be the two primary reasons for offering this type of parking.</p>

<p>TT.1.34</p>	<p>The Applicant provides information purporting to show the relationship between parking capacity and pricing to illustrate how the latter is effective in managing modal choice at airports. It is relevant to refer to the underlying intention behind Policy GAT3 of the adopted Crawley Borough Local Plan 2015-2030 when considering the relationship between parking capacity and modal choice. This policy requires any new proposals for additional or replacement parking within the airport boundary to be justified by a demonstrable need in the context of achieving a sustainable approach to surface transport access to the airport. The same policy is considered by my clients to be incapable of fulfilling its stated intentions for the reasons outlined earlier in paragraph 3.10 of these representations, although it remains Crawley Borough Council's view that Policy GAT3 performs a legitimate planning purpose, justifying its incorporation into the current adopted and emerging Local Plan.</p> <p>To this consideration should be added the provisions of Obligation 5.6.1 of the latest Gatwick Airport 2022 Section 106 legal agreement entered between GAL, West Sussex County Council and Crawley Borough Council, which is of relevance when considering the relationship between parking capacity and modal choice. Obligation 5.6.1 states:</p>	<p>Please see the responses provided above which address the same points.</p>
----------------	---	---

	<p><i>“5.6.1 Provide sufficient but no more on-Airport public car parking spaces than necessary to achieve a combined on and off airport supply that is proportionate to 48% of non-transfer passengers choosing to use public transport for their journeys to and from the airport by end of 2024.</i></p> <p>The Applicant refers to an increase in car parking capacity of 8,000 spaces in the decade to 2010, at which time there was a 28% increase in parking charges, with air passenger demand increasing by approximately 41% which would have needed an additional 14,000 spaces if mode shares had remained the same. These figures however do not take into account the levels of authorised and unauthorised off-airport car parking which was taking place during the same time period, and which reached peak levels in 2013/14 and 2017/18 and which cannot be divorced from modal share targets. Similarly, the relationship between behavioural change and the price of car parking, and drop-off and pick-up, is itself affected by choice of which there are many components, extending beyond on and off airport car parking and “kiss and fly” mode.</p>	
TT.1.38	The Applicant in answer to ExQ1 TT.1.38 provides at Table 3 of Document REP3-104 a comparison between the 2047 future baseline and 2047 figures with the Project, to derive future car parking requirements. In devising Table 3, the	For the purposes of the DCO the Applicant has considered current planning policies and taking account of any planned amendments to planning policies in relation to permitted off-airport parking development. In the absent of

<p>Applicant assumes a constant figure for current authorised off-airport passenger car parking provision into the future, as indicated by Row B2, based on the premise that no future planning permissions will be granted for long term off-airport car parking purposes.</p> <p>It does not take into consideration the fact that 26% of the total amount of authorised off-airport passenger car parking sites in accordance with the most recently published Gatwick Car Parking Survey 2023 are derived from Certificates of Existing Lawful Use or Development. Whilst it is accepted that there is no forecasting mechanism which can be employed to provide with any degree of accuracy the quantum of future off-airport passenger car parking spaces on sites which are the subject of CLEUD applications, it remains the case that some sites have previously figured in earlier Gatwick Car Parking Surveys.</p> <p>All the CLEUD application sites in the 2023 Gatwick Car Parking Survey are situated outside Crawley Borough Council's administrative area, with the consequence that they are not found in the most sustainable locations. This is a factor which cannot be divorced from the operation of a restrictive policy adopted by Crawley Borough Council which in preventing the establishment of long term off-airport car parking sites within its boundaries, perpetuates a form of</p>	<p>any permitted or planned changes to the provision of authorised off-airport parking that are subject to current planning applications it was considered that maintaining the same level of lawful, authorised off-airport parking as currently exists to be the most appropriate assumption. This was discussed with the local authorities in the preparation of the DCO application.</p> <p>The Applicant considered potential changes to unauthorised off-airport parking capacity, in line with the enforcement activities of local planning authorities and it was agreed with the authorities that the Applicant should not make any provision for additional spaces on-airport to allow for such unauthorised spaces to be removed due to successful enforcement.</p>
---	--

development whose consequences inevitably leads to increased traffic on rural roads; increased journeys made to and from the airport; increases in CO2 emissions and reductions in air quality, where such factors could be ameliorated if the sites were allowed in locations closer to London Gatwick Airport.

It is further contended that the peak off-airport passenger parking accumulation figure in Table 3 of Document REP3-104 is higher than the 87.5% of off-airport provision quoted by the Applicant, being closer to 90% or 91%; whilst no account has been taken of those sites which enjoy the benefit of a lawful off-airport car parking use for a limited period in any one calendar year. Similarly, no regard been paid to those unauthorised off-airport car parking sites, who regardless of their status, provide a service to passengers using the same airport, and which if the subject of enforcement proceedings, produces a ripple effect having an impact on both lawful on and off-airport car parking provision.

A further important issue concerns car parking associated with on-airport hotels found within the Operational Land boundary of London Gatwick Airport, where there is an absence of any designated car parking provision, and the extent to which on-airport parking spaces are used by their customers. A separate

	<p>consideration relates to car parking provision associated with hotels/guest houses situated outside the Operational Land boundary of London Gatwick Airport, either within or outside the boundary of London Gatwick Airport on the Proposals Map accompanying the adopted Crawley Borough Local Plan 2015-2030, and the extent to which they are being used for purposes incidental to the respective hotel/guest house, or whether the constitute a mixed or composite use involving a hotel and long term off-airport car parking. Those hotels found within the boundary of London Gatwick Airport on the Proposals Map accompanying the adopted Crawley Borough Local Plan 2015-2030 are considered to be on-airport from a policy perspective. It is a combination of these factors which clearly have an impact on the selected methodology provided in Table 3 of Document REP3-104</p>	
--	--	--

Kent County Council

- 2.15.4 The below table responds to Kent County Council’s reply [[REP4-055](#)] to the Applicant’s ExQ1 response on Traffic and Transport.

Table 23: Response to ExQ1 - Traffic and Transport from Kent County Council

ExQ1	Kent County Council Response	Applicant's Response
TT.1.13	<p>KCC believes that these procedures do not address our concerns over the ambitious fifteenfold increase in air passenger coach services for Kent that support the 55% public transport mode share target of the Surface Access Commitments [REP3-028], and we reiterate our request for the following:</p> <ul style="list-style-type: none"> • A sensitivity test on the implications of a continuation of the flat public transport mode share of around 45% for air passengers prior to the pandemic, which Diagram 6.2.4 of the updated Transport Assessment [REP3-058] indicates has been fairly consistent since 2012. This test represents an “adverse case” for travel between Kent and Gatwick by car; for which we would like to understand the implications on the highway network and particularly M25 Junction 7 (M23), where the merges & diverges of the relevant turning movements are modelled at or around capacity in the Core Scenario. • A sensitivity test that maintains the public transport mode share for air passenger coaches at the same levels as those prior to the pandemic but covers the achievement of 55% public transport mode share by increases in rail patronage. This test represents an “adverse case” for travel between Kent and Gatwick by rail - in terms of increasing patronage - for 	<p>The Applicant is committed to the mode shares set out in the ES Appendix 5.4.1: Surface Access Commitments [REP3-028] and the strategic transport modelling work shows that the committed interventions can achieve the committed mode shares. There is also a committed monitoring and reporting process in the event that the mode shares are not achieved. Sensitivity tests for different mode share scenarios are not required as these are not proposed by the Project, i.e. the Applicant is committed to funding for bus and coach services and as such there would not be a flat public transport mode share at pre-pandemic levels.</p> <p>The operation of the M25 Junction 7 has been discussed with National Highways through stakeholder engagement sessions. National Highways has indicated that it is satisfied with the strategic highway modelling and that the impact of the Project on the operation of the junction would be limited and does not require mitigation (for example see Table 12.9.27 of ES Chapter 12: Traffic and Transport [REP3-016]). This point was responded to in The Applicant's Response to the Local Impact Reports [REP3-078].</p>

ExQ1	Kent County Council Response	Applicant's Response
	<p>which we would like to understand the implications on the railway network, such as the capacity of the London rail connections that Kent passengers have to travel through. • A copy of the Local Model Validation Report (LMVR) so that the performance of the model in the vicinity of M25 Junction 7 (M23) can be confirmed, where an impact has been identified, as this is a critical point in the journey between Kent and Gatwick by road for both private and public transport modes.</p>	<p>The LMVR has been shared with National Highways, West Sussex and Surrey as part of stakeholder engagement sessions when the modelling suite was being developed to ensure feedback was incorporated into the model build process. The Applicant will undertake further engagement with KCC on the LMVR.</p>

Network Rail Infrastructure Limited

2.15.5 The below table responds to Network Rail's reply [[REP4-080](#)] to the Applicant's ExQ1 response on Traffic and Transport.

Table 24: Response to ExQ1 - Traffic and Transport from Network Rail Infrastructure Limited

ExQ1	Network Rail Infrastructure Limited Response	Applicant's Response
TT.1.14	<p>It is not standard practice to take account of unreliability or performance issues when forecasting demand into the future, but Network Rail wishes to reiterate that: • The issue of strategic rail network reliability was flagged in our PADSS (3.3). • The timetable assumed by Gatwick in their transport modelling is not that which operates today. Whilst the assumed timetable is credible, there will be an impact on</p>	<p>The Applicant is in discussion with Network Rail and an updated position on Statement of Common Ground is being provided at Deadline 5.</p>

ExQ1	Network Rail Infrastructure Limited Response	Applicant's Response
	<p>overall rail network performance due to operating higher frequencies than today, which will need to be evaluated and managed closer to the time. • The additional passenger demand driven by Gatwick's expansion will also place further pressure on the reliability of the overall system. Network Rail also notes that it is not credible or resilient to plan for a network that relies on 100% use of capacity, or consistently high average occupancy levels. A reduction of service or demand between busier times is required to provide a buffer to recover from delays.</p>	
TT.1.31	<p>Network Rail provided a reply to this question at Deadline 3. Specifically in regard to the applicant's response, Network Rail notes the conclusion drawn by Gatwick that "the presence of such luggage would reduce the available standing capacity although any reduction is likely to represent a small proportion of available standing capacity". NR notes in particular that: • Without evidence – such as surveys - this is unproven. • The issue will be more problematic on busier trains. Gatwick's proposals make more trains busier for more of the time, so Airport passenger's luggage will have an increasingly material impact on passenger capacity over time. • Where trains are already full and standing and in excess of industry standing acceptability, the impact of luggage will be material.</p>	<p>The Applicant is currently in discussions with Network Rail and awaiting further feedback as part of ongoing discussions relating to rail crowding analysis as outlined in the Statement of Common Ground.</p>

ExQ1	Network Rail Infrastructure Limited Response	Applicant's Response
TT.1.29	As stated in its Written Representations Network Rail expects rail mitigation measures and funding to be secured via a ring-fenced rail-specific fund, or similar, to ensure that the necessary interventions are delivered at the point they are required. Network Rail does not consider that the TMF in the form currently proposed is an appropriate mechanism to fund rail interventions for the following reasons [<i>Please see response document for detailed list of reasons</i>].	The Applicant is in discussion with Network Rail and an updated position on the Statement of Common Ground is being provided at Deadline 5. Row 2.20.4.1 of the Statement of Common Ground (Doc Ref 10.1.16) covers funding for rail.

Transport for London

2.15.6 The below table responds to Transport for London's reply [\[REP4-082\]](#) to the Applicant's ExQ1 response on Traffic and Transport.

Table 25: Response to ExQ1 - Traffic and Transport from Transport for London

ExQ1	Transport for London Response	Applicant's Response
TT.1.3	The Applicant indicated that data for Heathrow Airport was "not directly available". However, we have been able to track down the relevant numbers in material shared with stakeholders by Heathrow Airport Limited as part of its own preparations for its Expansion DCO. Find below an	Please see response to Gatwick Area Conservation Campaign on TT.1.3, in Table 21.

ExQ1	Transport for London Response	Applicant's Response
	<p>extract from its Airport Expansion Consultation Preliminary Transport Information Report, Volume 6 of 6, Highways.</p> <p><i>(See Transport for London's original response for Table)</i></p> <p>This indicates that on-site passenger parking of 23,500 in 2016; the accompanying text suggests up to an additional 3,000 spaces being delivered on top of that since then. However, before making any comparison with passenger throughput data, the significant Heathrow transfer traffic needs to be factored in – that is to say, passengers who do not leave the airport. Data for the proportion for transfer traffic at Gatwick and Heathrow has been taken, respectively, from Table 9.5-1 in the Applicant's Environmental Statement Appendix 4.3.1 Forecast Data Book (Reference Number: TR020005) and from page 14 of Heathrow's Airport Expansion Consultation Preliminary Transport Information Report, Volume 3 of 6, Airport Travel Demand. Collating this data indicates the number of car parking spaces and the associated air passenger throughput for Gatwick and Heathrow, as set out in the table below</p>	

ExQ1	Transport for London Response	Applicant's Response
	<p><i>(See Transport for London's original response for Table)</i></p> <p>The ratio of parking spaces to origin/destination passenger throughput is a factor of around 1.3-2 times lower for Heathrow Airport than the equivalent ratios for Gatwick Airport, according to its submission. Such levels of car parking provision for air passengers would seem to be at odds with the applicant's stated targets for sustainable mode share.</p>	

2.16 Water Environment

Legal Partnership Authorities

2.16.0 The below table responds to Transport for London's reply [\[REP4-073\]](#) to the Applicant's ExQ1 response on Water Environment.

Table 26: Response to ExQ1 - Water Environment from the Legal Partnership Authorities

ExQ1	Legal Partnership Authority Response	Applicant's Response
WE.1.6	<p>This is acceptable for the assessment of fluvial flood risk, as the correct climate change allowances have been used and the mitigation strategy provided assumes the equivalent of a</p>	<p>Variation in Climate Change Allowances</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>100-year design life for all elements (surface access works and airfield works). However, WSCC as Lead Local Flood Authority, would like to see a similar approach taken for surface water.</p> <p>The climate change allowances used for the surface water hydraulic model reflect the design life proposed by the Applicant for specific Project elements (surface access works 100 years and airfield works 40 years). However, an adopted design life of at least 75 years should be used for the airfield works, and as such the climate change allowance for the airfield works should be increased from 25% to 40%. This is detailed in the West Sussex LIR, Chapter 10, Paragraph 10.38 [REP1-068], the West Sussex Statement of Common Ground, Table 2.21, Ref 2.22.4.4 [REP1-032] and the West Sussex Relevant Representation, Paragraph 3.15, vi [RR-4773].</p> <p>The Applicant has defined the design life of the airfield works as 40 years (up to 2069) in the Flood Risk Assessment, Paragraph 3.76 [APP-147]. This includes extensions to the existing airport terminals, provision of additional hotel and office space and other works, as detailed in the Flood Risk Assessment, Paragraph 2.2.2</p>	<p>The highways surface water drainage strategy applies a +40% allowance for rainfall allowance in accordance with Environment Agency guidance for its assumed design life of 100-years.</p> <p>The airfield surface water drainage strategy has been designed with a rainfall intensity allowance for climate change of +25% complying with EA guidance in accordance with its 40-year design life. A sensitivity test of +40% has also been applied to determine the impact of a more extreme increase due to climate change. This has not identified any increase in flood risk to other parties (see FRA Figures 5.3.3 and 5.3.4 [APP-147]).</p> <p>Design Life</p> <p>Paragraph 006 of the Flood Risk and Coastal Change Planning Practice Guidance states “<i>The lifetime of a non-residential development depends on the characteristics of that development but a period of at least 75 years is likely to form a starting point for assessment</i>”. However, as stated in paragraph 3.7.6 of the ES Appendix 11.9.6: Flood Risk Assessment [AS-078], GAL considers that such a design life is unrealistic given the characteristics of the airport and</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>[APP-147]. The Flood Risk and Coastal Change Planning Practice Guidance (PPG) states that a lifetime of at least 75 years is likely for non-residential development in Paragraph 006, Reference ID: 7-006-20220825.</p> <p>The Applicant has adopted the Central allowance of 25% for climate change for the airfield works in the Flood Risk Assessment, Paragraph 3.7.15 [APP-147]. This is correct for development with a design life between 2061 and 2100. However, a development with a lifetime beyond 2100 should use the Upper end allowance of 40% climate change in accordance with Flood Risk Assessments: Climate Change Allowance Guidance, Environment Agency, for the Mole Management Catchment. The airfield works should have a design life of at least 75 years (up to 2104), therefore a climate change allowance of 40% should be used. This has resulted in an underestimate of the impact of the design on surface water flooding and the storage requirements for surface water drainage. This could result in increased flooding elsewhere.</p> <p>Figure 7.3.1 and Figure 7.3.2 of the Flood Risk Assessment [APP-147] provide a sensitivity test, comparing the surface water flood extents for the 1 in 100 year event with a 25%</p>	<p>specifically the changes it has undergone over the last 40 years and might be anticipated in the future. Consequently the project has adopted a design life of 40 years for the airfield elements. The 40-year design life takes it beyond the furthest Project assessment horizon of 2047.</p> <p>Surface Water Drainage</p> <p>The airfield drainage network drains to a series of ponds that then discharge to the River Mole or the Gatwick Stream as set out in Section 5.3 of the ES Appendix 11.9.6: Flood Risk Assessment [AS-078]. The discharge from these ponds is limited either by flow controls or pumping capacity neither of which will be altered by the Project. Therefore, regardless of the increase in rainfall intensity due to climate change, the airport infrastructure would not increase the peak flow to receiving watercourses. Pond A could potentially discharge to the River Mole but that would be removed by the Project due to the relocation of taxiway Juliet. This approach could increase the degree of flooding on the airfield (but not offsite). GAL has set out how it would respond and manage flood events in the Flood Resilience Statement Annex 6 of the ES Appendix 11.9.6: Flood Risk Assessment [APP-149].</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>and a 40% climate change allowance for the two critical duration events. The critical duration events are the durations of the rainfall event likely to cause the highest peak flows or levels for this return period so, in effect, the critical event to design the surface water model to ensure that flood risk is not increased. Both figures show a larger extent of flooding with a 40% climate change allowance, compared to the 25% climate change allowance, with water above the surface. As this water is above the surface, it demonstrates that the drainage system does not have capacity for that volume of water. Although the flood extent is still within the DCO Order Limits, the exact locations of flooding cannot be verified as the finished ground levels are due to be resolved at detailed design – as detailed in the Flood Risk Assessment, paragraph 7.3.14 [APP-147]. Until we have the levels, we cannot be satisfied that flood risk will not increase elsewhere.</p>	<p>The final ground levels would be subject to the detailed design process, but the principle of not increasing flood risk to other parties is accepted by the Applicant and is secured via the Design Principles (Doc Ref. 7.3) and requirement 10 of the Draft Development Consent Order (Doc Ref. 2.1).</p>
WE.1.9	<p>The Authorities welcome SESW's confirmation that it has accounted for the demand Gatwick anticipates and hope this is entered into the Examination as evidence. Given the Airport is located within an area of serious water stress, (Joint West Sussex LIR [REP1-068] para 24.83) designated</p>	<p>In response to the JLAs' request, a new Project-wide design principle (BF4) has been introduced to the Design Principles (Doc Ref. 7.3) specifying that new buildings will achieve a BREEAM Excellent rating in respect of water efficiency measures. Wording from Design Principle BF2 has been</p>

ExQ1	Legal Partnership Authority Response	Applicant's Response
	<p>by the Environment Agency, the Authorities consider the commitment made by the Applicant to water efficiency in its Decade of Change, and its reference to “considering” water efficiency in its Design Principle BF2 Design and Access Statement [APP-257] should instead be enforceable commitments with the DCO, in line with BREEAM excellent within the Water category as required by Local Plan Policy ENV9 of the adopted Crawley Local Plan and Policy SDC3 of the emerging Crawley Local Plan.</p>	<p>removed as now superseded by the new Design Principle BF4.</p> <p>The detailed design of the Project is committed to the Design Principles (Doc Ref. 7.3 v3) under Requirements 4 and 5 of the Draft DCO (Doc Ref. 2.1 v7).</p>

3 Response to Other Deadline 4 Submissions

3.1 Overview

3.1.0 Interested Parties have also provided additional submissions at Deadline 4 in response to the Applicant’s submissions made so far as part of the examination. The Applicant has reviewed all submissions made and has provided a reply to the following submissions set out in the subsections below.

3.2 AIPUT

3.2.0 AIPUT has submitted two notes at Deadline 4:

- Technical note on the potential transport implications arising from the application [[REP4-085](#)]; and
- Comments on the Land Rights Tracker [[REP4-084](#)].

3.2.1 The below subsections set out the Applicant’s response to the substantive points made in those documents.

Technical note on the potential transport implications arising from the application

3.2.2 For the comments on car parking and mode choice please see responses to Holiday Extras in Table 22. Responses to the other comments are provided in the table below.

Table 27: Response to other Deadline 4 Submissions from AIPUT

	AIPUT Question	Applicant’s Response
Parking	It is noted that Table 1 of the Response is clear that the car parking space per mppa ratio at the Airport	The Transport Assessment includes both on-airport (operated by the airport operator) and off airport

	AIPUT Question	Applicant’s Response
	<p>with the Project in place will reduce compared to the existing situation. The Applicant argues that this is reflective of the benefits of the sustainable travel measures that will be delivered, which will see a reduction in the percentage of people travelling to and from the Airport by car.</p> <p>However as the Applicant states, they do not control authorised off-airport car parking or on-street car parking. Therefore a reduction in the rate of car parking provision could result in an increase in demand for authorised off-airport car parking or on-street car parking. As noted above, the magnitude and associated impacts of this has not been forecast or assessed. Further increases in demand arising from failure to provide sufficient on-airport car parking will lead to increased adverse road safety, highway capacity and local amenity impacts to the further detriment of local businesses and residents.</p>	<p>(parking operated by third parties) capacity and transport modelling includes all journeys to and from the airport.</p> <p>For the purposes of the DCO the Applicant has considered current planning policies and any planned amendments to planning policies in relation to permitted off-airport parking development. In the absence of any permitted or planned changes to the provision of authorised off-airport parking that are subject to current planning applications it was considered (and discussed with the local authorities) that maintaining the same level of lawful, authorised off-airport parking as currently exists to be the most appropriate assumption.</p> <p>The Applicant has included provision of funds to support local authorities in providing effective parking controls in, or monitoring, surrounding streets or taking enforcement action against unauthorised off-airport passenger car parking. This contribution is secured in the draft Section 106 Agreement [REP2-004] and Commitment 8 of the Surface Access Commitments [REP3-028].</p>

	AIPUT Question	Applicant's Response
Sustainable Transport Fund	<p>The STF in itself is insufficient to deliver change. There must be a comprehensive monitoring programme established in order to understand how people are travelling and hence how the STF is best applied.</p> <p>As outlined above, at this stage the Applicant seems to have little idea regarding the number of people who will utilise authorised off-airport car parking or on-street car parking or indeed on- or off-airport pick-up /drop off. Moreover the traffic volume forecasts appear to ignore vehicle trips to and from off-airport car parking or on-street car parking and certainly off-airport pick-up /drop-off in the vicinity of the Airport. The baseline on which a monitoring programme can be set up is therefore not yet established.</p> <p>For the STF to be beneficial, there must be clear mode choice / traffic volume / car park usage targets that the Applicant must meet with equally clear remedial actions to be taken to rectify failures to meet the targets up to and including temporary suspension of flights if needed to meet targets.</p>	<p>A comprehensive monitoring programme is committed as set out in Section 6 of the ES Appendix 5.4.1: Surface Access Commitments [REP3-028]. Clear remedial actions should committed mode shares not be achieved would be set out in an action plan and agreed with the Transport Forum Steering Group (TFSG).</p> <p>The ES Appendix 5.4.1: Surface Access Commitments [REP3-028] already contain explicit commitments related to mode share for passengers and staff at the Airport.</p> <p>Off-airport car parking is included in the strategic model and included in the traffic volumes. Please see Figure 35 and section 7.8 of Transport Assessment Annex B Strategic Transport Modelling Report [APP-260].</p> <p>The effects related to changes in the volume of traffic as a result of the Project have been assessed as part of ES Chapter 12: Traffic and Transport [REP3-106] and in the subsequent review of the assessment against the latest IEMA Guidance (see Technical Note: Impact of</p>

	AIPUT Question	Applicant's Response
	Failure to meet mode choice / traffic volume / car park usage targets will result in adverse road safety, highway capacity and local amenity impacts to the detriment of local businesses and residents.	latest IEMA Guidance (2023) on the Assessment of Effects Related to Traffic and Transport [AS-119])

Comments on the Applicant's first update to the Land Rights Tracker

3.2.3 At Airport Industrial Property Unit Trust's (AIPUT) request, the Applicant has now included AIPUT in the updated **Land Rights Tracker** (Doc Ref. 8.6 v3) submitted at Deadline 5.

3.3 CAGNE

Update Note on Air Quality

3.3.0 The Applicant is reviewing CAGNE's responses in relation to air quality and will provide a response at Deadline 6. Please note that the Applicant is submitting **Appendix A: Response to the Joint West Sussex Authorities – Air Quality** (Doc Ref. 10.38) at Deadline 5 in response to the comments on air quality submitted at Deadline 3.

Response to the Applicant's Deadline 3 Submissions on Noise

3.3.1 CAGNE's acoustic advisor Suono has provided a number of comments on the Applicant's Deadline 3 submission [[REP4-099](#)] including on the updated noise and vibration assessment material provide by the Applicant in the **Supporting Noise and Vibration Technical Notes to the Statements of Common Ground** [[REP3-071](#)]. Where these comments are similar to those from local authorities, the Applicant's responses are provided elsewhere in this document.

- 3.3.2 The CAGNE submission suggests basic information is missing. The Applicant has provided a detailed account of the noise and vibration assessment within the Environmental Statement and provided additional explanation of methodology to the local authorities through the Noise Topic Working group during the assessment itself.
- 3.3.3 The CAGNE submission notes *'3.1.6 The Applicant states that a small number of properties may have been identified compared to air noise. However, this could have been exacerbated by their approach not being sufficiently robust in identifying all properties and does not absolve the Applicant from fully and accurately assessing the effects of ground noise.'* The ground noise assessment reported in **ES Appendix 14.9.3 Ground Noise Modelling [APP-173]** gives results for modelling at 43 noise sensitive receptors spread across the 12 Assessment Areas shown in ES Figure 14.4.2. The noise assessment considers all 3,276 properties within these Assessment Areas, drawn from the OS address database. This is illustrated in ES Appendix 14.9.3, section 8 where numbers of properties with various noise changes and where road traffic noise is already above predicted ground noise levels are discussed area by area. e.g. in the Longbridge Road Horley Assessment Area where para 8.6.2 notes: *'Under easterly conditions, ground noise is predicted to be 47 dB $L_{Aeq, 8 hr}$ at the worst-affected location and there are 585 properties in the area that already receive road traffic noise at or above this level'*. This Assessment Area has ambient noise levels mainly dominated by road traffic noise from the A23 and other main roads as can be seen in ES Figures 14.6.33 and 14.6.34 that show the baseline road traffic noise levels used in the ground noise assessment.
- 3.3.4 In their paragraph 5.1.1 the CAGNE submission challenges the fact that the ground noise assessment has considered baseline levels of road traffic to provide context, and notes: *'No reference is made to any study of the community response to aircraft ground noise that clearly identifies levels due to other sources as having a material effect'*. The Applicant would suggest that a site visit to some parts of the ground noise study area makes it apparent that ground noise is not significant compared to road traffic noise, for example in parts of the Longbridge Road Horley Assessment Area referred to above. ES Appendix 14.3 paragraph 8.6.1 reports *'Predicted levels are close to SOAEL and affect a large population but there are high levels of existing noise due to road traffic on the A23 which indicate that predicted noise levels would be at a similar level to or below existing noise from other sources most of the time. The night noise*

*impact is considered to result in a **minor adverse** effect which is not significant.'* In other areas road traffic noise is low and the assessment takes full account of that. The Applicant appreciates that the situation of high road traffic noise masking ground noise may not occur at other airports, but for Gatwick it was necessary to take this into account to avoid attaching significance to increases in ground noise that would not increase ambient noise levels in some areas.

- 3.3.5 In paragraph 5 of this section the CAGNE submission suggests '*if the Slower Fleet Transition case is a sensitivity case, then this should be compared to the Central Case baseline, which forms the most likely baseline, rather than some different baseline as has been done.*' The assessment of noise impacts in the ES compares noise levels with the Project with those in the baseline at that point in time. At any point in the future, the fleet operating will have transitioned over time at a given rate to the fleet occurring then, either with or without the Project. So, the comparison being suggested could not occur at any real point in time.
- 3.3.6 Paragraph 13 of this section of the CAGNE submission notes '*Generally, the Slower Fleet Transition forecast has a lower number of next generation aircraft within it, with the exception of 2032 where both forecasts have the same percentage of next generation aircraft and 2047 where the Slower Fleet Transition has a slightly higher percentage.*'
- 3.3.7 The percentages of Next Generation aircraft are given in **ES Appendix 14.9.5 Air Noise Envelope Background [APP-175]** and in 2032 are 82% in the Central Case and 50% in the Slower Transition Case. This accounts for the larger noise contours for the Slower Transition Fleet.
- 3.3.8 In 2047 it is assumed that the fleet is 100% next generation in both the Central Case and the Slower Transition Case. Clearly, forecasting the airport's fleet 23 years from now is difficult and relies on various assumptions. The Applicant acknowledges that these could be explained with more clarity in the Environmental Statement. The transition to different aircraft by 2047 is uncertain, so to assess a noisier fleet the numbers of various quieter aircraft types were replaced with noisier types, even though both would be classified as next generation. Hence the slower transition fleet contours are larger.

- 3.3.9 Despite the uncertainties in forecasting this far ahead, and beyond, there would always be a transition progressing as older types retire so there would always be a range of noise levels that could arise depending on how the fleet transitions in the meantime.
- 3.3.10 In any event, the noise envelope contour limits will be reviewed and revised after 9 years of operation and each 5 years thereafter, to ensure the noise envelope limits remain relevant and are based on more reliable shorter term which should produce a more representative outcome based on assumptions with a greater level of certainty. As such, the assessment that has been undertaken of the slower fleet transition forecast for all years is accurate as it can be when undertaking such a forward looking assessment, and it will also be subject to further scrutiny through review in the future to ensure its robustness.
- 3.3.11 With regards the further comments in the CAGNE submission around the possible implications of the noise modelling being inaccurate in 2047, either because of inaccurate forecasts, or uncertainty in noise emission levels from future aircraft types, the Applicant considers the ES provides an account of likely noise levels in 2047 based on best available modelling tools. The Applicant acknowledges the uncertainties in forecasting 23 years from now, so has included a review mechanism in the Noise Envelope limits to allow for those limits to be adjusted if necessary.

[Surface Access Transport Update](#)

- 3.3.12 The Applicant has provided a response to points raised by CAGNE in its Surface Access Transport Update [[REP4-097](#)] below.

Table 28: Responses to other Deadline 4 Submissions from CAGNE

CAGNE WR issue	CAGNE response item	Applicant's Response
Failure to apply relevant guidance documents	The applicant is still failing to apply the requirements of key policies in the surface access space. The WR makes clear that the scheme transport impacts are used to generate a series of further assessments relating to environmental matters. The failure to apply the relevant policy framework to these assessments must place in doubt their validity. The statutory bodies responsible for transport matters in the application are noted to have raised concerns in relation to the application of policy by GAL.	The assessment has been undertaken in accordance with DfT Transport Appraisal Guidance (TAG) for transport modelling and IEMA guidance in relation to assessing environmental effects. The Applicant continues to engage with the relevant highway authorities on outstanding matters.
The modelling work is considered adequate and in keeping with guidance as set out in the	CAGNE commented that the scope of the local traffic modelling is too limited in nature to be useful in terms of assessing community level impacts. All three highway authorities remain concerned about traffic model with its scope and assumptions not agreed by any of the three	The Applicant has responded to comments made by the Legal Partnership Authorities noting that it is working through an initial review of an extended model to understand whether the concerns raised about the extent of the model warrant updated analysis.

CAGNE WR issue	CAGNE response item	Applicant's Response
responses above.	<p>authorities. This is despite the applicant claiming 'comprehensive scoping and engagement took place leading to the development of the TA'.</p> <p>The NH comment on the link (or lack of between generated mppa and traffic volumes) shows the flawed nature of the approach taken.</p>	<p>The Applicant can confirm that extensive engagement took place on the scope of the model and it is not correct to imply that the scope and assumptions are not agreed by the three authorities. The current positions on these are set out in the latest Statements of Common Ground being submitted at Deadline 5. The Applicant continues to engage with the relevant highway authorities to resolve outstanding matters. The NH comment quoted here is taken out of context and does not imply that the approach to modelling is flawed; as noted above the modelling has been undertaken in accordance with the DfT's Transport Appraisal Guidance which is the standard industry approach.</p>
Traffic Modelling Uncertainty log	<p>The CAGNE position remains that the uncertainty log and the scenarios for low and high traffic growth which evolve from it are not truly reflective of how uncertainty should be dealt with in DfT TAG Unit M4.</p> <p>It is noted that further work has now been completed by GAL (AS-121) that deals with the matter of covid-19 effects. This analysis has</p>	<p>The methodology for the assessment presented in Accounting for Covid-19 in Transport Modelling [AS-121] has been explained in that document. Changes to schemes in the uncertainty log for that analysis were made to reflect updated expectations for completion of certain schemes, following discussion with the relevant highway authorities.</p>

CAGNE WR issue	CAGNE response item	Applicant's Response
	<p>removed certain schemes from the 'committed' list of schemes included in the traffic model. The sensitivity test (AS-121) shows less rail use and concern over mode</p>	
<p>Traffic Model Validation Incomplete</p>	<p>CAGNE notes that the LMVR for the strategic transport model has not been exposed to examination.</p> <p>It is noted that following parameters / values have been updated in the Covid sensitivity test AS-121)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Road Traffic Forecasts 2018 (RTF) has been updated with National Road Traffic Projections (NRTP) 2022 <input type="checkbox"/> National Trip End Model (NTEM) 7.2 has been updated to the latest version 8.0 <input type="checkbox"/> TAG Databook has been updated from version 1.17 to 1.21 	<p>As noted in response to Kent County Council's Local Impact Report (Section 5.3 of The Applicant's Response to the Local Impact Reports [REP3-078]) copies of the Local Model Validation Reports for the strategic and VISSIM modelling were shared with West Sussex County Council, Surrey County Council and National Highways, as the highway authorities for roads in the immediate vicinity of the Airport, as part of ongoing technical engagement during the development of those models.</p> <p>The analysis in Accounting for Covid-19 in Transport Modelling [AS-121] was undertaken to reflect the current position in relation to observed traffic data but also to reflect the latest forecasts of background traffic growth produced by the DfT and the most recent updates to the TAG databook. The analysis was developed in conjunction with engagement</p>

CAGNE WR issue	CAGNE response item	Applicant's Response
	<p>The revised FY DM models now conveniently show less background traffic than previously but with certain previously 'committed' schemes removed from the modelling (e.g. Lower Thames crossing) removed.</p> <p>The worker data has been revised in the Covid test but with employee numbers below previous estimates; again this reduces traffic impacts in the FY DM scenarios. The jobs analysis seeks to claim that numbers of jobs FY DM to DS is a negligible change due to the application. This emphasises the impact of the additional jobs / parking consented by non-DCO means.</p> <p>The sensitivity test still springs from the unverified base model – no LMVR etc as noted above.</p>	<p>with National Highways and other authorities in order to agree the methodological approach.</p> <p>For further clarity in response to points raised, changes to incorporate the National Road Traffic Forecasts (2022), National Trip End Model v8.0 and TAG Databook 1.21 reflect updates to reference material that were published after the model development and validation took place. This approach has been discussed and agreed with National Highways and local highway authorities. Rather than “removing” Lower Thames Crossing from the modelling the Applicant sought confirmation from National Highways on the completion date for this project and this was reflected in adjustment for individual model years only.</p> <p>Having followed the appropriate guidance, and consulted with National Highways and local highway authorities for these sensitivity tests it is not clear what the respondent means by “models now conveniently show less background traffic”. Data collated by the Applicant indicates that there was less traffic across the local and strategic road networks in 2023 than in 2019.</p>

CAGNE WR issue	CAGNE response item	Applicant's Response
Scope of local traffic modelling	CAGNE has recorded in its RR and WR the view that the coverage of local traffic modelling is inadequate.	The Applicant has responded earlier in this table in relation to the extent of local traffic modelling.
(Traffic) Growth Factors to 2029,2032 and 2047	<p>All three highway authorities share concern about traffic model with its scope and assumptions not agreed by any of the three key highway authorities.</p> <p>CAGNE agrees with these positions and awaits further detail including exposing to the examination the LVMR for the strategic model.</p> <p>CAGNE is conducting a detailed review of AS1-121 which details new assumptions etc .</p>	As noted above, the LMVRs for the strategic and VISSIM modelling were shared with the three highway authorities as part of ongoing technical engagement during the development of the models.
Non-incinerating waste disposal plant, freight movements	<p>CAGNE has highlighted the limitations of the freight analysis in respect of the revised scheme scope.</p> <p>The TfSE / ESCC position appears to suggest that use of public transport by airport users and staff has a positive effect on freight movements</p>	The Applicant maintains its position that increases in freight movements as a result of the Project have been considered and included in the strategic transport modelling, which demonstrates that the demand from the Project can be accommodated on the wider highway network.

CAGNE WR issue	CAGNE response item	Applicant's Response
	generated by the scheme. This is not demonstrated by the GAL analysis other than in the most general of terms.	
Rail capacity	<p>The applicant does not address the points made by CAGNE.</p> <p>The responses made by the sector participants reflect the CAGNE concerns in respect of capacity, contractual certainty and funding. The applicant has delegated responsibility for delivery of these vital mode shift outcomes to third parties with no financial or other mechanism to guarantee delivery.</p> <p>The question of passenger capacity and constraints on the BML is understood to be under examination by Network Rail. Whilst this may identify issues with rail operations it does not address the funding and delivery challenges highlighted by CAGNE.</p>	<p>The Applicant is continuing discussions with Network Rail about the matters which NR has raised, in order to progress the Statement of Common Ground.</p> <p>The assessment indicates that the effects related to rail crowding as a result of the Project would not require mitigation, and that the greatest increases in demand arising from the Project would either occur in the non-peak direction in peak hours, or outside the peak periods entirely. This analysis is presented in both the Transport Assessment [REP3-058] and ES Chapter 12: Traffic and Transport [REP3-016].</p> <p>As the Applicant has previously explained, the ES Appendix 5.4.1: Surface Access Commitments [REP3-028] contain provision for the Transport Mitigation Fund which could be used to providing funding for additional interventions in the event of unforeseen impacts.</p>

CAGNE WR issue	CAGNE response item	Applicant's Response
	<p>The lack of commitment by GAL to consider serving by rail locations other than on the BML is clear as are the challenges the relevant stakeholders identify.</p> <p>The attempt by GAL to focus on off peak travel is flawed in CAGNE's view. Whilst marginal gains in capacity may be possible off peak this does not address peak time issues. The GAL view that scheme related peak hour rail travel is likely to be marginal in operational capacity terms is unsubstantiated.</p> <p>The transport authorities identify the concern made by CAGNE that rail access outwith the BML is not possible at times of airport demand to use rail to meet both passenger and staff travel requirements.</p> <p>This therefore places in doubt whether the rail service proposition advanced is sustainable and capable of delivering the mode share anticipated.</p>	<p>The Applicant does not accept the suggestion that it has delegated responsibility for the delivery of mode share commitments. The ES Appendix 5.4.1: Surface Access Commitments (SACs) [REP3-028] are secured via Requirement 20 of the DCO and are therefore the responsibility of the Applicant in carrying out the Project. The SACs contain commitments to monitoring progress and, if necessary, taking additional actions to ensure that the mode share commitments are achieved. The Applicant has allocated funding, including funds secured in the draft Section 106 Agreement, in order to deliver the commitments. Sensitivity testing for a situation in which the mode share commitments are not achieved is therefore not necessary.</p>

CAGNE WR issue	CAGNE response item	Applicant's Response
	<p>As indicated by National Highways a failure to secure and then meet the GAL claimed mode share has further and unassessed consequences for the highway network. CAGNE's view is that this exposes analysis in other areas, notably noise and air quality to a high degree of circumspection in respect of surface access.</p>	
<p>Airport has no or limited influence on the rail timetable</p>	<p>CAGNE notes that the local authorities have significant concerns about the deliverability of the proposed rail service changes. This reflects the CAGNE stated concerns in our RR and WR. Network Rail have only provided their views in respect of rail infrastructure and potential timetable options. The reasonable and proportionate contribution does not guarantee that the trains GAL expect will be operational it only seeking funding for the infrastructure capability to operate the level of capacity suggested. Ultimately, it remains CAGNE's view that only the Secretary of State can guarantee the services whether through contractual</p>	<p>The Applicant is continuing discussions with Network Rail about the matters which NR has raised, in order to progress the Statement of Common Ground. Please also refer to Appendix C in The Applicant's Response to Actions - ISHs 2-5 [REP2-005] which provides further details on rail modelling and funding. It highlights that while the Applicant will continue to fund the STF, and will consider providing funding towards rail enhancements where they would increase the use of rail as a mode of transport to and from the Airport, the Applicant has little direct influence on rail timetables.</p>

CAGNE WR issue	CAGNE response item	Applicant's Response
	commitment or by way of requirement in the DCO.	
Lack of east-west rail connectivity and the fixed hours of operations	CAGNE provided a detailed assessment of this limitation in REP1-139. The concern has not been addressed by GAL but has been commented by the relevant IPs. The comments above about GAL's level of commitment to rail service delivery, above, is repeated.	The Applicant is continuing discussions with Network Rail about the matters which NR has raised, in order to progress the Statement of Common Ground. Please also refer to Appendix C in The Applicant's Response to Actions - ISHs 2-5 [REP2-005] which provides further details on rail modelling and funding. It highlights that while the Applicant will continue to fund the STF, and will consider providing funding towards rail enhancements where they would increase the use of rail as a mode of transport to and from the Airport, the Applicant has little direct influence on rail timetables.
Market forces will dictate service delivery for bus and coach	The local transport authorities have notable concerns that the bus and coach offer is at best reactive to events. Each has requested that bus improvements are in place prior to the development becoming operational through a clear DCO requirement. In the alternative, the Councils have suggested a sustainable travel fund is established to guarantee the proposed	The ES Appendix 5.4.1: Surface Access Commitments [REP3-028] include provision for the Sustainable Transport Fund, alongside the identification within the draft DCO Section 106 Agreement of specific and separate funding for the bus and coach routes proposed as part of the Surface Access Commitments, or equivalent routes which provide equivalent levels of accessibility for Airport users. This is set out in paragraph 5 of Schedule 3 to the draft DCO S106 Agreement

CAGNE WR issue	CAGNE response item	Applicant's Response
	level of bus service. CAGNE believes that the bus and coach service offer is not sufficiently developed in scope or commitment to ensure that the proposed mode share targets are achieved.	[REP2-004] which secures a minimum £10 million investment from the Applicant to support the introduction or operation or use of bus and coach services. The Surface Access Commitments are secured in Requirement 20 of the draft DCO [REP3-006] .
Sustainable transport mitigations are limited in scope and local in nature	<p>CAGNE has highlighted the local and limited nature of the proposed sustainable travel mitigations.</p> <p>The real issue in surface access terms is the mechanism to deliver surface access by non-car modes. At present inadequate security exists to ensure the (self selected by GAL) targets are met.</p>	The Project includes upgrades to active travel infrastructure in the vicinity of the Airport and the Surface Access Commitments [REP3-028] contain commitments to achieving certain levels of active travel mode share for employees, which are secured through Requirement 20 of the draft DCO [REP3-006] .
Applicant's flawed transport analysis has material implications for other parts of	<p>CAGNE has made clear in its RR and WR the crossover between assessments and the need for an accurate analysis of the surface transport impacts of the development.</p> <p>GAL seek to reassure the ExA that the analysis presented is robust yet fails to expose to the</p>	The Applicant has addressed this in responding to other points made by CAGNE in this table.

CAGNE WR issue	CAGNE response item	Applicant's Response
the ES, including air quality and noise	examination critical information such as the LMVR for the strategic traffic analysis. It is therefore unclear how the applicant can confidently claim that the assessments in other area of analysis are based on a robust foundation of transport evidence.	

3.4 East Sussex County Council

3.4.0 East Sussex County Council has provided a number of documents at Deadline 4. Where these are shared with the Joint Local Authorities (e.g. the proposed Environmentally Managed Growth Framework), a response has been provided at Section 3.9 of this document. The Applicant has provided a response to select points beneath the following headings.

The Applicant's Response to the Local Impact Reports

3.4.1 East Sussex County Council has provided comments on the Applicant's comments on the Local Impact Reports [\[REP4-047\]](#). The below tables set out the Applicant's response to the substantive points raised by topic.

Table 29: Applicant's Response to East Sussex County Council's Local Impact Report

Ref	East Sussex County Council Response	Applicant's Response
T1	<p>For Gatwick the only commitment related to bus/coach access from East Sussex is a 2 hourly bus service from and to Uckfield via Forest Row and East Grinstead, enhanced to hourly at peak times. A 2 hourly service will not be adequately attractive to encourage modal shift and would substantially compromise service users journey planning arrangements. The service will need to hourly, running on 7 days a week, with ongoing funding from the applicant to be effective. This future service provision will need to be planned in consultation with ESCC, given that it provides funding support for the current 261 route (Uckfield-Forest Row-East Grinstead). ESCC is open to switching its funding for the 261 service and contributing towards the cost a replacement enhanced 261 service to/from Gatwick, subject to the Gatwick service also being able to provide from the needs of passengers currently using the 261. Diagram 11.3.1 in the TA purports to show passenger use by coach to access by Gatwick from various areas. It shows low to medium levels of use (from 5-10 users per day to</p>	<p>The Applicant recognises the repeated request from ESCC to provide funding for specific bus routes which are different to those presented in the DCO application. Please see response to ESCC on TT.1.16.</p>

Ref	East Sussex County Council Response	Applicant's Response
	<p>10-50 users per day) from Eastbourne and surrounding areas of South Wealden. This needs clarification as there are no passenger coach services from these areas to Gatwick. In fact there are no passenger coach services from any part of East Sussex to Gatwick. In light of information provided in the TA, to address the potential for passengers (and the employee catchments additionally shown in Diagram 11.3.2) then Gatwick should build on their commitment to funding a Gatwick-Uckfield bus/coach service and extend it to Eastbourne via Hailsham and Polegate. Discussions are ongoing regarding the most appropriate approach to securing transport mitigation measures.</p>	
S1	<p>We would continue to suggest that the creation of an ESBS Implementation Plan with shared governance - under section 106 - remains a condition of the DCO to ensure that the impact of the development is substantially positive. Whilst we have not been involved in the creation of the Draft Implementation Plan for the ESBS we would wish to be engaged in any further development activity to consolidate and approve this plan. There are some key omissions e.g. no mention of Independent</p>	<p>For the reasons set out in Table 2.2 of The Applicant's Response to Local Impact Reports [REP3-078] and Section 4.2 of Written Summary of Oral Submissions from Issue Specific Hearing 3: Socio-economics [REP1-058], the Applicant believes that the S106 is the correct mechanism for securing the ESBS Funding and delivery. We are, however, open to moving the obligations into the DCO should the ExA indicate the extent to which the concerns which prompted their questions require us to.</p>

Ref	East Sussex County Council Response	Applicant's Response
	<p>Training Providers as yet in the partnership table and although there is mention of procurement opportunities, this does not include mention of employment and skills targets within GAL's own procurement exercises and very little detail as yet regarding specific activities being supported. It is still very strongly focused on construction related employment – and doesn't give consideration to the wider job creation potential of the additional runway – e.g. impact on employment in the wider visitor economy. It focuses on the existing labour/employment geographies and doesn't explore whether there is scope for appealing to labour from a wider geography/new area where employment is needed, – or working with other transport providers in order to enable other labour to reach work at the Airport. It is not possible for us to approve a draft plan that lacks detail and in which we have not been involved. More detail is needed before we would be able to do so. ESCC Employment and Skills Team would wish to sit on the multi-agency Steering Group to shape, approve and implement the delivery of this plan, and would ask that future meetings are set well ahead, give</p>	<p>The ESBS team have contacted the relevant officers at ESCC to meet and gather their input as they have not been able to attend the most recent Implementation Plan workshops.</p> <p>The Local Authorities are involved in the ongoing work to develop and agree the next level of detail, including the issues raised here (procurement, visitor economy, training) that will go into the Implementation Plan that is then submitted to the ESBS Steering Group for approval prior to commencement under the DCO s106 Agreement.</p>

Ref	East Sussex County Council Response	Applicant's Response
	sufficient time for input and responses from local authority partners, and enable hybrid or online participation.	
S2	<p>We would welcome Gatwick adopting the Local Visitor Economy Strategy for Growth and working in collaboration with Experience Sussex to deliver this, rather than developing a separate strategy. [REP3-103] Deadline 3 Submission - 10.16 The Applicant's Response to the ExA's Written Questions (ExQ1) - Socio-Economic Effects (SE1.10) - We would urge Gatwick to work closely with the LVEP on data capture to ensure a standard baseline approach to be adopted regionally and informed by the national Visit England/VisitBritain approach. This is likely to be a combination of different data sets to include:</p> <ul style="list-style-type: none"> ▪ Air DNA ▪ Lighthouse ▪ Visit Britain/Visit England are working to build and improve data for LVEPs -and looking at central purchasing data such as mobile/ credit cards 	<p>The Applicant is seeking advice from stakeholders on which existing organisations and activities could/should be involved in the delivery of the ESBS. These will be agreed through the Implementation Plan process which will continue through until the ESBS Implementation Plan is submitted to the ESBS Steering Group for approval prior to commencement under the DCO s106 Agreement.</p> <p>The Applicant already has an active working relationship with Experience Sussex through the Gateway Gatwick partnership and is a member of the interim LVEP Board (East Sussex, Brighton & Hove and West Sussex LVEP).</p> <p>Any monitoring will be linked to the activities which are agreed to be included in the Implementation Plan by the ESBS Steering Group, therefore the detail of monitoring (such as helpfully suggested here) can/will be agreed through the Implementation Plan.</p>

Ref	East Sussex County Council Response	Applicant's Response
	<ul style="list-style-type: none"> ▪ ONS now provide some limited data sets <p>Whilst the Gatwick Gateway Partnership is recognised as one useful vehicle for brokering a shared approach to tourism promotion, ESCC would also wish to see active participation in the East Sussex, Brighton & Hove and West Sussex Local Visitor Economy Partnership.</p>	
C1	<p>The Legal Partnership Authorities note from the most recent National Networks NPS that whole-life cycle carbon assessments are not inconsistent with national budgets and the UK's carbon budgets as the Networks NPS now expects whole life carbon assessments to take place.</p> <p>As noted in the Applicant's reply to support this request, they will now include Well To Tank (WTT) emissions for Construction, ABAGO, and Surface Access.</p> <p>In addition, the Applicant notes in its reply that it predicts that 30% of aviation fuel is refined in the UK, which could be material. Therefore, in line with the whole-life carbon assessment requirements,</p>	<p>With regards to comment C1, two documents were provided at Deadline 4, Supporting Greenhouse Gas Technical Notes [REP4-020] that provided additional explanation on the approach taken to whole life carbon within the assessment process, and the scale of impact associated with consideration of well-to-tank emissions within this.</p> <p>As noted within this document the contribution of the Project to future carbon budget periods increases when well-to-tank emissions are included within the assessment. These increases are less than 0.1% of the carbon budget for the Fourth and Fifth carbon budget periods, and for the Sixth carbon budget period (where international aviation is included) the Project impact increases from 0.604% of the Sixth carbon budget to 0.649%.</p>

Ref	East Sussex County Council Response	Applicant's Response
	<p>these emissions are within the boundary's scope and should be assessed.</p> <p>The Legal Partnership Authorities consider that the Applicant's approach to this issue will have a key bearing on the assessment of the result's significance due to the 5% carbon budget IEMA threshold that the Applicant is using.</p>	<p>The assessment does not apply a 5% carbon budget threshold. IEMA directs that <i>“a project that meets this [i.e. 5%] threshold can in itself materially affect the achievement of the carbon budget”</i>. As noted, the impact of the Project on the carbon budget under consideration is less than 1% of the UK national carbon budget for that period.</p> <p>On this basis the conclusion on significance of overall Project emissions within the assessment remains unchanged as minor adverse, and not significant.</p>
C5	We acknowledge the submission of the PAS 2080: 2023 plan satisfies these requirements.	Noted
C6	<p>The response does not address the previous comment (also covered in T8 below). Electric vehicle adoption is increasing and set to increase further under national targets.</p> <p>There will be demand from airport passengers to have access to facilities to enable their cars to be parked and fully charged upon their arrival from a return trip. It is, currently unclear how this demand will be served (Chargers in the car parks, Valet parking, Fast chargers etc.). Please can this be clarified.</p>	<p>In January 2024 the GridServe Electric Forecourt opened providing 24/7 charging facilities for London Gatwick passengers. This includes 22 high power chargers, capable of providing 100miles of range in less than 10 minutes. This was the first electric forecourt to be opened at any international airport.</p> <p>Mobile charging points are available through the valet parking service. Currently uptake of this service is very small scale. This offer could be scaled up should demand increase.</p>

Ref	East Sussex County Council Response	Applicant's Response
	<p>Consideration should be given to:</p> <ol style="list-style-type: none"> 1. Dynamic tariffs that support charging at off peak times, to lower congestion and to encourage use when the cost of energy grid carbon intensity is lowest 2. Areas that support public charging exclusively (non-airport vehicles) 3. Pre-bookable chargers 4. Commercial charging for vehicles associated with the airport should have designated zones. 5. Automated allocation of a specific charger on arrival (at busy times) . This will prevent the reserving of charge points by users for friends colleagues, improve fair use. 6. Options that limit a charge to a specific percentage e.g. 80% times to support higher throughput. <p>Note: East Sussex is developing an Electric Vehicle Charging Strategy.</p>	<p>GAL also provides charging infrastructure in staff car parks. Options to expand the provision is being actively explored but a primary concern is ensuring fair usage.</p> <p>In addition, the revised Surface Access Commitments [REP3-028] submitted at Deadline 3 includes a new commitment in respect of ultra-low and zero emission vehicles (Commitment 12A) which requires GAL to 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. The strategy will include but is not limited to the provision of charging facilities in staff car parks, parking products for airport passengers using electric vehicles, and on-airport charging facilities for both airport and non-airport users. GAL will publish its strategy, in consultation with the TFSG, by 2030 in support of its wider Surface Access Commitments to promote sustainable travel. It is anticipated that the development of this strategy will take account of national targets for the adoption of electric vehicles, the role GAL can play to accommodate the demand for charging infrastructure, and may include the considerations suggested by East Sussex CC.</p>

Ref	East Sussex County Council Response	Applicant's Response
		<p>The Applicant has also identified aspirational mode share targets which are set out in section 7 of the Surface Access Commitments document. A range of potential options to achieve these aspirations have been identified which includes:</p> <p><i>“Making best use of electric vehicles: Working with service providers to speed the transition of the GAL vehicle fleet, taxis and car rental vehicles to electric vehicles and ensure available charging for staff and passengers where and when they need it.”</i></p>
C7	<p>It is appreciated that there are numerous accreditation schemes, but it would be useful to know which types of schemes are being considered if the BREEAM Excellent scheme cannot be committed to.</p>	<p>The Design Principles (Appendix 1 to the DAS Doc Ref. 7.3) have been updated to include a commitment to BREEAM Excellent for new buildings.</p>

ES Chapter 12: Traffic and Transport and the Transport Assessment

- 3.4.2 East Sussex County Council has provided comments on ES Chapter 12 and the Transport Assessment [[REP4-046](#)]. The below table sets out the Applicant's response to the substantive points raised.

Table 30: Applicant's Response to Essex County Council's Local Impact Report

Ref	East Sussex County Council Response	Applicant Response
	<p>D2. Regrettably there has been no change to the request for the inclusion of proposed bus services as requested by ESCC in our previous correspondence on the NRP within this document.</p> <p>D3. ESCC note the inclusion of surface access measures that have been tested through the strategic modelling process to understand the impact of 'pull' and 'push' measures and the mode share's that could be achieved as a result, informing the mode share commitments in the SACs, including bus and coach. Whilst it includes measures from both Kent and West Sussex, it does not include measures from the East Sussex area, despite our continued request for this. It does include measures from both Kent and West Sussex (on new coach route Chatham – Maidstone – Sevenoaks – Gatwick and New coach route (half-hourly) Tunbridge Wells – East Grinstead – Gatwick, New coach route (hourly) Worthing – Horsham – Gatwick.</p>	<p>The Applicant recognises the repeated request from ESCC to provide funding for specific bus routes which are different to those presented in the DCO application. Please see response to ESCC on TT.1.16. The Applicant has confirmed that local authorities will be consulted in the service specification for new bus and coach routes relevant to their areas prior to implementation, in order to inform and assist in optimising services.</p> <p>The commitments in the ES Appendix 5.4.1: Surface Access Commitments [REP3-028] for the purposes of the DCO are to achieve specific mode shares. However, the Applicant will continue to consult with ESCC on public transport improvements as part of developing the details of future Airport Surface Access Strategies.</p>

Ref	East Sussex County Council Response	Applicant Response
	<p>D.4 If GAL are to achieve their mode share targets for public transport (55% for passengers and 55% for staff) three years after the opening of the NRP, should it be approved, then consideration must be given for the provision of access by public transport from all approaches to the airport, including from East Sussex. The provision of ‘transport choice’ particularly towards sustainable transport, for residents, businesses and visitors is a key element of the East Sussex draft Local Transport Plan 4.</p> <p>D5. Therefore, we remain of the view that the transport assessment referred to in this document needs to redress our requirement for the inclusion of a proposal for bus service enhancements between East Sussex and Gatwick.</p>	

Sustainable Transport Fund

- 3.4.3 East Sussex County Council has provided comments on the Sustainable Transport Fund (Matters E7 to E11) [[REP4-045](#)].

- 3.4.4 The Applicant is engaging with the JLAs on the obligations in the draft Section 106 Agreement and has provided the JLAs with a revised version of the Surface Access Commitments (SACs) which accepts the principle of locating the provisions of the Sustainable Transport Fund in the SACs instead of the Section 106 Agreement.
- 3.4.5 In respect of GAL being able to make a recommendation as to whether an application to the Transport Mitigation Fund (TMF) should be considered, it is noted that the draft Section 106 Agreement does not preclude any other member from making such a recommendation. It is considered appropriate to include an express provision for GAL to make a recommendation to the TMF Decision Group on a TMF Application given GAL's status as the airport operator and the promotor of the Project (the unanticipated impacts of which are intended to be mitigated by the TMF). GAL needs to have the opportunity to scrutinise a TMF Application and provide the relevant technical expertise and context that only an airport operator can provide. It is noted that the obligation is to provide a recommendation only and as currently drafted there is no obligation on the TMF Decision Group to have regard to any such recommendation. Importantly, the ultimate decision on all TMF Applications will be for the TMF Decision Group and any such decision will be subject to the draft Section 106 dispute resolution clause.

3.5 Gatwick Area Conservation Campaign

- 3.5.0 GACC has provided commentary against a number of topics within its Deadline 4 submission [[REP4-106](#)]. The below subsections set out the Applicant's response to the substantive points raised. For ease of navigating, the corresponding e-page reference has been included in each subsection title.

[General Future Baseline, Page 123](#)

- 3.5.1 GAL stands by the responses made to GACC and other stakeholders in **The Applicant's Response to Written Representations** [[REP3-072](#)]. It should be recognised, however, that GAL has set out similar responses to other parties and it is appropriate to avoid repetition. GACC is concerned that the future baseline may have been exaggerated. GAL disagrees and has set out its position in a number of places to which GACC is respectfully

referred, including the **Technical Note on the Future Baseline** [\[REP1-047\]](#) and GAL's **Response to York Aviation: Forecasts** at D4 [\[REP4-022\]](#).

3.5.2 The principle of a future baseline and why it provides the most appropriate means of assessing the base case before assessing the impacts of the NRP is explained in **Actions Arising from ISH4** [\[REP1-065\]](#) (Action 1).

3.5.3 If GACC's case is that it would like to understand the effects of the NRP if a lower future baseline was considered appropriate, that information is being provided by GAL at Deadline 5 in response to the Rule 17 request R17b.1 from the ExA of 9 May (Doc Ref 10.21).

[Transport – No Car Growth Scenario, Page 123](#)

3.5.4 Please see response to Legal Partnership Authorities at TT.1.4, in Table 20.

[Night Flights \(and Noise more generally\), Page 124](#)

3.5.5 GACC state that they are referencing a recently published academic paper. The reference is in fact to a conference abstract³, where the full study has not yet been fully peer reviewed and published. Caution should be exercised at this stage as there is no basis to evaluate the quality of the study or the robustness of its conclusions. For example, there is mention in the abstract of adjusting for confounders, including "*sociodemographic, clinical, and environmental covariates including ambient nitrogen dioxide (NO₂)*". What that actually means would require a close reading of the full methods statement. Such confounders are likely to be a key issue in the outcomes discussed. It is also unclear if other confounders, which also affect cardiovascular outcomes such as PM_{2.5}, diet and smoking status, have also been accounted for. Linked to this, the participant selection for such studies can introduce biases so would need to be carefully considered. The study notes that it has drawn participants from the UK Biobank database, which holds data for half a million people from across the UK. A description of how CAA Lden noise measurements have been

³ <https://2023.iseeconference.org/assets/E-Books/ISEE-2023-Abstract-E-Book.pdf> (page 1143)

correlated with the dates at which the UK Biobank data was collected for different individuals is not clear from the abstract. It is also of note that the study is not actually establishing causal links to cardiovascular health outcomes, it is only stating correlations with potential biomarkers for such outcomes. This is despite the UK Biobank potentially having access to other more salient outcomes. It is unclear from the abstract whether these had statistically significant correlations or not. Whilst the final publication may well shed some light on these points, it is too early to be placing weight on this study's pre-publication conference abstract. In any case, ES Chapter 18: Health and Wellbeing [[APP-043](#)] has taken into account that aviation noise near airports is likely to have cardiovascular and cardio-metabolic outcomes (paragraph 18.8.95). The study therefore does not change the conclusions that the Project should not result in any significant adverse impact on public health.

- 3.5.6 GACC asserts that *“approval of GAL’s application should be subject to a condition banning night flights for a full eight hour period each night in line with the ANPS.”* GACC should recognise, however, that whilst the ANPS contains measures which are specific to Heathrow (see ANPS para 3.10, which explains that the ANPS sets out *“Particular considerations relevant to a development consent application to which the Airports NPS relates”*), the Government’s management of night flights at Gatwick is subject to its own regime of control. The Government has recently consulted on extending current night flight allowances and controls at Gatwick.⁴ In that consultation (at page 1) the Government *“recognises that night flights are an important part of operations at airports around the world. The time differences in an inter-connected global transport system mean that it is difficult to avoid flights at night and early in the morning.”* It is not for this DCO examination to question the Government’s policy for night flights at Gatwick.

⁴ <https://www.gov.uk/government/consultations/night-flight-restrictions-heathrow-gatwick-and-stansted-airports-from-october-2025/night-flight-restrictions-heathrow-gatwick-and-stansted-airports-from-october-2025>

Flooding and Foul Water, Page 124

- 3.5.7 The Applicant provided further detail with regards to flood risk and wastewater impacts within the Water Environment at Deadline 3: Water Supply, Waste Water and Flood Risk Assessment Topic on Page 135 in Section 37.1.1 of the Applicant's Response to Written Representations [[REP3-072](#)].

Modelling

- 3.5.8 GACC raises concerns regarding the time taken for the Applicant to share the flood modelling outputs with the EA for review. The Applicant has been liaising with the EA throughout the development of the Project design and mitigation measures for a number of years as recorded in the SoCG between the parties [[REP1-034](#)]. The baseline modelling was accepted by the EA in August 2023. The EA provided comments on the with-scheme modelling in February 2024 and the Applicant has provided their response to these and will continue to work with the EA to resolve them. The Applicant does not consider that there is anything substantive in the EA's review comments.

Design Life

- 3.5.9 Paragraph 006 of the Flood Risk and Coastal Change Planning Practice Guidance states "The lifetime of a non-residential development depends on the characteristics of that development but a period of at least 75 years is likely to form a starting point for assessment". However, as stated in paragraph 3.7.6 of the FRA [[AS-078](#)], GAL considers that such a design life is unrealistic given the characteristics of the airport and specifically the changes it has undergone over the last 40 years and might be anticipated in the future. Consequently the project has adopted a design life of 40 years for the airfield elements. The 40-year design life takes it beyond the furthest Project assessment horizon of 2047.

Surface Water Drainage

- 3.5.10 The airfield drainage network drains to a series of ponds that then discharge to the River Mole or the Gatwick Stream as set out in Section 5.3 of the FRA [[AS-078](#)]. The discharge from these ponds is limited either by flow controls or

pumping capacity neither of which will be altered by the Project. Therefore, regardless of the increase in rainfall intensity due to climate change, the airport infrastructure would not increase the peak flow to receiving watercourses. Pond A could potentially discharge to the River Mole but that would be removed by the Project due to the relocation of taxiway Juliet. This approach could increase the degree of flooding on the airfield (but not offsite). GAL has set out how it would respond and manage flood events in the Flood Resilience Statement Annex 6 of the FRA [[APP-149](#)].

- 3.5.11 The principle of not increasing flood risk to other parties is accepted by the Applicant and is secured via the **Design Principles** (Doc Ref. 7.3 v3) and requirement 10 of the **Draft Development Consent Order** (Doc Ref. 2.1 v7).

Wastewater

- 3.5.12 With regards to GACC's concern for Gatwick Airport's contribution to sewage overflow incidents, the airport currently discharges its wastewater to Thames Water's Horley and Crawley catchments. Thames Water is currently undertaking an impact assessment of the effect the Project would have on their network and treatment infrastructure that would include the potential impact of the Project's flows on Combined Sewer Overflow spills to watercourses. The approach to the management of wastewater is to upgrade certain elements of the Gatwick wastewater network and to change the split of flows between the Horley and Crawley catchments following discussion with Thames Water. Flows will increase to Crawley Sewage Treatment Works (STW) and reduce compared to baseline to Horley STW. The details of this approach and Gatwick's network upgrades are included in the **ES Appendix 11.9.7 Wastewater Assessment** [[APP-150](#)].
- 3.5.13 GAL will respond to the queries related to the surface water contributions to the wastewater network at Deadline 6. The latest update on discussions between Gatwick and Thames Water was provided at ISH7 and recorded in **The Applicant's Summary of Oral Submissions** [[REP4-033](#)] and would also point GACC to the **Second Notification Report of a Proposed Project Change** [[AS-145](#)] regarding an alternative solution for an on-airport Wastewater Treatment Works.

Water Quality

- 3.5.14 The Project includes measures to ensure that the potential increase in de-icer use does not impact receiving watercourses. These measures are the provision of additional retention via the new storage tank beneath Car Park Y and a new treatment facility to the south of the Crawley STW that combined would increase the volume of storage and the treatment throughput prior to discharge to local watercourses. It is also anticipated that the new discharge consent that the Applicant will seek from the Environment Agency for the new treatment facility will in all likelihood be more onerous in water quality terms than the existing for Crawley STW and would therefore result in a beneficial impact to the Gatwick Stream. Further information on this is available in the **Change Application Report** [[AS-139](#)].
- 3.5.15 Gatwick's airfield surface water drainage system drains to a series of ponds that discharge to local watercourses when the runoff is of sufficient quality as set by its discharge consent administered by the Environment Agency. When not of sufficient quality for direct discharge to watercourses (due to the application of de-icer during the winter) the runoff is stored in Pond D and then pumped to the long-term storage lagoons to the east of the airport for storage. The lagoons drain to Thames Water's Crawley Sewage Treatment Works (STW) that treats the runoff prior to discharge to the Gatwick Stream, a layout of this configuration is provided in ES Figure 11.8.2, **ES Water Environment Figures** [[APP-057](#)].
- 3.5.16 The Gatwick airfield surface water drainage network drains to a series of ponds that attenuate and store runoff prior to discharge to local watercourses. However during a significant rainfall event the discharge consent permits Gatwick to discharge directly to the River Mole to prevent flooding to the North terminal. The consent states: "*The restrictions in the previous condition [water quality constraints for discharges as referred to above] shall not apply at such times as the level of airport drainage in the balancing pond exceeds 52 metres above ordnance datum.*" The discharge from Pond D in such circumstances would be a small proportion of the overall flow in the River Mole. The peak flow from Pond D is limited by the capacity of its discharge pumps to 1.68m³/s. In comparison the peak flow in the River Mole based on hydraulic modelling undertaken for the Project to support the FRA is 21.90m³/s in the 50% (1 in 2) Annual Exceedance Probability (AEP) Event, the peak flow rate from Pond D would be 7.8% of the peak flow in the Mole in

such an event which would also dilute de-icer in the discharge. As the severity of the event increases the proportion of flow from Pond D reduces, so for the 10% (1 in 10) AEP event it would be 5% of the flow in the Mole.

3.5.17 The table below sets out the total hours that the water level in Pond D was greater than 52m AOD and was therefore discharging to the River Mole. It should be noted that these volumes would not always consist entirely of de-icer contaminated water and would be diluted with cleaner runoff from other surfaces such as roofs and paved areas. This runoff would be diluted further by the flow in the River Mole. To reiterate, these discharges are within the terms of the discharge consent set by the Environment Agency. Furthermore typically de-icer is not applied between April and October so discharges in these months would be expected to be free of de-icer.

Row Labels	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Grand Total	Volume m3
2018					4		3	42	21	121	29	16	236	1,427,328
2019	217	6	7			25	135	62	1	4	2	16	475	2,872,800
2020		21	3	1						11	7	7	50	302,400
2021	2						10	6		2		3	23	139,104
2022			1		2			5	1		21	30	60	362,880
2023					5	4			1	21	8	42	81	489,888
2024	9	2	7										18	108,864
Grand Total	228	30	17	1	11	29	148	115	24	159	67	114	943	5,703,264

3.5.18

3.5.19 Gatwick is liaising with the Environment Agency to update the discharge consent from Pond D.

Flood Risk

3.5.20 In relation to GACC's concern regarding Gatwick Airport's contribution to downstream flooding, Figures 7.2.3, 7.2.4, 7.2.5 and 7.2.6 in **ES Appendix 11.9.6: Flood Risk Assessment [APP-147]** indicate the Project would not increase flood depths to other parties including those downstream. As an example, the hydrograph included as Error!

Reference source not found. below demonstrates no increase to peak flows in the River Mole downstream of the Project for the Credible Maximum Scenario.

Water Supply

3.5.21 In relation to water supply, GAL submitted to examination as part of their responses to actions arising from ISH7 the email from Sutton and South East Water confirming they can meet the additional water demand from the Project at Deadline 4 [\[REP4-037\]](#).

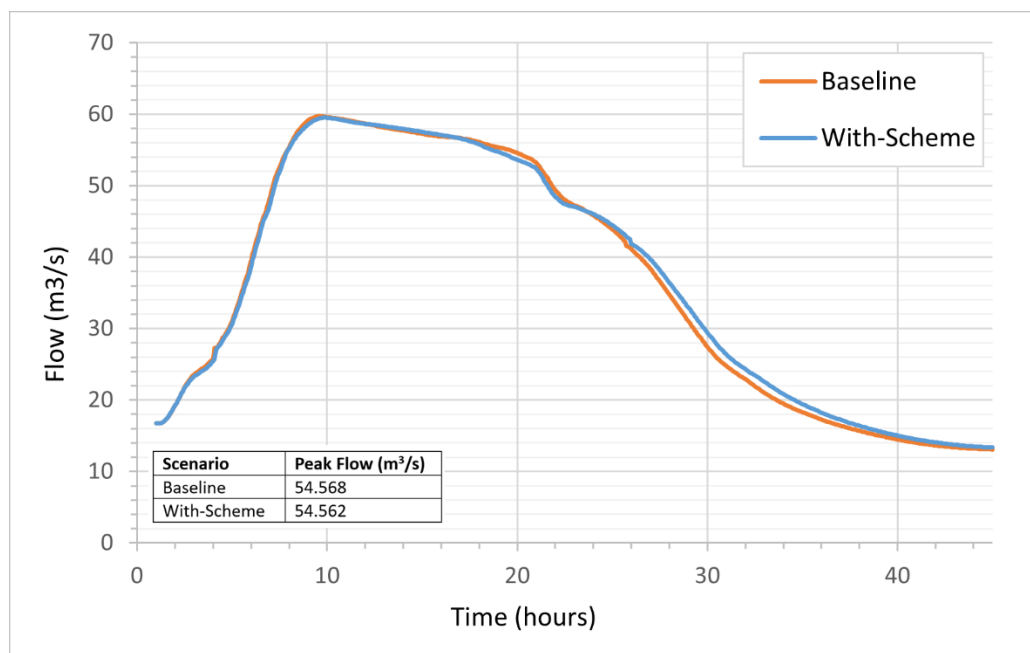


Figure 1: Hydrograph to show River Mole flow rates

Figure 3.2: Flow at the downstream boundary in the 1% AEP + 40% CC 12hour event.

3.5.22 With regards to flood risk, in accordance with national planning guidance the risk to, and impact from the Project has been assessed for all sources of flood risk as reported in **ES Appendix 11.9.6: Flood Risk Assessment [APP-147]**. The FRA demonstrates that through the provision of a number of mitigation measures (see Section 7 of the FRA) the Project would not increase flood risk to other parties for its lifetime, taking the predicted impact of climate change into account.

Climate Change, Policy, Socio-Economic Aspects

3.5.23 In relation to climate change, GACC's Written Representations asserted that demand must be constrained at airport level. GAL's position on this has been set out at length and was fully rehearsed at ISH6 (please see the **Summary of Oral Submissions for ISH6** at [\[REP4-032\]](#)). As explained there, GACC's position is contrary to government policy.

3.5.24 In relation to socio-economic aspects, the economic assessment was done in line with DfT's Transport Appraisal Guidance (TAG) both generally and specifically in how it deals with business travel and benefits to UK and non-UK residents.

Terminal Capacity, Pages 126-7

3.5.25 GAL considers that the aggregate responses it has provided to date in this examination, and further supplemented in responses to GACC's most recent submissions in this document provide comprehensive responses to each of the numerous submissions GACC have made; however, the Applicant is happy to consider any gaps GACC consider to still exist and provide such further clarification as is considered necessary/appropriate.

3.5.26 GACC requested further information regarding the terminal requirements for both the baseline and proposed development schedules and how this compares to the assessment in the Jacobs 2014 report commissioned by the

Airports Commission for the second runway application. Both the Jacobs report methodology and the results of the more detailed terminal analysis undertaken by GAL are covered below.

- 3.5.27 The Jacobs report from 2014 assessed terminal floor space required per 'design hour passenger' on the premise of assumptions made in 2014 regarding terminal space requirements and the ratio between annual passengers and peak hour, both of which have significantly changed over the ten-year period since the report was published. The report itself acknowledged that improving technology would reduce the terminal space requirement. One example of how terminal space requirements have reduced at London Gatwick is illustrated through security. In 2014 each security lane processed circa 350 passengers per hour; each lane can now process in excess of 500 passengers per hour, reducing the lane requirement, and thus the space required, by 30%. A second example is self-service check-in. In 2014 London Gatwick re-purposed under-utilised, landside commercial space to create what was, at the time, the world's largest self-service bag drop facility for the airport's biggest customer, easyJet. The new technology reduced easyJet's check-in space requirement by 45%, whilst at the same time, eliminating check-in queues. HM Border Force e-gates have similarly transformed the Immigration process for UK and EU passengers, who comprise the vast majority of London Gatwick's traffic.
- 3.5.28 However, as requested by GACC, Jacobs's methodology of determining terminal space requirements has been applied to London Gatwick's busy day⁵ peak hour which results in 27.0 sqm per peak hour passenger in the baseline and 33.2 sqm per peak hour passenger in the proposed development. The terminal space per peak hour passenger in the baseline case is based on a terminal space of 353,834 sqm in the baseline (incl. existing terminal with developments post 2014 and Pier 6 Western Extension) and a total of 13,100 passengers in the peak hour. The terminal space per peak hour passenger in the proposed development is based on 505,296 sqm (incl. baseline space plus 151,462 sqm as per the proposed development) and a total of 15,200 passengers in the peak hour.

⁵ GAL's busy day is the 3rd Friday of the peak month of August.

- 3.5.29 Jacobs' report states that "...the definitions set out have been adopted largely based on IATA recommendations....." and suggest 15m² to 20m² per DHP for a "very cost efficient and value engineered terminal...serving predominantly the low-cost market", 20m² to 35m² per DHP for "mid-range terminal facilities". In both baseline and the proposed scenarios, the m²/DHP sit mid-range.
- 3.5.30 The IATA Airport Development Reference Manual (ADRM) referenced by Jacobs does not define a minimum standard or a range, at a terminal level but rather a maximum. The current ADRM Version 12 states "...maximum SQM/PHP should not exceed 35 sqm for international passengers," which London Gatwick's plans do not. The ADRM instead focuses on a processing facility by processing facility assessment to assess terminal space requirements, which is the approach adopted by London Gatwick.
- 3.5.31 GAL have undertaken detailed assessments of the terminal infrastructure through simulating each terminal processing facility with the full busy day schedule. The simulation modelling provides the infrastructure requirements to meet the IATA recommended levels of service and GAL core service standards, endorsed by the Civil Aviation Authority, for each growth scenario. Further details of the service standards are provided in 10.16 The **Applicant's Response to the ExA's Written Questions (ExQ1) - General and Cross-Topic** [\[REP3-091\]](#) GEN. 1.17. The resulting requirements are detailed further in both The **Applicant's Response to the ExA's Written Questions (ExQ1) - General and Cross-Topic** [\[REP3-091\]](#) GEN. 1.17 and the Deadline 4 Submission - The **Applicant's Response to Actions ISH7: Other Environmental Matters** [\[REP4-037\]](#). The later document states the forecasted baseline passenger growth results in a 100 departure passengers uplift in the busy hour in each terminal. To accommodate the growth of 100 departing passenger in the peak hour the capacity within the existing terminal infrastructure will be maximised requiring no additional terminal footprint in the baseline case. Check-in, the departing baggage system, and security all have enough latent capacity within the current facilities to accommodate the uplift of 100 passengers in a peak hour whilst meeting the current core service standards. An increase in departure lounge capacity is required however this does not require additional terminal footprint as described below.

- 3.5.32 Departure lounge capacity assessments are based on the space required to deliver high standards of service for passengers, with an appropriate mix of core services (toilets, seating etc), a wide range of dining options, and a selection of retail opportunities. As such, the small increase in peak passenger numbers can be easily accommodated. These matters are monitored and, if necessary, the lounge space would be slightly rebalanced, for example, replacing a low passenger occupancy retail unit with a higher occupancy catering unit.
- 3.5.33 As per the response at Section 4 of **The Applicant's Response to Actions ISH7: Other Environmental Matters** [\[REP4-037\]](#). In the future baseline, the forecasted growth in arrival passengers requires an increase in arrivals baggage reclaim capacity through an increase in length of the existing belts not an increase in the number of belts. This can be delivered within the existing terminal footprint; hence no additional terminal space is required.

[Greenhouse Gases, Future Baseline, Page 128](#)

- 3.5.34 The Applicant has not disregarded the Finch case, as its response to previous GACC representations confirm (see Deadline 3 Submission - 10.14 **The Applicant's Response to Written Representations** [\[REP 3-072\]](#)). However by way of context, Finch ([2022] EWCA Civ 187) considered the grant of planning permission for commercial extraction of crude oil at Horse Hill. It was heard by the Supreme Court in June 2023 and judgment is awaited. Both the High Court and Court of Appeal rejected Mrs Finch's claim that Surrey County Council erred in law by not requiring the EIA to include an assessment of the impacts of greenhouse gas emissions resulting from the eventual use of the refined products of that oil as fuel.
- 3.5.35 Upholding the High Court's conclusion, the Court of Appeal held that to determine whether something is an "indirect" effect, the decision-maker must ascertain whether it is truly an effect "of the proposed development" – it must be identifiably an effect of the project in hand [38]. The term "indirect effect" and "likely significant effect" do not need any paraphrase or gloss, such as "reasonably foreseeable" or "attributable" effects, or other concepts such as "likely to arise as a result of", "attributable to", "an inevitable result of" or "but for" causation, which would connect a development to events very far along the chain of consequences away from it [39].

- 3.5.36 The Court considered that the existence and nature of indirect effects will always depend on the particular facts and circumstances of the project under consideration. It also confirmed the principle that an environmental statement is not expected to include more information than is reasonably required to assess the likely significant environmental effects of the development proposed [34].
- 3.5.37 The question of whether a particular impact on the environment is truly a “likely significant [effect]” of the proposed development – be it a “direct” or “indirect” effect – is ultimately a matter of fact and evaluative judgment for the authority [59]. What needs to be considered is the necessary degree of connection that is required between the development and its putative effects [41], [60]. In that case, it was lawful for the decision-maker to find that the "essential character" of the development was the extraction and production of hydrocarbons, which did not extend to the hydrocarbons' subsequent use by other facilities and processes, such that the emissions relating to this subsequent use did not fall for assessment [85]. These principles have been considered as appropriate in other responses to the GACC representations. The Applicant will address any implications of the Supreme Court judgment when it is handed down.

[Ecology, Page 129](#)

- 3.5.38 GACC are of the view that the ecological impacts of the Project are understated and request that all surveys are shared.
- 3.5.39 The impact assessment set out in Section 9 of **ES Chapter 9: Ecology and Nature Conservation** [[APP-034](#)] was supported by a full and detailed suite of ecology surveys, including those with respect to bats. The results of these surveys are set out fully in **ES Appendix 9.6.2: Ecology Survey Report** [[APP-125](#), [APP-124](#), [APP-126](#), [APP-127](#), [APP-128](#), [APP-129](#), [APP-130](#)], **ES Appendix 9.6.3: Bat Trapping and Radio Tracking Surveys** [[APP-131](#), [APP-132](#)] and **ES Appendix 9.6.4: CONFIDENTIAL Badger Survey** [[APP-133](#)].

3.5.40 As set out in Section 5.4.2 *et seq.* of **ES Appendix 5.3.2: Code of Construction Practice** [\[REP4-007\]](#), surveys will be updated prior to commencement to ensure that any necessary mitigation is fully accounted for and any necessary licences obtained and complied with.

Water Neutrality and Supply Page 129

3.5.41 GACC request that GAL release the email from Sutton and East Surrey Water that they can meet the additional water demand as a result of the Project to the DCO Examination together with the provision of supporting evidence to clarify that the volume of additional water demand set out for both the future baseline and project demands would be met by SESW, and where this additional water would be drawn from. The email from SESW confirming their ability to meet the additional water demand from the project was provided as part of the **Applicant's Response to Actions arising from Issue Specific Hearing 7** [\[REP4-037\]](#).

3.5.42 In response to a request from the JLAs', a new Project-wide design principle (BF4) has been introduced to the **Design Principles** (Doc Ref. 7.3) specifying that new buildings will achieve a BREEAM Excellent rating in respect of water efficiency measures secured under Requirements 4 and 5 of the **Draft DCO** (Doc Ref. 2.1). Wording from Design Principle BF2 has been removed as now superseded by the new Design Principle BF4.

Surface Transport, Pages 130-131

3.5.43 GACC has commented that the following points from its Written Representation remain unaddressed:

- GAL should define and model transport scenarios with no car growth and no worse crowding on rail network (noting luggage space too). This would mean new train services to/from airport and potentially between London and the South Coast elsewhere.
- Local traffic congestion and parking impacts in and around Gatwick should not be worse.
- As well as traffic there should be no increased impacts on air pollution, noise, flood impact or water neutrality.

3.5.44 Please see response to Legal Partnership Authorities, TT.1.4, in Section 2.15 of this report, and previous responses provided by the Applicant (**The Applicant's Response to Written Representations** [\[REP3-072\]](#) and **The Applicant's Response to Deadline 2 Submissions** [\[REP3-106\]](#)).

[Climate Change, Pages 131-133](#)

3.5.45 GACC request that as the economic benefits in terms of jobs have been presented in terms of direct, indirect, induced and catalytic effects, the economy-wide carbon impact should be considered in the same way. This request attempts to draw an inapposite correlation between the assessment of economic benefits and the assessment of carbon emissions.

3.5.46 The Local Economic Impact Assessment considers economic effects relating to the activities of the off-site supply chain of Gatwick and other on-site firms (indirect effects), employees, both on-site and in the supply chain, spending their wages on activities that are not necessarily associated with, or located close to, the airport ('induced' impacts), and the 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 and business opportunities that it offers ('catalytic' impacts) (see Table 5.1 and para. 5.2.2 of **ES Appendix 17.9.2: Local Economic Impact Assessment** [\[APP 200\]](#) and sections 5 and 6 of **ES Appendix 17.9.2: Local Economic Impact Assessment** [\[APP 200\]](#)).

3.5.47 It can be seen that the calculation of these impacts is derived from a combination of employment figures, multiplier calculation and employment elasticity that do not necessarily imply or translate into carbon emissions. The fact that the assessment estimates these effects, founded on employment figures, does not mean that the calculations can be taken to translate into further carbon emissions as effects of the project. The creation of these jobs does not necessarily or reliably correlate with further carbon emissions; nor do any broad multiplier or elasticity assumptions employed in the assessment to generate economic values. The assessment is also "placed-based" and it acknowledges accordingly that some of the indirect benefits around Gatwick are displaced from elsewhere in the country. This further confirms why any such benefits, assessed at sub-national levels, cannot be treated as correlating

to additional carbon emissions at a national level (see too paragraph 17.10.2 of **ES Chapter 17: Socio-economic** [\[APP 042\]](#)).

- 3.5.48 Employees taking jobs in the local area, or firms taking on new employees or undertaking further investment, or workers spending their earnings (e.g. in barbers or restaurants) will involve a wide range of activities in relation to which potential carbon emissions are beyond any coherent or realistic assessment in connection with the project. By way of illustration, new employees in the local economy may spend earnings on goods or services or a combination of the two. Firms in the supply chain may do the same. That spending may take place online or in premises. The carbon associated with the goods supplied will almost always have been generated somewhere else in a manner which cannot reasonably be assessed; and in the case of service provision or premises in the supply chain emissions are likely to be generated there in any event. The carbon associated with a new job or investment in new premises is practically impossible to estimate, as the employer may not increase its floorspace or opening hours and may be able to employ more staff within their existing footprint. All these activities can take a wide variety of forms which themselves follow other carbon-generating activities; and any emissions associated with all this activity are not susceptible to assessment in connection with the operation of the project.
- 3.5.49 Similar considerations apply to the National Economic Assessment (**Appendix 1 to the Needs Case** [\[APP-251\]](#)), which is a benefit and cost analysis separate from Chapter 17 of the ES in any event. Impacts on users and providers of airline services (see section 5) will be influenced by increases in air traffic movements, but the emissions resulting from those movements are assessed separately as part of the GHG assessment (aviation, ABAGO and surface access emissions) and the financial quantification does not establish or imply other forms of carbon emissions which fall for assessment. In relation to wider effects (section 6), decreases in production costs to business (e.g. reduced import cost or fares) resulting from the increase in aviation capacity, changes in tax receipts, and changes to marginal costs to business arising from increased traffic on the road network, are again financial calculations which have no bearing on the separate assessment of GHG emissions arising in particular from aviation and surface access under the GHG assessment. The assessment does not include indirect and induced employment effects, which are

addressed as part of the local impact assessment (see above). As for trade and foreign direct investment, the assessment recognises generally that the project could provide increased connectivity in the form of improved access to foreign markets, facilitating and encouraging trade between the UK and the rest of the world. However changes to trade (including costs reductions arising from increased frequency of connectivity and, for example, decisions of foreign businesses to invest in the UK) are excluded from the economic assessment, partly on the grounds of difficulties in robust assessment. Similar considerations apply to any suggestion that these matters should be included in any GHG assessment. The financial effects considered do not translate into carbon emissions that can be coherently and reliably quantified in relation to the project. The same applies to tourism effects. The assessment acknowledges generally that increases in leisure passengers could lead to tourism effects through an increase in expenditure in the UK by inbound tourists, and overseas by outbound tourists, but it does not include or rely on monetised tourism benefits. Even to the extent that there may be financial benefits such as expenditure in hotels and restaurants, these do not in themselves imply resulting changes in carbon emissions that can then be reliably assessed in identifiable correlation with the operation of this project; difficulties in obtaining evidence of how inbound and outbound tourism could generate benefits across the UK apply particularly to any suggestion that the carbon emissions resulting from various forms of tourist activity beyond the project can or should be assessed.

- 3.5.50 In so far as the issue of tourism effects is raised more specifically in connection with the question of emissions from inbound flights in EIA terms, this has been addressed separately by the Applicant (see Section 12 of The **Applicant's Response to Actions ISH6: Climate Change (including Greenhouse Gases)** [\[REP 4-036\]](#)). It remains the position of the Applicant that this is appropriate to reflect the contribution of the Project on the ability of the UK to meet its carbon commitments, including carbon budgets. There the Applicant also explained: *“While it would be technically feasible to estimate emissions from inbound international flights these would not provide a meaningful quantification for comparison and contextualisation; the relevant contextualisation metrics from the UK carbon budgets; the ANPS; the NNNPS; and the Jet Zero Strategy do not include emissions from inbound international flights. Contextualising against global emissions would not be meaningful.”* The only context could be to express such emissions against the scale of global emissions and the outcome would be infinitesimal.

- 3.5.51 Nothing in any guidance relevant to economic assessment (or GHG assessment) provides for the correlation of indirect, induced and catalytic effects in the manner suggested by GACC. The assessment of effects at a national level is done in line with the DfT's Transport Appraisal Guidance (TAG), which includes advice on valuing GHG impacts for the purposes of calculating the overall welfare costs of a scheme and comparing those with its welfare benefits to produce a NPV figure for a project (see sections 7 and 9 of **Needs Case Appendix 1: National Economic Impact Assessment** [\[APP-251\]](#)). Nothing in that guidance indicates that the valuation of GHG impacts should extend to the scope of effects which GACC appears to contemplate, or give any methodology for doing so (see section 4 TAG unit A3 environmental impact appraisal)⁶. The same applies to the HMT Green Book guidance which informed the Local Economic Impact Assessment⁷.
- 3.5.52 To put this issue into a wider context, it can also be noted that sectoral economic activity outside the airport will be subject to its own decarbonisation as part of the move to net zero. To the extent that new development takes place away from the project, any relevant carbon emissions associated with that development would fall for consideration either as part of any other environmental impact assessment or in accordance with wider planning policy which will allow for the extent of emissions to be taken into account as part of any decision-making process.
- 3.5.53 For these reasons, the Applicant does not for the reasons set out above consider it necessary or reasonable to assess carbon emissions as sought by GACC; indeed nothing in those submissions suggests any principled basis for limiting the open-ended effects that they appear to suggest should be assessed.

[Air Quality, Pages 133-135](#)

- 3.5.54 The Applicant is reviewing the comments for air quality and will provide a response at Deadline 6.

⁶ [TAG unit A3 environmental impact appraisal \(publishing.service.gov.uk\)](#)

⁷ <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020#a2-place-based-analysis>

[Wastewater Impact Assessment, Pages 135-136](#)

3.5.55 GACC request that GAL release flow data underpinning the modelling completed such that the total water flows into the wastewater system are set out, specifically breaking down into the following:

- i) Providing current, future baseline, and future project demand, through to 2047.
- ii) Separating the volume of sewerage flows modelled for the above, and how much of this is predicted to be surface water.
- iii) With respect to surface water currently draining into the waste water network within the red-line area for the Project, please confirm: a) the area of land from which surface water currently drains into the waste water system; b) how this is envisaged to change in the future baseline case and the project case; c) what peak volumes are modelled for this flow and what climate return period (e.g. 40 years or 100 years) has been considered;
- iv) How much of the above flows currently go to Horley STW and to Crawley STW, and how this is envisaged to change in the future baseline, and the Project case, through to 2047.

3.5.56 The requested GAL data underpinning the wastewater modelling is as follows:

- i) The modelled discharges to the public sewer system from the airport site as a whole are presented in the following table. These are daily discharge volumes for a 'worst case' wet day. The 'worst case' is defined as being flows generated by a storm with a return period of 30 years (3.33% Annual Exceedance Probability), this being the standard that most sewers are designed to and hence the maximum capacity that the site drainage system can be expected to convey. The 2018 figures represent the 'current' situation and are derived from the model verified using data from a flow survey undertaken in 2019. Current passenger numbers have now

returned to close to what they were in this pre-pandemic period and hence the 2018 figures are considered appropriate. Note that de-icer flows that currently discharge to Crawley STW are not included in these figures.

Scenario		2018	2029	2032	2038	2047	2047 + climate change
Future baseline	Daily volume to TW sewers without the Project (m ³)	8642	9717	9743	9782	9847	11164
Project	Daily volume to TW sewers with the Project (m ³)	8642	8757	8929	9001	9063	10168

ii) The dry day discharge volumes, i.e. wastewater and baseflow infiltration flow volumes are as follows:

Scenario		2018	2029	2032	2038	2047	2047 + climate change
Future baseline	Daily volume to TW sewers without NRP (Baseline) (m ³)	2509	3140	3168	3191	3264	3264
Project	Daily volume to TW sewers with NRP (m ³)	2509	3238	3408	3487	3538	3538

Hence the corresponding surface water volumes are:

Scenario		2018	2029	2032	2038	2047	2047 + climate change
Future baseline	Daily volume to TW sewers without NRP (Baseline) (m ³)	6133	6577	6575	6591	6583	7900
Project	Daily volume to TW sewers with NRP (m ³)	6133	5519	5521	5514	5525	6630

It should be noted that much of the surface water component of the discharges to the public sewer system is due to rainfall induced infiltration into the drainage system through the ground, though there are some directly

connected areas that are detailed in the response to Point iii below. The daily volumes are likely to be overestimates as they have been calculated as if the surface water flows continued at peak rates for a 24-hour period. This could be the case for the infiltration flows, but is likely to be an overestimate for the directly connected areas. However, a 'worst case' is being reported at this stage.

- iii) With respect to surface water currently draining into the wastewater network within the red-line for the Project:
- a) The area of land that has been found to be directly drained into the wastewater system has been modelled to be 3.52ha, of which 3.02ha is paved/impermeable area. In addition to this a calibrated 'area' has been used in the model to generate rainfall induced infiltration flows into the airport's drainage system via the ground and entering through joints and cracks in the pipes and chambers.
 - b) A minimum of 0.75ha is planned to be disconnected as part of the reconfiguration of the site to accommodate the Northern Runway Project, with a further 1.25ha proposed to be separated as part of the proposed upgrade that replaces Pumping Station 7 with Pumping Station 7A. The reduction in surface water discharges associated with the latter has not been included in the surface water volumes for the NRP case at this stage, i.e. the volume associated with this 1.25ha area is still included.

Rainfall induced infiltration flows will also be reduced in areas where existing pumping station chambers are upgraded and where the drainage system is reconfigured to accommodate the NRP.

- c) The 'worst case' daily surface water discharge volumes are given in the response to Point (ii). The volumes are lower in the NRP case than in the Future Baseline due to the reconfiguration and upgrades, and as stated above should be able to be reduced further by separating the additional 1.25ha of impermeable area.

The 2047 scenario has also been assessed with an allowance for climate change. This has been done by applying a 20% uplift to the flows generated by a 30-year return period (3.33% AEP) storm. The impacts of

a 25% increase in rainfall intensity have also been considered as reported in the **ES Appendix 11.9.7: Wastewater Assessment** [\[APP-150\]](#).

- iv) The following tables show the modelled daily discharges to Horley STW. The figures for the Project case (NRP) include for the proposal to divert some flow currently draining to Horley to Crawley as was recommended by Thames Water in 2019:

Dry Day – i.e. wastewater and baseflow infiltration only

Horley	Dry Day	2018	2029	2032	2038	2047	2047 + climate change
Future baseline	Daily volume to TW sewers without NRP (Baseline) (m ³)	1101	1542	1547	1542	1548	1548
Project	Daily volume to TW sewers with NRP (m ³)	1101	907	1022	1043	1074	1074

Wet Day – (worst case)

Horley	Wet Day	2018	2029	2032	2038	2047	2047 + climate change
Future baseline	Daily volume to TW sewers without NRP (Baseline) (m ³)	2658	3565	3569	3579	3601	4012

Project	Daily volume to TW sewers with NRP (m ³)	2658	1802	1917	1938	1976	2156
---------	--	------	------	------	------	------	------

The following tables show the modelled daily discharges to Crawley STW. The figures for the Project case (NRP) include for the proposal to divert some flow currently draining to Horley to Crawley as was recommended by Thames Water in 2019. Note that de-icer flows currently draining directly to Crawley STW are not included in these figures:

Dry Day – i.e. wastewater and baseflow infiltration only

Crawley	Dry Day	2018	2029	2032	2038	2047	2047 + climate change
Future baseline	Daily volume to TW sewers without NRP (Baseline) (m ³)	1408	1598	1621	1649	1716	1716
Project	Daily volume to TW sewers with NRP (m ³)	1408	2331	2386	2444	2464	2464

Wet Day – (worst case)

Crawley	Dry Day	2018	2029	2032	2038	2047	2047 + climate change
Future baseline	Daily volume to TW sewers without NRP (Baseline) (m ³)	5984	6152	6174	6203	6246	7152

Project	Daily volume to TW sewers with NRP (m ³)	5984	6955	7012	7063	7087	8012
---------	--	------	------	------	------	------	------

Comments on Question R17b.1

- 3.5.57 GACC notes the ExA’s request for a sensitivity assessment against an alternative future baseline and asks GAL to provide details of any impact from peak spreading on night flights at Gatwick. GAL’s position on night flights is set out at **Technical Note on Future Baseline** [REP1-047]. The Applicant has also provided its analysis of an alternative future baseline in the **Response to Rule 17 – Future Baseline Sensitivity Analysis** (Doc Ref. 10.40).

Comments on Question R17b.2

- 3.5.58 GACC asks: *“might the Applicant clearly set out the mass of waste expected to be produced, reused, recycled, materially recovered, incinerated (including with energy recovery) and disposed of, both at the construction and operational phases of the project , including end destinations, and whether there is sufficient capacity to process the waste at these destinations.”*
- 3.5.59 **ES Appendix 5.3.2: CoCP Annex 5: Construction Resources and Waste Management Plan** [REP4-009] provides a schedule of buildings/structures to be demolished, a schedule of building/structures to be constructed and other works all of which will generate waste. At a strategic level, the waste types from the construction and demolition wastes will be classified as inert, non-hazardous and hazardous wastes.
- 3.5.60 The type and quantity of wastes that will be generated from these activities will be confirmed during detailed design and will be reported in the Waste Forecasts sheets of the Site Waste Management Plans (SWMPs). An initial list of

wastes has been included in the SWMP template of **ES Appendix 5.3.2: CoCP Annex 5: Construction Resources and Waste Management Plan** [\[REP4-009\]](#).

- 3.5.61 In **ES Appendix 5.3.2: CoCP, Annex 5: Construction Resources and Waste Management Plan** [\[REP4-009\]](#) the Applicant has committed to achieving the following targets for construction and demolition waste (excluding spoil) generated by the Project:
- Divert 90% (by weight) of non-hazardous demolition materials from landfill; and
 - Divert 80% (by weight) of non-hazardous construction waste (i.e. non-demolition waste) from landfill.
- 3.5.62 The selection of the waste management facilities that will be used to process construction and demolition waste generated by the Project will be confirmed in the Site Waste Management Plans. Details on the existing waste management infrastructure is provided in **ES Appendix 5.3.2: CoCP, Annex 5: Construction Resources and Waste Management Plan** [\[REP4-009\]](#).
- 3.5.63 The types and quantities of operational waste generated by the Airport are provided in the **Operational Waste Management Strategy** [\[REP3-070\]](#). The Strategy provides waste data for 2023 and estimates for the future baseline (without the Project) and with the Project.
- 3.5.64 For its operational waste, the Project will apply the target from the Airport National Policy Statement (June 2018) to prepare for re-use or recycle a minimum of 50% of municipal waste generated from the operation of the Project. The Project will seek to exceed this target by aiming for exemplar performance in waste management, to align with the principles of the EU Action Plan for the Circular Economy.
- 3.5.65 The management of operational waste is described in the **Operational Waste Management Strategy** [\[REP3-070\]](#) which is secured by DCO Requirement 25. The waste management facilities that are used to manage the operational

waste from the Airport will continue to be reviewed on a regular basis to take into account the proximity of the available waste management infrastructure.

Response to the ExA's Question at ISH6 on 2038 Gatwick Carbon Emissions Compared to the Carbon Budget

- 3.5.66 GACC has provided its own quantification of impact building on and relying on the analysis carried out by the Applicant as part of its Preliminary Environmental Information Report (PEIR). GACC's challenge is that Gatwick Airport would be responsible for over 5.5% of total UK greenhouse gas emissions by 2038 if the application were to be approved.
- 3.5.67 GACC sets out to define upper and lower bounds on the likely trajectory for GHG emissions based on the calculation in the PEIR (as an upper boundary) which largely excludes the Jet Zero strategy, and through GACC's estimation of a lower boundary reflecting the implementation of Jet Zero. It estimates that these would lead to Gatwick Airport being responsible for between 4.2% and 5.5% of the UK carbon budget in 2038.
- 3.5.68 It should be noted that this work relies on the quantification of aviation impacts in PEIR, which is self-evidently dated by comparison to the information presented in the ES as part of the DCO application. The assessment of aviation emissions has been fully updated at ES stage to better reflect the impacts arising from specific aircraft/route modelling, and to take account of measures in line with the Jet Zero strategy.
- 3.5.69 The impact of the Project is clearly set out in Table 16.9.13 of **ES Chapter 16: Greenhouse Gases** [\[APP-041\]](#) and demonstrates that the Project is estimated to contribute 0.604% of the UK carbon budget over the Sixth Carbon Budget period. While the conclusion of the assessment is focused on the scale of additional emissions arising from the Project, the wider contextualisation exercise does estimate total aviation emissions attributable to Gatwick Airport. These are calculated at 3.136% of the Sixth carbon budget period as set out in Table 16.9.13 of Chapter 16.
- 3.5.70 In response to GACC's challenge regarding the 2038 assessment in the PEIR – this did (as noted by GACC) include a comparison of emissions for the assessment year of 2038 and sought to contextualise this in the absence of a carbon

budget period beyond 2037. In the absence of an appropriate national budget, and in the absence of a sectoral trajectory for aviation (as is available for the updated assessment in the ES), and given the study period for the GHG assessment extended only to 2038 this was considered a reasonable, albeit caveated, approach. At the time of production of the PEIR the guidance available from IEMA on the assessment approach was more limited than in the revised version which was used to inform the updated assessment for the ES and the general requirement for contextualisation against national budgets was less mature, given the expectation that, in most cases, a conclusion of ‘significant’ would be drawn based on the over-arching principles of the guidance in place at that time. The guidance available from IEMA at the time did not direct on the best approach for contextualisation of emissions beyond the carbon budget period but did direct that *“it is down to the practitioner’s professional judgment on how best to contextualise a project’s GHG impact.”*

- 3.5.71 The limitation in availability of contextualisation beyond 2037 that existed at the time of the PEIR no longer applies, given the presence of updated aviation policy in the form of the Jet Zero Strategy.
- 3.5.72 The assertion by GACC that it is misleading to compare a single year emission level against an ‘average portion’ of the five-year carbon budget total is incorrect – the purpose of a five year carbon budget is to reflect that emissions levels will fluctuate over the budget period. This is reflected in the Climate Change Committee briefing on the setting of carbon budget levels⁸ which states *“UK carbon budgets are defined for total emissions over a five-year period. This means they are less sensitive to higher or lower energy usage due to a particularly warm or cold year or the impacts of unexpected high or low economic growth than targets defined for a single year.”* This is not intended to argue that the use of the 2033-37 budget level provided an ideal approach to contextualisation, but it was considered appropriate for the PEIR in the absence of an alternative sectoral trajectory or national budget beyond 2037.

⁸ Climate Change Committee, CCC Insights Briefing 4 – Advising on the level of UK’s carbon budgets [<https://www.theccc.org.uk/wp-content/uploads/2020/10/CCC-Insights-Briefing-4-Advising-on-the-level-of-the-UKs-carbon-budgets.pdf>]

- 3.5.73 GACC then seeks to modify their upper/lower bounds through the inclusion of inbound flights, and through the use of a multiplier to reflect non-CO2 emissions. Both these considerations have been discussed previously, comprehensively, in this examination, including at ISH6, and the rationale for their exclusion from the assessment has been clearly stated. It remains the view of the Applicant that excluding inbound flights, and excluding an illustrative quantification of non-CO2 effects, is wholly reasonable when assessing the impact of the Project in the context of the UK Government's wider commitment to Jet Zero, and the legal requirements in place on the UK to meet its net zero target in 2050.
- 3.5.74 GACC have then sought to present an alternative assessment of 2038 aviation emissions. The value in undertaking this analysis for a single year of 2038 is not apparent. However, GACC seeks to present the whole airport emissions as the primary test for assessing the Project, prior to then attributing non-CO2 impacts and arriving flights in addition to this. The airport has scope to grow in the absence of NRP, and the impact of any increased operations under current consents are not consequences of the NRP.
- 3.5.75 GACC also seeks to present their estimation of total airport impacts against the CCC Balanced Pathway scenario, which does not have any formal status beyond supporting advice to the UK Government on the setting of a carbon budget that extends only until 2037. The approach to contextualisation is for the judgment of the expert undertaking the assessment and it was considered entirely appropriate to adopt the Jet Zero Strategy given it represented the committed UK Government position and represents "*up-to-date policy*" as referred to in section 6.3 of the IEMA guidance.
- 3.5.76 In summary, GACC has presented a set of calculations that seek to reach an alternative quantification of GHG emissions arising from aviation set out under 'Detailed calculations' on pages 10-13 of their submission.
- **Step 1** refers to GHG emissions presented in PEIR. It then seeks to compare these to the CCC Balanced Pathway to conclude the emissions arising from Gatwick will represent 5.53% of national emissions. The applicant does not accept this approach as wholly representing the assessment of significance of the Project,

firstly as it represents total emissions from the airport, and not those arising from the Project. Secondly it uses the CCC Balanced Pathway as a contextualisation basis, whereas the Applicant considers the use of Jet Zero to contextualise beyond the end of the Sixth Carbon budget as more appropriate.

- **Step 2** notes the omission of Jet Zero measures (efficiency, SAF, zero emission aircraft) from PEIR calculations. It seeks to compare estimated emissions presented in the ES with PEIR (these are not directly comparable due to a revision in the attribution of aircraft to specific international routes within PEIR). However, the primary conclusion is that by summing the aviation emissions from Slow Fleet Transition sensitivity modelling (for 2038) with other emissions sources, then the total emissions arising from Gatwick Airport as a whole will represent “4.17% of the UK carbon budget”.

As noted with regards to Step 1 – this is based on comparison with the CCC Balanced Pathway, which does not represent the formally adopted trajectory for the UK carbon budgets.

It also reflects whole airport emissions, rather than those arising from the Project.

Step 2 concludes with a quantification of the Project as $5.715 - 4.791 = 0.924$ MtCO₂e, although this appears to combine values from the Slow Fleet Transition sensitivity analysis with the main assessment in a way that appears inconsistent.

- **Step 3** applies an uplift (taken from the UK GHG Corporate Reporting guidance) to provide an estimate of non-CO₂ impacts across a range of scenarios. As noted elsewhere, the Applicant does not consider this an appropriate approach within the assessment.
- **Step 4** then seeks to include the impacts of arriving flights. As noted elsewhere, the Applicant does not consider this an appropriate approach within the assessment. Furthermore, in Step 4 GACC offers an alternative, lower, future with-Project baseline which results in an increased overall magnitude of emissions arising from the Project.

The conclusion that the Project equates to 4.4%-5.9% of the 2038 UK carbon budget, therefore, relies on a series of calculation steps that the Applicant considers to be flawed and not appropriate for the assessment.

3.5.77 It remains the Applicant's position that the assessment of the impacts of the Project, as set out in Chapter 16, and in the context of the UK Government's Jet Zero Strategy, demonstrate an increase in emissions that is small in the context of the Sixth carbon budget period, and which will reduce in line with the latest carbon management policy position within the UK. On this basis the conclusion of minor adverse, not significant impact, remains appropriate.

Comments on ISH6 Hearing

3.5.78 With regards to GACC comments regarding the material significance of comparing Gatwick's future emissions to the Sixth Carbon Budget (p14) it remains the view of the Applicant that it entirely appropriate to determine the significance primarily on the impact arising from the Project, as directed within the IEMA guidance.

3.5.79 With regards to sector-specific targets for the aviation sector (p14) it is unclear what the source of the carbon budgets are that GACC refers to and it would be helpful if GACC could identify the relevant source of these.

3.5.80 The commitments set out within the Jet Zero Strategy remain the sector-level strategy for ensuring that aviation emissions do not compromise the ability of the UK to meet its carbon commitments.

3.5.81 With regards to the need for decision-making to be science based and in line with international climate agreements (p15), the purpose of the carbon budget is clearly understood. It provides a framework, at national level, for the UK Government to achieve reductions in emissions across the UK economy. The Jet Zero Strategy represents the UK Government's commitment, and strategy, to deliver the level of GHG emissions reductions required for aviation to make its contribution to carbon reduction to achieve the carbon budgets, and the 2050 net zero target, and as such form the basis of the assessment of impact within the GHG assessment. The Government, as part of its JZ strategy, will carry out a review of its overall strategic approach to decarbonising aviation in line with the latest technological developments, progress against the emissions reduction trajectory, and the performance indicators for the policy

measures in JZ every five years. As part of the strategy, if government considers that the intended emissions reductions are not being achieved, or that decarbonisation technologies are not developing at the pace required, further action will be considered including amending the existing policies or developing new ones. This will all take place in order to achieve net zero in the aviation industry by 2050 (see JZS p. 59). In this context it is not appropriate to doubt the strategic approach taken by government, or its wider progress towards meeting carbon budgets. As NNNPS 2024 recognises (paragraph 5.38), the Secretary of State for Energy Security and Net Zero regularly assesses whether the UK has sufficient policies and proposals overall to meet the UK carbon budgets, with a view to meeting the net zero target, in line with the duties under section 13 of the Climate Change Act 2008. It would not be feasible or sensible for such an assessment to be done at the time of taking individual development decisions.

- 3.5.82 At e-page 17, GACC speculate that it may not be possible to limit the growth of carbon emissions without measures to constrain the number of flights. They are also concerned that the Jet Zero Strategy may not be successful and that climate change obligations may need to take precedence over aviation growth. In doing so, however, they are raising issues of which the Government is demonstrably aware. The JZS and JZS one year on are both clear that the government is and will continue to monitor the position and intervene if necessary, although both documents are clear that a number of different policy levels would be relevant before consideration is given to demand management. These issues were examined closely at ISH6 and GAL's position is recorded in the Applicant's **Written Summary of Oral Submissions at ISH6** [\[REP4-032\]](#) – see, for instance, Section 6 from paragraph 6.1.38.
- 3.5.83 With regard to further references to the assessment of carbon effects, the Applicant has explained above why GHG emissions relating to tourism activity should not fall for assessment. This representation (indeed the GACC representations on climate change generally) appear to be predicated on a view or assumption that the aviation sector should produce no additional emissions at all. This is fundamentally inconsistent with climate change policy and strategy for the aviation sector. There is not an expectation that aviation as a sector will ever become zero carbon – but that in due course it will reduce and then other sectors will need to provide sufficient abatement to offset aviation impacts, as Jet Zero confirms. The question of emissions arising from road transport and their appropriate

contextualisation at a national not local level has been considered in the Applicant's Response to Actions ISH6: Climate Change (including Greenhouse Gases) [REP 4-036]) and explained further in relation to surface access emissions in Chapter 16 of the Environmental Statement paragraphs 16.9.54-63, **ES Chapter 16: Greenhouse Gases** [APP-041]. As with other representations, the suggestion that the GHG assessment must carry out some form of comparative exercise between the embodied carbon of goods delivered by air versus road is not reasonable. The embodied carbon in imported or exported goods is generated beyond the project itself with no necessary correlation to it and it is practically impossible to engage in the form of comparative exercise GACC is contemplating in any meaningful way - the representation appears to assume that any increased use of freight will inevitably adverse however freight travel of goods may, for example, allow for speedier delivery (and less wastage) or shorter travel distances of multiple vehicles by road. The Applicant does not consider it reasonable to suggest that these matters can reliably or helpfully be considered through the EIA process, in particular for a project such as the proposals in this case. Again the view underlying this representation is that Gatwick should not be able to carry more freight than it does currently; however this suggestion is nowhere supported in policy.

- 3.5.84 Regarding the International Climate impact of the Project, the Applicant has previously provided the rationale for accounting for outward flights only when assessing impact, and contextualising against the UK carbon budgets and the commitments to 2050.
- 3.5.85 With regards to Embodied Carbon the IEMA guidance is clear in Section 6.3, that a project can have residual emissions and be sufficiently aligned with the relevant transition scenario to allow a conclusion of minor adverse, not significant.
- 3.5.86 With regard to operational carbon emissions (p19), a full breakdown of operational emissions is set out in Appendix 16.9.2). The assessment of GHG emissions arising from waste management is similarly detailed in this Appendix, and draws on the UK Government conversion factors for company reporting with regards to the emissions factors applied to estimated waste arisings.

3.5.87 With regard to BREEAM standards (p19), the **Design Principles** (Appendix 1 to the DAS (Doc Ref. 7.3)) have been updated to include a commitment to BREEAM Excellent for water in the design of new buildings through the design principle.

Comments on ISH7 – Future Baseline

3.5.88 GAL has provided further detail on the future baseline terminal requirements earlier in this document under the section of Terminal Capacity,

3.5.89 GACC may be alone in asserting (at e-page 20) that the addition of full operations on the northern runway would reduce the resilience of an airport which has the busiest single daytime runway in the world. The exercise undertaken by GAL in its **Capacity and Operations Summary Paper** [[REP1-053](#)] at paragraph 1.2.8 demonstrated that it was runway capacity, rather than airspace capacity which was the limitation on significant growth, particularly in peak hour and busy day movements, whilst the modelling reported in **Capacity and Operations Summary Paper** [[REP1-054](#)] demonstrates that the NRP does indeed enhance resilience.

Comments on ISH7 – Comment on sufficiency of the hotel and office capacity

3.5.90 GACC have made the following comment – *“GAL appeared to say in the ISH7 that the Project has sufficient additional hotel and office capacity for the 13 mppa associated with the project. GACC are still not clear as to whether there is sufficient capacity for the future baseline increase in addition to this. GACC request that the analysis underpinning the level of provision of hotel and office capacity be provided.”*

3.5.91 The analysis underpinning the level of provision of hotels was set out in response to Action 14 at **The Applicant’s Response to Actions - ISH 1: The Case for the Proposed Development** [[REP1-062](#)].

3.5.92 The position on offices was set out during the 2022 consultation. Since 2019 the occupation of on-airport offices has reduced significantly mainly as a result of reduced demand for non-airport operations to be located on-airport and on-

airport operators making more efficient use of space. As a result, no additional office demand is forecast for baseline growth. This is also explained in **The Applicant’s Response to the Examining Authority’s Written Questions – General and Cross-Topic** [[REP3-091](#)] ExQ1 GEN.1.24.

Comments on ISH7 – Comment on future baseline in comparison of Heathrow Third Runway

- 3.5.93 GAL has addressed the potential impact of a third runway at Heathrow on both the future baseline and the NRP forecasts – see the **ES Appendix 4.3.1: Forecast Data Book** [[APP-075](#)] at Annex 4. GAL also responded to the ExQ1 GEN.1.29 on this subject, in the **Applicant’s Response to ExQ1: General and Cross-Topic**: [[REP3-091](#)].
- 3.5.94 For reasons set out at length by GAL, including in response to York Aviation at this deadline, it is not appropriate to assume that a third runway will go ahead at Heathrow, particularly as one is not currently the subject of any pre-application process, and one cannot know that it will be, or that it will be consented, funded and built. Even if it was, it appears that the NRP would be operational many years sooner than R3 and that it is uniquely able to meet demand which may otherwise go unsatisfied to the social and economic disbenefit of the UK.

Comments on ISH7 – Comments relating to flooding

- 3.5.95 The below table provides a response to the substantive points raised in relation to flooding.

Table 31: The Applicant's Response to ISH7 Comments Relating to Flooding

GACC Comments	Applicant’s Response
GACC would like to raise concerns about the time taken for the Applicant to share the required material on flood modelling with the EA so they can complete their review. It is our view that this should have been completed before the start of the DCO Examination. GACC request a further ISH on flooding be	The Applicant has been liaising with the EA as a statutory consultee throughout the development of the Project design and mitigation measures for a number of years before submission of the DCO application as recorded in the Statement of Common Ground Between Gatwick Airport Limited and Environment Agency

GACC Comments	Applicant's Response																						
<p>scheduled, ideally in June, once this review of the flood modelling by the EA is published through the DCO portal. This should be provided with some indication as the impact of the use of the 2009 rainfall dataset by the Applicant, as highlighted by Mr Michael Bedford KC.</p>	<p>[REP1-034]. The baseline modelling was accepted by the EA in August 2023. The EA provided comments on the with-scheme modelling in February 2024 and the Applicant has provided their response to these and will continue to work with the EA to resolve them. The Applicant does not consider that there is anything substantive in the EA's review comments.</p> <p>The Applicant has undertaken a comparison of the rainfall hydrology included in the Project airfield surface water drainage modelling against the most recent hydrology: FEH22 for short (60 minute) and long (1440 minute) storm durations and 10% (1 in 10) and 1% (1 in 100) AEP events. The results are set out in the table below.</p> <table border="1" data-bbox="1124 932 1881 1337"> <thead> <tr> <th data-bbox="1124 932 1469 1023">Event (AEP) Winter</th> <th data-bbox="1469 932 1675 1023">10% (1 In 10)</th> <th data-bbox="1675 932 1881 1023">1% (1 In 100)</th> </tr> </thead> <tbody> <tr> <td data-bbox="1124 1023 1469 1114">FEH99 60 minute storm</td> <td data-bbox="1469 1023 1675 1114">13.45</td> <td data-bbox="1675 1023 1881 1114">28.19</td> </tr> <tr> <td data-bbox="1124 1114 1469 1204">FEH22 60 minute storm</td> <td data-bbox="1469 1114 1675 1204">13.93</td> <td data-bbox="1675 1114 1881 1204">23.74</td> </tr> <tr> <td data-bbox="1124 1204 1469 1295">Change FEH99 to 22 (mm)</td> <td data-bbox="1469 1204 1675 1295">0.48</td> <td data-bbox="1675 1204 1881 1295">-4.45</td> </tr> <tr> <td data-bbox="1124 1295 1469 1337">% Change</td> <td data-bbox="1469 1295 1675 1337">3.5</td> <td data-bbox="1675 1295 1881 1337">-15.8</td> </tr> </tbody> </table> <table border="1" data-bbox="1124 1378 1881 1422"> <thead> <tr> <th data-bbox="1124 1378 1469 1422">Event (AEP)</th> <th data-bbox="1469 1378 1675 1422">10% (1 In 10)</th> <th data-bbox="1675 1378 1881 1422">1% (1 In 100)</th> </tr> </thead> <tbody> <tr> <td data-bbox="1124 1378 1469 1422"></td> <td data-bbox="1469 1378 1675 1422"></td> <td data-bbox="1675 1378 1881 1422"></td> </tr> </tbody> </table>		Event (AEP) Winter	10% (1 In 10)	1% (1 In 100)	FEH99 60 minute storm	13.45	28.19	FEH22 60 minute storm	13.93	23.74	Change FEH99 to 22 (mm)	0.48	-4.45	% Change	3.5	-15.8	Event (AEP)	10% (1 In 10)	1% (1 In 100)			
Event (AEP) Winter	10% (1 In 10)	1% (1 In 100)																					
FEH99 60 minute storm	13.45	28.19																					
FEH22 60 minute storm	13.93	23.74																					
Change FEH99 to 22 (mm)	0.48	-4.45																					
% Change	3.5	-15.8																					
Event (AEP)	10% (1 In 10)	1% (1 In 100)																					

GACC Comments	Applicant's Response		
	Summer	10)	100)
	FEH99 60 minute storm	22.17	46.48
	FEH22 60 minute storm	22.96	39.14
	Change FEH99 to 22 (mm)	0.78	-7.33
	% Change	3.5	-15.8
	Event (AEP) Winter	10% (1 In 10)	1% (1 In 100)
	FEH99 1440 minute storm	46.25	80.28
	FEH22 1440 minute storm	42.64	68.48
	Change FEH99 to 22 (mm)	-3.61	-11.80
	% Change	-7.8	-14.7
	Event (AEP) Summer	10% (1 In 10)	1% (1 In 100)
	FEH99 1440 minute storm	60.07	104.28

GACC Comments	Applicant's Response		
	FEH22 1440 minute storm	55.38	88.96
	Change FEH99 to 22 (mm)	-4.69	-15.32
	% Change	-7.8	-14.7
	<p>The comparison indicates that for a short duration storm event the latest hydrology produces slightly higher rainfall depths for the 10% (1in 10) event but lower for the 1% (1 in 100) event compared to that include in the model that has infirmed the ES assessment, for which the attenuation storage mitigation has been sized.</p> <p>The comparison also indicates that the hydrology adopted by the Project produced greater depths of rainfall for a longer duration (1400 minute) event, again this is more critical than a shorter duration event that produces less volume of runoff when considering the volume of storage required by the Project.</p> <p>As a result, the hydrology adopted for the assessment of impact and design of the surface water drainage mitigations is considered to be conservative, effectively over-sizing the volume of storage required, which would be refined during the detailed design phase after the DCO. The detailed design would adopt the appropriate hydrology at that point and which has been specified in Design Principle DDP1 of</p>		

GACC Comments	Applicant's Response
	<p>DAS Appendix 1 (Doc Ref. 7.3).</p> <p>The increase in rainfall depth with the latest hydrology is not considered significant because it is only for a 10% (1 in 10) AEP event with comparatively modest volumes. The increase in intensity could result in an increase in surface ponding on the airfield but as explained above this would be safely managed by GAL and would not result in an increase in discharge to receiving watercourses and consequently would not increase flood risk to other parties.</p> <p>The highways drainage design has adopted FSR rainfall hydrology to inform the preliminary design. The design of the attenuation storage features are oversized to mitigate the risk that higher volume of storage is required based on the hydrology adopted for their detailed design. It is not anticipated that these volumes would increase significantly and there would be sufficient space within the DCO boundary to accommodate an increase in storage volume.</p>
<p>GACC agree with the Joint Authorities on the inadequate justification (that the airfield might 'evolve' in future) provided by GAL for why it has not adopted a 100-year flood return period for the whole Project, as was recently the case for Manston Airport.</p>	<p>Paragraph 006 of the Flood Risk and Coastal Change Planning Practice Guidance states "<i>The lifetime of a non-residential development depends on the characteristics of that development but a period of at least 75 years is likely to form a starting point for assessment</i>". However as stated in paragraph 3.7.6 of the ES Appendix 11.9.6 Flood Risk Assessment [AS-078] GAL considers</p>

GACC Comments	Applicant's Response
	<p>that such a design life is unrealistic given the characteristics of the airport and specifically the changes it has undergone over the last 40 years and might be anticipated in the future, consequently the project has adopted a design life of 40 years for the airfield elements. The 40-year design life takes it beyond the furthest Project assessment horizon of 2047.</p> <p>As stated in the ES Appendix 11.9.6 Flood Risk Assessment [AS-078] the Project complies with the current climate change guidance published by the Environment Agency. While a 40-year design life has been adopted for the airfield, the fluvial mitigation strategy has been developed holistically for the airfield and highways Project elements. Effectively it ignores the shorter design life, designing the mitigation strategy for a worst-case, what would effectively be a 100-year design life and ensuring there would be no increase in flood risk over this time period as a result of the Project to other parities.</p>
<p>GACC shares the concerns raised by the Joint Authorities that a) the modelling should look at the impact on individual surface water catchments to provide greater clarity and robustness in determining whether or not the Project would increase flood risk in any of these catchments and b) that the runoff rates should be limited to greenfield runoff rates, as required.</p>	<p>For every outfall and catchment where the Project is having an impact, the Applicant have provided the peak discharge rate and the total volume of discharge in ES Appendix 11.9.6 Flood Risk Assessment [APP-149]. Table 5.1.2 and Tables 5.3.1 to 5.3.18 of ES Appendix 11.9.6 Flood Risk Assessment [APP-149] provide these results by discrete surface water catchment and outfall.</p>

GACC Comments	Applicant's Response
	<p>As per paragraphs 5.1.3 and 5.14 in Annex 3 of ES Appendix 11.9.6 Flood Risk Assessment [APP-149], our methodology in Mitigation has been provided to ensure that the runoff from the additional pavement is limited to greenfield runoff rates.</p> <p>Post-development runoff rates are proposed to be limited to the 1-year greenfield runoff rates for storm events up to the 1% (1 in 100) plus climate change event where practicable. This approach follows West Sussex CC's preferred option for brownfield redevelopment sites (refer to WSCC LLFA policy for the management of Surface Water' clause 5.4.4). This approach addresses the long-term storage requirement. Where this is not practicable justification has been provided during technical engagement with the LLFAs and the technical report issued for comment</p>
<p>GACC reiterated the request for more information what we made in our WR that the Applicant provide details of the last 15 years when they have made these emergency discharges and the volumes and frequency of those into the River Mole. GACC request that the information shared verbally is shared in writing, together the answer to this question, setting out a schedule of emergency discharges in the past 15 years, setting out the</p>	<p>Gatwick's airfield surface water drainage system drains to a series of ponds that discharge to local watercourses when the runoff is of sufficient quality as set by its discharge consent administered by the Environment Agency. When not of sufficient quality for direct discharge to watercourses (due to the application of de-icer during the winter) the runoff is stored in Pond D and then pumped to the long-term storage lagoons to the east of the airport for storage. The</p>

GACC Comments	Applicant's Response
<p>volumes of discharge in each case.</p>	<p>lagoons drain to Thames Water's Crawley Sewage Treatment Works (STW) that treats the runoff prior to discharge to the Gatwick Stream, a layout of this configuration is provided in ES Figure 11.8.2 [APP-057].</p> <p>The Gatwick airfield surface water drainage network drains to a series of ponds that attenuate and store runoff prior to discharge to local watercourses. However during a significant rainfall event the discharge consent permits Gatwick to discharge directly to the River Mole to prevent flooding to the North terminal. The consent states: "The restrictions in the previous condition [water quality constraints for discharges as referred to above] shall not apply at such times as the level of airport drainage in the balancing pond exceeds 52 metres above ordnance datum." The discharge from Pond D in such circumstances would be a small proportion of the overall flow in the River Mole. The peak flow from Pond D is limited by the capacity of its discharge pumps to 1.68m³/s. In comparison the peak flow in the River Mole based on hydraulic modelling undertaken for the Project to support the FRA is 21.90m³/s in the 50% (1 in 2) Annual Exceedance Probability (AEP) Event, the peak flow rate from Pond D would be 7.8% of the peak flow in the Mole in such an event which would also dilute de-icer in the discharge. As the severity of the event increases the proportion of flow from Pond D reduces, so for the 10% (1 in 10)</p>

GACC Comments	Applicant's Response																																																																																																																																							
	<p>AEP event it would be 5% of the flow in the Mole.</p> <p>The table below sets out the total hours that the water level in Pond D was greater than 52m AOD and was therefore discharging to the River Mole. It should be noted that these volumes would not always consist entirely of de-icer contaminated water and would be diluted with cleaner runoff from other surfaces such as roofs and paved areas. This runoff would be diluted further by the flow in the River Mole. To reiterate, these discharges are within the terms of the discharge consent set by the Environment Agency. Furthermore typically de-icer is not applied between April and October so discharges in these months would be expected to be free of de-icer.</p> <table border="1" data-bbox="1122 890 2136 1145"> <thead> <tr> <th>Row Labels</th> <th>Jan</th> <th>Feb</th> <th>Mar</th> <th>Apr</th> <th>May</th> <th>Jun</th> <th>Jul</th> <th>Aug</th> <th>Sep</th> <th>Oct</th> <th>Nov</th> <th>Dec</th> <th>Grand Total</th> <th>Volume m3</th> </tr> </thead> <tbody> <tr> <td>2018</td> <td></td> <td></td> <td></td> <td></td> <td>4</td> <td>3</td> <td>42</td> <td>21</td> <td>121</td> <td>29</td> <td>16</td> <td></td> <td>236</td> <td>1,427,3</td> </tr> <tr> <td>2019</td> <td>217</td> <td>6</td> <td>7</td> <td></td> <td></td> <td>25</td> <td>135</td> <td>62</td> <td>1</td> <td>4</td> <td>2</td> <td>16</td> <td>475</td> <td>2,872,8</td> </tr> <tr> <td>2020</td> <td></td> <td>21</td> <td>3</td> <td>1</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>11</td> <td>7</td> <td>7</td> <td>50</td> <td>302,4</td> </tr> <tr> <td>2021</td> <td>2</td> <td></td> <td></td> <td></td> <td></td> <td>10</td> <td>6</td> <td></td> <td></td> <td>2</td> <td></td> <td>3</td> <td>23</td> <td>139,1</td> </tr> <tr> <td>2022</td> <td></td> <td>1</td> <td></td> <td></td> <td>2</td> <td></td> <td>5</td> <td>1</td> <td></td> <td>21</td> <td>30</td> <td></td> <td>60</td> <td>362,8</td> </tr> <tr> <td>2023</td> <td></td> <td></td> <td></td> <td></td> <td>5</td> <td>4</td> <td></td> <td></td> <td>1</td> <td>21</td> <td>8</td> <td>42</td> <td>81</td> <td>489,8</td> </tr> <tr> <td>2024</td> <td>9</td> <td>2</td> <td>7</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>18</td> <td>108,8</td> </tr> <tr> <td>Grand Total</td> <td>228</td> <td>30</td> <td>17</td> <td>1</td> <td>11</td> <td>29</td> <td>148</td> <td>115</td> <td>24</td> <td>159</td> <td>67</td> <td>114</td> <td>943</td> <td>5,703,2</td> </tr> </tbody> </table> <p>Gatwick is liaising with the Environment Agency to update the discharge consent from Pond D.</p>	Row Labels	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Grand Total	Volume m3	2018					4	3	42	21	121	29	16		236	1,427,3	2019	217	6	7			25	135	62	1	4	2	16	475	2,872,8	2020		21	3	1						11	7	7	50	302,4	2021	2					10	6			2		3	23	139,1	2022		1			2		5	1		21	30		60	362,8	2023					5	4			1	21	8	42	81	489,8	2024	9	2	7										18	108,8	Grand Total	228	30	17	1	11	29	148	115	24	159	67	114	943	5,703,2
Row Labels	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Grand Total	Volume m3																																																																																																																										
2018					4	3	42	21	121	29	16		236	1,427,3																																																																																																																										
2019	217	6	7			25	135	62	1	4	2	16	475	2,872,8																																																																																																																										
2020		21	3	1						11	7	7	50	302,4																																																																																																																										
2021	2					10	6			2		3	23	139,1																																																																																																																										
2022		1			2		5	1		21	30		60	362,8																																																																																																																										
2023					5	4			1	21	8	42	81	489,8																																																																																																																										
2024	9	2	7										18	108,8																																																																																																																										
Grand Total	228	30	17	1	11	29	148	115	24	159	67	114	943	5,703,2																																																																																																																										

Comments on ISH7 – Wastewater

3.5.96 The below table provides a response to the substantive points raised in relation to wastewater.

Table 32: The Applicant's Response to Comments on ISH7 - Wastewater

GACC Comments	Applicant's Response
<p>GACC reiterate our disappoint that the Applicant did not secure the review from Thames Water, a private company, before the submission of the DCO application, and that this review is now not going to be complete until after the examination period has been completed. We consider this to be completely unacceptable. GACC would request clarity as to the reason for this failure to have the required scrutiny of the wastewater modelling prior, or even during, the examination period. In addition, GACC would request that the Initial Assessment by Thames Water be shared publicly, together with the baseline work that was noted in the ISH7 of being completed by the end of May 2024, so that it can be viewed by all those participating in the DCO examination in public. It would be helpful for these documents to be shared in May 2024 so that they might be reviewed alongside GAL's proposed addition of a waste water treatment facility, the consultation of which is scheduled to end on June 11th.</p>	<p>The Applicant notes the frustration of GACC but reiterates that Thames Water ('TW') is currently undertaking its assessment of the impact of the Project on the local network and local catchment wastewater treatment works at Crawley and Horley, and has confirmed that this exercise will not be completed until after the Examination has closed. At Issue Specific Hearing 7 (see paragraph 4.1.29 of Written Summary of Oral Submissions ISH7: Other Environmental Matters [REP4-033]), TW confirmed this position, noting that preliminary network and treatment works modelling is being undertaken, as explained further in TW's response to ExQ1 WE.1.8, Thames Water's Response to ExQ1 [REP3-149]. Network modelling will be available by early 2025 which would enable an understanding of the capacity in the network. The Applicant has been providing information to TW since 2019 and has been seeking to make progress with them on the review of the available data since. The Applicant set out its position regarding the ongoing modelling works being undertaken by TW at Issue Specific Hearing 7 – see paragraphs 4.1.29 to 4.1.36 of Written Summary of Oral Submissions from ISH7: Other Environmental Matters [REP4-033]). In addition, section 2.2 of the Applicant's Second Change Notification Report [AS-146] sets out the background to, and the basis on which, it is seeking a change to the Application to enable the</p>

GACC Comments	Applicant's Response
	<p>delivery of the alternative solution of an on-airport wastewater treatment works, should it be required for the Project. As GACC has noted, the consultation on this change will close on 11 June, following which the Applicant will submit the formal Change Application to the ExA.</p> <p>Based on the Phase 1 analysis provided by Thames Water Thames' hydraulic modelling has used 2047 flows as a worst case and indicates that extra capacity will be required in the network downstream of the connection point between the airport and the Thames' sewer to Crawley Sewage Treatment Works (STW), and extra storage at the STW itself, in both baseline and with the Project.</p> <p>For the Project the modelling indicates the network detriment could be resolved by upsizing around 100m of the pipe east of the connection point from 750mm to 900mm and providing additional storage of 1500m³ at the Crawley STW. An alternative option to the above will be to explore the possibility of creating the storage within Gatwick's own network, and this possibility will be examined within Phase 2 of the study.</p> <p>The phase 1 modelling shows no detriment to the wastewater network to Horley STW as a result of the Project.</p> <p>TWUL's assessment is less advanced than for the Network</p>

GACC Comments	Applicant's Response
	<p>modelling. Gatwick has used a spreadsheet passed to it by TWUL to provide a high level assessment of effects of the Northern Runway Project alone with no other catchment growth for future baseline and assessment cases:</p> <ul style="list-style-type: none"> • For the future baseline case (i.e. no NRP), analysis shows that process capacity at Horley will be exceeded in approximately 2024; • For the with-NRP case that includes the diversion of East of Railway flows from Horley to Crawley analysis shows that process capacity at Horley would be exceeded in approximately 2030; • For the future baseline case (i.e. no NRP) analysis shows that process capacity at Crawley (including upgrades in progress) will be exceeded in approximately 2044 • For the NRP case that includes the diversion of East of Railway flows from Horley to Crawley analysis shows that process capacity at Crawley (including upgrades in progress) will be exceeded in approximately 2037; • GAL is presently reviewing Thames' assumptions on the

GACC Comments	Applicant's Response
	<p>hydraulic capacities of the works.</p> <p>GAL will review the above with Thames and provide a further update at Deadline 7.</p>

Comments on ISH7 – Water Supply

- 3.5.97 GACC notes ‘*It is unclear from the ISH7 discussion whether SESW have simply stated that they have a statutory duty to supply the water required or that they have sufficient capacity to be able to supply that water, without it affecting existing water supply commitments*’. While the airport is located within the Sussex North Water Supply Zone that is subject to restrictions on development regarding water neutrality, it does not receive its water supply from this location. Water is supplied by Sutton and East Surrey Water (SESW) who source their water from the River Medway catchment. SESW have confirmed via an email of 9 February 2024 that they can meet the additional demand as a result of the Project. The email from SESW confirming their ability to meet the additional water demand from the Project was provided as part of the **Applicant’s Response to Actions from ISH7: Other Environmental Matters [REP4-037]**.
- 3.5.98 Separately to the Project, GAL is aiming to reduce potable water consumption by 50% by 2030 compared to 2019 as part of its ongoing Second Decade of Change. As a conservative approach this reduction has not been taken into account in the ES assessment for the Project.
- 3.5.99 A new Project-wide design principle (BF4) has been introduced to the **Design Principles** (Doc Ref. 7.3 v3) at Deadline 5 specifying that new buildings will achieve a BREEAM Excellent rating in respect of water efficiency measures, secured under Requirements 4 and 5 of the **Draft DCO** (Doc Ref. 2.1 v7).

3.5.100 The airport is located on a thick layer of clay which acts as an aquiclude. It would therefore be expensive and technically challenging for Gatwick to develop a new local source of water that would be within the Sussex North Water Supply Zone. Therefore, Gatwick does not envisage a scenario when it would develop a new local source of water.

Comments on ISH7 – Air Quality

3.5.101 The Applicant is reviewing the comments on ISH7 for air quality and will provide a response at Deadline 6.

3.6 Gatwick Green

3.6.0 The Applicant has been working with stakeholders to understand any concerns through the pre-application consultation process and into the examination. Where requests for specific mitigation have been made by parties like Gatwick Green the Applicant has worked proactively to facilitate solutions. In this case the preferred solution by Gatwick Green requires consent from National Highways. The Applicant remains of the view that the powers sought over this land are necessary and proportionate for the development. The Applicant is aware that GGL has concerns over the landscape proposal and will, during detailed design progress changes if they are needed.

3.6.1 The Applicant has now received an initial response from National Highways and is progressing with both parties' legal representation to agree the detail of an arrangement to Gatwick Green's requests before Deadline 7. The Applicant is confident of resolution of this matter prior to the hearings in late July and does not consider that specific protective provisions will be required in the dDCO.

3.6.2 Further updates on the negotiations are included within the **Land Rights Tracker** (Doc Ref. 8.6 v3)

3.7 Heathrow Airport

3.7.0 GAL has responded to Heathrow Airport's Deadline 4 submissions in a separate document – please see **Appendix D – Response to Heathrow Airport** (Doc Ref. 10.38).

3.8 Kent County Council

3.8.0 The below table sets out the comments made by Kent County Council on noise and surface access in its submission [\[REP4-055\]](#).

Table 33: The Applicant's Response to KCC's Comments on Noise and Surface Access

Ref	Kent County Council Question	Applicant Response
<p>The Applicant's Response to the Local Impact Reports (REP3-078)</p>	<p>Surface Transport Impacts A to C – Unchanged Impacts</p> <p>KCC confirms its position on Surface Transport Impacts A (Access via Strategic Road Network), B (Access via Local Road Network) and C (Rail Network Capacity) remain as published in our Local Impact Report [REP1-079] and Written Representation [REP1-080]. This is due to the Applicant's confirmation that our requested mode share sensitivity tests have not been carried out; and our related concerns over the ambitious fifteen-fold increase in air passenger coach services for Kent that support the 55% public transport mode share target of the Surface Access Commitments [REP3-028]. Additionally, the Applicant quotes Table 12.9.27 of Environmental Statement Chapter 12: Traffic and Transport [AS-076]) to demonstrate</p>	<p>Please see response to Surface Transport Impact D below which clarifies coach services.</p> <p>The Applicant is in discussions with National Highways on the impact on the strategic road network. It should be noted that all merges and diverges on the M25 Junction 7 / M23 Junction 8 are included in the strategic model and impact of the Project on these have been considered as part of the assessment. In particular, the southern merges and diverges have been identified as experiencing an impact, and commentary is provided in Table 12.5.4 of the Transport Assessment [REP3-058]. No other merges are identified as experiencing a medium or high magnitude of impact.</p>

Ref	Kent County Council Question	Applicant Response
	<p>impacts at M25 Junction 7 (M23) would be limited. This table states the N-S and E-W journey times show no change or minor increases with Project, but as we state in our Local Impact Report [REP1-079] "both M25 and M23 journey time routes travel straight through M25 Junction 7 (M23) on the main line and do not use these merges & diverges, which cater for movements to and from Kent".</p>	
<p>The Applicant's Response to the Local Impact Reports (REP3-078)</p>	<p>Surface Transport Impact D – downgraded to Negative Impact</p> <p>KCC confirms its position on Surface Transport Impact D (Public Transport: Kerbside Provision for Coaches) has now been downgraded to negative following the Applicant's confirmation that "Detailed assessment of the forecourt performance using the VISSIM models has not been undertaken as part of the DCO assessment" on page 255 of document 10.15 Applicant's Response to the Local Impact Reports [REP3-078]. The Applicant's 55% public transport mode share targets assume a nearly three-fold increase in total air passenger coach</p>	<p>The Applicant wishes to provide clarity over the number of coach services. To confirm, Table 178 of Transport Assessment Annex B [APP-260] shows the number of air passengers using coach services for surface access. The number of committed daily coach services for Kent increases from 36 per direction in the future baseline to 131 per direction with Project (not fifteen-fold).</p> <p>It is in the Applicant's best interest to have a forecourt which can operate efficiently to reduce congestion and journey time delay for buses and coaches, and deliver a high quality passenger experience. The Applicant already operates a coach park to provide a waiting area for coaches and drivers in order to reduce dwell time at bus and coach stops</p>

Ref	Kent County Council Question	Applicant Response
	<p>services between 2016 and 2047 with Project, supported by a fifteen-fold increase in air passenger coach services for Kent. KCC is concerned that the significant dwell times associated with coaches catering to air passengers (boarding & alighting with luggage) will limit the capacity of the finite kerb space available, in turn causing congestion on airport service roads, which may affect all roadside access. The Applicant's response notes the availability of "a coach park close to South Terminal", but this appears to involve a walk of over 200m, unprotected from the weather.</p>	<p>(the coach park is not used by passengers). Optimisation of capacity within the forecourt is within the Applicant's control, and would be undertaken in consultation with bus and coach operators and other users and relevant parties as appropriate. This would include, amongst other potential measures, amending the allocation of kerb space for coach drop off/pick up.</p>
<p>The Applicant's Response to the Local Impact Reports (REP3-078)</p>	<p>Surface Transport Impact E – upgraded to Neutral Impact</p> <p>KCC confirms its position on Surface Transport Impact E (Public Transport: Proposed Coach Services) has now been upgraded to neutral following the Applicant's confirmation on page 256 of document 10.15 Applicant's Response to the Local Impact Reports [REP3-078] that the final routings for the coach services to be supported</p>	<p>This is noted and welcomed.</p>

Ref	Kent County Council Question	Applicant Response
	<p>under the Surface Access Commitments [REP3-028] will be subject to engagement with “operators and with local authorities, including in respect of final service pattern, route and calling points”. KCC notes that on page 8 of control document Surface Access Commitments [REP3-028] Commitment 5 states the Applicant “recognises that agreement with operators and/or local authorities will be needed on the detail of each route”.</p>	

- 3.8.1 The KCC submission notes ‘the Applicant has also failed to clarify if the split between the number of arrivals and departures on the main runway with the northern runway in operation, for example, would this be 50:50’. The Application makes clear the Northern Runway will be used for departures only and this has been further confirmed through Requirement 19(3) of Schedule 2 to the draft DCO. The Applicant has submitted **Supporting Noise and Vibration Technical Notes to Statements of Common Ground, Appendix F - Aircraft Fleets for Noise Modelling [REP3-071]** at Deadline 3 which provides a full breakdown of aircraft fleets and runways used for all noise modelling (i.e. summer season) indicating approximately 75% of departure will use the Northern Runway in 2032 during the day. The Northern Runway will not be used routinely at night between 2300 and 0600 hours (also confirmed through Requirement 19(2) of the draft DCO).
- 3.8.2 The KCC submission notes ‘*The only overflight mapping provided for 2032 is a combination of all airports and this masks the extent to which the northern runway proposals contribute to the number of overflights*’. The overflight

mapping provided does not intend to mask the effect of the Project, but rather it provides mapping of all the overflights that would be perceived within each area. The effect of the increased numbers of overflights from Gatwick would be perceived in the context of all overflights, not just those from Gatwick.

3.9 Joint Local Authorities

3.9.0 The below subsections provide a response to the Deadline 4 submissions from the Joint Local Authorities [[REP4-049](#), [REP4-050](#), [REP4-051](#), [REP4-052](#), [REP4-053](#)].

[Air Quality Action Plan and Construction Dust Management Plan Review](#)

3.9.1 The Applicant is reviewing the Joint Local Authorities Air Quality Action Plan Review [[REP4-053](#)] and will provide a response at Deadline 6. The Applicant is submitting a revised Construction Dust Management Plan at Deadline 5, following the review. Please note that the applicant is submitting **Appendix A: Response to the Joint West Sussex Authorities – Air Quality** (Doc Ref. 10.38) at Deadline 5, which includes a response to the comments on the Construction Dust Management Plan.

[Environmentally Managed Growth Framework](#)

3.9.2 The Applicant has responded to the Joint Local Authorities' **Introduction to a proposal for an Environmentally Managed Growth Framework** [[REP4-050](#)] at **Appendix B: Response to the JLAs' Environmentally Managed Growth Framework Proposition** (Doc Ref. 10.38).

[Case for the Scheme and Related Matters](#)

3.9.3 **Appendix E – Response to York Aviation** (Doc Ref. 10.38) to this document provides a response to the submission from York Aviation at Deadline 4 [[REP4-052](#)].

Rule 17 Response – Future Baseline

- 3.9.4 The Applicant has responded to the ExA's Rule 17 request [[PD-018](#)] at Deadline 5. Please see **Rule 17 – Future Baseline Sensitivity Analysis** (Doc Ref. 10.40) which includes a response to the JLAs' case for an alternative future baseline [[REP4-049](#)].

Noise and Vibration Technical Note

- 3.9.5 The Applicant has provided a response to the comments on the Noise and Vibration Technical Notes [[REP4-051](#)] at **Appendix G – Response to the JLAs' Comments on Noise and Vibration Technical Notes** (Doc Ref. 10.38) to this report.

3.10 Joint Surrey Councils

- 3.10.0 The below sub-sections respond to the substantive points made by the Joint Surrey Councils in their response submitted at Deadline 4 [[REP4-054](#)]

Post-Covid Vissim modelling sensitivity tests for 2032 and 2047

- 3.10.1 In their response, the Joint Surrey Councils' reiterated the requests made by AtkinsRéalis on behalf of Surrey County Council, which are:
- Network should be extended to cover the junctions along the A23 and A217 as previously requested by SCC;
 - Junction specific results should be provided in terms of approach queue lengths and delays, to understand the impact inside of Surrey's network. Bus journey times should also be provided to understand the impact to services; and,
 - The above information will help to understand how the proposals will mitigate increases in traffic flows through Longbridge Roundabout and beyond.

- 3.10.2 The Applicant is engaged with SCC on these matters and has held two technical meetings during May to discuss matters further. The Applicant is working through an initial review of an extended model to understand whether the concerns raised about the extent of the model warrant updated analysis. Further detailed information has been exchanged with SCC during these meetings covering queue lengths and journey times and ongoing dialogue on these matters is continuing.

Revised Surface Access Commitments and National Highways Commentary of SAC Response Table

- 3.10.3 The Authorities appear to be broadly satisfied with GAL's **Construction Carbon Management Strategy** [[REP3-107](#)] and GAL is grateful for the helpful comments made at paragraphs 24 to 28. Two points are raised, first whether this affects GAL's commitment to the CAP and secondly, whether GAL will publish details of the monitored construction carbon.
- 3.10.4 GAL can confirm that its commitment to the **ES Appendix 5.4.2 Carbon Action Plan** [[APP-091](#)] is unaffected. Indeed, the Construction Carbon Management Strategy has been produced to capture and codify the work being done to ensure that the commitments in the CAP are met.
- 3.10.5 In relation to monitoring, Section 4 of the CAP sets out GAL's commitment to monitor and publish annually its performance against the CAP. That monitoring and reporting will be assisted by the implementation of the CCMS which provides: "3.3.4 *The frequency of the full assessment reporting from the supply chain for the NRP will be set to ensure regular review and capturing of implemented opportunities, as well as to provide input into the published annual monitoring reports.*"

Appendix A – Policy Response

- 3.10.6 The Authorities provide a short response to GAL's Appendix A to its response to **The Applicant's Written Representations: Policy Response** [[REP3-073](#)], which had been critical of the Authorities' failure to recognise the strength and nature of government policy support for aviation. The Authorities, however, are unmoved:

“Therefore, whilst the JSCs recognise that Government supports the sustainable growth of the aviation sector, they do not share the Applicant’s view that there is strong national policy support for the Project.”

- 3.10.7 GAL had not claimed that there was project specific policy support for the NRP. Neither had GAL suggested that the impacts of aviation were unimportant and should not be the subject of appropriate mitigation. Rather GAL was seeking some recognition from the Authorities that there is in place a consistent and up to date framework of government policy which strongly supports the aviation industry and its sustainable growth in view of its economic importance to the country and the importance which the government places on international connectivity.
- 3.10.8 It is telling that the Authorities wish to distance themselves from the self-evident strength of national aviation policy.
- 3.10.9 GAL respectfully commends its policy review [\[REP3-073\]](#) to the ExA, noting that the analysis there has not itself been directly criticised or responded to.

Planning Statement Appendix E – Local Policy Compliance Tables

- 3.10.10 The Applicant notes that the Joint Surrey Councils have acknowledged the submission of the **Local Policy Compliance Tables** [\[REP3-055\]](#) and consider that where any conflicts in interpretation exist, these will be addressed and/or raised through the DCO process and ongoing discussions. This position is noted. However, the Applicant’s position in respect of local planning policy compliance is as stated in the **Local Policy Compliance Tables** [\[REP3-055\]](#).

Draft Section 106 Agreement Annex ESBS Implementation Plan

- 3.10.11 In their response, the Joint Surrey Councils raised that it was not listed as an ESBS Steering Group member in the Draft Section 106 Agreement submitted at Deadline 2, along with discussion points from the March TWG of relevance to the ESBS Draft Implementation Plan including:
- The need for the plan to provide greater detail.

- Greater specificity on what the “additional” is compared to existing programmes run by Gatwick. How will proposals complement existing work?
- The need for more detail on the delivery aspect of how the Applicant will work with partners.

3.10.12 Steering Group membership will be discussed further with the JLAs at a TWG to be held in June 2024. Further detail will be worked up jointly with stakeholders. At the Draft ESBS Implementation Plan Workshop on 30th May stakeholders (including the local authorities) provided suggestions for priority targets, key activities, delivery partners and performance measures for all six ESBS themes. The Applicant will work with stakeholders to turn these into a delivery plan for the theme which will then be incorporated into the Implementation Plan.

3.10.13 The Joint Surrey Councils also consider that there is a need for a draft delivery plan to be produced alongside the draft implementation plan. Draft Delivery Plans have been shared with the JLAs to provide greater understanding of how the Implementation Plan will be delivered and therefore to inform its drafting. These will be further developed as the Implementation Plan develops. The LPAs will be on the Steering Group that will approve the ESBS. The ESBS is not mitigation and the Applicant does not see the need for a separate approval process.

3.10.14 Finally, the Joint Surrey Councils cannot accept the current cap on delivery of the ESBS and would find it beneficial to know if there are provisions in place to address the impact of inflation on this budget. The ESBS is not mitigation as there are no significant adverse employment or business impacts to mitigate. The ESBS will enhance local benefits. There is therefore no level of “need” for activity that generates a funding requirement. The funding commitment has been benchmarked against other major DCO applications and against the cost of delivering programmes. For example, Crawley Borough Council’s draft Local Plan includes a formula for employment and skills contributions that produces a requirement for £822,000. The breakdown of how the budget will be allocated across the ESBS Themes will be agreed with the JLAs through the Implementation Plan. The ESBS Fund is index linked to address the impact of inflation.

Outline Arboricultural and Vegetation Method Statement

- 3.10.15 The Joint Surrey Councils are of the view that the updates made of the Outline Arboricultural and Vegetation Method Statement at Deadline 3 are “*principally reserved to enhancements to the text and adoption of new terms as opposed to any change in methodology or view on the impacts resulting from the scheme. Fundamentally the loss of the trees/linear woodland along the A23 would have significant landscape and biodiversity impacts which are not appropriately considered by the contents of the revised and extensive reports. More detail is required on the replacement planting.*”
- 3.10.16 The ES considers the function and value of the landscape proposals within **ES Chapter 9 Ecology and Nature Conservation** [[APP-034](#)] and **ES Chapter 8 Landscape, Townscape and Visual Resources** [[APP-033](#)]. **ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan** [[REP3-031](#), [REP3-033](#), [REP3-035](#)] sets the overarching landscape vision for the Project. Reinstatement of scrub and tree planting has been 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.
- 3.10.17 GAL has committed to design principles in the **oLEMP** to minimise tree and vegetation loss as part of the detailed highways design. Trees and vegetation to be removed will be replaced within the proposed road corridor with native tree and scrub species, where feasible and with wide grass verges. Two new areas of urban green space will be created at Car Park B on the eastern end of Riverside Garden Park. A further area of open space will be created north of Longbridge roundabout, adjacent to Church Meadows. These spaces will include extensive native woodland, scrub and grassland communities which offer usable amenity space for the public, diverse ecological habitats and linkages

between urban and rural spaces. The addition of these areas of replacement open space will in time provide greater value, in terms of ecosystem services, than the removed highway planting. The value of the landscape/townscape within the Project site and its context and the visual amenity enjoyed by the local community and visitors to the area has been recognised during the design development.

- 3.10.18 The value of any woodland habitats as a whole has been considered within the **ES Appendix 9.9.2 Biodiversity Net Gain Statement** [\[REP3-047\]](#).

The Applicant's Response to the Local Impact Reports

- 3.10.19 The Joint Surrey Councils have produced a table of comments [\[REP4-054\]](#) in reply to **The Applicant's Response to the Local Impact Reports** [\[REP3-078\]](#). The below tables, arranged by topic, provide the Applicant's response to the substantive points raised in the Joint Surrey Councils' commentary.

Table 34: Joint Surrey Councils - The Applicant's Response to the Local Impact Reports - Landscape, Townscape and Visual Resources

Ref	Joint Surrey Councils' Response	Applicant's Response
LV3	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 north and south terminal roundabouts and Longbridge roundabout) have	The design of the surface access improvements has progressed from the outset with the intent to reduce environmental impacts, notably removal of vegetation within the highways corridor and impacts on land within Riverside Garden Park. While ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment [REP3-037, REP3-038, REP3-039, REP3-040, REP3-041, REP3-042] identifies the numerical aspect of replacing trees, the area and value related considerations of the trees, groups

Ref	Joint Surrey Councils' Response	Applicant's Response
	<p>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. 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>and woodlands have informed the landscape design of the project. This is set out in ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan [REP4-012, REP4-013, REP4-014, REP4-015, REP4-016] which sets the overarching landscape vision for the Project.</p> <p>Reinstatement of scrub and tree planting for the surface access works has been 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 3.1ha of existing 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 a 9 metre buffer and any planting within this area is subject to agreement with NH, therefore placing a restriction on the design of new planting.</p> <p>Some of the additional losses in habitat have been required to meet stakeholder requirements for improved active travel</p>

Ref	Joint Surrey Councils' Response	Applicant's Response
		<p>routes. GAL has committed to design principles in the oLEMP and in the Project-Wide Design Principles (Doc Ref. 7.3) to minimise tree and vegetation loss as part of the detailed highways design.</p> <p>The existing mature highway woodland and scrub planting provides a substantial green corridor for the A23 between the Airport Way roundabout and the Longbridge Roundabout. The planting also provides a green buffer between the road and the urban green space of Riverside Garden Park and the buildings and infrastructure of the airport, filtering views of traffic, and although it is not usable, amenity green space. Trees and vegetation to be removed will be replaced within the proposed road corridor with native tree and scrub species, where feasible in line with relevant guidance and with wide grass verges.</p> <p>Two new areas of urban green space will be created at Car Park B (North and South), located at the eastern end of Riverside Garden Park. A further area of open space will be created north of Longbridge Roundabout, adjacent to Church Meadows. These spaces will include extensive native woodland, scrub and grassland planting which offer usable amenity space for the public, diverse ecological</p>

Ref	Joint Surrey Councils' Response	Applicant's Response
		<p>habitats and linkages between urban and rural spaces. The addition of these areas of replacement open space will in time provide greater value, in terms of ecosystem services, than the existing highway planting to be removed.</p> <p>The value of the landscape and townscape within the Project site and its context, and the visual amenity enjoyed by the local community and visitors to the area, has been recognised during the design development. Significant effects on landscape and townscape character and visual amenity are generally confined to locations associated with highway planting loss to accommodate the surface access improvements, as described in ES Chapter 8 Landscape, Townscape and Visual [APP-033]. These effects reduce to levels that are no longer significant when landscape mitigation proposals are established and sufficiently mature.</p>
LV13	<p>The Applicant has not adequately addressed the concerns previously raised within Paragraph 6.92 of the JSC LIR regarding visualisations. Paragraph 2.3 of the Landscape Institute, Visual Representation of Development Proposals: Technical Guidance Note 06/19 states that Visualisations should 'provide a fair</p>	<p>The Applicant held a meeting with Reigate and Banstead Borough Council on 14th May 2024 to confirm the nature and scope of the requested illustrative material. Images showing vegetation removal, the new landscape scheme at implementation and the maturing planting are being prepared to the specifications set out by RBBC.</p>

Ref	Joint Surrey Councils' Response	Applicant's Response
	<p>representation of what would be likely to be seen if the proposed development is implemented'. For the reasons set out in the LIR, it is contended that 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. It shows the outlines of construction and operational elements in the context of existing vegetation, which is to be removed and in reality, will not be present in the view.</p> <p>Visualisations produced for projects of this nature typically show a development at specific timescales, e.g. construction, operation Year 0 and operation Year 15. In this case, the Applicant has chosen not to follow this approach, but rather, has chosen a combined approach which does not represent specific timescales, and is therefore considered potentially misleading for a number of viewpoints, e.g. Viewpoints 7, 8, 18, 19, 20, 21, 22a, 22b, 23, despite the use of separate solid and hatched</p>	

Ref	Joint Surrey Councils' Response	Applicant's Response
	<p>lines denoting, respectively, visible and hidden massing outlines. Furthermore, the Applicant's decision to use the more simplistic photowire visualisation rather than fully rendered photomontages means that future changes to vegetation within the view (e.g. as replacement planting matures) cannot be shown.</p> <p>Taking into account the scale of the Project and the proportionality principle, we remain disappointed that the Applicant has chosen not to produce fully rendered photomontages for key near and middle-distance viewpoints, particularly where moderate or major adverse effects have been identified within the LVIA.</p> <p>Notwithstanding the fact that photo wirelines are categorised as a Type 3 visualisation, in our view the Applicant's approach does not fully align with the guidance and spirit of the GLVIA 3rd Edition and the LI TGN 06/19. We are also 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. Whilst Section 6 'Site Wide Design</p>	

Ref	Joint Surrey Councils' Response	Applicant's Response
	<p>Principles' of the Design and Access Statement outlines relevant best practice, national and local design policies and guidance, the indicative illustrative designs appear relatively generic, with little to suggest that the airport's sense of place and its contribution to wider townscape views will be enhanced. This is particularly disappointing as the LVIA acknowledges that there will be a significant increase in the height and massing of building clusters, such as at Car Park H. There is also little detail at this stage on the integration of green infrastructure and building greening; not only to help screen, soften and integrate new development within townscape and landscape views but to contribute positively to climate change mitigation, biodiversity and enhance legibility and the overall airport visitor experience.</p>	
LV14	<p>Airport Preliminary Tree Removal Plans (Appendix 8.10.1 Sheet 4 of 13) [REP3-037] show the removal of notable Category A individual trees and tree groups within the airport boundary (e.g. to accommodate the new hangar and Larkins Road re-alignment within the North Western Zone, as shown on Drawing No. 739). Suitable compensation will need to be provided within the relevant</p>	<p>ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment [REP3-037, REP3-038, REP3-039, REP3-040, REP3-041, REP3-042], Appendix I: Airport Preliminary Tree Removal Plans show which trees are proposed for removal based on a worst case scenario. Some trees currently shown for removal within the worst-case scenario will potentially be</p>

Ref	Joint Surrey Councils' Response	Applicant's Response
	<p>detailed LEMP(s) and/or obligation(s) for these notable tree losses, including an agreed ratio of new trees planted for those lost, taking into account the existing multi-functional value provided by the mature Category A trees in terms of green infrastructure and biodiversity benefits</p>	<p>retained at the detailed design stage, in compliance with the requirements of the oLEMP and the Design Principles (Doc Ref. 7.3 v3).</p> <p>These trees will be re-assessed during the detailed design process, such as for the new Hangar and Larkins Road re-alignment, and a detailed Arboricultural and Vegetation Method Statement (AVMS) will prepared (including detailed plans) with the aim of retaining as many as possible. The AVMS will be subject to approval and consultation in line with Requirement 28 of the Draft DCO (Doc Ref. 2.1 v7).</p>
LV15	<p>The Applicant sets out that revisions have been made to Article 40 so that an Open Space Delivery Plan must be approved by the local planning authorities before open space can vest in the undertaker. We also note that the Applicant indicated at the Compulsory Acquisition Hearing (CAH1) that they will provide further information on Open Space Provision at Deadline 5. The authorities will review and comment on this submission as appropriate. This matter is subject to further discussion with the Applicant and relates to a complex issue of land and local authority boundaries regarding the Dairy Farm,</p>	<p>Section 131(4) of the Planning Act 2008 requires that replacement land <i>"has been or will be vested <u>in the prospective seller</u> [of the open space being acquired]"</i>. Therefore, replacement open space (ROS) must vest in the party from which the open space is being acquired, regardless of the management arrangements.</p> <p>As the existing Church Meadow open space is managed by the authorities and, as emphasised by the JLAs, it is important for the ROS to integrate effectively with the existing open space, the Applicant sought to fund such an</p>

Ref	Joint Surrey Councils' Response	Applicant's Response
	<p>land north of the Longbridge Roundabout (Works No.40). This area of land is intended initially to be a works compound and will then be provided as Replacement Open Space (ROS) for land taken at Riverside Garden Park. The ROS land is currently owned by Surrey County Council. The County Council does not routinely have responsibility for the maintenance of Open Space and therefore would not be willing to take on maintenance responsibilities of the ROS land once laid out. The ROS land is located within the district boundary of Mole Valley. The authority does not wish to have ownership or maintenance responsibility of the land once laid out as ROS. It does not have the resources, nor has it planned for any obligations for long term management. Nevertheless, it is important to the Council that it retains the right to agree and sign off the design and delivery of the new area (see MVDC D4 response to CA1.44 of REP3-087). MVDC acknowledge that the Applicant intends to support the maintaining authority by way of a contribution towards maintenance under the S106 agreement, however this will not cover the costs of maintaining the land in perpetuity. As such this would not enable the Council to alter its position. The DCO</p>	<p>arrangement continuing.</p> <p>It has become apparent, however, that none of the JLAs at this stage wish to manage the Church Meadow ROS even with such management being funded by the Applicant. In lieu of the JLAs managing this space, the Applicant will manage both the Church Meadow ROS and Car Park B ROS in accordance with the relevant approved LEMPs. It may be most appropriate for Horley Town Council to manage this area of Church Meadow ROS, funded by the Applicant, but the Applicant won't assume this unless told otherwise.</p> <p>As the ROS will vest in RBBC under article 40 of the draft DCO (Doc Ref. 2.1), the Applicant will require the necessary land rights from RBBC in order to carry out the management of both areas of ROS. The details of this arrangement are being discussed with RBBC.</p>

Ref	Joint Surrey Councils' Response	Applicant's Response
	<p>assumes that the ROS will vest in Reigate and Banstead Borough Council, as the space is arguably an extension of the existing Church Meadows Open Space. The draft S106 proposes the Applicant makes a contribution to RBBC to maintain the ROS in line with the oLEMP provisions. This is proposed (as drafted) for 30 years. However, as noted above the ROS land is within the boundary of MVDC and RBBC does not maintain open space land outside its borough boundary. Further, RBBC has an arrangement with Horley Town Council under which the Town Council maintains Church Meadows Open Space. As such, RBBC would not want to take on the upkeep of the ROS adjacent to Church Meadows in Mole Valley or take responsibility for the maintenance of the proposed footbridge between Church Meadows and the Gatwick Dairy Farm Site in Mole Valley. With regard to ROS to the east of Riverside Garden Park – Car Park B, RBBC understand that GAL will retain ownership of Car Park B and will maintain the re-landscaped Car Park B and the link from Car Park B back to over the culvert to Riverside Garden Park. Riverside Garden Park will remain in the ownership of RBBC along with the park's maintenance. The JSC's would like to understand what</p>	

Ref	Joint Surrey Councils' Response	Applicant's Response
	thought, if any, has been given to GAL also maintaining the ROS (Works No.40) and why has the decision been taken by the applicant to leave this to the responsibility of local authorities?	

Table 35: Joint Surrey Councils - The Applicant's Response to Local Impact Reports - Ecology and Nature Conservation

Ref	Joint Surrey Councils' Response	Applicant's Response
E10	The JSCs are of the view that further mitigation is required and this is being explored further through S106 discussions with the Applicant. This response dismisses other appropriate funding mechanisms such as a landscape and ecology enhancement fund, in favour of the Gatwick Greenspace Partnership alone. The JSCs query the extent to which areas within Surrey will benefit from the activities of the Partnership and therefore, if the sole proposal, whether it is the most effective mechanism. The JSCs need to understand more about how and where funds have previously been used.	The Applicant is providing additional information to the JLAs about the existing activities of Gatwick Greenspace Partnership to demonstrate that projects have been and will continue to be carried out in Surrey.

Table 36: Joint Surrey Councils - The Applicant's Response to Local Impact Reports - Water Environment

Ref	Joint Surrey Councils' Response	Applicant's Response
W2	<p>We note that revisions have been made to Article 47 (disapplication of legislative provisions) in that the proposed disapplication of section 23 of the Land Drainage Act 1991 has been removed. It is stated that the Applicant only anticipates requiring one such consent and is content for the existing regime for ordinary watercourse consent to apply in respect of this instance. The two Lead Local Flood Authorities for the Project had expressed concern at this disapplication in relation to Ordinary Watercourse consent and had requested Protective Provisions as a result. In the Applicant's response to the LIRs it is stated that "the Applicant will review the need for the inclusion of this drafting but considers it unlikely to be necessary in light of the revision to article 47 in the draft Development Consent Order".</p> <p>The local authorities welcome the removal of disapplication of Section 23 but do not consider that the matter is as yet satisfactorily addressed...GAL states that only one component of the Project will require Ordinary Watercourse Consent (the extension to the culvert to the east of Balcombe Rd on the Haroldslea</p>	<p>A meeting between the Applicant and SCC regarding the necessary ordinary watercourse consents for the Project is scheduled for 7 June 2024.</p>

Ref	Joint Surrey Councils' Response	Applicant's Response
	Stream), however the LLFAs calculate that it will be considerably more elements that will require OWC. The LLFAs have suggested that a meeting is held with GAL and their consultants to understand these differences and to progress. There may yet still remain a need for Protective Provisions for drainage authorities.	

Table 37: Joint Surrey Councils - The Applicant's Response to the Local Impact Reports - Traffic and Transport

Ref	Joint Surrey Councils' Response	Applicant's Response
TT1	No revisions were made to the CoCP update [REP1-021] which responded to comments made regarding construction traffic.	The Applicant has responded to comments made on the Outline Construction Traffic Management Plan at Appendix C to this document (Doc Ref. 10.38). It has also submitted an updated version of the Outline Construction Traffic Management Plan (Doc Ref. 5.3 v2) at Deadline 5 to respond to comments made.
TT2	The JSCs remains concerned about the extent, duration and potential impact of construction at Longbridge Roundabout and Balcombe Road, and associated mitigation required until the detail is known.	
TT3	No additional information has been provided.	

Ref	Joint Surrey Councils' Response	Applicant's Response
TT4	<p>We require this detail to be provided during the examination and detailed in plans. SCC still require that access to the South Terminal construction compound should be from the South Terminal Roundabout only and not from Balcombe Road, and that the Longbridge construction compound access should be left in/left out only.</p>	
TT5	<p>The Applicant responds to SCC's request that their Lane Rental Scheme and Permit Scheme are incorporated into the DCO. In response to the Applicant's request for further information on flexibility around charges, SCC has suggested a meeting with the Applicant to discuss.</p>	<p>The Applicant has reached out to the highway authority and is seeking to arrange this meeting.</p>
TT6	<p>SCC is disappointed that no further active travel mitigation is proposed. In particular:</p> <ul style="list-style-type: none"> · SCC question how big a difference in embodied carbon and the impact to the River Mole flood plain it would make to provide the River Mole bridges as segregated rather than shared. · SCC has requested improvement of the route through Riverside Garden Park. Without this, SCC is sceptical about the extent of drop in proportion of pedestrian users 	<p>- With reference to embodied carbon and impact to the River Mole flood plain, the scheme seeks to minimise the environmental impacts of the proposals where appropriate as is considered to be the case at constraints such as in the vicinity of main rivers. The scheme proposals are considered to minimise the flood risk associated with the proposed widened bridge structures and minimise the scheme carbon footprint impacts whilst still delivering substantial improvements for active travel users, noting the</p>

Ref	Joint Surrey Councils' Response	Applicant's Response
	<p>of the River Mole bridges.</p> <ul style="list-style-type: none"> · The walking and cycling survey referred to was undertaken in November 2022 and thus is unlikely to reflect the maximum demand/potential of walkers and cyclists. · The most direct route for cyclists between Horley and the North Terminal is via Riverside Garden Park. If this route was improved, SCC is sceptical of the statement that cyclists would prefer to travel via the new active travel path connection between Longbridge Roundabout and North Terminal Roundabout. · As the design proposals do not prohibit upgrades of the route crossing A23 London Road if demand is recognised as the staggered crossing and footway alongside North Terminal Link are sized for shared use, will GAL commit to improving this route if the demand is recognised? If not, why can the route not be improved from the outset? · With respect to the provision of a cycle route between the southern end of The Crescent and the landscaped Car park B, SCC recognises that the existing public footpath is too narrow for shared use and constrained by properties either side. The suggestion is for a new route to be 	<p>site context and the fact that the arterial active travel path connection to/from Gatwick Airport (NCR 21) does not pass over either of these structures. Further widening of the active travel paths on A23 Brighton Road would also lead to increased impacts to Church Meadows Park and existing trees/vegetation on the route. Increased costs of providing wider structures are also not considered to be proportionate to the minor localised benefits for users arising from increased widths. The cycle track widths at structures have been developed with due consideration of anticipated usage levels at each structure. For example, the new active travel path on the western side of A23 London Road is considered likely to have the highest usage levels and as such the widths at this location (5.3m total including separation distances) would accommodate a wide shared use path above desirable minimum design criteria or a segregated path above absolute minimum design criteria. A shared use path has been proposed at this location (as opposed to a segregated path) on the basis that the shared use path provides is the ability to switch the sides of the cycle/footway provision between A23 London Road and Longbridge Way, which needs to occur along the route. Locating the switchover point on the</p>

Ref	Joint Surrey Councils' Response	Applicant's Response
	<p>constructed from the bottom of The Crescent through the line of trees into the open recreational space at Car Park B. This would be the most direct route between Horley and South Terminal.</p> <ul style="list-style-type: none"> · SCC disagrees that the existing crossing provision over the railway provides good connectivity for cyclists wishing to access the airport. There is no crossing provision between the Victoria Road bridge and Gatwick Airport station, where cyclists can only cross through the building requiring cyclists to dismount and using lifts to cross in any case. This represents a distance of 1.3km. The suggestion of Victoria Road represents an off route/desire line diversion for residents east of the railway line and south of Victoria Road wishing to access west of the railway and residents west of the railway and south of Victoria Road wishing to access east of the railway. · While SCC was invited and attended the Technical Working Groups, this involved GAL presenting the proposals with SCC providing subsequent feedback that has not necessarily been actioned. 	<p>River Mole Bridge.</p> <ul style="list-style-type: none"> - The route through the park is subject to ongoing discussions with SCC. - The Active Travel User Count Survey was procured by GAL in November 2022. Due consideration was given to the existing peak hour flows for pedestrians and cyclists that were measured as part of this survey in developing the scheme design proposals whilst also considering the seasonality issue in relation to the timing of the user count survey and for growth in active travel user numbers including those travelling to/from Gatwick. Further details on anticipated active travel user numbers are set out in Section 14 of the Transport Assessment [REP3-058] - In terms of route preference, it is agreed that some users may prefer to travel via Riverside Garden Park. However, the new active travel path on the western side of A23 London Road combined with the active travel improvements at Longbridge Roundabout, all of which were added to the scheme proposals at the request of SCC, would benefit from lighting and passive surveillance from

Ref	Joint Surrey Councils' Response	Applicant's Response
		<p>the adjacent roads and would provide good connectivity to/from Horley, Hookwood and the broader community via existing active travel infrastructure and the existing local road network. The alternative NCR 21 route provides grade separated connectivity to Gatwick via existing subway provision with the benefit of minimising the number of signalised crossings that users would pass through.</p> <p>- The route through the park is subject to ongoing discussions with SCC, with a full response to be provided in a future meeting with SCC, noting previous responses provided in relation to the environmental impacts in Riverside Garden Park associated with the provision of a combined pedestrian / cyclist route at this location.</p> <p>- In relation to the route through the Crescent, to add to the previous response provided, this route is subject to ongoing discussions with SCC.</p> <p>- The proposed surface access design submitted as part of the Application does not incorporate improved crossing provisions over the London to Brighton rail line as per the Applicant's Response to Local Impact Reports [REP3-</p>

Ref	Joint Surrey Councils' Response	Applicant's Response
		<p>078], reference no. TT6. The existing travel distance for cyclists travelling to/from south-eastern Horley is considered to be within a reasonable commuting distance and an improved direct access to/from Balcombe Road is proposed for pedestrians as part of the scheme.</p> <p>- Whilst it is acknowledged that not all requests for additional active travel infrastructure raised by SCC were actioned (for the reasons set out in the TWG meetings and in responses to the related items raised in the DCO), a range of substantial additional active travel infrastructure improvements were added to the scheme as a result of this engagement.</p> <p>Please see above response to TT.1.23 Legal Partnership Authorities for ongoing engagement with SCC relating to their perceived inadequacy of the proposed Active Travel infrastructure.</p> <p>Further to these points and the new comments received from SCC in the meeting on 9th May, the Applicant is arranging a meeting with SCC to further discussions on the Applicant's Active Travel provision.</p>

Ref	Joint Surrey Councils' Response	Applicant's Response
TT7	<p>The local authorities have suggested that funding for the bus and coach services should sit outside of the S106. Further detail is still required on the enhancements proposed to be put in place. SCC continues to question whether the proposed measures are sufficient to deliver required growth in mode share change.</p>	<p>The Applicant is engaging with the JLAs on the obligations in the draft Section 106 Agreement and has provided the JLAs with a revised version of the Surface Access Commitments (SACs) which accepts the principle of locating the bus and coach provisions in the SACs instead of the Section 106 Agreement.</p>
TT9	<p>SCC considers that this has not been addressed. SCC's concern is the accuracy of the strategic model given the reported calibration is not all of TAG requirements and that different values are used further from the airport. As a result, we seek a larger VISSIM model.</p>	<p>The Applicant is engaged with SCC on these matters and has held two technical meetings during May to discuss matters further. The Applicant is working through an initial review of an extended model to understand whether the concerns raised about the extent of the model warrant updated analysis.</p>
TT10	<p>SCC notes the response on active travel in EIA terms. SCC still considers that the active travel provision is insufficient as set out in TT6.</p>	<p>It is noted that SCC has no specific comments or questions in relation to the Applicant's ExQ1 Response [REP3-104], therefore the ExQ1 reference TT10 is considered closed.</p> <p>With regards to SCC's comments on the inadequacy of the proposed Active Travel infrastructure as set out in SCC's Local Impact Report [REP1-097], a detailed response was set out in the Applicant's Response to Local Impact Reports [REP3-078], reference no. TT6.</p>

Ref	Joint Surrey Councils' Response	Applicant's Response
		Please see above response to TT.1.23 Legal Partnership Authorities for ongoing engagement with SCC relating to their perceived inadequacy of the proposed Active Travel infrastructure.
TT11	As the model has not been extended to incorporate the additional junctions in Surrey's network, or any evidence showing the queue and delay comparisons has been provided, we cannot comment further. We ask that the Applicant provides this evidence in the form of junction / approach results, showing the changes between future baseline and corresponding with Project scenario	As noted above, analysis and discussion on this topic is ongoing with SCC.
TT12	SCC remains concerned about potential queuing back from the A23 / North Terminal impacting on Longbridge Roundabout and the U-turn back to M23. As raised before, until SCC seen the queue outputs from the VISSIM model it will not be possible to comment on the true impact.	This information was shared on 2nd May with SCC and discussed at a meeting on 9th May.
TT13	SCC notes the response and considers that the impact	Further engagement was undertaken with SCC on this point and further clarification was provided. An updated

Ref	Joint Surrey Councils' Response	Applicant's Response
	should be mitigated.	position will be provided in the Statement of Common Ground (2.20.5.2) at Deadline 5.
TT14	<p>GAL should encourage sustainable/active modes both through key junctions and on the links between by investing to make them more attractive to compensate for the additional time by private vehicle. This in turn could assist in their meeting the SACs.</p>	<p>Further engagement was undertaken with SCC on this point and further clarification was provided. An updated position will be provided in the Statement of Common Ground (2.20.5.2) at Deadline 5.</p>
TT15	<p>GAL should encourage sustainable/active modes both through key junctions and on the links between by investing to make them more attractive to compensate for the additional time by private vehicle. This in turn could assist in their meeting the SACs.</p> <p>The JSCs accept the principle of having a TMF as a truly “unforeseen circumstances” mitigation fund. The authorities have provided comment to GAL on the draft S106 agreement, which include some concerns with current proposals as to how the TMF will operate practically. Furthermore, SCC wish to also include some</p>	<p>Further engagement was undertaken with SCC on the sustainable/active modes point and further clarification was provided. An updated position will be provided in the Statement of Common Ground (2.20.5.2) at Deadline 5.</p> <p>In relation to the TMF point, should the impacts of the Project result in changes to bus operating costs as a result of increased journey times that would not have occurred in the absence of the Project the Applicant would consult with both local authorities and bus operators on measures to mitigate impacts and opportunities for funding from the</p>

Ref	Joint Surrey Councils' Response	Applicant's Response
	<p>metrics into the TMF to reflect how this money could be spent and wish to ensure that should bus routes serving the airport or its vicinity be affected by increased journey times or unreliability, the TMF must be used to address such issues.</p>	<p>Sustainable Transport Fund or Transport Mitigation Fund.</p>
TT16	<p>The SACs contain no sanction, just two attempts to resolve. We seek Environmentally Managed Growth to provide a sanction. If GAL are confident about their approach, then EMG would not be an issue.</p>	<p>The authorities are referred to Appendix B: Response to the JLAs' Environmentally Managed Growth Framework Proposition (Doc Ref. 10.38), which comprises a response to their document, Introduction to a proposal for Environmentally Managed Growth Framework [REP4-050].</p> <p>The revised Surface Access Commitments [REP3-028] submitted at Deadline 3 include a sanction to submit the mitigation action plan and the proposed mitigation measures to the Secretary of State if it cannot be agreed with the TFSG.</p>
TT17	<p>SCC have requested specific contributions for ongoing review and implementation of any changes to TRO's necessary as a result of Gatwick parking and for the additional enforcement on SCC's highway of existing and</p>	<p>The Applicant is engaging with the JLAs on the obligations in the draft Section 106 Agreement and has provided the JLAs with a revised version of the Transport Schedule to the draft Section 106. This latest draft includes a</p>

Ref	Joint Surrey Councils' Response	Applicant's Response
	<p>proposed TROs. This is being proposed in the current travelling draft of the S106.</p>	<p>commitment for GAL to provide the CBC Off-Airport Parking Support Contribution, which is a sum to be used for the purposes of enforcement action and control against unauthorised off-airport passenger car parking as a result of the Project. The Applicant considers that this sum is sufficient to cover SCC's requests.</p>
TT18	<p>SCC is concerned that the Applicant is not showing any willingness to enhance active travel or passenger transport travel through the SoCG. Nothing has been added to any of the originally submitted DCO proposals to assist with improving upon the relatively unchallenging SAC's committed to by the applicant.</p> <p>It is also disappointing that no detail is provided on how existing sustainable travel modes and associated facilities will be looked at to encourage the uptake of public transport, such as stations and stops, to increase access and improve design. The JSC's would like to understand that the Applicant's SAC has considered both new provision and made best use of existing transport offers.</p>	<p>The proposed active travel improvements are designed to benefit as large a population as possible by targeting residential areas where employees reside with improved active travel infrastructure in an effort to maximise the uptake of sustainable travel. A number of the improvements included with the DCO submission relating to active travel routes are as a direct response to requests from local authorities identified through consultation, including the Topic Working Groups conducted by the Applicant during 2022.</p> <p>The active travel and public transport improvements are sufficient to support the modal shift targets set out in Chapter 14 of the Transport Assessment [REP3-058] and committed in the Surface Access Commitments [REP3-028]. The Applicant does not propose any changes to the</p>

Ref	Joint Surrey Councils' Response	Applicant's Response
		<p>active travel infrastructure proposed in the Application as it considers that infrastructure to be sufficient to address potential demand to and from the Airport. Additionally there would be sufficient flexibility in REP3-028 in terms of available mechanisms to influence change and promote the most efficient interventions to achieve the committed mode shares. The Applicant has a strong track record of working with local authorities and public transport operators to encourage sustainable travel and will continue to do so. It is noted that this includes the use of the Sustainable Transport Fund to support improvements to active travel infrastructure and facilities, which would also be available in relation to the impacts of the Project.</p>
TT19	<p>Discussion is continuing on the surface access schedule of the draft S106. Given the nature of a number of the obligations in the surface access schedule, Surrey County Council requests to be added as a signatory to the agreement.</p>	<p>The Applicant has no objection to adding SCC as a signatory to the agreement and this will be reflected in the next draft of the draft Section 106 Agreement submitted to the examination.</p>

Joint Surrey Councils – The Applicant’s Response to the Local Impact Reports – Noise

- 3.10.20 In NV1, the Joint Surrey Councils suggest the construction phase noise insulation may have been under-estimated due to a lack of baseline noise monitoring late at night (0100 to 0400). Paragraph 5.9.15 of the CoCP commits to further baseline noise monitoring before works commence that will be used to confirm the noise insulation requirements in this regard and will be issued to the local authority as part of requesting their prior approval for the work under Section 61.
- 3.10.21 In NV2, the Joint Surrey Councils request that vibration monitoring be carried out. The Applicant has supplied **Supporting Noise and Vibration Technical Notes to Statements of Common Ground, Appendix A - Construction Vibration** [[REP3-071](#)] at Deadline 3 that concludes there will be no significant vibration impacts, so monitoring is not required. The Applicant notes the JLAs have accepted this report.
- 3.10.22 In NV14 the Joint Surrey Councils comment on road traffic noise impacts and the merits of a third noise barrier in Riverside Garden Park. The comments do not mention the two noise barriers proposed within the scheme, the realignment of part of the A23 westbound in this area away from the Noise Important Area, or the speed reduction on the A23 past the park that will reduce traffic noise. The Joint Surrey Councils comments note the scheme ‘*does offer a marginal improvement over the base case in a given year - typically a 1 dB reduction*’ but they go on to say that ‘*by 2047 residents will have seen no real improvement in the noise climate since 2018, and in the Noise Important Area (using the Applicant’s data) noise levels will have risen from 70.2 dB in 2018 to 70.4 dB in 2047 i.e. no real improvement and if anything slightly worse*’. ES Appendix 14.9.2 Table 6.3.1 notes that for Noise Sensitive Receiver 5 Longbridge Road East for which the 2047 noise level is 70.4 dB compared to 70.2 dB in the 2018 baseline, the DMRB non-project change is +0.3dB so that the effect of the Project is still to reduce traffic noise in the Noise Important Area compared to what it would be without the Project. This ensures that for the Project as proposed with the mitigation measured committed there will be no significant negative traffic noise effects and the Project complies with policy to reduce noise in the Noise Important Area where possible.

3.10.23 In NV.16, the Joint Surrey Councils refer to the Applicant’s previous runway proposal in 2014 which offered financial compensation to affected residents, and they ask why similar compensation is not offered for the northern runway proposal. The proposal in 2014 was for a second independent runway to the South, the noise impacts of which were considerably larger than those of the Northern Runway Project. For example, in terms of population within the LAeq 54dB, the independent second runway was predicted to create an increase of 25,000 people by 2040 whereas the Northern Runway Project is predicted to create an increase of 1,800-2,300 in the noisiest year 2032. Noise changes at properties are correspondingly much smaller for the Northern Runway Project (with some decreases) and compensation is not considered appropriate given the comprehensive mitigation package that will be provided.

Table 38: Joint Surrey Councils - The Applicant's Response to the Local Impact Reports - Socio-Economics

Ref	Joint Surrey Councils’ Response	Applicant’s Response
SE7	GAL has suggested both in writing and in discussions relating to the section 106 agreement that the London Gatwick Community Fund will be able to support the improvement of community facilities, such as facilities in Horley. The JSCs remain unclear as to whether this is correct given their understanding as to the eligibility criteria for funding of projects used by the Community Foundation for Surrey. Building projects, including renovation and repair, are explicitly excluded from the use of funding. The JSCs also await confirmation that the fund is open to Parish and Town councils to apply. In the event that the Community Fund will not be available to be	The Community Foundation eligibility criteria generally prohibits grants to statutory organisations. Therefore, these organisations, such as local authorities, including town and parish councils are broadly ineligible because as the Community Foundations only fund non-statutory work and initiatives. Despite this, for a small number of specific initiatives, i.e. where local, parish or town councils are the only organisations delivering certain services and the services are above and beyond the organisation's usual statutory function, funding may be available through the London Gatwick Community Fund, subject to the priorities

Ref	Joint Surrey Councils' Response	Applicant's Response
	<p>used towards the improvement of community facilities, the JSCs consider that alternative mitigation for the impact of the development will need to be provided.</p>	<p>established within the draft section 106 Agreement.</p> <p>The London Gatwick Community Fund's primary focus is to reach a wide range of local causes and support the voluntary sector. Large refurbishments would potentially limit the number and breadth of causes the Fund can support.</p>
SE8	<p>Also see paragraph 19 of this response regarding the Draft Section 106 Agreement Annex ESBS Implementation Plan [REP3-069]. The JSC's consider that the Applicant has provided an inadequate answer to the concerns raised and failed to grasp the significance and purpose of it. 'New money' is not the same as new projects and it is this tangible detail on additional projects, over and above those that exist or are committed to, which is needed. What are the additional projects and initiatives that will make the difference? Concerns are also raised regarding the fact that the referenced funding could be exhausted by existing projects and leave none for anything new. A proper consideration of benefits and deliverability needs to be provided. This matter remains ongoing and unanswered.</p>	<p>The Applicant has provided the JLAs with draft Delivery Plans for each ESBS Theme that set out both current and proposed activity, most of which is new activity, although some of the Applicant's current activity is pilot activity for the NRP ESBS once it is in place.</p> <p>The proposed future activity is subject to the input from the JLAs and other stakeholders for inclusion within the Implementation Plan which is to be agreed with the ESBS Steering Group.</p> <p>The proposed ESBS Fund of £14m is new money to be spent on projects, it is not intended to be spent e.g. on the Applicant's staff.</p> <p>None of GAL's current activity related to the ESBS is legally</p>

Ref	Joint Surrey Councils' Response	Applicant's Response
		secured. It could all be stopped. The ESBS and its funding would be legally secured.

3.11 Marathon Asset Management

- 3.11.0 The Interested Party's submission [[REP4-122](#)] provides comments that have been discussed in meetings with their acoustic advisors, Stantec, for example around ground noise Lmax levels, Aircraft taxiing Lmax levels from the nearest gates, worst case cumulative construction noise situations, and internal noise levels for short term construction noise. Stantec has also witnessed Applicant's acoustic consultant's survey of the building's acoustic performance.
- 3.11.1 The Interested Party's submission notes '*With regard to Ground Noise, Marathon has evidence of the operating conditions of the airport that lead to exceedance of the best practice internal instantaneous noise threshold at night (45 dB LAmax). Current airport operating conditions typically see only 3 to 5 such exceedances during a worst-case night in rooms on the rear facade of the hotel, well within the recommended limit of no more than 10 times per night.*' This evidence has not been provided to the Applicant. The Applicant's own measurements show the highest noise levels are due to motorbikes on the A27 as well as the hotel's hopper bus that manoeuvres within its grounds. In any event these comments relate to the current condition not the effects of the Project in the future, and the Applicant has explained that at night, the Project will add only 10% to the number of air traffic movement and ground noise activities.
- 3.11.2 The Applicant has been working with Holiday Inn's acoustic advisors, Stantec, since February 2024 so as to understand their concerns, to assess the potential noise effects and develop mitigation measures. This process is now complete, as reported in the **Holiday Inn Noise Report** (Doc Ref. 10.41) submitted to the Examining Authority at

Deadline 5 on 6th June 2024. That report addresses all Holiday Inn’s noise concerns. It provided information to demonstrate air noise, ground noise, and road traffic noise effects from the Project will not be significant.

- 3.11.3 The Applicant is continuing to work with the Interested Party to progress discussions toward the conclusion of a voluntary agreement. The Applicant issued a concept design for the specific access which has been requested by the Interested Party on 29 May. The Applicant is seeking a client-to-client meeting to resolve the outstanding concerns in the round and to agree the heads of terms for a voluntary agreement prior to Deadline 6.

3.12 National Highways

Actions arising from Issue Specific Hearing 6

- 3.12.0 The assessment, as set out in Chapter 16 of the **Environmental Statement** [[APP-041](#)] sets out an assessment of the impacts arising from passenger and staff surface transport to access the airport in line with the Airports National Policy Statement. It is noted that the new NNNPS directs assessment to consider Transport Analysis Guidance Unit A3, which then directs to DMRB LA 114 Climate – however, the National Policy Statement for National Networks in place during preparation of the DCO submission (and which continues to have effect for this application) does not provide this direction.
- 3.12.1 The Applicant is currently in discussion with National Highways to determine what additional information may be required in order to ascertain impacts arising from non-airport traffic and whether these are relevant to the application.
- 3.12.2 For the scope and boundary of the assessment, as set out in Chapter 16, additional information on the approach taken to the consideration of Whole Life Carbon has been set out in Deadline 4 Submission –**Supporting Greenhouse Gas Technical Notes** [[REP4-020](#)]. This document also provides information on the assessment of Well-to-tank emissions.

Concerns raised by the Wilky Group / Gatwick Green at ISH7

- 3.12.3 The Applicant and NH have continued discussions about the most appropriate resolution to the concerns raised by Gatwick Green and NH have provided suggested wording for such arrangement. The parties are now working through the detail of the arrangement to ensure that the mechanisms secure the objectives for all parties. Updates are provided in the **Land Rights Tracker** (Doc Ref. 8.6)

Commentary on the Outline Construction Traffic Management Plan

- 3.12.4 The Applicant has responded to NH’s mark-up and comments to the Outline Construction Traffic Management Plan at **Appendix C** to this document (Doc Ref. 10.38). An updated version of the **Outline Construction Traffic Management Plan** (Doc Ref. 5.3 v2) is also submitted at Deadline 5 to respond to comments made.

National Highways Comments on any Submission Received by Deadline 3

Table 39: Applicant’s Response to Comments Made by National Highways following ISH6

Ref	National Highways comment	Applicant’s Response
Article 18	The Applicant’s response fails to account for the highways NSIP within the proposed scheme. As a result of the NSIP, it should be clear to the Applicant, and the Examining Authority, that the time period sought by National Highways on its own schemes for such highway works should be reflected here. It is wholly inappropriate for the Applicant to seek to compare non-highway DCOs to the present scheme which includes significant	The Applicant has amended article 18 in version 7 of the draft DCO submitted at Deadline 5 (Doc Ref. 2.1) to accommodate National Highways' stated time periods for roads other than airport roads.

Ref	National Highways comment	Applicant's Response
	<p>highway works.</p> <p>National Highways, as highway authority, is best placed to advise on how long it needs to give certain approvals. In the view of National Highways, Article 18 currently fails to provide a sufficient amount of time. As set out in the Relevant Representation [TR020005/RR/3222], permanent changes should require 12 weeks notice in order to provide National Highways and any other traffic authority sufficient time to make the necessary arrangements. Separately, the Applicant's new Article 56 still fails to address National Highways' comment that deemed consent should run from when the application is received, not made.</p>	
Article 32	<p>In accordance with the relevant compulsory acquisition guidance, the Applicant should be seeking clear and proportionate compulsory acquisition powers. Given the scale of National Highways land within the Order limits, it is reasonable to expect that the Applicant set out what rights it envisages will be impacted. It remains unacceptable to National Highways that the Applicant continues to seek such broad powers, without defining</p>	<p>The Applicant's approach to seeking compulsory acquisition powers over the full extent of land required for the highway improvement works is justified because:</p> <ol style="list-style-type: none"> 1. The Applicant requires powers in the DCO to ensure that any unknown land rights over parcels of land required for the highway improvement works – either forming part of the widened highways or required for ongoing

Ref	National Highways comment	Applicant's Response
	<p>how they apply.</p> <p>National Highways recommends that the Examining Authority carefully consider to what extent, if any, the Applicant actually needs such broad powers. While this provision may be controlled under the protective provisions, this does not excuse the Applicant from justifying the need for such powers in accordance with its obligations.</p>	<p>maintenance of the widened highways – can be overridden such that they do not hinder the use and maintenance of the highways after their completion. When the undertaker exercises temporary possession powers under the DCO, article 32(3) provides that private rights of way over areas temporarily possessed are temporarily suspended and unenforceable, but only for so long as the undertaker remains in possession of the land. Once the highway works are completed using such powers and handed to National Highways, there is a risk that unknown rights could then resume which hinder the operation and/or maintenance of the improved highways.</p>
Article 37	<p>National Highways will address this comment further in the next iteration of the SoCG. However, National Highways continues to have concerns about the Applicant's broad approach towards seeking compulsory acquisition powers. In accordance with the relevant guidance, the Applicant should be seeking proportionate land powers. It therefore remains unclear why the Applicant is seeking permanent powers to carry out temporary works. Unknown rights would be suspended for the duration of the works under standard temporary possession powers, and the Applicant should be able to differentiate land it needs permanently from land it does not at this stage.</p>	<p>Allowing the Applicant the power to compulsorily acquire land required for the widened highways ensures that contrary rights can be extinguished using the DCO powers where required, facilitating the securing of clean title and thus ensuring the deliverability of the scheme. This is also in National Highways' interest to ensure that they ultimately receive clean title to the improved SRN. Whilst the Applicant accepts this risk is unlikely to materialise in practice, it is nonetheless an actual risk and one that needs to be mitigated against to safeguard the delivery of</p>

Ref	National Highways comment	Applicant's Response
Article 45	As per response to Article 37 above.	<p>the scheme and is consistent with the approach to CA adopted across the project. As previously stated, to the extent possible the Applicant will only use temporary possession powers in carrying out the highway works.</p> <p>2. The Applicant has also noted the uncertainty which has come to light through the land referencing process and discussions with National Highways and the local authorities as to the extent of each authority's respective land ownership. The Applicant considers it important to retain CA powers over all land required for the improved highways to ensure that, if the ownership of plots of land required for the scheme proves to be different to that currently identified by the parties (e.g. a plot of land which National Highways considers it owns proves to be in third-party ownership), the Applicant will be able to acquire this land and ensure the deliverability of the scheme. This is, again, also in National Highways' interest to ensure that it ultimately receives clean, complete title to the improved highway network.</p> <p>The draft DCO contains protective provisions for the benefit of National Highways which prevent the undertaker from exercising CA powers over the strategic road network</p>

Ref	National Highways comment	Applicant's Response
		without the consent of National Highways. The Applicant notes National Highways' residual concerns despite these provisions and is discussing with National Highways how best to address these while ensuring that the risks identified in (1) and (2) directly above are mitigated.
Schedule 2, Requirement 20	National Highways takes no issue with the Applicant's rationale and does not dispute that such documents should be "primarily" overseen by the Lead Local Authority. However, the Examining Authority should note that the surface access commitments also relate to matters directly outside the Lead Local Authority's scope and within National Highways statutory undertaking. It therefore follows that National Highways should have an approval role over Requirement 20 and National Highways recommends that the Examining Authority incorporates such an approval role in the event that the Applicant does not take on board National Highways recommendations.	The Applicant has amended requirement 20 in version 7 of the draft DCO submitted at Deadline 5 (Doc Ref. 2.1) to accommodate National Highways' request for an approval right.
	Surface Access Highways Plans – Structure Section Drawings – For Approval - Version 3	Drawing 41700-XX-B-LLO-GA-200175 - For carriageway Section A - A at the proposed North Terminal Flyover bridge and drawing 41700-XX-B-LLO-GA-200178 - For the

Ref	National Highways comment	Applicant's Response
	<p>[TR020005/REP3/014]</p> <p>Drawings:</p> <p>41700-XX-B-LLO-GA-200175</p> <p>41700-XX-B-LLO-GA-200178</p> <p>National Highways notes that the Applicant has updated the cross section of Drawing 41700-XX-B-LLO-GA-200175 in order to amend the carriageway cross section to show a carriageway width of 7.3m which is in compliance with DMRB CD127 Cross Sections and Headroom. As part of this update to the package however, the Applicant has not considered the updated position that National Highways outlined in its Deadline 2 update to the Principal Areas of Disagreement Summary Statement [TR020005/REP2/059] which articulated the following in respect to cross sections where environmental barriers interface with structures: National Highways has reviewed the proposals by the Applicant and recommends the Applicant considers the following two options: If maintenance activities require operatives to access to the rear of the noise barrier, a pedestrian</p>	<p>Gatwick Spur Eastbound carriageway Section C - C at the proposed Balcombe Road bridge, a VRS is provided in front of the noise barrier located within the verge. This infrastructure can be accessed for maintenance from the verge side and therefore no maintenance activities are considered to be required to the rear of the noise barrier and no edge restraint system has been proposed on the parapet edge beam as this itself would require maintenance next to the retaining wall vertical face.</p> <p>This cross-section edge detail will be subject to ongoing development through detailed design. At this stage based on the feedback received from NH, it is envisaged that the structural plinth would be relocated in line with the proposed noise barrier reducing the overall cross-section width of the Gatwick Spur Balcombe Road bridge and North Terminal Flyover bridge. This could be achieved within the scheme limits of deviation and it is proposed that this would be finalised and agreed at the detailed design stage (with an action recorded as part of SoCG discussions), noting the protective provisions in place for NH with respect to detailed design approvals.</p>

Ref	National Highways comment	Applicant's Response
	<p>parapet system is to be installed on the structure to act as an edge restraint to minimise the risk of falling. If there are no maintenance activities required to the rear of the noise barrier, the noise barrier is to be repositioned on the structure to sit on the plinth, thereby restricting any unauthorised access to the structure. If this solution is considered by the Applicant, the relocation of the noise barrier may need to be considered as part of any acoustic assessments.</p>	
<p>Appendix A – National Highways Commentary on updated Surface Access Commitments</p>	<p>This document sets out National Highways' comments in response to the Applicant's latest Deadline 3 comments.</p>	<p>The Applicant is discussing with National Highways its concerns regarding the enforceability of the Surface Access Commitments and draft Section 106 Agreement</p>
<p>Table 31 Matters Raised by National Highways,</p>	<p>National Highways has reviewed the representation submitted by Network Rail at Deadline 3 in response to the Examining Authorities Written Questions [TR020005/REP3/141] and shares their concerns. National Highways therefore requests that the Applicant</p>	<p>The Applicant is in discussion with Network Rail and an updated position on Statement of Common Ground is being provided at Deadline 5. This issue is covered in Row 2.20.3.2 of the Statement of Common Ground.</p>

Ref	National Highways comment	Applicant's Response
and Table 5 Matters Raised by Gatwick Area Conservation Campaign	considers Network Rail's request to apply a reduction in the theoretical standing and seating capacity maximum in order to test the validity of any assumptions currently utilised within the Transport Assessment [TR020005/REP3/059]. National Highways will remain abreast of this issue and will review the latest status of discussions between the Applicant and Network Rail upon submission of updated Principal Areas of Disagreement Summary Statements (PADSS) or Statement of Common Grounds (SoCGs) at Deadline 5.	

3.13 New Economics Foundation

- 3.13.0 The New Economics Foundation have requested in their submission [[REP4-124](#)] that the Applicant provide a specific response to recommendations 8 to 11 from their previous submission. These recommendations address critical points about the future demand for business-purposes air travel. Additionally, they have analyses requested that analyses for recommendations 19 (a review of tourism policy) and 23 (analysis of wages/pay of historic and future jobs) have been provided.
- 3.13.1 The issues raised in recommendations 8 to 11 (related to business travel) are addressed in **ES Appendix 4.3.1 Forecast Data Book** [[APP-075](#)], which sets out the assumptions about growth and market share, including those of business passengers.

- 3.13.2 Regarding the compatibility of the proposed development with UK tourism policy (Recommendation 19), this was addressed at paragraphs 4.1.5 and 4.1.6 in **The Applicant's Response to Written Representations Appendix D – Response to New Economics Foundation** [[REP3-076](#)].
- 3.13.3 Regarding NEF's Recommendation 23, again this was addressed at paragraph 5.1.6 in in **The Applicant's Response to Written Representations Appendix D – Response to New Economics Foundation** [[REP3-076](#)].
- 3.14 **Nutfield Conservation Society**
- 3.14.0 The response from Nutfield Conservation Society, **Comments on any further information/submissions received by Deadline 3** [[REP4-126](#)] is noted, as is their quantification of waste arisings being incinerated in 2047 as 3,043.9 tonnes per annum. It is also noted that the representation from Nutfield Conservation Society draws on a source document that attributes an emissions factor of 0.91 tCO₂e/tonne of waste (910 kgCO₂e/tonne), as compared to the sources used within the Environmental Statement, drawn from UK Government guidance on corporate reporting of GHG emissions, which provides an incineration value for Energy-from-Waste of 21.294 kgCO₂e/tonne of waste. The emissions factor used by Nutfield is noticeably larger than the value provided by UK Government for corporate reporting of GHG emissions.
- 3.14.1 The scale of difference is attributable to the accounting methodologies specified within the GHG Protocol Scope 3 standard, reproduced in section 12.27 of the methodology report produced by UK Government alongside the 2021 GHG conversion factors⁹. This notes that:
- 3.14.2 *“As defined under the Scope 3 standard, the emissions from energy recovery, recycling, composting and anaerobic digestion are attributed to the user of the recycled materials or the organisation that performs the composting, anaerobic digestion or energy recovery, not the producer of the waste.”*

⁹ <https://assets.publishing.service.gov.uk/media/61ee7e198fa8f5058d5a7771/2021-ghg-conversion-factors-methodology.pdf>

3.14.3 Were the emissions associated with incineration to be considered at the level estimated by Nutfield Conservation Society, at 3,043.9 tCO₂e per year, and as a conservative assumption this level is assumed for the Sixth Carbon Budget period from 2033-2037 the emissions arising from the Project would increase from 0.604% of the Sixth Carbon Budget total to 0.605%. The increase is very small and would not affect the conclusion of significance with regards to GHG emissions.

3.14.4 Regarding the quantification of waste arisings in response **Comments on GAL Operational Waste Management Strategy** [\[REP4-126\]](#) the waste figures do not take into account the ongoing and proposed waste initiatives to minimise waste generation and to manage waste further up the waste hierarchy (e.g. improved source separation of general waste to increase capture of recyclable materials). With these initiatives in place, the total waste figure and the waste sent for incineration will be much lower than the quantities referred to in **Comments on GAL Operational Waste Management Strategy** [\[REP4-126\]](#).

3.15 Royal Mail

3.15.0 The Applicant has updated the **Outline Construction Traffic Management Plan** (Doc Ref. 5.3 v2) and which is submitted at Deadline 5 to secure the three requests made by Royal Mail, in that GAL will ensure that Royal Mail:

- is informed of any proposed road closures or diversions required for the Surface Access Works, at least one month in advance;
- is informed in advance of works that Gatwick plan on the local highways network, with particular regard to Royal Mail's distribution facilities within and near Gatwick Airport; and
- has the opportunity to engage in appropriate stakeholder consultation groups that are set up by Gatwick Airport Limited or its contractors with the Local Highways Authority and other major road users.

3.16 Susan Goodwin

3.16.0 The IP has raised two questions to the Applicant regarding greenhouse gases [[REP4-132](#)]. These questions and responses are set out below.

a) Is the applicant a company which is in a strong enough position to carry all the financial risks of the investment in the expansion project, given the lack of any compensation 'treaty' from the UK Government and the likely reduction in demand for flights in line with the growing public awareness of the need to fly less to achieve Net Zero?

3.16.1 The Applicant can confirm that it is in a position to carry out the Project and as explained in the **Funding Statement** [[APP-009](#)], Deadline 3, **The Applicant's Response to the ExA's Written Questions – Compulsory Acquisition and Temporary Acquisition** [[REP3-087](#)] Response to ExA Q's Response to CA 1.19 to CA 1.22 and **Written Summary of Oral Submissions CAH1: Compulsory Acquisition** [[REP4-034](#)] Agenda Item 9, and has adequate funds available to carry out and implement the Project, if development consent is granted. Further evidence was also provided in the form of GAL's Financial Statement for year ending 31st December 2023 contained in the Applicants Response to Actions CAH1 [[REP4-038](#)].

3.16.2 In a recent speech (25 April 2024), The Rt Hon Mark Harper MP, Secretary of State for Transport, announced measures for an aviation fuel plan, including a mandate to drive demand for sustainable aviation fuel (SAF) as well as a revenue certainty mechanism to incentivise investment in UK SAF production. As part of that announcement, the SoS stated "While we recognise SAF may be more expensive than traditional jet fuel in the immediate term, we are ensuring decarbonisation does not come at the expense of consumers. This plan is part of our approach to ensure that the rationing of flights through 'demand management' is ruled out. The plan includes a review mechanism to help manage prices and minimise the impact on ticket fares for passengers. The government also has the power to change key limits within the mandate to block higher price rises in the case of SAF shortages – keeping the impact on consumers to a minimum." (Our emphasis added).

3.16.3 The Applicant therefore believes that demand management is not ‘likely’ and that the UK Government has a clear plan to deliver on its net zero commitments through its Jet Zero Strategy without damaging the aviation sector. This is consistent with the Government’s commitment set out in the Jet Zero Strategy (at page 7) to meet the challenge of decarbonisation whilst maintaining the aviation sector given the importance of the aviation sector’s role in making us one of the world’s best-connected and most successful trading nations.

b) Could the Applicant show their modelling for different demand scenarios to show how they would be able to manage this risk?

3.16.4 The Applicant is confident in its forecasts, its own ability to become net zero as an airport by 2030, and the sector’s approach to become net zero by 2050. GAL’s forecasts show that demand for air travel will continue to grow in the London network notwithstanding forecast increases in the pricing of carbon. Gatwick is well advised on these issues and is playing a market leading role in the journey to net zero airport operations.

3.16.5 The Applicant has internally assessed the risks associated with traffic forecasting and the changes which will be necessary across the sector to meet the necessary challenges of carbon reduction, and has made the decision to not only submit the DCO application, but also to confirm that it is the Applicant’s intent to pursue the scheme as soon as reasonably practicable and in accordance with the timescales set out in the Application.

3.17 West Sussex Authorities

The Applicant’s Response to the Local Impact Reports

3.17.0 The West Sussex Authorities’ Response [[REP4-042](#)] to The Applicant’s Response to the Local Impact Reports are set out in a tabular format below, arranged by topic.

Historic Environment

Table 40: Applicant's Response to West Sussex Joint Local Authorities Local Impact Reports on History

Ref	West Sussex Authorities Response	Applicant's Response
2.2	<p>In respect of archaeology, the Authorities concerns about the adequacy of the WSI as currently proposed are detailed in the Deadline 4 Legal Partnership Submission in response to the Applicants D3 submission question HE.1. In addition, the Authorities would welcome the document on the development of Gatwick Airport referenced by the Applicant as it is hoped that this will contain the detailed information of the impact of the present airport on the area within the Project limits. This should allow Place Services (retained by CBC and WSCC for specialist archaeological advice) to provide informed advice on the large area of the proposed runways; at present it is unclear whether the widening of these need to be evaluated or has already been destroyed by the original construction programme. The Authorities would welcome a meeting with the Applicant as soon as possible once the above report has been completed to discuss this and the changes that have been recommended to the existing Written Scheme of Investigation.</p>	<p>A detailed report on the historical development of the airport has been submitted to Place Services for their review. A meeting was arranged between the Applicant and Place Service for 31/05/24 to discuss the final requirements for the West Sussex WSI. The updated WSI will subsequently be submitted into the Examination.</p>

Landscape, Townscape and Visual Resources

Table 41: Applicant's Response to West Sussex Joint Local Authorities Local Impact Reports on Landscape, Townscape and Visual Resources

Ref	West Sussex Authorities Response	Applicant's Response
2.4	<p>Overall, the visual impacts of the Project remains a concern to the Authorities principally due to the lack of information on matters such as the site compounds, survey information, construction details and limited and loosely worded design controls. Some of these concerns are reflected in the commentary provided elsewhere in this submission in relation to the Tree Survey, Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Section 3.1) and commentary on Amendments to the Design and Access Statement and Design and Access Statement Appendix 1 – Design Principles (Section 5). In summary the responses provide by the Applicant do not address the concerns raised. Two detailed points are made below:</p> <p>8.1B – Pentagon Field – The Applicants response adds further uncertainty to the proposed works taking place on site suggesting soil mounds up to 5 metres high which</p>	<p>The Applicant has responded to the JLAs' comments on the construction compounds, tree survey and arboricultural information, Pentagon Field and the design principles in the relevant sections of this report. A summary of such responses is provided below.</p> <p><u>8.1B – Pentagon Field</u></p> <p>The Applicant's response to queries on Pentagon Field is contained in Appendix F (Doc Ref. 10.38) of this report. In that report, it confirms the distinction between the maximum heights reference in ES Chapter 8: Landscape, Townscape and Visual Resources [APP-033] and other ES material.</p> <p>In response to the JLAs' comment, the Applicant has provided further detail on the Pentagon Field works through the following updates made at Deadline 5:</p>

Ref	West Sussex Authorities Response	Applicant's Response
	<p>above that specified in the Environmental Statement Table 8.7.1 [APP-033]. The level of detail on the works proposed for this site is still considered inadequate as set out 4 in ExQ1 GEN 1.21 (page 11) [REP3-135] and the Legal Partnership Authorities D4 response to question LV1.2..</p> <p>8.1C – The Authorities welcome the additional Tree Survey information provided by the Applicants and receipt of additional Arboricultural information on to inform the Project. It is hoped that this information will allow the Applicant to revise and detail the works and design to clearly show retention of important tree belts especially for those car park sites identified in the LIR.</p>	<ul style="list-style-type: none"> ▪ The description of Work No. 41 in the draft DCO (Doc Ref. 2.1) has been expanded to refer to the spoil bunds to be created. ▪ The site-specific design principle (DLP19) in the Design Principles (Doc Ref. 7.3) has been expanded to provide further design information on Pentagon Field, including the maximum height and slope gradient of the spoil bunds. <p><u>8.1C</u></p> <p>The Applicant notes the Joint West Sussex authorities have welcomed the additional arboricultural information provided to the Examination. This relates to the tree survey plans, tree quality schedules, preliminary tree removal plans and impact assessment for the Project site, including car parks, that are included in ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment [REP3-037, REP3-038, REP3-039, REP3-040, REP3-041, REP3-042].</p> <p>The Outline Arboricultural and Vegetation Method Statement [REP3-022, REP3-023, REP3-024, REP3-025, REP3-026, REP3-027] includes Preliminary Tree Removal</p>

Ref	West Sussex Authorities Response	Applicant's Response
		and Protection Plans at Appendices A to D. Revised versions of the documents will be submitted at Deadline 6.

Ecology, Nature Conservation and Arboriculture

Table 42: Applicant's Response to West Sussex Joint Local Authorities Local Impact Reports on Ecology, Nature Conservation and Arboriculture

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
2.6	<p>The Authorities consider the Applicant's response is inadequate in a number of matters, including the following:</p> <ul style="list-style-type: none"> • Further detail is requested in the OLEMP regarding both routine inspections of maintenance tasks and ecological monitoring. • Greater clarity in the Sketch Landscape Concept plans within the OLEMP, including clearer distinction between retained and new woodland. • Greater clarity on the extent of woodland loss and compensatory planting for each individual site. • Further explanation of the woodland BNG calculations. 	<p>The Applicant considers the matters raised have previously been addressed. The Outline Landscape and Ecology Management Plan (oLEMP) is not intended to include the detail for each parcel of land with detailed maintenance and monitoring schedules. These details are dependent upon the detailed design to be undertaken post-DCO consent in line with the requirements of the Draft DCO (Doc Ref. 2.1). The oLEMP sets out the scope of the details which will be included in the LEMPs, which are all subject to local authority approval.</p> <p>Turning to the specific points, taken in turn below:</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
	<ul style="list-style-type: none"> Commitment within the OLEMP for the long-term positive management of the North West Zone (NWZ) and Land East of the Railway Line (LERL) Biodiversity Areas. 	<ul style="list-style-type: none"> The approach to monitoring of the Project post construction is set out in sections 11.19.1 <i>et seq.</i> of oLEMP (Part 1) [REP4-012]. This sets out that monitoring of routine maintenance tasks will be conducted as necessary, while habitat condition assessments will be completed at yearly intervals to monitor their establishment. Species-specific monitoring would be undertaken dependant on the requirements of any Natural England licence. As set out in section 1.1.4 of the oLEMP, each LEMP submitted under DCO Requirement 8 will include full details of monitoring arrangements along with the associated timetable and duration, to be in accordance with the principles set out in the oLEMP. The Landscape Concept Plans within the oLEMP are included to provide an illustration of the design that will be brought forward; they are not intended to provide a detailed landscape design at this stage. The individual LEMPs to be produced for each area in line with DCO Requirement 8 will include full landscape designs and which are required to be in substantial accordance with those in the oLEMP. The areas of new woodland to be created for the Project including

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
		<p>land east of Museum Field, Car Park B, land north of Longbridge Roundabout and Pentagon Field are shown on Figures 1.2.1, 1.2.2, 1.2.3 and 1.2.18 respectively and for the Surface Access Improvements on Figures 1.2.4 to 1.2.15 within the oLEMP [REP4-012, REP4-013, REP4-014, REP4-015, REP4-016].</p> <ul style="list-style-type: none"> ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment [REP3-037, REP3-038, REP3-039, REP3-040, REP3-041, REP3-042] includes tables in section 7 summarising the projected tree loss and replanting figures within Crawley BC and Site wide. Annex 3 of ES Appendix 9.9.2: Biodiversity Net Gain Statement [APP-136] shows that there would be 13.15ha of woodland pre development and 7.85ha post development, a loss of 5.30ha. Woodland has been included within the Biodiversity Net Gain (BNG) calculation based on the surveys of the Project site, as set out in section 1.2.1 <i>et seq.</i> of Appendix 9.9.2. These surveys assessed the woodland type present and its ecological condition. These data were then inputted to the baseline tab of the BNG Metric. Post development assumptions with respect to the condition of the

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
		<p>replanted woodland are set out in section 4.2.13 <i>et seq.</i> of ES Appendix 9.9.2. These are then included in the habitat creation tab of the Metric.</p> <ul style="list-style-type: none"> ▪ The inclusion of the entirety of the two existing biodiversity areas at Gatwick (the NWZ and LERL) was made explicit in the Deadline 4 update to the oLEMP [REP4-012, REP4-014, REP4-016].
2.7	<p>The Authorities welcome the Applicant's response (Item 9.1S in Table 4.3) that the OLEMP secures the on-going management of the NWZ and Land East of the Railway Line LERL Biodiversity Areas. However, confirmation is requested that this encompasses the entirety of these two Biodiversity Areas, managed by the Applicant under their Biodiversity Action Plan, not just the parts within the Order Limits. This is important as these areas are key components of the ecological network and fundamental to delivering the proposed Ecological Strategy. Furthermore, their management must be secured for a minimum period of 30 years. It is requested that the OLEMP is revised to incorporate and clarify these points.</p>	<p>The inclusion of the entirety of the two existing biodiversity areas at Gatwick (the NWZ and LERL) was made explicit in the Deadline 4 update to the Outline Landscape and Ecology Management Plan (oLEMP) [REP4-012, REP4-014, REP4-016].</p> <p>The commitment to the management of the habitats to be created, including those within the existing biodiversity areas, for at least 30 years is set out in section 10.1.6 of the oLEMP.</p>
2.9	<p>With reference to the response provided within 9.1X, the Authorities want to emphasise the outstanding concern for</p>	<p>There are no areas of Ancient Woodland within the Project boundary.</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
	<p>impacts which could occur to ancient woodland as a result of detailed design and construction activities. The wording of design principle L10 is not supported; in addition, further protection measures are required to avoid or mitigate construction activities which can occur within buffer zones of ancient woodland</p>	<p>Measures to protect areas of Ancient Woodland outside the Project boundary are set out in the Outline Arboricultural and Vegetation Method Statement (oAVMS) [REP3-022, REP3-023, REP3-024, REP3-025, REP3-026, REP3-027].</p> <p>The oAVMS confirms that no construction works will be carried out within a 15m buffer to Ancient Woodland, with the buffer zone to be fenced off with no works undertaken within it.</p> <p>In addition to this, a Project-wide Design Principle (L10) makes clear that a minimum 15m buffer zone will be provided as part of the detailed designs around any areas of Ancient Woodland, measured from the boundary of the woodland. In response the Joint West Sussex authorities comments (In Section 5.3), Design Principle L10 has been expanded to provide further detail on the role of the Ancient Woodland buffer zone, building from Natural England's Ancient Woodland guidance, and is submitted in the Design Principles (Doc Ref. 7.3) at Deadline 5.</p> <p>An assessment of any potential for construction impacts on Ancient Woodland is included in section 9 of ES Chapter 9 Ecology and Nature Conservation [APP-034].</p>

Water Environment
Table 43: Applicant's Response to West Sussex Joint Local Authorities Local Impact Reports on Water Environment

Ref.	West Sussex Joint Local Authorities Response	Applicant's Response
10.1A	<p>The specific issues related to this point were outlined in further detail in the West Sussex LIR, Chapter 10, Paragraph 10.38 – 10.42 [REP1- 068]. These issues were then raised again at ISH7 (please refer to the D4 summary note submitted by the Legal Partnership Authorities for further information). The Authorities do not consider that the response provided has addressed this point.</p>	<p>Paragraphs 10.38 – 10.42 in the LIR were responded to in the Applicant's Response to Local Impact Reports [REP3-078] and are further detailed below.</p> <p>10.38: Design Parameters - Distinction between Surface Access and Airfield Elements</p> <p>The project adopts a variable design life of 40-years for the airfield elements and 100-years for surface access highways improvements elements. The fluvial mitigation strategy for the Project addresses both elements holistically as set out in the ES Appendix 11.9.6: Flood Risk Assessment [AS-078]. Separate surface water drainage mitigation strategies have been developed for the surface access (highways) and airfield drainage elements as they are separate systems.</p> <p>10.38: Variation in Climate Change Allowances</p> <p>Paragraph 006 of the Flood Risk and Coastal Change Planning Practice Guidance states <i>"The lifetime of a non-residential development depends on the characteristics of that</i></p>

Ref.	West Sussex Joint Local Authorities Response	Applicant's Response
		<p><i>development but a period of at least 75 years is likely to form a starting point for assessment”.</i></p> <p>The Applicant's response to the question on adopted airfield design life is provided in WE1.6 / Table 26.</p> <p>However as stated in paragraph 3.7.6 of the ES Appendix 11.9.6: Flood Risk Assessment [AS-078] GAL considers that such a design life is unrealistic given the characteristics of the airport and specifically the changes it has undergone over the last 40 years and might be anticipated in the future, consequently the project has adopted a design life of 40 years for the airfield elements. The 40-year design life takes it beyond the furthest Project assessment horizon of 2047.</p> <p>As stated in the ES Appendix 11.9.6: Flood Risk Assessment [AS-078] the Project complies with the current climate change guidance published by the Environment Agency. While a 40-year design life has been adopted for the airfield, the fluvial mitigation strategy has been developed holistically for the airfield and highways Project elements. Effectively it ignores the shorter design life, designing the mitigation strategy for a worst-case, what would effectively be a 100-year design life and ensuring there would be no increase in flood risk over this time</p>

Ref.	West Sussex Joint Local Authorities Response	Applicant's Response
		<p>period as a result of the Project to other parties.</p> <p>The highways surface water drainage strategy applies a +40% allowance for rainfall allowance in accordance with Environment Agency guidance for its assumed design life of 100-years.</p> <p>The airfield surface water drainage strategy has been designed with a rainfall intensity allowance for climate change of +25% complying with EA guidance in accordance with its 40-year design life. A sensitivity test of +40% has also been applied to determine the impact of a more extreme increase due to climate change. This has not identified any increase in flood risk to other parties.</p> <p>10.39 Rainfall Data</p> <p>The airfield drainage network drains to a series of ponds that then discharge to the River Mole or the Gatwick Stream as set out in Section 5.3 of the ES Appendix 11.9.6: Flood Risk Assessment [AS-078]. The discharge from these ponds are limited either by flow controls or pumping capacity neither of which will be altered by the Project. Therefore regardless of the increase in rainfall intensity due to climate change the airport infrastructure would not be able to increase the peak flow to</p>

Ref.	West Sussex Joint Local Authorities Response	Applicant's Response									
		<p>receiving watercourses. Pond A could potentially discharge to the River Mole but that would be removed by the Project due to the relocation of taxiway Juliet. This could increase the degree of flooding on the airfield (but not offsite). GAL has set out how it would respond and manage such a scenario in the Flood Resilience Statement Annex 6 of the ES Appendix 11.9.6: Flood Risk Assessment Annexes 3-6 [APP-149].</p> <p>The Applicant has undertaken a comparison of the rainfall hydrology included in the Project airfield surface water drainage modelling against the most recent hydrology: FEH22 for short (60 minute) and long (1440 minute) storm durations and 10% (1 in 10) and 1% (1 in 100) AEP events. The results are set out in the table below.</p> <table border="1" data-bbox="1205 1038 1995 1406"> <thead> <tr> <th data-bbox="1205 1038 1563 1161">Event (AEP) Winter</th> <th data-bbox="1563 1038 1771 1161">10% (1 In 10)</th> <th data-bbox="1771 1038 1995 1161">1% (1 In 100)</th> </tr> </thead> <tbody> <tr> <td data-bbox="1205 1161 1563 1284">FEH99 60 minute storm</td> <td data-bbox="1563 1161 1771 1284">13.45</td> <td data-bbox="1771 1161 1995 1284">28.19</td> </tr> <tr> <td data-bbox="1205 1284 1563 1406">FEH22 60 minute storm</td> <td data-bbox="1563 1284 1771 1406">13.93</td> <td data-bbox="1771 1284 1995 1406">23.74</td> </tr> </tbody> </table>	Event (AEP) Winter	10% (1 In 10)	1% (1 In 100)	FEH99 60 minute storm	13.45	28.19	FEH22 60 minute storm	13.93	23.74
Event (AEP) Winter	10% (1 In 10)	1% (1 In 100)									
FEH99 60 minute storm	13.45	28.19									
FEH22 60 minute storm	13.93	23.74									

Ref.	West Sussex Joint Local Authorities Response	Applicant's Response		
		Change FEH99 to 22 (mm)	0.48	-4.45
		% Change	3.5	-15.8
		Event (AEP) Summer	10% (1 In 10)	1% (1 In 100)
		FEH99 60 minute storm	22.17	46.48
		FEH22 60 minute storm	22.96	39.14
		Change FEH99 to 22 (mm)	0.78	-7.33
		% Change	3.5	-15.8
		Event (AEP) Winter	10% (1 In 10)	1% (1 In 100)

Ref.	West Sussex Joint Local Authorities Response	Applicant's Response			
		FEH99 1440 minute storm	46.25	80.28	
		FEH22 1440 minute storm	42.64	68.48	
		Change FEH99 to 22 (mm)	-3.61	-11.80	
		% Change	-7.8	-14.7	
		Event (AEP) Summer	10% (1 In 10)	1% (1 In 100)	
		FEH99 1440 minute storm	60.07	104.28	
		FEH22 1440 minute storm	55.38	88.96	
		Change FEH99 to 22 (mm)	-4.69	-15.32	

Ref.	West Sussex Joint Local Authorities Response	Applicant's Response				
		<table border="1"> <tr> <td data-bbox="1189 395 1563 475">% Change</td> <td data-bbox="1563 395 1771 475">-7.8</td> <td data-bbox="1771 395 2125 475">-14.7</td> </tr> </table>	% Change	-7.8	-14.7	<p>The comparison indicates that for a short duration storm event the latest hydrology produces slightly higher rainfall depths for the 10% (1 in 10) event but lower for the 1% (1 in 100) event compared to that include in the model that has informed the ES assessment, for which the attenuation storage mitigation has been sized.</p> <p>The comparison also indicates that the hydrology adopted by the Project produced greater depths of rainfall for a longer duration (1400 minute) event, again this is more critical than a shorter duration event that produces less volume of runoff when considering the volume of storage required by the Project.</p> <p>As a result the hydrology adopted for the assessment of impact and design of the surface water drainage mitigations is considered to be conservative, effectively over-sizing the volume of storage required, which would be refined during the detailed design phase after the DCO. The detailed design would adopt the appropriate hydrology at that point and which has been specified in the Design Principle DDP1 of DAS Appendix 1 (Doc Ref. 7.3).</p>
% Change	-7.8	-14.7				

Ref.	West Sussex Joint Local Authorities Response	Applicant's Response
		<p>The increase in rainfall depth with the latest hydrology is not considered significant because it is only for a 10% (1 in 10) AEP event with comparatively modest volumes. The increase in intensity could result in an increase in surface ponding on the airfield but as explained above this would be safely managed by GAL and would not result in an increase in discharge to receiving watercourses and consequently would not increase flood risk to other parties.</p> <p>The highways drainage design has adopted FSR rainfall hydrology to inform the preliminary design. The design of the attenuation storage features are oversized to mitigate the risk that higher volume of storage is required based on the hydrology adopted for their detailed design. It is not anticipated that these volumes would increase significantly and there would be sufficient space within the DCO boundary to accommodate an increase in storage volume.</p> <p>Restriction of Post-Development Runoff Rates to QMED</p> <p>Post-development runoff rates are proposed to be limited to the 1-year greenfield runoff rates for storm events up to the 1% (1 in 100) plus climate change event where practicable. This approach follows West Sussex CC's preferred option for</p>

Ref.	West Sussex Joint Local Authorities Response	Applicant's Response
		<p>brownfield redevelopment sites (refer to WSCC LLFA policy for the management of Surface Water' clause 5.4.4). This approach addresses the long-term storage requirement. Where this is not practicable justification has been provided during technical engagement with the LLFAs and the technical report issued for comment</p> <p>Carbon</p> <p>The request to minimise the use of carbon is noted and will be considered in detailed design and in compliance with the construction commitments set out in the ES Appendix 5.4.2: Carbon Action Plan [APP-091]. It should be noted that the Museum Field FCA does not incorporate any concrete in its design.</p>
10.1B	<p>There is a generic statement within the Water Environment Chapter [APP-036] which states that the connection between the Museum Field Flood Compensation Area and the River Mole will be undertaken using soft engineering, however, this is a generic statement and the Applicant may state this issue can be taken care of at the detailed design phase. This is considered one of the most important aspects of the river engineering and the fluvial mitigation</p>	<p>The Applicant is not in a position to confirm the form of the soft engineering to be employed at this stage as this is subject to the development of the detailed design. However typical measures that could be employed if required could be: inclusion of coir matting and/or spillings. These are measures designed to be functional and sustain morphological/ecological continuity whilst protecting banks from erosion.</p>

Ref.	West Sussex Joint Local Authorities Response	Applicant's Response
	<p>strategy proposed by the Applicant because if the method of connection is not robust enough this will lead to further environmental degradation and possible migration of the watercourse. The Authorities would like to be informed, engage, and agree with the Applicant at this stage what soft engineering technique will be applied.</p>	
10.1C	<p>Attenuation Structures and Features should be considered at this stage of the design, rather than later at detailed design, to ensure that there is enough space in the layout to incorporate the required storage volume in the proposed attenuation features, without increasing flood risk to the DCO Limits and elsewhere. Considering other measures at detailed design may result in changes being required to the design to accommodate the additional space required for the SuDS above ground. The Authorities do not consider the Applicants response has not addressed this point/</p>	<p>The design developed to inform the DCO application and ES assessment does include the location and size of attenuation measures, as reported in the ES Appendix 11.9.6: Flood Risk Assessment [AS-078]. The size and position of such features has informed the position of the Project red line boundary which ensures there is sufficient space for their construction and operation. As reported in Section 7 of the FRA the Project would not increase flood risk to other parties and the increase in flood risk on the airport will be safely managed as set out in the Flood Resilience Statement in Annex 6 of the ES Appendix 11.9.6: Flood Risk Assessment Annexes 3-6 [APP-149].</p>
10.1D	<p>Although the overarching Drainage Strategies are set out in the Flood Risk Assessment Annex 3-6 [APP-149] and the Flood Risk Assessment Annex 1-2 [APP-148], the increases in impermeable area and volume of surface water per</p>	<p>The changes due to the Project to impermeable areas across the airfield by catchment are summarised in Table 5.1.2 of ES Appendix 11.9.6 FRA Annex 3, ES Appendix 11.9.6: Flood Risk Assessment Annexes 3-6 [APP-149] The changes to</p>

Ref.	West Sussex Joint Local Authorities Response	Applicant's Response
	<p>catchment have not been provided in these documents.</p> <p>The Authorities do not consider that the Applicants information has adequately addressed this point.</p>	<p>peak runoff rates and discharge volumes from the airfield are included in Section 5.2 of ES Appendix 11.9.6 FRA Annex 3.</p>
10.1E	<p>The Applicants emergency flood response set out in the ES Appendix 11.9.6: Flood Resilience Statement Annex 3-6 [APP-149] is not considered sufficient to address the concerns. Further detail regarding emergency procedures should be provided at this stage of the design as per the following:</p> <ul style="list-style-type: none"> • The National Planning Policy Framework (NPPF), paragraph 167, states that development should only be allowed in areas at risk of flooding where it can be demonstrated that (d) any residual risk can be safely managed. The PPG, in Paragraph 002, Reference ID 7-002-20220825, clarifies that the design flood for surface water is the 1 in 100 year plus the appropriate allowance for climate change. Paragraph 003, Reference ID: 7-003-20220825, also clarifies that when assessing flood risk, development must be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 004, Reference 	<p>The consequences of asset failure including emergency response would be considered as part of the development of the detailed design for the pumping station following the DCO.</p> <p>The pumping station will have its own operation and maintenance manual that would set out emergency response procedures and/or direct the response to existing documents such as those referred to in the Flood Resilience Statement. This would include consideration of prolonged outage, although given the pumping station would contribute to the drainage of the western end of the runways it is considered unlikely it would be inoperable for 24 hours. GAL already operates a number of pumping stations and is very familiar with their maintenance and emergency response should they fail.</p> <p>GAL's pumping stations are continually monitored (24/7) through its SCADA system by its Engineering Operations Managers. There is also the engineering team located on site to respond to faults. Response time for this location would be</p>

Ref.	West Sussex Joint Local Authorities Response	Applicant's Response
	<p>ID 7-004-20220825 continues and includes the requirement for the residual risk to be managed following the avoid, control and mitigate stages. Paragraph 005, Reference ID 7-005-20220825, further states that site-specific flood risk assessments should consider the consequences of flood risk management infrastructure failing or its design standard being exceeded.</p> <ul style="list-style-type: none"> • Therefore, as the Applicant is proposing a new pumping station as part of the surface water drainage network, they must mitigate the residual risk of failure whilst still ensuring flood risk is not increased elsewhere for the 1 in 100 year event plus climate change, for the critical duration events. If failure occurs, it must be ensured that water does not flow uncontrolled off site as this would increase flood risk elsewhere. • There is a requirement for considering 24 hours of pump failure, as during such rainfall events there is a high likelihood that there will also be electricity failure. In these events, standby pumps which would usually activate may also lose power. The Office of Gas and Electricity Markets (OFGEM) have guaranteed standards, and under 	<p>within the hour subject to prevailing priorities.</p> <p>The pumping station has been designed for a 1% (1 in 100) AEP event plus the appropriate allowance for climate change of +25%. The pumping station (along with the surface water drainage system as a whole) has been tested with a 1% (1 in 100) +40% storm event as a sensitivity test beyond its design standard to determine the consequences of more extreme impacts due to climate change. The flood mapping that would result is reported in FRA Figures 5.3.3 and 5.3.4 [APP-147]. These indicate that surface water flow paths would not leave the airport.</p>

Ref.	West Sussex Joint Local Authorities Response	Applicant's Response
	<p>Regulation 7 for severe weather conditions, distribution companies have 24 hours to restore electricity supply before they have to compensate for the loss of power (however this time does not start if the failure is due to flooding of their system if they are unable to access the equipment and therefore could be longer).</p> <ul style="list-style-type: none"> • As such, to ensure the residual risk of flooding is appropriately managed in accordance with NPPF and PPG, it has to be demonstrated that a failure of 24 hours does not increase flood risk within the DCO Order Limits or elsewhere. The water must not leave the DCO Order Limits uncontrolled and unrestricted during the design storm and the site within the DCO Order Limits must still be safe and suitably mitigated. 	
10.1F	<p>Although the Applicant may have an on-site and offsite flood plan, this Project should not just be about doing the minimum as the fluvial hydraulics Maximum Scenario in accordance with Environment Agency guidance referred to by the Applicant and which the design of the mitigation strategy is based on was not tested for residual risk such that can occur from a blockage within the flood flow path.</p>	<p>As stated previously the Applicant considers that the requirement of NPPF paragraph 183 has been met through the application of a Credible Maximum Scenario (the assessment of a climate change scenario greater than required for design) plus the consideration of failure of flood defences (see section 5.8 of the FRA). The flood mitigation features included in the Project ensure that the Project would not exacerbate any existing risks.</p>

Ref.	West Sussex Joint Local Authorities Response	Applicant's Response
	<p>This scenario is even more likely considering the ever-increasing effect of climate change. The Authorities believe residual risks should be considered by the Applicant and this should influence design and mitigation strategy. Potential flood flash points and flow paths should be identified especially when there is a blockage within the system and the scenario tested and where possible use this to influence the design. Furthermore, Airports National Policy Statement (ANPS) Paragraph 5.154 identifies the need for the residual risk to be taken into consideration when flood mitigation strategies are proposed for airport infrastructure. Paragraph 173 of the NPPF states that development should be appropriately flood resistant and resilient, incorporate sustainable drainage systems and safely manage any residual risk.</p>	<p>In accordance with paragraph 173 of the NPPF the ES Appendix 11.9.6 Annex 6 Flood Resilience Statement sets out how GAL ensures the safety of passengers and staff during a flood event.</p>
10.1G	<p>The SuDS principle adopted by Applicant should state the pollution indices as a result of the extra 3 hectares of carriageway to be constructed and also show the mitigation indices each of the SuDS feature proposed will contribute in line with the SuDS manual. This should be an opportunity for the Applicant to improve on the sustainability aspect of the Highway. Crawley Borough Local Plan 2015—2030 (CBLP)</p>	<p>The simple index approach outlined in the CIRIA SuDS manual (footnote to Table 26.2) states that motorways and trunk roads should follow the guidance and risk assessment process set out in Highways Agency (2009), now referred to as DMRB LA 113.</p> <p>The HEWRAT assessment has been undertaken in line with DMRB LA 113 to assess routine runoff from highways. This is</p>

Ref.	West Sussex Joint Local Authorities Response	Applicant's Response
	<p>Policy ENV 10 states that 'Pollution Management and Land Contamination' requires developers to ensure developments do not increase environmental pollution and land contamination. Where contamination on site is known or suspected information must be provided detailing the methodology through which the risks will be addressed. The Authorities would like to see the Applicant deploy the methodology detailed within the SuDS manual.</p>	<p>an appropriate form of assessment considering the modelled traffic flows anticipated for the design year.</p> <p>The proposed controlled discharge rates are a water quality treatment itself to the receiving watercourse as the available dilution by the receiving watercourse will be greater and the risk of pollution will be reduced.</p> <p>Vegetative swales, ditches, basins and ponds have been proposed where practically possible and existing drainage are proposed to be retained including their water quality treatment e.g. Pond 8-5.</p> <p>Further enhancement opportunities will be considered after the DCO is granted (e.g. carriageway edge grassed surface water channels) in collaboration with the Landscape and Gatwick's safeguarding team. For example, vegetative plantation around the swales and ponds and other forms of treatment measures given in the CIRIA SuDS manual.</p> <p>The surface access drainage design was developed in stages and in consultation with the lead local flood authorities, which includes West Sussex County Council and Surrey County Council. The site is constrained with Gatwick Airport facilities on</p>

Ref.	West Sussex Joint Local Authorities Response	Applicant's Response
		<p>the southern side of the surface access elements of the Project, Riverside Garden Park on the northern side, commercial facilities around Longbridge and a floodplain. This presents limitations to the introduction of SuDS elements, however, SuDS have still been provided where possible.</p> <p>In the early stage of the design (concept design), there was a swale proposed near Riverside Garden Park, but this was discounted due to the presence of trees and a footway. Due to the limited space available, underground tanks/box culverts were proposed to reduce the brownfield discharge rates back to greenfield rates. However, these tanks/box culverts were discounted due to the difficulty of maintenance. The LLFAs supported the justifications for these design changes through technical engagement meetings with the LLFAs.</p>
Para 2.19	<p>The Authorities note that revisions have been made to Article 47 (disapplication of legislative provisions) in that the proposed disapplication of section 23 of the Land Drainage Act 1991 has been removed. It is stated that the Applicant only anticipates requiring one such consent and is content for the existing regime for ordinary watercourse consent to apply in respect of this instance. The two Lead Local Flood</p>	<p>The Applicant is scheduled to meet with SCC to discuss the need for Ordinary Watercourse consents on the 7 June 2024 and will update the examination following this meeting.</p>

Ref.	West Sussex Joint Local Authorities Response	Applicant's Response
	<p>Authorities for the Project had expressed concern at this disapplication in relation to Ordinary Watercourse consent and had requested Protective Provisions as a result. Responding to this request it is stated that “the Applicant will review the need for the inclusion of this drafting but considers it unlikely to be necessary in light of the revision to article 47 in the draft Development Consent Order”.</p>	
2.20	<p>The Authorities welcome the removal of disapplication of Section 23 but do not consider that the matter is as yet satisfactorily addressed. The Applicant states that only one component of the Project will require Ordinary Watercourse Consent (the extension to the culvert to the east of Balcombe Rd on the Haroldslea Stream), however the LLFAs calculate that considerably more elements will require OWC. The LLFAs have suggested that a meeting is held with the Applicant and their consultants to understand these differences and to progress. There may yet still remain a need for Protective Provisions for drainage authorities.</p>	<p>The Applicant is scheduled to meet with SCC to discuss the need for Ordinary Watercourse consents on the 7 June 2024 and will update the examination following this meeting.</p>

Air Quality

3.17.1 Due to the volume of air quality input required for the Applicant’s submission at Deadline 5, it has deferred providing a response to the substantive air quality points raised by those IPs until Deadline 6.

Noise and Vibration

Table 44: Applicant’s Response to West Sussex Joint Local Authorities Local Impact Reports on Noise and Vibration

Ref	West Sussex Authorities Response	Applicant’s Response
2.67	As the ExA is aware, the noise envelope remains a significant area of concern and remains a key obstacle that must be addressed, including related management systems which govern and control the noise envelope. As achieving compliance with the noise envelope is dependent on operational activities, the reach of the management system must include operational systems, the two are interconnected. The WSAs must be assured that the Applicant’s approach is compliant, and we consider that such systems should be defined well in advance to provide assurance that the noise envelope will work, be effective and the controls enforceable. This does not appear to be the intent of the Applicant who favours the determination of such things, ‘after the act’ and consider it to be acceptable to refine issues after the DCO is granted and during implementation. The WSAs consider this to be	<p>The Applicant has produced ES Appendix 14.9.7: The Noise Envelope [APP-177] which lays the procedures to be followed to administer the proposed Noise Envelope. The Applicant acknowledges there is a lack of guidance or precedent in this area, it has consulted through the Noise Envelope Group on the details of the Noise Envelope so that these are laid out clearly at this stage. Section 5 describes the noise metrics to be reported. Section 6 describe the noise limits that will apply. Section 7 describes how compliance will be monitored including the annual monitoring and forecasting reports, action plans and additional cheques on input data to be published to interested parties. Section 8 lays out the details all procedures to be followed for future reviews off the envelope limits.</p> <p>The Applicant remains open to suggestions to improve these</p>

Ref	West Sussex Authorities Response	Applicant's Response
	too late in the process and will include inherent avoidable risks and potentially impacts.	processes. For example, it has been agreed to begin the process in the year before opening so as to demonstrate it is working smoothly.
2.72	The Applicant remains committed to their position that local authorities will have no role in decision making and approval processes (including formal approvals) on noise matters. The local authorities have an important role in advocating and decision making on behalf of all the community. The airport is seeking to exclude this representation and this is not considered acceptable.	The Applicant believes the CAA is best placed and qualified to independently review the noise envelope monitoring and review reports, but is also committed to sharing the information with the local authorities by publishing the annual reports, and considering any comments that are provided so as to improve the process as it progresses.
2.73	The information provided by the applicant in relation to ground noise has not assured the West Sussex local authorities that they are adopting appropriate practice and complying with local and national policy for mitigation.	The Applicant acknowledges that guidance and methodologies for ground noise assessment are not well defined, unlike for air noise. The Applicant has carried out a detailed and thorough ground noise modelling exercise and aimed to keep the local authorities informed through the topic working group.
2.75	The use of Route 9 (Wizad) is still a significant concern. It remains unclear how the use of this route will change and what effects will occur across Horsham District and potentially the AONB within Mid Sussex District Council	The Applicant acknowledges the concern for the future use the existing WIZAD Standard Instrument Departure route. However, projected future use of this route will increase

Ref	West Sussex Authorities Response	Applicant's Response
	<p>area. The overflight data has still not been presented for all assessment years and it is expected that revised forecasting will also impact this. The growth in air traffic appears dependent on this and yet it results in a marked increase in air traffic on a specific community who will, in essence, be newly exposed.</p>	<p>flights in the absence of the northern Runway Project.</p> <p>The Applicant has provided detailed information on the additional flights that the Northern Runway Project is predicted to add to this route, and provided noise information to show the noise increase not be significant.</p>

Traffic and Transport

Table 45: Applicant's Response to West Sussex Joint Local Authorities Local Impact Reports on Traffic and Transport

Ref	West Sussex Authorities' Response	Applicant's Response
	<p>Paragraph 3.6 – The Highway Authority previously requested further transport modelling information to enable them to fully appraise the forecast traffic impact of the project. This was set out in West Sussex LIR [REP1-068] and in the authorities comments on submissions received at Deadline1 [REP2-042]. The Applicant has now responded to these requests and the Highway Authority has the following comments to make on their response.</p>	<p>In relation to point 1, this is noted. In relation to point 2, the Applicant is working through the information with National Highways and will share when this information is finalised, which is expected to be before Deadline 6.</p>

Ref	West Sussex Authorities' Response	Applicant's Response
	<ul style="list-style-type: none"> • In relation to the request for the VISSIM model validation report the Applicant has confirmed that no updates or changes have been made to the model that was previously shared with the Highway Authority in November 2022. This is noted and if no updates have been made the Highway Authority has no further comments in this regard at this time. • With regards further information in relation to queue lengths, the Applicant has stated that they are working through queries with queue lengths with National Highways and additional material to support the understanding of queueing behaviour is being prepared. The Applicant has agreed to share this with WSCC when it becomes available. WSCC as Highway Authority will review and comment upon this information once it is shared. 	
	<ul style="list-style-type: none"> • As previously requested, the Highway Authority asked whether a LINSIG model had been developed for the signalised junction at North Terminal. The Applicant has responded and stated that a standalone LINSIG model is not required because it is fully part of the VISSIM model 	<p>This was discussed at a meeting with the Highway Authority and the Applicant on 10th May and the requested model is being developed and will be shared with the Highway Authority when available.</p>

Ref	West Sussex Authorities' Response	Applicant's Response
	<p>area. Whilst the Applicant's response is noted and understood the Highway Authority remain of the view that a LINSIG model would provide metrics, such as Practical Reserve Capacity (PRC) or Degree of Saturation (DoS), which would better quantify junction performance and capacity and therefore provide a better understanding of the likely impacts of the project on this part of the network.</p>	
	<p>Paragraph 3.7 – The Highway Authorities have asked for further information from the Applicant about the potential for Strategic Road Network (SRN) traffic displacing onto the local road network, due to capacity issues on the SRN, and suggested a Select Link Analysis could be undertaken. The Applicant has stated that they will work with West Sussex on providing further information around this point. The Highway Authority will positively engage with the Applicant and respond to further information as and when it is made available.</p>	<p>Further engagement has taken place between the Applicant and WSCC, with a meeting held on 10th May 2024, and the relevant information shared with the authority.</p>
11.1A	<p>The level of detail for Museum Field is still not considered to be adequate. Please see further detailed set out in in the Deadline 4 Legal Partnership Submission in response</p>	<p>The Applicant understands the JLAs requests in this area and is considering options to increase accessibility in this area. The Applicant is reaching out to</p>

Ref	West Sussex Authorities' Response	Applicant's Response
	to the Applicants D3 submission question LU1.13.	representatives of the JLAs to discuss these options and work together to agree a solution with a view to providing an update to the ExA at Deadline 6.
11.1B	<p>Pentagon Field - the Applicant suggests soil deposition may impact PRow access. If this is the reason for a temporary closure being required, the Authorities would expect the Applicant to find an alternative location and retain safe convenient public access along the legal line of the Footpaths.</p>	<p>It is proposed that the existing route of the Public Right of Way to the north and west of Pentagon Field would remain open for users during the placement of spoil within this area. The maintenance of this access would require the implementation of a supervised crossing, where priority would be provided to members of the public using the public right of way. Further detail on this arrangement is contained in Appendix F (Doc Ref. 10.38) of this document.</p> <p>The Public Rights of Way Management Strategy [REP2-009] 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). It includes reference to footpaths within the Project where management measures may be required, including Footpath 359Sy.</p> <p>Detailed PRow implementation plans for individual PRow would be approved prior to the development or</p>

Ref	West Sussex Authorities' Response	Applicant's Response
		<p>any new or diverted PRow and would include a plan to implement the measures for Footpath 359Sy. Detailed PRow implementation plans must be in substantial accordance with the PRow Management Strategy for the Project and subject to approval by the relevant highway authority in line with Requirement 22 of the Draft DCO (Doc Ref. 2.1).</p>
11.1D	<p>The Authorities maintain the position that the Applicant has not gone far enough in their PRow enhancements. The enhancements are focussed on Highway improvements meaning users have to be in very close proximity to fast busy roads. There is plenty of scope for PRow enhancements to upgrade existing footpaths to create off road active travel options to users so the interaction with vehicular traffic is minimised. An example of this would be the upgrade of the Sussex Border Path within the DCO Limits to a Bridleway along with upgrades of footpaths to the east of the terminals, also within the DCO Limits.</p>	<p>The proposed network of new and improved cycle track provisions and footway improvements proposed as part of the surface access works, illustrated in the Rights of Way and Access Plans, provide a range of connectivity and safety benefits for active travel users as set out in Appendix A of the Applicant's Response to Actions from Issue Specific Hearing 4: Surface Transport [REP1-065]. This includes connectivity to / from off road locations such as Riverside Garden Park (e.g. via the new ramp into Riverside Garden Park southeast of the A23 London Road bridge over the River Mole) along with proposals to reduce speed limits on roads where active travel user volume increases are anticipated as part of mitigations to increase the safety of these routes.</p>

Ref	West Sussex Authorities' Response	Applicant's Response
		<p>The scheme also includes proposals to improve a number of existing PROW crossings with safety and accessibility benefits for users:</p> <ul style="list-style-type: none"> ▪ A new signal controlled crossing with dropped kerbs is to be introduced across Longbridge Way just west of North Terminal Roundabout to replace the existing informal crossing point utilised by Sussex Border Path (Footpath 346/2Sy), with expected safety benefits for users. ▪ Existing uncontrolled pedestrian crossings of the Northway/North Terminal Approach links to North Terminal Roundabout (at similar locations to the Sussex Border Path (Footpath 346/2Sy) crossings of these arms) are to be upgraded to full toucan crossings with full dropped kerb provision, with anticipated safety benefits for users. ▪ The existing Footpath 367 Sy which runs parallel to the southern side of Gatwick Spur and connects to Balcombe Road would be diverted locally to the south where the existing alignment clashes with the proposed Gatwick Spur Westbound Diverge

Ref	West Sussex Authorities' Response	Applicant's Response
		<p>and associated drainage infrastructure provision. The replacement path provision would include improved visibility to/from the crossing of Balcombe Road as a result of the increased set back of the Balcombe Road underbridge abutment, which currently limits visibility, from the edge of the carriageway.</p> <p>The scheme also includes proposals to provide replacement open recreational space in place of the existing Car Park B (North and South). The Car Park B sketch landscape concept is illustrated in Figure 1.2.2 appended to Outline Landscape and Ecology Management Plan - Part 1. These proposals include new surfaced paths for pedestrians that run north/south parallel to the rail line and Footpath 355a, providing an attractive alternative route for users travelling between the Crescent road and South Terminal.</p> <p>New recreational links have been introduced to Riverside Garden Park from Longbridge Roundabout and the replacement open recreational space in place of the existing Car Park B to provide better access for</p>

Ref	West Sussex Authorities' Response	Applicant's Response
		<p>leisure/recreation to Riverside Garden Park and associated footpath network off road. Footpath 346_2sy is also to be improved for the length which is to be diverted to the south western side of the A23 London Road.</p> <p>Furthermore, the Sustainable Transport Fund contributions will be secured in the draft S106 Agreement [REP2-004] to support the increased use of sustainable modes of travel services.</p>
17.1C	<p>The Highway Authority previously requested that the Applicant commit to funding a Highway Structural Maintenance Contribution which contributes to the costs of maintaining, in a good state of repair, the local road network during the construction period, to mitigate the impact and damage to the carriageway due to increases in construction traffic associated with the Project. The Applicant has stated that they do not consider that a contribution is appropriate but that it could be covered by the Transport Mitigation Fund (TMF), which is secured through the draft Section 106 agreement [REP2-004] and would be available to mitigate the unforeseen impacts of</p>	<p>The Applicant maintains that no such contribution is justified in the circumstances for the reasons previously submitted (as set out in The Applicant's Response to the Local Impact Reports [REP3-078]) however, the Applicant remains in discussions with the Highway Authority on this point and others in the context of the section 106 agreement.</p>

Ref	West Sussex Authorities' Response	Applicant's Response
	<p>the Project. However, as currently drafted the TMF is only required to be set up on commencement of dual runway operations and therefore substantial construction and potential damage to the highway could have occurred prior to the fund being available for use. Therefore, the Highway Authority remain of the view that a Highway Structural Maintenance Contribution is required to cover the additional damage to the highway asset that could occur as a direct result of the Project and that such a request accords with Regulation 122 of the Community Infrastructure Levy Regulations. The precedent for such payments has been set in other DCOs, including the Sizewell C DCO. The Highway Authority will continue to engage with the Applicant with a view to agreeing the inclusion of an appropriately worded obligation in the S106 agreement.</p>	
17.1G	<p>The Applicant's response to the request to produce an outline Airport Surface Access Strategy (ASAS) as part of the DCO is noted and acknowledged. Whilst not disputing what the Applicant has stated, the Highway Authority remain of the view that it would be beneficial, and that there would be value, in producing an outline ASAS that</p>	<p>The Applicant's position on producing an ASAS remains unchanged from the response provided in The Applicant's Response to the Local Impact Reports [REP3-078]. Paragraphs 2.1.6 to 2.1.9 of the Surface Access Commitments (SAC) [REP3-028] sets out the relationship between the SAC and the ASAS. The SAC</p>

Ref	West Sussex Authorities' Response	Applicant's Response
	<p>clearly sets out what the future ASAS would include, including relevant mitigation in order to deliver the mode share targets in the Surface Access Commitments (SACs) [APP-090]. In relation bus operator engagement, with regards services and bus priority measures, the Applicant states that there are commitments in relation to bus and coach travel as set out within the SACs [APP-090]. This is not disputed, the reason for further engagement was to provide comfort that these additional bus services can be delivered by the relevant operators. Currently, no bus priority measures are proposed as part of the highway works and the Applicant's response to the LIR or assessment, in the latest version of the Transport Assessment (REP3- 058) does not appear to consider the journey time implications of the attractiveness of bus travel to and from the airport. The Highway Authority would therefore encourage the Applicant to consider the need for bus priority measures to assist with journey time reliability of services to and from the airport.</p>	<p>sets out the committed improvements to meet the committed mode shares.</p> <p>In terms of bus priority measures, this is covered in row 2.20.4.4 of the Statement of Common Ground with Crawley Borough Council, and an updated position is being provided at Deadline 5.</p>
17.1K	<p>The Highway Authority note the Applicant's response to the request for additional mitigation for active and sustainable travel provision to ensure sustainable</p>	<p>This position is noted; however, no further mitigation is considered to be required by the Applicant beyond that already committed to as part of the Application, primarily</p>

Ref	West Sussex Authorities' Response	Applicant's Response
	<p>transport is maximised as far as is possible, in line with the Airports NPS. The Crawley LCWIP has identified various routes between local areas and Gatwick Airport which could provide high quality connections to help meet the target modal splits set out within the Surface Access Commitments (APP-090). The Highway Authority remain of the view that additional mitigation, identified within the LCWIP should be provided.</p>	<p>through the SACs.</p> <p>The scope and nature of the proposed physical improvements to active travel provisions as part of the revised highways design have been developed with due consideration of schemes identified by Local Authorities in their respective Local Cycling and Walking Infrastructure Plans (LCWIPs). The Project seeks to complement these proposals as well as take account of key safety considerations at each location.</p> <p>In the Crawley LCWIP 2021 there are two cycling routes identified that connect to/from Gatwick:</p> <ul style="list-style-type: none"> - Route A: Gatwick Airport to town centre via NCR21, Manor Royal and Northgate. On this route Gatwick is investigating the delivery of improvements to NCR 21 at the southern end of Route Q / northern end of Route A to be delivered either as part of the Project or as a separate scheme. The envisaged improvements include improving wayfinding and the condition and alignment of NCR21 where the route passes beneath the railway station and South Terminal buildings, as recommended

Ref	West Sussex Authorities' Response	Applicant's Response
		<p>by the Crawley LCWIP. The widening of a short section of the path to the south of the railway station is also being investigated, near the crossing of Gatwick Stream, to remove a pinch point constraining active travel users (subject to acquiring rights over a parcel of Crown Land). The timeline for the delivery of these NCR21 works is to be confirmed at a later date.</p> <p>- Route Q: Gatwick Airport to Horley – connecting Gatwick Airport station to North Terminal Roundabout via Perimeter Road North and connecting the station to southern Horley via NCR21 and Riverside Garden Park. The Project improvements include provision of a shared use path and crossing upgrades between North Terminal Roundabout and the A23 London Road subway via Perimeter Road North, which is the southern leg of Route Q. For the northern leg of Route Q, the new signal controlled crossing on A23 London Road will improve connectivity for pedestrians between southern Horley and North Terminal and reduce the number of pedestrians using NCR 21 through Riverside Garden Park, offering benefits to cyclists.</p>

Ref	West Sussex Authorities' Response	Applicant's Response
17.1N	<p>The Local Authorities welcome clarification regarding the methodology as set out in the Car Parking Strategy [REP1-051]. However, as set out in the West Sussex Local Authorities Deadline 4 Submission (Section 3.2), it is considered that in omitting non-GAL operated on-airport spaces (these totalling 4,964 spaces) from its calculations, the Applicant is not taking account of all on-airport parking spaces, and is may therefore potentially be over-estimating the number of new parking spaces required.</p>	<p>The estimate of spaces not held by the airport operator but located within the airport boundary are included in the annual Gatwick Parking Survey used as the basis for modelling as part of the Transport Assessment. All of the car trips to and from these spaces are also included in the model as they have been captured in the extensive data collection supporting the model development. These car trips exist in the base transport model and are subject to growth in accordance with the forecast methodology. They are considered as airport-related trips within the trip matrices. The authorised on-airport spaces provided by others are located close to airport-operated car parks and are therefore accessed in the same way.</p>
17.1O	<p>The Applicant's response discusses some of the updated trends identified in the 2023 Staff Travel Survey, and refers back to the existing ASAS. But it is not clear if/how trends from the 2023 survey are being taken into consideration through the DCO, for example how the updated information relates to the SACs or any new ASAS that will be prepared should the Project receive</p>	<p>The 2023 staff survey results were only available after the DCO Application was submitted and therefore have not been taken into consideration in the strategic transport modelling work.</p> <p>Please see The Applicant's Response to the ExA's Written Questions (ExQ1) - Traffic and Transport [REP3-104], TT.1.30. The 2023 staff surveys show that</p>

Ref	West Sussex Authorities' Response	Applicant's Response
	consent.	<p>the airport is still in recovery post-pandemic, and the mode share results are not a suitable direct comparator to the forecast mode shares in the strategic modelling, which take into account a range of sustainable interventions in the future baseline and with Project.</p> <p>The 2023 staff survey results do not alter the Applicant's commitments to the measures and outcomes contained in the Surface Access Commitments [REP3-028]. The current ASAS Action Plan, which is discussed with the Transport Forum Steering Group uses the 2023 Staff Travel Survey to help develop measures aimed at achieving the current ASAS mode shares for 2030. Any further ASAS would take into consideration the travel patterns at the time, in keeping with the existing process.</p>
17.1P	<p>The Highway Authority concerns remain in relation to the lack of appropriate control the SACs [APP-090] currently have if the surface access modal split targets are not met. As previously set out, there is a risk that, should the modal split targets not be met, that a substantial amount of time could pass and the airport continue to grow, whilst negative environmental impacts occur, worse than</p>	<p>The authorities are referred to Appendix B: Response to the JLAs' Environmentally Managed Growth Framework Proposition (Doc Ref. 10.38), which comprises a response to their document Introduction to a proposal for Environmentally Managed Growth [REP4-050].</p>

Ref	West Sussex Authorities' Response	Applicant's Response
	assessed in the Environmental Statement Chapter 12 Traffic & Transport [APP-037]. The Highway Authority are of the view that the only way to ensure policy compliant growth at the airport occurs is via an Environmentally Managed Growth approach. Similar to that approach put forward by the Luton Airport DCO.	

Socio-Economics and Local Economy

Table 46: Applicant's Response to West Sussex Joint Local Authorities Local Impact Reports on Socio-Economics and Local Economy

Ref	West Sussex Authorities Response	Applicant's Response
Para 2.94	The Authorities have raised concerns regarding the connectivity of the airport with London and that benefits will not be captured in the West Sussex area. The Applicant's response does not alleviate these concerns. To simply state that "local tourism impacts are captured....as part of the induced and catalytic footprint of the scheme" is too vague given these benefits apply to a much wider geographical catchment area than West 20 Sussex. Therefore the Authorities have little reassurance that these	Benefits will be captured by West Sussex in the same way that it currently does. Tables A4.2 and A4.3 of ES Appendix 17.9.2: Local Economic Impact Assessment [APP-200] set out the benefits by local authority. For West Sussex as a whole (Adur, Arun, Chichester, Crawley, Horsham, Mid Sussex and Worthing) the area captures 46% of the direct jobs and 22% each of the induced and catalytic jobs. In terms of total employment and GVA West Sussex will account for around 26% of the project's benefits.

Ref	West Sussex Authorities Response	Applicant's Response
	benefits will be captured within the West Sussex area.	These are based on a continuation of West Sussex's share of current employment and GVA. With the ESBS this is likely to be increased.
Para 2.118	The Applicant has claimed significant employment will be generated during the construction phase however the authorities question the ability of local people to access these opportunities given existing labour supply constraints. The Applicant has not undertaken an assessment at the local level which the Authorities consider to be critical to determine the potential implications of the Proposed Development. In addition, the Applicant has highlighted the number of construction workers operating within different geographies but does not provide sufficient evidence on the availability of these construction workers.	Assessments have been undertaken at the functional labour market area level. This is the correct approach. Construction labour markets do not exist at the level of individual local authorities.
Para 2.119	The Applicant has said that skill shortages have existed "for a long time" which aligns with the research undertaken by Future Sussex. This research again raises the question regarding whether local people can actually access and hence benefit from the construction related employment	Industry-wide skills shortages are not a barrier to any given individual accessing employment opportunities. Gatwick's construction supply chain does and will naturally include lots of local residents. In addition, the ESBS will provide opportunities for upskilling.

Ref	West Sussex Authorities Response	Applicant's Response
	opportunities.	
Para 2.122	<p>In relation to Non-Home Based (NHB) workers, the Applicant has reiterated its view that assuming for 20% NHB workers represents a very conservative upper estimate, equating to just 270 workers at peak. The Local Authorities continue to question whether this 20% assumption is suitably precautionary, as discussed in the West Sussex Deadline 3 Submission [REP3-117]. At Paragraph 2.2.4 of that document, reference is made to NSIPs at lower Thames Crossing and Luton Airport, which assumed for 65% and 52% NHB workers respectively. Given the local labour supply constraints cited previously in the West Sussex LIR and at Paragraphs 2.5.1 to 2.5.4 above, there is risk of the Applicant needing to place a greater reliance on NHB workers than it has presently allowed for. The Local Authorities therefore retain concerns that the true scale of the NHB workforce is being underestimated.</p>	<p>The Applicant believes 20% is conservative. The regional and national averages are 5% and 6%.</p> <p>Other DCOs will have their own reasons for their choices of assessment. The Lower Thames Crossing used 65% based on Hinkley Point C (HPC). The Applicant does not believe HPC is a realistic comparator. It is a much larger construction workforce (>10,000 compared to a maximum of 1,400) in a much more remote rural environment. By way of comparison, there are only 290,000 residents within 45mins of HPC. For Gatwick that figure is 2.7m. HPC is simply not a reasonable comparator.</p>

Cumulative Effects

Table 47: Applicant's Response to West Sussex Joint Local Authorities Local Impact Reports on Cumulative Effects

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
2.96	<p>While the Applicant states in paragraph 4.17.3 that the long- and short-list was subject to consultation the Authorities would like to point out that, at the point at which the local authorities' input was sought, the criteria for selection had been committed to by the Applicant in accordance with Zones of Influence ("Zol"). The rationale for setting these Zols has not been fully justified by the Applicant to date, either during the consultation with local authorities, despite requests for transparency and clarity around how the extents of the various topic Zols were set, or during the examination. This, to some extent, has limited the ability of the Authorities to scrutinise and evaluate the basis of the long- and short-lists.</p>	<p>The approach to the assessment of cumulative effects is in accordance with PINS advice note seventeen and is set out in section 20.4 of ES Chapter 20 Cumulative Effects and Inter-Relationships [APP-045].</p> <p>In addition to the consultation with LPAs in September 2022 (this included the long list and a detailed technical note describing the way in which the search area and topic Zones of Influence (Zol) were identified and refined and a figure showing the extent of the Zols) and also in May 2023 with the updated long list, the search criteria had also previously been set out in the EIA Scoping Report of September 2019 and Chapter 19 of the Preliminary Environmental Information Report (PEIR) of September 2021.</p> <p>In the ES the approach to determining Zols per topic is set out in section 20.4, ES Chapter 20 Cumulative Effects and Inter-Relationships [APP-045].from the topic assessments in ES chapters 7 to 19.</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
2.97	<p>In addition, the rationale for selection of other development from the long-list to the short-list remains unclear, and Authorities sought clarification from the Applicant. In one instance a site was found to have been duplicated in the long-list with one iteration being included in the short-list and the other being excluded. It was not made clear how the criteria for selection resulted in this inconsistency</p>	<p>The short list was identified from the long list using the criteria set out in both the PEIR (Chapter 19) and in ES Chapter 20 Cumulative Effects and Inter-relationships [APP-045]). For the purposes of the cumulative effects assessment reported in the topic chapters 7 to 19 and summarised in Table 20.7.1 of ES Chapter 20 Cumulative Effects and Inter-relationships [APP-045], each topic has considered the developments on the short list which could result in cumulative effects for that topic (the methodology is described in section 20.4 of ES Chapter 20 Cumulative Effects and Inter-relationships [APP-045]).</p>
2.98	<p>In terms of the assessment of cumulative impacts, the Applicant states in paragraph 4.17.12 that the West of Ifield and Gatwick Green developments were not considered to be sufficiently certain to be included in core transport modelling, however the Authorities have not yet seen justification for their exclusion from the cumulative effects assessment during the construction phase. Requiring the relevant promoters and local authorities to assess, and deliver, mitigation at the time development comes forward,</p>	<p>With regard to affordable housing, and the assessment of housing and population impacts more broadly, the Applicant does not consider individual sites as the basis for its assessment of future supply, rather this is based on established local plan requirements, evidence of need, and 5-year supply within the current adopted local plans of the relevant authorities. Therefore, the Applicant does not, as the Joint Local Authorities state, rely on development schemes in unadopted local plans.</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
	<p>while simultaneously relying on the delivery of the various development schemes in unadopted Local Plans to mitigate the Project's impact on, for instance affordable housing (as stated in REP3-078 para 4.17.17) is not a robust approach to the cumulative assessment.</p>	<p>This approach is consistent with that taken by the transport modelling, and given the Land West of Ifield site is, at present, still being promoted through the local plan, which has yet to reach Examination stage. The Regulation 19 plan states that Land West of Ifield is <i>“allocated for approximately 3,000 homes, of which is it envisaged approximately 1,600 homes would be delivered during the Plan period”</i> – i.e., by 2040. As the policy proposes only part of the site would be delivered by 2040, at the earliest, the extent to which any cumulative effect would arise with the NRP is considered negligible.</p> <p>The West of Ifield and Gatwick Green developments are considered reasonably foreseeable (identified within a development plan but no planning application submitted) in the context of TAG Uncertainty Log criteria in developing the transport models for the assessment (See Section 9 of Transport Assessment Annex B: Strategic Transport Modelling Report [APP-260]). As such, TAG states that these should be excluded from the core scenario but</p> <p>may form part of the alternative scenarios. Local stakeholders have indicated that they wish to understand the potential cumulative traffic and transport impacts related to</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
		<p>these specific developments in the area around the Airport and therefore separate assessments have been undertaken, as set out in paragraph 12.11.7 of ES Chapter 12: Traffic and Transport [REP3-016]. The construction scenario has been developed based on the core transport modelling only, i.e. assuming those developments which are near certain or more than likely.</p>
2.99	<p>The Authorities have responded at Deadline 4 to the Applicant's answer to ExQ1 [REP3-088] in relation to the short-list sites. In this response they have provided comment against each of the sites listed in the West Sussex LIR which the Authorities consider will interact with the Project after considering the Applicant's justification for excluding the development from the cumulative effects assessment. This has not been duplicated in this document, but the ExA may find this useful to read in conjunction with the comments here.</p>	<p>The Applicant response to this table is at ExA 1 CE.1.2 above.</p>

Health and Wellbeing

- 3.17.2 The Applicant's position that **ES Chapter 18: Health and Wellbeing** [[APP-043](#)] is a full Health Impact Assessment (HIA) is set out in **the Applicant's Response to Actions from Issue Specific Hearing 3: Socio-economics** [[REP1-064](#)] (Action Point 6) and which also referred to **The Applicant's Response to the Local Impact Reports** [[REP3-078](#)] (Table 4.12).
- 3.17.3 The following points are made by West Sussex Joint Local Authorities Deadline 4 Submission - Comments on any further information / submissions received by Deadline 3 [[REP4-042](#)], paragraphs 2.100 to 2.104:
- Firstly, "the EIA produced has not met the HIA requirements as the Applicant states is required under the IEMA 2022 Scoping Guidance Paragraph 1.12 to the level of detail that gives clear understanding of the health impacts and impacts on Health equality / inequalities of the construction and operational phases."
 - Secondly, a HIA is requested "that seeks to robustly assess the potential effects, including physical and mental, on the health of the population and the distribution of those effects within the population and that this was for the population of West Sussex."
 - Thirdly, it is suggested that the UKHSA response [[RR-4687](#)] "*is for air quality and noise only and not wider health impacts of West Sussex residents making use of local intelligence and robustly engages with local communities, including vulnerable populations*".
 - Fourthly, "assessment of noise in recreational areas requires further understanding, ideally through engagement with communities to understand local views and concerns".
 - Fifthly, it is stated that quantifiable data of increased footfall affecting the increase in A&E attendances, "does not take into account the effects of that increase A&E attendance on subsequent treatment and bed days in the NHS Secondary Care System".

- 3.17.4 On the first point. The IEMA 2022 Scoping Guidance Paragraph 1.12 states: “*The relationship with standalone Health Impact Assessments (HIA) is clarified. Where an EIA is undertaken and there is also a requirement for HIA, projects should normally meet the HIA requirement through the EIA Report health chapter.*” The West Sussex Authorities indicate the level of detail of **ES Chapter 18: Health and Wellbeing** [APP-043] is not sufficient. Deadline 1 Submission 10.9.4, **the Applicant’s Response to Actions from Issue Specific Hearing 3: Socio-economics** [REP1-064] Action Point 6, Table 1: Government guidance on HIA in spatial planning quality considerations (pdf pages 11 to 20) signposts to the data and analysis that has been provided to understand implications for the local population’s physical and mental health. The data and analysis provide detail at the relevant geographic scales and areas to understand the population health effects of the Project, including for the relevant West Sussex populations affected. The study areas are set out in **ES Chapter 18: Health and Wellbeing** [APP-043] paragraphs 18.4.8 to 18.4.14 and include ward level effects close to the airport as well as wider area local authority effects. **ES Chapter 18: Health and Wellbeing** [APP-043] section 18.8 includes specific consideration of health inequalities through discussion of effects to vulnerable population groups relative to the general public. **ES Chapter 18: Health and Wellbeing** [APP-043] Table 18.7.1: Mitigation and Enhancement Measures sets out specific measures to address health equity. **ES Chapter 18: Health and Wellbeing** [APP-043] has been authored by leading experts in both standalone HIA and HIA integrated within EIA. It is the considered opinion of the authors that **ES Chapter 18: Health and Wellbeing** [APP-043] is a full and comprehensive HIA, and furthermore that the level of detail exceeds by some margin that which is typically provided within a standalone HIA.
- 3.17.5 On the second point. **ES Chapter 18: Health and Wellbeing** [APP-043] section 18.8 assesses the potential effects of the Project on population health. **ES Chapter 18: Health and Wellbeing** [APP-043] paragraph 18.1.3 confirms that “*parity is given to considering both physical and mental health outcomes*”. Both physical and mental health are discussed throughout the health assessment, indeed there are 96 mentions of mental health within **ES Chapter 18: Health and Wellbeing** [APP-043]. The distribution of the effects within the population (a reference to the 1999 Gothenburg Consensus paper on the definition of HIA) is set out throughout the **ES Chapter 18: Health and Wellbeing** [APP-043] through the consideration of health outcomes for vulnerable population groups. As noted in the

IEMA 2022 Scoping Guidance paragraph 7.8 the population health approach includes considering the health outcomes of a group, including the distribution of such outcomes within the group. The West Sussex population is appropriately covered by the **ES Chapter 18: Health and Wellbeing [APP-043]** assessment study areas and population groups. Providing a series of separate standalone assessments for each local authority area would not be proportionate approach to assessment. It would result in high degrees of duplication. **ES Chapter 18: Health and Wellbeing [APP-043]** has carefully considered the effects to West Sussex populations and there is no reason to suggest a different conclusion would be reached through a standalone presentation of the assessment. Indeed, there are not fixed methodologies for standalone HIA as noted in the International Association for Impact Assessment (IAIA) HIA International Best Practice Principles 2021¹⁰. As this widely cited publication states “*HIA is a combination of procedures, methods, and tools and, thus, a large diversity of applied methods and tools exist.*” It is therefore incorrect to suggest that a standalone HIA would inherently have specific alternative or more rigorous methods. Indeed, the most prescriptive and detailed HIA methods described in UK guidance are those that have been applied to the **ES Chapter 18: Health and Wellbeing [APP-043]** assessment, i.e. the IEMA Guide Determining Significance for Human Health in Environmental Impact Assessment.

- 3.17.6 On the third point. **UKHSA response [RR-4687]** states “*The UK Health Security Agency (UKHSA) welcomes the opportunity to comment on your proposals at this stage of the project. Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided is sent on behalf of both UKHSA and OHID.*” UKHSA and OHID were previously collectively Public Health England. OHID has responsibility for ‘wider health impacts’ including relating to health inequalities, physical activity and the health of vulnerable groups. The statement in **[RR-4687]** 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*” is clearly a reference to the combined views of both the UKHSA and OHID.

¹⁰ https://www.iaia.org/uploads/pdf/SP5%20HIA_21_5.pdf

- 3.17.7 On the fourth point. **ES Chapter 18: Health and Wellbeing** [\[APP-043\]](#) section 18.8 ‘Health and Wellbeing Effects from Changes in Lifestyle Factors’ paragraph 18.8.317 references the links between transport noise, green spaces, social interactions and physical activity. The source-pathway-receptor model for the assessment includes “*noise generated by airport activities, notably aircraft movements*” as a source of change due to the Project that has been taken into account in relation to potential for behavioural change in levels of use of public open space, affecting physical activity and wellbeing outcome. The health assessment references **ES Chapter 14: Noise and Vibration** [\[APP-039\]](#) in relation to the effect of noise on use of active travel routes and open spaces, including **ES Appendix 14.9.4: Road Traffic Noise Modelling** [\[APP-174\]](#), which discusses road transport effects at a range of receptor locations in Riverside Garden Park. The views and concerns of local communities in relation to impacts on recreational areas have been sought through the statutory consultations. Section 49(2) of the Planning Act 2008 places a requirement on the Applicant to have regard to any relevant responses received in response to consultation on the Project proposals. **Consultation Report Annex A** [\[APP-219\]](#) explains how the Applicant has had regard to feedback from the Autumn 2021 Consultation and Annex C [\[APP-221\]](#) explains how the Applicant has had regard to feedback provided in the Summer 2022 Consultation. **ES Chapter 18: Health and Wellbeing** [\[APP-043\]](#) paragraph 18.8.313 confirms that the assessment of ‘Health and Wellbeing Effects from Changes in Lifestyle Factors’, which as noted above includes due to noise, has had regard to the Project **Consultation Report** [\[APP-218\]](#) as an evidence source. These statutory consultations are the process by which community views are sought for nationally significant infrastructure projects. It would not be proportionate for a standalone HIA to duplicate this exercise.
- 3.17.8 On the fifth point. This issue is discussed in row 2.12.3.5 of the **Statement of Common Ground between Gatwick Airport Limited and West Sussex County Council** [\[REP1-033\]](#). **ES Chapter 18: Health and Wellbeing** [\[APP-043\]](#) Section 18.8 assesses the ‘Health and Wellbeing Effects from Changes to Local Healthcare Capacity’. The analysis of ‘Medical Calls and Ambulance Attendances at the Airport’ is set out from paragraphs 18.8.530 to 18.8.538 [\[APP-043\]](#). This includes predictions of number of ambulance transfers from the Airport to hospitals in each assessment year. The analysis is considered robust and indicates the likely demand levels for A&E and secondary care from increased passenger footfall, see Chapter 18, Table 18.8.40. **ES Chapter 18: Health and Wellbeing** [\[APP-043\]](#) paragraph

18.8.543 explains that the assessment distinguishes between: demand that is identified and met through routine NHS service planning, which is funded through general taxation; and demand that is in addition to this. The great majority of the small proportion of people who fall ill whilst at the airport and are transferred to hospital would have NHS entitlements. Such use of the NHS is funded by general taxation. The assessment explains that it provides data to support the NHS with routine service planning. Understanding the number of additional people likely to be transferred from the airport to A&E services is considered sufficient for NHS routine service planning assumptions about subsequent use by a proportion of these patients of hospital beds and secondary care services. The NHS England data¹¹ from 2010 to 2024 indicates that on average 19% of A&E attendances result in an emergency hospital admission. **ES Chapter 18: Health and Wellbeing** [APP-043] is conservative as paragraph 18.8.548 notes that there is a large overlap in the catchment area of the South East Coast Ambulance Service and the Airport passenger catchment (38% of passengers, excluding transfers, originate from the South East). It is therefore likely that a sizable proportion of the medical incidents that occur at the airport, e.g. linked to existing chronic conditions, would have occurred within the ambulance service and hospital trust catchments in any case, so are not additional demand to be factored into routine service planning.

Major Accidents and Disasters – West Sussex Fire and Rescue

3.17.9 The Applicant will review the comments made and respond if necessary at Deadline 6.

Design and Sustainability

3.17.10 Please refer to the Applicant's response to the **Joint West Sussex Authorities' Deadline 4 comments** [REP4-045] on the Design Principles and the **Legal Partnership Authorities response to ExQ1 DCO.1.39** [REP3-135] in Table 13 of this document.

¹¹ <https://www.england.nhs.uk/statistics/statistical-work-areas/ae-waiting-times-and-activity/>

Table 48: Applicant's Response to West Sussex Joint Local Authorities Local Impact Reports on Design and Sustainability

Ref	Joint West Sussex Authorities Response	Applicant's Response
2.112	<p>24.1A – The inclusion within the Design Principles details of works the Applicants considers are 'excepted development' is positive addition but the Authorities still consider that all works within the Project should be subject to the same design controls and all require additional detail.</p>	<p>All development works, including those previously termed 'excepted development', are required to accord with the Design Principles under requirements 4 and 5 of the draft DCO (Doc Ref. 2.1 v7). The detailed design for all works other than highway works and 'listed works' will be subject to consultation with CBC under requirement 4(1). Listed works will be subject to detailed design approval under requirement 4(3). Highway works are subject to detailed design approval under requirements 5 and 6.</p> <p>This arrangement is considered appropriate in the context of the Applicant's existing permitted development rights, as set out in the Applicant's Written Summary of Oral Submissions from ISH2: Control Documents / DCO [REP1-057] and further detailed in its Note on Excepted Development and the Airport Development Principle [REP4-030].</p>
2.113	<p>24.1C – The level of tree loss and proposed mitigation is of concern as the surveys are still based on preliminary design and Annex 6 – Outline Arboricultural and Vegetation Method</p>	<p>Please refer to the Applicant's separate responses on the level of tree loss, proposed mitigation and survey information contained in this document, the Applicant's</p>

Ref	Joint West Sussex Authorities Response	Applicant's Response
	Statement is not referenced as a control document in Schedule 12 of the dDCO [REP3-006].	Response to Deadline 3 Submissions [REP4-031] including Appendix F [REP4-028], the Tree Survey Report and Arboricultural Impact Assessment [REP1-026 – REP1-030] and the ES Appendix 5.3.2: Outline Arboricultural and Vegetation Method Statement [REP3-022 – REP3-026].
2.114	24.1D – Lack of control over building performance (energy and water) – It is disappointing that the has not addressed this point.	<p>In response to the JLAs' request, a new Project-wide design principle (BF4) has been introduced to the Design Principles (Doc Ref. 7.3 v3) specifying that new buildings will achieve a BREEAM Excellent rating in respect of water efficiency measures. Wording from Design Principle BF2 has been removed as now superseded by the new Design Principle BF4.</p> <p>The detailed design of the Project is committed to the Design Principle under Requirements 4 and 5 of the Draft DCO (Doc Ref. 2.1 v7).</p>

Table 49: Applicant’s Response to West Sussex Joint Local Authorities Local Impact Reports on Section 8.3 of Tree Survey, Arboricultural Impact Assessment and Outline Arboricultural Method Statement

Ref	West Sussex Joint Local Authorities Response	Applicant’s Response
3.1.1	<p>Ref. Para. 2.3. The applicant has made reference to the latest Outline Arboricultural and Vegetation Method Statement, however, the Authorities have identified numerous occasions where tree loss is not clear within the preliminary tree removal and protection plans, with no other schedule to identify if tree removal is proposed or not. These scenarios have been identified within Comments on any further information/ submissions received by Deadline 2 (REP3-117), appendix C.</p>	<p>ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment [REP3-037, REP3-038, REP3-039, REP3-040, REP3-041, REP3-042] Appendix H: M23 & A23 Preliminary Tree Removal Plans and Appendix I: Airport Preliminary Tree Removal Plans when read alongside Appendix D: M23 and A23 Tree Removal Schedule and Appendix E: Airport Tree Removal Schedule show which trees are proposed for removal based on a worst case scenario.</p>
3.1.2	<p>Ref. Para. 2.4. Whilst the Authorities recognise the arboricultural impact assessment is based on preliminary design work, inclusive of construction requirements, concerns remain for numerous occasions whereby the necessity for tree removal has not been made clear. These scenarios have been identified within Comments on any further information/ submissions received by Deadline 2 (REP3-117), appendix C.</p>	<p>There are many trees currently shown for removal within the worst-case scenario that will potentially be retained at detailed design stage. The current worst-case scenario includes all trees along the A23/M23 Spur corridor that fall within the limits of construction and which are adjacent to the proposed highway works. These trees will be reassessed during the detailed design process and production of the detailed AVMSs, with the aim of retaining as many as possible. Such a requirement to consider the retention of existing trees and vegetation is</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
		<p>specified in the Project-wide landscaping Design Principles. The detailed design must be prepared in accordance with the Design Principles (Doc Ref. 7.3 v3), as secured under Requirement 4 of the draft DCO (Doc Ref. 2.1 v6).</p> <p>In addition to this, area-specific Detailed Arboricultural and Vegetation Method Statements including Detailed Vegetation Removal and Protection Plans and, where required, Detailed Tree Removal and Protection Plans must be submitted to and approved by CBC (following consultation with MVDC and RBBC as appropriate) prior to the removal of any trees or vegetation in that area. The AVMS and associated plans must be substantially in accordance with the oAVMS and associated plans.</p>
3.1.3	<p>Ref. Para. 2.5. The Authorities welcome amendments within the Outline Arboricultural and Vegetation Method Statement which now identify what the detailed documents will include. However, the method statement needs to include further detail to stipulate what working practices can or cannot occur within buffer zones of ancient woodland including any mitigating measures which are demonstrated to be</p>	<p>A revised version of ES Appendix 5.3.2: Outline Arboricultural and Vegetation Method Statement [REP3-022, REP3-023, REP3-024, REP3-025, REP3-026, REP3-027] is being prepared which confirms that no works shall be carried out within Ancient Woodlands or their buffer zones.</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
	<p>appropriate. It also needs to identify that all tree pruning works will be specified within the detailed Arboricultural and Vegetation Method Statements, which are to be approved by the relevant planning authority.</p>	<p>The LEMPS will set out the landscape management regime for existing trees. The proposals within each LEMP will be substantially in accordance with ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan [REP4-012, REP4-013, REP4-014, REP4-015, REP4-016].</p> <p>A revised version of ES Appendix 5.3.2: Outline Arboricultural and Vegetation Method Statement [REP3-022, REP3-023, REP3-024, REP3-025, REP3-026, REP3-027] will be submitted at Deadline 6 which states that Tree Works Schedules will be included in the detailed AVMS where necessary.</p>
3.1.4	<p>Ref. Para. 2.6. Whilst the Authorities welcome a new design principle recognising buffer zones for ancient woodland, the design principle L10 within Design and Access Statement Appendix 1 – Design Principles (REP3-056) lacks in any form of protection for ancient woodland through detailed design and needs revising to provide confidence for the</p>	<p>The wording of the Project-wide Design Principle (L10) makes clear that a minimum 15m buffer zone will be provided as part of the detailed designs around any areas of Ancient Woodland, measured from the boundary of the woodland. In response the Joint West Sussex authorities comments (In Section 5.3), Design Principle L10 has been expanded to provide further detail on the role of the Ancient Woodland buffer zone, building from</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
	Authorities that ancient woodland will be adequately avoided.	Natural England's Ancient Woodland guidance, and is submitted in the Design Principles (Doc Ref. 7.3 v3) at Deadline 5.

Table 38: Car Parking Strategy

Table 50: Applicant's Response to West Sussex Joint Local Authorities Local Impact Reports on Car Parking Strategy

Ref	West Sussex Authorities Response	Applicant's Response
Table 38: Car Parking Strategy	The Applicant has clarified that reference made in the Car Parking Strategy to 'on-airport' parking relates only to GAL-operated on-airport parking, with non-GAL operated passenger parking inside the airport boundary referred to in the Strategy as being 'off-airport'. Whilst the Local Authorities appreciate that such parking is not under the direct control of the Applicant, the fact remains that non-GAL operated parking situated within the airport boundary is performing a role in catering for the parking requirements associated with passengers travelling to and from the airport. There is also a clear Crawley Borough Local Plan policy distinction (Policy GAT3) between on and off-airport parking, with the provision of additional or	<p>The Applicant confirms that in the context of the Car Parking Strategy [REP1-051], "on-airport" parking spaces refers to GAL operated on-airport spaces and "off-airport" parking spaces refers to non-GAL operated parking spaces counted in the annual Gatwick Parking Survey (whether they are located within the airport boundary or not).</p> <p>The Applicant has set out its reasons for this distinction in its Response to Rule 17 Letter - Car Parking [REP4-019] and The Applicant's Response to Deadline 2 Submissions [REP3-106]; the GAL-operated on-airport spaces are the only spaces that the Applicant can control directly and therefore influence demand to meet mode share commitments and</p>

Ref	West Sussex Authorities Response	Applicant's Response
	<p>replacement airport parking only permitted within the airport boundary where it is justified by a demonstrable need in the context of a sustainable approach to surface access. The Applicant has actively supported this policy approach at Local Plan Examinations and off-airport parking appeals. As of the September 2023 Gatwick Airport Parking Survey, there were 4,694 authorised non-GAL operated passenger spaces located on-airport. This is a significant number of spaces for the Applicant to have omitted from its calculations. Whilst the Authorities note that the lapsed Hilton parking application is no longer included in the Baseline, the fact that it was previously included appears to show an inconsistency of approach, as on one hand the Applicant had included non-GAL operated parking in its Baseline, but on the other hand is not taking account of non-GAL operated on-airport parking in its calculations. The Local Authorities remain concerned therefore that the Applicant, in not taking account of the presence of existing on-airport parking spaces where these are not GAL operated, is potentially over-estimating the number of new parking spaces required.</p>	<p>contribute to sustainable travel, whereas non-GAL operated parking spaces are considered alongside other off-airport spaces which are assumed to have a fixed location, quantity and capacity which does not change within the Future Baseline or with the Proposed Development.</p> <p>For clarity, the parking capacity provided by non-GAL operated parking spaces is included in the estimate of off-airport parking as counted annually by Crawley Borough Council and is therefore included in the assessment of parking need. All of the trips to and from non-GAL operated parking spaces have been modelled as part of the Transport Assessment (as airport-related trips). The Applicant has assumed capacity of those parking spaces will remain constant.</p> <p>The Applicant therefore does not consider that there is any over-estimate of the number of new parking spaces required.</p>

The Applicant's Response to the West Sussex Joint Local Authorities

Table 51: Applicant's Response to West Sussex Joint Local Authorities

Ref	West Sussex Authorities Response	Applicant's Response
3.4.1	<p>The Highway Authority has the following comments to make in relation to paragraph 8.9 Rights of Way Access Plans, and as set out in Table 39 of the Applicants response to matters raised by the West Sussex Joint Local Authorities'.</p> <p>Paragraph 2.34 – As set out in West Sussex Local Authorities Deadline 2 submission (REP2-042) and the West Sussex LIR (REP1- 068)</p> <p>Further specific information has been requested from the Applicant to enable the Highway Authority to fully appraise the highway safety and capacity implications of the proposed highway works. These matters still remain outstanding. The Highway Authority has previously seen sight of a Stage 1 Road Safety Audit and Designers Response and comments have been issued on this. More recently a meeting was held with the Applicant on 27th February 2024 to discuss the outstanding matter of a Stage 1 Road Safety Audit. Some of the information requested at that meeting, and subsequently in the West</p>	<p>The Applicant shared the requested further design information on the 1st May as noted by WSCC. Following the highways authorities' assessment of the further specific information provided, the Applicant will continue to maintain engagement and seek to close out potential further questions relating to these outstanding matters.</p> <p>Noted that the matter in relation to Paragraph 2.35 is now considered to be closed.</p>

Ref	West Sussex Authorities Response	Applicant's Response
	<p>Sussex LIR (REP1-068), has been submitted by the Applicant on 1st May 2024. This is currently being assessed and ongoing engagement is required on this matter. A meeting with the Applicant to discuss the outstanding matters relating to transport modelling and highway proposals took place on 10th May. The Highway Authority will continue to positively engage with the Applicant to seek to address these outstanding matters.</p> <p>Paragraph 2.35 – the error on the Rights of Way and Access Plans (REP1-014), that incorrectly indicated the A23 London Road Diverge 27 to North Terminal Roundabout as a Local Highway Authority maintained asset, has now been amended in the revised drawings submitted at Deadline 3 submission (Doc Ref.4.6v3 REP3-013). This matter is now addressed.</p>	
Para 3.4.2	<p>As previously requested, the Highway Authority asked whether a LINSIG model had been developed for the signalised junction at North Terminal. The Applicant has responded and stated that a standalone LINSIG model is not required because it is fully part of the VISSIM model area. Whilst the Applicant's response is noted and</p>	<p>The Applicant will continue engagement with West Sussex County Council as highway authority and will consider producing a separate LINSIG model to assist West Sussex with this point.</p>

Ref	West Sussex Authorities Response	Applicant's Response
	<p>understood the Highway Authority remain of the view that a LINSIG model would provide metrics, such as Practical Reserve Capacity (PRC) or Degree of 27 Saturation (DoS), which would better quantify junction performance and capacity and therefore provide a better understanding of the likely impacts of the project on this part of the network.</p>	

Construction Carbon Management Strategy

- 3.17.11 The Authorities make the same welcome comments as the East Sussex Authorities – see Table 29 above.
- 3.17.12 The Authorities suggest that the actions in the Strategy need to be secured. GAL suggests that is not necessary for two reasons. First, the Strategy is simply the means of achieving the commitment in the CAP. It is the CAP to which commitment should be and is made. Secondly, GAL has committed to PAS 2080 accreditation, which ensures low carbon behaviour throughout the construction process.

Post-Covid VISSIM Sensitivity Tests 2032 and 2047

- 3.17.13 Stuart Jenkins – see section 4.2 of document. [Delete – no response required]

Equality Statement

Table 52: Applicant's Response to West Sussex Joint Local Authorities Equality Statement

Ref	West Sussex Authorities Response	Applicant's Response
Para 4.3.1	The Equality Statement provided by the Applicant refers to existing documents with the addition of table 6.1 setting out the potential for disproportionate or differential equality impacts and affected characteristics but not the effects on health. The Authorities recommend that local evidence of the impacts on the local communities of West Sussex is used as opposed to wider health data and robust engagement with the local communities and stakeholders, to include space specific demographics and population specifics in assessments of equalities and health impacts.	<p>The Equality Statement is a signposting document to assist the decision makers in discharging the Public Sector Equality Duty. It does not replace the assessment of health effects which are set out in the health equality assessment in ES Chapter 18: Health and Wellbeing [APP-043].</p> <p>Please see the Applicant's response at paragraph 3.17.4 onwards regarding the request for a Health Impact Assessment.</p>

Design and Access Statement and Design Principles

3.17.14 In response to the JLAs' comments, the Applicant has made the following updates at Deadline 5:

- Updated the **Design Principles** (Doc Ref. 7.3 v3) in response to the Joint West Sussex Authorities comments, as well as separate comments from other Interested Parties, and which is submitted at Deadline 5. The changes to the Design Principles are shown on the tracked change version of the document and also summarised below against the Joint West Sussex Authorities' comments.
- The Applicant has engaged directly with the Local Authorities on the role and process of an independent Design Advisor, following the **Applicant's response to ExQ1** [\[REP3-091\]](#), GEN.1.21 and **The Applicant's Response**

to **Deadline 3 Submissions** [\[REP4-031\]](#). An Annex to the **Design Principles** (Doc Ref. 7.3 v3) is submitted at Deadline 5 which sets out GAL’s proposed approach to design review at the post-DCO consent, detailed design stage of the Project.

3.17.15 The Applicant notes that the Joint West Sussex Authorities (para 5.2) have stated that the comments provided on the Design Principles “*are not exhaustive but pick up some key omissions from the recent version of the document*”. The Applicant would respectfully request all of the Joint West Sussex Authorities comments are provided on the Design Principles in order that the Applicant can consider such comments and revise the Design Principles accordingly. Without this, the Applicant cannot comprehensively consider and address the Authorities’ comments on the Design Principles in order to reach an agreed suite of measures, which the Applicant hopes can be achieved.

3.17.16 Table 53 below sets out the Applicant’s response to the Joint West Sussex Authorities comments on the Design Principles, contained in Section 5 of its submission.

Table 53: Response to the Joint West Sussex Authorities Comments on the Design and Access Statement, Including Appendix 1 (Design Principles)

Para	Joint West Sussex Authorities Comments	Applicant’s Response
5.3	There is still reference in the document to the exclusion of ‘excepted development’, this approach is not accepted as any Project works listed in the DCO should be subject to detailed control as part of the EIA development see response to Action Point 10 ISH2 [REP2-081].	Para 1.1.5 of the Design Principles document (Doc Ref. 7.3) has been updated reflect the relationship of the Design Principles to what was previously termed ‘excepted development’ under Requirement 4 of the Draft DCO (Doc Ref. 2.1) to ensure clarity that such development must be in accordance with the Design Principles.

Para	Joint West Sussex Authorities Comments	Applicant's Response
	<p>The tree protection surveys and other Arboricultural documents received since the Project was submitted are not listed as control documents.</p>	<p>Para 1.1.9 of the Design Principles document describing other control documents has been updated to reference the Outline Arboricultural and Vegetation Method Statement [REP3-022 to REP3-027] and other CoCP Annexes where relevant to design matters.</p>
	<p>The design principles listed are still considered vague and imprecise and do not address site character or context for the various Works. Illustrative plans and additional details should be included within this control document to demonstrate that important site characteristics can be safeguarded and to provide additional certainty that the level of development being proposed can be appropriately accommodated at the site.</p>	<p>From the outset of the Project, the outline scheme designs (secured through the Works Plans (Doc Ref. 4.5) and Parameter Plans (Doc Ref. 4.7)) and embedded mitigation have been informed by the analysis of the site and its context, including the site character. The Design Principles set out additional requirements and considerations to be taken into account in the detailed design process. The Project-Wide Design Principles require regard to be given to a site's context and potential impacts, for instance with regards to noise emissions, lighting design and landscaping character. The site-specific Design Principles provide further commentary on specific site constraints and considerations were identified as required through the ES and DAS analysis.</p> <p>In response to the Joint West Sussex Authorities, the Applicant has reviewed the Design Principles (Doc Ref.</p>

Para	Joint West Sussex Authorities Comments	Applicant's Response
		<p>7.3) to provide additional detail on the design features in the site-specific design principles, as well as further detail on the site character and context where necessary. As noted above, the Applicant would welcome further engagement and detailed feedback from the Joint West Sussex Authorities on its expectations should the wording changes not meet its expectations.</p> <p>Illustrative plans and additional details are contained throughout the five volumes of the Design and Access Statement [REP2-032 to REP2-036], which demonstrate that the works can be appropriately accommodated within the Project site. It is not necessary to repeat such illustrative material within the Design Principles (Doc Ref. 7.3).</p>
	<p>There is no reference to relevant development plan policies which the Authorities would expect this Project to comply with. These standards and requirements should inform the design principles. In respect of design policies there is no aspiration or vision within the principles for high quality design which is considered very important given the airport's gateway location for visitors to UK. There is still no reference to compliance with local sustainability targets for</p>	<p>A review of national and local planning policies and guidance has informed the development of the Design Principles, as demonstrated through Section 6 of the Design and Access Statement (Volume 5) [REP2-036].</p> <p>Notwithstanding this, it is not considered appropriate or necessary to reference local planning policies within the Design Principles (Doc Ref. 7.3) on the basis that</p>

Para	Joint West Sussex Authorities Comments	Applicant's Response
	<p>energy or water detailed in Chapter 24 of West Sussex LIR [REP1-068].</p>	<p>national policy provides the primary policy framework for the Project. Local planning policies can be important and relevant, but where any conflicts arise between national and local policies then national policy would prevail.</p> <p>It is also not a common approach in other DCO applications to reference local planning policies within the respective Design Principles and therefore the Applicant's approach is considered appropriate. For example, in the Design Principles for the London Luton Airport Expansion Project¹², the Sizewell C Project (Main Site¹³ and Associated Development Sites¹⁴) and the Lower Thames Crossing Project¹⁵ there is no reference to local policies.</p> <p>The vision and strategic objectives of the Project are set out in Section 3 of the Design and Access Statement (Volume 1) [REP2-032] and in recognition of the criteria of good design in the Airport National Policy Statement.</p>

¹² <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020001/TR020001-003026-7.09%20Design%20Principles.pdf>

¹³ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010012/EN010012-008039-SZC%20Co.%20-%20Other-%20Design%20and%20Access%20Statement%20-%20Part%201.pdf>

¹⁴ [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010012/EN010012-008055-Carly%20Vince%20-%20Other-%20Control%20Document%20-%20Associated%20Developments%20Design%20Principles%20\(clean%20version\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010012/EN010012-008055-Carly%20Vince%20-%20Other-%20Control%20Document%20-%20Associated%20Developments%20Design%20Principles%20(clean%20version).pdf)

¹⁵ https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010032/TR010032-005857-National%20Highways%20-%20Other-%207.5%20Design%20Principles_v7.0_clean.pdf

Para	Joint West Sussex Authorities Comments	Applicant's Response
		<p>To demonstrate GAL's aim to achieve good design and in response to Joint West Sussex Authorities' comments, a new Project-Wide Design Principle is proposed on design quality set out in the updated Design Principles (Doc Ref. 7.3).</p> <p>In response to the JLAs' request, a new Project-wide design principle (BF4) has been introduced to the Design Principles (Doc Ref. 7.3) specifying that new buildings will achieve a BREEAM Excellent rating in respect of water efficiency measures. Wording from Design Principle BF2 has been removed as now superseded by the new Design Principle BF4.</p>
	<p>Whilst the Authorities welcome a new design principle L10 recognising buffer zones for ancient woodland, the wording lacks in any form of protection for the woodland through detailed design measures and needs revising to provide confidence for the Authorities that ancient woodland will be adequately safeguarded.</p>	<p>Design Principle L10 relating to Ancient Woodland buffer zones in the Design Principles (Doc Ref. 7.3) has been updated to expand on the detailed design measures for the buffer zones to provide the Authorities with assurances that Ancient Woodland will be adequately safeguarded. The updated text reflects Natural England's guidance (January 2022)¹⁶ on Ancient Woodland, Ancient Trees and Veteran Trees, specifically on its buffer zone recommendations.</p>

¹⁶ <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>

Para	Joint West Sussex Authorities Comments	Applicant's Response
Built Form Design Principles		
5.4	It is noted that not all the proposed Works are listed for example, reference to the piers have been removed and there is no detail on the runway.	<p>The sub-heading 'Piers' and two corresponding Design Principles were removed at Deadline 3 as the two principles related to the terminal buildings and were duplications of DBF1 and DBF2.</p> <p>As explained in the Applicant's response to ExQ1: Development Consent and Control Documents [REP3-089] DCO.1.57, no site-specific Design Principles were included for certain works where these are not appropriate or necessary, namely no site specific principles are included for:</p> <ul style="list-style-type: none"> • Work Nos. 1 to 7 (unless required for Project specific mitigation measures) so as not to impede upon the Civil Aviation Authority's approval process under CAP 791¹⁷. • Work Nos. 8, 17, 34(a) and 34(b) as relating to the removal of existing structures and therefore Design Principles are not required for such works.

¹⁷ <https://www.caa.co.uk/publication/download/13963>

Para	Joint West Sussex Authorities Comments	Applicant's Response
		<ul style="list-style-type: none"> • Work No. 19 as relating to the construction of a pumping station which is dictated by functional design requirements. <p>Notwithstanding this, in response to the Joint West Sussex Authorities' request, the Design Principles (Doc Ref. 7.3) have been amended to include principles for Works Nos. 1 to 7 (including the repositioned northern runway). The wording of the new Design Principles for Works No. 1 to 7 has taken account of the Legal Partnership Authorities' response to ExQ1 [REP3-135], DCO.1.39. However, given the necessity of the CAP 791 process for the airport (as a UK licensed airport), a Design Principle is included to make clear that engagement with the CAA is of primary importance.</p> <p>As a result of the revisions, site-specific Design Principles are now included for all works excluding for Work Nos. 8, 17, 19, 34(a) and 34(b) for the reasons stated above. This includes works relating to what was previously termed 'excepted development'.</p>
	Principle DBF9 for Car Park X is still considered too imprecise (see further detail set out in the Joint Authorities Deadline 4 response to GAL's response to ExAQ1 HE 1.2).	Please refer to the Applicant's response against the Legal Partnership Authorities comments on GAL's response to ExQ1 HE.1.2, Applicant's Response to the

Para	Joint West Sussex Authorities Comments	Applicant's Response
	<p>There are several references to portacabin style buildings (for example DFB29 and DBF30), this form of development is typically viewed as temporary accommodation and is not considered high quality design. Other site works do not provide any suggestion of the design form of the buildings for example DFB32.</p>	<p>ExA's Written Questions: Historic Environment [REP3-095] in Section 2.10 of this document.</p> <p>The provision of a “portacabin style building (or similar)” is referenced in Design Principle DBF29 relating to the replacement Ground Maintenance Facilities (Work No. 11(d)). This style of building, which is to provide office and welfare space, reflects the function of the facilities supporting maintenance activities at the airport as explained in Section 5.2.5 of the Design and Access Statement (Volume 2) [REP2-033]. Notwithstanding this, the Design Principle states “or similar” with the detailed design of Work Nos. 11 and 12 to be consulted upon with CBC through Requirement 4 of the Draft DCO (Doc Ref. 2.1 v7).</p> <p>Design Principle DBF32 relates to the Satellite Airport Fire Service Facility. In response to the Joint West Sussex Authorities comment, a new Design Principle has been proposed providing further detail on the design and siting of the main building to be provided as part of the facility. Notwithstanding this, the detailed design of any buildings will be consulted upon with CBC in accordance with Requirement 4 of the Draft DCO (Doc Ref. 2.1 v7).</p>

Para	Joint West Sussex Authorities Comments	Applicant's Response
Drainage Design Principles		
5.5	<p>DDP1 states that 'the Surface water drainage storage attenuation features (tanks, ponds etc) will be sized to cater for the 1 in 100 (1%) Annual Exceedance Probability (AEP) storm event plus an allowance for climate change as required by Environment Agency guidance'. It is recommended that it is specified that these features are designed using the most recent Flood Estimation Handbook (FEH) rainfall data, FEH22. This is detailed in the West Sussex LIR, Chapter 10, Paragraph 10.39 [REP1-068]. The Authorities would also expect the correct climate change allowances to be identified in DDP1, reflecting the lifetime of the development.</p>	<p>Design Principle DDP1 has been updated in the Design Principles (Doc Ref. 7.3) submitted at Deadline 5 to specify the climate change allowance for airfield surface water drainage and ensure clarity that such surface water drainage storage attenuation features must be designed using the most appropriate rainfall data at the time of detailed design.</p>
	<p>DDP5 states that 'Surface water drainage systems should be developed in accordance with the ideals of sustainable development (i.e. SuDS). These should seek to mimic the natural environment and replicate the natural drainage prior to development'. This should specifically reference source control (above ground) Sustainable Drainage Systems (SuDS) features to be considered where possible. This is detailed in the West Sussex LIR, Chapter 10, Paragraph 10.42 [REP1-068].</p>	<p>Design Principle DDP5 has been updated in the Design Principles (Doc Ref. 7.3) submitted at Deadline 5 to specify that above-ground source control options should be prioritised where infiltration of runoff is not viable.</p>

Para	Joint West Sussex Authorities Comments	Applicant's Response
	<p>DDP11 states that 'a drainage network would be installed, consisting of carrier drains, filter drains, ditches and attenuation basins/ponds, along with flow control arrangements to limit discharges to watercourses'. It is recommended that the preferred discharge limit to QBAR greenfield runoff is identified here. This is detailed in the West Sussex LIR, Chapter 10, Paragraph 10.38 [REP1-068].</p>	<p>Design Principle DDP11 has been updated in the Design Principles (Doc Ref. 7.3 v3) submitted at Deadline 5 to ensure discharge limits consider relevant national and local standards.</p>
	<p>DDP15 discusses the sizing of the new pumping station. It is recommended that the requirements for sufficient failure and emergency procedures for the pumping station are also identified here. This is detailed in the West Sussex LIR, Chapter 10, Paragraph 10.47 [REP1-068].</p>	<p>Design Principle DDP15 has been updated in the Design Principles (Doc Ref. 7.3 v3) submitted at Deadline 5 to make clear the need to identify the required sufficient failure and emergency procedures for the pumping station. The response plan set out in GAL's Flood Resilience Statement (ES Appendix 11.9.6: Annex 6 Flood Resilience Statement [APP-149]) would also ensure the safety of staff and passengers in such circumstances.</p>
	<p>DDP19 states that the drainage design for the highway works will comply will the principles set out in the ES Appendix 11.9.6 Flood Risk Assessment - Annex 2 Surface Access Drainage Strategy, but this should not be limited to only water quantity, and the mitigation measures provided</p>	<p>The surface access improvements drainage strategy includes a number of SuDS measures to address the additional runoff and traffic that would result from the Project. These include oversized pipes, basins and</p>

Para	Joint West Sussex Authorities Comments	Applicant's Response
	<p>for water quality as a result of the additional three hectares of highway to be created, and pollution from the increase in traffic should be carried out in line with the provisions of the SuDs manual, and should allow authorities to identify what is the pollution indices as a result of the expansion work, and what measures will be put in place for the mitigation indices.</p>	<p>swales. The use of SuDS is included in the Design Principles DDP3 and DDP6 (Doc Ref. 7.3).</p> <p>ES Appendix 11.9.3: Water Quality – HEWRAT Assessment [APP-144] indicates no significant effects have been identified.</p> <p>The restriction on discharge rates is a water quality treatment itself to the receiving water body as the available dilution by the receiving water body will be greater and the risk of pollution will be reduced. Vegetative swales, ditch, basins and ponds have also been proposed where practically possible the retention of existing drainage would include its water quality management elements, e.g. Pond 8-5. Further enhancement opportunities will be considered at the detailed design stage (e.g. carriageway edge grassed surface water channels) in collaboration with the landscape and GAL's safeguarding team (e.g. vegetative plantation around the swales and basins/ponds and other form of measures given in DMRB and CIRIA SuDS manual).</p> <p>The surface access drainage design was developed in stages and in consultation with the lead local flood</p>

Para	Joint West Sussex Authorities Comments	Applicant's Response
		<p>authorities, which includes West Sussex County Council and Surrey County Council. The site is constrained with Gatwick Airport facilities on the southern side of the surface access elements of the scheme, Riverside Garden Park on the northern side, commercial facilities around Longbridge and a floodplain. This limits the opportunities to introduce SuDS features. However, SuDS have still been provided where possible.</p> <p>In the early stage of the design (concept design), a swale was considered near Riverside Garden (for catchment 4), but this was discounted due to the presence of trees and the footway. Due to the limited space, underground tanks/box culverts were proposed to reduce brownfield discharge rates back to greenfield rates. However, these tanks/box culverts were discounted due to the difficulty of maintenance. LLFAs supported the justifications for these design changes through technical engagement meetings with LLFAs.</p>

Works Plans

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
6.1.1	<p>The identification of the sub -works references to the amended plans is welcomed and is considered an essential amendment. It appears the site compound areas may have been added although this not expressed on the drawing key. It is noted that drawing numbers 990005 and 990008 have not been supplied within the revisions.</p>	<p>Drawings 9900005 and 990008 did not cover any works areas that required a sub-works reference so were not updated. An updated full set of all latest works plans including these will be issued at deadline 5. The construction compounds are not shown on these drawings.</p>
6.1.2	<p>The Authorities provided further detail on the Works Plans in response to the Examination Question DCO 1.39 [REP3-135] which the Applicant should carefully consider.</p>	<p>The Works Plans (Doc Ref. 4.5) and Parameter Plans (Doc Ref. 4.7) set out the extent of the required works areas in line with the design undertaken to date. The works plans as noted in 6.1.1 above have been updated to provide greater definition of location for the sub-works in areas such as the airfield. The works plans will be reviewed under the discussion on control to see if additional definition is possible.</p>

Rights of Way and Access Plans

Table 54: Applicant's Response to West Sussex Joint Local Authorities Response to Rights of Way and Access Plans

Ref	West Sussex Authorities' Response	Applicant's Response
6.2	<p>The Authorities also have the following comments regarding Sheet 1 of the revised plans:</p> <ul style="list-style-type: none"> • The legal line of FP346/2sy is still not represented correctly on Sheet 1 immediately west of the B3. The FP should be shown further south of the line represented as existing Public Right of Way. This will have implications on the alignment of the blue line representing “New Public Right of Way” and the red line representing “Public Right of Way to be Stopped Up” within the area marked B3; • At the western end of B2 clarity needs to be provided as to whether the public footpath actually does end on the area shown as Trunk Road because this needs to be the case so public access continuity is provided. At present it appears to show it ending on the bright green “new/improved footway” however there appears no clarity as to whether this is highway or not. If not highway then the necessary continuity is not provided for lawful public access and we would not accept this as Highway Authority. • Clarity is also required as to public status of blue and 	<p>The Applicant will prepare an amended draft of the Rights of Way and Access Plans [REP1-014] to reflect the latest information available on the WSCC Definitive Map in relation to FP346/2sy for discussion in the WSCC PRow Officer meeting arranged for the 11th June. Following agreement of the illustration of existing RoW alignment and how the proposed route is presented within the dDCO documentation with the WSCC PRow Officer a revised set of Rights of Way and Access Plans and associated documents will be submitted to the examination.</p>

Ref	West Sussex Authorities' Response	Applicant's Response
	<p>pink lines shown as “New/Improved Shared-use Cycle Track” and “New/Improved Segregated Cycle Track” respectively. This is the alternative option to pedestrian users due to the proposed stopping up of FP346/2sy within B2 so needs to have some sort of public status (ideally Highway status) as without it there is no public access continuity and WSCC as Highway Authority would not accept this.</p>	

Table 55: Applicant's Response to West Sussex Joint Local Authorities Response to Code of Construction Practice - Annex 6 - Outline Arboricultural and Vegetation Method Statement

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
7.1.2	<p>Trees have been identified within the above stated document whereby their removal has not been demonstrated to be required, in addition to trees or hedgerows which need to be accounted for.</p>	<p>There are many trees currently shown for removal within the worst-case scenario that will potentially be retained at detailed design stage. The current worst-case scenario includes all trees along the M23 corridor that fall within the limits of construction and which are adjacent to the proposed highway works. These trees will be reassessed during the detailed design process and production of the detailed AVMSs with the aim of retaining as many as possible, in line with the Project-</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
		<p>wide landscaping Design Principles. The detailed design must be prepared in accordance with the Design Principles (Doc Ref. 7.3 v3), as secured under Requirement 4 of the dDCO (Doc Ref. 2.1 v7).</p> <p>Area-specific Detailed Arboricultural and Vegetation Method Statements including Detailed Vegetation Removal and Protection Plans and, where required, Detailed Tree Removal and Protection Plans must be submitted to and approved by CBC (following consultation with MVDC and RBBC as appropriate) prior to the removal of any trees or vegetation in that area. The AVMS and associated plans must be substantially in accordance with the oAVMS and associated plans.</p>
7.1.3	<p>The outline method statement needs to include further detail to stipulate what working practices can and cannot occur within buffer zones of ancient woodland including any mitigating measures which are demonstrated to be appropriate. It also needs to identify that all tree pruning works will be specified within the detailed Arboricultural and Vegetation</p>	<p>There are no areas of Ancient Woodland within the Project boundary.</p> <p>Measures to protect areas of Ancient Woodland outside the Project boundary are set out in the Outline Arboricultural and Vegetation Method Statement (oAVMS) [REP3-022, REP3-023, REP3-024, REP3-025, REP3-026, REP3-027]. The oAVMS confirms that no construction works will be carried out</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
	<p>Method Statements, which are to be approved by the relevant planning authority.</p>	<p>within a 15m buffer to Ancient Woodland, with the buffer zone to be fenced off with no works undertaken within it.</p> <p>In addition to this, a Project-wide Design Principle (L10) makes clear that a minimum 15m buffer zone will be provided as part of the detailed designs around any areas of Ancient Woodland, measured from the boundary of the woodland. In response the Joint West Sussex authorities comments (in Section 5.3), Design Principle L10 has been expanded to provide further detail on the role of the Ancient Woodland buffer zone, building from Natural England's Ancient Woodland guidance, and is submitted in the Design Principles (Doc Ref. 7.3 v3) at Deadline 5.</p> <p>The LEMPs will set out the landscape management regime for existing trees. The proposals within each LEMP will be substantially in accordance with ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan [REP4-012, REP4-013, REP4-014, REP4-015,REP4-016].</p> <p>A revised version of Outline Arboricultural and Vegetation Method Statement [REP3-022, REP3-023, REP3-024, REP3-025, REP3-026, REP3-027] is being submitted at Deadline 6</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
		<p>which states that Tree Works Schedules will be included in the detailed AVMS where necessary.</p>
7.1.4	<p>This document should also reference adopted Local Plan Policy including the Borough Local Plan Tree Replacement policy (currently policy CH6 and the accompanying guidance set out the Green Infrastructure SPD (both referenced in [REP1-068]) which provides local context highly relevant the Project.</p>	<p>ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment [REP3-037, REP3-038, REP3-039, REP3-040, REP3-041, REP3-042] references Policy CH6 in both Section 7 and Appendix J.</p> <p>The Applicant has clearly identified and assessed the impacts on green infrastructure within the A23 road corridor, in accordance with the CBC Green Infrastructure SPD within the LTVIA at ES Chapter 8: Landscape, Townscape and Visual Resources [APP-033], sections 8.9. and 8.11. Impacts have been mitigated and compensated for within the Project through the provision of a well-designed highway planting scheme incorporating public footpaths and extensive areas of connected and nearby replacement open space west of Church Meadows and at Car Par B presented in ES Appendix 8.8.1: Outline Landscape Ecology Management Plan [REP4-012, REP4-013, REP4-014, REP4-015, REP4-016].</p> <p>The mitigation measures would, on balance, provide an improvement in the value and attractiveness of the area, a greater sense of place and accessibility, an increase in</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
		biodiversity and opportunities to improve the health and wellbeing of the local community.
7.1.5	The oAVMS is intended as an outline document from which the Applicant suggests further method statements will be submitted for agreement for each Works area. The Authorities are not clear how the provisions of this document and requirements for future documents will be secured through the DCO.	Version 7 of the draft DCO submitted at Deadline 5 (Doc Ref. 2.1) sets out a new separate requirement 28 that specifies when an arboricultural and vegetation method statement must be submitted for approval and that any such statement must be substantially in accordance with the Outline Arboricultural And Vegetation Method Statement [REP3-022 , REP3-023 , REP3-024 , REP3-025 , REP3-026 , REP3-027].

ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment (Parts 1 to 3)

3.17.17 Paul Ellis, Ross Carthew, Nick Betson – please see Section 7.2

Table 56: The Applicant's Response to West Sussex Joint Local Authorities response to Tree Survey Report and Arboricultural Impact Assessment (Parts 1 to 3)

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
7.2.3	By way of explanation, Policy CH6 is set out in the 2015 adopted Crawley Local Plan and is supplemented by Crawley Borough Council's Green Infrastructure Supplementary Planning Document. The	ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment [REP3-037 , REP3-038 , REP3-039 , REP3-040 , REP3-041 , REP3-042] includes an assessment of tree removals and replanting in accordance

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
	<p>policy requires trees lost as a result of development to be replaced so as to sufficiently mitigate visual impacts and biodiversity loss and the number of replacement trees required depends on the size of the trees lost. Where the level of tree planting required to comply with Policy CH6 is not feasible or desirable on site, Policy CH6 provides that a contribution will be sought in lieu on a per tree basis, with the number of replacement trees required depending on the size of the trees which are to be lost as per the tables in Policy CH6 and the Green Infrastructure SPD. The formula for calculating a contribution can be summarised as follows:</p> <p><i>The number of replacement trees required to be planted based on existing trees to be removed as part of the development (as shown on the approved Landscaping Details Plan and Tree Schedule and calculated in accordance with the table set out in Policy CH6 of the Development Plan and Green Infrastructure SPD less the number of new trees that are to be planted as part of the Development as shown</i></p>	<p>with CBC Policy CH6 at Section 7 and Appendix J. Appendix J: Tree Loss and Replanting Calculation Methodology sets out the approach to the assessment of existing and proposed trees in accordance with Policy CH6. A revised version of the document will be submitted at Deadline 6.</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
	<i>on the approved Landscaping Details Plan and Tree Schedule) multiplied by £700.</i>	
7.2.4	Having reviewed section 7 of this document, the Authorities are unclear as to how the Applicant has calculated the tree mitigation figures and if this calculation has been carried out in accordance with Policy CH6.	ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment [REP3-037 , REP3-038 , REP3-039 , REP3-040 , REP3-041 , REP3-042] includes an assessment of tree removals and replanting in accordance with CBC Policy CH6 at Section 7 and Appendix J. Appendix J: Tree Loss and Replanting Calculation Methodology sets out the approach to the assessment of existing and proposed trees in accordance with Policy CH6. A revised version of the document will be submitted at Deadline 6.
7.2.5	The Authorities would wish to see a further breakdown of the calculations for each Works area demonstrated alongside each related tree survey and checked against the relevant tree removal plan. It is noted that, in the submitted Outline and Arboricultural and Vegetation Method Statement [REP3-022 - REP3-027], the tree removal plans were not due to be supplied until deadline 4. In view of these timescales, CBC cannot see how the figures provided could have	An assessment against Policy CH6 is provided in ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment [REP3-037 , REP3-038 , REP3-039 , REP3-040 , REP3-041 , REP3-042] in Section 7 and Appendix J: Tree Loss and Replanting Calculation Methodology. Section 7 of the report provides an overview and the outcome of our tree replacement recalculations, while Appendix J of the report lays out both the approach/ methodology for addressing Policy CH6 and data tables that show calculations for each

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
	<p>been generated and presume that the size of the trees to be lost has been estimated by the Applicant.</p>	<p>tree/ group with numbered reference. A revised version of the document will be submitted at Deadline 6.</p>
7.2.6	<p>To be compliant with the policy, CBC would ordinarily expect a developer to carry out a survey and measurement of each tree that is to be removed so as to accurately calculate out how many replacement trees need to be provided for mitigation. Scrub and shrub planting is generally not regarded as suitable tree replacement as this planting does not tend to reach the height and maturity expected of tree cover. Further information will be needed from the Applicant to understand exactly what is being proposed in terms of species, mix, size of planting and spacing on the various Works sites.</p>	<p>Tree survey plans, tree quality schedules, preliminary tree removal plans and impact assessment for the Project site are included in ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment [REP3-037, REP3-038, REP3-039, REP3-040, REP3-041, REP3-042] which include an assessment of tree removals and replanting in accordance with CBC Policy CH6 at section 7. Appendix J: Tree Loss and Replanting Calculation Methodology sets out the approach to the assessment of existing and proposed trees in accordance with Policy CH6. A revised version of the document is being submitted at Deadline 6.</p> <p>Further details of project proposals cannot be provided at this stage of the design development. Tree loss is currently based upon a worst case scenario where almost all of the vegetation within the construction area is removed. Future detailed Arboricultural and Vegetation Method Statements (AVMS) will be prepared in line with the ES Appendix 5.3.2: Code of Construction Practice Annex 6 – Outline Arboricultural and Vegetation Method Statement [REP3-022, REP3-023,</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
		<p>REP3-024, REP3-025, REP3-026, REP3-027] and which will re-evaluate tree loss, seeking to retain additional trees wherever possible while providing further detail on any trees that are to be removed and why they cannot be retained.</p> <p>The AVMS (including its plans) must be submitted to and approved by CBC (following consultation with MVDC and RBBC as appropriate) prior to the removal of any trees or vegetation in that area. The AVMS and associated plans must be substantially in accordance with the oAVMS and associated plans. As such, stakeholders will be able to assess the detailed vegetation loss plans further prior to any vegetation removal occurring.</p>
7.2.7	<p>It is highly unlikely given the level of flexibility sought by the Applicant (and limited detail of the Works provided) that the precise level of tree loss can be known prior to the determination of the DCO. As such, the Authorities would expect tree mitigation to be secured via a Section 106 Agreement. This approach is standard practice for all planning applications within Crawley Borough where landscape layouts are uncertain. It allows tree retention to be factored into</p>	<p>The preliminary tree removal plans contained in Appendices A and B of the Outline Arboricultural and Vegetation Method Statement [REP3-022, REP3-023, REP3-024, REP3-025, REP3-026, REP3-027] identify which trees are proposed for removal based on a worst case scenario. As the Joint West Sussex authorities have identified, the precise level of tree loss cannot be known at this stage and therefore there is a mechanism in place to ensure that such details are confirmed post-DCO consent and through the detailed design stage. The</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
	<p>the detailed works design, with contributions only being triggered if necessary. During negotiations regarding the draft dDCO Section 106 Agreement, the Authorities have proposed wording which would secure the replacement tree contribution on this basis and are currently awaiting the Applicant's response to this request.</p>	<p>trees to be removed will be confirmed through the detailed Arboricultural and Vegetation Method Statement (AVMS) (including detailed removal and protection plans) with the aim of retaining as many as possible. The AVMS will be subject to approval and consultation in line with Requirement 28 of the Draft DCO (Doc Ref. 2.1 v7).</p> <p>As explained in the oAVMS, the trees will be re-assessed as part of the detailed design stage. Some of the trees shown on the preliminary removal plans will potentially be retained through the detailed design stage, in compliance with the principles of the oLEMP and the Design Principles (Doc Ref. 7.3 v3).</p> <p>In respect of compliance with CBC Policy CH6, this is considered in Section 7 and Appendix J of ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment (AIA) [REP3-037, REP3-038, REP3-039, REP3-040, REP3-041, REP3-042]. In particular, Appendix J (Tree Loss and Replanting Calculation Methodology) sets out the approach to the assessment of existing and proposed trees in accordance with Policy CH6. A revised version of the document will be submitted at Deadline 6.</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
		<p>On a Project-wide level, the AIA demonstrates that the Project will deliver 33,341 new trees against the 12,248 trees to be removed across the Project based on the worst-case assessment. This is considered to be a substantial amount of replanting, significantly exceeded the numbers to be removed based on the worst-case scenario which, as above, is to re-assessed during the detailed design stage to minimise tree removal where possible. The scheme accords with para 5.195 of the NNNPS (2024) in that it has maximised opportunities for tree planting and woodland creation. There is no equivalent provision within the ANPS (2018).</p> <p>As made clear in the Planning Statement and elsewhere in the DCO Application, national planning policy takes precedence. The replanting standards within CBC Policy CH6 is not reflected in national planning policy, in either the ANPS (2018) and NNNPS (2024), and therefore the request for such a provision within the s106 Agreement is not considered justified in the context of a NSIP.</p>

[ES Appendix 5.4.1: Surface Access Commitments](#)

3.17.18 The Applicant is engaging with the JLAs on the obligations in the draft Section 106 Agreement and has provided the JLAs with a revised version of the Transport Schedule to the draft Section 106. In respect of the comments relating to an Environmentally Managed Growth approach, the authorities are referred to **Appendix B: Response to the JLAs’ Environmentally Managed Growth Framework Proposition** (Doc Ref. 10.38), which comprises a response to their document Introduction to a proposal for Environmentally Managed Growth [[REP4-050](#)].

[ES Appendix 9.9.2: Biodiversity Net Gain Statement](#)

3.17.19 The Applicant will provide a response to the comments made on the Biodiversity Net Gain Statement at Deadline 6.

[Planning Statement – Appendix D – Sustainability Statement](#)

Table 57: Applicant’s Response to West Sussex Joint Local Authorities Response to Planning Statement, Appendix D, Sustainability Statement

Ref	West Sussex Joint Local Authorities Response	Applicant’s Response
7.5.1	This document omits to consider relevant local plan policies in the Mid Sussex District Plan (2018) and Horsham District Planning Framework (2015). As set out in Section 7.7 of this response these documents contain policies that are relevant to consideration of the Project.	The Sustainability Statement forms part of the Planning Statement. The Planning Statement and as such the Sustainability Statement only made reference to policies contained in the Local Development Plan documents covering those local authorities within which the Order Limits of the Project fall. This relates to CBC, RBBC, MVDC and TDC, being the Category B authorities for the purposes of Section 43 of the Planning Act 2008.

ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan

3.17.20 The Applicant will provide a response to the comments made on the Outline Landscape and Ecology Management Plan at Deadline 6.

Planning Statement – Appendix E – Local Policy Compliance Tables

3.17.21 The Applicant has reviewed CBC, HDC and MSDC’s comments on the **Local Planning Policy Compliance Tables** [REP3-055], which largely point to the content of the **Joint West Sussex Local Impact Report** [REP1-068] and which the Applicant has responded to as Deadline 3. The Applicant has no further responses to make that have not been responded to within the Local Compliance Tables themselves, **the Applicant’s Response to the Local Impact Report** [REP3-078] or in subsequent submissions responding to the Local Authorities comments, including **the Applicant’s Response 3 Deadline 3 Submissions** [REP4-031] and this report.

Operational Waste Management Strategy

Table 58: Applicant’s Response to West Sussex Joint Local Authorities Response to Operational Waste Management Strategy

Ref	West Sussex Joint Local Authorities Response	Applicant’s Response
7.11.4	Para 1.1.3 of the Operational Waste Management Strategy states that the Applicant will submit for approval, an Operational Waste Management Plan to the relevant planning authority within six months of the commencement of dual runway operations, (as set out in Requirement 25 of the dDCO (REP3-006)). The Authorities question the timing of this and suggest that approval for the operational waste management plan	The Applicant accepts that the timing for the approval of the Operational Waste Management Plan can be brought forward to be prior to the routine operation of the replacement CARE facility. Requirement 25 of the Draft DCO (Doc Ref. 2.1) has been amended accordingly and is submitted at Deadline 5.

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
	<p>should be sought prior to commencement of the opening of the replacement CARE facility. The Indicative Construction Sequencing (REP2-016) and Project Description 49 (REP1-016) set out that the replacement CARE facility will be constructed during 2024-2029.</p>	
7.11.5	<p>The Authorities are pleased to note that reference to the Waste Hierarchy has been included in the strategy. Para 2.5.3 suggests that all waste would be managed in accordance with the hierarchy, unless it can be demonstrated that an alternative option provides the best overall environmental outcome. Is the intention, in any instances that this might apply, that the Applicants submitted operational waste management plan will demonstrate this, which will require approval by the relevant authority?</p>	<p>The Operational Waste Management Plan will take into account 'Guidance on applying the Waste Hierarchy' (Defra, 2011). The guidance ranks various waste management options (based on scientific research) on how the options impact on the environment in terms of climate change, water quality and resource depletion and concludes that for most materials the waste hierarchy ranking applies. However, for food waste, research showed that anaerobic digestion is environmentally better than composting or other recovery options.</p>
7.11.7	<p>Chapter 5 of the strategy sets out the likely measures and procedures to be implemented by the airport during the operation of the Project, with detail to be provided in the Operational Waste Management Plan. Para 5.1.2 goes on to state that waste management</p>	<p>The Waste Hierarchy is the key principle of the Operational Waste Management Strategy [REP3-070] as it underpins national and local policies. The ANPS target of reusing and recycling a minimum of 50% of municipal waste has been included in the Operational Waste Management Strategy</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
	<p>methods will be in accordance with the Waste Hierarchy and other principles set out within the strategy. Other than reference to the Waste Hierarchy, and a target of a minimum of 50% for the preparation for re-use and recycling of municipal waste (para 5.4.1), there are no other key principles and policies specified within the strategy beyond the list of relevant legislation and policy documents (Chapter 2). It is not clear if the Applicant intends to address any other policies through the submission of an operational waste management plan</p>	<p>[REP3-070] as it relates to operational waste generated from an airport. The Operational Waste Management Plan will refer to other waste management policies where relevant.</p>
7.11.8	<p>An on-going review mechanism or commitment to review the approach to waste management should be considered, whereby the applicant should continually seek to make improvements to waste management, move waste up the waste hierarchy and manage waste in accordance with the proximity principal. This should link to other on-going initiatives, such as those set out in 5.5 of the waste management strategy, including the Second Decade of Change and Waste Road Map, that are supported. How these other</p>	<p>The Operational Waste Management Plan will be prepared in accordance with the Operational Waste Management Strategy [REP3-070] and agreed with West Sussex County Council. The Operational Waste Management Plan will take into account other on-going waste initiatives including the Second Decade of Change. These initiatives form part of a wider Sustainability Strategy, which has a separate reporting procedure.</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
	initiatives are to be managed and reported upon is not clear.	
7.11.9	Paragraph 5.3.3 sets out how the CARE facility will be managed to minimise risk of pests and vermin. The Authorities have, through the West Sussex LIR, noted that the Design principles for CARE facility are lacking (REP1- 068, Chapters 22 and 24). It is not clear how mitigation will be secured on matters related to the design of the CARE facility, to mitigate against impacts of operating a waste facility.	The CARE facility will be managed in accordance with an environmental permit that will include standard operating procedures such as good housekeeping to minimise the risk of pests and vermin.

Draft Section 106 Agreement – ESBS Implementation Plan

Table 59: Applicant's Response to West Sussex Joint Local Authorities Response to ESBS Implementation Plan

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
Para 7.13.2	On the 8th April the Applicant held an in-person workshop with the Joint Local Authorities to discuss the draft Implementation Plan (dIP) ahead of the Deadline 3 submission (19th April). Officers provided verbal feedback during the session and further written	The Applicant has shared more detailed versions of the draft Implementation Plan with the Joint Local Authorities as working drafts for further discussion and development. The

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
	<p>comments on 16th April. Paragraph 2.1.5 of the dIP states that this draft reflects the feedback received at the April workshops, however, it is not clear how the dIP addresses concerns raised by the Authorities. It is also noted that the dIP contains less detail than previous drafts shared with the Authorities in relation to key milestone for the delivery of the IP, KPI's and partnership working. This appears to be a retrograde step and the Authorities would like to see a more detailed dIP and supporting Delivery Plans to be submitted at Deadline 6.</p>	<p>draft submitted to the Examination was reflective of its position at that point in time.</p> <p>The Applicant is working with the JLAs to produce further, more developed drafts, including KPIs and provisions for partnership working.</p>
Para 7.13.3	<p>At 1.1.6 the dIP refers to a five-yearly review cycle. The Local Authorities question whether this represents too long a period for review, and whether it may be more beneficial to review over a shorter period (three years) OR undertake a proportionate annual review with a commitment to a new Plan every 5 years at the latest? Also, as currently worded, it is only GAL who can decide if “a major change in prevailing circumstances” has occurred – the Local Authorities</p>	<p>The five-year review periods are long-stop dates – reviews can happen more frequently. The Applicant will continue to work with the JLAs on this.</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
	suggest this wording is amended to refer to "GAL and/or the Steering Group".	
Para 7.13.4	£14m funding commitment to be used across 14 years. A full explanation should be provided as to how the figure £14 million has been calculated and also a full and robust justification as to why this figure is sufficient and proportionate.	<p>The funding commitment has been benchmarked against other major DCO applications and against the cost of delivering programmes.</p> <p>For example, Crawley Borough Council's draft Local Plan includes a formula for employment and skills contributions. The formula is:</p> <p>Number of jobs x share of Crawley jobs held by Crawley Residents (52%) x proportion of Crawley residents with no qualifications (7.6%) x the cost of supporting an individual into work (£6,500)</p> <p>For the NRP this would be:</p> $3,200 \times 0.52 \times 0.076 \times £6,500 = £822,016$ <p>The funding for employment and skills within the ESBS is likely to be significantly higher than this to reflect the wider area of which support will be delivered and the wider range of interventions.</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
Para 7.13.5	<p>How will the funds be split across the numerous local authorities involved? Paragraph 3.4 refers to the spatial areas which will be covered by the Strategy/Implementation Plan. Spread across the spatial areas and over 14 years this funding pot might be quite limited in terms of what it could deliver. Clarification on what will be delivered across which spatial areas would be helpful.</p>	<p>This is to be worked out through the Implementation Plan and with the ESBS Steering Group.</p>
Para 7.13.6	<p>Clarification over the funding breakdown across the 14-year timeframe would be helpful, previous mention of this being frontloaded.</p>	<p>This is to be worked out through the Implementation Plan and with the ESBS Steering Group. The Applicant has suggested front-loading because the opportunities in terms of construction and operational employment (and procurement) will also be front-loaded.</p>
Para 7.13.7	<p>Clarification over how the funding breakdown over the ESBS Themes (table 3.7) would be helpful. Again, the £14 million split over the 8 ESBS themes, over 14 years, might be quite limited.</p>	<p>This is to be worked out through the Implementation Plan and with the ESBS Steering Group.</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
Para 7.13.8	Clarification over what will be included/covered by the 'Administration & Evaluation' (10% maximum) as set out in Table 3.7. This cost will further 51 deplete the funds available to be directly invested in skills and business initiatives.	Operating the Fund will incur administrative costs and spending will need to be monitored and evaluated. The 10% is a maximum.
Para 7.13.9	Clarification the 'contingency' amount as set out in Table 3.7. How much will this be? What will be the trigger for the release of the contingency? (Earlier versions of the dIP shared with the Authorities indicated a contingency of £1.9m of the £14m total fund).	The level of contingency is suggested by the Applicant as a precaution to ensure that there is a degree of flexibility. This can/will be discussed further with the JLAs.
Para 7.13.10	Earlier versions of the dIP indicated that the Applicant was proposing to employ staff to support the delivery of the Implementation Plan. Is it no longer the intention of the Applicant to employ staff in this role? The Applicant should conform what resources they will be providing to support the roll out of the ESBS and details of the extent of their involvement.	The ESBS Fund will be available to be spent locally. The Applicant is also employing officers to support the delivery of ESBS projects.

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
Para 7.13.12	Further information about how the 'Activities to be delivered' (Table 3.8) relate to the overall delivery of the Project is required. This is required to ensure the right activities happen at the right times to enable maximum benefit/impact.	This will be developed through the Implementation Plan in partnership with the JLAs.
Para 7.13.13	It is noted that it is the intention to include 'headline targets/KPIs' dIP. These should link to specific interventions and to provide indicators/targets that can be monitored for the overall plan. As well as set out in the definitions the spatial areas defined as 'local' and 'regional'.	
Para 7.13.14	Paragraph 3.6.3 states 'Further details on these are set out in the thematic Delivery Plan'. The Applicant has previously shared draft delivery Plans with the Authorities. However, there is little reference to these in the dIP, no information on how these relate to the dIP or how they will be approved and secured. The dIP should also include draft DP's so that the EXA can be fully sighted on them, to determine if the ESBS, IP and Delivery Plans are fit for purpose.	<p>Draft Delivery Plans have been shared with the JLAs to provide greater understanding of how the Implementation Plan will be delivered and therefore to inform its drafting. These will be further developed as the Implementation Plan develops.</p> <p>GAL will not deliver the ESBS on its own – delivery will involve local partners and the Delivery Plans will need to reflect this. It is therefore not appropriate for them to be secured as they are not parties to the application.</p>

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
Para 7.13.16	Workshops and discussions appear to have been exclusively with Local Authority representations. Given that there is a significant focus on hard to reach groups, educational attainment and career development, there needs to be far more detail as to which external partners they will work with to deliver the overarching objectives and a mechanism for engaging with education providers at an early stage.	<p>The Applicant has held workshops with other partners as well, including from the training and education sector.</p> <p>The Applicant has asked the JLAs to suggest which external partners should be involved in the delivery of the ESBS.</p>
Para 7.13.19	Table 2.1 'Examples of initiatives' education column should include Employ Crawley, the Gatwick STEM Centre and STEM Hub. Businesses column to include Crawley Innovation Centre	The Applicant has asked the JLAs to suggest which existing initiatives should be involved in the delivery of the ESBS and will include them in the draft Implementation Plan.
Para 7.13.20	Table 2, page 2 provides examples of initiatives – it is not clear the extent to which the content of the examples provided has been discussed with local authorities.	The Applicant has asked the JLAs to suggest which existing initiatives should be involved in the delivery of the ESBS both in writing and at workshops and will continue to work with the JLAs to agree which should be included in the draft Implementation Plan.
Para 7.13.22	Page 12 Table 3.1 provides an illustration of activities, partners and key target areas. The Applicant has advised that actual activities and partners are still	The draft Implementation Plan is being developed iteratively – more detail will be included in each draft following consultation with partners.

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
	being discussed with local authorities however it remains unclear when specific details of actual activities, partners and key target areas will be added to this Table.	
Para 7.13.23	Page 15, Table 3.8 includes a illustration of potential activities GAL will be undertaking in addition to providing the ESBS fund. The table is relatively vague and details are generic. More detail on specific, tailored support is required.	The draft Implementation Plan is being developed iteratively – more detail will be included in each draft following consultation with partners.
Para 7.13.24	In their response to the Examiners Written Questions, the Applicant has made reference to establishing a regional inward investment service, 53 however no detail is provided on this in the draft Implementation Plan. The Applicant should advise whether this is still being proposed and if so when further details will be provided.	It is intended to be part of the ESBS Regional Promotion theme. As with all of the ESBS it is being developed iteratively and in partnership with the JLAs.
Para 7.13.25	The draft ESBS Implementation Plan does not provide a road map to explain next steps and how the document will be developed going forward. This has been requested on several occasions by the local authorities. For example, there does not appear to be	The Applicant has arranged a series of workshops with the JLAs which is ongoing. The most recent workshop was on 30 th May ahead of which the Applicant shared further detail with the

Ref	West Sussex Joint Local Authorities Response	Applicant's Response
	a clear programme to engage the local authorities to determine the critical components of the Implementation Plan.	JLAs to be discussed at the workshop and which will allow a more detailed draft of the Implementation Plan to be produced.

The Applicant's Response to Written Representations

- 3.17.22 In Section 8, the Authorities dismiss as wholly inaccurate GAL's submission that neither the LIR or their Written Representations acknowledge or attach weight to the strength of national policy for aviation. Unfortunately, the response does not dispel that concern. It refers only to the NPS and the fact that the authorities have not yet determined their position on compliance.
- 3.17.23 GAL's point, of course, was that it would be fair for the Authorities to acknowledge and attach weight to the terms of a series of national policy publications and decisions which underline the importance which the Government attaches to the aviation sector and its economic importance to the UK, as well as the wider strategic importance of international connectivity.
- 3.17.24 The determined reluctance to do so must cast doubt on any balance which the authorities ultimately decide to strike.

The Applicant's Response to Written Representations – Appendix A – Policy Response

- 3.17.25 Similarly, Section 9 misses the point of the Applicant's submission. Nowhere in that submission did GAL suggest that it was unimportant to have regard to the impacts of aviation. The application material is substantially concerned with assessing any likely significant effects and putting in place appropriate mitigation, then weighing any residual effects in the context of a full understanding of national policy. Ultimately, when GAL considers the planning balance, it does

so fully informed by all relevant considerations, including the strength of government policy support. The LIR and Written Representations from the authorities are silent on those matters of national importance. A balanced judgement is not likely in those circumstances.

Legal Partnership Authorities Response to the Applicant’s Schedule of Changes – Version 2

Table 60: Applicant’s Response to Joint Local Authorities Response to Applicant’s Schedule of Changes – Version 2

Row	JLA Response	Applicant's Response
58.	The Authorities consider a corresponding provision should be included after paragraph (5) for the benefit of the local highway authority. Such a provision would create a minimal administrative burden for the Applicant.	Such provision has been added as article 8(6) in version 7 of the draft DCO submitted at Deadline 5 (Doc Ref. 2.1 v7).
60.	Regarding deemed consent, the Authorities maintain the position set out in row 9 of Appendix M to the Joint West Sussex LIR [REP1-069]: they consider the deeming provision should be deleted, not least since the consenting authority must not (per paragraph (3)) unreasonably withhold or delay consent. It is unreasonable to include the deeming provision and the “unreasonably withhold or delay consent” wording.	<p>The Applicant reiterates its position on deeming provisions and the inclusion of such provisions alongside wording specifying that consent must not be unreasonably withheld or delayed in rows 9, 10 and 11 of The Applicant's Response to the Local Impact Reports - Appendix C - Response to DCO Drafting Comments [REP3-081], including the cited wealth of precedent in made DCOs for such an approach.</p> <p>To supplement that reasoning, the Applicant also notes that a deeming provision does not remove the need for consent to not be unreasonably withheld or delayed. A request for</p>

Row	JLA Response	Applicant's Response
	<p>In row 11 of Appendix M, the Authorities requested that, if the deeming provision is retained, paragraph (3) should be amended as follows –</p> <p>“The powers conferred by paragraph (1) must not be exercised without the consent of the street authority (this consent not to be unreasonably withheld or delayed)”.</p> <p>If the deeming provision is retained, the Authorities maintain the above amendment should be made.</p>	<p>approval of very simple, minor details may be made where it is unreasonable to delay consent for the 56 day period before which consent is deemed to be granted. Further, a deeming provision does not address the fact that the discharging authority may still unreasonably withhold consent if it does so within 56 days of the application and therefore before the deeming provision has effect.</p>
69.	<p>The Authorities consider the undertaker should be responsible for maintaining the replacement land as open space and that article 40(2) should be amended as follows –</p> <p>“(2) The open space delivery plan submitted under paragraph (1) must include –</p> <p>(a) a timetable for –</p> <p>(i) the submission of a landscape and ecology management plan pursuant to requirement 8</p>	<p>Please see the Applicant's response to LV15 in the section of this document headed '<i>The Applicant's Response to the Local Impact Reports</i>' above. No amendment has been made to the draft DCO at this deadline but any necessary consequential changes will be made once an arrangement has been agreed with the JLAs.</p>

Row	JLA Response	Applicant's Response
	<p>(landscape and ecology management plan) for each part of the replacement land; and</p> <p>(ii) the laying out of each part of the replacement land as open space; and</p> <p>(b) notwithstanding the vesting of replacement land mentioned paragraph (4), the maintenance of the replacement land by the undertaker in perpetuity”.</p>	
70.	<p>While the Authorities welcome the removal of disapplication of section 23, 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.</p>	<p>A meeting between the Applicant's consultants and Surrey County Council regarding the necessary ordinary watercourse consents for the Project has been scheduled for 7 June 2024.</p>

Row	JLA Response	Applicant's Response
92.	<p>The Authorities have no comments in respect of new paragraph (3).</p> <p>Regarding paragraph 4(a), the proposed drafting is too broad. For instance, condition 3 (runway use) of the 1979 planning permission allows use of the emergency runway when the “main runway is temporarily non operational by reason of an accident or a structural defect or when maintenance to the main runway is being undertaken”.</p> <p>The Authorities consider it would be reasonable if similar wording were incorporated into paragraph 4(a).</p> <p>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.</p> <p>The Authorities do not agree to the inclusion of paragraph (4)(b) because it could have the effect of overriding the prohibition under paragraph (3). The Authorities do not consider this approach to be reasonable. It is noted that while the Explanatory</p>	<p>The Applicant is content to specify in requirement 19(2) and 4(a) that the repositioned northern runway may only be used in lieu of the main runway where the main runway is <i>temporarily non-operational by reason of an accident, incident or structural defect or when maintenance to the main runway is being undertaken</i>". This wording reflects current practice at the airport. This has been added to version 7 of the draft DCO submitted at Deadline 5 (Doc Ref. 2.1 v7).</p> <p>The Applicant does not consider it necessary to add a notification requirement when maintenance is to be carried out to the main runway. It is not clear to what purpose the JLAs would put such a notification and it therefore appears unnecessary.</p> <p>The removal of sub-paragraph (4)(b) is strongly resisted. This is an important provision that would allow the restrictions on the use of the repositioned northern runway to be amended or removed at a point in the future if circumstances (such as developments in airplane technology or airport operation best practice) would facilitate this without unacceptable impacts. Any such amendment would be decided by the Secretary of State, following consultation with the CAA and CBC. Given</p>

Row	JLA Response	Applicant's Response
	<p>Memorandum summarises paragraph (3), it does not justify the inclusion of paragraph (4).</p> <p>In the light of the above, the Authorities consider Requirement 19(4) onwards should be amended as follows–</p> <p>“(4) Paragraph (3) does not apply and the repositioned northern runway may be used in one or both of the ways stated in that paragraph: (a) where the main runway is not available for use for any reason; or by reason of an accident or a structural defect or when maintenance to the main runway is being undertaken.</p> <p>(b) as agreed in writing between the undertaker and the Secretary of State (following consultation with the CAA and CBC).</p> <p>(5) In this requirement "Code C aircraft" means aircraft with dimensions meeting the maximum specifications of code letter C in the Aerodrome Reference Code table in Annex 14, Volume I to the</p>	<p>that the Secretary of State is the body imposing restrictions on the use of the repositioned northern runway if he or she makes the DCO, it is right that these restrictions can be amended or removed by application to the Secretary of State. Any decision to do so would have to be fully justified such that the Secretary of State was able to conclude that there were not unacceptable impacts from the change and would follow consultation with the UK's expert aviation body, the CAA, and the lead local authority, CBC. The wording of sub-paragraph (4)(b) therefore offers sufficient safeguards that the restrictions would only be revised following a robust and transparent process.</p>

Row	JLA Response	Applicant's Response
	<p>Convention on International Civil Aviation, as amended from time to time.</p> <p>(6) Other than in an emergency, in each case when maintenance referred to in paragraph (4) is to be carried out, the undertaker must give at least 48 hours notice in writing to CBC”.</p>	
95.	<p>While the principle of an operational waste management plan (“OWMP”) is welcomed, the Authorities consider the trigger point for submission and approval should be prior to the operation of the CARE facility and not linked to the commencement of dual runway operations.</p> <p>At Deadline 4, WSCC are submitting their response to the Applicant’s operational waste management strategy [REP3-070] and the contents of that response is not repeated here, save that WSCC consider the OWMP should include an on-going review mechanism in respect of the approach to waste management.</p> <p>In addition, the Authorities consider WSCC (as waste authority) should be the discharging authority for this</p>	<p>The Applicant has incorporated the JLAs' suggestions regarding requirement 25 (operational waste management plan) into version 7 of the draft DCO submitted at Deadline 5 (Doc Ref. 2.1 v7).</p> <p>As regards the use of <i>"substantially in accordance with"</i>, this is the standard approach in the draft DCO where a Level 2 control document is submitted for approval further to an outline Level 1 control document. As previously explained, allowing Level 2 control documents to be <i>"substantially in accordance with"</i> the outline document allows for minor improvements (e.g. due to advances in technology or best practice) to the principles underlying the original document/strategy upon submission of the subsequent details. In any event, the submitted plan here will be subject to the approval of West</p>

Row	JLA Response	Applicant's Response
	<p>requirement. It would seem sensible if the authority with statutory responsibility for waste should be responsible for discharging the requirement.</p> <p>WSCC notes the OWMP must be “substantially in accordance” with the strategy. It would be helpful if the Applicant could explain why “substantially in accordance” has been used here, instead of “in accordance”.</p>	<p>Sussex County Council under the terms of the requirement and the extent of any variation from the Level 1 control document is controlled by the definition of "substantially in accordance with" in article 1 (interpretation) of the draft DCO (Doc Ref. 2.1 v7).</p>
103.	<p>The proposed fee regime is unsatisfactory and, given the extent of work that the discharging authorities will be expected to undertake, the Authorities consider the discharging authorities' discharging costs should be covered by the Applicant on the basis of full cost recovery. The most appropriate mechanism for delivering this would be a planning performance agreement.</p>	<p>Please see the response to the JLAs' comments on DCO.1.7 in Section 2.7 of this report.</p>