



Horsham
District
Council



Gatwick Northern Runway Project DCO (Project Reference: TR020005)

Deadline 5 Submission (6 June 024)

**Crawley Borough Council (IP Ref: GATW-AFP107),
West Sussex County Council (IP Ref: 20044715),
Horsham District Council (IP Ref: 20044739) and
Mid Sussex District Council (IP Ref: 20044737)**

1. Overview

1.1 This document provides a response at Deadline 5 (6 June 2024) from the above West Sussex Joint Local Authorities comprising Crawley Borough Council, West Sussex County Council, Mid Sussex District Council and Horsham District Council (hereafter the "Authorities") on the following responses to the Applicants Deadline 4 Submissions:

- [REP4-007] ES Appendix 5.3.2 Code of Construction Practice
- [REP4-009] ES Appendix 5.3.2 Code of Construction Practice Annex 5 – Construction Resources and Waste Management
- [REP4-011] ES Appendix 5.3.2 Code of Construction Practice Annex 8 – outline Invasive and Non-Native Species Management Strategy
- [REP4-012] 5.3 ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan – Part 1
- [REP4-014] 5.3 ES Appendix 8.8.1: Outline landscape and Ecology Management Plan - Part 2
- [REP4-016] 5.3 ES Appendix 8.8.1: Outline landscape and Ecology Management Plan – Part 3
- [REP4-019] 10.21 Response to Rule 17 Letter – Car parking
- [REP4-021] 10.23 The Applicant's Response to Written Representations on Project Changes 1 to 3
- [REP4-026] 10.24 Appendix E: Response to SCC's (WSSC) Airfield Drainage Queries and associated [REP4-027] Annex A Figures
- [REP4-030] 10.24 Appendix H: Note to Excepted Development and Airport Development Principle
- 13.[REP4-031] 10.24 Response to Deadline 3 Submissions

- 14.[REP4-040] 10.29 Zone of Theoretical Visibility of the Temporary Construction Compounds
- 15.[REP4-028] 10.24 Appendix F: Response to the JLAs on Arboriculture, Landscape and Ecology.

And in addition:

- [REP4-078] - Comments made on submissions made by National Highways
- [REP2-015] Code of Construction Practice Annex 7 Construction Communications and Engagement Plan.

2. **[REP4-007] ES Appendix 5.3.2 Code of Construction Practice**

- 2.1 Section 4.4.3 refers to ES Appendix 5.5.2 (presumably this should be Appendix 5.3.2): CoCP Annex 6: Outline Arboricultural and Vegetation Method Statement (AVMS) [REP1-023, REP1-024 and REP1-025]. As these earlier versions of Annex 6 did not incorporate 'vegetation', it is suggested that the relevant versions of Annex 6 are those submitted at Deadline 3, REP3-022, REP3-024 and REP3-026. According to ES Appendix 5.3.2: CoCP Annex 6: Outline Arboricultural and Vegetation Method Statement (AVMS) Part 1 [REP3-022], 'Preliminary Vegetation Removal and Protection Plans will be submitted at Deadline 4 and will be included in this report as Appendices C and D.' These plans are welcomed and presumably will now be submitted at Deadline 5.
- 2.2 Section 6.1.3 outlining the role of the Ecological Clerk of Works (ECoW) is helpful. The Outline Invasive and Non-native Species (INNS) Management Strategy in Annex 8 of the CoCP [REP4-011] gives the ECoW key roles in the survey, monitoring and management of INNS. It is recommended that these are added to the role of the ECoW in Section 6.1.3. It is also suggested that in addition to ensuring compliance with wildlife legislation, the role should include promoting best practice in wildlife conservation.
- 2.3 Section 5.3.6 refers to minimising impacts 'on' the temporary construction compounds. Presumably it should be minimising impacts 'of' the compounds.
- 2.4 Section 5.8.2 Operating Vehicle/Machinery and Sustainable Travel At Deadline 4 in the Issue Specific Hearing 7: Other Environmental Matters Post-Hearing Submission [REP4-058] the Joint Local Authorities sought confirmation from the Applicant that Stage V Non-Road Mobile Machinery (NRMM) was appropriately secured in the Code of Construction Practice [REP-1-021]. This was sought as the Applicant appeared to have a clause in the CoCP that would have enabled the Applicant not to adhere to this in some circumstances, see page15:

'Ensure all on-road vehicles comply with the requirements of the London Low Emission Zone and the London Non-Road Mobile Machinery standards, where applicable.'

- 2.5 The Joint Local Authorities provided some suggested text changes to better secure the Stage V NRMM plant:
- 'Ensure all on-road vehicles comply with the requirements of the London Low Emission Zone, and the London Non-Road Mobile Machinery standards. NRMM equipment as a minimum must meet stage V of the London Non-Road Mobile Machinery standards.'*
- 2.6 Surprisingly at Deadline 4 the Applicant has changed the text in the CoCP [REP4-008] which rather than securing the Stage V NRMM plant more clearly, introduces the use of more polluting Stage IV NRMM, page 20:
- 'All Non-Road Mobile Machinery (NRMM) net power 37kW to 560kW will comply with the engine emissions standards set by London LEZ for NRMM across all sites within the Order Limits. From 1 January 2025, NRMM used on any site will be required to meet emission standard Stage IV as a minimum. From 1 January 2030, NRMM used on any site will be required to meet emission standard Stage V as a minimum.'*
- 2.7 This is surprising as the Applicant has previously set out in the Project Air Quality Assessment within the Environmental Statement [APP-038] that predictions had assumed the less polluting Stage V NRMM plant would be utilised, see paragraph 13.6.4:
- 'NRMM emissions will occur across the site, to apply a conservative assumption all activities are assumed to take place at the same time and emissions have been located within their activity areas. The emissions have been added to the construction periods (2024-2029 and 2029-2032). A conservative approach has been taken regarding construction phase NRMM, **for example all NRMM has been assessed as being Euro Stage V diesel standards** [emphasis added], however as noted in Table 13.9.1 the Project commits to using low or zero emissions equipment where possible.'*
- 2.8 Additionally, at Issue Specific Hearing 7 (Transcript of Recording of Issue Specific Hearing 7 (ISH7) - Part 3 - 1 May2024) [EV13-007] at 00:25:37:10 - 00:25:55:10 the Applicant confirmed that Stage V NRMM plant would be utilised. The expectation of the Joint Local Authorities was that this point would be strengthened and not diluted.
- 2.9 Further information is now required from the Applicant to understand why the hearing was informed Stage V NRMM would be used and if an update to the air quality assessment will be undertaken, which as set out above was completed incorrectly assuming that only less polluting Stage V plant was to be used for NRMM, to understand how this affects the predictions presented within the ES [APP-038].
- 2.10 The Joint Local Authorities have submitted a detailed review of the GAL Dust Management Plan [No Examination Ref]. Please see REP4-053 for this detailed review.

2.11 Section 5.9 on Noise and Vibration remains virtually unchanged with the exception of the inclusion of new text at 5.9.15 confirming residents of Westfield Place on Charlwood Road will be provided with permanent noise insulation as part of the inner zone package of measures prior to the partial removal of the noise bund adjacent to the Western end of the runway. Table 14.13.1 [APP-039] identifies residual effects at 37 properties and the Applicant should explain why these properties are treated in the same way as Westfield Place. Further comment on the adequacy of the noise insulation scheme is made in a separate D5 submission.

2.12 In paras 14.156 to 14.160 of the West Sussex LIR [[REP1-068](#)] commentary was made on piling techniques and the Applicant was requested to confirm that no impact piling would be used in line with Chapter 14 [APP-039] assumptions but there is nothing in place to prevent this from happening. This could potentially happen at night so the Applicant is asked to clarify this in the next iteration of the Code of Construction Practice by adopting a clear hierarchy of piling options. To assist we suggest that the following text is included in the CoCP:

'No impact piling shall commence until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to control noise and vibration and measures to prevent and minimise the potential for damage to receptors, and the programme for the works) has been submitted and approved as part of the Section 61 process. Any piling must be undertaken in accordance with the terms of the approved piling method statement.'

2.13 In paragraph 14.61 of the West Sussex LIR [REP1-068] it is recommended "The core working hours should be limited to 08:00-18:00 Monday to Friday, with an additional period of up to hour before/after this for quiet start-up and close down activities. Construction vehicle movements to and from site should not be permitted in these start up and close down periods." The Applicant has not incorporated this fully into the revised CoCP as vehicle movements, including HGVs, would still be permitted potentially giving rise to noise disturbance.

2.14 Section 4.12 titled Community Engagement has been updated to include reference to 5.3 Environmental Statement Appendix 5.3.2: Code of Construction Practice Annex 7 - Construction Communications and Engagement Plan) [REP 2-015]. The Annex contains limited information about noise and insufficient detail about principles and processes.

3. [REP4-009] ES Appendix 5.3.2 Code of Construction Practice Annex 5 – Construction Resources and Waste Management

3.1 This document has been updated by the Applicant to include reference to mineral safeguarding policies and makes clear that incidental extraction of

safeguarded brick clay will be given due consideration, which is welcomed by the Authorities.

4. [REP4-011] ES Appendix 5.3.2 Code of Construction Practice Annex 8 – outline Invasive and Non-Native Species Management Strategy

- 4.1 The Authorities welcome the new Outline Invasive and Non-native Species (INNS) Management Strategy in Annex 8 of the CoCP. It is requested that mink is specifically mentioned in this document as this invasive and non-native species was recorded by the Applicant whilst undertaking otter surveys. Since the River Mole realignment will create additional favourable habitat for mink, it is advised that this document should include an outline plan for mink survey and control.
- 4.2 According to Section 9.6.155 of the ES Chapter 9: Ecology and Nature Conservation [APP-034] the invasive New Zealand mud snail was identified in the River Mole and Gatwick Stream. This species should also be added to Table 1.3 which lists INNS within the Project boundary.
- 4.3 It is recommended that all INNS Plans include monitoring of the INNS, both throughout the construction period and post-construction. This should be added as a bullet point in Section 3.1.2.
- 4.4 Section 4.8.4 refers to the use of herbicide, notably glyphosate, to control Himalayan balsam. The Authorities emphasise that any use of herbicides near watercourses or other wetland habitats must be approved by the Environment Agency (EA). Although consultation with the EA is mentioned in Section 3.1.3, it is advised that the need to consult the EA is also highlighted in Section 4.8.4.

5. [REP4-012] 5.3 ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan – Part 1

- 5.1 Previously the Authorities had raised concern that there was a need to secure the continued long-term management of the North West Zone (NWZ) and Land East of the Railway Line (LERL) Biodiversity Areas, both within and outside the DCO Limits. As key components of the ecological network, these areas are critical to the viability of the overall mitigation package. Thus, the Authorities welcome the updated oLEMP submitted at Deadline 4 which states in section 6.5.8 that both the NWZ and LERL Biodiversity Areas will be included within the relevant LEMPs for Zones 3 and 8 respectively. However, the Authorities request confirmation that the entirety of these two Biodiversity Areas will be incorporated within the relevant LEMPs, including the parts which lie outside the Project site boundary. We would be grateful if this could be made absolutely clear in a future revision of the oLEMP.
- 5.2 Additional woodland creation is required to compensate for the overall net loss of 5.7ha of woodland, as shown in Annex 3 of ES Appendix 9.9.2 Biodiversity Net Gain Statement [REP3-047], plus furthermore in order to

achieve a biodiversity net gain.

- 5.3 The Authorities would welcome a revision to the oLEMP with specific reference to seeking further opportunities for biodiversity enhancement within the DCO Limits, including the conversion of 'amenity' grassland on road verges and roundabouts to wildflower grassland.

6. [REP4-014] 5.3 ES Appendix 8.8.1: Outline landscape and Ecology Management Plan - Part 2

- 6.1 No comment as no differences apparent between this and the previous version.

7. [REP4-016] 5.3 ES Appendix 8.8.1: Outline landscape and Ecology Management Plan – Part 3

- 7.1 No further comments.

8. [REP4-019] 10.21 Response to Rule 17 Letter – Car parking

- 8.1 The Authorities disagree with the Applicant having omitted existing on-airport spaces from its on-airport calculations on the basis that these are not operated by the Applicant. Whilst not operated by the Applicant, factually these spaces are situated on-airport (located within the Local Plan airport boundary) and are used by passengers travelling to/from the airport, thereby adding to the percentage of airport users travelling to the airport by private vehicle. These existing spaces should be taken into account by the Applicant in its calculation of future on-airport passenger parking spaces to support the DCO. Whilst the Applicant advises it has included these non-GAL operated spaces in its 'off-airport' figure, to count existing on-airport spaces as off-airport simply because these are not operated by the Applicant does not accurately reflect the actual amount of passenger parking within the airport boundary. It remains unclear which (or how many) non-GAL operated on-airport spaces have been counted as 'off-airport' in the Applicant's calculations, but there appears disparity between the Applicant's figure cited in its Deadline 1 Submission - 10.5 Car Parking Strategy [[REP1-051](#)] Table 2 and those of the 2018 Gatwick Parking Survey (which the Applicant advise to be the relevant comparison in Table 1A (Action Point 6, Bullet 5) of [REP4-019]. Taking into account the Applicant's methodology (and notwithstanding the Local Authorities concerns with the approach) its figures appear to under-estimate the actual on-airport provision, as well as overall authorised provision including authorised off-airport car parks, as summarised below. The Authorities are concerned this will potentially result in an over-provision of passenger parking, and brings into question the need for 1,100 further spaces as part of the Project.

	GAL Parking Strategy [REP1-051] (2019 figures)	CBC Parking Survey 2018
On Airport Total Spaces	40,600	45,516
Off Airport Total Spaces	21,200	17,858
Total	61,800	63,374

8.2 As it stands, 4,694 authorised on-airport spaces, each of which represents a space being used by passengers travelling to/from the airport by private vehicle, is being omitted from the Applicant's calculations. Listed in full, the omitted on-airport passenger parking spaces are located at:

- Purple Parking (3,265 spaces)
- Hilton South Terminal (106)
- Travelodge, Povey Cross (623)
- Airport Inn Britannia (123)
- Sofitel, North Terminal (565)

8.3 To clarify, the annual Gatwick Airport parking survey counts non-Applicant operated spaces, where located within the airport boundary as shown on the Local Plan Map, as on-airport. The Gatwick Parking Monitoring Report, which accompanies the annual parking survey, has clarified since 2018 that 'on-airport' refers to vehicles located within GAL operated car parks, and also those located in other long-stay car parks that are situated within the Gatwick Airport boundary. This includes Purple Parking, Hilton South Terminal, Sofitel, Travelodge Povey Cross Road, and Airport Inn Britannia. - These are shown separately on the survey purely to indicate who undertakes the count with the airport operator providing a 'read out' for the number of vehicles parked on sites within its control, and the Local Authority undertaking a count of vehicles parked in non-GAL operated on-airport passenger car parks.. This is necessary for the effective application of Crawley Borough Local Plan Policy GAT3, which requires firstly, that passenger parking spaces are located on-airport (i.e. within the Gatwick Airport boundary as shown on the Local Plan Map) and secondly that it is justified by a demonstrable need within the context of proposals for achieving a sustainable approach to surface transport access to the airport. The operator of the spaces is not relevant to the effective application of the policy.

8.4 The Authorities note the Applicant's confirmation that it is no longer taking account of the lapsed 820 spaces at Hilton Hotel in its calculations. However, relating to the concerns stated above, there would appear to be inconsistency in the Applicant's approach, as it had previously included what would have been 820 non-Applicant operated spaces (over which it has no control) as part of its baseline, but at the same time is omitting other non-Applicant operated on-airport spaces from its calculations on the basis that it has no control of these spaces.

8.5 As understood by the Local Authorities, Table 1 of [REP4-019] shows the number of on-airport passenger parking spaces that are (or would be) operated by the Applicant. It excludes other spaces within the airport boundary (as shown on Crawley Local Plan Map) which are not operated by the Applicant as the Applicant counts these as 'off-airport'. As set out above, the Local Authorities consider that to show 'on-airport' provision accurately, the table should account for all passenger parking located within the airport boundary, irrespective of whether it is operated by GAL or an alternative provider. Any assessment of airport-related parking provision should also take account of authorised off-airport car parks (this totalling 17,858 as of the 2018 parking survey, and 18,535 as of the most recent survey in September 2023) as these also influence mode share of the main mode of transport to the airport.

8.6 In relation to Table 1, the Authorities also query how the relationship between the parking demand and the available spaces functions. For example, the Authorities note that the 'Future Baseline' scenario at 2040 identifies that total parking provision of 46,520 spaces will be needed to cater for an estimated daily passenger parking demand of 36,200 vehicles. For the same year (2040), the 'Proposed Development' scenario identifies that 47,630 spaces will be needed to cater for an estimated daily passenger parking demand of 36,900 vehicles. Comparing the two scenarios, the Applicant is proposing 1,110 additional parking spaces to cater for an estimated 700 vehicle daily increase in demand. The Authorities welcome further clarification on this matter.

9. [REP4-021] 10.23 The Applicant's Response to Written Representations on Project Changes 1 to 3

9.1 Project Change 1 – Extension to the design parameters for the NT IDL proposed southern extension

9.1.1 The level of design detail for this building is still of concern. This point relates not just to this project change but to project changes 2 and 3 and the Project as a whole. The overall level of design information is not considered adequate to ensure good quality development can be achieved. This has been discussed extensively in other responses see GEN 1.21 and DCO 1.56 [REP3-135]. An example of the lack of detailed controls is provided in the response by the Applicant on the extent of floodplain covered by this terminal building extension which is now enlarged and states that "*the building is elevated and would not remove fluvial floodplain storage*". This key design aspect is not found referenced in any proposed control document.

9.2 Project Change 2 – Reduction in height of the proposed replacement CARE facility and change in its purpose

9.2.1 A detailed commentary of policy compliance has been provided in Section 7.7 [REP4-042]. However, the Applicant has misunderstood the application of Crawley Borough Local Plan adopted policy ENV7 (emerging policy SDC2)

on District Energy Networks (DEN) as these policies are applicable to any major development in the borough, therefore including the Project. The commentary in the Carbon Action Plan [APP-091] discussed only 'consideration' of viability of development of a heat network for the airport. This wording is not policy compliant as the Applicant should develop a DEN to serve the airport, or set out the reasons why this cannot be achieved and what alternative approach is being taken to securing decentralised low carbon energy.

- 9.2.2 In relation to Traffic and Transport, the Authorities previously requested that the Applicant provide supporting information or an explanation, including tonnage information, to help justify the number of vehicles associated with the operation of the revised arrangements, as a result of the project change. This additional information is required to fully understand the impact of the proposals and explain how the CARE facility is going to operate in practice. The Authorities are of the view that claims about the level of anticipated trips should be justified and evidenced with information to support any claims made. The Applicant has now responded and simply stated that information on forecast waste tonnages of operational waste from the Airport is set out in the Operational Waste Management Strategy [REP3-073]. Section 4 of the Operational Waste Management Strategy [REP3-073] sets out the tonnage of the future waste arisings associated with the future baseline. However, it is not readily apparent from this information how the Applicant has forecast that there would be in the region of six vehicles trips a day associated with this project change. The Authorities remain of the view that the Applicant should provide justification for the forecast impact of the project changes and set out the justification and reasoning for why they assume the project change will result in the region of six vehicle trips a day.
- 9.2.3 In relation to Air Quality the Applicant's Project change 2 to remove the biomass boilers from the CARE facility [AS-139] making it a waste sorting facility only, has addressed the Authorities' concerns regarding odour from the boilers. However, the additional waste material requiring transport off-airport has raised other issue regarding sustainability and vehicle movements which have not been adequately addressed in the Applicants' responses.
- 9.3 Project Change 3 – Revision to the proposed water treatment works
- 9.3.1 Relating to Traffic and Transport, the Authorities previously asked for clarification in relation to the means of access to construct the reed bed treatment system and whether it was from Radford Road, as is suspected. The Authorities also asked whether the Outline Construction Traffic Management Plan (OCTMP) [APP-085] needed to be updated, as the project change appeared to alter the status of Radford Road in construction access terms.
- 9.3.2 The Applicant has responded to state that the inclusion of the reed bed compound in Table 4.1 of the Code of Construction Practice Doc Ref. 5.3 was made in error as it is not a main temporary construction compound and has been removed in the updated CoCP submitted at Deadline 4 [REP4-007].

Notwithstanding, that the reed bed compound is not considered a main construction compound by the Applicant, Appendix A of the Outline Construction Traffic Management Plan (OCTMP) [APP-085] does state that Radford Road is a restricted use access route. In section 6.4 of the OCTMP [APP-085] the Applicant defines when vehicles will be able to use restricted access routes. This is defined as where use of these roads is required by local suppliers based in the local area so that they can operate effectively, in emergency cases and where construction activity is happening on the local roads i.e. replacement of structures Balcombe Road Bridge. This definition of activity does not appear to align with that associated with the construction of the reed bed treatment system and Radford Road does appear to be used for construction activities that are more significant than defined in the OCTMP [APP-085] under restricted use access routes.

- 9.3.3 The Authorities will engage with the Applicant in relation to this and other matters associated with the OCTMP [APP-085].
- 9.3.4 In the Authorities Written Representations on Project Changes 1-3, it was requested that further layout details should be provided for the proposed water treatment works, such as the locations of any structures (temporary or permanent) and proposed drainage arrangements including the outfall location. The Applicant has responded to state that this is provided within Figure 8 of the Change Application Report [AS-139], however it does not include any drainage arrangements or the outfall location. The Authorities would request that this further detail is provided.
- 9.3.5 The Applicant states that the loss of neutral grassland to create the reedbeds is mitigated through the extensive new grassland creation within Brook Farm. However, as this loss was not anticipated when the design of Brook Farm was prepared, presumably additional grassland creation will be required to achieve both compensation and 10% BNG. It would be helpful if the Applicant could specify where this new grassland is to be created.
- 9.3.6 There is still a lack of information regarding mitigation measures for the temporary loss of neutral grassland at the temporary construction compound. However, it is encouraging to learn from the Applicant's response that it is intended to reinstate this area as species-rich grassland. It would be helpful if such information could be shown on a landscape plan at the next Deadline.
- 9.3.7 The Applicant states that the reedbeds will form a natural wetland area which will be of benefit to wildlife and enhance habitat diversity within the DCO Limits. The Authorities contend that they will be of limited ecological value as the reedbeds will be netted to exclude birds, contain de-icer or other chemical contaminants, have no open water and have limited structural and species diversity. As a consequence, it is not believed that the reedbeds will achieve the intended target condition as described in Section 4.2.12 of ES Appendix 9.9.2 Biodiversity Net Gain Statement submitted at Deadline 3 [REP3-047]. It is therefore suggested that the BNG calculations for reedbed are flawed and that they will not contribute over six biodiversity units, as claimed in Annex 3 of ES Appendix 9.9.2 Biodiversity Net Gain

Statement submitted at Deadline 3 [REP3-047]. It is strongly advised that these reedbeds cannot contribute to achieving wetland biodiversity units.

- 9.3.8 There is still concern at the lack of detail in the design of these reedbeds. In response to questions about design construction and levels of excavation, the Applicant states that "*The detailed design will be developed once the DCO has been confirmed in accordance with the Design Principles and will include the following: landscaping, additional fencing, netting to deter birds, ...*" These are significant issues which should be addressed now as they may impact the viability of the reedbed filtration scheme. It is unclear how the design and construction of the reedbeds will be developed given the limited information provided in a single design principle DDP14 [REP3-056] which does not even have the level of detail quoted above in italics stated by the Applicant. Given the approach being suggested in the Applicant's recent submission Appendix H 'Excepted Development' [REP4-030], these highly sensitive works are not even proposed to be subject to detailed design approval.
- 9.3.9 There remains a lack of detail about the construction and appearance of the temporary construction compound required in connection with the works. The limited information about the site on Figure 5.2.1f [AS-135] and within Figure 59 of the Buildability Report [REP2-013] provides no detail on key aspects such as compound layout, tree protection, means of access or reinstatement of the land once works are completed. It is unclear from the response how the compound is proposed to be controlled if basic information such as tree surveys have yet to be completed.
- 9.3.10 There remains a lack of technical detail about the operation of the reedbeds and the technology required to maintain and manage these both from a drainage, contamination, noise and air quality perspective.
- 9.3.11 In relation to air quality (odour control and operational management), the Authorities note that the reedbed treatment system would require discharge consents and detailed operating technique approved by the Environment Agency. It is not clear if the Environment Agency was included in the consultation for this Project Change, since no response from the Environment Agency is shown in the Consultation Report [AS-142]. The Authorities would welcome further detail on the operating technique, and how these techniques would manage capacity and odour control at this facility.
- 9.3.12 In relation to air quality during construction traffic, the Authorities have requested clarification of the primary construction route to access the reedbed construction compound, the Applicant does not address the concern but states that the detail will follow in the Construction Traffic Management Plan (CTMP). The Authorities have specific concerns that construction traffic accessing the Radford Road site should not route through Crawley's Air Quality Management Area at Hazelwick Roundabout (AQMA). Construction traffic traveling from the M23 should exit at J9 for Gatwick not via J10 for Crawley which would bring additional HGVs through the AQMA.

9.3.13 In relation to noise, full details of the acoustic modelling for the proposed blowers should be provided, confirming noise levels from these at the closest noise sensitive receptors and assessment in accordance with BS4142:2014+A1:2019. Along with all fixed plant associated with the development, requirements to ensure acceptable noise levels of the plant should be included within the DCO, or appropriate other enforcement/control mechanism should be set out by the Applicant.

10. [REP4-026] 10.24 Appendix E: Response to Airfield Drainage Queries and associated [REP4-027] Annex A Figures

10.1 The Authorities have revised the updated details and drawings in the response documents provided. Based upon the information provided, the drainage arrangements appear to be a like-for-like replacement of the airfield slot drains as a result of the repositioned runway (although, the final position is proposed to be determined at the detailed design phase). The Authorities are satisfied with the present information subject to the final details being provided as part of an approval of the detailed design under the relevant DCO requirement. The Authorities wish to ensure that the runway design is in accordance with the information provided and the Applicant should ensure these details are included within a control document.

11. [REP4-030] 10.24 Appendix H: Note to Excepted Development and Airport Development Principle

11.1 Please refer to Appendix I - Response to the Applicant's Deadline 4 document *Note on Excepted Development and the Airport Development Principle* [REP4-030]

12. [REP4-031] 10.24 Response to Deadline 3 Submissions

12.1 The Authorities have a number of responses to make with regards the Applicants feedback to REP3-135. These are listed below:

12.2 **ExQ1 Reference GEN 1.21 (Good Design)** – The Applicant again references the various volumes of its design and access statement [REP2-032 to REP2-036] and that all detail designs are to come forward in accordance with the Design Principles set out in the DAS Appendix 1 [REP3-056]. As stated in section 5 of the West Sussex Authorities response at Deadline 4 [REP4-042], the level of detail contained in this Design Principles document is still considered inadequate to ensure good design. The document still comprises a list of loosely worded statements which are unable to control development design in detail and do not provide a sufficient basis on which details can be developed to discharge works under requirements 4 and 5. While the Applicant seeks some flexibility, it is not accepted that so little design information can be provided and further detail should be given to ensure various important features and site constraints

are properly addressed as the project develops. Illustrative layouts and sketch plans should be provided in the Appendix 1 control document to address key constraints or to demonstrate a likely design approach. All works should be subject to detailed design information for discharge under requirements 4 and 5 in line with a much more detailed design principles document.

12.3 While it is welcomed that the Applicants are giving further consideration to a design review process, the design review process in isolation would not overcome the Authorities concerns about the lack of design controls. The improvement of the design principles document in advance of any decision on the DCO is essential as this control document should be seen as a key document informing any design review process, see response to GEN1.21 [REP3-135]. A design panel is the Authorities preferred approach for the reasons stated in GEN 1.21 [REP3-135] and an agreed set of stakeholders which includes Local Authorities should form part of the process. A list of sensitive sites was also referenced in the Authorities response.

12.4 **ExQ1 Reference GEN 1.33 (National networks national Policy statement – March 2024)** - The JLA responded to this question in the Deadline 3 Response to the ExQ1 [REP3-135].

12.5 **ExQ1 reference DCO 1.23 (Art.15 Public Rights of Way – Creation, diversion and stopping up)** - The JLAs commented on Footpath Designated 346_2sy in their Deadline 4 answer to DCO.1.23 (“Comments on responses to ExQ1 – Response to Development Consent Order and Control Documents” [REP4-062]) in which they sought confirmation 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.

In the West Sussex authorities’ Deadline 4 response “Comments on any further information / submissions received by Deadline 3” [REP4-042], those authorities (i) highlighted an error in the representation of FP346/2sy and (ii) sought clarification regarding the public status of blue and pink lines shown as “New/Improved Shared-use Cycle Track” and “Now/Improved Segregated Cycle Track” respectively.

12.6 **ExQ1 reference DCO 1.40 (R3 -Time Limit and Notifications)** - The JLAs welcome the fact the D5 DCO will include provision for the notification of SCC and WSCC; however, since Mole Valley, Reigate & Banstead, and Tandridge councils each have a role (as consultee) in the discharge of requirements, the JLAs consider they should also be notified. The administrative burden of doing so would be miniscule. The JLAs will consider the Applicant’s greater clarity in respect of “parts” and would be grateful if the Applicant could confirm its position regarding the proposed masterplan approach suggested by the JLAs.

12.7 **ExQ1 Reference DCO 1.46 (Status of CoCP)** -_The JLAs note the Applicant’s response; however, they maintain their position 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

- 12.8 **ExQ1 Reference DCO 1.53 (Community Funding)** – The Authorities recognise negotiations are ongoing regarding the Community Fund as secured in the dDCO section 106 agreement but still consider the level of funding should be higher to better reflect the residual and intangible impacts of the development, particularly given the very significant increase in flights.
- 12.9 **ExQ1 Reference DCO 1.54 (CoCP- Potential Amendments)** – The JLA will consider the additional DCO Requirements which will be added to the next version of the DDCO at Deadline 5 and will comment on the same at Deadline 6.
- 12.10 **ExQ1 Reference DCO 1.56 (Detailed Design Controls)** – The Authorities maintain their position that the level of detail in Schedule 1 and as set out the Works Plans and Parameter Plans are inadequate and that the additional information they suggest is justified.
- 12.11 **ExQ1 Reference EN.1.10 (Maintenance of Landscape Adopted by Highway Authorities)** – In the Applicant’s response to ExQ1 reference EN.1.10, relating to the maintenance of landscaping to be adopted by Highway Authorities, the Applicant makes reference to the need to enter into Section 278 agreements. The Highway Authority is seeking to agree a template Section 278 agreement with the Applicant.
- 12.12 **ExQ1 Reference SE.1.15 (Affordable Housing – Additional Funding)**
– On the issue of affordable housing the authorities accept, to an extent, the Applicant’s point that a number of workers will be existing residents so will not increase the demand for housing. However, it cannot be said with certainty that all workers taking up lower-paid jobs at the Airport will be locally based, and it is noted that the Applicant’s response (page 97) to points raised by the Authorities sets out that the airport currently draws most of its employees from the Labour Market Area, which is a much larger area than the Local Study Area (i.e. those Local Authority areas closest to the airport). If that trend were to continue, with most of the airport’s employees drawn from the Labour Market Area, it remains a possibility that staff will move into the Local Study Area from the wider Labour Market Area. Staff on lower salaries would be eligible for low-cost home-ownership after just one year of working or living in Crawley, and after five-years of living or working in Crawley they would become eligible to bid for social or affordable rent within Crawley. In addition, if workers from outside of Crawley are already residing in social housing and they accept a permanent work placement in Crawley, then they will become eligible to bid for social housing within Crawley. Therefore, it cannot be said with certainty that there will be no increase in the need for affordable housing in the Local Study Area as a result of the operational phase of the DCO and the

authorities remains of the view that a contribution to affordable housing is appropriate. It is intended that any Housing funding would be used for supporting both temporary and aff hsg for the construction and operational phases of the Project.

- 12.13 **ExQ1 Reference TT.1.17 (Major highway schemes included in the future baseline scenario)** – As requested by the ExA the Highway Authority previously provided a status update on the major highway schemes included in the future baseline scenario. The Highway Authority have previously engaged with the Applicant in relation to major highway schemes that should be included in the future baseline. Clearly the information provided is the best information available at that point in time and is subject to change as the status of schemes evolves. Discussions have taken place between the Highway Authority and Applicant in relation to the Highway Authority’s response to ExQ1 reference TT.1.17. Further engagement will take place to discuss the implications of any of these changes to the future baseline.
- 12.14 **ExQ1 Reference TT.1.21 (Future Baseline)** – The ExA questioned whether the future baseline of 67.2 mppa would be a realistic and robust future scenario given the forecast highway impacts presented within the Transport Assessment. The Highway Authority’s concerns remain in relation to the issues raised by York Aviation and the reasonableness of the Applicant’s forecast future baseline. The Local Highway Authority would therefore look for the Applicant to address the concerns raised by York Aviation in relation to future growth and upon doing so, update forecasts as necessary. The Highway Authority will review any further modelling or transport work submitted by the Applicant relating to a revised future baseline.
- 12.15 **ExQ1 Ref WE.1.4 (Flood Risk assessment)** – on the issue of climate change allowances used within the surface water hydraulic model, the Authorities maintain that a higher allowance of 40% should be applied to the airfield works. Comments on this are included in the updates to the Statement of Common Ground for WSCC submitted at Deadline 5 (Table 2.21, Reference 2.22.4.4).
- 12.16 **ExQ1 Ref. EN.1.11 (Securing of Mitigation Measures)** - The Applicant’s response acknowledges that habitat connectivity would be reduced due to loss of woodland, assessed as being of moderate adverse significance until the replacement planting matures sufficiently. A key point raised by the Authorities is that there is insufficient tree and woodland planting to mitigate impacts whilst new habitats establish. This concern has not been addressed in the Applicant’s response. This remains a concern to the Authorities as it may take many decades for new woodland to achieve the ecological value of that it replaced, as highlighted in Section 9.65 of the Joint West Sussex LIR [REP1-068]. The Applicant has not provided a response to the Authorities concern over the failure to explore further opportunities for biodiversity enhancement within the DCO Limits. For example, Section 9.81 of the Joint West Sussex LIR [REP1-068] suggests the creation of wildflower grasslands on road verges and roundabouts, and the improved management of Gatwick Stream and Crawter’s Brook.

Although the two ponds are considered to be of no more than local ecological value, the Authorities maintain the view that replacement ponds are required in compensation. The Authorities are pleased to learn that an Outline Reptile Mitigation Strategy is being prepared and that it will include locations for reptile receptor sites.

12.17 **ExQ1 Ref. DCO.1.46 (Status of CoCP)** - The Authorities maintain that the CoCP should be an outline document.

13 [REP4-040] 10.29 Zone of Theoretical Visibility of the Temporary Construction Compounds

13.1 The Authorities welcome the production of the ZTV which had been requested to better understand the visual impacts of the large construction compounds. These areas would be subject to continued construction presence for a lengthy period of time. The construction compound for Project Change 3 (the reedbeds) has not been shown within the ZTV produced by the Applicant. This has potential visual impact to nearby residents located in Radford Road and views from the nearby public right of way which runs along the access road entrance to Crawley Sewerage Treatment Works. Given the sensitive receptors in this location and the relative open nature and appearance of this countryside the visual impacts of this compound should have been assessed.

14. [REP4-028] 10.24 Appendix F: Response to the JLAs on Arboriculture, Landscape and Ecology

14.1 **Table 3** – The revised arboricultural documentation submitted at deadline 3 is a positive improvement and addressed some concerns previously raised. However, the comments below remain outstanding, these relate directly to GAL's responses have been summarised per the relating section:

Summary

14.2 The authorities are disappointed with the response provided by GAL as further project information is required to understand how the Applicant has approached proposed tree removal. It remains of high concern that tree loss is based on a worst-case scenario whereby "almost all of the vegetation within the construction area is removed". This cannot be a realistic worst-case scenario and this has already been demonstrated within the list of trees identified in West Sussex Joint Local Authorities – Comments on D2 Submissions (Appendix C) [REP3-117].

14.3 The Authorities are well aware that no Ancient Woodland is directly within the Project limits. Their buffer zones are within the project boundary however, and therefore require consideration. Concern remains regarding impacts to Horleyland Wood (Ancient Woodland and Local Wildlife Site). Whilst changes to section 3.3 of the Code of Construction Practice Annex 6 – Outline Arboricultural and Vegetation Method Statement (oAVMS) [REP3-

022, REP3-023, REP3-024, REP3-025, REP3-026, REP3-027] are welcomed, the proposed surface water/ foul water works are still indicatively shown to run through the buffer zone of the ancient woodland. This requires avoidance from the onset rather than at detailed design to provide confidence that construction can and will avoid impacts to the woodland.

Policy Context

- 14.4 Please refer to commentary within section 7.2 of the West Sussex Joint Local Authorities Comments on any further information / submissions received by Deadline 3 [REP4-042]. Further information is required in relation to recognition and adherence with policy CH6 'Tree Planting and Replacement Standards' of the Crawley Borough Local Plan 2015 – 2030 (CBLP).

Applicant's Approach to Assessment

- 14.5 The Applicant's response is acknowledged, though this has not demonstrated that a realistic worst-case scenario has been presented with relation to proposed tree loss. The Landscaping Design Principle L4 in its current wording provides little clarity or comfort on this matter.

Tree Loss

- 14.6 The authorities welcome the Applicant's recognition that tree groups and woodlands within the A23/M23 spur corridor have, and should be, recognised for their collective value and merits rather than as individuals. However, despite their own tree surveys recognising most tree groups and woodlands proposed for partial or full removal as high value (A category) or moderate value (B category), it is very disappointing that these features remain generalised by the Applicant as low-quality highway infrastructure trees within the revised Tree Survey Report and Arboricultural Impact Assessment (AIA) [REP3-037].
- 14.7 The landscape visions presented within the Outline Landscape and Ecology Management Plan (oLEMP) [REP3-031, REP3-033, REP3-035] does provide reinstatement of the A23/M23 road corridor, though it is clear current plans will not replace the current corridors to their full extents, nor enhance upon them. There will be a significant long-term effect as a result of the mass vegetation removal and lack of enhancement.
- 14.8 To clarify, the current documentation submitted by the Applicant does not demonstrate that a realistic worst-case scenario has been presented with relation to proposed tree loss. The response from the Applicant aids the view that a 'realistic' worst-case scenario has not been provided. The Authorities would like clarification as to the reasoning for the removal of trees stated within the West Sussex Joint Local Authorities – Comments on D2 Submissions (Appendix C) [REP3-117].

Tree Pruning

- 14.9 The Applicant's response does not reflect their own AIA; section 6.2.1 states "*In order to facilitate construction, it may be necessary to reduce the*

canopies of any retained trees that encroach upon the Project proposals. The need for such works will be assessed through the detailed design stage and specified within the Detailed Arboricultural and Vegetation Method Statements.". The oAVMS as it currently stands does not require the details AVMS to provide a specification of tree pruning works, which is expected and required.

Preservation of Arboricultural Features

- 14.10 For the reasoning provided above (14.9), section 3.3 (or a relevant alternate section) needs to secure the delivery of a tree works schedule within the Detailed Arboricultural Method Statements proposed.
- 14.11 Paragraphs 3.4.4 and 3.4.5 of the oAVMS need to reflect recommendations made with section 7.2 of BS5837:2012 with regard to avoiding and limiting root damage during excavations. The Authorities acknowledge that this change is proposed to be addressed in the next submission of the oAVMS.
- 14.12 An additional contractor compound for the reed bed treatment system is identified within figure 5.2.1f of the Project Description Figures [AS-135], a proposed Project change (change request 1). No mitigating tree protection fencing has been identified for trees surrounding this compound. Despite the Applicant's response to this concern, further consideration of the matter is required within the outline documentation to ensure access to the construction compound can be achieved within additional arboricultural impacts.
- 14.13 An indicative haul route, providing linkage to the airfield satellite contractor compound (and laydown area), remains present within figure 5.2.1f of the Project Description Figures [AS-135]. This appears to enter land known as Museum Field through tree group G16 (B2/3 category) which is covered by a TPO (ref. P16.5.6:A1) within Crawley Borough Councils jurisdiction. This group of trees is proposed for retention with protective fencing preventing access and requires further consideration. Despite the Applicant's response to this concern, further consideration of the matter is required within the outline documentation including both the AIA and oAVMS due to the potential impact to G16 which has not been assessed.

Ancient Woodland/ Required mitigation

- 14.14 Remaining concerns regarding ancient woodland, specifically Horleyland Wood, are addressed within paragraph 2.15.3.

Required Mitigation

- 14.15 Further information is required in relation to recognition and adherence with Local Planning Policy CH6 'Tree Planting and Replacement Standards' of the Crawley Borough Local Plan 2015 – 2030 (CBLP). Please refer to commentary within section 7.2 of the West Sussex Joint Local Authorities Comments on any further information / submissions received by Deadline 3 [REP4-042].

14.16 Preparatory works or protection measures for areas of new landscaping (which includes new tree planting) needs to be specified within the oAVMS. This is specified within 6.1.2 (g) and 6.2.1.2 of BS5837:2012. The Applicant's reference to the Soil Management Strategy [APP-086] provides methodologies which could be adopted to address concerns, though it has no mechanism which will secure them.

15. Comments on submissions made by National Highways [REP4-078]

15.1 The National Highways Deadline 4 submission Comments on Responses to ExQ1 [REP4-078] highlights that two plots of land identified in the Applicant's Book of Reference [REP1-009 and REP1-011] identifies the land under National Highways ownership which National Highways understands should have transferred to West Sussex County Council as part of the 1978 statutory de-trunking order of the A23 by virtue of section 228 of the Highways Act 1959. This is correct and is West Sussex County Council's (WSSC) understanding of the matter. The land is still legally owned by National Highways but WSSC are liaising with National Highways to ensure the legal registration is enacted and the Land Registry records are updated accordingly so that it becomes WSSC owned land.

16. [REP2-015] Code of Construction Practice Annex 7 Construction Communications and Engagement Plan

16.1 The Authorities consider this document is extremely light on detail and could be considered a strategy document, rather than a project specific plan. The Authorities request this is developed further throughout the course of the Examination so all interested stakeholders are clear on the lines of communication and level of engagement that they can expect with the Applicant throughout the Project construction phase (in the event that the DCO is consented).

16.2 Stakeholders should also be expanded to include other service areas for which engagement will be necessary throughout the process for example, Environmental Health Officers.

Response to the Applicant's Deadline 4 document *Note on Excepted Development and the Airport Development Principle* [REP4-030]

Introduction

1. This document has been prepared by the Joint Local Authorities (“JLA”) in response to the Applicant's Deadline 4 document *Note on Excepted Development and the Airport Development Principle* [REP4-030] (“the Excepted Development Note”). It is organised into two parts. Part 1 sets out the JLA's position in respect of excepted development. Part 2 sets out the JLA's comments on the Excepted Development Note.

Part 1 – the JLA's position in respect of excepted development

Background – excepted development

2. Paragraph 1(1) of Schedule 2 to the dDCO [REP3-006] defines “excepted development” as any part of the authorised development which falls within Schedule 2, Part 8, Class F [development at an airport] of the [Town and Country Planning (General Permitted Development) (England) Order 2015 (the “GPDO”)] and does not fall within the description of development in F1 of those Regulations”.

Requirement 4 (detailed design)

3. By Requirement 4 of the draft DCO, no part of the authorised development may commence until “details of the layout, siting, scale and external appearance of the buildings, structures and works within that part” have been approved by Crawley Borough Council (“CBC”), in consultation with Mole Valley District Council and Reigate & Banstead Borough Council to the extent they are the relevant planning authority for any land to which the details relate.
4. The submitted details must (i) be in accordance with Appendix 1 of the Design and Access Statement (“**Appendix 1**”), unless otherwise agreed with CBC and (ii) demonstrate that in carrying out the works they explain how the undertaker would comply with the limits and parameters in article 6 (limits of works).
5. Excepted development works fall outside the scope of these provisions.
6. By Requirement 4(5), excepted development must be carried out in accordance with Appendix 1, unless agreed in writing by CBC.

Requirement 10 (surface and foul water drainage)

7. By Requirement 10(1) and (2), no part of the authorised development may commence until written details of the surface and foul water drainage for that part have been approved by CBC (in consultation with other bodies). The drainage details must be in accordance with the drainage design principles in Appendix 1.

8. Excepted development works fall outside the scope of these provisions.
9. By Requirement 10(5), excepted development works involving surface or foul water drainage must be carried out in accordance with Appendix 1, unless otherwise agreed with CBC.
10. The JLA are not aware of another DCO which includes requirements that distinguish between “excepted development” and other development in the way proposed by Requirements 4 and 10.

The problem with excepted development

11. Paragraphs 1.5.18 of the Planning Statement [**APP-245**] states the project “is not severable” and paragraph 1.5.19 refers to “the indivisible nature of the Project” and to the project “as a single proposal”.
12. The Applicant’s proposal to carve out “excepted development” from the exercise of planning controls by the local planning authority contradicts the Applicant’s presentation of the project as a single, integrated, indivisible project.
13. Subject to certain exceptions which do not apply here, article 3(10) of the GPDO provides that Schedule 1 development or Schedule 2 development (“**EIA development**”) within the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 is not permitted by the GPDO.
14. It is clear the project is EIA development and there is no disagreement about this. The Applicant has applied for a DCO for a single indivisible project, for EIA development, and that includes the component parts.
15. By seeking to carve out “excepted development” from Requirements 4 and 10 of the dDCO [**REP3-006**], it appears the Applicant wants to use the DCO to give it authority to carry out works but carve out of the DCO any controls for elements of those works. The control of design is excluded in relation to the authorised work which would otherwise be regulated by Requirement 4; similarly, drainage matters are excluded from local authority control under Requirement 10. The JLA consider this to be unacceptable. The Applicant has a choice and could have done these things as permitted development; however, if it is recognised that these elements (as the Applicant maintains in the Planning Statement) are integral parts of a wider project, which is EIA development, then it cannot do those works as permitted development, and it should not seek to have the freedoms that the permitted development regime gives.
16. As well as there being no precedent for this approach, there is no guidance or policy in support of it.
17. In the Excepted Development Note the Applicant introduces the “Airport Development Principle” which is described as “... the rationale that airport operators are best placed to determine the necessary development in connection with services and facilities at their airport and that delays or hurdles to the carrying out of such development should be minimised to ensure the efficient and effective operation of airports, save for development of the type specified in paragraph F.1 which is not covered by Class F”.

18. The JLA note that, in paragraph 4.1.1. of the Excepted Development Note, the Applicant states: “The Applicant proposes to amend the draft DCO at Deadline 5 to specify by reference to a set list of work numbers those works for which detailed design approval by the relevant local authorities is appropriate, rather than defining a concept of "excepted development" by reference to Class F. The list of work numbers is based on the Airport Development Principle, informed by the scope of Class F”.
19. This sentence is a cause of concern for the JLA. While they will await seeing the detail before commenting definitively, it appears the Applicant has abandoned “excepted development” for “the Airport development Principle” in order to override the fact that the GPDO does not permit EIA development. This is a bold proposal and one, if included in a made DCO, would allow applicants to bring forward development without proper scrutiny by the local planning authority, a body authorised by Parliament to provide that scrutiny. It is astonishing that in a regime which proceeds on the basis that certain things will be subject to post-consent determination, the Applicant is seeking to carve out elements of the project from that determination. Not only is this approach without precedent but it would also set a dangerous precedent for future applications.
20. The JLA consider the “Airport Development Principle” provides no convincing reason why development which the Applicant accepts is not permitted development should be entitled to enjoy the freedoms from detailed control that has been given to permitted development.

Part 2 – the JLA’s comments on the Excepted Development Note

21. Where the JLA have not commented on certain text from the Excepted Development Note, it should not be assumed that the JLA agree with that text.

Paragraph no.	Text from Excepted Development Note	JLA’s comments
1. Project Design		
1.1.1	“... the Applicant has already committed that all parts of the authorised development must be carried out in accordance with ... [Appendix 1] ... through requirements 4, 5 and 10 in the draft DCO [REP3-006]”.	Good design and drainage arrangements in respect of excepted development will not be subject to control by the local planning authority; instead, the Applicant will effectively mark its own homework in respect of these important matters.
1.1.2	“... the Applicant undertook a comprehensive review of the Design Principles and submitted an updated version at Deadline 3”.	The West Sussex authorities’ concerns with the updated Design Principles are set out in the Deadline 4 document [REP4-042]. (Further information on the JLA’s concerns are set out in the responses to questions GEN1.21 and DCO1.56 [REP3-135]). In brief, the lack of detail in respect of design and control for a project of this complexity and scale is surprising.

1.1.3	“...the Applicant is exploring incorporating a formal design review process, such as the appointment of a Design Advisor”.	While the introduction into the dDCO of a design review process would be welcomed in principle, that provision should be in addition to, and not instead of, improving the Design Principles in the ways suggested by the JLA.
2. Airport Development Principle		
2.1.2	“... airport operators are best placed to determine the necessary development in connection with services and facilities at their airport and that delays or hurdles to the carrying out of such development should be minimised to ensure the efficient and effective operation of airports, save for development of the type specified in paragraph F.1 which is not covered by Class F. We shall refer to this as the "Airport Development Principle".	The “Airport Development Principle” is a creation of the Applicant. It does not get around the fact there is no policy or other guidance to justify the Applicant’s bold approach of seeking to remove certain elements of an indivisible project from proper scrutiny by the local planning authority.
2.1.3	“...the Applicant does intend that the Airport Development Principle be reflected in the way in which detailed design approval is incorporated into the DCO for types of development which would in other contexts benefit from Class F”.	The key phrase for the JLA here is “in other contexts”. In respect of the instant application, the “excepted development” is as much a part of the project as any other element of it and all parts of the authorised development require development context. This distinguishes the instant application from the “other contexts” mentioned by the Applicant. The attempt to “incorporate” the “Airport Development Principle” into the DCO does not get over this point.
3. DCO Approach		
3.1.2	“In the draft DCO, excepted development is not subject to detailed design approval by [CBC]. Instead, CBC must be consulted on the proposed excepted development in the same manner as if that development were being brought forward under Class F and the excepted development must be carried out in accordance with ... [Appendix 1].	The JLA disagree with this approach. The Applicant is bringing forward the authorised development in an application for development consent; it is not bringing forward development under Class F. Since the authorised development is EIA development, by article 3(10) of the GPDO, it is not permitted development and does not benefit from its freedoms.
3.1.4	“The Applicant notes that [the JLA’s] objections are premised on a	First, an obvious point: the JLA have been unable to address the “Airport

	<p>hypothetical counterfactual where elements of the proposed development are brought forward pursuant to the 2015 Regulations in the absence of the DCO, rather than addressing the Airport Development Principle and how that informs what elements of the development authorised by the DCO should or should not be subject to detailed design approval by the local authorities following grant of the DCO”.</p>	<p>Development Principle” till now (Deadline 5) because it was not introduced till Deadline 4.</p> <p>Secondly, the JLA reject the idea of having presented a “hypothetical counterfactual”. Instead, they have presented an established and (in their view) uncontroversial argument: the authorised development is EIA development and so it does not benefit from permitted development rights.</p> <p>This approach is clearly consistent with the law and the “Airport Development Principle” does not trump this.</p>
(a) EIA concerns		
3.1.7	<p>“Regulation 3(10) aims to ensure that EIA cannot be avoided by reliance on permitted development rights such that potential impacts are not assessed and, where required, mitigated. There is no risk of this for the Project, which has been subject to a comprehensive EIA and which encompasses a suite of mitigation measures in the draft DCO, control documents and section 106 agreement. There is no need for the design control provisions in the draft DCO to fulfil any role in respect of the EIA for the Project”.</p>	<p>Article 3(10) of the GPDO is clear: EIA development is not permitted by the GPDO and it is not disputed by anyone that the authorised development is EIA development.</p> <p>The Applicant’s interpretation of what the provision’s “aims” are must be secondary to what the provision says.</p>
3.1.7	<p>“... where a particular work is of a type to fall within the scope of Class F, concerns that this work when grouped with other works (including a major highway scheme) would be EIA development is not an answer to the Airport Development Principle”.</p>	<p>The JLA’s position is based on what the relevant legislation says. The GPDO more than answers the “Airport Development Principle”.</p>
(b) Operational land concerns		
3.1.8 – 3.1.10	<p>[Text noted].</p>	<p>The JLA are concerned by the prospect of sensitive areas (including, for example, Museum Field, Pentagon Field, and reed bed areas) being considered “operational land” by the Applicant and therefore at risk of being developed particularly because of the wide scope of</p>

		<p>permitted development rights covering operational land.</p> <p>The JLA consider it is essential these areas are not developed and seek the Applicant's position on this point.</p>
4. Work-Specific Approach		
4.1.1	<p>"The Applicant proposes to amend the draft DCO at Deadline 5 to specify by reference to a set list of work numbers those works for which detailed design approval by the relevant local authorities is appropriate, rather than defining a concept of "excepted development" by reference to Class F. The list of work numbers is based on the Airport Development Principle, informed by the scope of Class F".</p>	<p>Please see paragraphs 18 to 20 above.</p>
4.1.1.	<p>"The list of work numbers is based on the Airport Development Principle, informed by the scope of Class F. If the JLAs have particular concerns with certain works not being subject to detailed design approval, they are invited to articulate those concerns by reference to the Airport Development Principle such that the justification for detailed design approval in respect of that work can be discussed between the Applicant and the JLAs".</p>	<p>The JLA do not propose to articulate concerns by reference to a principle which is clearly trumped by article 3(10) of the GPDO. The JLA's position is straightforward: EIA development does not benefit from permitted development rights, the project is EIA development and so each of the Works should be subject to detailed design approval.</p>
Conclusion		
5.1.1	<p>"The Applicant considers that any approach taken in the DCO should reflect the Airport Development Principle and that objections by reference to a hypothetical counterfactual use of the Class F permitted development right as per the 2015 Regulations misunderstands the Applicant's position".</p>	<p>There is no basis for concluding that the approach taken in the DCO should reflect the "Airport Development Principle". On the contrary, the approach taken in the DCO must be in accordance with the law.</p> <p>The Applicant provides no convincing reason why development which the Applicant accepts is <u>not</u> permitted development should be entitled to enjoy the freedoms from detailed control that has been given to permitted development. The 'excepted development' is as much a part of the project as any other component and all parts of the authorised development require Development Consent. Good</p>

		<p>design and satisfactory drainage arrangements are as important for these elements as they are for any other elements. There is no good reason why there should not be appropriate scrutiny of the detailed design and the drainage arrangements for all parts of the authorised development. No policy or other guidance is relied on by the Applicant for what the JLA consider to be a novel approach, which lacks any coherent justification. Development which has the benefit of permitted development rights is also subject to the limits of the permitted development regime (one of which is that it does not allow EIA development).</p> <p>The JLA therefore continue to object to the concept of 'excepted development' and its use as proposed by the Applicant.</p>
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