



**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 8: DRAFT DEVELOPMENT CONSENT ORDER

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 8: DRAFT DEVELOPMENT CONSENT ORDER

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
8. The draft Development Consent Order (dDCO)		
8.1	<p>The Applicant and Joint Local Authorities will be asked about specific articles and schedules of the dDCO (excluding Schedules 1 and 2) where agreement is unlikely to be reached by the close of the Examination.</p>	<p><u>General Comments on DCO Drafting</u></p> <p>At agenda item 8.3, Michael Bedford KC said there are clearly significant points of contention that the ExA will need to adjudicate on. However, broadly speaking, there has been constructive dialogue on the drafting issues. Whether through further iterations of the drafting or exploring alternative approaches, such as planning performance agreements, these discussions are actively ongoing. At this stage of the examination process, it would be premature to provide definitive conclusions as negotiations are still in progress. Nevertheless, both parties are cautiously optimistic that many of the issues can be resolved satisfactorily as progress is made towards the later stages of the examination.</p> <p><u>Item 8.1 on the agenda was not discussed at ISH8 due to lack of time. But in order to assist the ExA, the Authorities have set out below a list of the more significant items where as things stand, it is thought that agreement is unlikely to be reached before the close of the Examination.</u></p> <p><u>Fees (Schedule 11)</u></p> <p>The current fee for discharge of planning conditions based on Regulation 16 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012.is £145 per request.</p>

		<p>This will not adequately resource Crawley Borough Council as a main discharging authority (or indeed any other authority identified as a discharging authority) to cover its costs for the volume and complexity of work required to address these requirements. The Authorities set out a suggested approach to resourcing this Project as a response to ExQ1 DCO1.7 [REP3-135]. Based on the fees being offered there is no prospect that the Authorities can secure adequate resources to undertake these obligations.</p> <p>Moreover, paragraph 3(2) of Schedule 11 provides for the repayment of any fee paid to the discharging authority within 35 days of (a) the application is rejected as invalidly made or (b) the authority not determining the application within the determination period.</p> <p>Paragraph 3(2) is unreasonable and must be deleted: if an application is rejected, it will have been rejected because the material provided by the Applicant was unsatisfactory. The discharging authority should not be punished financially for this. Officers will have had to deal with the application even if the application is eventually rejected and the Applicant should cover that cost. Similarly, it might not be possible for a discharging authority to determine an application within the determination period if, say, information or material it has requested is not provided until late in that period. Again, the discharging authority should not be punished financially for this.</p> <p>Finally, as mentioned in row 61 of Appendix M to the West Sussex authorities' LIR [REP1-069], the Authorities consider the provision should go beyond the payment (per paragraph 3(1) of Schedule 11) of a fee in respect of "any for agreement, endorsement or approval in respect of a requirement" and should also apply to the payment of a fee in respect of the granting of any consent in respect of the Order. It will be remembered that several articles require the consent of the street authority (e.g. articles 12(3) and 14(4)), the traffic authority (e.g. article 18(5)(c))</p>
--	--	---

and the highway authority (article 24(4)) and the cost associated with administering this work should also be covered by the Applicant.

Article 2(1): “Commence”

The Authorities have expressed their concerns regarding certain of the 15 exceptions to “commence”.

In response to a query by the ExA’s, the Authorities’ legal representatives confirmed that the [Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects](#) guidance document will be taken into account by the Authorities in the submissions made in relation to the project.

One subject which is covered in the Guidance and which remains an outstanding issue between the parties is the definition of “commence” in article 2(1). The Guidance says that the definition of commencement must not provide for preliminary works which are so extensive that they would be likely to have significant environmental effects themselves, and would normally need consideration and approval by the discharging authority prior to such works starting. The Authorities are not yet satisfied that all the excluded operations in the definition in article 2(1) are justified, without further controls being put in place.

Certain of the excluded operations would seem capable of giving rise to significant effects and it is not clear how the dDCO restricts these works to “low impact preparatory works”. To give one example, sub-paragraph (k) (“erection of temporary buildings and structures”) does not place any limit on the size of the “buildings and structures” or indicate what “temporary” might mean. An explanation is needed.

		<p>Regarding temporary exempted works generally (for instance, as well as the temporary buildings and structures already referred to, sub-paragraph (n) provides for the “establishment of temporary haul roads” and sub-paragraph (o) for the “temporary display of site notices, advertisements or information”) it is not clear how these will be dealt with when they are no longer needed. Again, this needs to be made clear on the face of the dDCO.</p> <p>In CBC’s SoCG with GAL [REP5-037], CBC stated at D5: “The Council therefore maintains its position as set out in Update 1: the applicant should give reasons specific to each exception being suggested. For instance, no justification is given for the inclusion of the “erection of temporary buildings and structures” (sub-paragraph (k) and no idea is provided regarding the size of these or what “temporary” might mean. Regarding the “establishment of temporary haul roads” (sub-paragraph (n)), and the “temporary display of site notices” it is not clear how these will be dealt with when they are no longer needed”.</p> <p>Once the further information is provided, the JLA can consider their position fully.</p> <p><u>Article 9(4) planning permission</u></p> <p>CBC is mainly concerned with paragraphs (4) and (5), neither of which is included in the corresponding provisions of the Lower Thames Crossing or Luton draft DCOs. (See article 56 of the former [REP10-005] and article 45 of the latter [REP11- 092]).</p> <p>Article 9(4): regarding paragraph (4), the Applicant has confirmed in its answer to ExQ1 GEN1.2 [REP3-091]- “The operation of the repositioned northern runway, once implemented, would be incompatible with the restrictions on its use under the 1979 planning permission. As such, Article 9(4) would be engaged and that use restriction under the 1979 planning permission would cease to have effect”.</p>
--	--	--

In its Deadline 4 response to this answer, CBC said the power under paragraph (4) should be limited to the identified mischief i.e. the relevant conditions of the 1979 planning permission. The Council considers there is no justification for this power to be cast any wider.

Article 9(5) planning permission

Article 9(5): the Authorities have previously argued that the exceptions concerning permitted development rights within article 9(5) should be removed and drafting included which provides that permitted development rights do not apply. (Please see, for example, column 6 of Appendix M to the West Sussex LIR [REP1-069], action point 10 of Legal Partnership Authorities Responses to Applicants Written Summary of Oral Submissions and Responses to Actions (from Issue Specific Hearings 1-5) [REP2-081], and paragraph 4.2 of Issue Specific Hearing 2: Control Documents and the DCO Post Hearing Submission [REP2-212].

There are particular concerns in relation to two points:

- (i) the prospect of any development on Museum Field, Pentagon Field and the reed beds (particularly car parking on these sites) and
- (ii) the prospect of GAL using its PD powers to deliver any further car parking at the airport.

Various – deeming provisions

		<p>Various articles (but not requirements) include a deeming provision saying that consent is deemed to have been given if decisions are not made on applications within 56 days. These are now commonplace in DCOs. While the Authorities would prefer to see no deeming provisions, they assume they will be included in the made DCO.</p> <p>If that is the case, the Authorities do not consider it is also necessary for the article in question to say that consent must not be “unreasonably delayed”, which seems unnecessary in the context. The relevant provisions from which the reference to “delayed” should be removed are -</p> <ul style="list-style-type: none"> • Art.12(3) (power to alter layout, etc., of streets) • Art.14(4) (temporary closure of streets) • Art.16(2) (access to works) • Art.18(6) (traffic regulations) • Art.22(3) (discharge of water) • Art.24(4) (authority to survey and investigate the land) <p><u>Schedule 9 – Protective Provisions.</u> The LLFA met with the applicant on 07 June 2024 to discuss Ordinary Watercourse consents. The applicant now acknowledges that there are a number of watercourses affected. GAL is currently considering whether they will incorporate Protective Provisions for the LLFA into the dDCO or whether they propose to apply for each consent during the detailed design stage post DCO.</p>
8.2	2 The Applicant and Joint Local Authorities will be asked about their positions regarding the level of detail for individual Work Numbers contained in Schedule 1 of the dDCO.	<p>Detail in Work Nos Contained in Schedule 1 of dDCO</p> <p>The issue of the level of detail of the descriptions of works was raised specifically by the ExA in Action Point 24, to which the Authorities have responded separately in their deadline 6 submission Response to Actions Arising at Issue Specific Hearing 8</p>

The Authorities deadline 3 submission Responses to ExQ1” [\[REP3-135\]](#) set out their concerns regarding the content of Schedule 1 (authorised development). (See ExQ1 DCO 1.39).

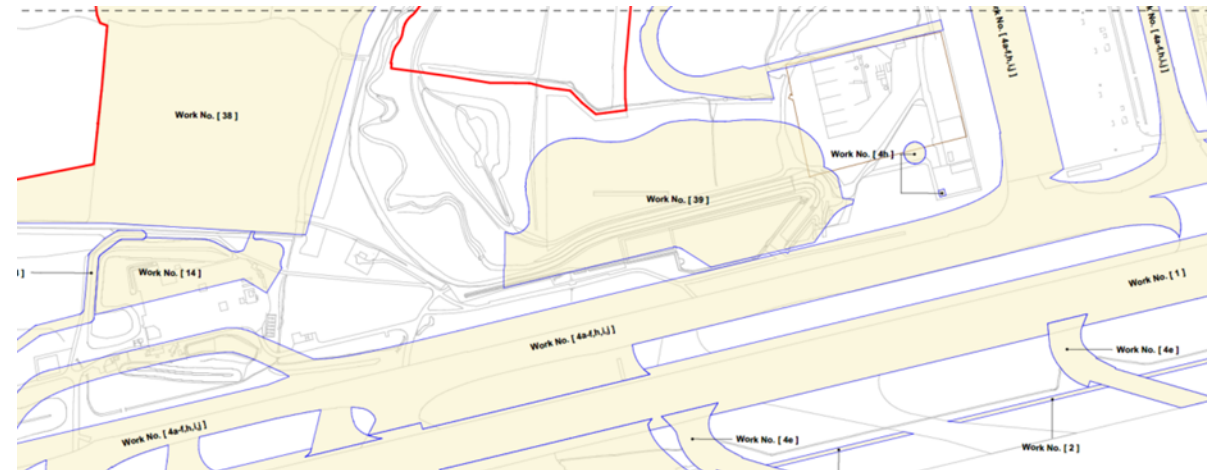
Work No.1 – updated position

The Authorities initial concerns with the description of Work No.1 are set out in ExQ1 DCO 1.39. The Authorities consider the updated drafting of Work No.1 , together with the amended Appendix 1 to the Design Principles is fine and so have no further points to make in respect of this work.

Work No.4

The concern with Work No.4 is primarily with the Work Plans [\[REP5-016\]](#).

For instance, Sheet 5 of 7 (Drawing number 20000-XX-A-XXX-GA-990006 (revision P03)) shows the location of Work No. 4a-f, h, i, j as follows –



The Authorities consider it would be helpful, from a development management perspective, if the drawing (and adjoining sheets) showed each element of Work No. 4(a)-(f), (h),(i), (j), separately.

For completeness, the elements are –

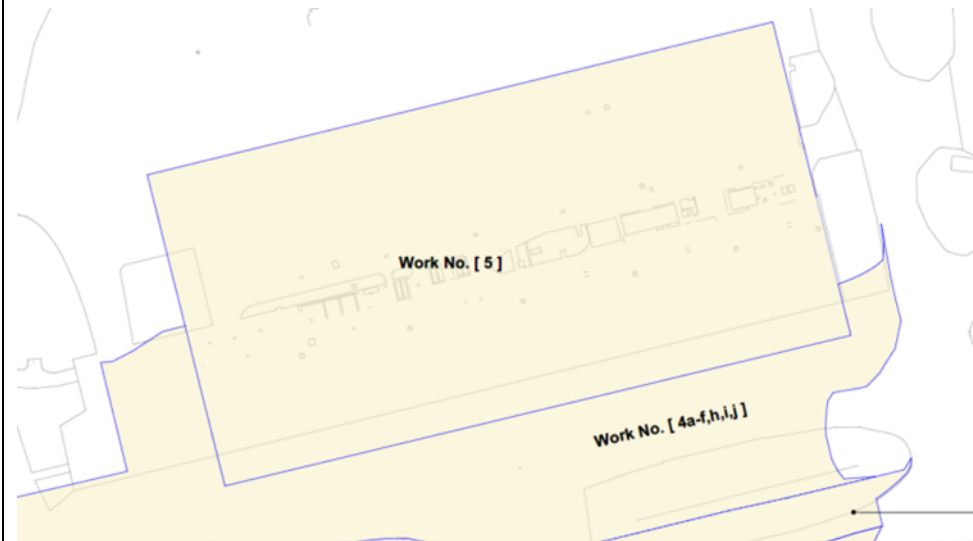
“Works relating to the runways and taxiways including works to—

- (a) reposition and resurface Taxiway Juliet East between Taxiway Quebec and Taxiway Uniform;
- (b) reposition and resurface exit/entrance taxiways between the repositioned northern runway and Taxiway Juliet;
- (c) extend Taxiway Lima westward including works to—
 - (i) remove substation BJ;
 - (ii) construct pumping station 7a;
 - (iii) remove a stand;
 - (iv) construct a stand north-east of Hangar 7;
 - (v) re-configure existing remote stands;
 - (vi) remove car park hardstanding and facilities.
- (d) extend Taxiway Tango northward to the extended Taxiway Lima;
- (e) reposition and resurface the exit/entrance taxiways from the main runway to the repositioned northern runway;
- (f) construct an end around taxiway (End Around Taxiway West);
- (h) reposition and resurface Taxiway Juliet West, including the relocation of substation BK;
- (i) construct a taxiway spur (Taxiway Juliet West Spur);
- (j) resurface existing taxiways including—

- (i) Taxiway Uniform;
- (ii) Taxiway Whiskey;
- (iii) Taxiway Zulu;
- (iv) Taxiway Victor”.

Work Nos. 5

Regarding Work No.5(a) to (g), the same point applies as in respect of the above-mentioned elements of Work No.4: the JLAs consider it would be helpful if each element of that work was shown on Sheet 3 of 7 of the Works Plan (Drawing number 20000-XX-A-XXX-GA-990004) (revision P04). At present Work No.5 is shown as –



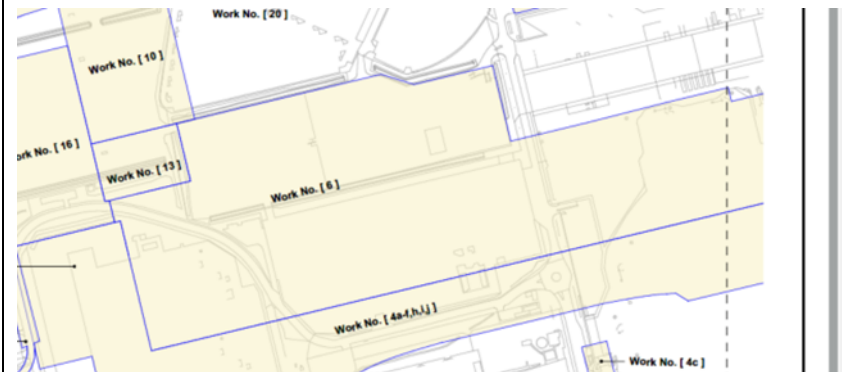
Work No.5 comprises the following elements –

“Works to the Aircraft Holding Area (Charlie Box) including works to—

- (a) relocate substation BR;
- (b) remove the existing airside operations building;
- (c) remove pumping station 17;
- (d) relocate de-icer storage tanks;
- (e) relocate substation BP;
- (f) re-configure existing remote aircraft stands;
- (g) construct taxiways and aircraft hold points”.

Work No. 6

The same point made in respect of Work Nos. 4 and 5 applies to Work No.6 –



This is shown on Sheet 1 of 7 of the Works Plans (Drawing number 20000-XX-A-XXX-GA-990002) (revision P03).

Work No.6 consists of –

“Works to construct a new pier (Pier 7) including works to—

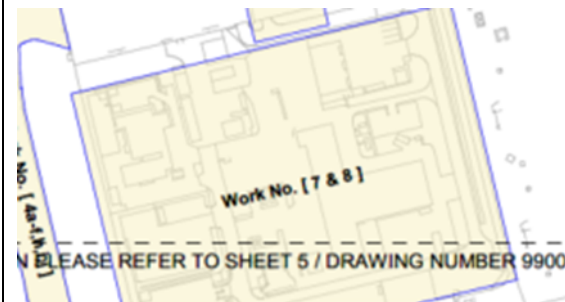
- (a) construct a three-floor pier;

- (b) construct the Pier 7 Autonomous Vehicle Station;
- (c) re-configure existing aircraft stands;
- (d) construct up to 14 aircraft stands;
- (e) construct a new substation;
- (f) remove car park hardstanding and facilities”.

In particular, the Authorities consider it would be helpful if Work No.6(b) were identified.

Work Nos.7 and 8

The same point applies in respect of Work Nos. 7 and 8 which are shown together on Sheet 1 of 7 of the Works Plans (Drawing number 20000-XX-A-XXX-GA-990002) (revision P03) –



Work Nos. 7 and 8 consist of the following works –

“Work No. 7

Works to construct the Oscar Area including works to—

- (a) construct a taxiway connection between Taxiway Juliet and Taxiway Tango;
- (b) relocate substation A;

		<p>(c) construct eight remote aircraft stands.</p> <p>Work No. 8</p> <p>Works to remove the airside support facilities including—</p> <ul style="list-style-type: none"> (a) the Central Area Recycling Enclosure (CARE) facility; (b) Motor Transport Facilities; (c) Grounds Maintenance Facilities; (d) Airfield Surface Transport Facilities; (e) Rendezvous Point North; (f) Emergency Air Traffic Control Tower; (g) Former TCR Snowbase Building”. <p><u>Work Nos. 9, 10 and 14</u></p> <p>The same points made above apply equally to these Work Nos.</p> <p>Following ISH8, the Applicant made a suggestion of a new requirement to be included, intended to address some of the concerns raised by the Authorities from a development management perspective. The Authorities have not had sufficient time to consider the proposal in detail and it may appear in the draft DCO to be submitted at D6. They will of course report at a later stage whether their concerns have been met.</p> <p>ExA’s Question Regarding Luton Airport DCO and level of detail</p> <p>The Authorities’ position in respect of action 24 from ISH8 is set out in their deadline 6 submission Response to Actions Arising at Issue Specific Hearing 8. The Authorities note that the Applicant said they would provide a note on this for comment.</p>
--	--	--

		<p>Comments on Work Nos. – where more detail required</p> <p><u>Work No.18</u></p> <p>Work No.18 states –</p> <p>“Works to remove and replace the western noise mitigation bund including works to—</p> <ul style="list-style-type: none">(a) remove the existing western noise bund;(b) construct the replacement noise bund and wall”. <p>More information is required here. For instance, in the period between when the existing western noise bund is removed and the replacement bund and wall constructed, it is not clear how GAL will mitigate noise from the airport which would have an impact on nearby businesses. The JLA need to understand the sequencing under Work No.18 so that an acoustic barrier is retained throughout.</p> <p>The JLA note new Requirement 32 (western noise mitigation bund), which states –</p> <ul style="list-style-type: none">“(1) The commencement of dual runway operations must not take place until Work No. 18(b) (replacement noise bund and wall) has been completed.(2) Once completed, Work No. 18(b) must not be removed unless otherwise agreed in writing by CBC”. <p>While this requirement is welcomed, it does not address the concern described above.</p> <p><u>Work No. 22</u></p> <p>Work No.22(g) is described as –</p> <p>“Works associated with the North Terminal Building including works to—</p> <p>...</p>
--	--	---

(g) construct a multi-storey car park;”

The Authorities concerns with car parking are well documented and they consider more specificity would be helpful here e.g. by identifying the maximum capacity of the car park.

Greater specificity is also required in respect of the Works listed in the table below. As regards hotels listed in the table, the description could include the number of bedrooms, for the office, the likely floorspace and for the car parks the number of spaces. These details are all set out in the Project Description, Chapter 5 in the ES.

A detailed example is provided in the in their deadline 6 submission **Response to Actions Arising at Issue Specific Hearing 8** in relation to Action Point 24. Further detail of the Authorities’ position were also provided in response to question DCO.1.39 in [REP3-135] (the Authorities’ responses to ExQ1).

Work No.	Description
Work No.26	Works to construct a hotel north of multi-storey car park 3.
Work No.27	Works to construct a hotel on the car rental site.
Work No.28(b) and (c)	Works associated with the Car Park H Site including works to— ... (b) construct an office; (c) construct a multi-storey car park;
Work No.30	Works to construct Car Park Y including— ... (b) construction of a multi-storey car park.

		<table border="1"> <tr> <td data-bbox="916 207 1180 415">Work No.31</td> <td data-bbox="1180 207 2257 415">Works associated with Car Park X including— ... (e) deck parking provision, a re-provision of Purple Parking; (f) surface parking amendments.</td> </tr> <tr> <td data-bbox="916 415 1180 521">Work No.32</td> <td data-bbox="1180 415 2257 521">Works to remove existing car parking at North Terminal Long Stay car park and construct a decked car parking structure.</td> </tr> <tr> <td data-bbox="916 521 1180 667">Work No.33(d)</td> <td data-bbox="1180 521 2257 667">Works associated with the existing Purple Parking car park including— ... (d) re-configuration of remaining surface level car parking.</td> </tr> </table>	Work No.31	Works associated with Car Park X including— ... (e) deck parking provision, a re-provision of Purple Parking; (f) surface parking amendments.	Work No.32	Works to remove existing car parking at North Terminal Long Stay car park and construct a decked car parking structure.	Work No.33(d)	Works associated with the existing Purple Parking car park including— ... (d) re-configuration of remaining surface level car parking.
Work No.31	Works associated with Car Park X including— ... (e) deck parking provision, a re-provision of Purple Parking; (f) surface parking amendments.							
Work No.32	Works to remove existing car parking at North Terminal Long Stay car park and construct a decked car parking structure.							
Work No.33(d)	Works associated with the existing Purple Parking car park including— ... (d) re-configuration of remaining surface level car parking.							
<p><u>Highways Works: Work No.39 (works associated with the River Mole)</u></p> <p>In REP3-135, the Authorities said: “The Authorities consider that GAL should provide further detail to demonstrate how these works when delivered address the assumptions and mitigations to address drainage and ecological issues”.</p> <p>The Authorities acknowledge that a flood risk assessment has been prepared and are considering its contents in respect of this Work.</p> <p><u>Work No.41 (works to create an ecological area at Pentagon Field)</u></p> <p>These works are described as –</p> <ul style="list-style-type: none"> “(a) deliver approximately 1ha of planting; (b) plant a tree belt approximately 15 metres in length; (c) create spoil bunds”. 								

		<p>These works will involve the placing of around 100,000m³ of soil at Pentagon Field and the raising of the site by up to 4m. The Authorities consider the exercise here is closer to land raising than the creation of spoil bunds and consider that a more detailed breakdown of the proposed work is required.</p> <p>Of significant concern is that without more detail in paragraph (c), the planning authority (in this case CBC) does not have any control over the amount of soil being deposited. The amount of soil is not specified in any control document and overall the applicant are proposing to raise the land by around 4 metres but is unclear where the base measurement is taken from.</p> <p>Paragraph (b) should be clearer about the extent of the tree belt, and specify the length and the depth. There is a detailed response about this site in response to Appendix F of the Applicant's document REP5-078 being submitted by the West Sussex Authorities at Deadline 6. The ExA is invited to consider that document.</p> <p><u>Work No.43</u></p> <p>This work is described as "Works to construct water treatment works". As a matter of drafting, this description gives the reader no idea about the extent or nature of the development. These works have changed significantly since the original DCO submission which comprised a much smaller footprint and water treatment works area than is now proposed, including reedbeds comprising a much greater land take. A significant level of detail about this proposal is included in the Design Principles [REP5-031] at DDP14. The Authorities' view is that the description of the Works should contain more detail, which conveys more clearly, but not necessarily to the same level of detail as the design principles, what is actually being proposed by the Applicant. A suggestion would be</p>
--	--	--

		<p>“Works to construct water treatment works, including the creation of 6 reedbeds and associated works and including a the reprovision of a car park area”</p> <p>(iii) Comments on Work Nos.: Construction compounds should be numbered works</p> <p><u>Ancillary or related development</u></p> <p>The Authorities maintain the position set out in [REP3-135]: Certain of these substantial works should be listed as numbered works in Schedule 1. For example, some of the construction compounds which will be authorised under sub-paragraphs (c) (“building compounds”) and (q) (site construction compounds”) of the list of ancillary or related development at the end of Schedule 1 to the DCO. These will be very substantial work sites, established for many years. In response to the Applicant’s suggestion that further explanation could be included in control documents, the Authorities would say that the key question is ensuring that the detail is adequately captured somewhere in the DCO (albeit, not necessarily in Schedule 1 in every instance).</p> <p>Specification of the Maximum number of car parking spaces</p> <p>The Authorities note that the capacity of car parks has a bearing on design, shape and visual impact of the car park and that it is appropriate to have specification on the maximum numbers that can be provided, especially given the SAC commitments and mode-shares operate at a very high level and so site-specific local controls would therefore be helpful.</p> <p><u>Informative Parameter Heights of Buildings</u></p>
--	--	---

		<p>The issue of Parameters and the inclusion of new Schedule 13 (informative maximum parameter heights) is dealt with in the Authorities' response to Action 25 in their deadline 6 submission Response to Actions Arising at Issue Specific Hearing 8.</p>
<p>8.3</p>	<p>The Applicant and Joint Local Authorities will be asked about unresolved matters within Schedule 2 of the dDCO – Requirements.</p>	<p>There are a number of points which remain under discussion with the Applicant. Only those mentioned at ISH8 are listed here.</p> <p><u>New Requirement 2A (phasing scheme)</u></p> <p>Please see the comments of the Authorities in their response to the Applicant's Schedule of Changes to the dDCO at Deadline 5, submitted at D6.</p> <p><u>Requirement 3 (Start Date)</u></p> <p>There is ongoing dialogue with the Applicant regarding this matter, recognising the need to balance different considerations.</p> <p>On the one hand, those affected by the DCO require certainty about the project's implementation timeline and its potential impact. This certainty is crucial, particularly for stakeholders such as the Horley Strategic Business Park and others who may be affected by the DCO's potential implementation.</p> <p>On the other hand, recent cases have highlighted that when DCOs are made and subsequently challenged through judicial review, the legal process can extend over a considerable period. The Authorities recognise the issues this poses for the Applicant.</p>

		<p>The dialogue has focused on finding a middle way to manage these competing interests. While the Authorities believe that the current drafting does not yet strike the right balance, there is confidence that continued collaboration with the Applicant will yield a reasonable solution that adequately reflects these differing pressures.</p> <p><u>Requirement 15 – air noise envelope</u></p> <p>The Authorities are considering the identity of the air noise reviewer and who does the approving.</p> <p><u>Requirement 18 – noise insulation</u></p> <p>This is covered in the post hearing submissions on noise.</p> <p><u>New requirements 27-32</u></p> <p>Please see the comments of the Authorities in their response to the Applicant’s Schedule of Changes to the dDCO at Deadline 5, submitted at D6.</p>
	<p><u>AOB Relating to DCO</u></p>	<p>Additional Traffic Related Provisions</p> <p>There are two proposals for further provisions to be included in the draft DCO and which are under discussion with the Applicant. The Authorities thought it might be helpful to mention them here, even though they were not mentioned at ISH8.</p> <p>The first is an additional requirement requiring the Applicant to submit a Speed Limit Monitoring Strategy. The requirement would set out:</p> <ul style="list-style-type: none"> • How the monitoring would be undertaken and for how long, following completion of all highway works; • Thresholds for when mitigation will be required; and

		<ul style="list-style-type: none"> • Details of the potential mitigation which will be considered. <p>The second is provision about lane rental and works permit schemes. There has been a productive discussion of how the inclusion of the Permit Scheme and Lane Rental Scheme could be of benefit to all parties. The matter is with the Applicant to consider in relation to possible incorporation into the dDCO.</p> <p>General Points</p> <p>The Authorities are expecting that the draft s.106 agreement which the Applicant submits at D6 will omit a number of key provisions that the Authorities have sought. If that is the case, then it is likely that the Authorities will submit requirements or articles covering the same subject matter for consideration by the ExA at a later deadline, where appropriate. A document setting out the position of the Authorities has been submitted separately at Deadline 6.</p> <p>There are other matters about which the authorities may wish to request the ExA to adjudicate on and which have been addressed in previous submissions. These include detailed points of drafting which have been raised previously or which have arisen during the examination, An example of such a matter is a provision similar to that enjoyed by National Highways about the compulsory acquisition of highway land (see paragraph 5(2) of Part 3 of Schedule 9 to the draft DCO).</p> <p>The Authorities aim to submit a composite list of the outstanding amendments which it is seeking for adjudication by the ExA in advance of the publication of the ExA's proposed amendments in August.</p>
--	--	---