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FULL TRANSCRIPT (with timecode)

00:00:05:00 - 00:00:40:28

In this hearing. Before we move on to item seven, I want to say something related to the discussions about Noise Envelope this morning and the car parking survey, which we discussed yesterday. We recognized that examinations of fast moving with frequent deadlines, and that there will be a need to amend or submit new information. We also note the comments of the applicant about their internal review processes. However, hearings, which are specifically arranged to dig deeper into issues require considerable commitments.

00:00:41:08 - 00:01:11:21

I mean, interested parties and the examining authority. Introduction or signposting of new information during a hearing when parties have already prepared does not provide for the smooth running of hearings. We therefore ask the applicant to ensure that any material to be relied upon is submitted at the previous deadline. If that is not possible, then the case team are informed in the first instance about any modifications.

00:01:13:21 - 00:01:19:19

It's the lines. Do you want to respond to that or can we move on? Uh, Scott, for the applicant. Thank you.

00:01:19:21 - 00:01:55:29

Sir. Yes. Obviously, if the applicant is in a position to indicate when information is going to be available at appropriate deadline, we will do so. We are as interested in the smooth running of the examination as anyone else who is involved in the examination is. And as I mentioned, in relation to the noise envelope, and this was a significant decision for the airport. We've explained why we produced information at deadline four, which was as soon as we could reasonably code in relation to the central case assumptions.

00:01:56:06 - 00:02:39:28

And as was explained, there was a decision making process which had to be followed by the airport, leading to board decision which took place on Friday evening, following which further instructions had to be taken. Uh, with the team briefed on what could be done at the examiner line. So you'll realise, I hope, sir, that when we took that decision, the airport took that decision. That was the soonest that could have been taken in these circumstances. And, uh, as we submitted before, it was done with a view to conceding ground to acknowledge concerns that had been raised, we didn't want to, if you take the example that's been given by yourself, sir.

00:02:40:00 - 00:03:14:06

We didn't want to somehow wait for a deadline to come to make that information available. We'd made it available as soon as we possibly could at this hearing, and we did so to try and avoid unnecessary debate. Um, at this hearing, we didn't want to reach the position where we allowed that debate to be carried out for a couple of hours in the session this morning, take a matter away and then produce information, a deadline which rendered the debate abortive. So we were genuinely trying to help in an effort to move matters forward.

00:03:14:08 - 00:03:45:11

And what was a significant decision for, um, for the airport? However, if, uh, when matters come forward and further information can be produced and we can signpost that in relation to deadlines, we will, um, you'll appreciate, sir, we have on previous occasions offered to provide information, even outside deadlines, before they were there and been told that we needed to wait for the deadline to produce them. So we are interested in producing information as quickly and as efficiently as we possibly can, and that will continue.

00:03:45:13 - 00:03:46:14

Thank you very much. Okay.

00:03:46:16 - 00:04:17:05

Thank you. So let's move on then to item seven on the agenda. Which is ecology. And item 7.1. So as the examining authority will explore outstanding concerns relating to ecology and biodiversity, to include, firstly, a landscape scale approach to assessing and addressing ecological impacts. Secondly, local nature recovery strategies.

00:04:17:13 - 00:04:43:21

And thirdly, biodiversity net gain, which will refer to as Beng and clarifications around loss of and replacement trees and woodlands. Okay. So let's begin with the landscape scale approach. And several local authorities and other IPS have raised the issue that there needs to be a landscape scale approach to assessing and addressing ecological impacts.

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The applicant provided its response at deadline one and statement of Common Grounds, for example, that with Surrey County Council at 145. However, the examining authority understand that this is an outstanding concern.

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But let's begin by asking the local authorities. Can they expand on what? They would like to see from the applicants proposals to evidence a landscape scale approach to addressing and assessing ecological impacts.

00:05:26:07 - 00:05:56:25

Thank you, Sir Michael Bedford for the joint local authorities. So obviously, you and your colleagues will understand, uh, the concept of taking a landscape scale approach to the assessing of biodiversity matters, uh, not only for, uh, particularly reasons of habitat connectivity, wildlife corridors and the like, but also in the particular context of, uh, this proposal.

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Uh, we recognize, uh, and don't seek to challenge, uh, that the applicant has operational constraints as to what can be done by way of mitigation or compensation within, uh, the site, uh, because of needing to ensure operational safety, uh, for uh, aviation to take place, which obviously has restrictions on either the nature of planting that can take place, whether it's trees and trees and heights or whether it's particular types of vegetation which might be attractive to birds of particular types and so on.

00:06:38:13 - 00:07:19:14

So we understand that. But what that really means is that the applicant needs to have adopted a broader canvas to thinking about ecological impacts and how they are most appropriately to be mitigated, or if they can't be mitigated, compensated for. And our concern is that it is not evident to us that the applicant has adopted that approach, which obviously will look wider than the airport perimeter as the appropriate, uh, survey area for considering, uh, those landscape, uh, scale, uh, ecological implications.

00:07:19:21 - 00:07:56:08

And we don't find that as a evident in the work that the applicant has undertaken. And therefore we are of the view that what is presented is, uh, not, um, robustly justified because it doesn't properly take into account those wider implications as to the question is, what could be done about that? What would we like to see bearing in mind where we are now in the examination? So I think we don't think that this is one of those issues which is effectively irremediable, if I've got that word right.

00:07:56:19 - 00:08:33:07

Uh, we think that, uh, the applicant could do further work looking outside of the site at areas, particularly, uh, wildlife corridors, bat commuting routes, uh, vegetation, uh, um, linkages, uh, issues in relation to riparian, riparian watercourses and associated matters of that nature, uh, that the applicant could look at those areas. And, um, I think there has been some dialogue informally between the parties about this with a view to allowing that to inform.

00:08:33:09 - 00:09:11:06

What then goes into the Olympe as a series of mitigation and or compensation measures, and obviously in due course, that would then be translated into the detailed lengths that come forward, uh, under requirement eight. Um, it would also impact, I think, on the arboriculture side of things, which comes forward under requirement 20. So I say we think the applicant still has the ability to do more. And the. The further work that would be undertaken is something that could be done at a, as it were, a relatively, if I used the word coarse grain rather than fine grain.

00:09:11:08 - 00:09:26:20

I'm not using that in a technical sense, but again, you hopefully get the drift. Um, and I say we think that that could then inform a further iteration of the Olam, which we would then be able to look at and with a view to hopefully satisfying that particular concern.

00:09:27:03 - 00:09:53:03

Thank you. And I think what you have picked up on there is where we are now, because clearly there was some discussion earlier in the examination about this issue, and it was a difference of opinion between the local authorities and the applicant, and it didn't move forward. But I think we're at the position now where what can be achieved. So on that basis, Mr. Stone, to respond to what you've heard.

00:09:53:13 - 00:10:37:00

Um, Scott Lynas for the applicant, I'll ask Mr. Batson who's sitting to my right to explain where we are on on this issue generally. But so I understand some of the matters that are being raised at today by Mr. Bedford. We don't understand these matters to appear in any written material that has been put before us. We understand there may have been a meeting on Monday where the specific points that were raised on matters such as wildlife corridors or bats were raised, but we don't understand any specific measures that are being sought by the Glas have been put us in writing at before, and we haven't seen a case to explain why what we have done is insufficient.

00:10:37:02 - 00:11:05:12

We think that what we have prepared sufficiently covers the the ground, as it were, for reasons that Mr. Batson can explain. If there is a need to explain to the Glas by way of some signposting, the work that we have done to clarify matters, then we can potentially take that away. But we don't accept the proposition that, uh, the work that we've done thus far is insufficient, for reasons. I can ask Mr. Batson to elaborate on that.

00:11:05:14 - 00:11:08:21

Before you do that, ask Mr. Bedford to comment on that, because.

00:11:09:14 - 00:11:40:00

Well, I said, we think we set that out fairly clearly in the local impact reports, which in terms of the chapters that deal with, um, ecological matters, we've set out very clearly what our concerns were with the applicants assessment work. So I don't accept that the applicant has not had, as it were, forewarning of the points that we've been raising, um, and say we're taking a pragmatic view that we think it can be, uh, still capable of being addressed.

00:11:40:02 - 00:11:59:17

But I think there is a lot of detail in the local impact report, uh, which and you'll be familiar with the format of those we set out, as it were, almost with each chapter, an executive summary. Then there is a table which sets out detailed concerns. And then beyond that there is commentary. Um, and obviously you need to look at all of that, but I think you will see the points being reported.

00:12:00:08 - 00:12:16:29

There does seem to be lots. You've mentioned the local impacts report. Also, the statements of common ground between the parties do demonstrate that there has been discussion on a whole range of matters in relation to habitats, severance and disturbance.

00:12:17:27 - 00:12:43:28

Scotland. For the applicant, there may have been points raised, but in the context of a complaint about a landscape scale strategy, we certainly have, my instructions are we don't understand. There have been points specifically raised in this context which direct us to where further work is required on our part, but in any event, our position is the work that we've done. We regard that as sufficient. And I can ask Mr. Betts and explain why, sir. Okay. Thank you.

00:12:46:03 - 00:13:24:14

Thank you. Scott. Nick Batson for the applicant. I think it's the. The work that we've done to date in terms of consideration of impacts and associated effects with respect to ecology, has required us to think at a landscape scale. Our work is a very large site, and it sits within a context of, uh, Horley to the north and Crawley to the south, and it's very much central between those two conurbations. And in order to properly assess the landscape, the ecological effects that we're, that we would be dealing with, um, we've.

00:13:25:12 - 00:14:01:23

Very much looked at at a landscape scale, and that's demonstrated through the, uh, um, how we've dealt with things like, uh, tone of influence and, and study areas with our study area for European sites initially set at 20km and in the end ended up going out to 33km from the site in order to ensure that we were fully accounting for potential effects. Um, another example of how we've accounted for the landscape scale approach is very much when you're thinking about the context of Gatwick within, uh, the wider landscape.

00:14:01:25 - 00:14:36:13

You've got Riverside Garden Park to the north. Where Riverside Garden Park, uh. We've got the Gatwick stream running parallel to the A23, becomes a very narrow corridor that's very early on in the design evolution of the project. We identified that that was a key potential landscape scale effect. If there was reference in that location, you would not have any wildlife. Permeability between Horley in the north and Crawley in the south. So we worked very, very hard with our uh, with the project engineers to make sure that we could retain that, um, that corridor and ensure that it was incorporated into the project.

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Um, some of the earlier, uh. Designs that the road improvements set out did incorporate um, severance of that corridor, and they were rejected on the basis that that would then be a landscape scale effect. And therefore we we the final design that was chosen, we made sure that it was, uh, it

there was at least a ten metre buffer of vegetation with the Gatwick stream along through that narrow where it narrows to very much, uh, mitigate and avoid any potential severance impacts in that location.

00:15:13:04 - 00:15:30:22

We've also incorporated a car park. Be the area to the north of the airport into the ecology strategy. It's being vegetated as part of the project, and that actually enhances that corridor, because it removes what was the only area of urbanization in that particular location.

00:15:32:25 - 00:16:01:02

So we feel very, very much that ecology has been driven. We've been driven by the requirement to account for effects at a landscape scale, and that we've responded to that within ecology strategy. That really does focus on a landscape approach in terms of setting the context of Gatwick within its setting in the landscape, with River mole to the west, Gatwick Stream to the east and Gatwick sitting in the centre of that and.

00:16:02:18 - 00:16:09:01

Ensuring that that hangs together coherently with a coherent ecology to support it.

00:16:09:06 - 00:16:09:29

Okay. Thank you.

00:16:12:02 - 00:16:57:02

Um. On this issue generally. Um. We've noted that the local authorities are requesting a landscape and ecology enhancement fund to target landscape enhancements. Let's set out, for example, within the Surrey County Council pads, we have 264. Can the local authorities do you see this fund as separate to the Gatwick Greenspace Partnership Fund, which is referenced in the draft section 106 agreements? And to what extent will the Landscape Ecology Enhancement Fund address the concerns of local authorities regarding this landscape scale approach?

00:16:57:19 - 00:17:10:07

Thank you sir. Thank you sir. Michael Bedford I think in relation to that, what I'm going to do is bring in Mr. Graham Roberts, who is the West Sussex County Council. County.

00:17:11:22 - 00:17:39:01

And I'll ask him to do two things. First of all, to make any comments he wants to do by way of response to what the applicant has just said about why they think they have adopted a landscape scale approach. And then secondly, to deal directly with your question about the distinction between the funds that the authorities are looking for and what's already envisaged in the 106. So if I can ask Mr. Roberts to deal with those two separate areas. Thanks. Thank you.

00:17:41:15 - 00:18:17:15

Thank you, sir. Graeme Roberts, Kent ecologist, West Sussex, Kent Council. The landscape scale approach. I hear what Mr. Batson has said. Certainly they are taking a landscape scale approach within the confines of the the DCO boundary. It's quite a large area of the airport. Thanks. Um, and the landscape strategy that the sort of the, the ecology strategy that they've adopted, um, is very much aimed at enhancing the wildlife corridors within the confines of the airport.

00:18:17:17 - 00:18:51:15

But we feel that there are impacts that extend beyond the airport boundary, um, need to maintain habitat connectivity within the wider landscape. And due to disturbance and habitat severance over the 14 year construction period. We feel the. Will be impacts on the wider countryside around the airport.

Um, I can pick up quotes from the environmental statement. Excuse me. Um. Chapter nine, section 9.9.380.

00:18:51:17 - 00:19:24:05

And this is application to the preferences app. 034 says due to the continued absence of mature woodland and reduction in habitat connectivity from the surface access improvement works, there will continue to be significant effects on semi-natural woodland and the assemblage of bat species, so it's acknowledged in the environmental statement there will continue to be effects. The compensatory woodland planting will take many years, probably a couple of decades before it achieves, um.

00:19:26:09 - 00:20:00:14

Before it replaces what? That which is lost, um, and which is the desired habitat condition. So there's going to be a time lag in what is. Back in compensation that because of the constraints, um, which Mr. Bedford has explained within the airport. Um. There will be a net loss of 5.7 hectares of woodland, which can't be compensated within the airport or within the DCO boundary. So we're looking off site, or at least I think one has to look offsite to compensate for that.

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And the most effective way of doing that would be at a landscape scale. So that is partly what drives the landscape scale approach is to target where you're putting this compensatory habitat.

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Um, there are other impacts, for example, uh, downstream impacts on riparian habitats, um, spread of non-native aquatic species like Himalayan balsam and signal crayfish could extend beyond the airport boundary as a result of the works.

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Um. Yeah, I think that moving on to Gatwick Green Space Partnership, I mean that that is an excellent project. Um, it achieves a lot working with the local community, but it does work on a small number of discrete sites.

00:20:46:17 - 00:21:20:26

Um, a lot of community work, but what we are talking about is much more conservation led, targeted work across the wider countryside around the airport in terms of this proposed section 106 agreement. It would be in effect working with landowners, um local authorities, other partners to um, enhance the landscape and in fact impact um any residual. Impacts in the wider landscape would be kind of mitigated through this process.

00:21:20:28 - 00:21:41:11

So we're thinking about enhanced habitat connectivity with hedgerow linkages between woodlands, new areas of woodland, potential species recovery projects like water valve introductions, um, could be done through a landscape scale. Um section 106 Enhancement Project.

00:21:41:23 - 00:21:54:02

Okay. Thank you. Thank you. Um, so. I think the applicant's position on that. Separate fund is that you are not in favor of it. Is that correct, Mr. Linus?

00:21:55:27 - 00:22:29:18

Scotland is for the applicant. That's correct. So we don't think that a specific UN skip and a college fund is, is necessary, um, within the scheme. Um, we're proposing significant measures to be secured to improve landscape and a college in the area surrounding the airport. And as has been mentioned already, we have the contribution to the Gatwick Green Greenspace Partnership to support

development of the landscape and the college and the surrounding area. Um, should add that landscape and ecology project to the public.

00:22:29:20 - 00:22:59:02

Benefit could also be the subject of the Gatwick Community London Gatwick Community Fund, but fundamentally, we see benefit coordinate efforts in this area rather than setting up a series of separate funds which you don't think are necessary. Um, ultimately, the conclusions of the ecology assessments were that there wouldn't be any significant effect and any receptor with the mitigation designed into the project as we set out. And so as no effects were identified, we didn't consider that any further mitigation was necessary.

00:23:00:05 - 00:23:04:28

Okay. Let's take that point further then. Um.

00:23:06:15 - 00:23:28:24

Can you comment on how your approach aligns with paragraph five dots 104 with the NPS and 5.33 b and then NPS regarding the maximizing opportunities for enhancements in and around developments.

00:23:36:01 - 00:23:39:00

It's a lot of stuff compared with the story. Just getting the reference. Yeah. Thank you.

00:23:57:14 - 00:23:57:29

Hey.

00:24:02:23 - 00:24:14:27

Past Mr. Benson to explain the response to FY 104 in terms of maximizing opportunities in and around the proposal to expand how the strategy that's been developed seeks to achieve that. Please, Mr. Robertson.

00:24:23:06 - 00:24:23:25

Thanks, Scott.

00:24:25:11 - 00:24:40:21

Make medicine for the applicant and the. The way that we've approached, uh, ensuring that the project delivers, um, that we maximise what we can with respect to ecological enhancement and, uh.

00:24:42:23 - 00:25:33:19

The delivery of ecological benefit as a result of the project has focused very much on creating a coherent ecology around the site. Um, and then targeted, uh, habitat creation, um, through. Uh. Various habitat corridors, providing that we're making sure that we're linking those all together, making sure that those corridors that flow, uh. Existing work that the existing award winning work that Gatwick have done with respect to biodiversity is continued, and that the the work that the Gatwick Greenspace Partnership's and Gatwick s uh ecologist in-house ecologists do with respect to biodiversity enhancement is continued as a result of the work that will form part of the Northern runway project.

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So. That's included. And I think it's quite important to, to, to set out the that we have included areas that are offsite within our um within the, the project, the uh museum field mitigation area to the north west of the site doesn't form part of the existing airport boundary. It's exterior to it. So we've the reason that is within the DCI boundaries because it forms part of the project, but it's not actually in the airport at the moment. So we have looked off site in order to make sure that we are incorporating, uh, uh, elements of ecology that can then form a coherent strategy once they've been, once they matured.

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So. Once all of those, uh, elements are combined, we have the, um, the.

00:26:24:20 - 00:26:32:17

Escaping the ecology management plan. That will then ensure that those elements are then delivered through a course of the project and.

00:26:34:05 - 00:26:54:09

Because Gatwick already have a track record of delivering this kind of management work through the work that their in-house ecologists do with Gatwick Greenspace partnerships. It's very much a case of building on the existing context within the airport and making sure that that is then, uh, um, carried through in the future as a result of the northern runway project.

00:26:55:02 - 00:26:55:21

Okay. Thank you.

00:26:57:23 - 00:26:58:15

Mr. Bedford.

00:27:00:17 - 00:27:39:13

Thank you sir. Well, without obviously repeating the points that we've made, we here. What said. We don't think that goes far enough. There is, as it were, a small example of something which is outside the current operational boundary, which has been brought into the DCO. But we don't think that actually displays the adoption of either a landscape approach to considering ecological matters. Nor do we think it goes far enough in terms of showing, um, that the opportunities have been taken to maximise, as you rightly say, the policy guidance indicates, uh, enhancements in and around the site.

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So we're not persuaded.

00:27:41:26 - 00:28:06:05

Okay. And in relation to the additional funds. Uh, that's local authorities are seeking. Would that satisfy the concerns? Is it possible that that could satisfy the concerns you have about the landscape scale approach, or are you suggesting that the applicant should also be including, uh, off site compensation?

00:28:06:15 - 00:29:02:02

Well, I think what we would like to see is some further assessment work from the applicant in terms of the scope of what could be done off site. Um, because we think that there are things that could be done and that, as I think been the subject of some recent dialogue between the relevant ecologists on each side, um, obviously having a fund, uh, would provide, um, a means of working forward, uh, with it not being necessary at this stage, uh, to identify precise areas for work, provided that the funds were sufficient to enable um works to be done in due course on areas that could be, uh, developed as the more detailed lengths come forward for particular areas.

00:29:02:04 - 00:29:33:10

But I think we I think we'd like to see some further work to show us in a sense that in principle, which we think it already is the case, but in principle that there are meaningful measures that could be taken, rather than just saying, well, you can give it off to a sum of money, and that would solve the problem. I think it's we'd like to see some, I say further work, which I say could be at a relatively high level to show you the sort of potentialities. And then, uh, as to how you deliver on those potentialities.

00:29:33:12 - 00:29:55:28

We've suggested the fund as an appropriate vehicle, but that is not, as it were, the only way in which it could be done. So we'd be receptive to other ways if the applicant were to say, well, no, we'd rather do it this way or that way. Um, but that's I say we think this is an issue that if the applicant engaged with it, progress could be made and it could address our concern.

00:29:56:13 - 00:30:04:16

And. I take it then that you haven't had discussions about what that fund, the amount of that fund would be.

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I think the answer is no.

00:30:09:12 - 00:30:12:15

But our discussion is ongoing. Well, that's.

00:30:14:07 - 00:30:31:08

But Graeme Roberts, county ecologist, West Sussex County Council um, discussions are ongoing about the concept of the fund and I feel personally it will go a long way towards mitigating some of our residual impact, you know, concerns. Um, apart from perhaps the woodland element of compensatory woodland.

00:30:32:08 - 00:30:47:25

Okay. Come on to that. But. So effectively a two stage approach, that high level overview of what might be possible or required and then, um, potentially looking at how it could be funded in that. Okay. Mr. Linus.

00:30:49:05 - 00:31:22:00

Uh, Scott Linus for the applicant will clearly of the local authorities, uh, have a number. They are going to suggest us. Uh, we will receive that. But our position remains the case for the reasons that, uh, Mr. Batson said that we do not think that the extent of work that we have carried out is insufficient, given the broad range of the study areas that have been, uh, looked at and the work that's been done to develop a strategy which we say does apply over, over a landscape area.

00:31:22:14 - 00:31:52:19

Um, Mr. Robertson's outlined that or really anything else he wants to add on the, on the strategy. But apart from that, the principle of the fund, we don't accept for reasons of set out. We think that the the Gatwick Greenspace Partnership was the appropriate vehicle in any event. And we don't we don't favor the idea of essentially having a separate fund being administered in any event and a separate way. We think the Green Space Partnership is a way to do that. But the contribution that's been offered, we we regard as sufficient already.

00:31:59:00 - 00:32:02:02

Nick Batson for the for the applicant. I think it's, um.

00:32:03:27 - 00:32:33:27

It is really important to, um, to. To recognize that we do have the. The whole project has evolved around the need for to deliver a quality enhancement to ensure that we have a coherent strategy for the project, and that that strategy does extend into the wider landscape. The whole idea of having the two rivers incorporated into that strategy means that we can, um, the benefits that will accrue as a result of the project will permeate out into the wider landscape.

00:32:33:29 - 00:32:45:20

We are offering the wildlife the opportunity to to, um, to move. Across the airport in a in a in a functionally linked way. And.

00:32:47:14 - 00:33:00:22

In particular when the work that's being done to realign the River mole, that's a very significant gain for the, um, for the wider landscape, because it will help with the flow of the river and it'll help with the overall ecological health of the river.

00:33:03:07 - 00:33:03:22

You.

00:33:05:16 - 00:33:15:04

Are there any other comments or questions from other IPS in the room? Do online. Continue on online.

00:33:16:24 - 00:33:17:09

Okay.

00:33:18:23 - 00:33:34:03

I think that's probably as far as we can take that issue today. Um, so let's move on to the next part of 7.1, which is local Nature Recovery strategies and biodiversity opportunity areas.

00:33:40:21 - 00:34:15:29

So we recognize that local nature recovery strategies are not yet complete and that the joint sorry councils are one zero 97 states that it would be keen for the Northern Greenway project related habitat creation and ecological enhancement or offsetting to take place within those biological enhancement areas. Similarly, the deadline submission from.

00:34:17:02 - 00:34:51:16

Uh Jack and from Mr. Bennett's, identified the nearby Boaz and stated that the airport should incorporate a comprehensive strategy to protect and enhance these vital biodiversity areas around its site boundary. So let's begin with, um, questions for the applicant. So in response to Mr. Bennett's two three submission, which is Rep three 159, the applicant stated that.

00:34:52:27 - 00:35:08:12

It's an incorporated the Gatwick Wood and River mole boas into the ecology strategy. Could you explain why the ecology strategy doesn't incorporates the boas that are nearby, but not within the proposed order limits?

00:35:13:03 - 00:35:18:00

Uh, Scotland. I'll ask Mr. Bettison to ask that question, please.

00:35:19:21 - 00:35:28:15

Thank you. Scott. Uh, Nick Batson for the applicant. Um, the the other bows that are, uh, in the surrounding landscape.

00:35:30:11 - 00:35:36:04

Uh, I believe quite some distance from the site. And we've made, uh.

00:35:38:04 - 00:36:15:19

What a boy is to do exist immediately adjacent to the site and surrounding the, uh, the area that the my project order limits covers are very much incorporated into the ecology structure. They're very much central to, um, uh, we consider them within the, um, their presence within the environmental

statement to assess the effects on them. And then their, uh, positioning in the, in the landscape is very much, uh, central to how we've, um. But it allows the framing of the ecology strategy that we've developed to take to, um, to come forward.

00:36:17:01 - 00:36:17:16

Um.

00:36:20:25 - 00:36:48:18

I think it's very, uh, those boys, uh. Will form part of any local nature recovery strategy. And it's very important that it was very important to us in designing that strategy, that we incorporated them into it so that, um, as I say in that submission that you refer to, sir, that if in the future that a local nature recovery strategy came forward for this area, that we would be in a position to be able to contribute to it as a result of the ecology strategy that we've we've advanced.

00:36:51:23 - 00:37:04:28

Okay. So. You've said that the other bows are some distance. Um, but again, coming back to this maximising opportunities for enhancements in and around the development.

00:37:07:11 - 00:37:11:23

Have you looked at that? Those videos in that context.

00:37:34:19 - 00:38:00:23

Uh. Best of the applicant, sir. Um, we didn't consider them in the environmental statement because they. We didn't consider that they were close enough to the site to be, um, to be included. These the ones that were, uh, recognized within the environmental statement as shown on our, um. Just trying to get the reference up for you, sir. In terms of the, uh. Um.

00:38:02:10 - 00:38:09:25

Figures that we produced that showed where the, um. Uh, the bows were in relation to the development site.

00:38:11:11 - 00:38:13:12

Uh, in.

00:38:15:04 - 00:38:17:20

Uh, app 48.

00:38:20:01 - 00:38:55:15

But Scotland is concerned, insofar as you put that question in terms of, uh, policy, uh, paragraph five, 104 of the amps. And the same point arises in relation to similar guidance. And then PPS five six, um, Secretary of State will consider the applicant as maximise such opportunities in their own development. So plainly there's a degree of judgement to be to be reached there. Um, and any judgement about maximising opportunities itself involves a degree of judgement about what's reasonable to do in the context of any particular project.

00:38:56:06 - 00:39:15:10

Uh, and simply because there are bows Mr. Betts has indicated some distance from the project doesn't automatically mean one must look to incorporate those. And insofar as the judgment has to be reached under policy, uh, I think our position is the two big ways that have been considered is an adequate response to the policy.

00:39:16:15 - 00:39:27:09

Okay, I'll take that point. Um, could those nearby pose play a role in mitigating the loss of woodland habitats? Would that be a possibility? We looked at that.

00:39:34:14 - 00:39:44:27

A new person for the applicant. Um, we haven't looked at that. But clearly, if there were woodland, um, elements within the wider landscape, that could potentially be an option.

00:39:44:29 - 00:39:47:09

Okay. Thank you, Mr. Bedford.

00:39:49:09 - 00:40:32:01

Thank you, sir. Um, just in terms of some opening comments and then again, I'll ask, um. The county psychologist. Uh, whether there's anything further, uh, to, uh, be added clearly, uh, local nature recovery, um, strategies or a new, um, introduction following on from the Environment Act. And you will have seen, as we've identified, um, they're not in terms of either the West Sussex or the Surrey documents and strategies yet due to be published until I think, 2025, but they will clearly be in place by the time the project is at the implementation stage.

00:40:32:03 - 00:41:10:13

And so we say it's certainly right to take into account, uh, those forthcoming, uh, strategies and to ensure that the project is capable of being delivered in a way which takes the opportunities that are available, uh, to enhance and allow nature to recover, where there there are those opportunities is and effectively, we would want to see those, um, strategies influence the detailed planning approval stage of the MPs when they come forward.

00:41:11:04 - 00:41:42:04

Um, as to how that's done, again, there is a question of, uh, the best mechanisms we have, uh, indicated that it would be helpful to see, um, funding through the section 106, uh, for an officer post that would be able to deliver parts of the local nature recovery strategies, uh, that are relevant to the scheme. There's got to be a nexus in order for it to be, uh, material.

00:41:42:19 - 00:42:08:23

Um, and we think that that is a suitable way forward. Again, we've rehearsed some of this in our local impact reports, and as you would have seen. So that's the kind of the general position. And then if I just asked Mr. Roberts if he wants to add anything specific, you'll bear in mind he's the West Sussex ecologist. And some of those questions were about the position in Surrey. But hopefully, if he doesn't mind taking a slightly more free ranging point, it would be helpful to hear that.

00:42:10:29 - 00:42:40:03

Okay. Graham Roberts, a county ecologist at West Sussex County Council. Be honest, I haven't got a lot to add to that. I mean, the West Sussex Local Nature Recovery strategy, like the Surrey one is likely to be. It will be developing local Nature recovery networks, which will be very much using the Boers, the Biodiversity Opportunity areas, as a baseline for developing that. And we would see that, um, not just developers, but the local, um.

00:42:42:02 - 00:43:07:26

Uh, conservation bodies and local authorities and others, all working towards um. Enhancing nature through the Local Nature Recovery Network. Um, and we see it as a way of developing and building on the. Wildlife corridors that Mr. Benson's talked about within the the airport to enhance them out into the wider landscape, which will go a long way towards mitigating the residual impacts of the airport.

00:43:08:23 - 00:43:09:16

Thank you. Thank you.

00:43:11:19 - 00:43:18:14

So Mr. Bedford, just picking up on you referenced the West Sussex earlier and.

00:43:20:02 - 00:43:33:17

I've got 9.92. There states that the authorities seek the following through section 106 agreements. So you have the ecologist or project officer and Landscape and Ecology Enhancement Fund.

00:43:35:07 - 00:43:49:01

Uh, which we've already talked about, are those that first element then the ecologist and project officer, is that being still being promoted through discussions. The section 106 agreements.

00:43:53:08 - 00:44:03:20

And Michael Bedford, the joint local authorities. Yes, I'm told that is featured that has featured in the discussion. So that remains a live issue so far as the authorities are concerned.

00:44:04:21 - 00:44:07:18

Okay. Thank you. And then.

00:44:09:06 - 00:44:17:12

There's also. Um. The comment about. The loss of ponds.

00:44:19:17 - 00:44:28:00

Will the creation of new ponds and the applicants response to the air on that one was. Um. Just check.

00:44:30:20 - 00:44:59:06

Yeah. Two ponds impacted by the project pond A and pond for both surface water management features and not priority ponds. No new ponds are proposed. Project will provide substantial new areas aquatic habitat in the form of new reed beds and the extension of the River mole. So are you content with that response to the approach to to bonds generally?

00:45:00:20 - 00:45:05:11

I passed that to the county ecologist. I think. If you don't mind, sir. Fine. Thank you.

00:45:06:03 - 00:45:06:18

Sir.

00:45:07:15 - 00:45:38:18

Excuse me. Graham Roberts, county ecologist, West Sussex county Council. Um, basically, I see it as there's two pawns. One can debate the quality of the ponds. Um, um, but ponds are, as a habitat, a priority habitat. Um, I just feel that there are two ponds being lost. There will be a net loss of two ponds. And due to airport safeguarding and other constraints within the airport, I understand it would be difficult to. To compensate, or at least to yes, to put back two ponds within the airport.

00:45:38:20 - 00:45:46:15

But I don't see it's impossible to actually look at offsite delivery of two ponds for the loss of two ponds. Okay. Thank you, thank you.

00:45:48:09 - 00:45:49:14

That was to respond.

00:45:51:09 - 00:46:26:20

Uh, Scotland. As for the applicant, um, as far as the request for further contributions is concerned. Um, reiterate our position that the contribution that's being offered through the Gatwick Greenspace Partnership, we think is the only contribution that would be necessary to address ecological impacts. We're not minded to accept, um, further contributions from others, including an ecology project officer, beyond the commitments we have made. Secondly, in relation to the suggestion that there be some obligation tied into the camp in relation to these future strategies.

00:46:27:27 - 00:46:55:16

Resisted that on the basis that it's difficult to commit to something which we haven't seen yet, hasn't been properly developed yet, so we don't see the need for that to be included within the lamp at this stage. Um, as for, uh, the issue of the loss of two ponds for bats and that that was the approach that's been taken to the loss and bonded as we have as far as the White Creek logic is concerned.

00:46:57:03 - 00:47:42:21

Thank you. Scott. Um, Nick Batson for the applicant. Um, the the two pawns in question, then they're not priority habitats within the meaning of section 41 of the Nurk Act. They're water bodies that are, um. Uh. Used for surface water management at the site. And they're very deliberately maintained as not beneficial for wildlife for the purposes of safeguarding the airport. So their loss is within the context of a, um at a. Within the airport within the context of the impact assessment, and was not, uh, was considered to be a minor adverse effect, but it was not considered significant such that it would require a mitigation that not in the context of the other wetland habitats that we're replacing across the site as a whole.

00:47:42:23 - 00:48:12:07

That includes the reed beds, um, in the, uh, at the South Terminal roundabout, and it includes the reed beds now in the formed part of, um, the water treatment plant to the south of Crawley Water Treatment Center. Um, so our our view was that it wasn't necessary to try and replace those ponds because we were mitigating for the loss in functionality terms, ecological functionality terms within the project already. If.

00:48:24:03 - 00:48:28:29

Okay. Are there any other comments from interested parties within the room?

00:48:31:25 - 00:48:34:21

Uh, online. We have three. Caleb.

00:48:37:20 - 00:49:10:17

Thank you, sir. Yes. From, um, Moberly District Council. Um, it was just a general point around the Gatwick Green Space initiative. So, um, we've heard a few times about how the Gatwick green space will be the best funding mechanism to deal with, um, some of these issues, but I think there needs to be, um, a real consideration of the benefits of the Gatwick green space for all of those parties that are, um, involved within it, because historically, it has not been as effective for some of those funding parties, and it has for others.

00:49:10:23 - 00:49:56:25

And so therefore, if it is to continue forward, then there needs to be more consideration about who it benefits, who it's benefited historically. Um, and. Whether that's actually reasonable to ask all authorities that are currently currently involved in it to keep funding it. Um, because in some cases, particularly in Mulvaney's case, the return has been very, very little for what has actually been paid out. And so I think, um, whether it is determined that the gap with green space is the best way to go, there definitely needs to be a review of that process to establish whether it can be justified to be carried forward, or whether some of the other mechanisms, many of which have been, um, considered today in this discussion, are actually a better alternative.

00:49:56:27 - 00:49:57:12

Thank you.

00:50:06:15 - 00:50:08:20

This aims for the applicant.

00:50:10:18 - 00:50:43:08

Sir, as indicated previously, we'll be submitting at deadline six. The section 106, along with an explanatory memorandum relating to it. That's going to include some text relating to how the Gateway Greenspace Partnership operates. And explained further how that happens. The other point we'd raise is that as far as we're making a contribution and contributing to the partnership and matching other authorities contributions, the idea behind that being that should be a collaborative approach. So we recognize the value and collaborative approach.

00:50:43:10 - 00:50:48:27

But as we'll explain at deadline six, we think the the Green Space Partnership is the appropriate vehicle to do that.

00:50:49:29 - 00:50:50:14

Thank you.

00:50:52:19 - 00:50:53:10

Anything else on.

00:50:53:12 - 00:50:53:29

This.

00:50:54:16 - 00:50:57:24

Issue of local nature recovery strategies, then? No.

00:50:59:26 - 00:51:12:11

Okay, so let's move on to the next point, which is biodiversity net gain clarifications around loss of and placement trees and woodland.

00:51:34:15 - 00:52:07:24

So in rep 463, which is comments of. On the applicant's responses to the Q1. The legal partnership, authorities reiterated their concern that the PNG calculations based on the areas of habitat be lost, rather than all habitats within the DCO limits. It's also highlighted in section 9.10, a Sussex joint law.

00:52:08:28 - 00:52:19:24

So the concern raised is that the applicants cannot claim that 20% BNG is being achieved. And even that the scheme would deliver substantially less or even a loss.

00:52:21:21 - 00:52:24:04

So let's begin then. Um.

00:52:27:04 - 00:52:38:05

With the applicant. Can you clarify the areas that we referred to in that BNG statement? So the area impacted by developments.

00:52:39:26 - 00:52:54:22

Being 230 hectares and the other land being 735. Clearly we understand the order land. How is the other figure being worked out and why? I suppose it's supplementary.

00:52:55:01 - 00:52:59:03

Scotland asked Mr. Betts and explained how that figure was derived. Please.

00:53:00:15 - 00:53:33:27

Now. Thanks, Scott. Nick Batson for the for the applicant. Um, so the, uh, the approach to biodiversity net going was subject to a considerable amount of discussion with Natural England. Pre-submission. Um, this included how we how to deal with the question of, uh, where to baseline, uh, a, uh, an assessment of a project of this scale. Clearly, um, setting that in the context of being not being mandatory for NPS currently and being provided on a voluntary basis.

00:53:34:15 - 00:54:10:04

Um, and the to answer the question with respect to where the, um, the area impacted comes from that uses the, uh, extent of, um, the maximum design scenario that's set out in, um, the, uh, in chapter nine of the, uh. Um. Ecology. Uh, Chapman? Yes. The college chapter? Yes. Um, with respect to the removal of vegetation within the construction area. So it's essentially whereabouts is there going to be change as a result of the project? So that's changing habitats.

00:54:12:09 - 00:54:44:14

And that approach was, um, discussed with Natural England rather than using the wider 730 um circa 730 hectares, because we um, the we felt that there was a, uh, because of the fact that Gatwick need to draw their order limits around the airport as a whole in order to be able to have the powers to be able to operate the airport post consent. We weren't drawing the red line boundary, for want of a better term, around the areas of impacts. Most developments will draw their red line boundary around where they're impacting.

00:54:44:16 - 00:54:56:17

That's not the case here. We need to be able to have the powers to operate the airport as a whole, and therefore it was felt that if we if you were using the, um, bag calculation to look at what effect you would have on, um.

00:54:58:08 - 00:55:29:09

The using the baseline of the order limits as a whole, that would generate a much more, um, substantial requirement for BNG if you were to target a 10% gain than which would be disproportionate to the level of impact when you're only actually affecting 230 hectares. And we discussed that approach with Natural England extensively, and they agreed with our with our, um, with the approach that we intended to adopt. And that set out in, uh, zero point, 2.8.4.2 of the statement of common ground with them.

00:55:31:16 - 00:55:32:12

Okay. Thank you.

00:55:43:24 - 00:55:44:12

Mr. Bedford.

00:55:46:12 - 00:56:18:06

Thank you, sir. Michael Bay of the Joint Local Authorities. So I think it's right, obviously, to recognize that the outset that the there isn't at the moment, um, a mandatory requirement for DCO projects to provide biodiversity net gain, but nonetheless, uh, the applicant has chosen to provide biodiversity net gain and praise that in aid as part of the overall planning balance. And it's one of the factors that, uh, is relied on by the applicant in that regard.

00:56:18:08 - 00:57:01:16

So having gone down that route, it's then entirely right and fair that what the applicant is proposing is tested to see whether in fact delivers biodiversity net gain. And it's fair to say that guidance on, uh, biodiversity, biodiversity net gain has been evolving during the life of this project. Uh, but the most recent guidance, which is issued by Defra as of earlier this year, is very clear that the assessment of biodiversity net gain relates to all habitats within the Red line boundary of the development site.

00:57:02:09 - 00:57:13:21

But whether or not they are impacted. So it's the current guidance is an approach which differs from that which the applicant has adopted.

00:57:15:09 - 00:57:50:03

Uh, the applicants, as it were. Response that is are well we agreed this with Natural England. And Natural England obviously is the government's statutory, uh, nature conservation advisor. Whilst that's factually correct, and obviously you've seen what they've said in the documentation, in their relevant representations as referred to in the statement of common ground. This is an element where in a sense there's an area of I don't know whether it's catch up is what you call it, uh, or as it were, natural England feels that they've already sold the pass because what happened was Natural England.

00:57:50:05 - 00:58:22:04

Pre-application agreed a particular position with the applicant in the light of policy or revolving policy, as it was then, and for whatever reason, they don't feel able to move away from that. But that, of course, is in no way binding on you, and nor is it in any way binding on the local authorities and what the local authorities are doing. And looking at current policy. And they have come to the view that it's quite clear that the applicant's approach doesn't accord with current policy.

00:58:22:22 - 00:58:55:15

And consequently, this isn't a case where one should be seeing this as a 20% gain in bag terms. Obviously there is clearly there is a direct loss of somewhere five point something of woodland, which is a factor which needs to be brought into account. But, uh, we're not persuaded that the applicant has a good, good enough reason for not providing, uh, 10% biodiversity net gain, measured properly in accordance with current guidance.

00:58:55:24 - 00:59:00:26

And that is effectively the difference between the parties in their approach.

00:59:02:03 - 00:59:12:18

Thank you. So. The Natural England relevant representation, so that would have been submitted. Uh, last year.

00:59:14:07 - 00:59:24:07

Um, and that does say that it's Natural England supports the proposal going forward beyond the mandatory 10% net gain.

00:59:29:05 - 00:59:50:16

That was submitted, as I say, prior to the end of last year. The different guidance was submitted. All was published in February this year, so it does post dates that comment. So how do you answer Mr. Bedford's comments about the timing, a different position.

00:59:51:02 - 01:00:28:24

And Scotland in terms of the timing? Um, we, uh, are able, in my submission, to rely upon the latest position of Natural England. We've never had an indicated to us through discussions from Natural

England, through uh, positions reached on the statement of common ground or anything as the examination has progressed that their position has, uh, has changed. The reason for that, sir, may be that when we looked at the guidance, uh, as plainly we would say intended to relate to developments, we do not necessarily include any sort of projects of this nature.

01:00:28:26 - 01:01:13:14

One can possibly understand, if you have small scale development, there being a generic reference to red line of development, but where you have particular cases such as this, where there are reasons independent of habitats issues for a red line boundary being drawn, the particular way taking a vast swathe of land which isn't going to have any habitat impact involved in it, we don't see why there should be a principle applied to that red line boundary in the case of projects such as this one. That may, in our submission, justify not relying upon this as guidance which should be taken as the final position that applies to this project, or to major projects which require a red line boundary to be drawn in a particular way such as this.

01:01:13:21 - 01:01:49:19

But I don't think we'd accept that. Although this has been set out in guidance as part of a developing picture on PNG that wants you to take the way that was drafting the part automatically to this project. That may explain the natural position, but be that as it may. At Natural England are aware of the examination going on. They have never suggested us at any stage that that one should somehow change our approach to this, based on, based on this guidance, so we don't attach a great deal of weight to the timing point, because we simply haven't been told by Natural England that their positions altered.

01:01:50:28 - 01:01:55:13

When was the last discussion with Natural England on this matter?

01:02:09:12 - 01:02:36:10

That Scotland is for the applicant in terms of specific discussions on BNG. I understand no discussions of that issue have taken place since the submission of the application, but there has been general contact between the applicant and Natural England as the applications progressed. And we would have anticipated that if Natural England had an issue with BNG calculations or indeed any aspect of what we had done been perfectly entitled and capable of of raising it with us in the house.

01:02:36:29 - 01:03:05:27

Okay. Thank you. And I suppose one way forward on this would be for us to ask it, uh, Natural England written question the next opportunity. So we might take that forward. Now, just in terms of your approach then. So you're saying that you shouldn't be required to comply with the current guidance? Because it's it doesn't apply to any tips anyway.

01:03:08:29 - 01:03:41:29

It's got liners for the applicant. Um, I don't think we'd put it in the terms of saying we shouldn't be required to comply with the guidance, because that potentially involves an assumption that the guidance was intended to apply to an SEPs. I think what we would say is that there's no indication on that guidance that ought to apply in every single circumstance to every single red line of a, of a development, particularly where there may be very good reasons for red line to be drawn in a particular way around a development site and or this project being one example.

01:03:42:01 - 01:04:22:26

There could be other examples of of major developments where there isn't a solid rationale for using the red line as the basis for the calculation, whereas the more effective and um direct approach to BNG is to look at the impact the development has on the habitat within the red line. There's a logic to that which, uh, doesn't apply. And the in relation to the use of a red line development. Um, it's not to say that the guidance doesn't have a sense of application in a number of cases where there isn't going

to be a huge difference between the two, but where there is for the reasons we've expressed, we don't think the guidance is sufficiently clear in its application to an end SAP.

01:04:23:01 - 01:04:31:11

And in any event, its guidance, which, uh, can be quite properly departed from if there are good reasons for doing so, and we'd say that there are in this case.

01:04:31:24 - 01:04:32:29

Okay. So.

01:04:34:27 - 01:04:37:02

In that case, then, um.

01:04:40:18 - 01:04:44:15

If you say that. The guidance.

01:04:47:23 - 01:05:03:07

Doesn't apply to n sips in the same way as it would to other schemes. Then as you write that you're claiming that you are achieving 10% PNG. In the sense that other schemes do.

01:05:06:10 - 01:05:45:03

Uh, Scott Linus for the applicant. Uh, I think the answer is answer would be yes, in the sense that one has to apply the concept of BNG and the guidance sensibly, to a scheme that is before you. And if other schemes have applied, the guidance to the red line boundary reached the 10% on the basis of that guidance. There's nothing inconsistent between applying that approach to those developments and are saying if one looks at the habitat affected, in our case, uh, we meet the 10% based on the logical application of the guidance of the circumstances of our case.

01:05:45:05 - 01:05:52:11

So I don't think we would accept there's an inconsistency, um, uh, of approach in our case. Okay.

01:05:55:11 - 01:05:56:20

But the the.

01:05:58:08 - 01:06:09:17

The applicants claim that you will deliver over 20% net gain. That can only be understood in relation to the proportion of land impacted by development, not the overall site.

01:06:10:06 - 01:06:12:13

That's correct sir. For the applicant. Thank you.

01:06:13:21 - 01:06:15:24

Have you done the calculation for the land?

01:06:21:06 - 01:06:24:29

Scotland we have, sir. Can I ask Mr. Bettison to explain that?

01:06:41:14 - 01:06:49:17

Uh, Nick Batson for the applicant. And when we've when we've looked at the, uh, the order limits, it's the bag would be about 7%. Okay.

01:06:59:18 - 01:07:34:17

It's for Scotland applicants. Um, FMA, I understand that, uh, government is anticipated that there may be there could be guidance coming out in relation to national significant infrastructure projects and being obviously, uh, the regime is due to apply and wants to come at terms of project and that may be the opportunity when further guidance comes along in relation to and doesn't affect the points they've raised with it. It may be, uh, at least an implicit recognition that answers do have to be dealt with on their own terms.

01:07:35:06 - 01:07:35:27

Okay. Thank you.

01:07:57:07 - 01:08:02:03

Okay. Any comments from local authorities or the police?

01:08:03:06 - 01:08:37:27

Sir Michael paper the joint local authorities. I don't want to prolong, uh, the point, but I have to say, we're not persuaded by Mr. Lynas suggestion that insects, uh, should necessarily be seen as some separate category that, uh, justifies the different approach being adopted based on what's in the current guidance. And one only has to think that there are some categories of insects which are defined, as it were. The difference between whether it's an n sip or not, an NS, it is simply a function of.

01:08:37:29 - 01:09:11:23

Sometimes it's the size of the project. One thinks of linear projects, whether it's road schemes or rail schemes, or whether it's an energy project, or one thinks in terms of power output. But we all know, and I give an example of solar farms as one, that there are very many very large scale solar farms which are promoted under the Town and Country Planning Act regime, as well as there are some which are promoted under the NK DCO regime, and there's no real difference between them in terms of their actuality. It's just the size of the energy capacity of.

01:09:14:05 - 01:09:48:02

Scotland's applicant. And there may be circumstances in NZ project where it's perfectly obvious what was going to happen. My point was broader that where you have an N project as being a good example, the drawing of the red line does not necessarily equate to the same process that might be followed in the majority of other of other developments. So whether or not it's an N set, or whether you recognise that the guidance can't be applied and every single case and there's perfectly signed justification for departing from from guidance, which isn't necessarily linked specifically to N steps or every single project.

01:09:48:13 - 01:09:58:10

Maybe perfectly good reasons to depart from that guidance, where a red line has been drawn for particular reasons that don't have any function in relation to habitat creation or loss.

01:09:59:08 - 01:10:00:00

Okay. Thank you.

01:10:03:02 - 01:10:26:19

Okay, let's move on then to look at the bank statement alongside the tree survey report and agricultural impact assessment. So the annex three of the PNG statements, that's Rep 347. Annex three is the final page.

01:10:35:02 - 01:10:47:21

This appears to report a net loss of 5.7 hectares of woodland and a gain of 0.46 hectares of individual trees. Am I reading that correctly?

01:10:50:19 - 01:10:52:04

The face of the applicant yesterday.

01:10:52:06 - 01:10:53:12

You are okay. Thank you.

01:10:55:10 - 01:11:00:21

So then if we turn to the tree survey reports wrap 337.

01:11:09:10 - 01:11:09:25

Um.

01:11:16:00 - 01:11:23:15

Paragraph 7.3.3 shows a net gain of 21,092 trees.

01:11:25:04 - 01:11:26:19

Is there a discrepancy there?

01:11:34:10 - 01:11:56:16

Scottie for the applicant. Um, there's a gain entry numbers, but in the area, it's different. It's the different metrics that are used, um, across the site, um, that describe the tree loss in different ways. So in terms of tree replanting, um, versus numbers of trees coming out, there is going to be a net gain in trees or on site.

01:12:02:15 - 01:12:18:22

So the question for the applicant, those the difference stems very much from how you're looking at whether you're looking at tree numbers or whether you're looking at woodland area in hectares and that. So the Beng deals with area. The arboriculture impact assessment deals with tree numbers.

01:12:21:05 - 01:12:22:14

Okay. Um.

01:12:25:17 - 01:12:34:02

But one is a major decrease in area. And the other is showing a major increase in number.

01:12:37:20 - 01:12:43:23

I don't quite understand. How can they both apply at the same time?

01:12:49:21 - 01:13:20:17

Benefits of the applicant. So the. It's to do with the density of, of of trees that you have within an area that's planted. So the, um, we very much taken a, um, an average density and calculating how many trees that we are going to, we're going to put back 1.5m spacing, I think, was the calculation that we, that we've used, um, and we've, uh, uh, estimated the number of trees that are coming out, um, on the basis of the area as a function.

01:13:20:19 - 01:13:39:05

We've been able to, uh, counted how many trees essentially are in those woodlands. So it's perfectly possible to have a larger area of woodland lost. And but you're replacing the trees at a, um, at a higher density within the area that you've got. Um. Okay. Sets aside as woodland.

01:13:40:03 - 01:13:44:02

So yeah, I, I think I've got that. So.

01:13:46:08 - 01:14:02:14

If you had ten trees in the large area, you're measuring the area, not the number of trees. Then if an equally large area puts you in 100 trees, that's the differences. And one is negative. One is positive. Yes.

01:14:02:26 - 01:14:03:24

That's correct. Is it?

01:14:06:08 - 01:14:06:24

Okay.

01:14:13:00 - 01:14:13:15

Right.

01:14:14:14 - 01:14:17:21

I think I've got that. Unless anyone wants to add anything to it.

01:14:17:23 - 01:14:20:09

It's gone. Would it help if we put that down in writing?

01:14:20:14 - 01:14:25:03

I think so, yes. Yeah. Thank you. Um.

01:14:28:21 - 01:14:32:03

So that was the only point I had on that document.

01:14:41:27 - 01:14:47:04

We're just thinking through. So. Are these replacement trees?

01:14:49:18 - 01:14:50:03

Oh.

01:14:50:27 - 01:14:53:00

What points are they put in? Are they?

01:14:54:20 - 01:14:55:05

Um.

01:15:00:14 - 01:15:07:23

Are you putting them in the seedlings or something more mature than that? Or what is your approach to putting in those trees?

01:15:09:20 - 01:15:33:16

But Paul Ellis, landscape architect for the applicant, um, we've estimated for the for the tree replacement calculations that they would be transplant with size trees. So a couple of years old, they'd be planted at 1.5m centers. Um, it's most sustainable way of planting large scale woodland mix and scrub mix, uh, planting for this type of scheme.

01:15:34:23 - 01:15:37:23

And that's a recognized density, is it?

01:15:38:05 - 01:16:13:01

We've taken 1.5m centers as a good average. It is a recognized spacing density. It covers trees of, uh, sort of climax can be trees, smaller size trees and scrub. So it's a good general, um, metric to use for the overall site. Within the detailed design stage, these would be revisited. And potentially we could be looking at slightly closer spacings for some areas, slightly wider spacings for others. But overall, for the purposes of this calculation, at this stage we feel that 1.5m centers is reasonable.

01:16:13:23 - 01:16:23:02

Okay. Thank you. And would you expect a certain proportion of those to reach maturity. Is there a standard approach to that.

01:16:24:10 - 01:16:53:06

All the list of the applicants? Um, yes. I mean, you obviously have maintenance regimes that might include thinning certain portion of over the years or coppicing managing in different ways. But, um, the different mixes would be managed to achieve a certain function for their location. So if it's a screening function for a woodland belt, they would be allowed to grow up to a maximum size, or they might be copyist on a regular basis to achieve a different type of habitat.

01:16:53:21 - 01:16:54:11

Okay. Thank you.

01:17:03:23 - 01:17:08:11

Just going back to that PNG calculation. Um.

01:17:10:17 - 01:17:24:09

I think it was said that the calculation had been done for, um, the whole area. And you think you said 7%? Is that something? You could submit the examination? So I could look at it by comparison.

01:17:26:04 - 01:17:27:26

Let's go ask the applicant. Yes, sir. Thank you.

01:17:29:10 - 01:17:31:11

A deadline six possible.

01:17:33:23 - 01:17:35:10

Scotland. Yes, sir. Thank you.

01:17:35:12 - 01:17:35:27

Okay.

01:17:40:09 - 01:17:44:10

Okay. And then the final point. I wanted to ask Lester something on that. Sorry.

01:17:45:10 - 01:18:22:26

So there were some matters on tree loss where you will have seen we've made some fairly, um, substantial, um, comments by way of concerns, particularly in rep 5117, in sections five and 14 of that on behalf of West Sussex County Council. But there are also related comments on behalf of Surrey County Council. Rep 5095 um, and we have got here, uh, the West Sussex County arboriculture list, Mr..

01:18:22:28 - 01:18:49:24

Jordan Walker, and I thought it'd probably be helpful if I just asked him to briefly comment on why we're not at the moment content, or persuaded that we've got the appropriate level of detail to reassure

us that the applicant's approach to replacement planting for the loss of broadleaf mature trees with a series of um widths is adequate to provide appropriate mitigation for the loss. So perhaps just bringing in.

01:19:05:05 - 01:19:09:09

It's a bit of dialogue as to who's the best person to help you on. That's fine. Those bastards.

01:19:19:19 - 01:19:41:14

There. Well, I don't mind, as it were. Which which deals we've got. I say we've got here the county arboriculture, Mr. Jordan Walker. And we've also got a Crawley officer, Jean McPherson, who I think you may have heard from previously. Yes. So if either of those would like to just comment on what we've heard about the the strategy for replacement planting and why we're not persuaded that it's a sufficient.

01:19:43:13 - 01:19:45:03

Yes. Thank you very much. Uh, Jean.

01:19:45:05 - 01:19:48:09

Macpherson, Crawley Borough Council. Um,

01:19:49:27 - 01:19:53:15

yeah. There are sort of two elements to that. First is the, um.

01:19:55:13 - 01:20:44:08

First is the, um, actual methodology in the tree survey work, which I know Mr. Walker has had to look at quite closely. But secondly, you'll see from the presentation there is a um, tree, um, mitigation, um, policy in Crawley Borough Council's adopted local plan um, which has a calculation, if you like, based on size of trees, numbers to be removed. Um, and in essence, um, if there are trees to be removed, there is a, a calculation that's gone through, um, to work out whether or not, um, they can be, um, replaced on site, which is the preference, or if not, then there's a payment made in, in lieu, um, for each tree that cannot be provided.

01:20:44:25 - 01:21:21:06

Um, what we're not sure about, based on um, what's been submitted so far is, is how the applicants have, um, sort of considered that policy, which we consider is a really important policy, um, based on the sort of, um, tree surveys that have been provided and the, um, sort of groupings and methodologies, uh, that, that they've, um. That they've sent in so far. So I think we're looking for some clarification on how they come to the conclusions, because I say from from the local authority's point of view, this is a really important policy.

01:21:21:08 - 01:21:25:24

And we want to see, you know, suitable tree replacement at a suitable level. Thank you. Thank you.

01:21:26:22 - 01:21:46:13

So just we'll cover it in the post submissions. But it's policy six on tree planting and replacement standards of the current Crawley Borough Local Plan. And I say we haven't provided that in full detail. We'll make sure that the post hearing submission sets out the ratio of replacement.

01:21:47:22 - 01:21:49:09

Thank you, Mr. Linus.

01:21:49:19 - 01:22:32:18

Thank you, sir. Scott, balance with the applicant. Um, recognize the points have been raised by the Glas, and I understand. Um, we've been sharing with them some evolving thoughts on how to address their concerns. One takes a step back from the points that have been raised. Um, as far as the approach to BNG, generally three laws in particular concern that's been influenced certainly thus far by safeguarding requirements about what can be planned in the vicinity of the airport, uh, as well as what can be done on the surface access improvement, uh, corridor, um, which has a significant amount of low quality vegetation that's been developed over time.

01:22:33:08 - 01:23:32:21

Um, under the DMB, the vegetation may not be planted nine meters of a road, and that's approved by the relevant highway authority. At the moment, National highways are unable to confirm an exception that requirements. We thus far have taken a conservative approach of assume that the DMB must be adhered to, the vegetation has to be removed and not replanted, so that's informed our general approach to the work. Um, that said, um, following requests from the JLR for further detail about, uh, trees and vegetation within the within the site, um, we brought forward some work to response to the concerns have been raised at consider designs for museum field, environmental mitigation um area and to look into the detail of how safeguarding requirements, in particular, uh, interact with the specific planting in that area.

01:23:33:12 - 01:23:40:18

The design for that part of the site isn't subject to DMB restrictions that I've mentioned, so it gives some greater scope for for planting.

01:23:42:16 - 01:24:25:17

So I think to respond to those concerns. Uh, we can address those further at a deadline. Six uh, but we anticipate being able to show, to address the concerns have been raised that we can provide some additional at planting, uh, commit to, uh, some more specific detail, uh, for, um, planting in the museum field, environmental, uh, area. And that will, we hope, show an increase in trees that we know will show an increase in trees, uh, in Crowley's area to secure a compliance with the local, um, policy.

01:24:26:06 - 01:24:45:27

Um, I can ask Mr.. I think then in very broad terms by that being Steve, but, uh, we hope to be in a position at deadline six after recognizing the concerns that have been expressed to say to the authority that we're able to demonstrate compliance with that without policy.

01:24:49:01 - 01:25:22:06

Paul Ellis for the applicant. Yeah, we've we've looked at the museum field environmental mitigation area and identified um, there is within the, the field parcels that we can add an additional 2.2 hectares of woodland planting, um, to augment the existing, uh, tree and hedgerow boundaries in this area. Um, uh, that should give us an additional, um. Tree numbers in that area to to um pushes over the limits.

01:25:22:08 - 01:25:27:11

So we would then exceed the um the, the requirement for the policies.

01:25:31:28 - 01:25:32:13

Thank you.

01:25:35:06 - 01:25:36:06

Okay, so.

01:25:36:08 - 01:26:10:24

Just two final comments. Um, we don't intend to touch on the future baseline sensitivity testing in this hearing, but paragraph 5.3.1 that the response to the rule 17 letter, which I think is rep 581, in case that's in relation to ecology and HRA, that work is ongoing to consider emissions that would be associated with the York aviation scenarios in the context of a specific of specific ecological receptors.

01:26:12:02 - 01:26:14:00

Is that something you can provide a commentary on?

01:26:14:03 - 01:26:47:00

Deadline six Scotland for the applicant. So I think what we'll be able to do at deadline six is to tell you where we are in relation to that work. I don't think at this stage I commit to saying the applicant can provide the full position for the reasons that were set out in that future baseline report, as will indicate, we have to translate the work that's been done into site specific receptors. And that work, I do not think is going to be quite complete for deadline six. But what we can do at deadline six is tell you where we are and give a time skill for when we think we can provide some more information.

01:26:47:05 - 01:27:19:01

Okay. That's fine, thank you. And then the final. Question I had again, going back to biodiversity net gain, I'm afraid. But looking at the natural England's relevant representation. Paragraph 5.9. What they did say was that we recommend that the target increase of BNG of 22.5%, habitat units 16.7% watercourse units is secured by suitably worded requirements in the in the DCO.

01:27:19:03 - 01:27:21:10

I don't think that's been taken forward, has it?

01:27:30:19 - 01:27:39:11

Of Scotland to account. As I understand it, we've added words in the lamp which itself be secured by the DCU. That's the approach we.

01:27:39:17 - 01:27:43:24

Yeah, you have but it's it doesn't have those percentages in.

01:27:49:23 - 01:27:51:24

Uh, Scotland. We'll have a look at that, sir.

01:27:51:29 - 01:27:52:14

Thank you.

01:27:53:24 - 01:28:00:28

So are there any other comments or questions anyone wants to make about ecology before we finish on that topic?

01:28:01:16 - 01:28:33:10

Uh, Scott. So just on that point in relation to Crawley policy, I've indicated that we would put in a deadline, uh, at six, an update on where we are with the BNG calculation proposed to do is that we can explain how that relates to Crawley policy, because we think that's, uh, that the number of trees that we are providing, we think, show very strong compliance of good benefit of the scheme in relation to that policy. So it's worthy. Uh, hearing that or reading that in the statement we put in.

01:28:33:15 - 01:28:34:00

Thank you.

01:28:34:13 - 01:28:36:09

Yes, sir. Thank you sir.

01:28:36:15 - 01:28:37:00

Um.

01:28:37:03 - 01:28:40:05

I'm, I'm talking on behalf of myself as a PC.

01:28:40:08 - 01:29:15:01

I'm Stephen Rolfe. The applicant referred to maintaining the health of the River mole. As a parish council, I attended two briefing sessions run by the airport on their proposed reed bed facility to purify runoff water from the runway and the taxiways containing de-icing fluid and other water chemicals, so to speak, and a briefing session on the proposed sewage treatment works. As Thames Water cannot guarantee the capability to handle the increase in fouled water.

01:29:15:03 - 01:29:26:23

What through you, sir, what reassurances can the applicant give that the river mole will not be overloaded with purified water and the purified water standard will be maintained.

01:29:45:20 - 01:29:52:15

It's got liners for the applicant. Things that will take that point away, if we may. And we can respond to that. A deadline, a deadline six.

01:29:52:26 - 01:30:04:14

Okay. You're happy with that to respond later in writing. Yes. Thank you very much. Thank you sir. Okay. Any other comments or can we now speak. Yes.

01:30:06:01 - 01:30:38:12

But Graeme Roberts County College's West Sussex County Council and I understand that a revised by BNG statement is to be submitted at the next deadline. But would it be possible to request that the annex three is presented a bit more clearly? Um, I would really welcome if we could have columns for area of habitat lost, area of habitat retained, and then another column of the net gain or net loss, because I do struggle a bit to interpret the data on that in that, uh, as it is currently presented.

01:30:38:14 - 01:30:44:07

I have asked for this before, but it really would make it much clearer in my mind if we could have it presented slightly differently.

01:30:45:06 - 01:30:46:25

Just go down south. I'm happy to do that.

01:30:47:07 - 01:30:48:03

That's fine. Thank you.

01:30:48:08 - 01:30:48:23

Okay.

01:30:49:08 - 01:31:00:03

Okay, so it's now just after, um, 330 will adjourn until 10 to 4 and come back and we'll deal with the draft DCO challenge.