

Interested Party Reference number: 20045900

Gatwick Airport Northern Runway Project – Development Consent Order (DCO)
Written Representations for Deadline 7

15th July, 2024

Dear Examining Authority

Please find our further written submissions for the 15th July Deadline 7

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Yours faithfully,

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1 Noise This submission addresses certain of the Examining Authority's second written questions and requests for information (ExQ2) and responds to some of the Applicant's Response to Actions from ISH 8.

NV.2.7 Independent noise reviewer

ExQ2: Provided the compliance process is detailed sufficiently within the requirement(s) of the DCO would other Interested Parties accept that the Civil Aviation Authority, acting as the independent noise reviewer, would be a relevant authority to review the Applicant's analysis and forecast and confirm compliance with the requirement(s)?

GACC response: GACC does not accept that the compliance process is detailed sufficiently within the requirements of the DCO or that the Applicant's proposals are policy compliant, fair or balanced. The compliance process requires substantial revision. Amongst other things, in order to be policy compliant, the process should preclude increases in noise in all circumstances, should allow all stakeholders a right of appeal to the Secretary of State and to seek extraordinary reviews and should oblige the airport to consult with stakeholders on reviews. GACC has no objection in principle to the CAA acting as the independent noise reviewer if these and related issues are fully addressed.

NV.2.8 Noise limit reviews

ExQ2: Whilst routine periodic reviews and extraordinary reviews are considered in R16 in conjunction with Section 8 of Appendix 14.9.7: The Noise Envelope Version 2 [REP5-029] to what extent could this be sufficiently detailed in requirement(s) that allows for both routine periodic reviews and the extraordinary reviews?

How often should routine reviews take place?

Who should be able to initiate an interim/extraordinary review?

Who should participate in them and how?

What would be the scope of such reviews?

GACC response: The Applicant's review proposals are not policy compliant, fair or balanced. They explicitly allow noise limits to increase and specifically impose all risks of noise increasing due to changes in fleet composition, routes served, non-delivery of aircraft etc on communities. The arrangements prioritise the industry's interests in all respects rather than trying to achieve a balance between the interest of communities and the industry, as policy requires. They require substantial revision.

Amongst other things:

- * any stakeholder should be able to request a review, not just the airport
- * all stakeholders should be consulted on all reviews and their views taken into account
- * there should be provision for community stakeholders to be provided with funding by the airport to engage specialist advice
- * future noise envelope contours areas should be based on a best-case fleet transition forecast not a slower fleet transition forecast as the airport is proposing, in order to provide an incentive for noise reduction as required by policy.

Revised noise envelope proposals

GACC notes the small reductions in the noise envelope limits now proposed by the Applicant.

For the avoidance of doubt GACC's view remains that the airport's noise envelope proposals have not been subject to effective or policy compliant engagement, fail to meet all relevant policy tests and should be rejected.

If development consent is to be granted a mechanism needs to be found to develop a new noise envelope that complies with policy and guidance. Specifically, it must:

- a. ensure that noise reduces as capacity grows, at a pace that achieves a genuine sharing of the benefits of growth between industry and communities;
- b. cover all periods of the year to provide the certainty policy requires;
- c. incentivise noise reduction;
- d. be based on a suite of metrics and limits to be agreed with all stakeholders, not a single average noise metric; and

- e. contain review, compliance and breach arrangements that reflect these principles.

GACC's response to EA question NV.1.10, submitted at deadline 4, proposes a combination of measures for the period 2029 to 2038 that would better achieve government policy. These were as follows:

- a. A Leq 16 hour Day 51 dB peak summer season noise envelope limit of 108.8 km² for the period to 2038; and
- b. A ban on night flights between 11pm and 7am as required by the Airports National Policy Statement; and
- c. A noise envelope limit for the remainder of the summer day period (i.e for the British Summer Time period outside the peak summer season for which Gatwick has proposed the noise envelope should apply) that requires noise to reduce materially in that period; and
- d. A noise envelope limit for the winter day period that require noise to reduce materially in that period; and
- e. Limits on aircraft movements between 10.00 pm to 11.00 pm, a period of high community impact and sensitivity, to no more than operated in 2019; and
- f. Limits on the noisiness of individual aircraft.

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2 ExQ2. CC2.1 Finch v Surrey County Council

GACC would firstly refer to our earlier submission at Deadline 6 highlighting the importance of the Supreme Court judgement, **R (on the application of Finch on behalf of the Weald Action Group) (Appellant) v Surrey County Council and others (Respondents)** (REP6-124).

GACC would like to make additional comments in response to the ExQ2 CC2.1 question as to the relevance of this judgement to this DCO application, as opposed to its relevance in general.

GACC consider that this case highlights the importance of how the wider climate change impacts of a Project, including this one, are evaluated as part of the Environmental Statement. While the judgement itself specifically concerned oil drilling, GACC believe that it is also a landmark judgement, in that the principles upon which it has ruled have the effect of updating how climate change matters are treated for other types of projects that seek planning permission and require an Environmental Statement to be produced.

This Supreme Court ruling has changed UK law with respect to planning and climate change. It also has established new case law as to how infrastructure investment, and its downstream impacts, including direct, indirect and induced, outside of the Project boundary should be taken into account. Thus, it changes the extent to which these aspects are considered and how their significance is assessed.

Therefore, GACC contend that the 'common sense' nature of this judgement that specifically rules on the downstream impact of burning oil and gas as a consequence of giving permission to extract oil and gas, logically also applies in this case and to other forms of infrastructure development where future emissions are as inevitable a consequence of the planning application as the burning of oil is a consequence of extracting it in the Finch vs Surrey County Council judgement.

Two specific cases are presented, and one more general consideration related to induced impacts is set out.

Case 1. In the same way as the downstream impacts of extracting oil were considered in the Finch vs Surrey County Council case, the downstream impacts of the greenhouse gas emissions of increased flights, through expanding take-off and landing slots through operationalizing a second runway at Gatwick should likewise be considered, and treated as significant.

Case 2. Similarly, the direct consequence of the Northern runway's proposed operational use increasing passengers, which will then result in more surface access journeys to and from the airport, and which will then result in directly increasing greenhouse gas emissions. Whilst changes in the provision of surface transport infrastructure and services will affect *how* these journeys to and from the airport are made, it does not affect whether they will be made. More flights will mean more passengers, which will increase surface transport journeys, and therefore associated carbon emissions. This is seen to be a direct result of the project.

In addition, the same 'common sense' logic that permitting oil to be drilled leads to more being burnt should be applied to the highway improvements themselves, associated with this and being part of the same Project that forms the DCO application, but judged significant enough to warrant a DCO examination in its own right.

Expanding road infrastructure but not rail infrastructure (which is already noted by many stakeholders to be at or near capacity) will most likely increase the road transport related surface transport impacts. This is due to a combination of two related effects, namely:

- I) The increase in flights facilitated by the runway expansion (this will increase the overall number of journeys as set out above); as well as
- ii) The increased ease to make these increased journeys by road, due to the choice to invest in expanding highway infrastructure capacity but not reallocate highway space to buses through bus priority signalling or lanes, or expansion of rail capacity instead.

A further consequence of this expansion of highway infrastructure capacity will be to make it easier for other journeys, in addition to those as a result of the Project. This will include existing journeys to and from the airport, those related to increased use of the current runway, and other journeys. This is a significant indirect impact of the Project.

Case 3. The wider economic development induced as a result of this development also has significant climate impacts.

New Economics Foundation in *Losing Altitude* (2023, page 19, section 3.5) highlight how the project will most likely dis-benefit existing UK tourism, much of which is in locations where the local economy is heavily reliant on tourism income and are some of the most deprived, including the most deprived, local authority area in the UK. Instead, the development will increase 'wider economic effects' that tend to increase carbon emissions as noted GACC REP4-106 (pages 18-19) – e.g. through instead developing tourism heavily reliant on air travel.

All of these cases relate to the judgement concluding that, "There is no principle that, if environmental harm is exported, it may be ignored."

Case 1 (crucially, in determining the significance of direct greenhouse gas emissions of the project) but also Case 2 (as also occurring outside of the Project red line planning boundary) and Case 3 (relating the project to the climate impact of wider economic development trends) are also supported by the rulings that:

- * "It is wrong ... to treat the impact on climate of GHG emissions as local to the places where the combustion occurs." [paragraph 96 of the judgement]; and
- * "Climate change is a global problem precisely because there is no correlation between where GHGs are released and where climate change is felt. Wherever GHG emissions occur, they contribute to global warming." [paragraph 97]; and
- * "The effect of the combustion emissions on climate does not depend on where they occur, and it is thus unnecessary to know where the GHG emissions will occur to assess their environmental impact." [paragraph 114].

Therefore, GACC believes that this Supreme Court judgement adds weight to GACC's consideration that the climate significance of this project should include that related to the use of the runway (increase in flights) and increased surface transport journeys to and from the airport.

Thus, GACC believes that this judgement strengthens its earlier requests that:

- * The Project to be considered and evaluated as one that is Significant in climate terms (see earlier GACC submission REP4-106);
- * The Carbon Action plan should therefore include both the flight and surface transport greenhouse gas emissions, regardless of whether permission is granted or not; and
- * The DCO agreement should include both surface transport and flight greenhouse gas emissions, again regardless of whether granted.

¹ https://neweconomics.org/uploads/files/NEF_Losing-altitude.pdf

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3 Further Comments on Transport Matters

These comments primarily respond to comments made at Deadline 6.

1. Rail Capacity (principally on the Brighton Mainline).

GACC note the submissions of Thameslink (REP6-126) and others highlighting that whilst rail capacity has been planned for non-airport growth, it does not include the planned new runway. In the Gatwick hearings, Network Rail confirmed that the capacity changes at Gatwick rail station did not take account of the additional passenger demand from Gatwick airport expansion.

Additional passenger demand growth will increase crowding and/or require increased capacity. GAL modelling reflects that demand will increase above rail capacity through the 2030s, leading to increased standing on the trains. GAL refers to the increased crowding as insignificant, but we disagree and would argue that there will be increased pressures from luggage carried by airport users. The additional standing will inconvenience airport users and other users and raises questions about the plausibility of Gatwick mode share targets. If trains are so crowded that people are standing, especially with luggage, then this could set in motion a cycle of capacity decay where trains are held longer at stations as people struggle to embark and disembark, potentially delaying scheduled departure times.

Therefore, GACC agrees with the points raised by rail stakeholders, National Highways and others that Gatwick's expansion plans will exceed planned capacity on the trains and at the station, which could exacerbate crowding-induced delays. In terms of mode share, rail is the most significant contributor to sustainable airport travel, and yet GAL has chosen to invest significantly in additional highway capacity and nothing in train capacity. GACC notes that this issue remains unaddressed by the Applicant.

2. Failure to Plan (or even model the case for) No Airport-Related Car Growth

GACC have previously proposed that GAL should plan for no airport-related car growth. Transport for London has also proposed a no car growth scenario. [[REP6-101](#) includes reference to the Applicant's Deadline 5 submission where they attempt to justify excluding a 'no car growth scenario' I – see REP6-101, table reference to TT1.4, p169.]

The Applicant says it has explored the likelihood of achieving a zero growth in airport related demand by private car and the scale of interventions that might be required. The Applicant concludes that an outcome with no additional car journeys is not realistic, and that it is not necessary to mitigate the impacts of the project. It says there is no policy requirement to deliver the Project with 'no additional journeys' on the road. Our response is that, rather than not being realistic, this is a choice by GAL.

If parts of the Gatwick customer catchment area are inaccessible with private cars, then GAL should extend airport bus and coach services, specifically to enhance the public transport offer to these areas. This is likely to require both capital investments (e.g. in new routes, bus priority corridors, new buses, introduction of new train lines/ services) as well as revenue costs (at least until the point where some or all of these new routes and

increase in service level becomes commercially viable).

GACC note that GAL has the levers available to limit airport-related car trips, including parking constraints and access charges, and yet they [continue to] choose not to. Instead, the resulting additional car travel will lead to increased highway travel times and delays, disruption to local communities, noise, air pollution and greenhouse gas emissions.

In Surrey, transport is the major contributor to climate emissions; therefore, Surrey County Council's Local Transport Plan is seeking to reduce vehicle kilometres via demand management of cars and goods vehicles. Similarly, West Sussex County Council's Transport Plan seeks to reduce the need to travel by car and improve rail services.

Academics and think tanks have shown that roll-out of EVs is insufficient to get us on course for Net Zero: we still need to reduce private car use by at least 20-27% by 2030 (more beyond) to meet Net Zero targets.

Therefore, GAL's surface access proposals are inconsistent with the transport objectives of Surrey County Council and West Sussex County Council. The changes proposed to result from this project will work against and make it harder for these local transport plans to deliver their objectives. This is not accepted. Neither has it been compensated for in any proportionate way.

Source: Surrey Local Transport Plan 4 (2022-2032), page 36.

3. Car Parking, specifically modelling and control of off-airport parking.

The Applicant should demonstrate that it has a car parking strategy that more effectively restricts the use of private cars, with appropriate on-airport car parking capacity and charges, and effective controls to prevent off-airport parking which should be included in the DCO.

GACC highlight the comments regarding car parking in the Surrey Local Transport Plan 4 (2022-2032 -

Page 81 notes that, "Changes in parking supply and charges will change the relative attractiveness of using different modes of travel." It is unclear how this has either been acknowledged or reflected by Gatwick in the plans for this project.

4. Green Controlled Growth.

It appears to GACC that the Applicant is pushing back on the Joint Authorities proposals for Green Controlled Growth as part of the DCO, instead saying that GAL would attempt to deal with any failures (such as with regard to the Surface Access Commitments) with specific measures directly related to that area. However, this removes the potential for enforcement. That sounds like GAL rigidly holding to their position and pushing back without providing any justification for not accepting this approach. GACC agree with the need for the stronger approach being advocated by the Joint Authorities, however (as noted previously) believe that this should include constraints on aviation growth based on the significant climate impacts of both the surface transport and flights associated with

Gatwick Airport. The proposed Green Controlled Growth framework should be extended to include constraint of the overall greenhouse gas emissions associated with the airport (including both the carbon emissions of both the flights and surface transport) and be linked to constraint of both the take-off and landing slots, and road transport and parking (both on airport and off airport) associated with passengers and those working at the airport. GACC believe that the rationale for this is further strengthened and supported by the rationale underpinning the Supreme Court ruling on the Finch v Surrey County Council case, as discussed above.

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