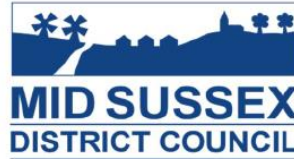




**Horsham
District
Council**



Gatwick Airport Northern Runway Project

Examination Ref: TR020005

Joint Local Authorities Response to the Applicants Deadline 6 Submissions

Deadline 7: 15 July 2024

Crawley Borough Council (GATW-AFP107)

Mid Sussex District Council (20044737)

Reigate and Banstead Borough Council (20044474)

East Sussex County Council (20044514)

Mole Valley District Council (20044578)

Horsham District Council (20044739)

West Sussex County Council (20044715)

Surrey County Council (20044665)

Tandridge District Council (20043605)

Kent County Council (20044780)

This document provides a response at Deadline 7 (15 July 2024) from the Joint Local Authorities as listed above, to the Applicant's Deadline 6 Submissions:

- REP6-018 - Deadline 6 Submission - 5.3 Environmental Statement Appendix 5.3.2 CoCP Annex 6 - Document Index Outline Arboricultural and Vegetation Method Statement - Part 1 (Clean) / REP6-019 (Tracked)
- REP6-020 - 5.3 Environmental Statement Appendix 5.3.2 CoCP Annex 6 - Outline Arboricultural and Vegetation Method Statement - Part 2 (Clean) / REP6-021 (Tracked)
- REP6-022 - 5.3 Environmental Statement Appendix 5.3.2 CoCP Annex 6 - Outline Arboricultural and Vegetation Method Statement - Part 3 (Clean) / REP6-023 (Tracked)
- REP6-024 - 5.3 Environmental Statement Appendix 5.3.2 CoCP Annex 6 - Outline Arboricultural and Vegetation Method Statement - Part 4 (Clean) / REP6-025 (Tracked)
- REP6-026 - 5.3 Environmental Statement Appendix 5.3.2 CoCP Annex 6 - Outline Arboricultural and Vegetation Method Statement - Part 5 (Clean) / REP6-027 (Tracked)
- REP6-028 - 5.3 Environmental Statement Appendix 5.3.2 CoCP Annex 6 - Outline Arboricultural and Vegetation Method Statement - Part 6 (Clean) / REP6-029 (Tracked)
- REP6-030 - 5.3 Environmental Statement Appendix 5.4.1 Surface Access Commitment Version 3 (Clean) / REP6-031 (Tracked)
- REP6-032 - 5.3 Environmental Statement Appendix 8.8.1 Outline Landscape and Ecology Management Plan - Part 1 Version 5 (Clean) / REP6-033 (Tracked)
- REP6-034 - 5.3 Environmental Statement Appendix 8.8.1 Outline Landscape and Ecology Management Plan - Part 2 Version 5 (Clean) / REP6-035 (Tracked)
- REP6-036 - 5.3 Environmental Statement Appendix 8.8.1 Outline Landscape and Ecology Management Plan - Part 3 Version 5 (Clean) / REP6-037 (Tracked)
- REP6-038 - 5.3 Environmental Statement Appendix 8.10.1 Tree Survey Report and Arboricultural Impact Assessment - Part 1 Version 3 (Clean) / REP6-039 (Tracked)
- REP6-040 - 5.3 Environmental Statement Appendix 8.10.1 Tree Survey Report and Arboricultural Impact Assessment - Part 2 Version 3 (Clean) / REP6-041 (Tracked)
- REP6-042 - 5.3 Environmental Statement Appendix 8.10.1 Tree Survey Report and Arboricultural Impact Assessment - Part 3 Version 3 (Clean) / REP6-043 (Tracked)
- REP6-044 - 5.3 Environmental Statement Appendix 8.10.1 Tree Survey Report and Arboricultural Impact Assessment - Part 4 Version 3 (Clean) / REP6-045 (Tracked)
- REP6-046 - 5.3 Environmental Statement Appendix 8.10.1 Tree Survey Report and Arboricultural Impact Assessment - Part 5 Version 3 (Clean) / REP6-047 (Tracked)

- REP6-048 - 5.3 Environmental Statement Appendix 8.10.1 Tree Survey Report and Arboricultural Impact Assessment - Part 6 Version 3 (Clean) / REP6-049 (Tracked)
- REP6-050 - 5.3 Environmental Statement Appendix 9.9.2 Biodiversity Net Gain Statement Version 4 (Clean) / REP6-051 (Tracked)
- [REP6-055] - 5.3 Environmental Statement Appendix 14.9.7 The Noise Envelope Version 3 (Clean) / [REP6-056] (Tracked)
- [REP6-065] - 10.13 Supporting Noise Technical Notes to Statements of Common Ground Version 2 (Clean) / [REP6-066] (Tracked)
- [REP6-067] - 10.21 Response to Rule 17 Letter - Car Parking Version 2 (Clean) / [REP6-068] (Tracked)
- [REP6-071] - 10.45 Note on Project wide Habitat Loss and Replacement
- [REP6-078] - 10.49.1 The Applicant's Written Summary of Oral Submissions - ISH8 Surface Access Commitments
- [REP6-079] - 10.49.2 The Applicant's Written Summary of Oral Submissions - ISH 8 Car Parking
- [REP6-080] - 10.49.3 The Applicant's Written Summary of Oral Submissions - ISH8 - Good Design
- [REP6-081] - 10.49.4 The Applicant's Written Summary of Oral Submissions - ISH8 – Noise
- [REP6-084] - 10.50.1 The Applicant's Response to Actions ISH8 - Surface Access Commitments
- [REP6-085] - 10.50.2 The Applicant's Response to Actions ISH8 - Car Parking
- [REP6-086] - 10.50.3 The Applicant's Response to Actions ISH8 - Good Design
- [REP6-087] - 10.50.4 The Applicant's Response to Actions ISH8 – Noise
- [REP6-088] - 10.50.5 The Applicant's Response to Actions ISH8 – Ecology
- [REP6-090] - 10.51 The Applicant's Response to Deadline 4 Submissions submitted at Deadline 6
- [REP6-091] - 10.52.1 The Applicant's Response to Deadline 5 Submissions - Response to York Aviation
- [REP6-092] - 10.52.2 The Applicant's Response to Deadline 5 Submissions - Fleet Mix Assumptions
- [REP6-094] - 10.52.4 The Applicant's Response to Deadline 5 Submissions - Response to GHG Comments

1. REP6-018 - Deadline 6 Submission - 5.3 Environmental Statement Appendix 5.3.2 CoCP Annex 6 - Document Index Outline Arboricultural and Vegetation Method Statement (oAVMS) - Parts 1-6 (Clean) / (Tracked) [REP6-018 – REP6-029]

- 1.1 It should be noted that all six documents which form the parts of the AIA, and all six documents which form the parts of the oAVMS, are incredibly slow at loading (mainly the rendering of plans within) making review of the documents extremely difficult. They frequently fail to load and crash when viewed electronically. This was highlighted to the ExA and acknowledged by the Applicant’s consultants during a joint meeting held on the 14th June 2024 (in discussion of changes to landscape proposals) and the problems persist with the documents provided at Deadline 6. It is requested that any future revisions are improved to ensure that this does not hinder the further review of documents and that printed hard copies (at the scale stated on plans) are made available to the Authorities for all future revisions submitted.
- 1.2 To ensure that the CBC Policy CH6 is secured through to the detailed design submissions, the Authorities have suggested amendments to the oAVMS within the review of Tree Survey Report and Arboricultural Impact Assessment stated contained within this document.
- 1.3 The oAVMS is intended as a control document for the removal of arboricultural features as well as other vegetation features. The vegetation removal and protection plans provided within appendices C and D of the oAVMS provide no context as to the vegetation types proposed for removal and retention. It would be helpful if the vegetation could be identified on the plans by habitat type, such as neutral grassland, reedbed, watercourse and scrub. In addition, it is of concern that the plans do not identify any vegetation proposed for retention (as suggested within paragraph 1.2.3 of the oAVMS) and therefore do not demonstrate that appropriate protection measures are proposed for retained vegetation. Requirement 28 provides for a subsequent AVMS to be provided in substantial accordance with the oAVMS however, due to the Authorities concerns with the current level of detail within this document as set out above, it is not considered to provide the appropriate level of detail to ensure protection of arboricultural and vegetation features.
- 1.4 Due to the numerous occasions where individual tree entries within the tree schedules contain high quantities of trees that are collectively referenced, provision should be made within the oAVMS to ensure that detailed AVMS are made abundantly clear as to which trees are proposed for removal and which are retained should this occur within the same referenced tree entry (i.e. using further references such as T35.1

(remove), T35.2 (retain) for example, identified as such on both Tree Work Schedules and Detailed Vegetation Removal and Protection Plans).

Tree Removal & Protection Plans (Appendices A and B) –

- 1.5 The retained section of tree group G27 (shown within Appendix A, drawing nos. 812 and 813) no longer has tree protection measures identified and it is not clear if the entire groups is intended for removal which would be of concern.
- 1.6 The proposals within Project Change 4 (on airport wastewater treatment works) as identified within [AS-146] have not been accounted for. Appendix B, drawing no. 753 still shows many trees within G62 as retained despite not being possible to retain as per the project description.
- 1.7 G16 is now recognised within plans to require partial clearance to approximately 12m to facilitate a haul road, though not reflected by the key (as shown within Appendix A, drawing no. 750). A 12m clearance for a construction haul road is inappropriately excessive as most haul roads for construction projects can facilitate a 4m clearance with a sensible construction management plan. This comment also relates to W4 shown within the same drawing.
- 1.8 Tree groups G12 and G16, and hedgerows H1 and H2, situated within the airport plans are shown for partial removal though they have not been included within tree removal schedules and other assessments within the AIA.
- 1.9 In drawing number 782 of the Airport Preliminary Vegetation Removal and Protection Plans (Appendix D)[REP6-024], a hedgerow within a vegetated area proposed for removal exists between the A23 (London Road) and Perimeter Road East. This hedgerow has not been considered within the AIA nor the Tree Removal and Retention Plans; however, the Illustrative Landscape Overview and Key Plan (figure 1.1.1) of the OLEMP [REP6-032] has identified it's replacement. In addition, the oAVMS also shows H31 and H32 (adjacent Pentagon Field) as retained in full; however, given the vehicular activity required, it is suspected that the existing entrance will require partial loss of one or both hedgerows to ensure suitable visibility splays. Both of which are of concern and may also have some minor effect on the finding within the BNG Statement [REP6-050] which refer to hedgerows identified within the Tree Survey Report and Arboricultural Impact Assessment.
- 1.10 A tree group identified for removal has not been referenced on any plans provided (including the Tree Survey Plans). The group is shown within drawing no. 819 of Appendix A, located south of the South Terminal

Shuttle Station. In addition, a single tree south of the group has not been identified on any plan provided.

2. REP6-030 - 5.3 Environmental Statement Appendix 5.4.1 Surface Access Commitment Version 3 (Clean) / REP6-031 (Tracked)

2.1 The Joint Local Authorities (excluding Kent) proposal and preference for the management and monitoring of the Northern Runway Project remains that set out in the Environmentally Managed Growth Framework. Submission documents including the Introduction to a proposal for an Environmentally Managed Growth Framework [REP4-050], The requirement for an Environmentally Managed Growth Framework [REP5-093] and Response to REP5- 074 Appendix B - Response to the JLA's Environmentally Managed Growth Framework Proposition Version 1 and JLA's Proposed Control Document Setting Out An Outline Approach To Environmentally Managed Growth Framework (EMGF) [REP6-100] have set out how and why the Joint Local Authorities consider that EMG should be adopted.

2.2 Notwithstanding that the JLAs consider that EMG is the optimum mechanism to provide appropriate controls and to ensure that policy compliant growth can occur, in line with that assessed in the Environmental Statement. It is also considered important that the JLAs fully engage and seek to ensure that the Surface Access Commitments [REP6-031] are as robust and provide sufficient clarity to mitigate the impacts of the Project. The JLAs have therefore provided comments as tracked changes to the Applicants Deadline 6 submission, 5.3 Environmental Statement Appendix 5.4.1 Surface Access Commitments Version 3 (Tracked) [REP6-031]. This is included as **Appendix A** of this document.

3. REP6-032- 5.3 Environmental Statement Appendix 8.8.1 Outline Landscape and Ecology Management Plan - Part 1 Version 5 (Clean) / REP6-033 (Tracked)

3.1 It is of concern that Section 6.5.8 has not been amended to reflect comments made by the Authorities regarding the need to secure the continued long-term management of the entirety of the North West Zone (NWZ) and Land East of the Railway Line (LERL) Biodiversity Areas, both within and outside the DCO Limits. As key components of the ecological network, these areas are critical to the viability of the overall mitigation package. At Deadline 5, the Authorities commented as follows: `the

Authorities request confirmation that the entirety of these two Biodiversity Areas will be incorporated within the relevant LEMPs, including the parts which lie outside the Project site boundary. We would be grateful if this could be made absolutely clear in a future revision of the oLEMP.' We therefore request an amendment to the next version of the oLEMP.

- 3.2 Figure 1.1.1 (Illustrative Landscape Overview and Key Plan) dated July 2023 needs to be updated to incorporate changes, including the proposed reedbed filtration system and wastewater treatment works.
- 3.3 During a meeting with the Applicant held on the 14th June 2024, it was eluded to that there would be additional tree planting proposed within the area known as Museum Field, predominantly to meet replacement planting requirements of CBC Policy CH6. This is also suggested within the cover letter for DL6 submissions on page 4 of [REP6-001]. However, whilst illustratively Figure 1.2.1 (Museum Field Sketch Landscape Concept) dated July 2023 presented within [REP6-033] has changed, it is more or less exactly the same as that presented within [REP4-012] in relation to proposed woodland and tree planting (with only an increase of scrub planting identified). The date also suggests there are no changes from July 2023. Therefore, the Authorities believe the suggested increased tree planting at Museum Field which has been stated within the Cover Letter [REP6-033], oAVMS [REP6-039] and BNG Statement [REP6-050] is misleading and requires further demonstration as to how an increase has been achieved.
- 3.4 To ensure that the CBC Policy CH6 is secured through to detailed design submissions, the Authorities have suggested amendments to the oLEMP within the review of Tree Survey Report and Arboricultural Impact Assessment stated in section 6 within this document.

4. REP6-034 - 5.3 Environmental Statement Appendix 8.8.1 Outline Landscape and Ecology Management Plan - Part 2 Version 5 (Clean) / REP6-035 (Tracked)

- 4.1 There is confusion as to whether Pentagon Field is to be regarded as an 'Environmental Mitigation Area'. Surprisingly it does not feature as such in Figure 3.3.1 (Indicative Ecology Strategy) dated July 2023 within the oLEMP Part 2 [REP6-034] yet sections 1.2.2 and 6.5.7 of the oLEMP Part 1 [REP6-032] state that Pentagon Field will deliver ecological mitigation or enhancement. Also, section 2.3.3 of Note on Project-Wide Habitat Loss and Replacement, June 2024 [REP6-071] refers to the creation of enhanced neutral grassland in Pentagon Field post development. If indeed Pentagon Field is to be reinstated as enhanced neutral grassland, it would be helpful if this could be made clear in all

documents, including Figure 1.2.18 (Pentagon Field Sketch Landscape Concept) of the oLEMP Part 2.

5. REP6-036 - 5.3 Environmental Statement Appendix 8.8.1 Outline Landscape and Ecology Management Plan - Part 3 Version 5 (Clean) / REP6-037 (Tracked)

- 5.1 No significant changes have been identified within this document. However, only the partial removal and replacement of an existing hedgerow between the A23 London Road and Perimeter Road East is shown on the Illustrative Landscape Overview and Key Plan (figure 1.1.1) of the OLEMP [REP6-032] and drawing number 782 of the Airport Preliminary Vegetation Removal and Protection Plans (Appendix D)[REP6-024]. This has not been considered nor identified within the Supporting Ecology Technical Notes [REP5-069] which regards hedgerows, nor the Tree Survey Report and Arboricultural Impact Assessment [REP6-038]. It is not clear why only partial removal and replacement has been shown, with 250m to its northern extremities not removed and replaced. Further, section 5.4 of the OLEMP states that hedgerows adjacent to the highway will be maintained at 600mm in height; maintaining the hedge at 57 such a low height in this location provides limited ecological benefit and limited screening from the A23.

6. REP6-038 - 5.3 Environmental Statement Appendix 8.10.1 Tree Survey Report and Arboricultural Impact Assessment - Parts 1-6 Version 3 (Clean) / (Tracked) [REP6-038 – REP6-049]

- 6.1 In general, the changes to the AIA area are welcomed. This includes, though not limited to the revised assessment of tree loss, the identification and definition of veteran trees, and further information regarding proposed tree planting. Residual concerns remain as to the suitability of the AIA alongside the schedules and plans within, as well as misleading statements contained within. The Authorities provide the following comments for consideration:

Veteran trees

- 6.2 Section 3.6 now states that two veteran trees were identified from the tree survey, T35 and T213. It's worth noting that there are two trees referenced T35 within the tree survey. T35 (Quercus robur) identified within Appendix C Airport Tree Survey Schedule has been recorded as a veteran and is shown for retention. Whereas T35 (2x Fraxinus angustifolia), identified within Appendix B M23 & A23 Tree Survey

Schedule, are shown for removal within Appendix D M23 & A23 Tree Removal Schedule.

Survey Findings

- 6.3 The survey findings presented in section 4 of the AIA has identified the total number of entries for features surveyed and has included the total quantity of individual trees recorded (748 trees). It has not provided a breakdown of the total quantity of trees, or alternatively the total area, for each Group or Woodland per category. This is usually provided within most arboricultural surveys of this scale to enable a suitable assessment of impact of loss per category. Whilst not specifically stated as a requirement, BS5837:2012 recommends that arboricultural impacts assessments should include an "evaluation of impact of proposed tree losses" (para 5.4.3 (f)); stating only the losses which will occur in each category without an understanding of the baseline is not considered an evaluation of the impact.
- 6.4 Individual tree survey entries also represent groups of trees which do not form a cohesive group but have similar characteristics as stated within para. 4.2.4. Whilst this approach is not disapproved in its entirety, tree survey schedules need to clearly identify the quantity of trees within each tree entry (as many are not displayed). Due to the numerous occasions where individual tree entries contain high quantities of trees that are collectively referenced, provision should be made within the oAVMS to ensure that detailed AVMS are made abundantly clear as to which trees are proposed for removal and which are retained should this occur within the same referenced tree entry (i.e. using further references such as T35.1 (remove), T35.2 (retain) for example, identified as such on both Tree Work Schedules and Detailed Vegetation Removal and Protection Plans).

Arboricultural Impact Assessment

- 6.5 The West Sussex Joint Local Authorities raised concerns regarding the extent of tree removal across the entire project within [REP3-117] (p.55-56). Whilst it is noted that the Applicant has carried out a review of proposed removals, this has not reflected a vast quantity of the features stated within the Authorities representation. The Applicant has not responded to each identified feature of concern, though they have generalised within [REP4-028] that "*The current worst-case scenario includes all trees along the M23 corridor that fall within the limits of construction and which are adjacent to the proposed highway works*".
- 6.6 The extensive tree loss proposed surrounding the Car Park H works area and the New Hotel (north of MSCP3) is very concerning given the quality of trees/tree groups lost, the loss of a maturing treescape, and the loss of structural landscaping provided by the trees. Whilst provision has been made for new tree planting in landscaping zone 7 within the oLEMP [REP6-032], there is a lack of clarity as to how this would interact with retained features or mitigate for the loss of features. When considering

the Applicants future baseline proposal of the Hilton Hotel multistorey car park which requires the remove G89 (A category) and potentially further trees to its south, the impact on the treescape within this area is a significant amenity loss.

- 6.7 Whilst the proposed Requirement 28 and Design Principle L1 limit tree loss throughout the project to what has been presented within the oAVMS, the Authorities remain of the view that the Applicant has not provided enough detail of the project proposals to demonstrate that a realistic worst-case scenario has been designed for. Rather, it appears that the Applicant seeks to maximise the space within 'construction areas' to allow maximum flexibility with little consideration of arboricultural features. If this flexibility of extensive tree loss is to be accepted, the Design Principles need to be strengthened to better avoid and mitigate tree loss at specific areas within the project throughout detailed design.
- 6.8 Aspects of the conclusions made within revised AIA are fundamentally disagreed with, or are considered to be misleading, as outlined below:
1. Para. 8.1.1 suggests that principles of good design have been adopted wherever possible for the reasoning provided. However, the Applicants internal review of tree loss, as prompted by comments from the JLA's, has only marginally addressed unnecessary tree loss within a small section of the Surface Access Works. This approach should be continued for arboricultural features within the entirety of the Project limits to ensure not only good design, but also that the flexibility given to the Applicant is not being abused.
 2. Para. 8.1.6 now recognises that most arboricultural features proposed for removal along the A23/M23 road corridor have been assigned as category A & B (high and moderate quality) for their collective value. It is then suggested that the loss of these features is negated by the 'lower individual value' of these trees. These statements are misleading and contradictive as the collective value of the trees should form the category assigned to the group/woodland; such groups/woodlands will always naturally have some trees within which are smaller, narrower, or not of a form typically found with open-grown individual trees. Where such trees occur in high numbers/frequency, the categorisation of the group/woodland should reflect such finding. BS5837:2012 allows individuals which do not reflect the collective value of the surrounding trees within a group/woodland to be plotted and categorised as individuals. The Authorities agree with the categorisation of the tree groups as submitted by the Applicant. To summarise, the presence of trees with lower individual value does not negate the impact of loss of these tree groups.
 3. Para. 8.1.7 (and para. 6.3.8) suggests that the Design Manual for Roads and Bridges (DMRB) requires the removal of 3.6ha of roadside trees within a 9m buffer of the highway regardless of the project occurring. This is incorrect and misleading as the DMRB (LD

117, para. 3.4.1) only states that planting design should not include climax trees within 9m from the carriageway edge. There is no legal obligation or requirement for a Highway Authority to remove any tree in respect of the DMRB guidance, however, it is recognised that some vegetation works are routinely carried out to ensure the safe passage of the highway network and to prevent obstruction to features within in accordance with the Highways Act 1980 (though expected to be far less than 3.6ha).

Tree Planting Proposals

- 6.9 The detailed information and conclusions presented on tree planting are relevant and required to demonstrate compliance with local planning policy CH6. However, this approach relates purely to this policy, and it should be noted that whilst quantifying tree and woodland planting numbers is one way of assessing proposed reinstatement/enhancements, this should not be mistaken to demonstrate a direct ratio of net increase of trees/woodland area at their maturity (nor their replacement / enhancement of quality or biodiversity).
- 6.10 Defra's Biodiversity Net Gain (BNG) Metric 4.0 does consider such elements (area/target condition) and has been assessed by the Applicant for the project areas impacted. Annex 3 of the BNG Statement [REP6-050] shows that for the area assessed, there will be an on-site change of -0.38 ha (-6.35 unit change) for individual trees and -3.12 ha (-51.31 unit change) for woodland and forest (a significant overall net loss for each). This is concerning and must be taken into consideration when reviewing the tree planting proposals as presented within the AIA (which are considered to reflect a more pleasing outcome).

Crawley Borough Council (CBC) Local Plan Policy CH6

- 6.11 Further details have been supplied by the Applicant included as amendments within section 7 of the AIA to address this policy the inclusion of which are welcomed. Annexes 1 and 2 of Appendix J, of the Tree Survey Report and Arboricultural Impact Assessment (Part 6, Version 3 [REP6-047 & REP6-048]) are not included within the documents found within the examination library. The Applicant has subsequently supplied the Authorities with these missing documents for review although a full review of this information has not been possible in time for Deadline 7. The Authorities will comment further on this additional information at Deadline 8.
- 6.12 Based on the information within the document the Applicant maintains it has demonstrated that tree planting proposals have the potential to satisfy CBC Policy CH6 (suggesting that within Crawley, tree planting will exceed circa. 8,190 trees over that required by the policy). Compliance with the policy is supported by the Authorities but it should be noted however, that the issues raised in Section 1 of this response in relation to the means by which tree numbers are calculated does bring into question whether the methodology has been correctly applied.

- 6.13 It is worth noting that the statement within paragraph 7.1.6 which references increased tree planting proposals at Museum Field is refuted given the findings by the Authorities made within review of the revised oLEMP [REP6-033] (detailed within this document see section 3.3).
- 6.14 Paragraph 7.2.7 suggests that "Landscape replanting figures show that new Woodland/ Individual trees amount to 37, 256 trees currently proposed, within the Crawley Borough.". Whilst the Authorities understand the assumptions made to calculate replacement tree planting figures stated within paragraph 7.2.6, these figures can only be indicative given the high level nature of the current AIA, are not shown within the oLEMP, nor do illustrative plans provide sufficient information to measure the areas of proposed woodland/individual trees.
- 6.15 The outstanding matter of principle concern which remains, is how the proposed tree planting quantities will be secured upon review of detailed design and subsequent approval of detailed documents (LEMP and AVMS) by the discharging authority and how the Applicant makes up for any shortfall in tree numbers in the event the works do not meet the standard. There is currently no mechanism to ensure the Applicant demonstrates the policy compliance for the detailed works designs. Currently, the tree planting proposals only demonstrates that indicative landscaping plans could meet the minimum replacement planting quantities required by CBC Policy CH6 which has been based on findings within the AIA and the landscaping plans do not include sufficient information to provide clarity that the findings are correct (i.e. demonstration of area for proposed planting).
- 6.16 Further information is requested in the oAVMS and oLEMP to ensure that minimum replacement planting thresholds are met through detailed design and where this is not possible mitigation (payment) is provided in lieu. It is suggested this could be achieved by:
1. Amending the oAVMS to ensure that where a detailed AVMS is submitted it will demonstrate the total quantity of trees to be planted for that Works area to meet the requirements of Policy CH6. This must be based on the approach set out in Appendix J of the Tree Survey Report & AIA. In addition, ensure that the AVMS for works areas stated within the DCO are be submitted for approval to the discharging authority in advance of the submission of any LEMP.
 2. Amending the oLEMP to ensure that where a LEMP is required, it will accord with the tree planting quantities stated within the approved detailed AVMS. The LEMP shall include detailed landscaping plans and planting schedules which demonstrates the quantity of trees to be planted for all areas whereby tree planting is proposed. A totalled summary for proposed tree planting quantities should also be included within the wider LEMP.
- 6.17 The Authorities are submitting a draft requirement for consideration which seeks to address the policy requirements of CH6.

7 REP6-050 - 5.3 Environmental Statement Appendix 9.9.2 Biodiversity Net Gain Statement Version 4 (Clean) / REP6-051 (Tracked)

- 7.1 The revised BNG Statement with new or revised sections on advance/delay in habitat creation, strategic significance and the additional information in Annex 3 are welcomed.

8 [REP6-055] - 5.3 Environmental Statement Appendix 14.9.7 The Noise Envelope Version 3 (Clean) / [REP6-056] (Tracked)

- 8.1 REP 6-055 supersedes APP-177. The changes comprise revised figures for the area enclosed by the 92 day summer season average mode contour as set out in paragraphs 6.1.8 and 6.1.9. and the updating of the diagram under para 6.1.10. The change to the areas under the contours are the product of further work that Gatwick has undertaken in relation to fleet forecasting set out under the Applicants[REP4-004] and referred to further in [\[REP6-092\]](#).
- 8.2 In considering how realistic Applicants' proposal is, York Aviation, on behalf of the JLAs, comment in [REP5-094] that "… Our [York Aviation] analysis confirms our provisional view that the Applicant's revised Central Case should rather be considered as a revised Slower Transition Case, with the most likely case being represented by the original Central Case."
- 8.3 Therefore, the Joint Local Authorities remain of the view that the areas under the noise contour remain inflated and that the original Central Case is appropriate to determine the extent of the noise contour area and that it must be reduced accordingly.
- 8.4 Furthermore, as the areas under the noise contour are dependent on forecast fleet mix and also on the volumes of flights, given York Aviation's view that the growth in demand is overstated in the baseline and the NRP case, the noise modelling of the noise contours needs to be repeated not only to take account of the fleet Central Case but also on the basis of York Aviation's figures pertaining to demand. This will provide more realistic noise contour areas.
- 8.5 The JLAs note that material relevant to the noise envelope is contained in Appendix A to [REP6-087] and recommend that this is included as an Appendix to any future revised noise envelope.
- 8.6 Whilst the JLAs preference remains the development of the Environmentally Managed Growth Framework they have provided further

suggestions for modifications to the noise envelope at D7 and hope that these will be included.

- 8.7 The JLAs continue to consider that overall due to all the matters the noise envelope is not policy compliant and does not adopt good practice.

9 [REP6-065] - 10.13 Supporting Noise Technical Notes to Statements of Common Ground Version 2 (Clean) / [REP6-066] (Tracked)

- 9.1 The JLAs acknowledge the minor changes in road traffic noise levels presented in the updated document. The Applicant does not seem to have updated Diagram 4.2, which is expected to have changed given there are noticeable changes in noise.

10 [REP6-067] - 10.21 Response to Rule 17 Letter - Car Parking Version 2 (Clean) / [REP6-068] (Tracked)

- 10.1 The Authorities have reviewed the Applicant's revised *Response to Rule 17 Letter – Car Parking* and have the following comments.
- 10.2 The revised Table 1 shows the increase in car parking for the Future Baseline and With Project scenarios. The Future Baseline shows an increase of 5,750 spaces between 2023 and 2047, these being provided through MSCP7 (3,250 spaces) and robotic parking (2,500 spaces). The With Project scenario shows anticipated growth in spaces over the same period, factoring in the same parking additions (5,750 spaces) as for the Future Baseline, plus the 1,100 spaces associated with the Project. Having reviewed the figures, and acknowledging that this is a relatively minor point, the Authorities note that the With Project scenario shows an increase of 1,110 spaces, rather than the 1,100-space increase that is referred to by the Applicant. It would be helpful if the Applicant could clarify why the figures differ.
- 10.3 Table 1 shows that under the With Project Scenario, whilst the total number of spaces ultimately increases between 2023 and 2047, there is some fluctuation, including two periods where the total number of spaces temporarily decreases to a level below current 2023 provision. The Applicant acknowledges (Paragraph 6) these temporal effects occur due to construction work temporarily lowering available capacity compared with the Future Baseline. Table 1 (With Project) shows overall passenger numbers increasing year-on-year, and in this context, the Authorities seek clarification from the Applicant relating to the periods where total parking provision is reduced.

- 10.4 Estimated Parking Accumulation (by day) does not appear to increase in-line with passenger growth, and appears linked to numbers in the Total Spaces column. The Authorities assume this is because Estimated Parking Accumulation numbers are limited by the total number of spaces that are available, but it would be helpful if the Applicant could clarify.
- 10.5 The With Project scenario shows a temporary reduction in the number of parking spaces (below current 2023 levels) for the periods 2025 to 2029 and 2034 to 2036. During these periods passenger numbers are forecast to continue growing. For the period 2032 to 2037, the Authorities note that the Estimated Parking Accumulation (by day) represents a significant proportion of the total spaces. For 2032-2037, and again from 2045 onwards, the Applicant's car parks will be in excess of the space occupancy target of 87.5%. This includes car parks reaching 98% capacity in 2036, as shown below.

Year	Total Spaces	Est. Parking Accumulation (day)	Occupancy (%)
2023	40,320	32,800	81.34
2024	40,320	32,400	80.35
2025	39,200	32,050	81.76
2026	37,030	31,650	85.47
2027	37,600	31,250	83.11
2028	38,470	30,850	80.19
2029	39,950	30,480	76.29
2030	41,560	32,500	78.20
2031	41,560	34,550	83.13
2032	41,560	36,550	87.94
2033	40,850	36,950	90.45
2034	39,840	37,300	93.62
2035	38,930	37,700	96.84
2036	38,930	38,050	97.73
2037	42,880	38,450	89.66
2038	47,180	38,850	82.34
2039	47,180	39,200	83.08
2040	47,180	39,600	83.93
2041	47,180	40,000	84.78
2042	47,180	40,350	85.52
2043	47,180	40,750	86.37
2044	47,180	41,100	87.11
2045	47,180	41,500	87.96
2046	47,180	41,900	88.80
2047	47,180	42,260	89.57

- 10.6 The Applicant has explained through [\[REP1-051\]](#) *Deadline 1 Submission – Car Parking Strategy* (paragraphs 3.5.5 and 5.1.2) that the maximum practical occupancy of on- and off-airport car parks is 87.5% of total provision, this allowing for operational flexibility in the turnover of vehicles in passenger arrival and departure times. *The Applicant’s Response to Actions ISH8 Car Parking* [\[REP6-085\]](#) clarifies at Paragraph 2.3.14 that “*the 87.5% occupancy figure is derived by the need to operationally maintain a buffer due to several factors that make achieving 100% occupancy (every space occupied at one time) unachievable. Paragraph 3.5.5 in the Car Parking Strategy [REP1-051] outlines the need for operational flexibility and for the continued turnover of vehicles*”.
- 10.7 The Authorities are therefore concerned that there will be periods when the Applicant’s on-airport car parks will be operating at a level that exceeds the maximum practical capacity figure of 87.5%, beyond which there will be less ability for the Applicant to maintain operational flexibility. It is unclear what the practical implications of this will be for achieving the Surface Access Commitments, though it would seem there is risk that on-airport car parks operating at or close to capacity could encourage increased use of less sustainable off-airport parking sites. The Authorities note Table 1 shows the projected public transport mode share falling slightly at 2036 (from 52.2% to 52.1%) and would be keen to understand if this is a result of modelling that factors in the reduced headroom/flexibility associated with the operational capacity target being exceeded.
- 10.8 The Applicant acknowledges at [\[REP6-068\]](#) Paragraph 3.1.5 that during these periods demand ‘approaches but does not exceed capacity’ and sets out at Paragraph 2.3.24 of [\[REP6-085\]](#) that it would consider where possible opportunities to phase the removal/replacement of parking during construction to maximise passenger parking as far as possible, and could potentially reallocate staff parking for passengers (with incentives for staff to use sustainable modes) if needed. The Authorities are particularly concerned that during the airport’s busiest months for passengers (and therefore staff) that the staff car park will be made available for passengers to use. There is considerable likelihood that this would result in staff parking on-street and affecting local residents. As such, the Authorities request that the staff car park is made available to staff only. The Authorities are also concerned about how opening up more spaces for passengers to park will help mode share targets.
- 10.9 The Authorities also note that operational capacity from 2045 onwards is anticipated to exceed the optimal 87.5%, and is at 89.57% at project completion. At 2045, there would be no ongoing construction works and it appears that the Applicant’s car parks will therefore be operating at a level beyond the 87.5% optimal capacity moving forward. If this is the case, does this not reduce the scope for operational flexibility, potentially presenting longer term operational issues that could undermine delivery of the SACs, for example through encouraging use of off-airport parking?

The Authorities seek clarification as to whether an apparent ongoing operation of car parks at greater than 87.5% capacity could result in implications for the achieving of the SACs.

- 10.10 Related to this point, the Authorities would draw attention to the emerging S106 relating to the DCO, which offers the Authorities financial support towards parking enforcement only for the nine-year monitoring period. The Authorities consider that such funding should not be limited just to the monitoring period, and Table 1 showing that the Applicant's car parks from 2045 onwards will be operating at greater than optimal capacity lends further weight to concerns that unauthorised off-airport parking will likely require the Authorities' intervention long after the monitoring period has concluded.
- 10.11 In relation to Table 2: *Comparison of Future Baseline and Proposed Development on airport employee parking*, the Authorities note confirmation at Paragraph 4 (page 11) that "*employee car driver mode share with the Project comprises data from the 2023 Staff Travel Survey*". The Authorities recognise the 2023 Staff Travel Survey as representing the most up-to-date available data, though note the Applicant's response to the Authorities [REP5-072] at Table 45, 17.10 which considers the 2023 Staff Travel Survey as showing the position of the airport in recovery post-pandemic. The Authorities assume that it is appropriate for the Applicant to use the 2023 Staff Travel Survey as being indicative of the current position (i.e. current staff travel habits) but it would be helpful if the Applicant could clarify why it has used the Staff Travel Survey findings in this context, but not more widely in its DCO evidence.

11 [REP6-071] - 10.45 Note on Project wide Habitat Loss and Replacement

- 11.1 This new document, including plans showing habitats created, retained and lost, is helpful.
- Errata:* The caption for Figure 12 should be 'Retain of Wetland – Reedbeds' (not Gain).
- 11.2 Comments made in review of the Tree Survey Report and Arboricultural Impact Assessment [REP6-038] relates directly to many of the aspects noted by the Applicant within this document.

12 [REP6-078] - 10.49.1 The Applicant's Written Summary of Oral Submissions - ISH8 Surface Access Commitments and [REP6-084] - 10.50.1 The Applicant's Response to Actions ISH8 - Surface Access Commitments

- 12.1 No further comments, see Appendix A for comments on the Surface Access Commitments.

13 [REP6-079] - 10.49.2 The Applicant's Written Summary of Oral Submissions - ISH 8 Car Parking

- 13.1 The Authorities welcome the Applicant's post-hearing note set out at Paragraph 2.1.4, which proposes an amendment to SAC 8A, adding wording to the current 2022 S106 agreement to provide "*sufficient but no more additional on Airport public car parking spaces than necessary to achieve a combined on and off airport supply that is consistent with the mode share commitments (commitments 1-4)*". The additional text will ensure that additional on-airport car parking is provided only where it is justified within the context of the SACs relating to surface access mode share. The Joint Local Authorities have added suggested additional text to Commitment 8A in a tracked change version of the Deadline 6 Submission, 5.3 Environmental Statement Appendix 5.4.1 Surface Access Commitments Version 3 (Tracked) [REP6-031]. These changes are for clarity and certainty.
- 13.2 Notwithstanding this welcome addition, the Authorities remain of the view that an approach of Environmentally Managed Growth is required to provide the necessary safeguards in the eventuality that the airport operator is unable to meet the SACs.
- 13.3 The Applicant's Written Summary of Oral Submissions on ISH8: Car Parking does not pick up on a matter raised by the Legal Partnership Authorities at that session. This relates to the need for the Applicant to clarify in its documents that its definition of 'on-airport' and 'off-airport', as taken for the purposes of the DCO, differs to that applied in Crawley Local Plan Policy GAT3. This is required to avoid the introduction of unnecessary ambiguity and to ensure continued effective application of Policy GAT3. Section 4.1 of [REP6-106] the Legal Partnership Authorities *Deadline 6 Submission - Post-Hearing submission on agenda item 4: Car Parking* refers.

14 [REP6-080] - 10.49.3 The Applicant's Written Summary of Oral Submissions - ISH8 - Good Design

- 14.1 There are no detailed comments to make on this document. The Authorities position on design remains as set out in [REP6-111] and [REP6-107].
- 14.2 Appendix A – CV for Paul Finch the proposed Design Advisor is not attached to this document.

15 [REP6-081] - 10.49.4 The Applicant's Written Summary of Oral Submissions - ISH8 – Noise

- 15.1 Paragraph 2.1.2 - The JLAs retain their position that the Noise Envelope limits should be based on the original Central Case and the values will need to be adjusted to take account not only of the fleet transition but also the difference in forecast demand and capacity. The draft Development Consent Order [[REP6-006](#)] must also be updated to reflect the revised figures. The JLAs would prefer that a static figure is not included within the main DCO but that values are subject to approval with the Crawley Borough Council to allow for changes to the areas so that these can be reduced as required based on introduction of new technology or publication of new research into the effects of noise.
- 15.2 Paragraph 2.1.3 – The JLAs note that the Applicant refers only to the 51 16 hr LAeq (day) and 45 LAeq 8hour (night). The JLAs recommend that the noise envelope is limited also by the area under the one additional noise induced awakening criteria. Figures for this need to be presented to the Examining Authority clearly showing the extent of the SOAEL and the effects (increases) that the expansion has on the areas under the one additional noise induced awakening contour under all assessment years, for the updated central case and central case fleet transition, in baseline and with project cases. This information then needs to be incorporated into the noise envelope.
- 15.3 Whilst the areas under the contours in the updated central case are lower it is not clear how the benefit derived by the industry as a result of the introduction is shared with the local community.
- 15.4 Paragraph 2.1.9 - The JLAs reflect the opinion of the ExA that the timing of the announcement of reducing the Noise Envelope limits was not as helpful as it could have been and the Applicant has had substantial time since submission of the Updated Central Case at Deadline 4 to make an update. The JLAs note that the Applicant has had the information to inform the decision since 2023 but has failed to take into consideration until this point in the examination. Notwithstanding, the reduced limits do not meet the concerns of the JLAs and only deal with fleet transition,

not the overstatement by the Applicant of the baseline and with project demand. Taking all these factors would further reduce the area of the contours.

- 15.5 Paragraph 2.1.12 - The JLAs would like to understand what noise levels would be in 2029 if aircraft movement numbers did not increase from 2019 as a sensitivity test and to assist to calculate sharing the benefit.
- 15.6 Paragraph 2.1.18 – The Applicant in rebutting the principle of applying limits to off peak periods does not appear to take into consideration that there are noise metrics that relate to the full year and are required for health purposes. The Applicant also overlooks that without any form of limit there is no point at which further formal consideration is required in other periods except the 92 day summer period; and that the Examining Authority in making a recommendation is doing so for airport expansion and cannot anticipate how markets, airlines or airport operators may utilise the airport in future. Furthermore the Aviation Night Noise Effects Study and the Aircraft Noise Annoyance Survey due to be published before the opening of the project will inform impacts and the periods over which these occur. Whilst not published yet they are well underway and as such are material to the consideration of this application, especially given the timescales for publication.
- 15.7 Paragraph 2.1.22 - The Applicant states that controls in the 23:30 to 06:00 period is different to other airports, which is not true. Other airports such as Luton, Manchester and Bristol are not designated and have similar controls. Luton and Bristol have stricter controls than Gatwick by having shoulder period movement limits in addition to controls for the 23:30 to 06:00 period. The JLAs consider that control should be extended across the shoulder periods at Gatwick and that overall night impacts should be progressively reduced.
- 15.8 Paragraph 2.1.22 - The Applicant falsely claims that night-time growth at Luton Airport is unrestricted. Current night-time control at Luton Airport include:
- 48 dB LAeq,8h contour limit that reduces post 2027 and post 2030.
 - QC limit of 3,500 to be reduced to 2,700 after 2027 (23:30-06:00).
 - Annual movement limit of 9,650 (23:30-06:00).
 - Early morning shoulder period limit of 7,000 (06:00-07:00).
- 15.9 These controls are in excess with the controls that Gatwick currently experience and the controls they are proposing. The controls restricted the Luton Airport to 59 average night-time movements during the 2019 92-day summer period.
- 15.10 Paragraph 2.1.22 - The Applicant states that the proposed increase in night-time movements for the Luton Airport expansion is “dramatically more” than proposed at Gatwick. This should be contextualised by comparing the actual numbers of movements. The Applicant proposes to increase night-time movements from 125 to 137 in the 92-day summer

period. Whilst Luton proposes a larger percentage increase in movements from 59 to 89, the final number (forecast to be reached in 2043) is still substantially lower than Gatwick's 2019 night-time movements. The night-time period at Gatwick is constrained due to the large number of existing movements, which should not be seen as something positive. It highlights the historical benefits of unrestricted growth outside the 23:30-06:00 period that Gatwick have historically enjoyed.

15.11 Paragraph 2.1.22 - The Applicant should not assume these controls remain in place. The noise assessment is underpinned by these controls and there is no guarantee that they would be retained. The JLAs want the Applicant to include a commitment in the DCO that night quota period movement limits and QC limits would be retained at the existing levels as a maximum (without any further increases as proposed by the Applicant). Given the emphasis on the importance of night noise then the scheme of night flights at Gatwick must be reviewed to ensure that it remains policy compliant.

15.12 Paragraph 2.1.25 – Technically it is correct that the night noise scheme operates between 23:00 and 07:00 but the most stringent controls exist over the 6.5 hour period 23:30 to 06:00. Up to 23:30 and from 06:00 it would be possible to have as many Boeing 777 (the 747 replacement) as the runway can handle in the shoulder periods. In the recent night flight consultation many of the JLAs noted that the quota count element of the scheme and the ATM limit needed to be reduced because aircraft are becoming quieter and so the scheme afforded little control.15.13

Paragraph 2.1.31 – The JLAs have commented on designation and the lack of control it provides and why any decision on the proposal needs to ensure that there is a robust, enforceable, appropriately funded, adaptable noise envelope with strong governance and suitable powers. Paras 8-15 of [REP5-093] quoting UK Airspace Policy: A Framework for Balanced Decisions on the Design and Use of Airspace in relation to noise operating procedures set by Government at the designated airports saying they

“ . . . have not changed for many years and now represent minimum industry practice. Therefore, they do not necessarily reflect the latest developments in noise management . . . ”

15.14 Paragraph 2.1.33 – The Applicant refers to the one additional awakening. The JLAs would like to clarify that they continue to believe that one additional aviation noise induced awakening is a SOAEL and that it is relevant as a control and this is discussed immediately below.

15.15 The Civil Aviation Authority CAP 2251 was referred to as a research into awakenings. This is not strictly true, it was further analysis of the SoNA study that was not designed for this purpose.

15.16 The Applicant partially quoted the commentary in that report to support its claims :“ paragraph 6.6 states

“The analysis found that Leq 8hour and Lnight do correlate with the number of

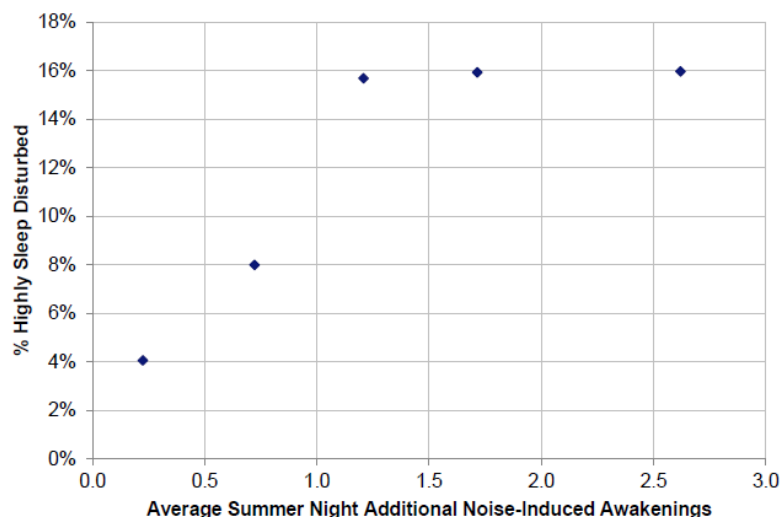
additional aircraft noise induced awakenings arising from individual aircraft events at night, and the self-reported sleep disturbance results found in the SoNA report. Consequently, the concerns that are expressed that averaging the nighttime noise exposure does not properly reflect the impact of individual aircraft noise events may be unfounded.

- 15.17 However, the Applicant did not highlight that the CAA go on to say: *“Additionally, a high degree of association was found between the estimated number of additional aircraft noise-induced awakenings and the self-reported sleep disturbance rating. The association was, however, no better than that found using average summer night LAeq,8h in CAP 2161. **The analysis does, however, imply there could be scenarios where the number of awakenings may be a better estimate of impacts than measures of LAeq,8h.**”*
- 15.18 Furthermore, at paragraph 6.4 of CAP 2251, the CAA say: *“The number of additional aircraft noise-induced awakenings was estimated for a 2014 average summer night for Gatwick, Heathrow and Stansted airports. The number of additional aircraft noise-induced awakenings was compared with the average summer night LAeq,8h noise dose. **As confirmed by Basner, whilst there is a clear correlation between the two measures, the additional aircraft noise-induced awakenings indicator gives more weight to the number of events. Therefore, areas experiencing fewer, but louder, events show comparatively fewer awakenings than areas experiencing more, less noisy events, and fewer awakenings than the average summer LAeq,8h noise dose might indicate.**”*
- 15.19 It is clear from CAP2251 that there are circumstances where just using the LAeq,8h measure to reflect the number of additional noise induced awakenings is insufficient. Therefore, the precautionary approach would be to include the number of noise induced awakenings as part of the core indicators for the Noise Envelope.
- 15.20 The Applicant in their oral submission stated that the JLAs have suggested the one additional noise induced awakening in the baseline without project would be beyond the nighttime Leq 45 dB contour. The JLAs have no recollection of this. However, without wishing to distract from the main issue of the one additional awakening, the Applicant has completed work on this but not produced it for the examination in the manner in which the JLAs are requesting. Additional awakening have been plotted geospatially and supplied to the local authorities but there is no evidence of this being publicly available or for the Examining Authority other than the inclusion of the work in the Local Impact Report for Surrey [REP1-097]. **The Examining Authority need to urgently request that this information is published for all assessment years in both baseline and with project scenarios for the updated central case and central case fleet mix.**

- 15.21 At 00:50:18 of the transcript the Applicant went on to highlight that one additional awakening may be useful when aggregating over a large population but not on an individual basis.
- 15.22 However, the airport proposes to offer sound insulation to all people living within certain noise contours. The evidence shows that not all of them living within those contours will, on an individual basis, be experiencing a significant adverse effect by being highly annoyed. There are no dose-response relationships where the proportion of the population being highly annoyed is 100%.
- 15.23 It is agreed that for some individuals the existence of a potential additional noise induced awakening may not be significant. But as the results below show (Figure 7 from CAP2251), around 12% experiencing one additional awakening are highly annoyed, which is a significant adverse effect, and it is likely that a greater proportion would be annoyed, which is an adverse effect. Policy requires that, not only must significant adverse effects be avoided but that reasonable steps must also be taken to mitigate and minimise such adverse effects.
- 15.24 It would, therefore, be inconsistent to offer sound insulation to households living within contour bands even though there may be some individuals who are not significantly adversely affected, and not to offer such mitigation for those likely to experience an average of one additional noise induced awakening simply because not everyone within that contour is likely to experience that significant adverse impact.

Figure 7 of CAP 2251 is reproduced here:

Figure 7: Percentage of respondents calculated as highly sleep disturbed as a function of the average summer night additional aircraft noise-induced awakenings (N=1,483)



- 15.25 At Paragraph 4.21 of CAP 2251, the CAA say:
"The sharp rise in the proportion of residents in the SoNA 2014 survey stating that their sleep was highly disturbed (Figure 7) coincides with the first objective of the German Aerospace Centre's noise protection concept

presented by Basner and Samel; this is that 'On average, there should be less than one additional awakening induced by aircraft noise' which is clarified elsewhere to mean 'per night'."

15.26 Given that the research by Basner and Samel suggested that there should be fewer than one additional awakening induced by aircraft noise, presumably to avoid adverse health effects, and that the analysis shown in CAP2251 shows such a sharp rise in the % highly sleep disturbed as the number of noise induced awakenings increases through one on an average summer night, it is perfectly reasonable to identify one additional awakening as significant.

15.27 Once above the SOAEL of one additional noise induced awakening, any increase in probability of awakening is a SOAEL. As the Applicant had stated that this was not incorporated into the health assessment as a significant change, it should do so as a matter of urgency as this is relevant to the Environmental Impact Assessment and the total impacts of the project.

15.28 Furthermore, as the additional noise induced awakenings metric relates to health effects about which people may be unaware the noise insulation scheme needs to be proactive in identifying eligible properties.

15.29 Paragraph 2.1.35 – the Applicant makes the point that it is important to understand the correct policy position in relation to the noise reduction. To ensure that the correct policy position is understood we note that the policy states:

"The government's overall policy on aviation noise is to balance the economic and consumer benefits of aviation against their social and health implications in line with the International Civil Aviation Organisation's Balanced Approach to Aircraft Noise Management. This should take into account the local and national context of both passenger and freight operations, and recognise the additional health impacts of night flights.

"The impact of aviation noise must be mitigated as much as is practicable and realistic to do so, limiting, and where possible reducing, the total adverse impacts on health and quality of life from aviation noise."
(Overarching Aviation Policy 2023)

15.30 The policy must be read in conjunction with other sections of the Aviation Policy that are still relevant, section 3.3 on noise says:

*"We want to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. **This means that the industry must continue to reduce and mitigate noise as airport capacity grows. As noise levels fall with***

technology improvements the aviation industry should be expected to share the benefits from these improvements.”

- 15.31 Therefore it is reasonable that the noise exposure continues to fall as technology improves.
- 15.32 Paragraph 2.1.42 – The Applicant has commented on the consultation. The JLAs have responded to this in multiple documents, not least the local impact reports [REP1-097] and [REP1-068] the adequacy of consultation including [AoC-019], [AoC-020] and [AoC-023]. The JLAs are in no doubt that the Applicant has not produced a policy compliant noise envelope. Neither do they consider there was effective consultation with the local communities, including the joint local authorities that represent all residents.
- 15.33 Paragraph 2.1.46 - The Applicant monitors aircraft noise through their Noise and Track Keeping System but have not provided any of the data that underpin the noise contours. The JLAs have consistently requested that SEL and LAmax data for individual aircraft is provided so it can be understood how each aircraft variant contributes to the noise contours. This request has continually been ignored. The JLAs would also like to see this information presented annually as part of the Applicant’s Annual Monitoring and Forecasting Report so aircraft performance can be continually reviewed.
- 15.34 Paragraph 2.1.48 – The JLAs preference for the AMFR process is for a consolidated EMG approach [REP6-100]. Notwithstanding the proposal to start the monitoring process ahead of NRP opening (by reference to response to Appendix A of the post-hearing Actions Note [REP6-087]), the Applicants approach the AMFR process may not provide sufficient assurance that capacity may not have already been declared such that simply limiting the declaration would not be enough.
- 15.35 Paragraph 2.1.57 - The Luton Airport Noise Envelope had to be sufficiently robust to convince stakeholders that it would prevent breaches and would have prevented historic breaches if it was previously in place. This was achieved through adoption of QC budgets that relate to actual noise contours and would be applied during scheduling. As such, the JLAs EMG is not backward looking but is forward-looking. The Applicant clearly misunderstands the concepts behind EMG and is urged to read the document thoroughly.
- 15.36 Paragraph 2.1.62 - The Applicant has introduced the idea of quota count budgets, which appears similar to the concepts detailed in the JLAs EMGF. The Applicant should explain how they would use quota count budgets to forecast noise performance in the future. The JLAs consider that these should not be optional but embedded within standard operational practice.
- 15.37 Paragraph 2.1.65 - The Applicant incorrectly states that Luton Airport breached their limits because they were not forecasting ahead and speculates that the breach may not have occurred if they had forecasted.

Luton Airport's limits were breached due to unforeseen circumstances regarding delays and fleet transition. The JLAs are of the opinion that Gatwick would benefit from lessons learned at Luton Airport.

15.38 Paragraph 2.1.66 – DfT state in relation to why it is contemplating removing the designation of Stansted for night noise¹:

“We recognise there has been a material change in circumstances at Stansted Airport following a planning permission, granted in June 2021, for the airport to serve up to 43 million passengers per year (within the airport’s existing annual movement limit of 274,000). A planning condition has imposed a night noise limit on operations at Stansted for the 8-hour night period (23:00 to 07:00).

The additional night noise limit is expressed as a night noise contour. It requires that the area enclosed by the night noise contour (48dB LAeq 8-hour) be no more than 74 km². The new limit will be legally binding once the airport reaches a passenger throughput of 35 million passengers per annum.”

and

“We believe option 1 and option 2 both have merit, as they fit with the Government’s expectation that appropriate noise controls are usually best set locally through the planning system. This is the case at all other airports currently, except the noise-designated airports: Heathrow, Gatwick and Stansted. There are airports which impact more people with night noise than Stansted, where the Government is content for local controls to be in place.”

15.39 The JLAs are of the opinion that the circumstances for the Gatwick DCO should not be any different to Stansted. Binding controls should be imposed by the DCO, which include ensuring that limits in the 6.5 hour night are retained and not relaxed and that these should be extended to the full 8 hour night period. Noise controls should be enforced through the local planning regime rather than necessarily by the CAA and/ or SoS.

15.40 The local planning authorities have historically had responsibility for controlling airport development working alongside the central government. The proposals by the JLAs are entirely consistent with central government policy and good environmental management. It is remarkable that the Applicant does not wish to work with those most affected by operations such as the local communities. As the Applicant has proposed a scheme for use of QC budgets in its latest proposals the JLAs would be pleased to explore this in more detail to see whether it addresses the local authorities concerns so as to find a mutually agreeable solution.

¹ <https://www.gov.uk/government/consultations/night-flight-restrictions-heathrow-gatwick-and-stansted-airports-from-october-2025/night-flight-restrictions-heathrow-gatwick-and-stansted-airports-from-october-2025#:~:text=A%20planning%20condition%20has%20imposed,to%20meet%20the%20planning%20condition>

- 15.41 Paragraph 2.2.8 – this addresses the noise insulation scheme. It is important to highlight that the increases in flights during the night period are described as “only c10% “. This is an increase in what the JLAs believe to be the highest number of night flights from any UK airport; and that this results in additional aviation noise induced awakenings for people already experiencing SOAEL. **It is difficult to reconcile the proposal to increase the night flights in this proposal with the Overarching Aviation Noise Policy Statement, the extant parts of the Aviation Policy Framework and the precautionary principle specified in the Environmental Principles Policy Statement.**
- 15.42 Furthermore, the Applicant’s comments in relation to the noise insulation scheme appear to suggest that as areas potentially with one additional noise induced awakening are within the outer zone for daytime noise exposure they will qualify for noise insulation for that purpose. This is fundamentally wrong. The purpose of the outer zone daytime scheme is to mitigate effects associated with daytime exposure, including annoyance. It is not to control effects that should be within the night time inner zone to protect sleep and the health of the residents.
- 15.43 Paragraph 2.2.12 - The Applicant attempts to downplay the impact of one additional awakening. The JLAs opinion that that it represents the threshold of a significant effect on health and quality of life. Heathrow’s noise insulation scheme covers the area where >1 additional awakening would occur; & anywhere that already exceeds the one awakening and experiences an increase as a result of the proposal defined as the SOAEL. This is a precedent that the JLAs would like to see the Applicant follow.
- 15.44 Paragraph 2.2.14 - The JLAs are of the opinion that an overheating solution should be offered as part of the noise insulation scheme. It cannot be expected that mitigation from aircraft noise should be at the expense of thermal comfort, including internal temperature. This is particularly relevant for aircraft noise, which is at its worse during the summer period when temperatures are at their highest. Information is contained in the LIRs [REP1-097] and [REP1-069]and cooling whilst providing one solution is only part of a cooling hierarchy that the JLAs have referred to. The JLAs set their detailed comments out on the noise insulation scheme at Deadline 5 in [REP5-094] and the Applicant did not address that at Deadline 6 preferring to meet.
- 15.45 Paragraph 2.2.15 - The Applicant’s response that the ground noise insulation scheme only needs to insulate noise levels above SOAEL is contradicted by the air noise insulation scheme, which extends below SOAEL. The JLAs would like to see parity between the air noise and ground noise insulation schemes with cumulative awakenings included for air and ground noise.
- 15.46 Paragraph 2.2.32 – The JLAs consider that the Applicant should include internal noise levels. If internal target noise levels are not set then it becomes box ticking exercise and may not deliver what is necessary to

protect human health. The Applicant responded that it wouldn't be reasonable to rebuild a home if made of poorly insulated materials. The JLAs understand the comment but nonetheless the effect occurs as a result of airport expansion – the source is coming to the property. Were this any other industry encroaching on noise sensitive premises such an approach wouldn't be permitted.

15.47 Thus, the JLAs consider that there is more that might be done practically to target resources appropriately to ensure that the most effective solutions are applied to protect health and in recognition that in terms of noise the airport is not a good neighbour for sensitive uses.

15.48 As a specific requirement we ask the Applicant to confirm whether the frequency content of aircraft noise is accounted for e.g. for road traffic noise, glazing would require an Rw+Ctr specification to account for low frequency content of road traffic noise.

16 [REP6-085] - 10.50.2 The Applicant's Response to Actions ISH8 - Car Parking

16.1 At Paragraph 2.3.18, discussing car park capacity, the Applicant sets out that *"peak occupancy would be generally less than 90%, which the Applicant considers is manageable as it would only occur for a relatively short period during the peak summer months"*. As discussed in relation to [REP6-068], the Authorities note that there will be periods from 2033 to 2036 when capacity exceeds 90%, and remains unclear at what point exceedance of the 87.5% operational capacity figure becomes 'unmanageable' to the extent that delivery of the SACs may be undermined. Paragraphs 2.3.21 and 2.3.24 set out mitigations the Applicant may seek to utilise to address car park capacity exceeding 90%. The Authorities note this response, though would reiterate the view that with capacity issues having been identified some way in advance, it would be beneficial if mitigation could be planned for in advance with a greater level of certainty.

17 [REP6-086] - 10.50.3 The Applicant's Response to Actions ISH8 - Good Design

Action Point 4 – Car Park Y Delivery Plan

17.1 The Applicants response provided in paragraph 2.1.2 is not considered to provide sufficient clarity on this point. Officers from CBC and RBBC met with the Applicants on 2nd July to discuss amongst other things the design concerns for these Works and flagged this issue. The explanation provided at that meeting is not articulated in the response [REP6-086]. The Authorities consider that further detail should be provided to clarify

how the water storage and works compound elements can be operated and delivered alongside each other, with an explanation of how the drainage principles can be met. The current indicative details in the DAS [REP2-034] (page 53), give a false impression of the extent of the basement storage area and the indicative layout in the DAS [REP2-036] page 47 does not provide any clear illustration of the likely layout of the works compound in relation to the attenuation feature.

Action Point 8 – Applicant to respond to REP5-117 (Appendix I)

- 17.2 The Authorities are concerned that currently many elements of the DCO works from a design perspective are subject to very limited design control because the quality of the main design control document Design Principles [REP5-031] is insufficiently detailed. Detailed responses on this point have been provided most recently in [REP6-107] and [REP6-111] including a list of works the JLA's consider should be subject to design approval as requested by the Applicants in paragraph 4.1.16. The JLAs concern remains that without sufficient detail within the control documents, the controls over the design are simply not there. The Applicant is relying simply on submitting a discharge of requirement application which in most cases just has to be in accordance with the loosely worded development principles and within the generous parameter plan limits.
- 17.3 Paragraph 4.1.9 is not accepted by the JLAs. The development has been submitted as a whole and it is accepted by all parties that it would not qualify as permitted development if it did not fall within the scope of the Planning Act. The JLA's are entitled to take a holistic view of all the design elements that comprise this major infrastructure. The JLAs are not disputing that the Airport has expertise in airport development but what it is seeking to ensure is that sustainability and design, which are elements that the planning process is rightly able to control, are considered for this project.
- 17.4 Paragraph 4.1.14 asserts that the JLAs must explain why what the Applicant refers to as "prior "approval" rights" beyond the limited control in the DCO is required and what benefit it provides by reference to legislation, policy and/or practicality. The JLAs have explained their reasoning previously in Appendix I of REP5-117. A key element of that reasoning, in terms of legislation, is that where proposed airport development is subject to EIA, then permitted development rights do not apply, and the local planning authority has control of the type that the Applicant refers to as "prior approval rights". There is nothing in the Planning Act 2008, related legislation or guidance which says that airport related development enjoys immunity from detailed design control simply because it is airport development, particularly where the local authority would have a degree of control in a non-Planning Act world. And as mentioned previously, so far as the JLAs are aware, the approach being taken by the Applicant is not precedented in other DCOs.

Action Point 9 – incorporate design issues relating to construction compounds within the DAS

- 17.5 The Authorities reserve the right to comment on this at Deadline 8 as the Applicants revised version of the DAS- Appendix 1 is expected at Deadline 7.

Action Point 10 – Consider changes to elements specified in paragraph 1.4.4 Annex A [REP5-031] for design review

- 17.6 The Joint Local Authorities provided a detailed response on the works they wish to see incorporated into Schedule 12 of the DCO at Deadline 6 [REP6-111] which expand upon those currently listed in paragraph 1.4.1 [REP5-031]. It is hoped that the Applicant will give serious consideration to that submission and incorporate those suggestions into the revised DAS- Appendix 1 when this document is re-issued at Deadline 7.

Action Point 11 – Consider amendments to wording of paragraphs 1.6.3 and 1.6.5 of Annex A [REP5-031]

- 17.7 The Applicants amendments do not address the concerns of the Authorities set out in on page 8[REP6-107] and there are still concerns about the lack of stakeholder involvement and independence of the design process referenced pages 15 and 16 [REP6-111].

18 [REP6-087] - 10.50.4 The Applicant's Response to Actions ISH8 – Noise

- 18.1 Action Point 13 required the provision of a revised noise envelope assessment following the Applicant's introduction of new information at the ISH8 hearing on this matter. The JLAs have considered this matter in section 8 above in their response to [REP6-055] - 5.3 Environmental Statement Appendix 14.9.7 The Noise Envelope Version 3 (Clean) / [REP6-056] (Tracked)
- 18.2 Action Point 14 – seeks clarification about how much quieter would the updated fleet be between 2019 and 2029 in dB for the day and night time?
- 18.3 In respect of this the JLAs view is that the central case is most appropriate and they refer back to the evidence presented by York Aviation on behalf of the JLAs and that the updated central case is only relevant in so far as it replaces the slow fleet transition.
- 18.4 The JLAs also consider that it would be more helpful to know how much quieter it would be in 2029 if there was no growth in movements from 2019 (ie modelling 2019 movements with 2029 fleet technology) to understand the baseline as it would be. The JLAs have previously said this is an important sensitivity test as it the area under the contour could

then be used for establishing how the benefits of expansion would be shared between the aviation industry and local communities in accordance with the Aviation Policy Framework 2013.

- 18.5 Action Point 15: The Examining Authority asked the Applicant to set out measures that Gatwick would put in place to ensure any predicted noise envelope breach did not take place. This answer should be read in conjunction with the JLAs separate paper responding to [REP6-093] on the response to the Applicant's Response to Deadline 5 Submissions - Response to JLAs' EMG Framework Paper. The JLAs do not consider, even with the additional information in Appendix A that the Applicant's proposal is policy compliant.
- 18.6 The Applicant's approach is reliant on forecasting. Forecasting is reliant on there being no uncertainties in future and business progressing as usual. The Applicant plans for any uncertainties (noisier future aircraft, airspace changes, force majeure) by allowing in the noise envelope limits to increase. The JLAs are of the opinion that there should not be an increase in noise contour limits.
- 18.7 Growth at Gatwick should be constrained if new aircraft or airspace changes result in increased levels of noise. This would give communities certainty regarding the level of noise they would experience in the future.
- 18.8 The Applicant has dismissed adopting action thresholds but plans to have "a level of headroom to appropriately manage risk". (Note the threshold levels proposed by the JLAs do not restrict growth but require increasing action of the Applicant to ensure the risk is managed proportionately to ensure that the limit is not breached). The JLAs query why the Applicant could not be more precise and transparent when identifying a level of headroom and is of the opinion that it would be helpful to adopt clear thresholds at which action could be taken.
- 18.9 The Applicant has introduced the concept of QC controls as part of their season-ahead and in-season controls. This is similar to the operational and forward looking approach proposed by the JLAs and forms part of the planning process except that the Applicant does not wish to incorporate it as standard operational practice.
- 18.10 The Applicant already collects the QC data for all aircraft so this approach provides little additional burden to the airport and certainly one that is not disproportionate to the benefit it may achieve if implanted correctly.
- 18.11 Thus, if the QC budgeting is not embedded in standard operations it will not be efficient and nor will it be possible to achieve the necessary management control as it may only be implemented if there is concern that the limit may be exceeded. As there will be no refinement of the system not only does the late introduction create additional risk, the operation may not be as effective as it would be with learned experience.

- 18.12 Can the Applicant provide details on how these controls would work: How would a “QC quota allocation” be provided to airlines? What action could the Applicant take on airlines who exceed their QC? How could the Applicant prevent airlines from operating services if the qualified for grandfather rights?
- 18.13 While the aim of the JLAs proposal is to embed an appropriate management system that, through operational controls (in season) and forward looking QC budget, compliance is achieved. It is a more efficient system than penalising the Applicant for failures but it is necessary that there is an appropriate remedy and sanction for failure to achieve the limit.
- 18.14 The JLAs do not agree that a capacity restriction (as stated in Paragraph 4.2.3) is a “severe sanction”. If a contour limit is breached, capacity declaration will not increase and must be reduced so far as is practicable and necessary to be confident that compliance will be secured. In any event the existing number of slots must not increase. This serves to prevent the situation from becoming worse but it is not a sanction.
- 18.15 In Paragraph 4.2.4 the Applicant refers to the difficulties with restricting slots. However, IATA’s Worldwide Airport Slot Guidelines sets out a process by which capacity can be reduced whilst honouring grandfathered slots.
- 18.16 Action Point 16 – The Applicant has arranged a topic working group on noise insulation with the JLAs on 18th July. The JLAs are disappointed that the Applicant did not submit any information on this at D6.
- 18.17 Action Point 17 – The JLAs welcome provision of the noise insulation scheme survey information.

19 [REP6-088] - 10.50.5 The Applicant's Response to Actions ISH8 – Ecology

- 19.1 The Authorities note the Applicant’s response.

20 [REP6-090] - 10.51 The Applicant's Response to Deadline 4 Submissions submitted at Deadline 6

Air Quality - Legal Partnership Authorities and Mole Valley District Council - ExQ1

20.1 The Legal Partnership notes the responses provided by the Applicant in Table 1. Further responses are set out below by the Legal Partnership:

- AQ1.1 – The Applicant points to the preparation of the Draft Air Quality Action Plan (AQAP) as a mechanism to deal with future changes in air quality standards. The updated Draft AQAP presented in Appendix 5 of REP6-064 does make reference to potential changes in national air quality standards and that this may affect the locations air quality monitoring is undertaken. The Draft AQAP does not set out how an exceedance of a new air quality standard would result in additional air quality mitigation measures being determined and deployed. The Applicants response on the Draft AQAP have been responded on in the below Joint Authorities section.
- AQ1.3 – It is noted that a 'Proposed Odour Reporting Process document' will be prepared by the Applicant. This document will be reviewed once available from the Applicant to establish if it addresses operational odour concerns regarding reed beds and other operational odour sources.
- AQ1.4, AQ1.9, AQ1.10, AQ1.12, AQ1.15– The Applicant refers to the air quality response provided [REP5-073] to AECOMs technical air quality queries [REP5-073]. Discussion on these technical queries is ongoing. AQ1.9 specifically refers to Affected Road Networks, this is one of the items that is not agreed with the Applicant. In relation to AQ1.10 and AQ1.15 progress is being made and on AQ1.12 the point is agreed.
- AQ1.5 - The Applicants response on the Draft AQAP have been responded on in the below Joint Authorities section.
- AQ1.6 and AQ1.19– Since the AECOM review of the Applicant's Construction Dust Plan at Deadline 4 [REP4-053] an updated Construction Dust Management Strategy (CDMS) has been developed by the Applicant [REP5-022]. AECOM has undertaken a further review of the updated CDMS. A small number of further review points are set out below in the following JLA subsection. In relation to odour in the construction phase it has been agreed that further discussion is not required with the Applicant.
- AQ1.14 – In relation to the Hazelwick AQMA discussions are ongoing to try and obtain additional information and reassurance on the situations and frequency that the contingency construction route through the AQMA may be used, including how it will be monitored and regulated for compliance.

- AQ1.18 – The Partnership note the position of the Applicant that damage costs have been provided inline with TAG guidance, but remain of the view that the value of the mitigation proposed by the Applicant would be beneficial to show how air quality damage costs were being addressed inline with Sussex Guidance.

Air Quality – Joint Local Authorities - Construction Dust Management Plan Review from AECOM

20.2 Since the AECOM review of the Applicant’s Construction Dust Plan at Deadline 4 [REP4-053] an updated Construction Dust Management Strategy (CDMS) has been developed by the Applicant [REP5-022]. AECOM has undertaken a further review of the updated CDMS and has the following remaining comments:

- Confirmation is requested that all areas of the proposed development will be covered by an individual DMP.
- A plan of the high risk areas included in the CDMP Strategy would be helpful to the local authorities along with the table of high risk areas (Table 4.1);
- The need for the local authorities to request compliant information or elevated dust soiling data should be replaced with an automatic process that provides this information. The local authorities are not going to know when to ask otherwise and so will not be aware of issues for their residents.
- Further information is requested on how local authorities would gain access to real time monitoring data e.g. Osiris data and other monitoring data (e.g. dust soiling) and visual inspection records (e.g. sharepoint of files updated monthly).
- Confirmation is sought that each area specific DMP will include a map showing the spatial extent of the works area, proximity to the surrounding and the proposed monitoring locations.
- Environmental Statement Appendix 5.3.2 CoCP Annex 9 - Construction Dust Management Strategy Version 1 [REP5-022] Para 3.1.1 - Can this be changed to ensure that when a dust management plan is sent for approval by the local planning authority, that in situations where the dust impacts are potentially in a neighbouring authority that a copy of the proposed management plan will also be sent to the Environmental Health department of that authority so they may feed back to the planning authority responsible for approving the report.
- Additional paragraphs or a section is required on dust soiling and deposition techniques, as dust soiling and deposition are only currently mentioned in the context of reporting.

20.3 These comments have been shared with the Applicant and a discussion held on the 5th July 2024. It is understood that a further draft of the CDMS will be prepared and it is hoped that agreement can be reached on the CDMS in full.

Air Quality – Joint Local Authorities - Air Quality Action Plan (AQAP) review from AECOM

- 20.4 Within Table 2 of Section 3 Response to Other Deadline 4 Submissions REP6-090 the Applicant has responded to each of the 17 AQAP review points set out in REP4-053.
- 20.5 Since the AECOM AQAP review there has been development of the S106 agreement and some matters have been addressed within the S106. This includes: AQ1, AQ7, AQ13, AQ14 and AQ17 or in ongoing discussions with the Applicant (AQ6 and AQ8).
- 20.6 Some matters relate to the CDMS including AQ5 as described above.
- 20.7 There is also progress on some matters including AQ16 on operational odour where the Applicant has committed to prepare a 'Proposed Odour Reporting Process document'. This document will be reviewed once available from the Applicant to establish if it addresses operational odour concerns.
- 20.8 However, there remain some matters that are not currently agreed including: AQ9 and AQ10 (SAC Measures), AQ11 (hydrogen), AQ2, AQ3, AQ4 and AQ12 (monitoring the effectiveness of the SAC) and AQ15 (ultrafine monitoring).
- 20.9 Concerns remain about the SAC measures, their effectiveness, monitoring and enforcement (AQ2, AQ3, AQ4, AQ9, AQ10, AQ12. The Applicant has not provided sufficient reassurance on these matters. The local authorities remain concerned on how the measures have been assessed, what the air quality effects of failed measures (i.e. the sensitivity of air quality predictions to lower modal shift), how any additional measures would be identified, what the specific outcomes are that would trigger additional measures and how air quality would be monitored.
- 20.10 In relation to AQ11 the concern raised about the potential detriment to local air quality from Hydrogen fuels has not been addressed. Whilst concerning ultrafine particulates (AQ15) the local authorities position remains that monitoring should be fully funded as the Airport will be a significant source of ultrafine particulates.
- 20.11 Discussions are ongoing with the Applicant on these AQAP matters.

Air Quality - Joint Surrey Councils – Response on Local Impact Reports

- 20.12 Within Table 3 of Section 3 Responses to Local Impact Reports – Air Quality from Joint Surrey Councils the Applicant has responded to 16 points review points set out in REP4-054. The further responses to these points by the Joint Surrey Councils is set out below:
- AQ1 and AQ3 - Since the AECOM review of the Applicant's Construction Dust Plan at Deadline 4 [REP4-053] an updated

Construction Dust Management Strategy (CDMS) has been developed by the Applicant [REP5-022]. AECOM has undertaken a further review of the updated CDMS. A small number of further review points are set out in the above JLA subsection.

- AQ2 – Further information has been provided by the Applicant and the point on NRMM is now accepted.
- AQ4 - The Applicant refers to the air quality response provided [REP5-073] to AECOMs technical air quality queries [REP5-073]. Discussion on these technical queries is ongoing.
- AQ5 and AQ16 - The Applicants response on the Draft AQAP have been responded on in above in the Joint Authorities section. Some of the remaining concerns on the AQAP could be addressed by an Environmentally Managed Growth (EMG) approach.
- AQ6 – It is noted that the position of the Applicant is that damage costs have been provided inline with TAG guidance, but we remain of the view that the value of the mitigation proposed by the Applicant would be beneficial to show how air quality damage costs were being addressed inline with Sussex Guidance.
- AQ7 - The councils position remains that ultrafine monitoring should be fully funded as the Airport will be a significant source of ultrafine particulates.
- AQ8, AQ9 and AQ14 - It is noted that a 'Proposed Odour Reporting Process document' will be prepared by the Applicant. This document will be reviewed once available from the Applicant to establish if it addresses operational odour concerns regarding reed beds and other operational odour sources.
- AQ11 and AQ13 – Discussions on the S106 agreement are ongoing.
- AQ12 – The Applicant has now provided some air quality modelling for 2047 as part of their consideration of Covid. However, this modelling is just for road traffic sources. We are still of the opinion that as this is required by the ANPS and as the Airport will likely be the dominant source of pollution around the Airport in 2047 that this should be modelled.
- AQ15 – The councils remain concerned that the low cost sensors proposed will not be suitable for compliance purposes.

Air Quality – West Sussex Authorities – Response on Local Impact Reports

20.13 Within Table 4 of Section 3 Responses to Local Impact Reports – Air Quality from West Sussex Authorities the Applicant has responded to 16 points review points set out in REP4-042. The further responses to these points by the West Sussex Authorities is set out below:

- 13.1.A - Since the AECOM review of the Applicant's Construction Dust Plan at Deadline 4 [REP4-053] an updated Construction Dust Management Strategy (CDMS) has been developed by the Applicant [REP5-022]. AECOM has undertaken a further review of the

updated CDMS. A small number of further review points are set out in the above JLA subsection.

- 13.1.B - In relation to odour in the construction phase it has been agreed that further discussion is not required with the Applicant.
- 13.1.C - In relation to the Hazelwick AQMA discussions are ongoing to try and obtain additional information and reassurance on the situations and frequency that the contingency construction route through the AQMA may be used, including how it will be monitored and regulated for compliance.
- 13.1.D - Further information has been provided by the Applicant and the point on NRMM is now accepted.
- 13.1.E and 13.1.H - The Applicants response on the Draft AQAP have been responded on in above in the Joint Authorities section. Some of the remaining concerns on the AQAP could be addressed by an Environmentally Managed Growth (EMG) approach.
- 13.1.F - It is noted that the position of the Applicant is that damage costs have been provided inline with TAG guidance, but we remain of the view that the value of the mitigation proposed by the Applicant would be beneficial to show how air quality damage costs were being addressed inline with Sussex Guidance.
- 13.1.G - Discussions on the S106 agreement are ongoing and there are a series of outstanding issues, there are three key issues: I: regarding funding towards CBC monitoring costs. The local authority is requesting funding to help it meet its monitoring responsibilities under LAQM for the assessment of ongoing compliance with current and future UK air quality standards. Currently this S106 request has not been accepted by the Applicant. II: If the air quality standards are met for two consecutive years prior to 2038 then all monitoring, computer modelling, action planning, will cease based on 30 days notice by the applicant from 2038/39 i.e. the applicant has no plans to monitor pollution levels beyond 2038 if standards are being met despite the fact that it has not modelled the impact of pollution on the local community of the airport at full capacity, and its own work shows emissions from the airport rising between 2038 and 2047. III: The applicant is only proposing to fund ultrafines monitoring once standards are in place, despite the fact that levels are already classed as High around the airport and the Applicant has failed to quantify the change in exposure as a result of proposed development. In addition the level of funding proposed for the monitoring of ultrafines (£30K) fails to recognise the cost of monitoring this pollutant – currently around £60K to £100K, with £15 to £20K of annual running costs.
- 13.1.I - No further comment.
- 13.1.J - It is noted that a 'Proposed Odour Reporting Process document' will be prepared by the Applicant. This document will be reviewed once available from the Applicant to establish if it addresses operational odour concerns regarding reed beds and other operational odour sources.

- 13.1.K - The local authorities position remains that ultrafine monitoring should be fully funded as the Airport will be a significant source of ultrafine particulates.
- 13.1.L – The Councils remain concerned about the proposed drafting of article 49. For example in relation to operational odour the Applicant’s assessment submitted as part of the DCO is inadequate and fails to acknowledge work GAL already completed elsewhere that its existing operation may be causing an odour nuisance for the local community (see [REP1-097] para 11.120 onwards), plus the applicant is unwilling to agree to odour monitoring work as part of a s106 agreement to mitigate this failure, and yet it is seeking to strike out residents ability to take legal action in relation to nuisance.
- Assessment of Operational Traffic Impacts - The Applicant refers to the air quality response provided [REP5-073] to AECOMs technical air quality queries [REP5-073]. Discussion on these technical queries is ongoing.

21 [REP6-091] - 10.52.1 The Applicant's Response to Deadline 5 Submissions - Response to York Aviation

21.1 Please see **Appendix B** for response.

22 [REP6-092] - 10.52.2 The Applicant's Response to Deadline 5 Submissions - Fleet Mix Assumptions

22.1 This submission responds to REP6-092 submitted by the Applicant in response to Appendix I of REP5-094 submitted by the Joint Local Authorities concerning the future fleet mix assumptions. We are unclear the purpose of the Applicant’s latest submission on the matter given that the Applicant stated at ISH8 that it now accepted that the Updated Central Case is the appropriate basis for setting the noise envelope as there is now more certainty on the rate of fleet transition to new generation aircraft. This is reflected in the modifications to the Noise Envelope proposed in REP6-056. This change would appear to suggest that the Applicant accepts that there is some degree of conservatism in this case and that it provides sufficient headroom for any remaining uncertainty. This would be consistent with our view, as set out at paragraph 11 of REP5-094, that this Updated Central Case fleet forecast was more akin to an Updated Slower Fleet Transition Case.

22.2 It was on the basis of there being greater certainty in the rate of fleet transition that the Joint Local Authorities modified their position in relation to reasonable assumptions as to the rate of introduction of new generation types of aircraft from that originally set out in response to consultation in

2021 cited by the Applicant at paragraph 1.3.1 of REP6-092. This was made clear at paragraph 59 of REP1-099 - Appendix 1 to the Local Impact Reports - so the Applicant is incorrect at paragraph 1.3.1 to state that it was unaware that it was now considered that the Slow Transition Case, as originally presented, was no longer plausible and, hence, inappropriate as a basis for noise setting controls. We are pleased to see that the Applicant has reached the same conclusion.

- 22.3 Section 1.2 of REP6-092 confirms our assumption that the fleet transition forecasts were prepared at different times. We note that there are now revised assumptions as to some airlines purchasing Boeing rather than Airbus type aircraft, as previously assumed, and that this is reflected in both the original Slower Transition Case and the Updated Central Case. If this is the position, it would be helpful if the original Central Case was also revised in the ES as it seems likely that the figures for this Central Case in the ES may understate the noise impact to the extent that there are a higher number of Boeing aircraft in the fleet over the longer term.
- 22.4 Given the acceptance by the Applicant of the appropriateness of adopting its Updated Central Case fleet transition as a reasonable basis for setting the Noise Envelope, we are unclear the purpose of sections 1.4 and 1.5 of REP6-092. Nonetheless, we would note that the Applicant incorrectly characterises our view on the longer term transition of the fleet at paragraph 1.4.2 as 100% transition by the mid-2030s, whereas paragraph 12 of REP5-094 states that achieving 100% transition by 2040 would be an appropriate assumption. This is entirely consistent with the Applicant's Updated Central Case fleet transition as set out at Table 2.2 of REP4-004.

23 [REP6-094] - 10.52.4 The Applicant's Response to Deadline 5 Submissions - Response to GHG Comments

- 23.1 The Local Authorities have reviewed REP6-094 and have the following comments:
- Crawley Borough Council
- 23.2 Reference CGG8.5.3 It is noted that in their Deadline 5 submission the Applicant has now included the greenhouse gas impact from Well-to-tank emissions against total airport emissions as well as net emissions for comparison against UK carbon budgets.
- 23.3 While the Climate Change Committee (CCC) future budgets beyond 2038 are not legally binding they do provide a representative picture of what the budgets are likely to look like if the UK is to achieve net zero by 2050. A comparison of future emissions from the airport against these budgets would therefore allow for some level of contextualisation. The CCC recommends their forecast 'Balanced Pathway' as the most cost-effective

and feasible path, designed to drive progress while maintaining optionality. While the Balanced Pathway will be updated to account for changes in evidence and data it will be used as the basis for setting the Seventh Carbon Budget.

- 23.4 Additionally, since the Applicant uses the Jet Zero Trajectory to contextualise the Proposed Development's emissions as part of the IEMA GHG assessment, it is necessary to estimate the Applicant's proportion of the Jet Zero Trajectory. This will help determine whether the total emissions from GAL align with this trajectory or exceed the estimated emission allowance.
- 23.5 Reference CGG10.5.3 (See response to CGG8.5.3 above).
- 23.6 Reference CGG14 (See response to CGG8.5.3 above).
- 23.7 Reference CGG16 While the Applicant has set out carbon reduction targets for airport buildings and ground operations and surface access journeys as well as proposed mitigation measures the Local Authorities stand by their position with regard to the implementation of an Environmentally Management Growth Framework to provide a level of certainty on these targets being met.
- 23.8 While it is acknowledged that a key strategy for GAL to achieve their ambition to transition from being carbon neutral to net zero through the purchase of ACA accredited carbon offsets, the JLA would still encourage GAL to additionally consider investing in local carbon offsetting schemes. While these may not count towards their carbon neutral/net zero status they may bring additional benefits to the local residents, businesses and biodiversity.

East Sussex County Council

- 23.9 Reference 18 (See response to CGG 8.5.3 above)
- 23.10 Reference 21 - Since the last response there have been major developments by GAL and many of the points in relation to scale have been addressed. However, there are some issues we would appreciate the Applicant addressing which are:
- 1) Whether there will be a mechanism to ensure that the cost of charging will be regulated and or benchmarked.
 - 2) Whether there will be safeguards in place to prevent profiteering by the operator.
 - 3) Confirmation that the use of electricity supplying the chargepoints will be supplied from renewable sources.
 - 4) If there will be planned initiatives to encourage the use of low carbon electricity, charging at times when grid carbon intensity is lowest.

Horsham District Council

- 23.11 Reference 8.1 No further comment.

23.12 Reference 8.4 (See response to CCG16 above).

Joint Local Authorities

23.13 Reference 10.1.1 No further comment.

23.14 Reference 10.1.2 (See response to CGG8.5.3 above)

23.15 Reference 10.1.3 The JLA would consider it appropriate and useful if the Applicant could present the aviation emissions as a proportion of the Jet Zero trajectory.

23.16 Reference 10.1.4 (See responses to 10.1.1 and 10.1.2 above)

Kent County Council

23.17 Reference 10 – refer to separate response from Kent sent at Deadline 7

Mid Sussex District Council

23.18 Reference 23 (See response to CCG8.5.3 above)

23.19 Reference 24 (See response to CCG16 above)

Mole Valley District Council

23.20 Reference MV09 (See response to CCG16 above)

23.21 Reference MV42 See response to ESCC Reference 21 above re EV infrastructure.

Reigate and Banstead Borough Council

23.22 Reference 68 (see response to 8.5.3 above)

Surrey County Council

23.23 Reference 78 (see response to CGG16 above)

West Sussex County Council

23.24 Reference 64 (see response to CGG16 above)