



LONDON
GATWICK



Gatwick Airport Northern Runway Project

The Applicant's Written Summary of Oral Submissions
ISH 8: Ecology

Book 10

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1 Introduction

- 1.1.1 This document contains Gatwick Airport Limited's (the "**Applicant**") summary of its oral evidence and post hearing comments on its submissions made regarding Agenda Item 7: Ecology at Issue Specific Hearing 8 ("**ISH 8**") held on 19 June 2024. Where the comment is a post-hearing comment, this is indicated. The Applicant has separately submitted at Deadline 6 (Doc Ref. 10.50.5) its response to the Examining Authority's ("**ExA**") action points arising from ISH 8 on ecology, which were published on 20 June 2024 [[EV17-018](#)].
- 1.1.2 This document uses the headings for each item in the agenda published for ISH 8 by the ExA on 11 June 2024 [[EV17-001](#)].
- 1.1.3 The Applicant, which is promoting the Gatwick Airport Northern Runway Project (the "**Project**") was represented at ISH 8 by Scott Lyness KC, who introduced the following persons to the ExA:
- Nick Betson, Technical Director, RPS;
 - Ross Carthew, Senior Arboriculturist, RPS; and
 - Paul Ellis, Technical Director, RPS.

2 Agenda Item 7: Ecology

The ExA will explore outstanding concerns relating to Ecology and Biodiversity, to include:

- **A 'landscape-scale approach' to assessing and addressing ecological impacts;**
- **Local Nature Recovery Strategies; and**
- **Biodiversity Net Gain and clarifications around loss of and replacement trees and woodland.**

2.1. Landscape scale approach

- 2.1.1 The ExA noted that there was a difference of opinion between the Applicant and the JLAs early in the examination and asked the Applicant what can reasonably be achieved at this stage.
- 2.1.2 The Applicant noted that it did not understand matters raised in the hearing by the JLAs to have appeared in writing, at least not in the form of concerns about a "landscape-scale" approach not being taken by the Applicant. In any event, the Applicant confirmed that, if what is intended by the use of the term is an

assessment which looks beyond the Project site to a wider study area and an assessment which recognises the relationship between receptors over that area, then it considers that what it has prepared and submitted to date sufficiently covers what is required. The Applicant confirmed that if there is a need to explain its current approach to the JLAs by signposting to clarify whether specific aspects of the assessment address this approach, it can do so, but the Applicant does not accept that what it has done so far is insufficient.

- 2.1.3 The ExA noted that the Statements of Common Ground between the parties demonstrate that there have been discussions between regarding habitat severance and disturbance.
- 2.1.4 The Applicant explained that its work to date on the consideration of impacts as part of the environmental impact assessment presented in **ES Chapter 9: Ecology and Nature Conservation** [APP-034] has required the Applicant to think on a landscape scale. Gatwick airport is a large site and sits in the context of Crawley to the south and Horley to the north with the River Mole to the west and the Gatwick Stream to the east. Within this context, therefore, to properly assess the ecological effects the Applicant has had to look at a landscape scale.
- 2.1.5 For example, this approach is reflected in how the Applicant has dealt with the zone of influence and study areas – it was originally set at 20km for European sites but it now goes out to 33km to ensure the Applicant is accounting for all effects.
- 2.1.6 As a specific example, when thinking of Gatwick in the context of this wider landscape, there is Riverside Garden Park and the Gatwick Stream which run in close proximity to the surface access works forming a narrow ecological corridor. Early on the Applicant identified that as a key potential landscape-scale effect. If there was severance of that corridor, there could have been a significant adverse ecological impact. The Applicant explained that it has worked hard to ensure that corridor was maintained and incorporated into the Project. Early road designs did involve severance of that corridor and were rejected on the basis of a landscape-scale effect.
- 2.1.7 A final outline design for the surface access improvements was chosen that had at least a 10m buffer of vegetation – to mitigate and avoid severance impacts in that area. The Applicant explained that it has also incorporated Car Park B into the ecology strategy – that is being re-vegetated to enhance the corridor and removes the only area of urbanisation in that location.
- 2.1.8 The ExA noted by reference to the Surrey County Council PADSS [REP5-111] that the JLAs are requesting a landscape and ecology enhancement fund. The

ExA asked whether the JLAs see this as separate to the Gatwick Greenspace Partnership and to what extent a landscape and ecology enhancement fund would address concerns with a landscape scale approach.

- 2.1.9 The JLAs flagged potential impacts beyond the airport boundary and the need to maintain habitat connectivity within the wider landscape. They also noted the reported net loss of 5.7ha of woodland. In respect of the Gatwick Greenspace Partnership, the JLAs acknowledged that this is an excellent project which achieves a lot, but that it works on a small number of discrete sites and a landscape scale approach would involve targeted work across the wider countryside.
- 2.1.10 The Applicant responded to describe how the Project had considered the potential for severance effects and the importance of creating and maintaining linkages between the airport and the wider environment through the design of a coherent ecological strategy for the airport that accounts for the presence of the two rivers and their landscape-scale role as wildlife corridors. Enhancing these corridors through the provision of new habitats along their length, as described in the ecology strategy, would result in an overall enhancement to the connectivity for biodiversity around the airport.
- 2.1.11 **[Post-Hearing Note:** Paragraph 1.1.4 of the outline Landscape and Ecology Management Plan (oLEMP) (ES Appendix 8.8.1 (Doc Ref. 5.3)) requires each LEMP to include advance mitigation and enhancement planting opportunities and Annex 4 of the oLEMP includes preliminary locations for advance planting as explained in paragraph 1.1.9.].
- 2.1.12 The ExA asked the Applicant to confirm its position on a separate landscape and ecology enhancement fund.
- 2.1.13 The Applicant confirmed that it was opposed because it doesn't think that a specific landscape and ecology enhancement fund is necessary. Within the scheme the Applicant is securing significant measures to improve ecology around the airport as primarily secured through the oLEMP (requirement 8 of the **draft DCO** (Doc Ref. 2.1)). The Applicant has also committed to a contribution to the Gatwick Greenspace Partnership and to matching contributions from the JLAs to the Gatwick Greenspace Partnership as well as its contribution to the London Gatwick Community Fund under Schedules 4 and 6 of the **draft DCO s106 Agreement** (Doc Ref. 10.11). The Applicant considers that the coordinated efforts of the Gatwick Greenspace Partnership have been effective and wide-ranging to date and prefers this approach to setting up lots of individual funds. The Applicant noted that no significant effects have been identified so no further mitigation is required.

- 2.1.14 **[Post-Hearing Note:** Further information about the activities and performance of the Gatwick Greenspace Partnership is included in Appendix B to the **Draft DCO s106 Agreement Explanatory Memorandum** (Doc Ref. 10.54).]
- 2.1.15 The ExA cited paragraph 5.104 of the ANPS that refers to the applicant maximising opportunities for building biodiversity in and around developments.
- 2.1.16 The Applicant emphasised that there has been a focus on creating coherent ecology around the site, including targeted habitat creation through habitat corridors and linking habitats together. The Applicant noted that this is building on the award-winning work that it has done to date which involves its involvement in the Gatwick Greenspace Partnership and the work done by the Applicant's own in-house ecologists. The Applicant explained that it has included areas that are not part of the current operational airport in the Project, including the Museum Field Environmental Mitigation Area for the specific purpose of maximising opportunities for biodiversity in and around the development. The Applicant has looked off-site to form a coherent strategy as set out in the oLEMP and the LEMPs secured through requirement 8 of the **draft DCO** (Doc Ref. 2.1) will ensure that those elements are delivered holistically through the Project. The Applicant has a track record of delivering this kind of work and it is therefore a case of building on that strong foundation through the Project.
- 2.1.17 The ExA asked the JLAs whether additional funds would satisfy the concerns of the JLAs regarding a landscape scale approach or whether the Applicant should include off-site compensation.
- 2.1.18 The JLAs stated that further assessment should be done to find what could be done off-site and that the JLAs think there are things that could be done. The JLAs explained that a fund would allow specific sites/works not to need to be identified at this stage.
- 2.1.19 The ExA queried whether the parties have discussed how much that fund should be and whether discussions are ongoing.
- 2.1.20 The Applicant noted that, if the JLAs have a sum that they consider is appropriate for a fund to address their concerns, it will receive and consider that. However, the Applicant reiterated that it maintains its position – it does not think that the extent of work carried out to date is insufficient, given the broad range of study areas and the work done to create a strategy that does apply over a landscape-scale area. The Applicant does not accept the principle of a separate fund and considers that the Gatwick Greenspace Partnership is the appropriate vehicle, and that its contribution to that is sufficient.

2.1.21 The Applicant (**NB**) added that it is important to recognise that the Project as a whole has evolved around the need to deliver ecological enhancement and that the Applicant has a coherent ecology strategy that stretches into the wider landscape. The Applicant explained that the benefits of the Project will permeate out into the wider landscape – the Project offers wildlife the opportunity to move across the airport, particularly through the works related to the River Mole that will help with the flow and ecological health of the river.

Local Nature Recovery Strategies (LNRS) and Biodiversity Opportunity Areas (BOAs)

2.1.22 The ExA noted that LNRS are not yet complete and referred to the Surrey County Council SoCG [REP1-045] that requested that enhancement take place in BOAs. The ExA noted submissions from GACC [REP3-129] and Mr Benatt [REP3-159] which identified the nearby BOAs and suggested that the airport should incorporate a comprehensive strategy to protect and enhance these BOAs. The ExA asked why the strategy does not incorporate BOAs that are nearby but not within the proposed Order limits.

2.1.23 The Applicant noted that the Gatwick Wood and River Mole BOAs have been incorporated into the ecology strategy as set out in the oLEMP. The other BOAs that are in the surrounding landscape are quite some distance from the site. The BOAs that do exist immediately adjacent to the site and surrounding the Order limits are incorporated into the ecology strategy in the oLEMP and are considered within **ES Chapter 9 – Ecology and Nature Conservation** [APP-034]. The Applicant explained that it considered the concept of LNRS in designing the ecology strategy and that it is likely that if such a strategy came forward for the Gatwick area in future the ecology strategy for the Project will contribute to that LNRS.

2.1.24 The ExA noted the Applicant's statement that other BOAs are some distance away but asked, by reference to the policy to maximise opportunities in and around the airport, whether the Applicant had considered them in that context.

2.1.25 The Applicant confirmed that they were not assessed in the environmental statement because they were not considered close enough to the Project site to be assessed. The relevant figures are in the **ES – Ecology and Nature Conservation Figures** [APP-048].

2.1.26 The Applicant noted that, so far as the question is put in terms of policy, paragraph 5.104 of the ANPS refers to consideration "in and around" airports, but this requires a degree of judgment as to how far from any airport a developer should look. The concept of maximising opportunities also involves a degree of

judgement regarding what is reasonable for any particular project to do. Simply because there are BOAs some distance from the Project does not mean that one has to look to incorporate those. The Applicant's position is that the two BOAs that have been considered are an adequate response to the policy.

- 2.1.27 The ExA asked whether the other nearby BOAs could be used to mitigate the loss of woodland habitat.
- 2.1.28 The Applicant (responded that confirmed that the Applicant has not looked at that but in theory if there were woodlands in the wider landscape they may be able to be considered for mitigation.
- 2.1.29 The JLAs noted that LNRS are expected to be published for Surrey or West Sussex in 2025 and consider that they should be taken into account in LEMPs. Further funding through the s106 agreement should include a dedicated planning officer to deliver parts of the local nature recovery strategy that relate to the scheme.
- 2.1.30 The Applicant (**SLKC**) explained that it would not be appropriate for the Applicant to commit to the requirements of a strategy which has not yet been produced. Further the Applicant considers that the contribution to Gatwick Greenspace Partnership is the most appropriate mechanism to contribute to ecology connectivity and enhancements in the area.
- 2.1.31 The ExA noted a comment in the West Sussex SoCG regarding loss of ponds which are surface water features and not priority areas and that no replacement ponds are proposed but the Project will provide new reed beds and changes to the River Mole.
- 2.1.32 The Applicant explained that the two ponds in question are not designated as "priority habitats"; they are water bodies that are used for surface water management at the site. They are specifically maintained to not be beneficial for wildlife due to their location in relation to the runway and the relevant airport safeguarding requirements. The loss of these ponds was considered minor adverse effect, but not significant requiring mitigation in **ES Chapter 9 – Ecology and Nature Conservation** [APP-034]. The Applicant emphasised that it is providing wider wetland habitats – reed beds at the South Terminal roundabout area and as part of the water treatment works. The Applicant's view is that it is not necessary to replace those ponds and the Applicant is mitigating the loss in ecological functionality terms of the ponds with other measures.

- 2.1.33 Mole Valley District Council flagged a concern that it does not get sufficient benefits from the Gatwick Greenspace Partnership and its contribution may need to be reviewed.
- 2.1.34 The Applicant confirmed that it is submitting an updated draft DCO section 106 agreement at Deadline 6 with an explanatory memorandum and emphasised its support for a collaborative approach to ecology and the Gatwick Greenspace Partnership.
- 2.1.35 **[Post-Hearing Note: The draft DCO s106 Agreement is Doc Ref. 10.11 and the draft DCO s106 Agreement Explanatory Memorandum is Doc Ref. 10.54].**

BNG – trees and woodland

- 2.1.36 The ExA noted the JLAs comment in REP4-063 that they consider that the Applicant cannot claim that 20% BNG is achieved and asked the Applicant to clarify the areas referred to in the BNG Statement [\[REP3-047\]](#).
- 2.1.37 The Applicant explained that the approach to BNG was subject to a considerable amount of discussion with Natural England ("NE") prior to submission of the DCO application, including where to baseline an assessment for a project of this scale, in the context of no mandatory BNG for NSIPs and this therefore being provided on a voluntary basis. The area impacted uses the extent of the maximum design scenario regarding removal of vegetation within the construction area as set out in **Chapter 9 of the ES**. That is the area where there will be change due to the project and was used rather than the full extent of the Order limits of 735ha as agreed with NE.
- 2.1.38 In part this was because the Applicant was required to draw its Order limits around the airport as a whole to ensure the full airport is bound by the controls in the DCO and thus the redline boundary has not around solely areas of impact as would be the case for many other developments. Hence, using BNG with a baseline of the Order limits as a whole would lead to skewed calculations and a need to provide a gain that was disproportionate to the impact.
- 2.1.39 The JLAs noted the lack of mandatory BNG for NSIPs but flagged that the Applicant relies on BNG in the planning balance and considers that the most recent BNG guidance is clear that assessment of BNG should relate to all habitats within the redline boundary which is not the same as the approach taken by the Applicant.
- 2.1.40 The ExA referred to NE's relevant representation that says that NE supports the Applicant's proposal beyond the mandatory 10% BNG, which was submitted last

year and noted that the DEFRA Guidance on BNG was published in February 2024.

- 2.1.41 The Applicant explained that it is entitled to rely upon the latest position of NE and NE has given no indication to the Applicant that its position has changed from its relevant representation in the context of the DEFRA Guidance being published.
- 2.1.42 The Applicant noted that the BNG Guidance may readily apply to most forms of smaller-scale development where there is no strong reason to disapply the straightforward approach of using the "red line boundary". It is not clear, however, whether the Government intended the BNG Guidance to apply to NSIPs particularly noting that Government had committed to BNG only applying to NSIPs from November 2025. In any event, the BNG Guidance is guidance and there could be circumstances where it should not be applied which could be the position for a number of projects but particularly NSIPs. For NSIPs the red-line boundary is drawn on the basis of wider reasons than simply where the development will take place i.e. to reflect the existing operation of the airport. The Applicant emphasised that it should not be taken from the BNG Guidance itself that it automatically applies to the Project and suggested that this may explain the NE position. The Applicant confirmed that NE is aware of the examination and has never suggested that the Applicant should change its approach on this by reference to the updated guidance.
- 2.1.43 The ExA asked when the last discussion was with NE on this matter.
- 2.1.44 The Applicant confirmed that general engagement with NE is ongoing although no discussion specifically about BNG and the BNG Guidance has taken place since submission of the application but the Applicant would anticipate that NE would raise the issue if they were concerned.
- 2.1.45 The ExA queried whether the Applicant considered it should not be required to comply with the calculation methodology in the BNG Guidance.
- 2.1.46 The Applicant reiterated that it is not clear whether the BNG Guidance was intended to apply to NSIPs (noting that BNG would only be applied formally to NSIPS from November 2025), but in any event its status as guidance means that there could be good reasons departing from use of the redline as a basis for a BNG calculation. It follows that there may be a sound rationale for not using the redline as the basis for calculation in some cases, including the present case where the rationale for drawing the red line has no bearing on the assessment of the habitat which serves as the basis for the BNG calculation. In this case at least, the more appropriate approach is to look at the area on which the

development will have an impact within the redline. The Applicant does not consider that the guidance is sufficiently clear regarding its application to an NSIP. In any event, it is guidance and can be departed from with sufficiently good reasons, as there are here.

2.1.47 The ExA asked whether, if the BNG Guidance should not apply to NSIPs in the same manner as other schemes, is it right for the Applicant to claim that it is meeting 10% BNG in the sense that other schemes do.

2.1.48 The Applicant explained that it did not see an inconsistency of approach. Schemes calculating 10% on the basis of the full redline boundary may be appropriate based on their development and redline. There is not a consistent approach to how redline boundaries must be drawn and it is therefore appropriate for the Applicant to claim meeting 10% on the basis of an approach agreed with NE.

2.1.49 The ExA queried whether the claim that the scheme reaches 20% net gain can only be achieved by reference to the area impacted, rather than the total site redline.

2.1.50 The Applicant confirmed that was correct.

2.1.51 The ExA asked if the Applicant has done a calculation for the Order limits as a whole.

2.1.52 The Applicant confirmed that if the BNG calculation is carried out across the full order limits the the BNG would be around 7%.

2.1.1 **[Post-Hearing Note:** the Applicant has responded to this query in the separate **Applicant's Response to Actions ISH8: Ecology** (Doc Ref. 10.50.5), in response to **Action Point 18]**.

2.1.2 The JLAs noted that they did not consider that an NSIP warrants a different approach as sometimes there is very little difference between NSIP and other developments.

2.1.3 The Applicant explained that it was not seeking a blanket conclusion about NSIPs but that its unclear from the BNG Guidance if it was intended to apply to NSIPS and in it does apply, it may be departed from if there is a sound justification for doing so. The Applicant's position is that NSIPs may be one example of a wider form of cases involving development that takes place within the context of already substantial development where the drawing of the redline does not have a bearing on BNG issues.

- 2.1.4 The ExA noted that Annex 3 of the Biodiversity Net Gain Statement [REP3-047] reports a net loss of 5.70ha of woodland and gain of 0.46ha of individual trees while paragraph 7.3.3 of the Tree Survey Report [REP3-037] reports a net gain of 21,092 trees and asked whether this was a discrepancy.
- 2.1.5 The Applicant explained that the BNG Statement and the **Arboriculture Impact Assessment** (AIA) (**ES Appendix 8.10.1** (Doc Ref. 5.3)) use different methodologies and metrics for the relevant calculations: the BNG Statement is based on areas of woodland in hectares whereas the AIA is based on and the Tree Survey Report (Annex x to the AIA) is based on individual trees. The BNG Statement concludes that there will be a net loss of woodland habitat in terms of area and the AIA concludes that there will be a net gain in individual trees planted. The difference is because of the assumed densities of trees required for the two methodologies. From a practical perspective, the woodland being lost is at a lower density with respect to tree numbers per hectare than the trees that are being put back.
- 2.1.6 For example if 1ha of woodland is surveyed it assumes average tree spacing of 3.6m centres this would result in 772 trees. Whereas if 1ha of woodland is planted, the Applicant assumes that it will plant at an average tree spacing of 1.5m centres which would result in 4,444 trees.
- 2.1.7 With respect to the difference between this and the BNG score, BNG uses a 'biodiversity unit' to calculate an ecological value. The component parts of that unit include the area of the habitat (in hectares) but also that habitat's ecological condition, its distinctiveness (is it rare or not) and a range of other scaling factors such as strategic significance and time to target condition. As such, it is possible to have an overall reduction in area of a habitat post development, but a gain in overall biodiversity units through an improvement in one of the other components of the metric (usually habitat condition, for example). The biodiversity unit therefore does not use individual numbers of any component plant species in its calculation.
- 2.1.8 The ExA asked what maturity the replacement trees would be.
- 2.1.9 The Applicant explained that it has estimated that the trees would be a couple of years old when planted and would be planted at 1.5m centres. This is the most sustainable method of planting for large scale native woodland and scrub mixes.
- 2.1.10 The ExA asked if this is a recognised degree of spacing.
- 2.1.11 The Applicant confirmed that 1.5m centres is an average and the appropriate metric to use for the overall site. The Applicant explained that at detailed design

this would be revisited and variations in spacing could be accommodated; some may be at 2m centres, some at 1m centres so at this stage 1.5m centres is a reasonable average.

- 2.1.12 The ExA asked what proportion of the planted trees would reach maturity.
- 2.1.13 The Applicant explained that the Applicant maintenance regimes that may include thinning or coppicing. The different mixes would be managed to achieve a function for their location – trees for screening would grow to maximum size but others may be coppiced to create specific types of habitat.
- 2.1.14 **[Post-Hearing Note:** the oLEMP requires that LEMPs approved under DCO Requirement 8 include the relevant management arrangements.]
- 2.1.15 The JLAs noted their comments on tree loss including [REP5-117] and [REP5-095]. Specifically the Crawley Borough Council adopted local plan policy CH6 which has a calculation for the requirement for replacement trees in Crawley Borough based on the size of the trees to be removed.
- 2.1.16 The Applicant explained that it recognises the point made and has been sharing thoughts with the JLAs about how to address these concerns.
- 2.1.17 Stepping back momentarily from the specific concern, the approach to BNG and tree loss generally has been informed and constrained by airport safeguarding requirements and the Design Manual for Roads and Bridges (DMRB) approach to planting along highways. In relation to surface access, there is currently low-quality vegetation alongside the highways and DMRB specifies planting that may not occur in the proximity of the highway unless the relevant highway authority approved an exception. National Highways have not approved an exception to these requirements along the surface access corridor which would not be expected at this level of design; however in the absence of such approval the Applicant has assumed that the DMRB must be complied with.
- 2.1.18 However, following requests from the JLAs for further detail, the Applicant brought forward work to respond to these concerns, including specifically considering the designs for planting in the Museum Field Environmental Mitigation Area. The Applicant has been considering planting in the context of safeguarding requirements and as this area is not subject to the DMRB so gives greater scope for planting. The Applicant explained that it intends to further address those concerns at Deadline 6 but anticipates being able to commit to more detail for planting in Museum Field that will show an increase in trees in CBC's area to demonstrate compliance with Policy CH6.

2.1.19 **[Post-Hearing Note:** In response to comments from the JLAs and the subsequent discussions, the Applicant has brought forward work to provide additional detail on the tree loss and replanting which will occur as a result of the Project as follows:

- A walkover survey to collate more detailed information about the existing trees across the site was carried out and is reported in the AIA.
- Further internal discussions with the design and construction teams about tree removal required along the surface access improvement corridor have confirmed that the absolute worst-case scenario that is assumed in the EIA is not realistic and not all those trees will be required to be removed. Whilst still taking a conservative approach, the tree removal along the surface access corridor has been reduced as shown on the Preliminary Tree Removal and Protection Plans which are secured by DCO Requirement 28.
- Developing the planting specifications for the Museum Field Environmental Mitigation Area and detailed discussions with the safeguarding team at the airport has confirmed that a large number of trees can be planted in this area. This planting has been included in an updated version of the **outline Landscape and Ecology Management Plan** (Doc Ref. 5.3) secured by DCO Requirement 8.

2.1.20 This additional detail has resulted in the following updates being made:

- The AIA has been updated to on the basis of the additional detail.
- Appendix J to the AIA has been updated and concludes that the Cawley Borough Council Local Policy CH6 has been satisfied.
- The Oavms has been updated to reflect the updated tree numbers.
- The Preliminary Tree Removal and Protection Plans and Preliminary Vegetation Removal and Protection Plans have been updated reflect the reduced removal of trees and vegetation.
- The oLEMP has been updated to commit the Applicant to the proposed tree planting in the Museum Field Environmental Mitigation Area.
- The BNG Statement has been updated to reflect the increase in tree planting.]

2.1.21 The ExA noted that section 5.3 of the Applicant's **Future Baseline Sensitivity Analysis** [REP5-081] indicates that work is ongoing regarding ecology and HRA to consider emissions from the York Aviation scenarios with respect to specific ecological receptors. The ExA queried whether further commentary on that can be provided at Deadline 6.

2.1.22 The Applicant confirmed that it would provide an update on progress with that work at Deadline 6, albeit noted that the work may not have been completed by that stage.

- 2.1.23 **[Post-Hearing Note:** the Applicant has responded to this query in the separate **Applicant's Response to Actions ISH8: Ecology** (Doc Ref. 10.50.5), in response to **Action Point 19**].
- 2.1.24 The ExA referred to the NE relevant representation which recommended that the target increase of BNG be secured by requirement in the draft DCO and queried whether that has been done.
- 2.1.25 The Applicant explained that wording has been included in the oLEMP on the subject of BNG, which is secured by requirement 8 in the draft DCO.
- 2.1.26 **[Post-Hearing Note:** the Applicant has responded to this query in the separate **Applicant's Response to Actions ISH8: Ecology** (Doc Ref. 10.50.5), in response to **Action Point 21** and the updated **oLEMP**].
- 2.1.27 The Applicant confirmed that, when it submits updates to the BNG Statement at Deadline 6, it will explain how that relates to Crawley policy on tree replacement.
- 2.1.28 The JLAs requested whether Annex 3 of the revised BNG Statement to be submitted at Deadline 6 could be presented more clearly, with columns for areas of habitat lost, areas of habitat retained and then net loss/net gain.
- 2.1.29 The Applicant confirmed that it would do so.
- 2.1.30 **[Post-Hearing Note:** the Applicant has responded to these points in the separate **Applicant's Response to Actions ISH8: Ecology** (Doc Ref. 10.50.5), in response to **Action Point 20** and in the updated **Biodiversity Net Gain Statement**].
- 2.1.31 The JLAs queried what reassurances can be provided that the River Mole will not be overloaded with purified water and that the water standard will be maintained.
- 2.1.32 The Applicant confirmed that it would respond in writing.
- 2.1.33 **[Post-Hearing Note:** the Applicant has responded to this query in the separate **Applicant's Response to Actions ISH8: Ecology** (Doc Ref. 10.50.5), in response to **Action Point 22**].