Gatwick Airport Northern Runway Project

Draft Section 106 Agreement – Explanatory Memorandum – Clean Version

Book 10

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EXPLANATORY MEMORANDUM

GATWICK NORTHERN RUNWAY PROJECT

DRAFT S106 AGREEMENT – DEADLINE 7

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1. INTRODUCTION

1.1 A draft s106 Agreement is proposed between Gatwick Airport Limited ("**GAL**"), West Sussex County Council ("**WSCC**"), Crawley Borough Council ("**CBC**"), Reigate and Banstead Borough Council ("**RBBC**") and Surrey County Council ("**SCC**") (together "**the Councils**"), to be entered into before Deadline 9 (21 August 2024) of the DCO Examination phase for the Gatwick Northern Runway Project (the "**Project**").

1.2 Section 2 of this memorandum explains the approach to securing contractual mitigation for the Project.

1.3 Section 3 below outlines the relevant legal and policy tests.

1.4 Section 4 below sets out a summary of the provisions in the **Draft DCO s106 Agreement** (Doc Ref. 10.11) in respect of all of the substantive commitments in the Schedules to the Draft DCO s106 Agreement and outlines the extent to which GAL considers that the legal and policy tests are met – recognising that ultimately this is a matter for the judgment of the Secretary of State.

1.5 Since 2001 GAL has entered into a series of voluntary s106 agreements with CBC and WSCC which are not linked to a planning permission. They have governed the relationship between the parties and secured a number of commitments.

1.6 The latest of these is an agreement entered into on 24 May 2022 between GAL, CBC and WSCC (the "**2022 Agreement**") which will expire at the end of 2024. GAL, CBC and WSCC have started discussions about the replacement agreement which will substantially replicate the provisions of the 2022 Agreement. Any such replacement agreement entered into by GAL, CBC and WSCC will cease to have effect at the point of Commencement under the Project Development Consent Order (**DCO**) and the DCO s106 Agreement will then govern the relationship between GAL and the Councils.

1.7 Further information about the context of the 2022 Agreement was submitted in the **Applicant's Response to Actions – ISHs 2-5** [REP2-005] at ISH3: Action Point 1 and Appendix A. As noted in paragraph 3.1.3 of Appendix A, the Applicant has considered whether it is appropriate for each of the obligations in the 2022 Agreement to be replicated, not replicated or amended and has set out a comparison and explanation of the status of each obligation within the Appendix.

2. EXPLANATION OF THE APPROACH TO CONTRACTUAL OBLIGATIONS FOR THE PROJECT

2.1 The Draft DCO s106 Agreement is structured with topic-specific schedules as set out in Section 4 below in addition to a number of appendices which provide additional information or context to the obligations within the Schedules.

2.2 There are very limited obligations secured through the draft DCO s106 Agreement in comparison to those in the **draft DCO** (Doc Ref. 3.1). The structure was originally based on the 2022 Agreement and obligations have been included on the basis that they are mitigation or enhancements relating to the Project, which are best secured via section 106 obligation rather than a requirement in the DCO.

2.3 As further explained in the **Applicant's Response to the ExA's Written Questions (ExQ1) – Development Consent Order and Control Documents** [REP3-089] in relation to DCO.1.5, the obligations secured through the draft DCO s106 Agreement include

measures which are both mitigation and wider community benefits. The response also notes that certain obligations have been continued from the 2022 Agreement because these have proved beneficial to the relevant councils, GAL or the operations of the airport or in the context of the local area. Provisions which have been removed to avoid duplication of requirements under existing legislation or which would be superseded by provisions in the DCO are indicated in Appendix A of the **Applicant's Response to Actions – ISHs 2-5**.

3. LEGAL AND POLICY TESTS

3.1 What may the Secretary of State take into account?

3.1.1 The approach to considering whether or not a particular planning obligation may be taken into account by the decision-maker as a material consideration is set out in R (Wright) v. Forest of Dean DC[1]. A threefold test was applied, equating the ambit of "material considerations" with the ambit of the power to impose planning conditions (derived from Newbury DC v. SSE[2]), namely whether the planning condition was:

(A) for a planning purpose;

(B) fairly and reasonably related to the development; and

(C) not so unreasonable that no reasonable planning authority could have imposed it.

3.1.2 These criteria are known as the "*Newbury* criteria", and a consequence of their application is that planning permission cannot be bought or sold. Planning obligations satisfying these criteria may be treated as material planning considerations.

3.1.3 In Tesco Stores Ltd v SSSE[3], a planning obligation under s106 of the Town and Country Planning Act (**TCPA**) 1990 was a "material consideration" within the meaning of s70(2) TCPA regarding the determination of applications. If the planning obligation itself has some connection with a proposed development, this case regards it as a "material consideration" when considering whether planning permission should be granted, and regard must be had to it. However, it was entirely for the decision-maker to attribute to the relevant considerations such weight as he thought fit, and the court would not interfere unless the decision maker had acted unreasonably. The weight such consideration is given is therefore a matter for the local planning authority or the Secretary of State.

3.1.4 The application relates in part to "development of the description" in relation to which the NPSNN has effect, but also relates in part to development that is not "development of the description" in relation to which an NPS is in effect, because there is no NPS in effect in relation to the proposed airport-related development. However, the development is a single indivisible project, in which GAL considers it remains appropriate to consider the Application in light of both s105 and s104 PA 2008. The **Applicant's Position on Sections 104 and 105 of the Planning Act 2008** (Doc Ref. 10.53) submitted at Deadline 6 explains GAL's position on the determination of the application in accordance with sections 104 and 105 of the Planning Act 2008 ("**PA 2008**").

3.1.5 In relation to planning obligations, paragraph 4.10 of the Airports National Policy Statement (ANPS) states:

3.1.6 *"Obligations under section 106 of the Town and Country Planning Act 1990 should only be sought where they are necessary to make the development acceptable in planning terms, (including where necessary to ensure compliance*

[1] [2019] 1 WLR 6562.
[2] [1981] AC 578.
[3] [1995] 1 W.L.R. 759.

with the Airports NPS), directly related to the proposed development, and fairly and reasonably related in scale and kind to the development"

3.1.7 and paragraph 4.10 of the NPSNN states[4]:

> " *Planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind to the development. ";*[5]

3.1.8 These are statements of policy, and not law. Policy cannot make a matter which is otherwise a material consideration an irrelevant consideration (Gransden & Co. Ltd. v. SoS[6]). Its legal effect is different, therefore, from that of Regulation 122 of the Community Infrastructure Regulations 2010, which do not apply to decision-making under the PA 2008. These NPS policies are not only relevant, but also important in this case. They must therefore be taken into account by the decision-maker when determining the weight to be attached to any obligation and would apply equally to a development consent obligation or some other contractual obligation offered by GAL.

3.1.9 If the Secretary of State takes into account an obligation that is a material consideration (i.e. it satisfies the *Newbury* criteria) but which does not satisfy an element of the policy test in para. 4.10 of the ANPS or the NPSNN that goes beyond those criteria (e.g. the requirement that the obligation is necessary to make the development acceptable in planning terms), it would be a departure from policy. The fact that the decision-maker has to have regard to the policies does not mean that it needs necessarily to follow the policies. However, if the decision-maker is going to depart from policy it must give clear reasons for doing so in order that the recipient of the decision will know why the decision is being made as an exception to the policies and the grounds upon which the decision was taken (Gransden at p. 94).

3.1.10 The scope for departing from the policy set out in the ANPS and the NPSNN will be limited by the fact that some elements of the policy effectively reproduce the *Newbury* criteria.

3.1.11 The Secretary of State will therefore need to consider:

(A) whether the obligations satisfy the *Newbury* criteria so that they may be regarded as relevant;

(B) if relevant, whether the obligations meet the tests set by policy in the ANPS and the NPSNN (where these tests go beyond the *Newbury* criteria); and

(C) if not consistent with the policy tests, whether there are reasons for nevertheless taking the obligation into account as a departure from policy.

3.2 **Requirement vs Contractual Obligation**

3.2.1 Paragraph 55 of the National Planning Policy Framework (last updated 20 December 2023), provides that: **"***Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition*",

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4 A similar provision is included within the updated NPSNN designated on 24 May 2024 which has effect for any applications for development consent accepted for examination after 24 May 2024.

5 This NPS policy mirrors the equivalent legal requirement under Reg. 122 CIL Regulations 2010, which applies to determination of planning applications under TCPA: " a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—(a)necessary to make the development acceptable in planning terms; (b)directly related to the development; and (c)fairly and reasonably related in scale and kind to the development." This does not apply to determination of DCOs, since they fall outside the definition of a 'planning permission' under the Regs.

6 (1987) 54 P&CR 86 at p. 94.

this being a condition imposed on a grant of planning permission. While it may be possible, in principle, for elements of the draft DCO s106 Agreement to be pulled out into requirements, we consider that in most, if not all, cases there is considerable practical advantage and merit in placing the commitments to using a section 106 agreement to secure commitments.

3.2.2 In relation to the payment of monies, paragraph 005 (dated 23 July 2019) of the Government Guidance on the "Use of planning conditions" says that "*no payment of money or other consideration can be positively required when granting planning permission*". Although this guidance applies to planning permissions granted under the TCPA 1990, it is relevant to the drafting of DCO requirements. For this reason, it is appropriate for positively worded obligations that require the payment of money to be included in the DCO draft s106 Agreement rather than as DCO requirements.

3.2.3 Furthermore, particular practical merits of securing obligations in the draft DCO s106 Agreement rather than the DCO lie in the fact that:

(A) A s106 agreement provides a greater level of flexibility than is provided for a DCO under the PA 2008 as the parties to the s106 agreement can modify its terms by agreement. This is particularly necessary in relation to the operation of governance groups that are established pursuant to the agreement; like the ESBS Steering Group and the Transport Mitigation Fund Decision Group.

(B) The parties are actively committing to the mechanisms in a s106 agreement, therefore it is a more effective tool for securing engagement mechanisms between the parties; like the Annual Gatwick Air Quality Joint Authorities Meeting and the Gatwick Parking Meeting.

(C) The structure and language of a contractual agreement between the parties allows for complicated structures and mechanisms to be set out and secured in a way that all parties agree with. An example of this is the description of how the London Gatwick Community Fund will be established and distributed.

3.2.4 The approach that GAL has taken has been discussed in the examination as recorded in the **Applicant's Response to Actions – ISHs 2-5** and the **Written Summary of Oral Submissions from Issue Specific Hearing 3: Socio-economics** [REP1-058] and further conversations have taken place with the Joint Local Authorities (JLAs).

4. SUMMARY OF THE DRAFT DCO S106 AGREEMENT AND LEGAL UNDERPINNING

4.1 We summarise below the content of the draft DCO s106 Agreement (Doc Ref. 10.11). This agreement would be entered into by GAL as a deed (under the ordinary provisions of contract law), and by the Councils as a contract made pursuant to s106 of the TCPA 1990, s111 of the Local Government Act 1972 (**LGA 1972**) and s1 of the Localism Act 2011. S1 of the Localism Act 2011 provides that "*A local authority has power to do anything that individuals generally may do.*" Section 111 LGA 1972 empowers local authorities to do anything "*which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions*". This would include entering into a contract which secured mitigation measures and benefits relating to the Gatwick Northern Runway project, where these are incidental to the function of WSCC, CBC, RBBC and SCC in their capacity as local planning authorities and local authorities, and incidental to the functions of WSCC and SCC as highway authorities.

4.2 Recitals

The Recitals confirm the status of the Councils as planning authorities, local authorities and highway authority (in the case of WSCC and SCC only).

4.3 **Definitions and interpretation (Clause 1)**

Relevant definitions are set out in Clause 1.

4.4 **Legal effect (Clause 2)**

4.4.1 Provides that the obligations in the draft s106 Agreement are entered into pursuant to section 106 of the TCPA 1990, section 111 of the Local Government Act 1972, section 1 of the Localism Act 2011 and all other enabling powers.

4.4.2 Provides that the covenants contained in the Schedules are development consent obligations (to the extent capable of being so) for the purposes of section 106 of the TCPA 1990 and bind GAL's interest in the Land (which is defined by reference to a plan in the agreement) and are enforceable by each of the Councils in their relevant capacities.

4.5 **Conditionality (Clause 3)**

4.5.1 Provides that the provisions in the Schedules of the draft DCO s106 Agreement shall not have operative effect until the Project has "Commenced", which is defined as "*the carrying out of any material operation (as defined in section 155 of the 2008 Act) forming part, or carried out for the purposes, of the Project other than operations consisting of Preparatory Works*" (Preparatory Works is further defined within the DCO s106 Agreement by reference to the definition of "commence" under the draft DCO).

4.5.2 Terminates and replaces all prior s106 agreements between the parties.

4.5.3 The operative effect provision is subject to exceptions provided for in circumstances where judicial review proceedings are brought. Where the Project has not been Commenced, until such judicial review proceedings have been finally determined, the terms and provisions of the draft s106 Agreement will not have effect until the Project is Commenced. If the DCO is quashed and further refused by the Secretary of State, the Deed will cease to have any further effect and money paid to the Councils which have not been spent or committed will be repaid in full.

4.6 **Obligations (Clause 4)**

4.6.1 Provides that GAL and the Councils each covenant to perform the obligations contained in the Schedules.

4.6.2 Provides that the development consent obligations set out in the draft DCO s106 Agreement will not be enforceable against any landowner who is not party to the draft DCO s106 Agreement unless that person becomes the undertaker as defined in article 2(1) of the DCO or is the operator of Gatwick Airport.

4.7 **Local Land Charges (Clause 5)**

Provides that the draft s106 Agreement is to be registered by CBC as a local land charge following execution of the deed.

4.8 **Release (Clause 6)**

4.8.1 Provides that GAL will be released from all obligations within the draft DCO s106 Agreement upon transfer of the whole of its benefit under the DCO to another party or parties pursuant to article 8, save in respect of any antecedent breach of those obligations. Where GAL transfers some of its benefit under the DCO only, it will not be released from its obligations under the draft DCO s106 Agreement.

4.8.2 Requires that prior to such transfer, the proposed transferee must first enter into a deed with the Councils on similar terms as this draft s106 Agreement.

4.8.3 Provides that GAL will not be liable for any breaches of the terms of the draft s106 Agreement which occur after it parts with its interest in the Land but will remain liable for breaches existing at that time.

4.9 **Certificates of Compliance (Clause 7)**

Makes provision for the Councils to provide certificates of compliance or partial compliance or deeds of release or partial release upon request by GAL subject to GAL's payment of legal fees for doing so. In the case of CBC, it will also be required to register such certificate or deed in the register of local land charges in respect of an interest which the draft s106 Agreement is charged against.

4.10 **Indexation (Clause 8)**

Provides for the sums specified in the draft DCO s106 Agreement to be index-linked to date of payment.

4.11 **Interest (Clause 9)**

Provides for interest to be paid on late payments.

4.12 **Resolution of Disputes (Clause 10)**

Makes provision for disputes between the Parties to be resolved.

4.13 **Good Faith and Approval (Clause 11)**

4.13.1 The Parties agree with each other to act reasonably and in good faith in the discharge of the obligations.

4.13.2 Provides that where agreement, consent or approval is required, it is given in writing and shall not be unreasonably withheld or delayed.

4.14 **Notices Procedure (Clause 12)**

Sets out the means of service and addresses to which notices may be served on the Parties.

4.15 **VAT (Clause 13)**

Provides that contributions paid pursuant to the draft DCO s106 Agreement are exclusive of VAT.

4.16 **Rights of Third Parties (Clause 14)**

Provides that the Contracts (Rights of Third Parties) Act 1999 does not apply.

4.17 **Jurisdiction (Clause 15)**

Applies English law to the agreement and provides for disputes to be settled under the jurisdiction of the courts of England and Wales.

4.18 **Expiry (Clause 16)**

Provides that if the DCO expires or is revoked before the Commencement Date then the draft s106 DCO Agreement will determine and cease to have effect.

4.19 **Date of Delivery (Clause 17)**

Provides that the agreement will be deemed to be delivered as a deed on the date given to it.

4.20 **SCHEDULE 1 - AIR QUALITY**

Substance of obligations

4.20.1 GAL commits to providing fixed electrical ground power supply to any new aircraft stands and to restrict the use of ground power units at any aircraft stand to contingency use. This has been continued from the 2022 Agreement.

4.20.2 Provision is also made for a number of measures relating to monitoring and reporting on air quality. These obligations include:

(A) GAL's commitment to carrying out operational air quality monitoring of pollutant emissions (NOx/NO2, PM10 and PM2.5) and a programme of studies to be conducted on the monitoring results collected at the specified locations from the Commencement of Dual Runway Operations. GAL commits to providing the data to the Councils from the Reference Monitoring Locations and providing updates about the programmes of study in the Air Quality Action Plan. RBBC is also required to allow GAL access to the location labelled "AQ4_Mesh" for the purposes of installing and maintaining monitoring equipment.

(B) The commitment for GAL to make payment of an annual air quality monitoring contribution of £70,000 (seventy thousand pounds) to RBBC on or before Commencement to be used by RBBC for the costs of monitoring and reporting on pollutants in the specified monitoring locations (or locations as agreed between GAL and RBBC) and preparing the joint air quality monitoring report.

(C) An obligation for GAL to pay to RBBC the cost of replacing air quality monitoring equipment or for GAL to carry out such repairs where agreed with RBBC, following a request from RBBC. .

(D) Provision for the delivery of an Air Quality Action Plan by GAL to provide an update to the Councils and the public on ongoing monitoring and programmes of studies, measures taken by GAL to improve air quality over five year periods, consideration given by GAL to any air quality management area designated within 2km of Gatwick Airport at the relevant time, reporting on relevant updates to national standards or legislative requirements relating to air quality at Gatwick Airport and updated quantification of pollutant emissions.

(E) Provision is also made for RBBC to provide a draft joint air quality monitoring report to GAL for approval and subsequent publishing by GAL on its website (provided that the air quality monitoring report has been provided to RBBC).

4.20.3 If national standards are promulgated, GAL agrees to participate in a UFP research project undertaken by RBBC within a 2km radius of Gatwick Airport, including within the Horley Air Quality Management Area, to quantify residential exposure to aviation derived ultrafine particulates. and provide a contribution of up to £30,000 towards such a project.

4.20.4 Provision is made for meetings between RBBC and GAL to discuss progress with air quality monitoring, and for an annual meeting between the Councils, GAL and the Adjoining Authorities, convened by CBC to discuss air quality impact at Gatwick (the Annual Gatwick Air Quality Joint Authorities Meeting).

Compliance with Newbury criteria?

Planning Purpose

4.20.5 The Schedule sets out obligations on GAL to enhance the air quality monitoring in and around Gatwick Airport.

4.20.6 ES Chapter 13: Air Quality [REP3-018] takes into account the monitoring secured in this Schedule:

> *Monitoring commitments are intended to be secured under the Section 106 Agreement to be entered in relation to the Project.*

This approach is considered consistent with the principles and guidance set out in the Sussex Guidance and it follows requirements for EIA and NPSs.[7]

4.20.7 Accordingly, the contribution and obligations are considered to be for a legitimate planning purpose.

Fairly and reasonably related to the development

4.20.8 The Air Quality Action Plan and similar obligations of the Air Quality Schedule are set out to ensure that clarity is provided as to steps GAL is taking to minimise impacts on air quality following commencement of the Project and increase the datasets about such. The monitoring and reporting obligations are drafted to cease if the Joint Air Quality Monitoring Report shows that there have been no breaches of the relevant air quality standard for 2 consecutive years (those required by the JLAs may only be ceased if this condition is met following the end of the Monitoring Period). The purpose is therefore related in scale and kind to the proposed development and its predicted effects and reasonable in all other respects.

Not so unreasonable that no reasonable planning authority could have imposed it

4.20.9 For the reasons above, the provisions in the air quality schedule are not so unreasonable that no planning authority could have imposed them.

4.20.10 Separately, the provision for access for air quality monitoring is required to enable GAL to deliver on its monitoring commitments. In combination with the requirement for GAL to contribute to the repair and replacement of faulty monitoring equipment, these provisions enable the air quality monitoring at the specified locations and are therefore in compliance with the Newbury criteria for the same reasons set out above.

Compliance with NPS policy test?

4.20.11 As noted in section 3 above, the policy set out in the ANPS and NPSNN effectively reproduce the substance of the *Newbury* criteria. For the purposes of this Schedule, the ANPS and the NPSNN are applicable policy owing to the air quality impacts of the highways works and the airport works. Accordingly, insofar as the policy criteria on the ANPS and NPSNN effectively reproduce the substance of the *Newbury* criteria, GAL does not repeat the text above in this section but refers to it in its generality to illustrate its compliance with the policy in paragraph 4.10[8] of the ANPS and the NPSNN, namely that the obligations are directly related to the proposed development and fairly and reasonably related in scale and kind to the development.

4.20.12 The obligations discussed above are measures which have been identified as being appropriate and necessary to enhance air quality monitoring in and around Gatwick Airport. Although not necessary to make the development acceptable in planning terms for this reason, the obligations meet the legal tests as set out above and there is a reason to depart from this aspect of the policy, which is that it allows for the local authorities to monitor the air quality effects of the airport to assist with the wider discharge of their duties relating to air quality.

Could it be dealt with by way of requirement?

4.20.13 As in paragraph 3.2 above, whilst in principle it could be possible to secure certain of the obligations contained in this Schedule by way of requirement to the DCO instead, it is considered that this would be unnecessary and introduce a layer of complexity and administrative challenge that would not be helpful for any of the parties involved.

[7] Examination reference REP3-018, page 29.
[8] As also stated in paragraph 4.11 of the updated NPSNN designated on 24 May 2024.

4.20.14 The detail of the majority of the obligations would not generally be appropriate to draft into the DCO. For instance, the details relating to the use of the air quality monitoring contributions by the Councils which include positive obligations requiring the payment of money would be contrary to government guidance if secured within the DCO, as explained in paragraph 3.2.2. With regard to other obligations, securing these as DCO requirements would in all likelihood lead to duplication of drafting and potential, actual or apparent overlap and ambiguity by consequence. Such an approach is considered unnecessary and undesirable for all parties involved in the circumstances, particularly in terms of subsequent implementation and enforcement.

4.21 **SCHEDULE 2 - NOISE**

Substance of obligations

4.21.1 Provision is made for a general covenant in which GAL commits to using reasonable endeavours to minimise aircraft noise (including noise on the runway during landing and take-off) for the lifetime of the Development, which is met by compliance with its obligations under the DCO, applicable statutory requirements and obligations with regards to noise set out within Schedule 2.

4.21.2 Provision is made for a process of consultation with the Councils and the production of an Aircraft Engine Testing Mitigation Plan for approval where ground run engine tests undertaken by GAL reach or exceed 250 within a 6-month period and this remains or is forecast to remain the case for a further 6 successive months. Consultation with the Councils is provided for with the objectives of:

(A) assessing the impact of such testing on local communities;

(B) evaluating the feasibility and benefits of alternative means of managing or mitigating any material impact;

(C) identifying the preferred means of managing or mitigating any material impact on local communities.

4.21.3 Provision is made to undertake and fund an annual programme of engagement and noise forum to educate on noise issues and airspace change at Gatwick Airport, including an annual meeting for GAL to provide updates on airport performance and noise initiatives.

Compliance with Newbury criteria?

Planning Purpose

4.21.4 The general covenant is proposed for the purpose of minimising air noise impacts associated with maximum use of GAL runway capacity. Similarly, the inclusion of departure noise limit fines is for the purpose of providing a continued incentive to aircraft operators to reduce the noise impact of departing aircrafts and encourage operators to use quieter aircrafts. This is supplemental to existing air noise mitigation at source involving aircraft movement charges based on each aircraft's noise levels, as identified in the **Environmental Statement Chapter 14** [APP-039]. Furthermore, paragraph 14.9.174 of Chapter 14 acknowledges the relevance of engagement groups secured in the draft section 106 Agreement. Accordingly, these provisions are directly relevant to planning and for a legitimate planning purpose.

Fairly and reasonably related to the development

4.21.5 With regards to aircraft engine testing, the objectives of engagement with the Councils in relation to aircraft engine testing are set out above. This provision manages noise from aircraft engine testing and ensures that appropriate measures are put in place if testing goes above certain thresholds. These provisions are therefore set out with the intention of mitigating the noise impacts

of the development and are for a planning purpose and fairly and reasonably related to the proposed development in scale and kind.

Not so unreasonable that no reasonable planning authority could have imposed it

4.21.6 The programme of engagement, including its funding, are also proposed by GAL to provide transparency on noise performance at Gatwick Airport and provide explanations to the local authority members and interested parties including community noise groups. This is good engagement practice and serves to continue on existing practices. The provisions are therefore not so unreasonable that no planning authority could have imposed them. In this way, the Newbury criteria are met in relation to noise mitigation and engagement provisions.

Compliance with NPS policy test?

4.21.7 For the purposes of this Schedule the ANPS and NPSNN replicate the substance of the Newbury criteria in paragraph 4.10. Accordingly, GAL does not repeat the text above in this section but refers to it in its generality to illustrate its compliance with the policy tests in the ANPS and the NPSNN, namely that the obligations are directly related to the proposed development and fairly and reasonably related in scale and kind to the development.

4.21.8 The obligations discussed above are considered necessary to make the proposed development acceptable in planning terms, in that they are measures which have been identified as being appropriate and necessary to mitigate the noise impacts of the development on the community. When the Secretary of State carries out its assessment to determine whether the Project accords with relevant policy and whether the effects of the Project are acceptable, account will need to be taken of the measures proposed to mitigate and minimise those effects. Insofar as reliance is placed on those measures in deciding that the development is acceptable in planning terms and that it is therefore appropriate to grant development consent, it is necessary to ensure that they are adequately secured.

Any other reason for the Secretary of State to take it into account?

4.21.9 The departure noise limit fine, aircraft engine testing and programme of engagement provisions have been retained from and accord with previous planning obligations imposed under the 2022 Agreement. These should be taken into account. These provisions are in line with the mitigation provisions set out at paragraph 8.6.30 of the Planning Statement [APP-245].

Could it be dealt with by way of requirement?

4.21.10 As discussed in paragraph 3.2 above, whilst in principle it could be possible to secure certain of the obligations contained in this Schedule by way of requirement to the DCO instead (to the extent that such obligations are considered necessary), it is considered that this would be unnecessary and introduce a layer of complexity and administrative challenge that would not be helpful for any of the parties involved.

4.21.11 The draft DCO sets out requirements in relation to noise which include obligations for GAL to ensure that operations within Gatwick Airport are conducted in accordance with the relevant noise envelope limits, including monitoring and reporting and to submit noise envelope reviews, noise model verification reports and promote and administer the noise insultation scheme. The detail of these obligations however sit more appropriately within the draft s106 Agreement, to the extent not already included within the DCO to avoid duplication.

4.22 SCHEDULE 3 – SURFACE ACCESS

Substance of obligations

4.22.1 Schedule 3 provides for a Gatwick Area Transport Forum (GATF) (as established under the Transport Act 2000 and the Aviation Policy Framework) to meet

annually to draw up targets for decreasing the proportion of private car journeys to Gatwick Airport, to devise a strategy to achieve the targets, and to oversee its implementation. .

4.22.2 The Schedule requires the establishment of the Transport Forum Steering Group (TFSG) and for quarterly meetings to be held, as administered and convened by GAL, in accordance with the TSFG Terms of Reference at Appendix 3 of the draft s106 Agreement (Doc Ref 10.11).

4.22.3 Provision is made for restricted use of Povey Cross access to the Airport to specified categories of users and includes a reporting obligation on GAL to SCC on the number of staff car park pass holders and vehicle movements in the preceding year.

4.22.4 With regards to parking:

(A) Provision is made for support contributions to be paid to CBC for the purposes of enforcement actions against unauthorised off-airport passenger car parking as a result of the Project in the administrative areas of the Councils or the Adjoining Authorities as deemed necessary by CBC in accordance with the Surface Access Commitments.

(B) The Schedule provides for an Annual Gatwick Parking Meeting of the Councils, Adjoining Authorities and GAL to discuss any issues relating to long term Gatwick Airport parking both on and off-airport in order to minimise the level of unauthorised parking, with requirements for the meeting to be organised by CBC.

4.22.5 Transport Mitigation Fund (TMF) and Transport Mitigation Fund Decision Group (TMFDG):

(A) Provision is made for the establishment of a new decision group to be made up of GAL, CBC, WSCC, SCC, National Highways and Network Rail to approve applications for funding from the TMFDG including details in relation to its working practices and administration.

(B) A Transport Mitigation Fund is to be established and maintained until 2047 to provide compensation for impact on the highway, railway or public right of way networks as indicated in an application for funding from the TMF. Provision is also made for the administration and operation of the TMF.

Compliance with Newbury criteria?

Planning Purpose

4.22.6 The GATF and TFSG are set up to progress discussion on transport and surface access at Gatwick Airport and are therefore for a legitimate planning purpose. Similarly, in relation to the use of the Povey Cross Access to Gatwick Airport, this is a particularly sensitive route for which GAL intends to restrict access and provision is made for within this schedule for planning purposes.

4.22.7 Furthermore, the TMFDG is proposed to be established to embed the collaborative approach that GAL and the members wish to adopt to manage any unforeseen impacts on the transport network arising from the Project. The members of the TMFDG will review applications and determine the allocation of the TMF to enable its effective administration. This is therefore for a legitimate planning purpose.

Fairly and reasonably related to the development

4.22.8 For the same reasons, the TMFDG is fairly and reasonably related to the development. Furthermore, as explained in paragraph 8.1.4 of the Applicant's response to Actions – ISHs 2-5, the TMF has been set aside to support further interventions in support of the Surface Access Commitments, particularly should the need arise for additional measures in the area surrounding the Airport as a

direct result of airport-related growth. It also provides mitigation of an unforeseen or unintended transport impact from the Project. It is identified as relating potentially to physical infrastructure, changes to public transport services or facilities off-airport.

4.22.9 The Off-Airport Parking Support Contributions have been committed to by GAL to support enforcement efforts of the Councils with regards to unauthorised parking concerns. This is a mitigation measure in place to support GAL's mode share commitments, as identified in the Surface Access Commitments [REP3-028] and is therefore fairly and reasonably related to the development.

4.22.10 The Gatwick Parking Meeting is provided for to encourage a flow on information and active continued engagement with the Councils and the Adjoining Authorities.

Not so unreasonable that no reasonable planning authority could have imposed it

4.22.11 The measures proposed within this schedule are compliant with the Newbury criteria in that they are for a legitimate planning purpose, are fairly and reasonably related to the proposed development in scale and kind and not so unreasonable that no planning authority could have insisted on it.

Compliance with NPS policy test?

4.22.12 Insofar as the policy criteria in the ANPS and NPSNN effectively reproduces the substance of the Newbury criteria, the provision accords with both for the reasons set out in paragraph 4.20.11 above.

4.22.13 The obligations discussed above are considered necessary to make the proposed development acceptable in planning terms, in that they are measures which have been identified as aiding surface access and mitigating the impact of the Project on transportation and parking within the neighbouring council areas. When the Secretary of State carries out its assessment to determine whether the Project accords with relevant policy and whether the effects of the Project are acceptable, account will need to be taken of the measures proposed to mitigate and minimise those effects. Insofar as reliance is placed on those measures in deciding that the development is acceptable in planning terms and that it is therefore appropriate to grant development consent, it is necessary to ensure that they are adequately secured.

Could it be dealt with by way of requirement?

4.22.14 As discussed in paragraph 3.2 above, whilst in principle it could be possible to secure certain of the obligations contained in this Schedule by way of requirement to the DCO instead (to the extent that such obligations are considered necessary), it is considered that this would be unnecessary and introduce a layer of complexity and administrative challenge that would not be helpful for any of the parties involved.

4.22.15 In relation to the Off-Airport Parking Contributions and the TMF, as these involve the positive obligation requiring the payment of money, this would be would be contrary to government guidance if secured within the DCO, as explained in paragraph 3.2 separately, there are several multi-stage processes to be followed which would be overly complex to include as a requirement in the DCO.

4.22.16 The draft DCO also contains a requirement for GAL to carry out the Project in accordance with the surface access commitment unless otherwise agreed with CBC and National Highways. However, the detailed provisions of obligations in relation to surface access are viewed to be best placed within the section 106 agreement.

4.23 **SCHEDULE 4 – COMMUNITY FUND**

Substance of obligations

4.23.1 Provision is made for the establishment of the London Gatwick Community Fund to mitigate the intangible and residual impacts of the Project and the operation of Gatwick Airport in order to improve the quality of life of those impacted by the operation of Gatwick Airport, including the advancement, provision and/or relief of their economic, environmental, social, health, educational, employment and financial circumstances. Provision is made for the value of the fund to be reviewed annually on the anniversary of the Commencement Date, calculated by reference to the number of passengers who have travelled through Gatwick Airport in the preceding year. The Community Fund must be paid to each of the Kent, Surrey and Sussex Community Foundations (registered charities) and any fines received from noise breaches will also be contributed to the London Gatwick Community Fund.

4.23.2 London Gatwick Community Sub-Fund - Kent, Surrey and Sussex:

(A) Provision is made with regards to each respective Sub-Fund. GAL is required to enter into a Fund Agreement with each of the Community Foundations setting out terms relating to the composition and structure of the Awards Panel, payment and administration of the Sub-Fund, the application process and use of funds.

(B) Each Sub-Fund is to be set up as a restricted fund for use by the relevant Community Foundation for the benefit of people living within their respective administrative boundaries to fund any or all charitable purposes that will increase their quality of life. All three Sub-Funds will set up an Awards Panel which will include GAL, and at least one member being from the relevant Foundation and the relevant County Council.

4.23.3 GAL may review the Community Foundations and their application of the Sub-Fund and may decide such application of the Sub-Fund no longer remains the most appropriate mechanism of distribution of the Gatwick Fund, following consultation with the Councils, and an alternative may be used or a separate trust may be set up. GAL will also monitor and provide an annual report to the Councils on the allocations to the relevant Sub-Funds including the carry over value for the year.

4.23.4 Further information about the operation and justification for the London Gatwick Community Fund is in Appendix A.

Compliance with Newbury criteria?

Planning Purpose

4.23.5 The London Gatwick Community Fund is proposed for the purpose of mitigating the intangible and residual impacts of the Project which are not addressed by other mitigation.

4.23.6 For each of the Sub-Funds, including their respective Fund Agreements, eligibility criteria have been set by the Community Foundations, providing the benefit of a reduction of the risk of fraudulent applications and to protect against funds being allocated to causes which an organisation later receives funding for as part of their statutory function. Accordingly, the provisions are considered to be for a legitimate planning purpose.

Fairly and reasonably related to the development

4.23.7 The sums to be transferred annually to the three Community Foundations indicate a correlative link between passenger growth and the amount of the Fund as the sums are calculated in accordance with the number of passengers who have travelled through Gatwick in the preceding year. The Fund has also been sized having regard to the GAL's understanding of the nature and scale of the residual impacts which may arise in the local area as a result of the Project.

4.23.8 The funding levels set out also align with and build upon the sums secured in the 2022 Agreement. As explained in sections 5.5-5.9 of Appendix A to the Explanatory Memorandum – Explanatory Note on Community Fund (Doc Ref 10.54), the 2022 funding levels were linked directly to passenger numbers to ensure a direct link between the scale of airport operations and the scale of funding. A similar approach has been taken in the draft s106 Agreement considering expected increased passenger numbers and air traffic movements in light of the Project. The draft s106 Agreement proposes a revised fund value which involves maintaining the current arrangement up to 50m passengers at 0.5p per passenger and then increasing to 2p per passenger above 50m passengers a year which would see the funds rise significantly above the funding currently within the existing 2022 Agreement.

4.23.9 The Fund is therefore fairly and reasonably related to the proposed development in scale and in kind.

Not so unreasonable that no reasonable planning authority could have imposed it

4.23.10 Furthermore, both the size of the Community Fund and the detailed provisions governing its application are considered to be fairly and reasonably related in scale and kind to the proposed development and its predicted effects. For the same reasons, the obligations relating to the Community Fund are reasonable in all other respects and not so unreasonable that no reasonable planning authority could have insisted upon them.

4.23.11 Accordingly, GAL considers that the London Gatwick Community Fund is compliant with the Newbury criteria and is therefore a material consideration that can be taken into account.

Compliance with NPS policy test?

4.23.12 The Community Fund approach is aligned with the ANPS which, in referring to an expanded Heathrow, states that "the Government expects that the size of the community compensation fund will be proportionate to the environmental harm caused by the expansion of the airport."

4.23.13 GAL has, therefore, proposed a figure which, when all other mitigation is taken into account, represents an amount which is proportionate to the environmental impacts and addresses the residual and intangible effects of the NRP. It has also been designed to increase in steps which reflect the trajectory of growth and, therefore, the associated impacts.

Any other reason for the Secretary of State to take it into account?

4.23.14 As set out in paragraph 8.21.9 of the Planning Statement, the London Gatwick Community Fund replaces the existing Gatwick Airport Community Trust and Foundation Fund. These should be taken into account.

4.23.15 There is precedent for the relevant Secretary of State to rely on a ringfenced Community Fund as mitigation for nationally significant infrastructure. For example, paragraph 4.308 of the Secretary of State's Decision Letter in granting The Sizewell C (Nuclear Generating Station) Order 2022 recognises that "*the Applicant has set up a community fund to address non- tangible effects, which are not easily identified, but give the community an opportunity to work with the Applicant to manage impacts as they arise*" and that "*the ExA is of the view that the whole package together would achieve a suitable degree of mitigation*".

Could it be dealt with by way of requirement?

4.23.16 The detail of the London Gatwick Community Fund obligation (in terms of their complexity, interaction with other obligations in the draft section 106 Agreement, application to different parties and their governance, for example, the parameters governing the payments of the contributions and the London Gatwick Community

Foundations' arrangements in respect of the same) would not generally be appropriate to draft into the DCO.

4.23.17 Accordingly, drafting the London Gatwick Community Fund commitments as a requirement rather than an obligation is considered unnecessary and undesirable for all parties involved in the circumstances, particularly in terms of subsequent implementation and enforcement.

4.24 **SCHEDULE 5 – EMPLOYMENT, SKILLS AND BUSINESS**

Substance of obligations

4.24.1 Provision is made for an ESBS Implementation Plan to be submitted by GAL to the ESBS Steering Group for approval on or before Commencement and for this to be reviewed by GAL every 5 years to ensure that the activities set out in the plan contribute to the ambitions of key stakeholders. The ESBS Implementation Plan sets out the activities to be delivered in accordance with the Employment Skills and Business Strategy ("**ESBS"**).

4.24.2 Provision is made for the establishment and administration of a steering group consisting of GAL, CBC, WSCC, ESCC, KCC, Gatwick Diamond Business, the Chamber of Commerce and the Construction Industry Training Board to ensure that the trajectory of the strategic direction of the programme, expenditure and the delivery of actions and outcomes in the ESBS Implementation Plan reflect the ESBS. The members will have oversight of the activities carried out under the ESBS Implementation Plan and input into how the ESBS Fund is allocated.

4.24.3 Provides for an ESBS Fund of £14m to be made available before the Commencement Date until the end of the Monitoring Period which is to be allocated in accordance with the ESBS Implementation Plan, approved by the Steering Group.

Compliance with Newbury criteria?

Planning Purpose

4.24.4 The ESBS is a package of enhancement measures shaped by local community stakeholders to ensure it aligns with local priorities. It sets out how GAL would maximise economic benefits for communities and businesses generated by the proposal to make best use of Gatwick's existing runways and infrastructure, as set out in paragraph 1.1.1 of Appendix 17.8.1 to the Environmental Statement [APP-198]. The ESBS Implementation Plan, in accordance with this, therefore ensures that the benefits of the project will be realised and will also deliver the promotion of health equity through providing support for vulnerable groups.

4.24.5 The ESBS Steering Group enables the ESBS Fund to be allocated effectively and the ESBS Implementation Plan to take on board comments of local bodies, while the ESBS Fund itself has been included to give the Councils comfort as to the minimum contribution GAL will make. This is an enhancement measure which will ensure that the benefits of the project will be realised.

Fairly and reasonably related to the development

4.24.6 The ESBS and the provisions of this Schedule are fairly and reasonably related to the development as they have been sized noting that the Project would generate additional jobs which can be fulfilled by the existing and projected labour supply within the labour market, as noted in paragraph 8.3.16 of the Planning Statement.

Not so unreasonable that no reasonable planning authority could have imposed it

4.24.7 For the same reasons, the provisions of this Schedule are not so unreasonable that no reasonable planning authority could have imposed it. Altogether, the provisions relating to the ESBS and governing its implementation and funding are therefore compliant with the Newbury criteria as they are set out for a planning

purpose, are fairly and reasonably related to the development and are not so unreasonable that no planning authority could have insisted upon them.

Compliance with NPS policy test?

4.24.8 Insofar as the policy criteria in ANPS and the NPSNN effectively reproduce the substance of the *Newbury* criteria, the provision accords with both for the reasons set out in paragraph 4.20.11 above.

4.24.9 The obligations above are enhancement measures which seek to maximise the benefits which can be delivered to local communities and are developed in collaboration with the relevant local stakeholders. When the Secretary of State carries out its assessment to determine whether the Project accords with relevant policy and whether the effects of the Project are acceptable, account will need to be taken of the measures proposed to mitigate and minimise those effects. Insofar as reliance is placed on those measures in deciding that the development is acceptable in planning terms and that it is therefore appropriate to grant development consent, it is necessary to ensure that they are adequately secured.

Could it be dealt with by way of requirement?

4.24.10 As discussed in paragraph 3.2 above, whilst in principle it could be possible to secure the obligations contained in this Schedule by way of requirement to the DCO instead, it is considered that this would be unnecessary and introduce a layer of complexity and administrative challenge that would not be helpful for any of the parties involved.

4.24.11 Consideration has been given to the fact that following approval and release of funds, the ESBS Implementation Plan will be delivered by GAL and a range of partners, probably including local authorities (or their agencies) themselves. Those delivering the activities in accordance with the ESBS Implementation Plan cannot be bound by the draft s106 Agreement, therefore, it is not intended that the delivery plans themselves be secured in the same way as the Implementation Plan as third parties cannot be bound by the agreement.

4.25 **SCHEDULE 6 – BIODIVERSITY AND LANDSCAPING**

Substance of obligations

4.25.1 The Gatwick Greenspace Partnership is a community project run by the Sussex Wildlife Trust which works to benefit people, wildlife and the countryside between Horsham, Crawley, Horley, Reigate and Dorking. GAL has supported the project for many years, currently supporting the partnership through the 2022 Agreement. Provision is made for enhancement measures through an annual contribution to be made to the GGP by GAL and a further requirement for GAL to match the total value of funds contributed by any local authority to the GGP in the preceding financial year, subject to an annual cap.

4.25.2 Further information about the Gatwick Greenspace Partnership is provided at Appendix B.

Compliance with Newbury criteria?

4.25.3 Gatwick Greenspace Partnership:

<u>Planning Purpose</u>

(A) GAL's contributions to the GGP are enhancement measures to support development of the landscape and ecology in the surrounding area of Gatwick Airport. Appendix B to the Explanatory Memorandum – The Gatwick Greenspace Partnership Technical Note (Doc Ref. 10.54) sets out the work done by the GGP and the projects supported in the administrative areas of the Councils which GAL is committed to continuing to support.

(B) GAL maintains that there are significant benefits to coordinating efforts in this area rather than setting up a series of separate funds. In support of the GGP as a mechanism delivering biodiversity and ecological benefits across the area and in response to concerns raised by the Councils, GAL has increased its proposed fixed contribution to £35,000 per year and further commits to match the contributions made by any local authority to address concerns relating to the Councils' desire to be able to withdraw their funding and support from the GGP, up to a total annual payment of £50,000.

Fairly and reasonably related to the development

(C) As set out within the Gatwick Greenspace Technical Note, the GGP covers the area surrounding Gatwick Airport. The GAL GGP Contribution is relevant to the development as it is secured by the 2022 Agreement and indicates GAL's alignment with the aims of the GGP which include managing and enhancing significant sites for biodiversity within the Gatwick Greenspace Area. Continuing its engagement with and investment in the GGP forms part of GAL's approach to sustainable growth and community engagement, contributing to the enhancement measures put forward in relation to the Project.

Not so unreasonable that no reasonable planning authority could have insisted upon it

(D) The obligations set out in this Schedule accord with the previous planning obligations entered into in relation to Gatwick Airport.

(E) For these reasons, the provisions governing GAL's contributions to the GGP are for a planning purpose, are fairly and reasonably related to the proposed development and are not so unreasonable that no reasonable planning authority could have imposed it, and are therefore compliant with the Newbury criteria.

Compliance with NPS policy test?

4.25.4 In respect of the landscape and ecology impacts addressed by the Gatwick Greenspace Partnership, the ANPS and NPSNN contain provisions relating to the assessment of an Application with regards to the landscape and visual effects, including people's enjoyment of the natural environment (as noted within paragraph 5.213 of the ANPS). Insofar as the policy criteria in NPSNN and the ANPS effectively reproduces the substance of the *Newbury* criteria, the provision accords with both for the reasons set out in paragraph 4.20.11 above.

4.25.5 The commitment to the GGP is considered necessary to make the proposed development acceptable in planning terms, in that this is a measure which is secured to enhance the landscape and ecology of Gatwick Airport surrounding areas and is a means through which GAL will mitigate the landscape and ecology effects triggered by the airport and highway-related developments of the Project. Section 9.9 of Chapter 9 of the Environmental Statement sets out the impact assessment of the Project alone and Section 9.11 addresses the potential for cumulative effects. The conclusion of both sections is that there would be no significant effect on any receptor, following the application of the mitigation designed into the Project, as set out in Section 9.8 of the chapter. The Environmental Statement also identifies that no significant adverse effects are likely to occur in the long term when the Project is operational and planting has matured. This therefore accords with paragraph 5.104 of the ANPS which states that when considering proposals, the Secretary of State will also consider whether the applicant has maximised opportunities for building beneficial biodiversity as part of good design, and particularly to establishing and enhancing green infrastructure. As the GGP plays a role in delivering green infrastructure,

these provisions are therefore necessary in complying with policy enhancement measures.

4.25.6 When the Secretary of State carries out its assessment to determine whether the Project accords with relevant policy and whether the effects of the Project are acceptable, account will need to be taken of the measures proposed to mitigate and minimise those effects. Insofar as reliance is placed on those measures in deciding that the development is acceptable in planning terms and that it is therefore appropriate to grant development consent, it is necessary to ensure that they are adequately secured.

Could it be dealt with by way of requirement?

4.25.7 As discussed in paragraph 3.2 above, whilst in principle it could be possible to secure certain of the obligations contained in this Schedule by way of requirement to the DCO instead, it is considered that this would be unnecessary and introduce a layer of complexity and administrative challenge that would not be helpful for any of the parties involved. The details of this Schedule include the positive obligation requiring the payment of money under the GAL GGP Contribution. This would therefore be contrary to government guidance if secured within the DCO, as set out in paragraph 3.2.2.

4.25.8 The detail of the majority of the obligations would not generally be appropriate to draft into the DCO (noting that they refer to projects on land not controlled by GAL) meaning those which are more succinct and discrete, and so potentially capable of inclusion by way of requirement would be the exception.

4.26 **SCHEDULE 7 - HEALTH**

Substance of obligations

4.26.1 GAL commits to establishing a Hardship Scheme, a fixed annual sum for the purpose of mitigating the hardship suffered by individuals living within the relevant area shown on the Hardship Scheme Plan (Appendix 7). Provision is made in relation to the details of an application under the scheme including details of the hardship suffered and sum requested.

4.26.2 Provision is also made for the monitoring and reporting of the number of passengers transferred to hospital from Gatwick Airport (excluding those arriving via air ambulance) where the GAL control centre has requested an ambulance from the South East Coast Ambulance Trust, and for reporting on the percentage of passengers transferred to hospital as a percentage of total passengers to GATCOM annually.

4.26.3 GAL is also committing to retaining on-site first responders at Gatwick Airport proportionate to the changes in passenger numbers.

Compliance with Newbury criteria?

Planning Purpose

4.26.4 The Hardship Scheme is proposed to provide a means to mitigate and prevent the impact of the Project on communities within the relevant authority boundary who live with a severe long-term medical condition or physical or intellectual disability.

4.26.5 It has been relied upon as mitigation for the purposes of the assessments contained within the Environmental Statement submitted with the Application. For example, paragraph 18.11.22 of ES Chapter 18: Health and Wellbeing [APP-043] states:

> *"The new Community Fund can be used by GAL to provide discretionary support to individuals in local communities, particularly those falling into more than one vulnerable group, who experience particular hardship as a result of in-combination effects of the Project. The expectation is that such*

cases would be rare, but should they arise, a process is in place to mitigate against severe and inequitable health outcomes."

4.26.6 The monitoring of ambulance call-out rates and the first responder provision have been added to the agreement to secure the mitigation measure identified in Chapter 18 of the Environmental Statement. The on-site health provision is included to ensure the effective triage of any health issues at Gatwick Airport and mitigate the impact on local health services. This contributes to the monitoring of health impacts of the Project and ensures that adequate provision is made for immediate onsite healthcare which may be required following Commencement of Dual Runway Operations.

Fairly and reasonably related to the development

4.26.7 As set out within Appendix A to this Explanatory Memorandum and in paragraph 18.8.453 of ES Chapter 18, the Hardship Scheme could be used *"to provide discretionary support for owners of dwellings specified in the ES Chapter 8: Landscape, Townscape and Visual Resources (Doc Ref. 5.1) assessment with bedrooms newly exposed to significant night-time direct or filtered near views of traffic or construction compounds"*. The expectation is that such cases would be rare, but should they arise, a process is in place to mitigate against severe and inequitable health outcomes.

Not so unreasonable that no reasonable planning authority could have imposed it

4.26.8 Provision is made for a cap on the sum to be provided under the Hardship Scheme per household and has therefore been sized to reflect the impact per household and individual circumstances of each hardship scheme applicant. On-Site First Responder provision has also been sized in relation to the change in passenger numbers. The provisions are therefore for a valid planning purpose, have been scoped to be fairly and reasonably related to the proposed development in scale and kind, reasonable in all other respects, and are not so unreasonable that no reasonable planning authority could have insisted upon it.

Compliance with NPS policy test?

4.26.9 Insofar as the policy criteria in ANPS effectively reproduces the substance of the *Newbury* criteria, the provision accords with both for the reasons set out in paragraph 4.20.11 above.

4.26.10 The obligations discussed above are considered necessary to make the proposed development acceptable in planning terms, in that they are measures which have been identified in the Environmental Statement as measures which are appropriate and necessary to mitigate health impacts of the Project on people within the authority boundaries. When the Secretary of State carries out the planning balance to determine whether the Project accords with relevant policy and whether the effects of the Project are acceptable, account will need to be taken of the measures proposed to mitigate and minimise those effects. Insofar as reliance is placed on those measures in deciding that the development is acceptable in planning terms and that it is therefore appropriate to grant development consent, it is necessary to ensure that they are adequately secured.

Could it be dealt with by way of requirement?

4.26.11 Whilst in principle it could be possible to secure the obligations contained in this Schedule by way of requirement to the DCO instead, this is considered to be unnecessary and would introduce a layer of complexity and administrative challenge that would not be helpful for any of the parties involved.

5. CONCLUSION

For the reasons set out above, GAL considers that the obligations in the Schedules satisfy the legal and policy tests (being the *Newbury* criteria and paragraphs 4.10 of the NPSNN

and 4.10 of the ANPS respectively). However, it is recognised that ultimately this is a matter for the Secretary of State to consider in reaching their decision.

HERBERT SMITH FREEHILLS LLP

Appendix 1

London Gatwick Community Fund Technical Note

Northern Runway Project

Technical Note

London Gatwick Community Fund Proposal

1 Introduction

1.1.1 This briefing paper has been prepared by Gatwick Airport Limited (GAL) as an appendix to the s106 Explanatory Memorandum requested by the Examining Authority. It provides additional information about the London Gatwick Community Fund proposed as part of the Northern Runway Project (NRP).

1.1.2 GAL currently funds an existing community fund through the Gatwick Airport Community Trust (GACT) which awards grants annually for deserving projects within the area of benefit, which covers parts of East and West Sussex, Surrey and Kent. The funds are channelled to those areas where people are directly affected by operations at Gatwick Airport and encourage and support schemes that benefit diverse sections of the local community. The GACT is funded under an obligation within the voluntary 2022 Agreement, with funding linked to annual passenger numbers. The GACT is complemented by a discretionary and voluntary arrangement by GAL known as the "Gatwick Foundation Fund" which also supports a range of community projects across Kent, Surrey and Sussex. This is managed by the local Community Foundations.

1.1.3 As part of the NRP, GAL is proposing to create one, new, single "London Gatwick Community Fund", which will support local communities through the funding of projects within those communities most affected by the NRP and airport operations. The London Gatwick Community Fund will be secured through the DCO section 106 Agreement.

1.1.4 This paper describes:

- The current community funding arrangements.
- The proposed London Gatwick Community Fund, including how it is intended to operate and the value of the fund.

1.1.5 For ease of reference this paper includes content which has been provided to the examination through the **Planning Statement** [APP-245] and **The**

Applicant's Summary of Oral Submissions - ISH3 – Socio-Economics [REP1-058].

2 Current Community Funding Arrangements

2.1.1 GAL currently contributes money to local community and charitable projects via the GACT (an obligation in the 2022 Agreement) and the Gatwick Foundation Fund (in addition to the commitments under the 2022 Agreement). This funding represents a longstanding commitment to local community investment, to directly support those communities most affected by London Gatwick's operations.

2.1.2 To illustrate the scale of this investment, over the last 10 years GAL has paid in excess of £2m to GACT and £1.6m to the Gatwick Foundation Fund (since its inception in late 2016). Together, these funds have supported a large number of charities and community-based organisations who have been able to support the specific needs of local communities.

2.1.3 The current 2022 Agreement is due to expire on 31st December 2024; although GAL has committed to the 2022 Agreement being extended through a 'light touch' review for a further 12 months until the 31st December 2025. By the end of 2025, the outcome of the NRP DCO application should be known. GAL confirmed its intention, should consent be granted for the NRP DCO, to ensure there would be no break between the 2022 Agreement and the NRP DCO section 106 Agreement. It was recognised that this transition could occur before the end of 2025 and would be subject to reviewing the details of the NRP DCO decision when it becomes available. Similarly, in circumstances where the NRP does not receive consent or cannot be implemented, then GAL would consider appropriate next steps for the existing agreement in that context by the end of 2025.

2.2. The Gatwick Airport Community Trust (GACT)

2.2.1 The GACT[1] was established in 2001 and is governed and administered as an independent charitable trust (Registered Charity Number 1089683). The relevant objective included in the 2022 Agreement is "to make a positive contribution to the economy and quality of life in and beyond the Gatwick Diamond area".

2.2.2 GACT provides financial grants to projects aimed at the development of young people, fostering the arts, enhancing sporting facilities, promoting

[1] https://gact.org.uk/ (accessed 21.06.24).

environmental improvement and conservation, improving community facilities, supporting volunteering initiatives and assisting the elderly and disabled individuals. The grants are awarded annually for deserving projects within the area of benefit, which covers parts of East and West Sussex, Surrey and Kent (broadly reflecting GAL's noise contours).

2.2.3 GAL is the sole funder of the GACT and the annual contribution to the GACT is determined as agreed with Crawley Borough Council (CBC) and West Sussex County Council (WSCC) through the 2022 Agreement by:

- passenger numbers in the preceding year, calculated on the basis of £50,000 increments for every 10 million passengers per annum (mppa) (in 2023 GAL funded £200,000); and
- money raised through noise fines on those airlines that infringe noise limits set by UK government on those aircraft taking off at Gatwick Airport (none have arisen since 2019).

2.2.4 Currently, each year, GAL makes an annual donation to the GACT in excess of £200,000. Between 2016 and 2021, £1.326m was donated (£2.266m between 2011 and 2021). In 2023, the GACT made awards totalling £168,263 to 105 applicants. The majority of grants ranged from £1,000 to £5,000 and beneficiaries ranged from scout groups and village halls to sports clubs, choirs, theatre groups, pre-schools, and projects benefitting the elderly and people with disabilities.

2.2.5 Further information about GACT including descriptions of projects that have been funded and testimonials can be found on the GACT website: https://gact.org.uk/.

2.3. The Gatwick Foundation Fund

2.3.1 The current Gatwick Foundation Fund[2] is an additional, discretionary fund. It was established by GAL in 2016 in partnership with the Community Foundations in Sussex, Surrey and Kent. The purpose of this Fund is to directly support local grassroots community and voluntary projects that make a difference to people's lives, and which meet local need. GAL launched this fund to facilitate additional support for local communities surrounding Gatwick, supporting local needs beyond the limits of the GACT, which has a strictly defined area of benefit, only one funding round per year, and does not support core operational costs. By partnering with the Community Foundations, GAL are also able to explore opportunities to work more actively with grant recipients, for example by offering additional

[2] https://www.gatwickairport.com/company/community/funding.html (accessed 21.06.24).

community engagement and support through staff volunteering or other interactions with GAL.

2.3.2 The Gatwick Foundation Fund is distributed through Fund Agreements with the three Community Foundations. Each Community Foundation provides their expertise and services for the fund management and grant making. The Community Foundations are deeply familiar with and knowledgeable about their respective counties and can identify and understand where need exists and connect the need with GAL, as a donor, to fund strategic grants to strengthen communities.

2.3.3 GAL donates £300,000 per annum to the Gatwick Foundation Fund (divided equally between the three Foundations). The result is a diverse spread of projects across the three counties with positive outcomes. The Community Foundations undertake rigorous and in-depth screening of applications to ensure that only those organisations achieving the best impact are brought forward for consideration. GAL chairs a funding panel three times a year, comprising representatives from all three Community Foundations where the applications are reviewed, and collective agreement reached on grant awards. Funding is made available to groups that work to fight social isolation and tackle disadvantage, raise aspirations and develop skills, improve health and wellbeing, and support children and young people.

2.3.4 236 organisations and 105,000 local people have benefitted from this fund since its launch in 2016. Through the Gatwick Foundation Fund, over £1.6m has been awarded to local projects and community groups to date.

2.4. Key differences between GACT and the Gatwick Foundation Fund

2.4.1 GACT does not support salaries, recurrent expenditure or running costs (an increasing pressure on charities and projects) but the Gatwick Foundation Fund can help meet some of those gaps by funding core costs (for example, the rent for premises for a food bank).

2.4.2 GAL's experience in operating the Gatwick Foundation Fund, working in partnership with the Community Foundations of Sussex, Surrey and Kent, has highlighted the significant advantages and benefits of working with these organisations. The Community Foundations are experienced in the distribution of funds and provide additional and valuable expertise in relation to community needs, as well as access to well established community networks to help promote and facilitate access for local communities. Their expertise and resources facilitate a high level of due diligence in bringing forward and monitoring projects.

2.4.3 The profile of projects funded by GACT does not necessarily direct funding to meeting critical social needs. Grants from the Gatwick Foundation Fund typically support community cohesion, improve community facilities, and access to support services.

2.4.4 The Gatwick Foundation Fund area of benefit is broader than GACT and, therefore, can support projects that are outside the area of benefit of GACT. The Gatwick Foundation Fund has an area of benefit defined by local authority areas, which makes it easy for applicants to determine whether an application will be eligible.

2.4.5 The Gatwick Foundation Fund operates three rounds of funding throughout the course of a year which provides community groups more opportunities for accessing grant funding. GACT has only one funding round (applications are open between January and March with grants being paid around June each year).

2.4.6 The time commitment required of GACT Trustees is significant in terms of attending meetings, considering grant applications, and undertaking post grant reviews particularly in light of their other local authority duties and demands on their time.

2.4.7 GACT incurs the salary costs of an administrative assistant, insurance, associated website costs and professional accountancy fees. In contrast the contribution to each Community Foundation's costs in managing the Gatwick Foundation Fund is 10% of each donation made with all other costs being covered by the Community Foundations.

2.4.8 The average grant awarded by GACT in 2023 was approximately £1,600. This compares to the average grant of the Gatwick Foundation Fund of £5,000 (Sussex) and £4,600 (Surrey and Kent).

3 Operation of the London Gatwick Community Fund

3.1. Overview

3.1.1 As part of its approach to sustainable growth, GAL has developed a strong programme of community investment and plays a vital role in the regional economy, while working to address the social and environmental issues that matter to local people. In growing the airport, GAL wants to continue to invest in its community through continued funding so that communities can benefit fully from the effects of the growth proposals as well as providing a mechanism to mitigate the 'intangible and residual impacts' of the NRP on the surrounding areas and enhance the quality of life of local residents.

3.1.2 By developing a new vehicle for the administration of funds, GAL's objective is to build on the strengths of the two existing funding mechanisms to facilitate a highly effective and measurable delivery of community investment. It is also designed to enable a direct connection to local community and voluntary groups that are supporting people in need and making a difference to their lives at a local grassroots level. GAL's objective is to create a highly effective delivery of community investment, resourced to be able to facilitate the level of funding and associated workload of applications as passenger numbers increase, and informed by local community needs and priorities.

3.1.3 Having considered the merits of the two existing funding mechanisms, these will both be replaced with a single, new community benefit fund, the London Gatwick Community Fund (comprising three individual Sub Funds: London Gatwick Community Fund Sussex, London Gatwick Community Fund Surrey and London Gatwick Community Fund Kent) which will be committed to under the DCO section 106 Agreement.

3.1.4 GAL is committed to delivering these measures, and other extensive mitigation measures as proposed that will benefit the local community, and in accordance with paragraph 5.253 of the Airports National Policy Statement (ANPS), has demonstrated how the compensation package for the Project will be secured and operated – principally through the DCO section 106 agreement that will be secured as part of the DCO. The funds to be deployed locally via the new London Gatwick Community Fund to enhance the quality of life in the community, represent a legitimate and beneficial response to residual impacts of the NRP which cannot be mitigated through more direct measures. In accordance with paragraph 5.240 of the ANPS, GAL believes it has demonstrated how it seeks to put in place an appropriate compensation package.

3.2. Structure of the London Gatwick Community Fund

3.2.1 GAL recognises the excellent work that the Community Foundations do in their respective areas and is seeking to build on the strengths of those existing structures and organisations. The Foundations are already established with structures, processes and connections within the areas in which they operate. As there is an established framework which is working successfully GAL does not see any benefit in duplicating those efforts and establishing a new foundation or new charity to carry out the same function.

3.2.2 The expertise and resources of the Foundations facilitate a high level of due diligence in bringing forward and monitoring projects. A further benefit

is that the Foundations manage a large portfolio of Funds and can therefore signpost applicants to additional or alternative sources of funding.

3.2.3 The London Gatwick Community Fund will comprise three Sub Funds:

- The London Gatwick Community Sub-Fund Sussex;
- The London Gatwick Community Sub-Fund Surrey; and
- The London Gatwick Community Sub-Fund Kent.

3.2.4 Each of the Sub-Funds will be administered by the relevant county Community Foundation. For example, The Sussex Community Foundation will receive and manage the London Gatwick Community Fund Sussex. Figure 1 illustrates the Community Fund structure.

3.2.5 The Community Foundations will hold the Sub-Funds as a restricted fund for the benefit of persons living within the relevant "Area of Benefit" to further any or all charitable purposes that will improve the quality of life of those people including the advancement, provision and/or relief of their economic, environmental, social, health, educational, employment and financial circumstances.

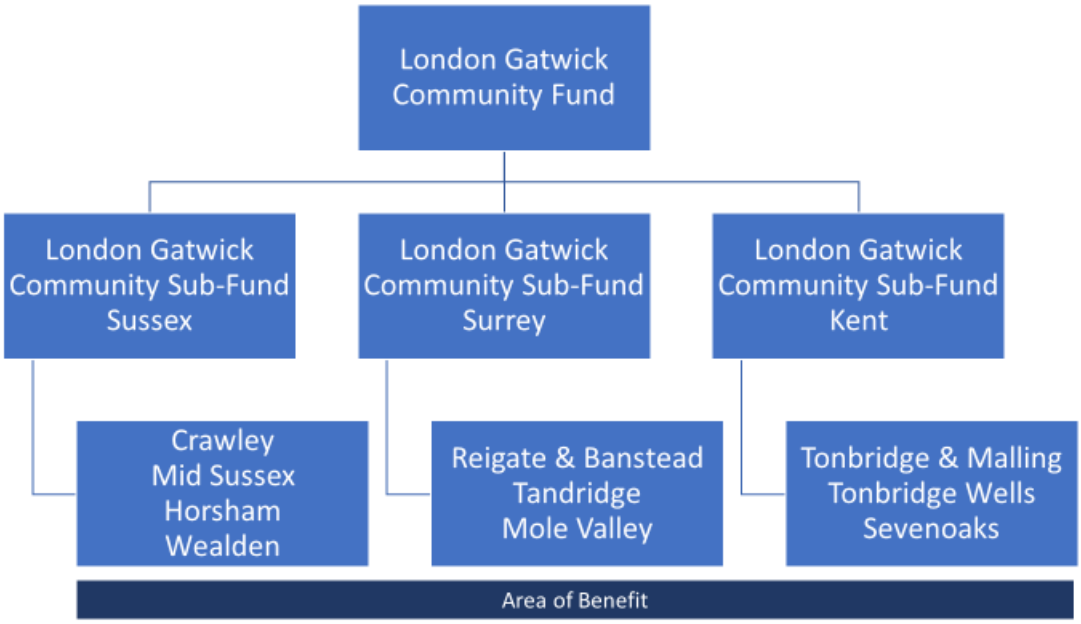


Figure 1: structure of the London Gatwick Community Fund

3.3. Areas of Benefit

3.3.1 Each Sub-Fund will have a specific Area of Benefit which is based on the regions of the relevant Community Foundations. These are described in Table 1.

London Gatwick Community Sub-Fund SUSSEX	London Gatwick Community Sub-Fund SURREY	London Gatwick Community Sub-Fund KENT
• Crawley • Horsham • Mid Sussex • Wealden	• Reigate & Banstead • Tandridge • Mole Valley	• Tonbridge & Malling • Tunbridge Wells • Sevenoaks

Table 1: Areas of Benefit

3.3.2 Instead of the Area of Benefit being based on local authority boundaries, a suggestion of a "zoned approach" has been raised. However, this would make the grant process difficult to manage from a practical perspective, would increase the administrative costs and may delay funds being allocated because the Community Foundations will be required to determine whether an application is eligible geographically. Inevitably applications are not received equally across areas.

3.3.3 GAL's intention for the London Gatwick Community Fund is that it is available to more communities in the local area than just those within proximity to the flight paths. It is intended to benefit the wider community – restricting applications to narrow zones is considered too restrictive.

3.4. Awards Panel

3.4.1 Grant making for each Sub-Fund will be governed by an Awards Panel.

3.4.2 GAL is grateful for the comments from the JLAs on the make-up of each of the Awards Panels. In the original draft DCO section 106 Agreement, GAL proposed that each Awards Panel was made up of representatives of GAL; the three Community Foundations; and the relevant County Council. In the case of the Sussex Sub-Fund Awards Panel, there would be a representative from each of West Sussex County Council and East Sussex County Council. In response to the comments from the JLAs, GAL has prepared a composition for the Award Panels in Table 2.

3.4.3 Importantly, the Awards Panels have authority to consider and determine applications for the relevant Area of benefit and have discretion about the application of the priority criteria.

Sussex Sub-Fund Awards Panel	**Surrey Sub-Fund Awards Panel**	**Kent Sub-Fund Awards Panel**
2 x GAL	2 x GAL	2 x GAL

3 x Community Foundations 1 x West Sussex CC 1 x East Sussex CC 1 x Crawley BC 1 x Horley DC 1 x Mid-Sussex DC 1 x Wealden DC	3 x Community Foundations 1 x Surrey CC 1 x Reigate & Banstead BC 1 x Tandridge DC 1 x Mole Valley DC	3 x Community Foundations 1 x Kent CC 1 x Tonbridge & Malling BC 1 x Tunbridge Wells BC 1 x Sevenoaks DC
11	**9**	**9**

Table 2: Alternative composition of Awards Panels

3.5. Awards Criteria

3.5.1 The Community Foundations are all registered charities which have their own charitable objectives that any grants made must accord with. However, within this context, specific criteria will be applied by each Awards Panel to applications for grants from the London Gatwick Community Sub-Funds.

3.5.2 As secured through the DCO section 106 Agreement, the London Gatwick Community Fund will give priority to those schemes, measures and projects which are relevant to the following:

- further employment, training and skills in the local area;
- families and children in need;
- combating social isolation and disadvantage;
- providing opportunities for young people;
- improving access to facilities for the elderly and seek to reduce isolation in the older generation
- landscaping and ecological enhancement; and
- community facilities;

and those schemes, measures, and projects which:

- can demonstrate how the applicant has been affected by the construction and operation of the NRP or the operation of Gatwick Airport including proximity to Gatwick Airport;
- are not inconsistent with approved policies or plans of relevant local authorities;
- have been identified as priorities to the communities within parish and/or community plans;
- can demonstrate overall value for money in terms of cost and effectiveness;
- can demonstrate a contribution to developing and maintaining sustainable communities throughout the Area of Benefit; and

- complement other measures committed in this Deed or practised by the parties.

3.5.3 The JLAs, as members of the Awards Panel, will review applications and have discretion about the application of the priority criteria to individual applications.

3.6. Eligibility Criteria

3.6.1 The eligibility criteria are set by the Community Foundations to provide the adequate safeguards to ensure the funds are allocated appropriately and used for the purposes applied for. The eligibility criteria have been set to reduce the risk of fraudulent applications or misappropriation of funds once they have been allocated.

3.6.2 Projects applying to the Community Foundations need to be within the area of benefit and also satisfy the eligibility and grant guidelines.

3.6.3 The guidelines exclude support for: projects or beneficiaries that are outside the area of benefit; salaries, recurrent expenditure and running costs; ongoing costs, maintenance, or deficits; repeat annual applications for similar projects; the purchase of land or buildings; organisations that are working to make a profit for shareholders, partners or sole owners; organisations with excess ‘free’ reserves; or costs that should be funded from other sources e.g., public bodies.

3.6.4 Applications from organisations that have statutory responsibilities such as local authorities, hospitals, schools, unless it is a project that is over and above their core activities, would not be eligible. This would include one off projects or capital projects, e.g., playground equipment, or a green heating system in a community building.

3.6.5 However, the Community Foundations have discretion to extend the eligibility in some circumstances to volunteer-led organisations which are delivering non-statutory services within a statutory setting, e.g. a breakfast club in a school; or a small scale voluntary sector activity delivered within a parish, with the support of the parish council.

3.6.6 Grants will not normally be made where it is evident that little or no effort has been made or is being made to raise funds elsewhere or to demonstrate match funding. Grants made to applicants in earlier years will be taken into account. Grants may only be used for the purpose outlined on the application form.

4 Scale of the London Gatwick Community Fund

4.1. Current position – The Gatwick Airport Community Trust

4.1.1 As explained, the Gatwick Airport Community Trust (GACT) Fund was first established in 2001 through a voluntary section 106 Agreement between GAL, West Sussex County Council (WSCC) and Crawley Borough Council (CBC). The objective of the s106 obligation as included in the agreement itself is "to make a positive contribution to the economy and quality of life in and beyond the Gatwick Diamond area".

4.1.2 Up until 2022, GAL's obligation was to pay an agreed sum of money to the GACT every year, which increased by £6,000 per annum as demonstrated in Table 3.

Date	Amount (Schedule 7 of the 2015 and 2019 s106 Agreements)
2016	£206,000
2017	£212,000
2018	£218,000
2019	£224,000
2020	£230,000
2021	£236,000

Table 3: Value of the contribution to the GACT under the pre-2022 s106 Agreements.

4.1.3 In 2022, and largely in response to Covid-19 impacts and significantly reduced passenger and air traffic movements at the airport for the previous 2 years, but also in an attempt to link the payment to something more meaningful than just £6,000 increments, the way the GACT received funds was changed to link the amount directly to passenger numbers.

4.1.4 The new calculation, agreed with CBC and WSCC as part of the 2022 Agreement, was based on a payment of £50,000 to the GACT for every 10mppa. This meant that the amount being provided to the GACT would generally be similar to the amount paid by GAL prior to Covid – i.e. in 2019 when the airport was at 46mppa, the GACT received £224,000 and the

2022 Agreement provided that when the airport got back to that level the GACT would receive £250,000. It was also considered that tying the amount of funding to more closely match passenger numbers was a better way of acknowledging that potential residual impacts would grow alongside increased activity at the airport.

4.1.5 The calculation of the payment to the GACT, agreed as part of the s106 agreement in May 2022 is set out in Table 4.

Million Passengers Per Annum (mppa)	Amount (2022 Agreement)
Up to 10mppa	£50,000
Between 10,000,001 and 20,000,000	£100,000
Between 20,000,001 and 30,000,000	£150,000
Between 30,000,0001 and 40,000,000	£200,000
Between 40,000,001 and 50,000,000	£250,000
Above 50,000,001	£300,000

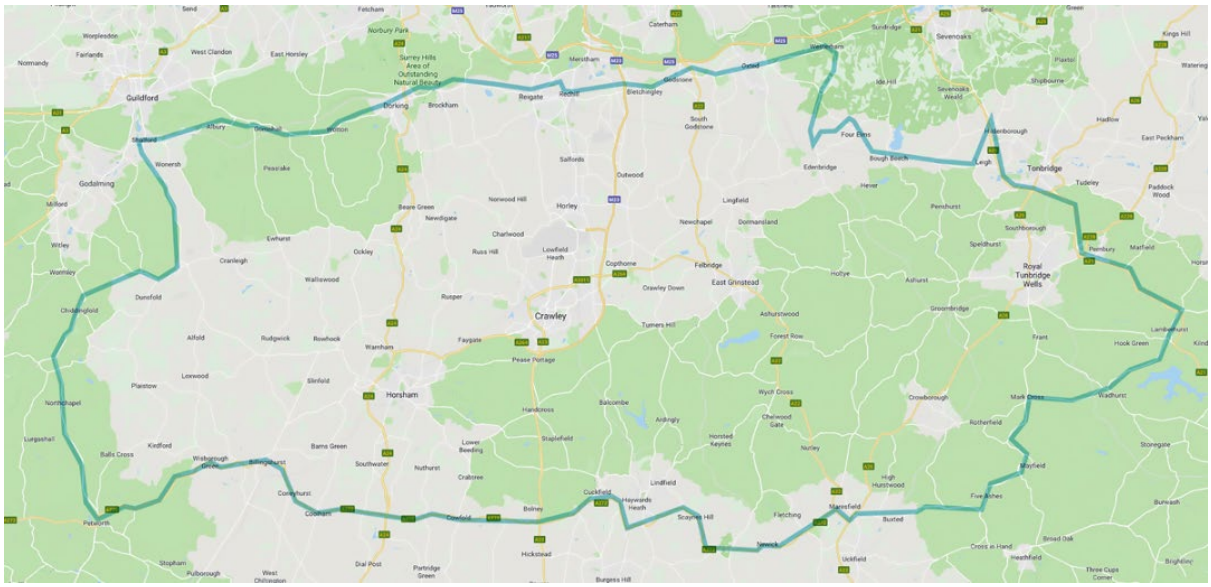
Table 4: Value of contribution to the GACT under the 2022 Agreement

4.1.6 In addition, and consistent through the various S106 agreements that have been in place since 2001, all revenue raised by GAL as a result of infringements by aircraft of departure noise thresholds are also paid to the GACT.

4.2. Payments made from the Gatwick Airport Community Trust

4.2.1 Each year, the trustees of the GACT, using a set of criteria, allocate funds to applicants in those areas where people are directly affected by the operations at Gatwick Airport. The normal level of grants is from £1,000 to £5,000 and the GACT awards grants once a year.

4.2.2 The area of benefit covers parts of East and West Sussex, Surrey and Kent (see map below).



4.2.3 Since 2010, the GACT has generally received between 130 and 200 applications each year, although this fluctuates, for instance during Covid, the number of applications was lower. Out of the applications received, over 1,500 applications have been successful and received funding. In 2022 a lower number of applications were received which is expected to be due to the Covid-19 Pandemic and the applications that were received were of a higher proportion applications which did not meet the listed criteria. Table 5 shows the ratio of applications received compared to successful applicants. Applications may not be successful for a whole variety of reasons such as not meeting the eligibility guidelines or being outside the area of benefit.

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
GAL s106 contribution (£)	170,000	176,000	182,000	190,000	194,000	200,000	206,000	212,000	218,000	224,000	230,000	236,000	50,000
Total value of GACT grants awarded (£)	158,000	145,050	169,065	191,270	176,524	198,847	192,552	195,428	207,537	174,722	228,651	205,661	61,816
Number of successful applicants	114	173	145	148	148	141	137	107	102	97	113	97	32
Number of applications received	131	235	161	177	182	194	169	130	134	133	151	124	76
Percentage of successful applicants versus total number of applications received	87%	74%	90%	84%	81%	73%	81%	82%	76%	73%	75%	78%	42%

Table 5: Percentage of successful applications versus total number of applications received by the GACT.

4.3. Proposed Arrangements - The London Gatwick Community Fund

4.3.1 The proposal for a new London Gatwick Community Fund is designed to mitigate the 'intangible and residual impacts' of the Project on the surrounding areas and enhance the quality of life of local residents. This is consistent with London Gatwick's history of commitment to local community investment.

4.3.2 The costs contribution to the relevant Community Foundation (for administering the fund) is proposed to be an amount equivalent to not more than ten per cent of the relevant Gatwick Community Fund.

4.3.3 The value of London Gatwick Community Fund will be determined annually:

- calculated on the basis of the number of passengers to have used Gatwick Airport in the preceding year; and
- Fines received from noise infringements;

4.3.4 The proposal for the calculation based on the number of passengers to have used Gatwick Airport in the preceding year is set out in the draft DCO s106 Agreement (Doc Ref. 10.11) and is summarised in Table 6.

Gatwick Airport Limited contribution to the London Gatwick Community Fund	**Under 10mppa**	**Over 10mppa**	**Over 20mppa**	**Over 30mppa**	**Over 40mppa**	**Over 50mppa**
	£50,000	£100,000	£150,000	£200,000	£250,000	£250,000 plus 2 pence per passenger over 50mppa

Table 6: proposed calculation for the annual contribution to the London Gatwick Community Fund

4.4. Rationale for Funding Proposal

4.4.1 In considering the scale of funding for the London Gatwick Community Fund, GAL have taken into consideration the following context:

- Analysis of the take-up of existing community fund administered by the GACT.
- Consideration of the scale of the Project, impacts identified and mitigated in the ES.
- Feedback from the JLAs.
- Review of other airports' community funds.

4.5. Analysis of the take-up of existing community fund administered by the GACT

4.5.1 As explained above, in 2022 the funding calculation for the contribution to the GACT was amended to link it directly to passenger numbers to ensure that there was a more direct link between the scale of airport operations and the scale of funding.

4.5.2 The level of funding provided to the GACT has allowed for the majority of the submissions to receive funding with between 100 and 150 projects successfully receiving funding each year – meaning on average the success rate of receiving funds is approximately 80%.

4.5.3 As such, GAL considers that this level of funding has been suitable to match the number and scale of applications that have been coming forward to the GACT. The fund has been neither drastically under nor over subscribed which should give confidence to the appropriate value of the fund.

4.6. Consideration of the scale of the NRP, impacts identified and mitigated in the ES

4.6.1 The environmental impact assessment set out in the Environmental Statement has assessed and identified the likely significant effects of delivering the NRP. Where adverse impacts were identified mitigation measures have been proposed to mitigate the identified impacts. These are set out in the **Mitigation Route Map** [REP2-011] and have been secured through the draft DCO s106 Agreement and the dDCO.

4.6.2 GAL recognises, however, that that there will be residual impacts of the NRP which cannot be mitigated. These cannot be quantified through a calculation or assessment as other impacts can, and have been. In proposing an appropriate scale of the community fund GAL has been mindful of this context and considered the impact of the NRP with its vast and deep knowledge of the local area and local communities.

4.7. Feedback from the JLAs

4.7.1 In response to EAQ1 DCO.1.5.3 [REP3-135], the JLAs set out the Airports Commission's suggested mechanism for calculating a scale for an airport-related community fund that was proportionate and affordable (Final Report, July 2015 [REP1-142].

4.7.2 Within this report the Commission suggested that a proportionately equivalent figure to the 50p per passenger at Heathrow, raising the same amount per resident affected at Gatwick or Stansted may only cost around 2p per passenger because of the smaller noise footprints (paragraph 14.58).

4.7.3 Whilst the JLAs recognised that this was based on GAL's second runway being a wide-spaced runway located to the south of the current Main Runway the use of this methodology for calculating the value of the London Gatwick Community Fund has been used for growth above the levels of the current 2022 s106 Agreement.

4.7.4 In GAL's response to this submission by the JLAs [REP4-031], GAL explained why the Airport Commissions final report does not apply directly to the NRP: the Airports Commission Final Report relates to an entirely different development proposal for a new full scale wide spaced second runway to the south of the existing main runway at Gatwick. That scheme involved a significantly greater scale of impact in terms of both land take, land use and environmental impacts.

4.7.5 Despite this, GAL has recognised the JLA's preference for the calculation of the London Gatwick Community Fund to follow this approach and has taken steps internally (including Board Approval) to agree to a departure from the existing structure of the community fund. This is now the basis for the calculation of the contribution to the London Gatwick Community Fund for every passenger above 50mppa in any year and has been included within the draft DCO s106 Agreement.

4.8. Review of other airports' community funds

4.8.1 GAL has researched the value of community funds provided at other airports – shown in the Table 7. From this research, it appears that the level of the London Gatwick Community Fund benchmarks well against those funds provided at other airports.

Airport	*Amount (paid in 2023)*

London Gatwick	*£200,000*[3]
Bristol Airport	*£220,000*[4]
Birmingham Airport	*c£100,000*[5]
Stansted Airport Community Fund	*£150,000*[6]
East Midlands Airport Community Fund	*£50,000*[7]
Manchester Airport Community Trust Fund	*£100,000*[8]
Luton Airport (Operator)	*£150,000*[9]

Table 7: Example community funds for other airports

4.9. Administrative costs

4.9.1 Obligations relating to funding and administration of the London Gatwick Community Fund are set out in the draft DCO s106 Agreement. The costs contribution to the relevant Community Foundation (for administering the fund) is proposed to be an amount equivalent to not more than ten per cent of the relevant Gatwick Community Fund. The Community Foundations are charitable organisations registered with the charities commission. To adhere to the high standards placed on them by the regulator and ensure appropriate due process is followed, it is essential that thorough administrative procedures are followed. In the long run this maintains the efficiency and integrity of the London Gatwick Community Fund. Mandatory reporting and accounting incur costs and, whilst these should be kept to a minimum, it is essential that there is provision for this cost to be met.

4.10. Conclusion on the scale of funding

4.10.1 The funds to be deployed locally via the new Gatwick Airport Community Fund to enhance the quality of life in the community, represent a legitimate and beneficial response to the residual impacts of the NRP, which cannot be mitigated through more direct measures. In accordance with paragraph 5.240 of the ANPS, GAL has demonstrated how it seeks to put in place an appropriate compensation package.

4.10.2 In considering the demand for community funding that GAL has experienced over a long period of operating a community fund in the local area, GAL believes that the proposed scale of the fund represents an appropriate and reasonable amount of funding for community projects

[3] [redacted]

based on the existing analysis of applications submitted to the current funding scheme.

4.10.3 However, whilst the NRP will deliver significant benefits to the local area, GAL recognises that there will be residual impacts of the NRP which cannot be mitigated and therefore has proposed to commit to proportionally larger increases to the community fund as the passenger numbers increase.

4.10.4 In the first draft DCO s106 Agreement that was submitted at Deadline 2 [REP2-004] GAL proposed to follow the structure that had been agreed in the 2022 Agreement and increase the contributions on that basis. Considering feedback from the JLAs, the proposal at this deadline uses a different calculation methodology for the contribution to the fund where passenger numbers exceed 50mppa. Rather than having a fixed payment for each bracket, GAL has now committed to making a contribution on the basis of 2p per each passenger above 50mppa. This approach reflects the Final Report by the Airports Commission (July 2015) [REP1-142].

4.10.5 In addition to this calculation, GAL has continued its commitment to increase the London Gatwick Community Fund by the value of any fines from exceeding the specified noise thresholds.

4.10.6 The level of funding proposed through the London Gatwick Community Fund is appropriate to the development in question. It fulfils the statutory and policy tests applicable to mitigation secured via section 106 obligation and is proportionate in light of the other mitigation measures being brought forward alongside the London Gatwick Community Fund.

Appendix 2

Gatwick Greenspace Partnership Technical Note

Table of Contents

1 Overview

1.1.1 This briefing paper has been prepared by Gatwick Airport Limited (GAL) to provide information regarding the Gatwick Greenspace Partnership (GGP).

1.1.2 The GGP1 is one of the Sussex Wildlife Trust2's community wildlife projects. Since 1994, it has been working across 200 square kilometres of countryside in the areas of Reigate, Dorking and Horley, in Surrey and Crawley and Horsham in Sussex, and at Gatwick Airport. It has a strategic role in protecting and promoting local greenspaces and to help deliver green infrastructure within the area. The GGP project fully compliments the Sussex Wildlife Trust's commitment to connect 1 in 4 people in Sussex to take action for Wildlife, increase biodiversity and to become net zero by 2030.

1.1.3 It delivers a diverse range of work from its base in Tilgate Park Crawley (provided by Crawley Borough Council). GGP act as a forum for cross border countryside issues, delivering habitat management, volunteering, environmental education, and community engagement. Working in a range of habitats and locations the varied workload helps address many areas of the partners' agendas, greenspaces, and community involvement strategies.

1.1.4 2024 celebrates 30 years of the project; this is a significant milestone and a testament to the commitment of the partners to ensure that green spaces are projected and improved with the support of local communities.

2 Partners

2.1.1 GGP work with many individuals, groups and organisations but receive their core funding from 7 local authority partners and GAL, all of whom have representation on the GGP Steering Group. "Funding" can be a cash contribution or can be made either partly or wholly in-kind, with the Steering Group's approval. The partners are:

- Surrey County Council;
- West Sussex County Council;
- Crawley Borough Council;
- Horsham District Council;
- Mole Valley District Council;

[1] https://sussexwildlifetrust.org.uk/get-involved/community-projects/gatwick/about-the-gatwick-greenspace-partnership
[2] Charity number: 207005.

- Reigate and Banstead Borough Council;
- Horley Town Council; and
- Gatwick Airport Limited.

2.1.2 Local authority partners can nominate up to two elected members and two officers to represent their interests at the GGP Steering Group meetings. At least one member and one officer should endeavour to attend each meeting.

2.1.3 A formal steering group meeting must be held twice a year, to discuss budgets, work under progress and potential future areas of activity. The current chair of the GGP is Mike George, Horley Town Councillor.

2.1.4 The operation of the Steering Group is governed by the Terms of Reference, which has been approved by the Steering Group members, including the listed local authority partners.

2.1.5 A copy of the Terms of Reference is included at Annexure 2.

3 Aims

3.1.1 The aims of the GGP, as set out in its Strategic Overview 2023-24, are as follows:

- Connecting people and wildlife throughout Gatwick Greenspace Area to benefit the community and landscape;
- Work with local communities in natural surroundings to educate, engage and improve their well-being; and
- Manage and enhance significant sites for biodiversity within the Gatwick Greenspace Area.

3.1.2 The GGP is currently delivering for biodiversity by:

- Working with local wildlife Trusts, communities, educators, and businesses;
- Providing education, advice and raising awareness, e.g. through events and training;
- Including the public in projects to improve biodiversity; and
- Managing land to improve biodiversity.

3.1.3 The GGP works at a variety of locally important sites for wildlife in and around Crawley, Horsham, Horley and Dorking on the Sussex/Surrey border, including Buchan Country Park, Warnham Local Nature Reserve, St Leonard's Forest, Tilgate Park (and Tilgate Forest), Leechpool and Owlbeech Woods, Newdigate Brickworks.

3.1.4 Further details of the projects that GGP is involved in are here: Gatwick Greenspace Partnership Wildlife Sites | Sussex Wildlife Trust.

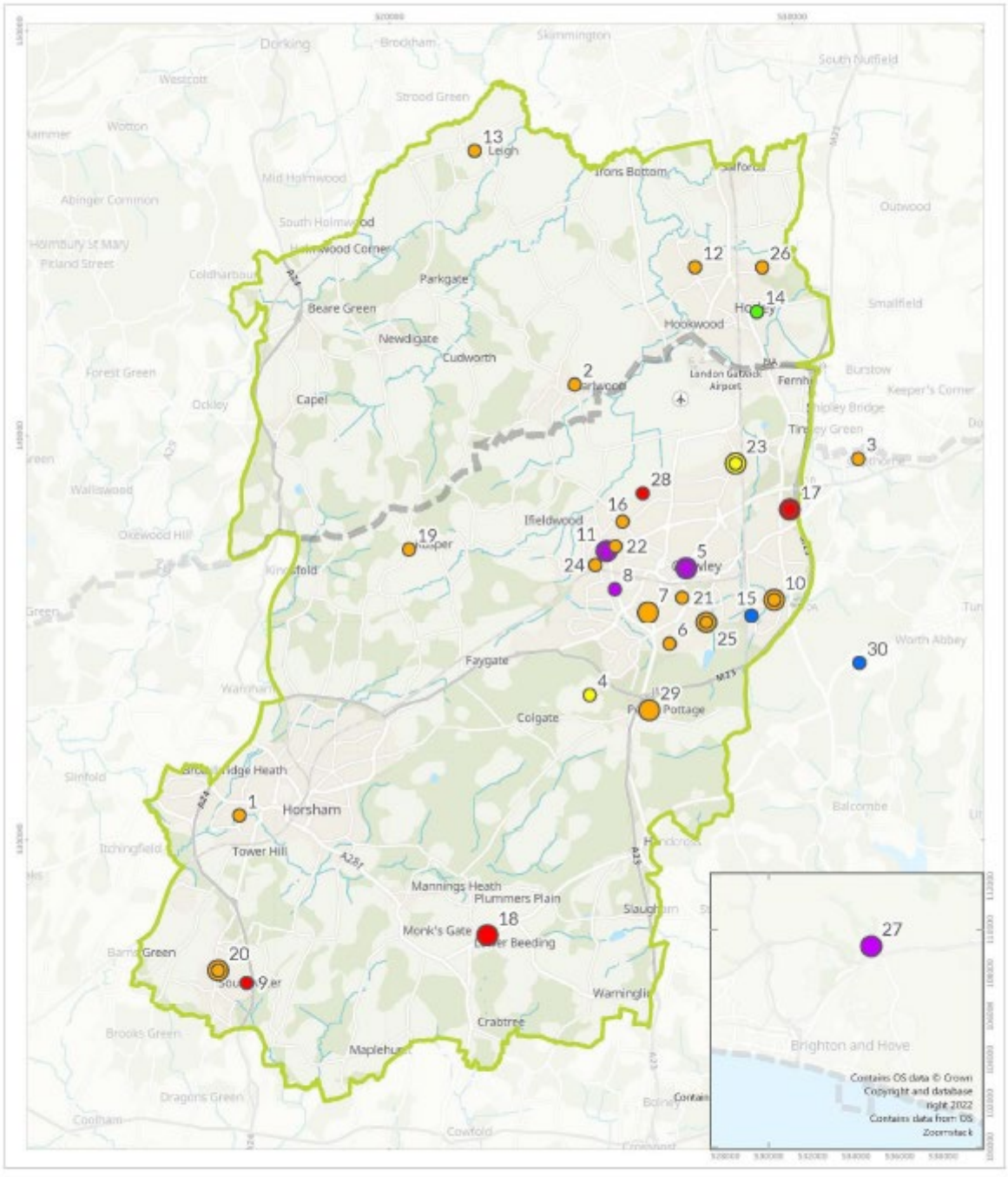
3.1.5 Annexure 1 sets out the GGP Annual Report.

4 Gatwick Greenspace Area

4.1.1 The GGP covers a wide area surrounding Gatwick Airport. Figure 1 below shows school engagement undertaken by the GGP and the extent of the Gatwick Greenspace Area is shown edged green.

Gatwick Greenspace Partnership
Schools Engagement April 21 - March 23

Sussex Wildlife Trust
sussexwildlifetrust.org.uk



Legend

- Gatwick Greenspace Partnership
- County border
- Schools
  - Apr 21 - Mar 22
  - Apr 21 - Mar 23
- Pre-school
- Primary
- Primary & Secondary
- Secondary
- Secondary & 16+
- 16+

0 1 2 4 km

N

Data supplied by Sussex Wildlife Trust
Contains public sector information licenced under the Open Government Licence v.3.0. Contains Ordnance Survey data © Crown copyright and database rights 2022.
Registered Charity No: 207005

Drawn by: MillieB
Date: 15/03/2023
Scale at A3 = 1:90,000

Figure 1: extract from page 27 of the GGP Annual Report 2023 (shown in full at Annexure 1)

5 GAL's contribution

5.1.1 GAL will have supported the GGP for 30 years by the end of this year.

5.1.2 GAL's current commitment to the GGP is through the voluntary section 106 Agreement entered into between GAL, West Sussex County Council and Crawley Borough Council in 2022. The contribution is due to end in 2024 with the current section 106 Agreement although GAL has agreed with the joint local authorities that it will roll over the commitment into the proposed DCO section 106 agreement.

5.1.3 GAL's annual contribution to the GGP is determined as agreed with Crawley Borough Council and West Sussex County Council through the 2022 section 106 Agreement as:

7.2 In each calendar year up to and including 2024, the Company will support the Gatwick Greenspace Partnership either financially or in value terms to a figure that is the lesser of:

7.2.1 20% of the total sums paid by local authorities to the said Partnership for the purposes of its activities in the twelve months ending 31 March in the year in question; and

7.2.2 twelve thousand five hundred pounds (£12,500).

SAVE that this Obligation shall determine absolutely if annual local authority support should reduce to a sum less than twenty five thousand pounds (£25,000)

On top of the £3,499 contribution given by GAL during the 2022/2023 financial year, in recent years, GAL has provided GGP with a vehicle as a benefit in kind and has covered all maintenance, fuel and running costs. In addition to the partnership funding, GAL provides discretionary funding of approximately £35,000 for a full-time GGP Officer (currently the role of Barry Wildish). This has been funded since 2014 (initially at 2 days per week and then, recognising the value of the work being delivered, was increased to 3 days in 2016 and 5 days in 2017). In total, GAL's contributions to the GGP equate to approximately £49,000.

6 Local authority contribution

6.1.1 As shown on page 23 of the GGP Annual Report within Anexure 1, the combined contributions from all local authorities during the 2022/2023 financial year totalled £42,496. Within this, the contributions from Crawley Borough Council and West Sussex County Council totalled £15,443.

7 Outcomes

7.1.1 The GGP has been working to increase community engagement and environmental education across the Gatwick Greenspace Area. Specific activities in 2023 include:

- Youth Rangers have carried out Flower-Insect Timed Counts as part of the UK Pollinator Monitoring Scheme, at Gainsborough fields to gather some baseline data on pollinator species diversity and inform future management for Crawley Borough Council.
- Engagement in national initiatives like the Big Butterfly Count helping our groups from pre-school children to adults to get involved with citizen science projects creating a greater understanding of the importance of surveys to assess the health of our environment.
- Facilitation of butterfly transect training at the Gatwick Aviation Museum, run by the Surrey branch of Butterfly Conservation. The event was well attended, and GGP continued to work with Surrey Borough Council to set up volunteer monitored transects in Horley and Charlwood.
- Volunteers who also work with the Horley Conservation Group (HCG), carried out Brown Hairstreak egg surveys at a Reigate and Banstead Borough Council site; Tanyard Meadows, in Horley. The partnership and surveys have generated new records for the site and helped to inform targeted hedgerow management by HCG.
- Visits to two new road verges with the Crawley Bee Wild group to offer management advice.
- Planting and protection of a selection of disease resistant Elm trees along the River Mole and in the Gatwick Woodlands. The trees were planted in areas where Elm trees have been lost to disease and where there are known populations of White-letter Hairstreaks, a UK Biodiversity Action Plan priority butterfly species, which depends on Elms to complete its life-cycle.

- Feeding into discussions with Thought – Full, West Sussex Delivery group – Mental Health Support services in Schools to better understand wellbeing issues for young people.
- Meeting with Wyld Mothers Fires to explore partnership working– a group currently operating in Brighton, who want to provide time in Nature for Mothers and their children in Crawley.
- Building on GGP's relationship forged with Manor Green College through Youth Rangers, meeting with Concordia National Citizen Service to plan a series of events titled “the importance of trees” for a group of SEN Students from Manor Green College, Crawley.
- Running well attended Coppicing and Hedgelaying courses in the Gatwick Woodlands.
- Facilitating an extensive programme of Forest School delivery onsite at Gatwick for the Gatwick School. As well as Forest School education, The Gatwick School group have worked with GGP directly on several conservation tasks including building a footpath into the woods.

7.1.2 Through the partnership between GGP and GAL, volunteers have contributed 1,691 hours of their time to carry conservation tasks on Gatwick’s biodiversity sites, on land owned by local authority partners, and helping to run education events. The GGP has delivered 60 conservation volunteering days onsite at Gatwick Airport, all of which helped to manage the Airport’s habitats towards The Wildlife Trusts Biodiversity Benchmark Award. All these events were attended by Volunteer Reserve Managers, who have given 818 hours of their time.

7.1.3 Further details of the recent outcomes achieved through the GGP are contained within the Annual Report included at Annexure 1.

Annexure 1

GGP Annual Report 2023

Gatwick Greenspace Partnership

Annual Report

01st April 2022 - 31st March 2023

YOUR LONDON AIRPORT Gatwick

Contents

A close encounter with a Grass Snake for a GGP Youth Ranger ©Tom Simpson

1. Strategic Value

The Gatwick Greenspace Partnership (GGP) works to benefit people and wildlife in and around Dorking, Horley, Crawley, Charlwood, Horsham and Gatwick Airport. We have a strategic role in trying to protect and promote our local greenspaces and help to deliver green infrastructure within our area. GGP can act as a forum for cross-border countryside issues.

We deliver habitat management, volunteering, environmental education, and community engagement. Our work takes place in a range of habitats and locations and this varied workload helps address many areas of our partners' agendas, greenspaces and community involvement strategies.

This financial year:

- We have devoted more time to Forest School Training as a way of developing a greater reach within the project area and beyond. Through Forest School training and delivery, we have more than doubled our school's engagement from 11 schools in the previous year to 26 this year. Last year we sent out information on our offer and resources to 80 schools in our project area, however, we have found that outdoor education is often driven by 1 or 2 committed individuals within schools, so in this year's strategy to widen our reach, we have endeavoured to connect with those people to make a difference.

- Looking to increase our conservation impact on a catchment scale in both education and practical delivery, we have attended meetings with the South East Rivers Trust (SERT) to consult on their Caring for Crawley's Rivers Project focusing on the Gatwick Stream and Upper Mole

- We have attended a River Mole Catchment Partnership meeting and attended Horley Town Council's environment sub-committee to discuss tree planting initiatives across the area and share Sussex Wildlife Trust guidance on tree planting.

- We have consulted on the final management pack for the Manor Royal Business Improvement District (MRBID), which now includes extensive wildflower verges and wildlife corridors throughout the estate thanks to our recommendations.

2. Environmental Conservation

With the help of our various community volunteer groups, corporate volunteers and education groups GGP contributes to the management of a range of urban and rural green spaces in our project area. We work on habitats such as nationally scarce heathland, wild-flower meadows, ponds, lakes, streams and woodlands. Some of these sites hold designations for their importance to wildlife, such as Sites of Special Scientific Interest (SSSIs) and Local Wildlife Sites (LWS).

We work with Gatwick Airport Ltd. to implement the Airport Biodiversity Action Plans and increase community engagement and environmental education across the estate with the aim of continuing to retain the Wildlife Trusts Biodiversity Benchmark Award.

This financial year:

- Youth Rangers have carried out Flower-Insect Timed Counts as part of the UK Pollinator Monitoring Scheme, at Gainsborough fields to gather some baseline data on pollinator species diversity and inform future management for Crawley Borough Council.

- We have continued to tap into national initiatives like the Big Butterfly Count helping our groups from pre-school children to adults to get involved with citizen science projects creating a greater understanding of the importance of surveys to assess the health of our environment,

- We helped to facilitate and host butterfly transect training at the Gatwick Aviation Museum, run by the Surrey branch of Butterfly Conservation. The event was well attended, and we continued to work with Surrey BC to set up volunteer monitored transects in Horley and Charlwood.

- Following this training, Volunteers who also work with the Horley Conservation Group (HCG), carried out Brown Hairstreak egg surveys at a Reigate and Banstead Borough Council site; Tanyard Meadows, in Horley. The partnership and surveys have generated new records for the site and helped to inform targeted hedgerow management by HCG.

Volunteers from B&CE help to manage Himalayan Balsam at Crawters Brook Peoples Park ©Tom Simpson

- We visited two new road verges with the Crawley Bee Wild group to offer management advice. One of which was a remnant hedgerow containing native bluebells, dogs mercury, wild garlic and cuckoo flowers, suggesting historical connectivity to the

wider landscape. We have shared learnings from working with the group with Horsham District Council's (HDC), countryside team.

- Working with volunteers from Total Energies & Gas and Gatwick Volunteer Reserve Managers, we planted and protected a selection of disease resistant Elm trees along the River Mole and in the Gatwick Woodlands. The trees were planted in areas where Elm trees have been lost to disease and where there are known populations of White-letter Hairstreaks, a UK Biodiversity Action Plan priority butterfly species, which depends on Elms to complete its life-cycle.

- Controlling Himalayan Balsam across our steering partner's sites helps with conservation on a catchment scale. The rate of growth of this plant, combined with the ease with which seeds enter and are dispersed through a water course allow it to dominate river banks outcompeting all other plants. Hand pulling is the most effective management method, and this year our volunteers have again removed thousands of plants from the River Mole (various locations), the Burstow Stream, Waterlea Meadows, Riverside Garden Park, Church Meadows, Horleyland Wood, Grattons Park, Crawter's Brook and The Gatwick Stream.

- Following advice from Wilder Horsham District and the Knepp Estate, where Turtle Doves have been recorded consistently, our Gatwick Volunteer Reserve Managers created scrapes and carried out scrub management specifically targeting Nightingales and Turtle Dove on the floodplains of the River Mole. Four individual nightingales have been recorded by Gatwick's Biodiversity Officer and we hope to see numbers increase.

- This year we have continued efforts to reduce, reuse and recycle, creating dead hedges as habitat instead of burning brash, using Hazel coppice materials for hedge-laying and re-using Willow from hedge trimming to make a Willow tunnel for Nature Tots. A number of bird species have also benefited from events where people have learnt to weave Willow bird feeders this year.

- With the support of GGP, Gatwick Airport has continued to uphold the Wildlife Trusts Biodiversity Benchmark Award for the 9th consecutive year. Going forward The Wildlife Trust have introduced two new requirements into the Biodiversity Benchmark Criteria, covering making provision for access and wellbeing, and reducing pesticide use in line with NetZero by 2030.

3. Access and Wellbeing

- Equality, Diversity and Inclusion are important to us at GGP, and we continue to strive to make our events as widely accessible as possible. This year we fed into a wider Sussex Wildlife Trust review of EDI led by Equality Consultant, Derek Hooper.

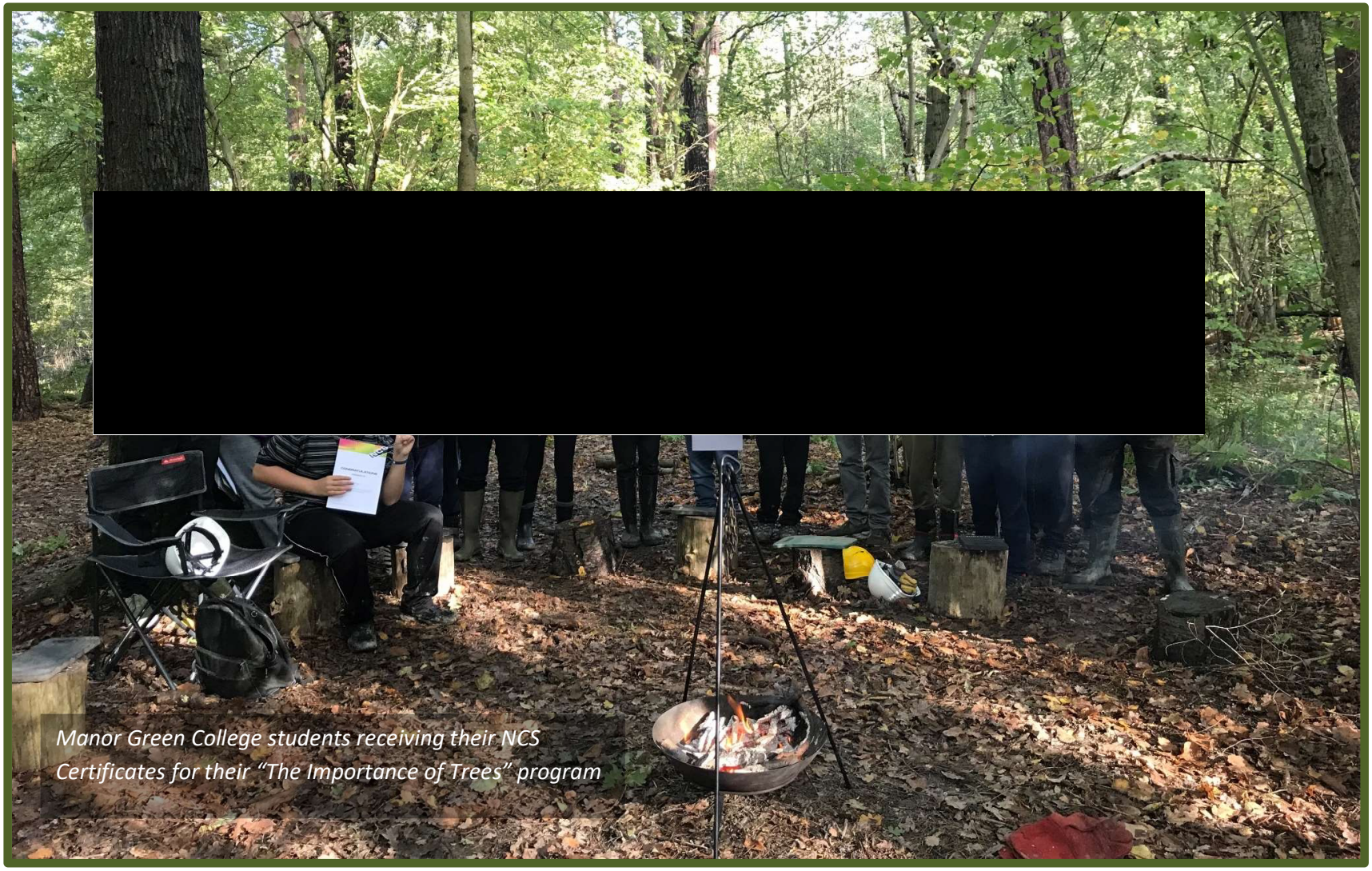
- We have fed into discussions with Thought – Full, West Sussex Delivery group –Mental Health Support services in Schools to better understand wellbeing issues for young people.

- Early in the year we met with Wyld Mothers Fires to explore partnership working– a group currently operating in Brighton, who want to provide time in Nature for Mothers and their children in Crawley. After attending a Nature Tots session and discussing whether we could host the group at Tilgate, we are delighted to say that two people from the organisation are now investing in Forest School Leader training with us and SWT this March, after which they will be using their Forest School training to support mothers wellbeing and nurture babies in nature, once a week at the Hawth woodland area in Crawley.

- We delivered three bespoke events for Allsorts, an LGBTQ youth organisation . These were for groups of gender questioning and transitioning young people and their families. We aim to provide a safe space for families to share their experiences and enjoy Tilgate Park together. The sun shone on April, October and February dates and Tilgate Park proved the perfect place for the groups to learn fire lighting techniques, tune into their senses to connect with nature and get creative with natural materials. A quote from one parent after playing a game where you meet a tree blindfolded: “As an adult, putting my trust in my child to lead me through the dark has been a very powerful experience”

- Building on our relationship forged with Manor Green College through Youth Rangers, we met with Nicky Bagilohole of Concordia National Citizen Service to plan a series of events titled “the importance of trees” for a group of SEN Students from Manor Green College, Crawley. We donated two Rowan trees from the Gatwick Woodlands and gave advice on planting and aftercare of the trees on school grounds. We delivered the final sessions in this series of events, in the Gatwick woodlands in November. The pupils learnt all about woodlands, carried out some practical coppice management and Henry

Smith, MP for Crawley, attended to hand out certificates for the students. Our blog on this project and the importance of trees for wellbeing can be found in the social media section.



Manor Green College students receiving their NCS Certificates for their "The Importance of Trees" program

- We embarked on supporting Mark Newton (Lederman Trainee) in delivering 7 Forest School sessions with an ESOL (English Speakers of Other Languages) group from Crawley college. These foreign language students are 16+ and are refugees from around the globe. Vulnerabilities, cultural and communication barriers presented a challenge for everyone but the group really enjoyed the sessions which were extremely valuable and developed confidence, learning and development all round. This provision was offered for free, but its value has been acknowledged by the college who have booked and are paying for another block of 5 sessions for another group in Spring 2023

- In May we welcomed a new Nature Tot who is extremely clinically vulnerable and has spent much of her life at Great Ormond Street hospital. Whilst Covid may have moved to the back of many people's minds, we have remained cautious with protocols and this outdoor provision was deemed a safe option for attendance, providing valuable opportunities for both mother and daughter to gain confidence and resilience with other pre-schoolers this year. This Tot has now moved on to school and graduated to our Wildlife Watch group attending her first session when we resumed in March.

- We delivered a digital detox day in October for Sussex Wildlife Trust Legacy pledgers who joined us at Tilgate Park for some quality time around the campfire and to find out more about Forest School ethos and activities.

- Volunteers from Volker Fitzpatrick helped us to build a new set of steps to improve access along the Sussex Border Path along the River Mole at Gatwick. They worked with our Volunteer Reserve Managers and one of our Youth Rangers looking to advance his skills and experience further.

3. Volunteering

Volunteers play an invaluable role in the work of the Gatwick Greenspace Partnership. This financial year volunteers have committed a total of 4,543.5 hours of their time to assist with events, education and conservation across the project area.

- The GGP midweek volunteers carried out 40 practical tasks and contributed 1782 hours.
- The Friends of St Leonard's Forest (FOSL) led by GGP, volunteer once a month on behalf of Forestry England, and have contributed 243 hours and 8 sessions to the total this year.
- The Horley Conservation Group (HCG), help to manage Horley's green spaces in partnership with RBBC and HTC and have contributed 337.5 hours of their time across 10 tasks this year.
- Education volunteers have contributed 414 hours of their time to help with events and education and Youth Rangers have volunteered 76 hours over the last year.
- The remaining 1691 hours were contributed by Gatwick Airport's Volunteer Reserve Managers, Corporate volunteers and community groups.

Some examples of the work carried out by our conservation volunteers this year include:

- On behalf of Horsham District Council, our volunteers spent several days in summer dismantling and rebuilding a 30 meter section of a wooden boardwalk on the western edge of Owlbeech Woods. This allows year-round access to this otherwise boggy part of the Heathland.
- On behalf of West Sussex County Council, we repaired a section of steep steps leading up to the Worth Way near Rowfant. Combined with clearing some drainage channels along the Worth Way to reduce the risk of flooding in the nearby car parks, this work will all improve access for the local community.

- On behalf of Mole Valley District Council, we spent several days working at Inholm's Clay Pit Local Nature Reserve near Dorking. We cleared around some fruit trees in a neglected orchard area which were disappearing under a mass of Brambles, cleared a large amount of scrub from a steep bank at one end of the reserve to maintain bare-soil habitat important for invertebrates and reptiles, and created a number of scallops along the edges of the encroaching tree-lines to create more diverse edge habitats and improve light levels into the woodlands.

- Thinning the number of young Sycamore saplings in Scotchman's Copse, a part of the Riverside Green Chain in Horley, owned by Reigate and Banstead Borough Council, will gradually improve light levels in the woodland allowing spring flowers and ground flora to flourish, creating more food for pollinators throughout the year.

- Cutting and clearing non-native Cherry Laurel and *Rhododendron ponticum* from Broadfield Park and Goff's Park in Crawley (owned by Crawley Borough Council) to help to increase light levels and create more space for native plants.

- Coppicing Alders and Willows around Maidenbower ponds (owned CBC), helps to improve light levels around the ponds and reduce the number of leaves adding to the silt layer in the ponds each year, as well as stimulating fresh growth from the cut stumps.

- Besides the work that our own volunteers have carried out across the project area this year, we have given advice to groups of local residents and self-led volunteers in Horley, Maidenbower, Copthorne and Tilgate on how to create and maintain areas for wildlife, such as preparing and then sowing a number of small wildflower patches for pollinators in Horley.

Volunteers repairing a boardwalk in Owlbeech Woods, Horsham.

5. Gatwick Airport

Through the partnership between GGP and Gatwick Airport, volunteers have contributed 1691 hours of their time to carry out conservation tasks on Gatwick's biodiversity sites, on land owned by local authority partners, and helping to run education events. We have delivered 60 conservation volunteering days onsite at Gatwick, all of which helped to manage the Airport's habitats towards The Wildlife Trusts Biodiversity Benchmark Award. All these events were attended by our ever-committed Volunteer Reserve Managers (VRM's) whom have given 818 hours of their time. As well as their practical skills the VRM's have supported one-off corporate volunteering events.

Corporate volunteers accounted for 512 hours of volunteer time. Companies who have volunteered include: Gatwick Airport Ltd, Nestle, Volker Fitzpatrick, Colas, UKPowerNetworks, Amadeus, Total Energies & Gas Ltd, & B&CE. The Remaining 361 hours was contributed by education volunteers and community groups.

The skills and experience of VRM's along with the hard work and larger numbers of corporate volunteers, and occasional contractors has allowed us to tackle some interesting new projects as well as the regular essential maintenance tasks. Highlights include:

- A new site; Westfield Stream, which sits to the north west of the airfield has been included in the Gatwick Biodiversity Action Plan this year. Following baseline assessments and reptile surveys by Gatwick's Biodiversity Officer the VRM's have begun managing areas of bramble and willow scrub to improve the site's condition for the Grass Snake population.

- Helping to open and maintain new bird ringing rides in the North West Zone.

- A combined effort by two groups to control soft rush in The Gatwick Stream Flood Attenuation site. Initially using scythes to knock back and slow growth of the dominant plant in the summer, followed up by digging out during the winter months.

- Corporate volunteers, contractors and volunteer reserve managers have all worked extensively on Goat Meadow; creating new areas of grassland by removing tree's with tree poppers and sewing a wildflower seed mix.

- We have used a combination of hedge-laying, coppicing and scalloping edges of grasslands to create broad transitions of woodland edges in the Gatwick Woodlands and River Mole.

- Planting and protection of disease resistant Elms on the River Mole and Gatwick Stream.

- Through corporate volunteering we have run a further 6 conservation and community engagement events offsite including regular maintenance at Crawters Brook Peoples Park through the Partnership with Manor Royal Business Improvement District and supporting Charlwood and Hookwood Village *"Spring Clean"* litter picking events.

- We ran well attended Coppicing and Hedgelaying courses in the Gatwick Woodlands. Advertised through SWT and attended by various small wood owners and people with a general interest, we were able to teach traditional skills, promote conservation best practice and encourage positive habitat management outside of our usual working area, while achieving bio-diversity targets onsite. Materials harvested on the coppicing course, were used for stakes and binders, and we continued hedge-laying thorough out the winter season with participants from the course becoming regular volunteers on the Gatwick Estate.

- We have facilitated an extensive programme of Forest School delivery onsite at Gatwick for the Gatwick School. Following initial work by the Gatwick Greenspace Partnership Officer and Volunteer Reserve Managers to set up a site and provide resources, the school have been able to walk to the woods and have held a total of 15 days of activities for a small cohort of Special Educational Needs (SEN) pupils. This has really gained traction and on the last two days of term every pupil from year 5 was able to experience Forest School. This demonstrates the success of their Forest School program, through partnership with GGP, which started with one teacher and a select small group of SEN pupils.

- As well as Forest School education, The Gatwick School group have worked with GGP directly on several conservation tasks including building a footpath into the woods.

- We have continued to work with Oakwood school in Horley, helping to advise and provide resources (such as firewood) for their Forest School programme for secondary school age children. We also delivered a guided walk in the Gatwick Woodlands, looking for summer wildlife. We helped year 7 & 8 pupils to see their first Grass Snakes, as well as Voles and a Sparrow Hawk.

- Using the litter picking equipment purchased by Gatwick Airport, we worked with Charlwood and Hookwood Parish Councils on their annual spring clean events in local green spaces. We helped to identify suitable sites, provided litter pickers and bin bags, directed volunteers, and helped identify and record wildlife.

- We have been joined by Sussex Wildlife Trust's Lederman trainee's regularly to help with their training and hosted staff from Rye Harbour Nature reserve to shadow corporate events with a view towards running these at Rye in the future.

Students from the Gatwick School building a footpath though Upper Pickets Wood

- As the closest school to the airfield, we've been working with Charlwood school to organize visits for their Year 4 pupils to the River Mole at Gatwick, modelled on a 'Schools on Reserves' template. Each child has been working towards the John Muir Award by discovering more about the site and its wildlife, carrying out practical work to help us conserve it and sharing what they've done with the rest of the school. We are hoping to offer this program to other local schools moving forward.

6. Education, Events and Community

123 events were delivered this year. This involved engagement with 1811 people from our community including 926 attendances of children and young people up to the age of 16 and 885 people aged 16+

This financial year:

- We ran the Youth Rangers (16-25 yr olds) group at Tilgate Park term time twice monthly throughout the year with a total of 17 sessions carrying our practical conservation tasks and work for wildlife.

- We said goodbye to one of our long term Youth Rangers who left us to start an Internship with the RSPB. " I am very sad to have to tell you that I won't be able to come to Youth Rangers for the time being ☹ I will actually be leading a work party on a Wednesday through my new internship, and am sure that I'll be using all the skills I've learnt through SWT and yourself." Daniella
  Whilst we were sorry to see Daniella go, we are very happy to have helped her develop skills and confidence to help her in a conservation career.

- We also strengthened our relationship with Crawley College. Aside from the Forest School provision, we delivered 2 further bespoke Youth Rangers sessions for ESOL learners who carried out heathland habitat maintenance and also used materials from hedge trimming to create a Willow tunnel for use by our Nature Tots group.

- We were thrilled to see the return of one of our long term Wildlife Rangers – our first to go on to join the Youth Rangers group. We endeavor to offer a journey of connection with nature for young people from pre-school to adulthood and David has been with us since the age of 12. David King who you may remember previously won the David Streeter award for his contributions with GGP and his wildlife photography has continued to utilize his photography skills with us and was instrumental in filming and editing a brilliant video created by Youth Rangers on litter picking this year. This video can be viewed via the link to this blog, in the social media section of this report. Don't miss the great feedback from the public which can be viewed at the end of the blog.

- Our relationship with local colleges goes from strength to strength. In 2019, Gatwick Greenspace Partnership Youth Rangers welcomed their first attendee from Manor Green College; a special needs school based in Crawley. Word spread fast about the benefits, and by March 2020 a more formalized relationship was forged with the college with 3 students regularly gaining valuable work experience as part of the Youth Rangers offer. Since then a number of students have joined us from the college. We currently have four regular attendees along with one former student who has chosen to continue volunteering after finishing school.

- Wildlife Rangers (for 12-16yr olds) returned to both the Gatwick woodlands with 4 sessions, and Tilgate Park with 4 sessions. A total of 8 sessions for 12-16 olds. We offer a free event in Horley, sponsored by Gatwick in addition to costed sessions at Tilgate Park in school holidays. Highlights this year included celebrating Easter and finding new respect for birds and beaks with a one handed nest building challenge whilst experimenting with natural dyes to create patterns on eggs. We carried out Butterfly surveys as part of the National Butterfly count at Tilgate and reptile surveys at Gatwick. We imitated Beavers and created a dam to slow the flow in the Gatwick woodlands and were lucky enough to watch the first Common Frogs of the year spawning in the wildlife pond.

- August saw the return of Wild Wanderers Bushcamp, a 4 day summer school for budding ecologists. Our group of 6 teenagers were a resilient lot, braving thunder storms for the first 2 days, but remaining cheerful whilst embarking on learning new skills like making mallets to help us put up shelters in the rain. We sought more cover in the barn to dissect Owl pellets. Having got

up close and personal with the skeletons of Voles, Mice & Shrews, we then put our small mammal trapping skills to the test. This resulted in the group making new friends named Gerald and Geraldine the Bank Voles. More scrumping of apples and foraging for blackberries resulted in a delicious fruit crumble on the last day and the week culminated in some Bat detecting as night fell.

- Nature Tot's (3-5yr olds) returned in Spring 2022 with 4 blocks running through the seasons with a total of 18 sessions. This year's highlights included setting Tots to work sowing seeds and digging compost in the wildlife garden, hunting stickmen, and Easter eggs and learning about the parenting methods of Cuckoos. Getting busy in the mud kitchen, buzzing about learning about Bees and picnicking with Bears that like honey. Never too young to practice survey techniques with sweep netting and smores. We said goodbye to a number of Tots now leaving us for school. Two of the group have been attending since birth, first as younger siblings and then fully fledged Tots. It has been a joy to watch their connection with nature grow over the last five years.

- Wildlife Watch (5-11 year olds) remains hugely popular, regularly selling out within a day of booking becoming available. We resumed with 9 monthly sessions this year at Tilgate Park. The attendees included a mix of 7 new attendees and 13 returning tots all continuing to develop a passion for nature with long term repeat engagement. Highlights included crafting of some amazing Frog, Dragonfly and Owl sculptures made from clay, Willow and other natural materials, honing our survey techniques with pond dipping and sweep netting, sipping Nettle tea, and practising mindful moments using our sit spot techniques.

- This year we have worked directly with representatives of 26 schools within our project area in some capacity, whether giving advice, training, improving school grounds for wildlife, running educational events, or connecting them with their local greenspaces. See schools map attached at the end of this report for a list of these schools.

Some highlights from schools' engagement include:

- We spent a day in May with Maidenbower Junior school, Crawley working with 150 children across the day, mapping and mulching sapling naturally seeding in their Forest School area. Over the past few years we have supported this school with advice, last year rejuvenating a pond, and bringing in Youth Rangers to help them with hedge planting in 2015, with the creation of an area for wildlife. Sam Roberts – Communications Officer at SWT, supported on the day with some drone footage to help the mapping and recording process. You can find the link to blog and video under the social media section of the report.

- In the interest of connecting schools with their local greenspaces, we spent a day in September with Cottesmore school, Crawley at Buchan Park. 47 children walked to site looking for tracks and signs of wildlife before making charcoal, Elder pencils and charcoal art inspired by and created from their surroundings.

- In October 60 children from The Oaks Primary school, spent two days at Tilgate Park again walking to site from school before embarking on nature crafts, shelter building and fire lighting activities.

- We worked with 22 students from Oriel school to improve their wildlife garden area; building a weaved hurdle from freshly coppiced materials. We will be going back in the Spring to help them plant up some wildlife friendly hedgerow species and potentially creating a pond.

- We worked with a group of 12 parents, 4 teachers and 5 pupils from Copthorne junior school to help regenerate their school pond.

- After a day of pond maintenance with Youth Rangers had to be cancelled due to the pond being frozen in February, a site visit and further advice has been given to St Margaret's Primary school on how to engage the entire school with using the pond as a resource for science week and how they can help to maintain the pond themselves moving forward.

- Forest School training has given us a broader reach this year. We have assisted with 15 days of Forest School training with 35 teachers and outdoor practitioners from around the county, including some in the GGP area. We have also attended 2 supportive mentoring days and 3 observations including Worth School, Crawley and Meath Green Juniors, Horley.

- Having compiled a list of 90+ Forest School Practitioners – trained with SWT – in our area, we have reached out to them all. In February we hosted our first Forest School Practitioners networking day exclusively to support leaders working within our project area. 13 Forest School Leaders from nurseries, schools and colleges joined us for a day at Tilgate Park. This has strengthened connections between our project and schools in our area promoting discussions on how we can assist with

development of schools grounds, skill sharing, and advice as well as creating a community of learning so that the group can help support each other moving forward. We hope to provide further opportunities for networking moving forward after receiving great feedback from the day:

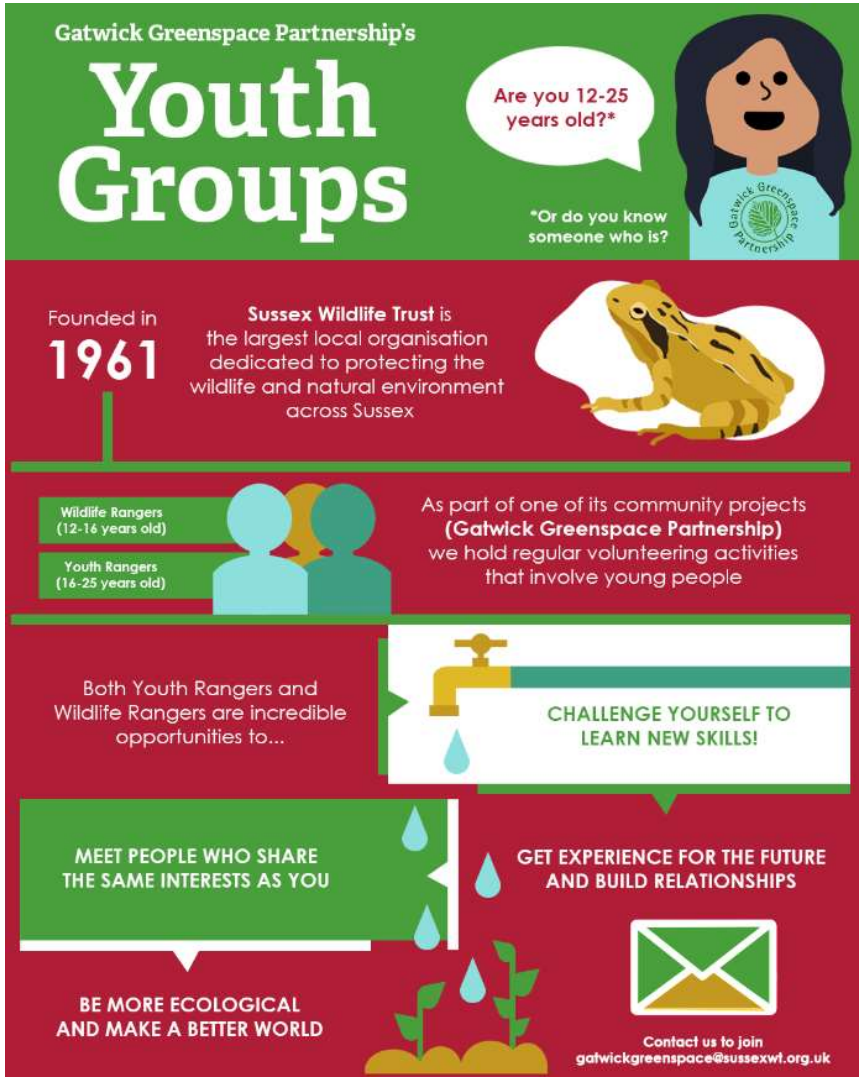
"Many thanks for organising the networking day - I really enjoyed attending. To be honest, it was nice to have the opportunity to meet other leaders and stay connected, share ideas and have some quiet time in the woods to re-set after a busy week / term."
Jennifer from The Mill School, Ifield

"Love the info/email and loved the day to connect with others! Thanks so much." Rebecca from Leafy Learners, Leigh, Dorking.

"The bird feeders have been a great success! Enjoyed the activity and great to meet and talk to likeminded Forest schoolers out in the community." Sally from Rusper Primary school.

7. Social media and Publicity

- In May, after volunteering on a bespoke Youth Rangers session and as part of her diploma in media studies, a student from Crawley College has completed designing a suite of social media including video, posters, and posts for Facebook, Instagram and Twitter to promote GGP youth groups.



- GGP's social media channels are updated regularly with wildlife photos, events and information. Co-ordination of social media has improved since December when we engaged a new Communities and Wildlife Volunteer – Rhian Minter Owen – to help with social media output, one day a week. This is an effective way to communicate with our audience which is currently 1148 followers on Facebook and 742 followers on Twitter.

- We contributed to a number of SWT blogs across the year.

- A blog promoting Nature Tots across the county can be found here:

[redacted]

- We wrote a blog about Youth Rangers who produced a great video on taking action against litter. Both can be found here:

[redacted]

- We wrote a blog about our day of mapping natural regeneration of trees at Maidenbower Junior school. Video and blog of the day can be found here:

[redacted]

- We wrote a blog on our recent work with NCS and Manor Green College which can be found here:

[redacted]

8. Income and Expenditure

Having reviewed the actual income and expenditure for year ending 31st March 2023, along with receiving confirmation from most funding partners as to the amounts they will continue contributing to the project, we are in a position to present a more accurate budget for the coming year.

Due to rising costs and the fact the project has been running at a loss for several years, the budget presented in October anticipated just £5000 held by the project by April 2024. This prompted increased efforts by GGP Officers and funding partners to raise funds. Additional education events, corporate volunteering and courses have increased the project income. An additional £5000 was donated by Gatwick Airport's Environment, Health & Safety team, with a further £333 from a Waitrose community fund to support our Youth Rangers group.

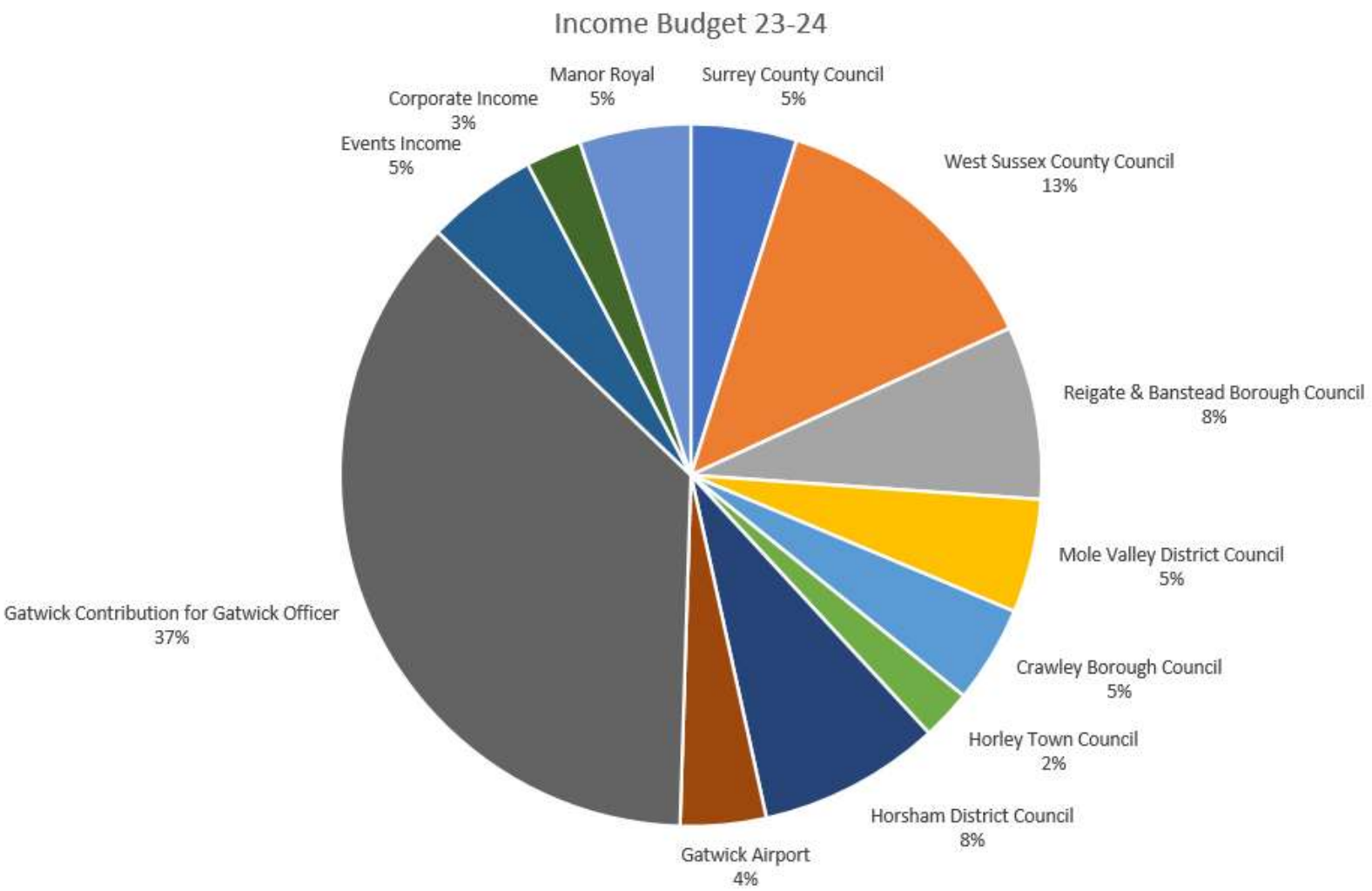
£4167 has been reallocated to Gatwick Greenspace Partnership. These funds were earned by the project in 22/23 from Manor Royal Business Improvement District Sponsorship but did not show in the balance sheet due to an error with the codes internally. This increases the funds held to take into 23/24.

Due to difficulties in finding a suitable contractor, we have been unable to install a charge point for the new electric vehicle this year, so the £1500 allocated for this has been carried over into the 23/24 budget. Much less than was allocated has been spent on staff training, however, renewals of essential training such as First Aid and Chain Saw certificates is due every three years, so we anticipate a larger spend in the coming year.

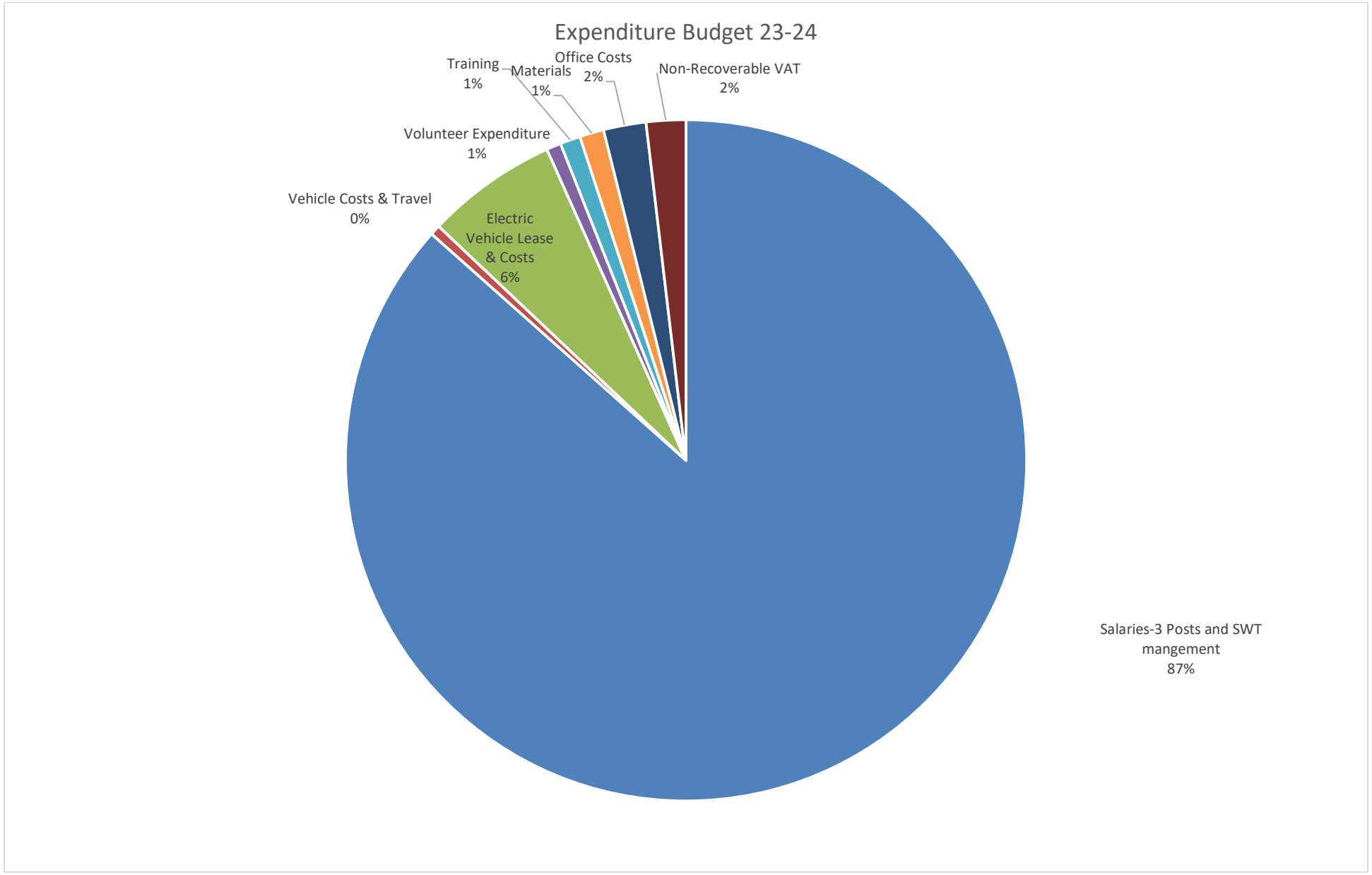
Gatwick Greenspace Partnership
26.4.2023

Forecast Budget 23-24

Income	2022-2023 Actual	Budget 2023-2024
Surrey County Council	£4,750	£4,750
West Sussex County Council	£11,746	£12,921
Reigate & Banstead Borough Council	£7,766	£7,766
Mole Valley District Council	£5,109	£5,109
Crawley Borough Council	£3,697	£4,364
Horley Town Council	£2,033	£2,250
Horsham District Council	£7,395	£8,200
Gatwick Airport	£3,499	£3,849
Gatwick Contribution for Gatwick Officer	£34,042	£35,744
Events Income	£6,208	£5,000
Corporate Income	£5,373	£2,500
Manor Royal	£5,000	£5,000
Grants Income		
Total Income	**£96,619**	**£97,453**
EXPENDITURE		
Salaries-3 Posts and SWT Management	£90,917	*£90,302*
Vehicle Costs & Travel	£364	*£509*
Electric Vehicle Lease & Costs	£9,754	*£6,516*
Volunteer Expenditure	£601	*£718*
Training	£160	*£1,000*
Materials	£1,086	*£1,200*
Office Costs	£1,813	*£2,100*
Non-Recoverable VAT	£2,001	*£1,663*
Total Expenditure	**£106,696**	**£104,308**
Funds held at 01/04/22(Actual) & 23 (Forecast)	**£41,118**	**£35,208**
adjustment in year to correct Manor Royal income 21/22	£4,167	
Overall Movement of funds	-£10,077	-£6,855
Funds held to carry into following year to Retain 3 month running costs for contingency (£28,600 approx.)	**£35,208**	**£28,353**



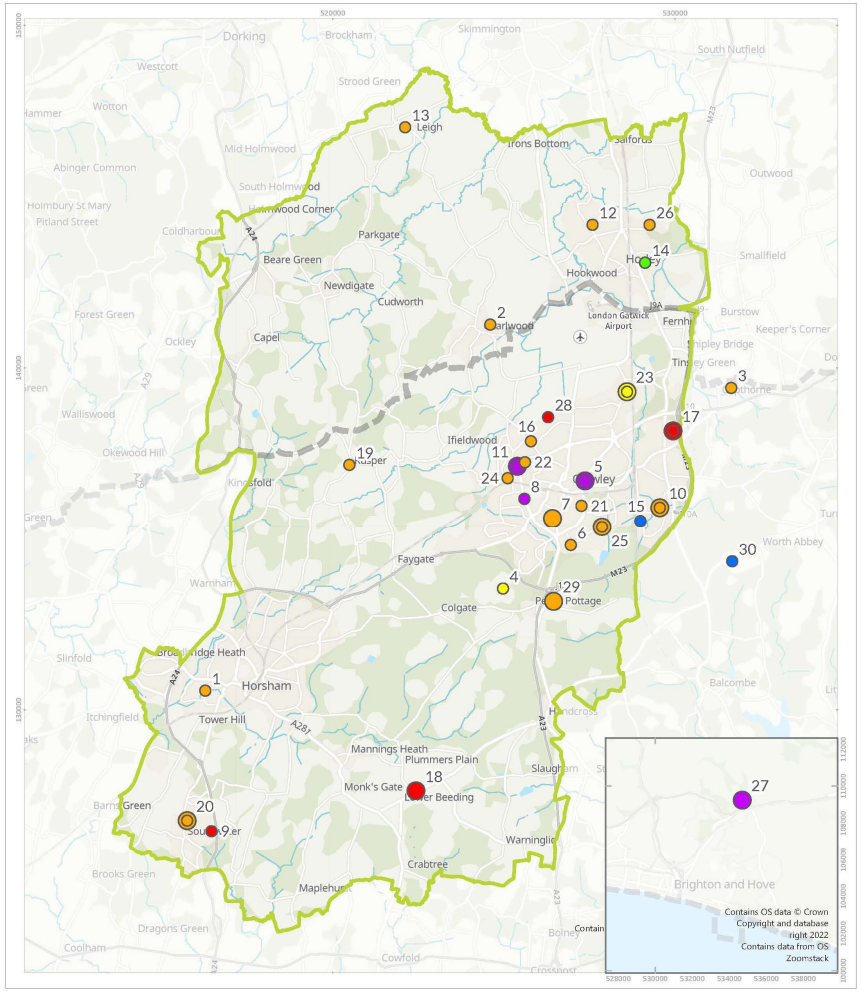
Overall, the partnership finances are in a much healthier position, however they are still not currently on a sustainable footing, with expenditure exceeding income from partner contributions. One-off donations, grants and event income support the project in the short term, but we will need to work with steering partners to explore additional funding streams and opportunities to increase income further in the longer term.


Expenditure Budget 23-24
Training 1%
Materials 1%
Office Costs 2%
Non-Recoverable VAT 2%
Volunteer Expenditure 1%
Vehicle Costs & Travel 0%
Electric Vehicle Lease & Costs 6%
Salaries-3 Posts and SWT mangement 87%

Number	School	Category	Apr 21 - Mar 22	Apr 22 - Mar 23
1	Arunside Primary	Primary		/
2	Charlwood Primary	Primary		/
3	Copthorne CofE Junior School	Primary		/
4	Cottesmore school	Primary & Secondary		/
5	Crawley College	16+	/	/
6	Desmond Anderson	Primary		/
7	Hilltop Primary school,	Primary	/	
8	Ifield Community College	16+		/
9	Little Barn Owls FS Nursery	Pre-school		/
10	Maidenbower Junior School	Primary	/	/
11	Manor Green College	16+	/	/
12	Meath Green Junior School	Primary		/
13	North Downs Primary	Primary		/
14	Oakwood School	Secondary		/
15	Oriel High school	Secondary & 16+		/
16	Our Lady Queen of Heaven Catholic Primary School	Primary		/
17	Pound Hill Toybox	Pre-school	/	/
18	Rabbit Patch Day Nursery	Pre-school	/	
19	Rusper Primary school	Primary		/
20	Southwater Primary school	Primary	/	/
21	St Francis of Assisi Catholic Primary School	Primary		/
22	St Margarets Primary school	Primary		/
23	The Gatwick School	Primary & Secondary	/	/
24	The Mill School Crawley	Primary		/
25	The Oaks Primary	Primary	/	/
26	Trinity Oaks Primary school	Primary		/
27	University of Sussex	16+	/	
28	Willow tree pre school	Pre-school		/
29	Woodgate Primary school	Primary	/	
30	Worth School	Secondary & 16+		/

Gatwick Greenspace Partnership
Schools Engagement April 21 - March 23

Sussex Wildlife Trust
sussexwildlifetrust.org.uk



Annexure 2

Terms of Reference

Gatwick Greenspace Partnership Terms of Reference (agreed January 2012)

1. The current funding partners for the Gatwick Greenspace Partnership are identified as SCC, WSCC, MVDC, RBBC, CBC, HDC, HTC, Gatwick Airport Ltd and Sussex Wildlife Trust (SxWT). These all provide core funding to the partnership and have representation on the Partnership's Steering Group. "Funding" can be a cash contribution or can be made either partly or wholly in-kind, with the Steering Group's approval.

2. A formal steering group meeting must be held twice a year, to discuss budgets, work under progress and potential future areas of activity. Each of the funding partners has only one vote, regardless of the number of representatives present at a meeting. The Steering Group must have representatives from at least 5 different partners, including at least three Members, to be quorate. If a meeting is not quorate, an attempt to make decisions subsequently via email /on line contact should be made, or if this is not possible, delayed until the next meeting.

3. The decision making process at the Steering Group meetings is normally by consensus, but in the event of disagreement, a matter can be put to a vote. In the event of a split decision, the Chairman of the Steering Group has the casting vote.

4. The Chairman, who must be a Member representative, should be elected by the Steering Group, to serve a two year term. The Chairmanship should rotate around the partners, ideally alternating from a Surrey partner to a Sussex one and vice-versa. The term of office can be extended for the maximum of a further year by the agreement of the Steering Group. If more than one nomination for the office should arise, the Steering Group should vote on the alternatives. If a Chairman has to stand down for any reason during his term of office, then a new Chairman should be sought for a new two year term in office.

5. In the case of local authority partners, they can nominate up to two elected members and two officers to represent their interests at the GGP steering group meetings. At least one member and one officer should endeavour to attend each meeting.

6. Gatwick Airport (and any other organisations and agencies that may commit to being a funding partner - e.g. another business, Forestry Commission, Surrey Wildlife Trust) has the right to nominate two representatives to attend steering group meetings.

7. SxWT would not normally take an active role in Steering Group discussions as their views are represented by the GGP staff attending the meetings. If SxWT has particular concerns about an agenda item, then it would retain the right to vote, through the attendance of the Chief Executive or his proxy, the Head of the Community Wildlife department and this intention declared at the meeting.

8. New funding partners would gain a full right and representation equivalent to any of the existing Partners. If existing funding partners completely withdraw their funding they could remain as observers at meetings, at the discretion of the Steering Group.

9. Representatives from other organisations can attend by invitation, but do not possess any voting rights.

10. If the steering group agree the Annual Work Programme at the spring Steering Group meeting, this, in effect, acts as the service level agreement between GGP and the partners.