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## **SUMMARY OF REPRESENTATIONS MADE AT ISH8 SUBMITTED BY NATIONAL HIGHWAYS LIMITED**

### **APPLICATION BY GATWICK AIRPORT LIMITED (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE GATWICK AIRPORT NORTHERN RUNWAY PROJECT (THE PROJECT)**

#### **1 Introduction**

- 1.1 This document sets out National Highways' summary of its representations made at Issue Specific Hearing 8 on Other Environmental Matters held on 18 and 19 June 2024 (ISH8).
- 1.2 National Highways is a statutory consultee in the planning process and is responsible for infrastructure that is directly impacted by the Applicant's proposals.

## 2 Summary of representations made at Issue Specific Hearing 8

- 2.1 National Highways attended ISH8 virtually by (1) Mustafa Latif-Aramesh, Partner at BDB Pitmans LLP legal advisors for National Highways, (2) Rahil Haq, Senior Associate at BDB Pitmans LLP legal advisors for National Highways and (3) Christopher Bate, National Highways.
- 2.2 National Highways broadly commented on agenda items 3, 5, 6 and 8.
- 2.3 National Highways advised that discussions on the framework agreement and protective provisions are progressing well and therefore National Highways had fewer substantive points to make during the hearing.
- 2.4 **Post Hearing Note:** National Highways reserves its position on all agenda items pending the outcomes of discussions on the framework agreement between National Highways and the Applicant.

### Agenda Item 3: Surface Access Commitments

- 2.5 National Highways submitted its own preferred form of the Surface Access Commitments at deadline 2 [REP2-056] and the Applicant responded with an updated document at deadline 3 [REP3-028]. National Highways made further comments on the Applicant's amendments at deadline 4 ([REP4-079] – Appendix A).
- 2.6 National Highways noted that several of its concerns have already been resolved and National Highways is hopeful that the outstanding issues can be addressed via a revised Surface Access Commitments document to be agreed which will be supplemented via the framework agreement to cover any specific matters relating to National Highways. Notwithstanding the above, National Highways made two points regarding mode share.
- 2.7 Firstly, National Highways submitted that the Applicant's mode share targets are ambitious in light of the lack of secured controls. As outlined in row 2.20.4.5 of the Statement of Common Ground between Gatwick Airport Limited and National Highways [REP5-059], National Highways cannot state with confidence that the targets can be achieved without sufficient controls in place. Monitoring and controls are needed to ensure the commitments are effective. National Highways considers that the existing controls within the Surface Access Commitments could be enhanced, this is set out in further detail in National Highways' response to the deadline 3 version of the Applicant's Surface Access Commitments document (Appendix A [REP4-079]).
- 2.8 As an example of the concerns that National Highways hold with the Surface Access Commitments, National Highways noted that commitments 5 and 6 of the Surface Access Commitments require the Applicant to use "reasonable endeavours" to enter into agreements on financial support towards bus routes.

However, the Surface Access Commitments do not clearly outline the consequences for the Applicant should it fail to enter into such arrangements. National Highways has proposed drafting to address this concern however not all of the amendments proposed by National Highways have been accepted by the Applicant.

- 2.9 A further concern raised by National Highways was in relation to the definition of *public transport* within the Surface Access Commitments. The Applicant's definition is based upon the "majority of the journey" being on public transport. National Highways submitted that this would result in people who impact the SRN by starting or finishing their journeys by car, potentially being counted as a public transport journey. Furthermore, if a person undertook 49% of the journey by car and 51% by bus this would be counted as someone making a public transport journey. National Highways submitted that the Applicant's public transport commitments should account for such discrepancies. Proposed drafting to address this discrepancy is outlined in National Highways' mark up of the Surface Access Commitments [REP2-056]. National Highways directed the Examining Authority to the comments between the parties at row 4.2.2 of Appendix A to National Highways Comments on submissions received at deadline 3 [REP4-079] for further detail on the position between the parties on this specific concern.

#### **Agenda Item 5: Good Design**

- 2.10 National Highways did not make formal comments on this matter during the hearing, however, would like to make the following point.
- 2.11 It is noted that the National Highways protective provisions adequately control some elements of design relating to works impacting the Strategic Road Network. National Highways Licence (Department for Transport, 2015) requires a focus on good design and as such, National Highways has commented on the Applicant's deadline 5 submission Design and Access Statement Appendix 1 - Design Principles Version 4 [REP5-032] as part of its Deadline 6 submissions.
- 2.12 National Highways confirmed in its deadline 5 cover letter [REP5-105] that it had received some technical information from the Applicant in response to matters raised in National Highways Written Representation [REP1-088] on compliance with the relevant design standards for highways, notably the Design Manual for Roads and Bridges and the Project Control Framework. National Highways in the deadline 5 cover letter stated that it would update the Examining Authority on its position regarding design at ISH8. By way of update, National Highways is generally satisfied with the information provided however further work is required to ensure compliance with the relevant design standards. Further information is provided in writing in National Highways deadline 6 submissions.

### **Agenda Item 6: Noise**

- 2.13 National Highways did not comment on this agenda item, however noted that the issues previously raised on noise have now been addressed between the parties as set out in section 2.16 of the Statement of Common Ground between Gatwick Airport Limited and National Highways Limited.

### **Agenda Item 7 – Ecology**

- 2.14 National Highways did not comment on ecology and biodiversity net gain during this agenda item. However, National Highways made comments on the Applicant's biodiversity net gain proposal at agenda item 8 as detailed below.

### **Agenda Item 8 – the draft Development Consent Order (dDCO)**

- 2.15 National Highways and the Applicant have been working to agree a side agreement to address and resolve National Highways' core issues, discussions have been productive and are still ongoing. National Highways will be providing an update for the Examining Authority on the progress of the agreement and an overview of the core issues sought to be addressed by the agreement at either deadline 6 or deadline 7.
- 2.16 National Highways raised three points regarding Schedule 2 to the dDCO:
- 2.16.1 **Requirement 6 (National Highways Works):** National Highways at Issue Specific Hearing 4 (ISH4, see [REP4-075]) raised concern with the timing of Highway works under Requirement 6. Subparagraph 3 of Requirement 6 requires the highway works to be in place by the 3<sup>rd</sup> anniversary of the commencement of dual runway operations. National Highways cannot confirm at this stage whether such timing is appropriate for delivery. National Highways currently awaits the provision of modelling outputs before National Highways can confirm its position on this matter.
- 2.16.2 **Business as Usual works:** National Highways noted at ISH4 that the Transport Assessment assumes the inclusion of a signalisation scheme (Business as Usual signalisation scheme), however, the Business as Usual signalisation scheme isn't secured in the dDCO. While National Highways has some residual modelling concerns (for example National Highways has not yet received all of the requested VISSIM modelling as set out in section 2.20.1.8 of the Statement of Common Ground between Gatwick Airport Limited and National Highways Limited) National Highways and the Applicant have agreed wording to secure the Business as Usual signalisation scheme.
- 2.16.3 **Biodiversity Net Gain:** While the Applicant's scheme may provide an overall net gain, National Highways' estate suffers a net loss as a result

of the works. As outlined at Issue Specific Hearing 1 [REP1-086] the Secretary of State and Department for Transport set a key performance indicator for National Highways to achieve no net loss on the Strategic Road Network. The Applicant's proposal impacts National Highways' ability to meet this key performance indicator. Following discussions with the Applicant, National Highways is awaiting receipt of updated information on a proposal to mitigate the impact of the scheme on biodiversity from the Applicant. National Highways will review its position following receipt of this information.

- 2.16.4 **Post Hearing note:** In respect to the above Biodiversity Net Gain matter, National Highways refers the Applicant and Examining Authority to the updated position commentary incorporated into National Highways Deadline 6 Cover Letter.
- 2.17 If agreement is not reached in respect of any of the above 3 matters by the end of June, National Highways will be making submissions as to how we consider such works should be secured.