



**Horsham  
District  
Council**



# **GATWICK AIRPORT NORTHERN RUNWAY PROJECT**

PLANNING INSPECTORATE'S REFERENCE: TR020005

## **LEGAL PARTNERSHIP AUTHORITIES**

### **ISSUE SPECIFIC HEARING 8:**

## **POST-HEARING SUBMISSION ON AGENDA ITEM 3: SURFACE ACCESS COMMITMENTS**

**DEADLINE 6: WEDNESDAY 26 JUNE 2024**

Crawley Borough Council (GATW-AFP107)

Horsham District Council (20044739)

Mid Sussex District Council (20044737)

West Sussex County Council (20044715)

Reigate and Banstead Borough Council (20044474)

Surrey County Council (20044665)

East Sussex County Council (20044514)

Tandridge District Council (GATW-S57419)

## ISSUE SPECIFIC HEARING 8 (“ISH8”)

### AGENDA ITEM 3: SURFACE ACCESS COMMITMENTS

#### POST HEARING SUBMISSIONS INCLUDING WRITTEN SUMMARY OF THE LEGAL PARTNERSHIP AUTHORITIES’ ORAL CASE

**Note:** The Legal Partnership Authorities are comprised of the following host and neighbouring Authorities who are jointly represented by Michael Bedford KC and Sharpe Pritchard LLP for the purposes of the Examination:

- Crawley Borough Council
- Horsham District Council
- Mid Sussex District Council
- West Sussex County Council
- Reigate and Banstead Borough Council
- Surrey County Council
- East Sussex County Council; and
- Tandridge District Council.

In these submissions, the Legal Partnership Authorities may be referred to as the “*Legal Partnership Authorities*”, the “*Authorities*”, the “*Joint Local Authorities*” (“*JLAs*”) or the “*Councils*”. Please note that Mole Valley District Council are also part of the Legal Partnership Authorities for some parts of the Examination (namely, those aspects relating to legal agreements entered into between the Applicant and any of the Legal Partnership Authorities).

#### **Purpose of this Submission**

The purpose of these post-hearing submissions is to provide a written summary of the Legal Partnership Authorities’ positions on the agenda Item specified above. This includes both a summary of the Legal Partnership Authorities oral representations on this agenda item and, in some cases, further comments on the oral representations made by the Applicant at the hearing. Whilst the structure of these submissions follows the order of the agenda items, they do not include all of the Legal Partnership Authorities’ concerns in relation to each Agenda Item as not all of these positions were rehearsed orally at ISH8 due to the need to keep oral representations succinct. The Legal Partnership Authorities would also be happy to provide answers in writing to any specific further questions which the Examining Authority (“ExA”) may have.

**Attendance:** ISH8 was attended by Michael Bedford KC and Dr Lois Lane for the Legal Partnership Authorities, instructed by Emyr Thomas and Alastair Lewis of Sharpe Pritchard LLP. The hearing was attended by various other representatives from the Legal Partnership Authorities, some of whom made oral representations as identified in the post-hearing submissions below.

No.	ExA's question / Agenda Item	Summary of Oral Representations at ISH8 and Further Post-Hearing Submissions
3.1	Mode share targets and controls.	<p><b>Environmentally Managed Growth</b></p> <p>The Authorities noted the Applicant's responses to the ExA's questions regarding controls over mode share targets and, in particular, the ExA's inquiries into whether controls should be placed over the growth of the airport in the event of a forecast or actual breach of the mode share targets in the SACs.</p> <p>The Authorities' position on this matter is set out in their deadline 5 submission "<i>The Requirement for an Environmentally Managed Growth Framework for the Gatwick Airport Northern Runway DCO</i>" <a href="#">[REP5-093]</a>. This submission will be supplemented by an Outline Environmentally Managed Growth Framework at Deadline 6.</p> <p>As set out in this proposal, the Authorities' position is that GAL should meet their mode share targets before allowing growth to proceed. The Authorities understand that the Applicant's response to this proposal is that there is no policy provenance for such an approach. The Authorities disagree with this proposition as set out further below:</p> <p><u><i>Policy Framework for Environmentally Managed Growth</i></u></p> <ol style="list-style-type: none"> <li>1. In <a href="#">Beyond the Horizon: Making Best Use of Existing Runways (June 2018)</a>, it is clear in our view that the Government's stance is not that growth should be unconstrained but that growth should be subject to environmental limits.</li> <li>2. For example, paragraph 1.5 of this policy states that "<i>The Aviation Strategy call for evidence set out that government agrees with the Airports Commission's recommendation and was minded to be supportive of all airports who wish to make best use of their existing runways, including those in the South East, <b>subject to environmental issues being addressed</b></i>" (emphasis added). Similarly, paragraph 1.6 states that: "<i>The Aviation Strategy call for evidence document asked specifically for views on the government's proposal to support airports throughout the UK making best use of their existing runways <b>subject to environmental issues being addressed</b></i>" (emphasis added).</li> <li>3. Paragraph 1.22 is also instructive in this regard, mentioning surface access specifically as follows: "<i>The government recognises the impact on communities living near airports and understands their concerns over local environmental issues, particularly noise, air quality <b>and surface access</b>. As airports look to make the best use of their existing runways, it is important that communities</i></li> </ol>

		<p><i>surrounding those airports share in the economic benefits of this, and that adverse impacts such as noise are mitigated where possible” (emphasis added).</i></p> <p>4. In the paragraphs (1.25 – 1.29) which sit under the heading ‘Policy Statement’ – which the ExA will recall have been the subject of some debate at the Examination – paragraph 1.26 indicates that <i>“As part of any planning application <b>airports will need to demonstrate how they will mitigate against local environmental issues</b>, taking account of relevant national policies, including any new environmental policies emerging from the Aviation Strategy” (emphasis added)</i></p> <p>5. As such, the Authorities would characterise the policy position as being that the Government is supportive of airport growth through making best use of existing runways, subject to meeting environmental objectives. It therefore follows – where adverse impacts have not been mitigated successfully – there is no policy objection, in those circumstances, to placing controls on the growth of the airport until such mitigations have been achieved.</p> <p>6. <u>Post Hearing note: The Authorities also draw attention to ‘Flightpath to the Future’ (p.7) which re-affirms that policy position and states that ‘We continue to be supportive of airport growth where it is justified and our existing policy frameworks for airport planning provide a robust and balanced framework for airports to grow sustainably within our strict environmental criteria.’</u></p> <p>7. The Authorities do not accept the Applicant’s suggestion at ISH8 that the Environmentally Managed Growth approach put forward by the Authorities is inconsistent with national policy. Instead, the Authorities consider that national policy clearly requires that growth is achieved within environmental limits and that if this cannot be done there is no national policy support for unrestricted growth.</p> <p><b>Request for Clarification on Airport Parking Spaces not Operated by the Applicant</b></p> <p>The Authorities requested a clarification in relation to whether the target mode share target of 55% for public transport to and from the airport – set out in Surface Access Commitment 1 in <a href="#">[REP3-028]</a> – is inclusive or exclusive of the use of the airport parking spaces which are not operated by the Applicant. This query arose as a result of the Applicant’s response to the ExA’s Rule 17 Letter in <a href="#">[REP4-019]</a>, in which the Applicant described such parking spaces as off-airport parking spaces even though they are physically within the airport.</p> <p>Following the provision of clarification by the Applicant in their Oral submissions that the non-GAL operated car parking spaces at the airport are included in the calculations for the 55% mode share target, the Authorities expect the Applicant to revise paragraph 4.2.2 of the SACs to make this point absolutely clear going forward with no scope for ambiguity.</p> <p><b>Parking Charges and Drop off Charges</b></p> <p>The Authorities are supportive of the implementation of parking charges and drop-off charges, as well as the utilisation of pricing strategies to minimise drop-off visits. The impact on trip numbers is significantly higher for individuals who are dropped off and then make a flight, compared to those who park and then make a flight. The Authorities welcome the adoption of this mechanism.</p>
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<p>3.2</p>	<p><b>Transport Group/ Forum Group/ Steering Transport Steering Transport</b></p>	<p><b>Negotiations on S.106 Agreement</b> Discussions are on-going between the Applicant and the Authorities regarding the draft DCO Section 106 agreement and the relationship between the proposed obligations and the Surface Access Commitments. The Authorities welcome the Applicant’s decision to move some of the obligations initially proposed to the Surface Access Commitments – to be secured by Requirement 20 of the DCO – but, as set out in other</p>

	<p><b>Mitigation Decision Group.</b></p>	<p>submissions, there are outstanding issues which remain unresolved between the parties. The Authorities reserve further comment on these matters as negotiations progress.</p>
<p>3.3</p>	<p><b>Staff travel – Drop off and pick up.</b></p>	<p><b>Staff Drop Off</b>                  The Authorities recognise that there will be a limited role for staff drop-offs. Therefore, the Authorities are not suggesting that measures should be implemented to preclude it altogether, but it should be minimised. One aspect of this, as highlighted in Mr Richard Higgins' comments (for the Applicant), is the provision of available choices and opportunities for people to use sustainable modes of transport wherever possible.</p> <p>This ties back to the Authorities' earlier representations, particularly the emphasis on the need to improve active travel routes to and from the airport. The Authorities reinforce these points as they are closely related to this issue.</p>
<p><b>AOB Relating to Surface Access</b></p>		<p><b>Post-Hearing Note: Improved Bus Routes to East Sussex</b>                  There has been on-going discussion between East Sussex County Council (“ESCC”) and the Applicant regarding the need to support improvements in sustainable transport options between East Sussex and Gatwick Airport. As set out in the latest Statement of Common Ground between East Sussex County Council and the Applicant [<a href="#">REP5-040</a>] (reference: 2.20.4.1), ESCC considers the Applicant’s proposals in the latest version of the Surface Access Commitments [<a href="#">REP-3-030</a>] insufficient to deliver the scale of bus and coach improvements from East Sussex to the Airport which are required.</p> <p>At the present time, the only public transport access to the airport from East Sussex is by rail and there are no direct bus or coach services available; a position which could undermine the Applicant’s delivery of its mode share targets. The Authorities will continue to press the Applicant to reconsider its stance on improved bus services to East Sussex and include indicative routes to East Sussex within Table 1 on page 7 of the Surface Access Commitments [<a href="#">REP-3-030</a>] in the list of proposed routes and frequencies for enhanced local bus services.</p>