



Gatwick Airport Northern Runway Project

Response to the Examining Authority's Written Questions
(ExQ2) – Compulsory Acquisition and Temporary
Possession

Book 10

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1 Response to the Examining Authority’s Written Questions – Compulsory Acquisition and Temporary Possession

1.1.1 The below table sets out the Applicant’s response to the Examining Authority’s Written Questions relating to Compulsory Acquisition and Temporary Possession.

ExQ2 Question to: Question:		
COMPULSORY ACQUISITION AND TEMPORARY POSSESSION		
CA.2.1	Gatwick Green 1 Limited	<p>Permanent acquisition of land Please expand on the statement made in section 2.0 of ‘<i>Comments on the Applicant’s second update to the Land Rights Tracker</i>’ [REP6-125] insofar as the extent of land sought for permanent acquisition is considered excessive.</p>
		<p>N/A – this question is not directed at the Applicant.</p>
CA.2.2	Applicant	<p>Gatwick Green 1 Limited In respect of the proposed agreement with Gatwick Green 1 Limited (GG1), please confirm how the land located outside of the proposed Order limits is to be secured? Is it necessary to extend the existing red line boundary to include this land?</p>
		<p>The solution outside of the Order Limits referred to by GG1 is about operational commitments from both GAL and National Highways rather than any additional development. No change is required to the draft DCO (Doc Ref. 2.1 v9), including the extent of the Order Limits and the Land Plans [REP5-015], to provide deliver this solution. The Applicant and GG1 have an in-principle agreement and are progressing the legal agreements to document the details.</p>
CA.2.3	Applicant	Gatwick Green 1 Limited

		<p>Please signpost to comments made in respect of the draft protective provisions submitted by GG1 as part of their Relevant Representation [RR-1500]. If no response has been made, please review, and respond accordingly.</p> <p>For context, the protective provisions proposed by GG1 in their Relevant Representation [RR-1500] related to protecting GG1's access to their property and duties on both parties to co-operate in the delivery of the Project as well as indemnity and arbitration provisions.</p> <p>The Applicant refers to Table 3.39.1 in the Relevant Representations Report [REP1-048], particularly the Applicant's following response: "<i>GAL notes the draft protective provisions appended to GGL's Relevant Representation. GAL is continuing to discuss with GGL the best way of addressing its concerns in the context of the works proposed. It is hoped that reassurance can be provided or practical arrangements can be implemented to avoid the need to incorporate protective provisions in the DCO, particularly given that GGL is not a statutory undertaker and in light of the nature of its interests.</i>".</p> <p>This remains the Applicant's position, as it is considered that GG1's concerns, and the provisions contained within the protective provisions that were appended to its relevant representation [RR-1500] are being adequately addressed (and indeed are more appropriately addressed) by way of the voluntary agreement. As noted in CA.2.2, GAL and GG1 have an in-principle agreement and are progressing the legal agreements to document the details.</p>
CA.2.4	Applicant	<p>Permanent acquisition of land</p> <p>In Table 1-1 of NH's '<i>Comments on any Submissions Received by Deadline 5</i>' [REP6-114], in respect to the need for the permanent acquisition of land which already forms part of the existing Strategic Road Network (SRN), NH have maintained their position that the blanket and broad approach to compulsory acquisition is unjustified and non-compliant with the Government's guidance on compulsory acquisition.</p>

		<p>Please provide additional plot specific justification as to why temporary powers would not suffice for the land in question.</p>						
		<p>Protective provisions for the benefit of National Highways are included as Part 3 of Schedule 9 to the draft DCO (Doc Ref 2.1 v9). This includes provisions in paragraph 18 that restrict the Applicant from exercising any of its compulsory acquisition powers without the consent of National Highways.</p> <p>For the reasons previously explained in the Statement of Reasons (Doc Ref. 3.2 v3), the Applicant considers its approach to proportionate and justified (and in line with the Government's guidance) and particularly when seen in the context of the protections afforded by the protective provisions described above. However, this general position notwithstanding, in an effort to resolve the matter and the concerns expressed, the Applicant has continued its discussions with National Highways and now proposes to seek only powers of temporary possession and permanent rights over those parts of the strategic road network (SRN) which will remain part of the SRN following the delivery of the Project and which are owned by NH. The powers relating to permanent rights are required to ensure that the Applicant can provide the necessary rights to utility companies to access and maintain assets within/ underneath the highway boundary where this is required, once the works have been completed but before the Applicant vacates the land and the highway authority is once again responsible for maintenance.</p> <p>A new colour has been introduced to the Land Plans "Green: Land subject to Permanent Acquisition of Rights (presumed highway)". Note that temporary possession powers apply to the full extent of the Order land.</p> <p>The table below shows the categorisations that have been relied upon in determining which plots should go "green" in the revised Land Plans (Doc Ref. 4.2 v4). There are a number of specific areas where a bespoke approach has been taken and these are explained below the table.</p> <table border="1" data-bbox="477 1332 2080 1377"> <thead> <tr> <th data-bbox="477 1332 1057 1377">Description of Plots</th> <th data-bbox="1057 1332 1413 1377">Powers sought</th> <th data-bbox="1413 1332 2080 1377">Explanation</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Description of Plots	Powers sought	Explanation			
Description of Plots	Powers sought	Explanation						

	<p>Plots that are:</p> <ul style="list-style-type: none"> designated as SRN owned by NH or GAL will definitely be designated SRN. 	Green – Rights only sought	GAL is confident that it will not need to acquire the freehold of these plots; powers to acquire rights have been retained in relation to utilities however the use of this power is subject to NH's approval under the PPs.
	<p>Plots that:</p> <ul style="list-style-type: none"> are adopted local highway are owned by a local highway authority or GAL will definitely be adopted highway by the same authority 	Green – Rights only sought	The LHAs have requested similar protections to those of NH. We have therefore taken the same approach with the highway adopted by the LHAs.
	<p>Plots that:</p> <ul style="list-style-type: none"> are designated as SRN are owned by NH will or may be adopted local highway and transferred to a local highway authority. 	Pink – CA powers sought	For plots it has not been determined yet which highway authority will be adopt the highway, GAL requires the power to acquire the freehold to allow it to transfer the freehold to an alternative highway authority as this is expected to be a pre-condition of adoption. This would apply where plots are currently part of the SRN but will be de-trunked as part of the authorised development. These plots will therefore move from being adopted by NH to being adopted by the relevant local highway authority.
	<p>Plots that:</p> <ul style="list-style-type: none"> are adopted local highway are owned by a local highway authority 	Pink – CA powers sought	This is the same as above but in relation to plots currently adopted as local highway.

		<ul style="list-style-type: none"> will or may be transferred to a different local highway authority or NH. 		
		<p>Plots that:</p> <ul style="list-style-type: none"> are adopted highway are owned by NH/LHA will or may not be adopted highway i.e. will be stopped up 	<p>Pink – CA powers sought</p>	<p>For plots which are currently adopted but may not form part of the adopted highway following the completion of the surface access improvement works, power to acquire the freehold allows GAL to transfer the land to appropriate owners (which may be NH or the LHAs if requested) rather than the freehold simply reverting to the owner of the subsoil or the owners of the adjoining properties.</p>
		<p>Plots that:</p> <ul style="list-style-type: none"> are designated adopted highway have uncertainty about the current ownership or owned by a third party 	<p>Pink – CA powers sought</p>	<p>There are a number of plots, generally at the edges of the roads, where the current ownership is uncertain. We are aware that NH is currently carrying out an audit which would provide additional clarity about some of these plots but that such exercise will not be complete until after the close of the examination. Power to acquire the freehold allows GAL to acquire the land if it turns out that it is not owned by NH or a LHA.</p>
		<p><u>Detail on specific areas</u> North Terminal Roundabout Area – currently there are a number of highway authorities who have adopted land in this area and there is likely to be the most change in authority over plots as a result of the works. The</p>		

		<p>final highway boundaries will not be determined until detailed design has been carried out and the extent of the lanes and the control of the signalisation has been determined. As such, GAL proposes to retain the power to compulsorily acquire the freehold of these plots (subject to NH approval under the PPs) to allow it to transfer land between the authorities as required after delivery.</p> <p>Bridges over the railway, Balcombe Road B2036 and Peeks Brook Lane – the complexity of the current ownership in these areas and third party interests which interact with the bridges mean that GAL proposes to retain the power to compulsorily acquire the freehold of these plots (subject to NH approval under the PPs) to allow it to ensure that the scheme can be delivered.</p> <p>Verges – there is less certainty in the existing ownership and of the future designation of the verges of the existing highways so GAL proposes to retain the power to compulsorily acquire the freehold of these plots (subject to NH approval under the PPs) to ensure that highway authorities aren't left with redundant plots and land which is no longer adopted can be transferred to an appropriate owner.</p> <p>The Applicant has extended this same principle to the highway adopted by the local highway authorities as explained in response to ExQ2 CA.2.8. An updated version of the Land Plans (Doc Ref 4.2 v4) and the Book of Reference (Doc Ref 1.3 v5) are submitted at this deadline to reflect the change. Schedule 7 of the draft DCO (Doc Ref. 2.1 v9) has also been updated to reflect this approach.</p> <p>Plots for which National Highways are the highway authority over, which the Applicant is only seeking powers of temporary possession and permanent rights are: 1/138, 1/138A, 1/233, 1/242, 4/467, 4/474, 4/477, 4/480, 4/481, 4/486, 4/497</p> <p>Plots for which National Highways are the highway authority over, which the Applicant is continuing to seek powers of permanent acquisition and temporary possession are:</p> <table border="1" data-bbox="481 1332 2080 1418"> <tr> <td data-bbox="481 1332 1288 1418">Plots which are owned by a third party or where the land ownership is uncertain</td> <td data-bbox="1288 1332 2080 1418">1/138E, 4/467A, 4/467B, 4/474B, 4/474C, 4/486B</td> </tr> </table>	Plots which are owned by a third party or where the land ownership is uncertain	1/138E, 4/467A, 4/467B, 4/474B, 4/474C, 4/486B
Plots which are owned by a third party or where the land ownership is uncertain	1/138E, 4/467A, 4/467B, 4/474B, 4/474C, 4/486B			

		Plots which may not be highway adopted by National Highways following the construction of the authorised development	1/104, 1/216, 1/138B, 1/138C, 1/138D, 1/149, 1/150, 1/184, 1/193, 1/201
		Plots which interact with bridges	1/260, 1/261, 1/265, 1/267, 1/268, 1/270, 1/271, 1/273, 4/474A, 4/482, 4/486A
CA.2.5	Applicant	<p>Book of Reference</p> <p>A significant number of amendments/ additions were made to the Book of Reference [REP5-009] and [REP5-011] (BoR) at D5], with reasoning detailed in the Book of Reference – Schedule of Changes [REP5-013]. Whilst the ExA acknowledges the large size of the BoR, and accepts changes are inevitable, please confirm whether any further changes to the BoR of this magnitude are anticipated prior to the close of the Examination?</p> <p>It is further noted that in National Highways Deadline 6 Cover Letter [REP6-113], NH state that there remains a number of discrepancies in land parcels. Please confirm whether it is likely such issues will be resolved prior to the close of the Examination.</p> <p>The Book of Reference (BoR) will be submitted in final form at Deadline 9 as requested in the Rule 8 Letter [PD-011].</p> <p>A number of the changes made at Deadline 5 reflect the information provided to the Applicant by National Highways between Deadline 1 and Deadline 5; as such the Applicant does not expect the changes between the Deadline 6 and Deadline 9 versions to be of the same magnitude. The Applicant will, however, carry out the same due diligence process in preparing the BoR for Deadline 9; including any changes informed by third parties, and particularly to reflect changes to records at the Land Registry. As such, when considering the scale of the BoR and particularly the number of Category 3 interests recorded, the Applicant does consider further changes are inevitable.</p>	

		<p>The Applicant is continuing to work with National Highway to address their comments on the land parcels. There are a number of plots however where the status of particular land-interests is not sufficiently clear from the Land Registry or documents that the Applicant has been provided with to determine the position absolutely. Where this is the case the Applicant has taken a conservative approach and included all those who are known to potentially have an interest.</p>
CA.2.6	Applicant	<p>Engagement and communication Airport Industrial Property Unity Trust (AIPUT), Comments on the Applicant’s second update to the Land Rights Tracker [REP6-117] and Marathon Asset Management MCAP Global Finance (UK) LLP (MAMGF) , [REP6-128] have raised concerns regarding lack of engagement and/ or slow communication by the Applicant, particularly in relation to responding to correspondence and returning or sending documentation.</p> <p>AIPUT, Comments on the Applicant’s second update to the Land Rights Tracker [REP6-117] also noted that the status update provided in the Land Rights Tracker v3 [REP5-033] did not accurately reflect their position.</p> <p>The ExA acknowledges the scale of the Proposed Development but is keen to ensure effective engagement for all parties. Please advise if there are any specific barriers facing the Applicant in respect of continuing to undertake meaningful engagement and communication with Affected Persons?</p>
		<p>The Applicant firmly disagrees with this characterisation of its engagement generally and particularly with AIPUT and MAMGF. The Applicant has had a team of land agents driving engagement with interest holders since before the application was submitted; this team supplements the established land team within the Applicant who hold and manage relationships with the significant number of parties who hold land interests within the airport boundary. These teams have been proactive in meeting with parties who have an affected land interests within the order limits and have provided bespoke information and assurances to many. In relation to the parties listed in the Land Rights Tracker (Doc Ref. 8.6) the Applicant has only included a snapshot of the engagement with the parties to assist the ExA in understanding the progress of negotiations</p>

without submitting reams of correspondence trackers, minutes of meetings and records of conversations. The **Land Rights Tracker** (Doc Ref. 8.6) shows that the majority of landowners are now negotiating the detail of HoTs with the arrangements agreed in principle.

In relation to AIPUT the Applicant has proactively continued to engage with AIPUT to provide further information and assurances in response to the comments they have made about the Project. At the start of the discussions AIPUT requested a number of commitments from the Applicant which were beyond the scope of the DCO and involved changes to land interests not required for the Project. The Applicant explained why there was no justification for including such commitments in the DCO and why it would be inappropriate to do so but expressing the Applicants desire to progress an option agreement on the 6th May 2024. The Applicant only received a response on 14th June 2024, where AIPUT noted that the Applicant was unable to include the changes requested and agreed to progress the HoTs. Since June, the Applicant and AIPUT have been in communication regarding specific requests which AIPUT consider are necessary to protect the property. The Applicant considered that good progress was being made towards agreement with updated Heads of Terms being issued on the 3rd July 2024 and was disappointed by AIPUT's characterisation of the engagement in their Deadline 6 submission and immediately reached out to AIPUT to respond. The parties are now discussing the commercial elements of the agreement with the planning elements agreed and the Applicant is reviewing comments on updated terms received on the 11th July. The Applicant is committed to agreeing HoTs before the Deadline 9, if not sooner.

In relation to MAMGF, the Applicant has made significant efforts to provide meaningful, detailed and technical responses to MAMGF and is concerned that MAMGF do not recognise this. The Applicant's appointed agents first met with the Holiday Inn interests in November 2022 and issued Heads of Terms in March 2023, despite these being sent, the Applicant only received proposed Heads of Terms back for review in April 2024. The Applicant has carried out detailed work on alternative proposals at the request of MAMGF which are not considered to be required by the Applicant. Following preparation of the temporary access technical drawings, the Applicant sought comments from National Highways considering the impacts of the tie-in to the existing

		<p>highway. The Applicant has carried out multiple site-visits and acoustic surveys at the request of MAMGF which take time to carry out, process and write up and has then further responded to detailed questions from the noise consultant hired by MAMGF.</p> <p>The Applicant maintains its position that the commitments offered regarding the existing access were sufficient and that the noise survey demonstrates that no additional mitigation is required. However, in an effort to break the deadlock the Applicant is submitting an application to change the order limits of the application to allow for the construction of a temporary alternative access the MAMGF. MAMGF has agreed in principle to support the change in Order Limits to accommodate for works outside of the current limits which it has requested. Despite this concession and the Applicant proposing numerous commitments in relation to the interface with MAMGF's property and several commercial offers; MAMGF is unwilling to enter into a voluntary agreement with the Applicant and has repeatedly been unreasonable with its demands within the proposed Heads of Terms.</p> <p>The Applicant has set out the barrier that it has identified with MAMGF above. In addition, there are five parties where the Applicant has been unable to undertake meaningful engagement and communication because the Affected Party has not responded to the Applicant's attempts to engage. These are: Britannia House Limited, DBM Contractors Limited, David Jonathan Smith, Horley Estates Limited and Reigate and Banstead Borough Council. Further information about the Applicant's attempts to progress negotiations are included in the Land Rights Tracker (Doc Ref. 8.6).</p>
CA.2.7	Local Authorities	<p>Permanent acquisition of land</p> <p>The ExA notes both the comments made in CAH1 ([EV14-001] and [EV14-002]) and the CAH1 post-hearing submission [REP4-056] in respect of the issue of proportionality. In the <i>Applicant's Response to Deadline 4 Submissions</i> [REP5-072], at section 2.5 of Table 3 the Applicant reiterates the point that by allowing the Applicant the power to compulsorily acquire land required for the widened highways this would ensure that contrary rights could be extinguished using the DCO powers where required, which would facilitate the securing</p>

		<p>of clean title and thus ensuring the deliverability of the scheme. The Applicant further states that, to the extent possible, they will use temporary possession powers in carrying out the highway works.</p> <p>Additionally in Table 3 [REP5-072], the Applicant considers it important to retain compulsory acquisition (CA) powers over all land required for the improved highways to ensure that, if the ownership of plots of land required for the scheme proves to be different to that currently identified by the parties (e.g. a plot of land which a highway authority considers it owns proves to be in third-party ownership), the Applicant would be able to acquire this land and ensure the deliverability of the scheme.</p> <p>Noting this approach, please confirm whether this provides an adequate explanation in respect of the Applicant’s approach in meeting the relevant statutory and policy tests?</p>
		N/A – this question is not directed at the Applicant.
CA.2.8	Applicant Local Authorities	<p>Protective Provisions</p> <p>Noting the Legal Partnership Authorities’ response to ExQ1 CA.1.17 [REP4-070] and the subsequent response by the Applicant in <i>The Applicant’s Response to Deadline 4 Submissions</i> [REP5-072], please confirm if draft protective provision wording has been submitted in respect of local highway authorities?</p> <p>The request for protective provisions in ExQ1 CA.1.17 supplemented the broader response that was provided by the local highway authorities (LHAs) to ExQ1 CA.1.08 [REP4-070]. In these two responses the LHAs requested additional information from the Applicant to explain why compulsory acquisition powers were being sought over land that was adopted and owned by an LHA. The suggestion of protective provisions was in the context of this not being resolved to their satisfaction.</p> <p>In its response to CA.2.4, the Applicant has set out the proposed approach to seeking powers over plots that form part of the adopted highway (either the strategic road network or highway adopted by the LHAs). As explained in response to CA.2.4 the Applicant proposes for the same approach to apply to highway adopted by the LHAs as well as NH and this approach has been shared with the LHAs. The Applicant considers that this change to the powers it is seeking resolves the concerns of the LHAs without requiring protective provisions. In</p>

		<p>their responses to ExQ1 CA.1.08 the LHAs specifically reference plot 01/014 as an example. This is one of the plots which has been changed to green on the Land Plans following the exercise described in response to CA.2.4 above. For clarity, this approach has superseded the Applicant's response in The Applicant's Response to Deadline 4 Submissions [REP5-072].</p> <p>An updated version of the Land Plans (Doc Ref 4.2 v4) and the Book of Reference (Doc Ref 1.3 v5) is submitted at this deadline to reflect the change. Schedule 7 of the draft DCO (Doc Ref. 2.1 v9) has also been updated to reflect this approach.</p>
CA.2.9	Applicant Local Authorities	<p>Management of Replacement Open Space</p> <p>Please can all parties provide an up-to-date position in respect of the management of all replacement open space (ROS).</p> <p>Can the Applicant confirm if Horley Town Council are to be involved in the management of Church Meadows ROS?</p> <hr/> <p>The Applicant has understood that none of the JLAs wish to own the replacement open space (ROS) or have any associated management or monitoring obligations (even if those were paid for by the Applicant).</p> <p>The compulsory acquisition case for the open space to date is set out in the Statement of Reasons (Doc Ref. 3.2 v3) and has been based on a combination of:</p> <ul style="list-style-type: none"> ▪ in respect of existing open space owned by Reigate and Banstead Borough Council (RBBC), section 131(4) of the Planning Act 2008, which requires ROS to vest in the party from whom the open space is being acquired; and ▪ in respect of existing open space owned by other entities, section 131(5), which applies to land for the widening of existing highways where the giving of other land is unnecessary.

		<p>These twin justifications were used because the Applicant had understood that RBBC originally wished to be vested with the ROS. However, as this is not the case then we consider that it would be simpler for all of the existing open space required for the scheme to instead be acquired on the basis of section 131(5), such that none of the ROS has to be vested in RBBC.</p> <p>Importantly, this minor change to the legal justification would not affect the Applicant's commitment to deliver the full extent of ROS as described in the application and this would continue to be secured in article 40 of the dDCO and through the submission and approval of LEMPs under DCO Requirement 8.</p> <p>Although progress is being made with Surrey County Council on the Heads of Terms for the land to the west of Church Meadows, the Applicant has adjusted its CA case for the acquisition of this land given that, following this approach, it would only be used as <i>de facto</i> ROS rather than ROS for the purpose of section 131(4).</p> <p>The management required for the ROS, including the Church Meadows ROS, will be set out in the relevant LEMPs approved under DCO Requirement 8. The Applicant, as the undertaker, will be ultimately responsible for compliance with the LEMPs. Recognising the role that Horley Town Council has in managing the existing Church Meadows space, the Applicant is engaging with HTC about working together in the future but the planning requirement will remain with the Applicant.</p>
CA.2.10	Local Authorities	<p>Bayhorne Farm – drainage attenuation pond</p> <p>The comments made by the local authorities to the Applicant's answer to ExQ1 CA.1.11 [REP4-070] regarding the drainage attenuation pond are noted. The Applicant has confirmed they have reviewed possible alternative locations at the northern end of Bayhorne Farm. However due to technical constraints this location has not been progressed [REP5-072].</p> <p>Please confirm whether the Local Authorities are satisfied with justification given and if not, is it possible to identify an alternative location for the pond which would be technically feasible?</p>

		N/A – this question is not directed at the Applicant.
CA.2.11	Applicant	<p>Marathon Asset Management MCAP Global Finance (UK) LLP The ExA notes that at section 6.2 of their submission, Marathon Asset Management MCAP Global Finance (UK) LLP (MAMGF) state they are still awaiting the assessment results at the Holiday Inn hotel in respect of the anticipated A23 Bridgeworks activities during the day and night, inclusive of piling works [REP6-128].</p> <p>Please signpost to where this information is located or if it has not been provided to date, please confirm when it will be provided?</p>
		The noise levels from the A23 Bridgeworks activities during the day and night, inclusive of piling works are given in paragraph 7.1.3 of The Holiday Inn Noise Report [REP5-082]. This was clarified in an email to MAMGF's noise consultant - Stantec on 21 st June following their comments on the report suggesting these details were missing.
CA.2.12	Applicant	<p>Marathon Asset Management MCAP Global Finance (UK) LLP In section 4 of Appendix 3 [REP6-128] MAMGF state that during construction works their internal noise criteria would be exceeded at all stages of the works and as such, they consider the proposed mitigation to be inadequate. Section 4 of [REP6-128] also identifies mitigation which would be acceptable during construction by MAMGF.</p> <p>Please review and provide comment as to whether the Applicant considers the proposed mitigation both technically feasible and reasonable?</p>
		The predicted noise levels inside the hotel in section 4 of Appendix 3, Post-Hearing submissions, including written summaries of oral submissions to the Hearings held during w/c 17 June 2024 [REP6-128] are higher than those in the Applicant's Holiday Inn Noise Report [REP5-082] for two reasons. Firstly, they have used the sound level difference for ground noise rather than for construction noise that is higher, and secondly

because they assume trickle vents are open whereas the Applicant considers it is reasonable for them to be closed when quiet conditions are required during the relatively short periods of time during daytime only when the highest construction noise levels are predicted for the works nearby, and opened at other times.

In addition, there is a difference of opinion of 5dB as to the acceptable internal noise level. These differences account for why the Applicant's assessment indicates acceptable noise levels can be achieved for all but one area of works for which temporary relocation of cabin crew, who need to sleep in the day, to the south side of the hotel is a practicable solution. The Applicant does not understand the calculation of the number of cabin crew rooms available provided, which may be an under-estimate, and at present question from the Applicant on how this is arrived at have not been answered. The Applicant proposes permanent noise monitoring on the hotel and a Trigger Action Plan requiring noise levels to be reduced on site if trigger levels are reached. The Applicant's analysis indicates that, in this way, acceptable levels of noise can be achieved within the hotel without the need for facade sound insulation measures.

Section 4 of Appendix 3, **Post-Hearing submissions, including written summaries of oral submissions to the Hearings held during w/c 17 June 2024** [\[REP6-128\]](#) concludes: In order to comply with the identified criteria, it is expected that a high performance in-wall acoustic ventilator is installed in conjunction with either replacement windows of suitable acoustic specification, or secondary glazing.

Such measures are likely to be feasible but not necessary. Indeed, there is evidence that at some stage the hotel had in-wall ventilators that have since been replaced by trickle vents incorporated into the windows. An alternative, discussed with MAMGF's acoustic consultant, to increase the acoustic performance sufficiently whilst providing attenuated ventilation would be to leave the existing windows with trickle vents open and to add secondary glazing incorporating acoustic trickle vents to relevant bedrooms on the northern façade.