



Hearing Transcript

Project:	Gatwick Airport Northern Runway
Hearing:	Recording of Issue Specific Hearing 9 (ISH9) - Part 1
Date:	30 July 2024

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FULL TRANSCRIPT (with timecode)

00:00:04:17 - 00:00:44:25

Afternoon. Before we start, can I just confirm that all present can hear me clearly, please? Okay. Thank you. And can I confirm in a case team that livestreaming this event has commenced? Thank you. It's now 2 p.m.. Welcome to this issue specific hearing in relation to the application made by Gatwick Airport Limited, who we refer to as the applicant for an order granting development consent for the Gatwick Airport northern runway project, as described in the application form. The application seeks powers to enable dual runway operations at Gatwick Airport through altering the existing northern runway, lifting restrictions on the northern runways use and delivering the upgrades or additional facilities and infrastructure required to increase the passenger throughput capacity of the airport.

00:00:45:15 - 00:01:01:28

This also includes substantial upgrade works to certain surface access routes which lead to the airport. My name is John Hockley. I'm a chartered town planner and a member of the Royal Town Planning Institute. I'll be sharing this hearing and making some introductory comments. If I can now ask my colleagues to introduce themselves, please.

00:01:03:28 - 00:01:11:18

Thank you. Good afternoon everybody. My name is Doctor Philip Brewer. I have a PhD in applied acoustics and I'm a member of the Institute of Acoustics.

00:01:13:00 - 00:01:18:27

Good afternoon. My name is Helen Cassini. I'm a chartered town planner and member of the Royal Town Planning Institute.

00:01:20:14 - 00:01:28:10

Good afternoon. My name is Kevin Gleason. I'm a chartered town planner and member of the Royal Town Planning Institute and the lead member of the panel.

00:01:30:19 - 00:01:36:22

Good afternoon. My name is Neil Humphrey. I'm a chartered civil engineer and a fellow of the Institution of Civil Engineers.

00:01:38:25 - 00:02:12:14

Thank you. We've all been appointed by the Secretary of State to be members of this panel, and we constitute the examining authority or the Xa for this application. We will be reporting to the Secretary

of State for transport as to whether the development consent order should be made. For those here in the venue, you may have met Jake Stevens at the back there on the left, who is a Planning Inspectorate case manager. He's supported today by Rebecca Evans from the Case team. If you have any questions about the examination process or the technology we're using, then the case team should be your first point of contact. Before we move to the items on the agenda, just a few housekeeping matters I need to deal with.

00:02:12:20 - 00:02:16:12

So firstly, could everyone please set all devices and phones to silent?

00:02:19:02 - 00:02:54:03

There are no fire alarm tests or drills scheduled for today, so in the event of a fire alarm, please exit the room and the fire evacuation Assembly point is just outside the hotel's main entrance on the left hand side Toilets are located on this floor on the ground floor. Car parking charges won't apply to those attending this meeting. If you have any issues with that, please speak to hotel reception in the first instance or the case team. And also when using the desk based microphones, please could you ensure their position close enough to your face? In addition to this in-person event, the hearing is taking place on a Microsoft teams platform and is being live streamed and recorded.

00:02:54:12 - 00:03:25:25

For those persons wishing to join online, you may switch cameras and microphones off if you're not participating specifically in the discussion, because the digital recordings that we make are retained and published, they form a public record that can contain your personal information and to which the General Data Protection Regulation supply the planning inspector. Its practice is to retain and publish those recordings for a period of five years from the Secretary of State's decision. So if you participate in today's hearing, it's important you understand that you will be live streamed and recorded, and the digital recording will be published.

00:03:26:27 - 00:03:59:16

The hearing today will be a structured discussion which the WSA will lead, and we are familiar with documents already submitted. So when answering a question, you do not need to repeat at length something which has already been submitted. When referencing a document, please give the appropriate examination library reference and additionally the first time you use an abbreviation or an acronym. Could you please give the full title as there will be people participating or observing that may not be as familiar with the documents as you are. We intend to break at around 315, and we intend to close the hearing today, no later than 5 p.m.

00:04:00:07 - 00:04:34:09

this hearing is scheduled for today, tomorrow, and Thursday. Today we'll cover items 1 to 3 on the agenda? Whether or not we complete item three today, we won't make a start on item four. The case for the proposed development. Until tomorrow. Similarly, even if we complete item four early tomorrow, we will not begin socioeconomic matters until Thursday morning. As with previous hearings, if the discussions can't be completed or are looking like they'll take longer than anticipated, it may be necessary to prioritize matters on the agenda and defer other matters to written questions for the action points.

00:04:34:11 - 00:04:52:24

For this hearing, we're conscious that this is a multi-day hearing, not due to finish till Thursday, and deadline eight is next Wednesday. So what we propose to do is to read out the action points for each day at the start of the next day. So, for instance, action points from today will be read out to start of tomorrow and we'll endeavour to publish them on the same day as well.

00:04:54:27 - 00:05:25:01

The essay is a list of those persons present today who wish to speak in relation to the various agenda items, and we know everyone who gave advance notice of wishing to attend this present. It's not our intention to do full introductions, but for the purposes of identification and for the benefit of those who may be watching the digital recording later. Um, if you intended to speak, we ask you to state your name who represent and any preference on how you wish to be addressed when you first speak. And if you could give your name and organization every time you are asked to speak during the hearing as well.

00:05:25:03 - 00:05:56:17

Please. Thank you. Terms of the agenda for this hearing was published and placed on the Planning Inspectorate website on the 22nd of July, 2024. We consider the main issues for discussion is hearing a range of environmental matters, which we feel need to be discussed in further detail at this stage of the examination. For the avoidance of doubt, at the end of discussions on each item, we will be asking the applicant for any final comments they have on representations made during those discussions. Are there any questions at this stage about the procedural side of today's hearing or the agenda?

00:05:59:14 - 00:06:39:15

Okay. Thank you. So we'll move to agenda item two on the agenda. So the purpose of this hearing, This hearing seeks to consider a fairly wide range of issues which come under the broad umbrella of environmental matters. This hearing will consider matters relating to mitigation. The case for the proposed development and socioeconomics, including health and wellbeing. We have a fairly extensive list of questions which are primarily aimed at the applicant and the joint local authorities, but questions may also be aimed at other parties. The purpose of this hearing is to enable us as EXR, to gain a further understanding of the evidence relating to the various topics within the agenda, and a number of us here today will ask questions

00:06:41:00 - 00:06:52:00

to help the hearing run as smoothly as possible. In general, we intend to run for our questions on each topic stroke agenda item before asking for contributions from others present. Are there any questions on the purpose of the hearing?

00:06:54:11 - 00:06:59:27

No Nope.. Okay. Thank you. So we'll move on to agenda item three, which is mitigation. Mr. Gleason.

00:07:01:24 - 00:07:36:15

Thank you very much. So as with previous hearings about the draft development consent order, this hearing is being held on or without prejudice basis. So even if your position is that the development consent should not be granted, and that the Secretary of State for transport should not make the DCO. You can make representations in this hearing and in writing on the drafting of the DCO, without

conceding your position that the DCO should not be made, regardless of the examining authority's recommendation to the Secretary of State for transport.

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A recommended DCO will need to accompany the recommendation reports. As a result, the production of this document should not be taken as an indication of the IQ's final recommendation.

00:07:51:01 - 00:08:25:27

The published agenda sets out four separate issues under item three. Having reflected on these matters. We've decided that instead of taking them in the order in which they presented, we're going to address them on the basis of topics. So for example the first topic which is transport, we will ask questions in relation to requirements under item 3.1, the draft section 106 agreements under 3.2 and any control documents relating to transport under item 3.3.

00:08:26:14 - 00:08:38:00

We'll then move on to the second topic where we'll repeat this approach. We'll address any other specific articles and schedules under item 3.4.

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Just for reference to the key documents which we think you will need to have to hand are the draft DCO reference rep 705, the Explanatory Memorandum rep 707

00:08:55:17 - 00:09:01:08

The applicant's schedule of changes to the draft DCO. Rep 704

00:09:02:29 - 00:09:11:15

The Legal Partnership Authority's consolidated submissions on the draft DCO web. 7108

00:09:13:02 - 00:09:37:25

The Draft Section 106 agreement. 663 The the draft. Section 106, Explanatory Memorandum rep 775, and the Legal Partnership Authority's response to the draft, section 106 Agreements and Explanatory Memorandum, which is Rep 109.

00:09:40:04 - 00:10:07:20

So, as set out in annex B of the agenda, we've We've set out potential amendments to schedule two requirements of the applicant's draft DCO. This document does not necessarily include every change which the examining authority considers may be necessary, and further changes may arise as discussions between the applicant and other interested parties evolve during the remainder of the examination.

00:10:09:10 - 00:10:26:03

Additionally, as set out in the examination timetable annex A, the examining authority will publish proposed changes to the draft DCO which will compose so comprise the entire draft DCO and not only schedule two.

00:10:27:21 - 00:10:47:25

This will be published on Wednesday the 14th of August. We will discuss this document shortly and would welcome any dissenting detailed responses on Nxpi at deadline eight, which is Wednesday the 7th of August. So I'm now going to hand over to Mr. Humphrey, who will deal with transport.

00:10:50:27 - 00:11:10:19

Thank you, Mr. Gleason. I have read and understood the applicant's approach towards service access commitments, which is in rep 7042, but would like to hear the applicant's comments on the potential amendments set out in annex B of today's Agenda to Requirement 20. First of all, please.

00:11:15:22 - 00:11:47:23

Uh, Scott, for the applicant, um, by way of general comment. Uh, so we're grateful for, uh, having seen these suggested amendments at this stage and being given the opportunity to comment on this hearing. And that applies to all the suggested amendments and annex B, um, as far as the surface access, um requirement is concerned. For the purposes of my initial submissions, I'll engage with the principal and intended effect rather than the detailed wording of the suggested requirement.

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But in short, we don't consider that amended wording to be necessary or appropriate in order to address the concern that appears to be underlying the suggestion. And as you've recognized, sir, we've made various submissions to this examination on the purpose and the fact of the surface access commitments. The SACs, including our written summary of oral submissions at rep 6676078 and the response to actions from our state rep 6084, which I'm not going to repeat here.

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Um, other than to say that we think the SCC is the appropriate control document to ensure that surface access impacts are properly controlled and mitigated. But if one looks at the the reasoning for the proposed amendment and uh, annex B, um, the context for this is we would say it's important to note that section six of the SACs prescribes the monitoring and reporting process already in respect of mode share commitments, uh, particular commitments 1 to 4.

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And it makes clear that the first annual monitoring report is to be produced no later than six months prior to commencement of dual runway operations. That means that in circumstances where that Amr suggest the mode share commitments may not be achieved, and an action plan has to be produced to identify the additional interventions needed to ensure they will be. And whilst there isn't a prescriptive trajectory within the SACs in respect of the mood share commitments, that early monitoring of the trajectory we say towards those mood share commitments would essentially mirror the intended effect of what I'll call the earlier or lower mood share set out, and they suggest an amendment.

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Um, given this, though, and in order to avoid any, um, residual ambiguity, uh, we propose to amend the S.A.C. to introduce the earlier mode share commitments as set out in requirement 20 and within one year of the commencement of drew, to formalize that trajectory towards the passenger and staff mode share um, commitments that have been set out and commitments one and two. Um, those have been set, um, at a level which correspond to the assumed mode shared for the corresponding assessment year and the Ta and the environmental statement.

00:14:20:14 - 00:14:58:24

And we say that monitoring against those initial mode share commitments and the corresponding trajectory will enable confirmation to be provided in the Amr that the applicant is on track to deliver sustainable mode, share commitments, or otherwise provide an early warning as to any further remedial action that is required to ensure corrective interventions are taken in consultation with the Transport Forum Steering Group. So we say that is one means of addressing what appears to be the underlying concern, which is inform the suggested amendment.

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Now we we take from the fact that it's been suggested at all that there may be some residual concern about whether the air sacs are sufficient and robust to guard against a breach of the Mod share commitments. Um, our position remains, though, um, that we do not consider this to be necessary because, as we've responded to in response to Action point one of the Service Access Commitments agenda item initiate, which is wrap 6084 and also indirectly in response to question RT 210 x q to wrap 7072.

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And we do not think it follows that a lower mode share um, public transport mode share would equate to greater traffic numbers or the potential for an adverse effect on the transport network, which we think is the underlying concern to which this um amendment has been addressed. We don't repeat, but we maintain those submissions for the reasons that we give there. And we emphasize there are a number of contextual factors that will be relevant to the implication of any departure from the mode share commitments, those trajectories towards them, which wouldn't correspondingly and automatically result in any adverse impact on the network or its users.

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And indeed, that's why the air SACs have been specifically designed to prescribe a monitoring process to identify any necessary remedial action and circumstances where there is a non-compliance forecast or actual, again, for that to be discussed or agreed with the with the Transport Forum Steering group. So we do not think that that amendment is necessary or justified for all those reasons. And just to be clear, um, the position of the applicant is that we're not implement a DCO, which had the wording that is in that recommendation.

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Um, again, we won't repeat the previous submissions that we have made, including our strong track record on sustainable transport or the efficacy of the air sacs as we have set them out. But as far as we understand that there is no precedent, um, in support of this position and the applicant would not incur the risk of a significant capital investment spend of building the development, and then finding it was unable to commence dual runway operations because, to take one example, it was 0.1% under an annual monitored passenger of public transport mode share.

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We don't think it's reasonable to expect a commercial developer or operator to adopt that position. And as matters stand, We simply do not accept that there would be a version of that amendment which we would accept, which adopts the same underlying principle. It would introduce substantial level of

uncertainty to the planning of the development and subsequent operation of the airport, which would be unacceptable. And we would not choose to invest in implementing a scheme which had that um, requirement imposed.

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Um, that's our fundamental, uh, position, which I think it's important we stay at. In response to that, um, suggested amendment.

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Just to take the point further, um, was the the Sachs is a bespoke document for this project. The concept of travel plans and sustainable transport commitments and infrastructure and development planning is not unique and we are not aware of a consent that are operational example of a breach of those plans, essentially requiring the cessation of a development. We do not say that. We say that step is not supported or required under policy or law.

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And the more appropriate consequence which reflects standard practice, is for remedial or escalatory action, typically carried out in partnership with the relevant planning or transport authority. That's the process which the applicant is undertaking with respect to its existing operations and which is proposed, is under the SACs. And we simply don't see anything in policy to indicate that that requirement and the forum proposed is, is necessary. There simply isn't anything about the circumstances that Gatwick which singles it out for the unique approach which apparently is suggested in this requirement.

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And we don't think this is a policy approach this, that we do not think is the approach to support it by any other policy at national or local level. So for those reasons, we do not consider that this requirement would be justified.

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Thank you for that. I mean, I think in principle, the percentages in that potential requirement are the ones from your own modelling that you provided in a table about car parking. And it's not about cessation of a use, it's about preventing first use of a development. Are parts of a development that rely on that modelling. So I hear what you say about potentially you you take the view that, um, just missing emoji.

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It doesn't mean there'll be more traffic, but equally missing emoji may well mean there's more traffic and I don't see the evidence. Is there to say that is not true in.

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Scotland for the applicants if If necessary, sir, we will be submitting that the evidence that we have tendered does address the concerns expressed. As I have indicated, the documents that I have mentioned in my earlier answers to your initial question indicate that we have looked at this question about whether or not mode shares may differ, and reach the view that it does doesn't require any change. The medication we are proposing. Um, as for, um, uh, the point you is about not, um,

preventing, uh, development, we still maintain an objection because it does not make commercial sense for this, uh, airports to incur substantial capital expenditure on building out the project and then finding it's unable to operate it.

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So in a sense that that requirement would be preventing the airport operating under this project, because we simply could not take the commercial risk of undertaking all the costs of the development, and then finding out that we're simply unable to implement a project because of a difficulty with the Mod share commitment, which, as drafted, would mean that any minor change beyond that merger. We prevent those operating our our project, and we don't see a rationale for imposing it for for a number of reasons.

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First of all, as we're now suggesting, we already within the SACs anticipate that there is a problem in meeting the mood shares. We have to conduct an annual monitoring report before July. Runway operations are already able to anticipate if there's going to be a problem, and the appropriate means of dealing with that problem is for us to prepare an action plan and come up with mitigation that addresses it similarly, as we're now proposing it, we would anticipate those mode shares and we would ah, then our requirement to effectively reports and take action in advance of the drill runway operations commencing.

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So we're not, uh, we're not opposing the principle of us having to respond if there is an issue, uh, with achieving those mood shares, we're making specific provision for that to be monitored before dual runway operations take place. And at a, at a other step before the three year period, um, and whenever the mood share commitments as they stand must be must be met, and that we say the appropriate means to deal with it. If there is a problem, report on it, come up with a mitigation to address it, and it's entirely disproportionate to otherwise suggest that we should not be able to open our project.

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Uh, or it's necessary to impose a requirement that has that effect whenever we've already provided a mechanism to address the problem.

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If there's a problem, though, in that scenario, that would mean that the modelling done in the transport assessment doesn't follow the pattern that you provided me, and those percentages reflect. So therefore there must be starting to be effects not not assessed. So is that a situation that we should just accept?

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Uh, Scott Linus for the applicant? So, yes, I mean, we have followed the process of assessing the likely environmental effects of our scheme. And in response to questions about any other work that's been done to by way of sensitivity analysis, to address that. We have conducted that work and reached the view that the mitigation that's been offered is appropriate. That is the way that this process works. On the environmental assessment, you assess your effects. You reach a judgment to see what those effects are going to be.

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If there's any claimed uncertainty about that, you do the sensitivity analysis and then decide whether the mitigation that you have proposed is sufficient to address the risk of sensitivity arising. We say that has been followed in this in this case, and the appropriate mechanism to deal with that is to make sure that the mitigation that is secured is appropriate. And as I said, that is exactly what we have done. We have set out sacs that provide for us to monitor whether or not those shares commitments will be met before runway operations commence, before the three year period and the sax kicks in now, and we will be able to track whether or not we will hit those commitments.

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And as I say, the the percentages that you have added into the requirements can be added in to the suggestion that we have made, which would kick in before the three year periods. We can monitor whether or not the mod share, uh, percentages that you have identified would be achieved. Um, and the period between zero and runway operations commencing in the three year period mentioned in the SACs. And we say that's the appropriate mechanism to deal with the concern, uh, because we would provide a means to deal with any issue with meeting those, um, those mode share, uh, percentages.

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Once we've set that out in the sacks, it's it's simply not acceptable to us as an operator to have a condition which would prevent us, uh, effectively opening the project and having to invest in a substantial amount that works at risk for us to not not be able to open the project when compared with sacks that provide a clear mechanism for us to address any issue that's been identified.

00:26:14:02 - 00:26:48:15

Okay. Now, I can't comment on what you're now proposing to put in the sacks or all. I can actually comment on it today is what's currently in the sacks. And that was a situation where it was three years after dual use runway commenced, that the mode share commitment had to be met. That surely is a substantial difference from what you're now proposing. And to say, I can't comment on it till I've seen it in any detail, but it does sound like substantially different.

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Scotland. For the applicant, I would accept that. Substantially different. I mean, as I've said, sir, in the sacs as they stand there is already provision made for us to, um, uh, consider progress towards the, uh, the mode share commitments, because we are already required to conduct an annual monitoring report and prepare a first annual monitoring report no later than six months prior to commencement of, uh, runway operations.

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So where that suggests that the mode share commitments aren't going to be achieved and we have to produce an action plan. What we're suggesting to avoid any residual concerns about this is that we would amend to introduce the earlier mode share commitments that have been mentioned within one year of commencement, to formalize what a trajectory that we are going to have to essentially work to, in any event, towards the passenger and staff mode share commitments. So we wouldn't accept that. That's a fundamental change.

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It's essentially formalizing within the document a trajectory that we know we have to work towards. In any event, as demonstrated by the preparation of an Amr, um, at six months before May operations, um, commences. And, um, just to reiterate the wider um, point, um, the approach that we're taking here is not, uh, unusual in an EIA sense.

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Um, as I've indicated, um, what we have done is assess the likely significant effects of the, uh, of the scheme. Consider the question. Well, what if there is more traffic than, um, uh, you have included in that assessment through sensitivity analysis and provided evidence to that effect. There isn't any contrary evidence, uh, to dispute that as far as, uh, as far as we are concerned. And one doesn't then start imposing conditions on permission which, um, otherwise secure those sorts of eventualities when we have adequate mitigation that secured through the DCU and any in any event.

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Um, no, no other um, ease uh, or permissions impose conditions of this, uh, conditions of this nature or the environmental effects have been assessed as we have done. Uh, and there isn't any contrary evidence to suggest that a different form of mitigation and principal needs to be provided. So we simply don't accept the proposition that Gatwick should be singled out for a condition of this nature, when you would not see this imposed on any other form of development requiring the environmental impacts of traffic, traffic and changes to be assessed.

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Thank you. Well, I mean, as I say, I haven't seen your amendments to the surface service access commitments, so I'll reserve judgment on that one. But at this stage I'd like maybe I'd like to hear from the joint local authorities of what they think.

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Um, thank you, Sir Michael Bedford for the joint local authorities.

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So we think that the revisions that are put forward through your suggested amendments to requirement 20 are certainly necessary, albeit we think that there are other measures which are also, uh, necessary.

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Um, if I can start my remarks by simply referring to which I know you're already fully well, well aware of. Uh, we have put forward a suite, uh, of measures in the environmentally managed growth framework, and we've put forward a series of ways in which that can be delivered. And I, um, put our remarks forward this afternoon on the basis that we continue to think that that comprehensive package is the preferable way forward. But I obviously, um, noting the way that you structured today's discussion, I'm not going to go into that because you've already got all of that material.

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So I'm in essence parking that and simply dealing with, uh, obviously what you've put forward in the, um, uh, agenda items. But then turning to what you've put forward, what you have identified is clearly

a real concern on the part of the joint local authorities as to the effectiveness of the measures that the applicant is proposing to mitigate the impacts of the development in relation to surface access and the proposals as put forward in the suggestion, uh, seek, uh, to give a measure of certainty to the applicant being able to deliver on what it is claimed to be able to deliver.

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That is not at all unusual, but it is certainly necessary, in our view, to ensure that the environmental effects do fall within the compass of that which has been assessed in terms of looking at the way that matters currently work, and then testing whether that's sufficient and whether there is a need to do more. And I say we do suggest that there is a need to do more. It's worth bearing in mind in the surface access commitments.

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That's in rep 7043 uh, in particular uh, paragraph 6.2.1. And that's the reference to the first annual monitoring report, which is, as Mr. Lyons has said, six months before dual runway operations commence. So that's when you start getting information on mode. Share. But, uh, paragraph 4.2.1 of the surface access commitments makes it clear that on the applicant's proposals, achieving the mode shares is only to be achieved by the third anniversary of the commencement of dual operations and then the sanctions elements as put forward by the applicant in the service access commitments.

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It's only if two successive annual monitoring report shows that a mode share target has not been achieved. That there is then an obligation to prepare an action plan, a mitigation action plan, and then that itself is subject to mechanisms for discussion through the

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transport forum and then potentially, uh, escalation, including escalation to the Secretary secretary of state in the event that there is a disagreement. So, in simple terms, on the applicant's proposals, we could be, uh, up to five years from the commencement of general operations. It obviously depends on how long it takes the secretary of state to deal with matters. If there is a, uh, um, a dispute and that needs to be escalated, but it could be up to five years before the Secretary of State's in a position to specify implementation measures, which in terms of the surface access commitments, uh, paragraph 6.2.9 is the obligation on the applicant to implement the measures in the Sack Mitigation Action Plan as approved by the Secretary of State, unless otherwise agreed with the um

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transport Group. So, uh, that that is, uh, clearly not adequate. And that also has to be seen in the context of the the real levers that are available to the Secretary of State by way of interventions. Um, I know that we are talking about surface access at this stage, but you have to see, um, surface access is a function of the busyness of the airport.

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And that therefore, is necessarily a function of the capacity that's declared at the airport. And then the slot allocation process. I know we'll deal with that a little bit more in the context of some of the noise discussion. But the short point being, as we see it, the applicant will have already by the time that the Secretary of State is in a position to exercise the surface access intervention powers, uh, the applicant

will have already declared capacity that we think we'll have declared the bulk of the capacity that they expect to achieve, given their trajectories in the earlier years, from opening such that the slot allocations will have been made and therefore the airline schedules will be set, the flights, as it were, will be available.

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And so the realistic levers to control mode share for an airport which has achieved its busyness will be very, very limited because one's actually not in a position to influence what the airport is doing in terms of flights and aviation activity. What ones then, in the business of trying to do is to influence passenger behaviour in terms of surface access, passenger behavior, which may be through the levers of car parking controls, car parking charges.

00:36:46:23 - 00:37:20:03

It may be through additional provision of public transport options, but they are much narrower and more limited levers. And so there is going to be a real practical problem, as we see it, with the applicant's proposals in how the Secretary of State can meaningfully impose measures which the applicant could deliver, that would then have the effect of achieving the surface access commitments as part of the applicants response to that is, well, that's all.

00:37:20:13 - 00:38:11:28

Um, as, as and well and as it may be, but ultimately the local planning authorities do have the enforcement powers that the Planning Act 2008 gives to them. But again, we don't consider that those are going to be realistically measures that will lead to a change to the delivery of service access commitments. They are, um, retrospective. And there are clearly going to be limits to what, uh, any um, uh, enforcement mechanism can achieve, whether that's through, uh, seeking the court's assistance by way of injunctive relief or whether that's through prosecution, uh, which is obviously one of the sanctions available, because in both cases, there will be a reasonableness issue arising.

00:38:12:10 - 00:38:43:00

Uh, the court is not going to injunctive somebody to do something that it's not within their power to do. And so far as the, um, prosecution powers, the offense under section 161 is subject to a defense of without reasonable excuse. And if the applicant can say, well, I can't do any more than I'm doing because I've already allocated, I've declared the capacity, the slots have been allocated. The airport's as busy as it is, I can't do any more.

00:38:43:02 - 00:39:30:06

There are going to be real difficulties in achieving, um, any remedies. So? So we say certainly there is an absolute need to do more than the applicant is proposing. Uh, so far is the suggestions in your revised requirement, 20 are concerned. We certainly support the idea that there should be some restrictions on the applicant opening elements of the development, and obviously you've targeted particular elements in the way that the requirement 20 paragraphs two um, A and B, R and C are structured, um, and we see that as being a perfectly reasonable approach.

00:39:30:16 - 00:40:01:21

Uh, it allows the applicant, uh, to achieve the benefit of the dual operations because, um, so far as a is concerned, as we read it, um, that um, applies, uh, in terms of the commencing dual operations. The

restriction is only if the applicant hasn't been able to achieve, even as it were, a baseline percentage. That's the 54% mode share before operations commence.

00:40:01:23 - 00:40:34:01

And if they can't even achieve that at that time, then I think it's entirely reasonable to say, well, it's not appropriate for the operation to commence in terms of dual operations. Um, and then so far as the 55% is concerned, that doesn't bite on dual operations on your structuring. It bites on car part Y and on the hotels at um, uh, uh, area H. Um, so, so we see that as, um, uh, as a positive and a helpful way forward.

00:40:34:09 - 00:41:09:01

But we do come back to the, uh, our starting point in terms of, yes, this is necessary, but it's not in itself sufficient because you still have the difficulty that if these things are, um, achieved, um, in terms of these limits, further remedial action is too far down the line to be effective. Um, and that is where we have our wider proposals, which I won't go on any more about, but so hopefully that's of some help on our take on on these suggestions.

00:41:09:03 - 00:41:16:18

Yes. Thank you, Mr. Bedford. Um, is there anyone else who wants to make a comment on this particular requirement?

00:41:20:27 - 00:41:24:11

No. Okay, well, could I move on?

00:41:24:13 - 00:41:27:21

Mr. tan actually has his hand up. Mr..

00:41:28:07 - 00:41:34:09

Mr. Tanner. Mr.. Tanner. My apologies. I can't see your hand. Not at all. Nigel Tanner.

00:41:34:11 - 00:42:22:16

Resident. So I'm puzzled by this dialogue. I've looked at the presentation done to. It's the Brabazon lecture to the Royal Aeronautical Society by Tim Norwood, the planning officer for Gatwick. and he was adamant that the access by road would remain 90% of the people coming to the airport. So if we're anticipating that the airport traffic is going to increase from 6 million in, what, 2021 to 16 to 34 million to 40 million this year, with an objective of 70 million.

00:42:23:00 - 00:42:54:26

And the Network Rail adamant that there is no possibility to increase the capacity of Gatwick Airport rail station, which is what they've now said, there is clearly going to be massive pressure on the road system and the M23 already cannot cope. Um, we sadly had an incident of a multiple car accident before the on the day of the last meeting of this inquiry.

00:42:55:02 - 00:43:28:14

So given that the road system is maxed out and the rail system isn't able to increase its capacity, I don't see where this discussion is going, and I can't understand why. The applicant isn't very willing to

provide the investment into the rail system and the M23 to assume to ensure the success of this project. And as I indicated at our last meeting, I think probably there's another 2 billion needed in the investment plan.

00:43:28:16 - 00:43:31:24

And actually, I don't think this project is viable.

00:43:33:18 - 00:44:00:28

Thank you, Mr. Turner. Just by way of context, um, this is this hearing is one moment in a six month examination. So in the examination, which is predominantly written, we consider all the evidence and all the points that you've raised. Um, this is specifically about some elements of mitigation. So having said that, I think I'll let the applicant respond to the joint local authorities. And you, Mr. Tanner?

00:44:03:03 - 00:44:37:18

Scotland. Applicant. Thank you sir. Um, I do need to respond. And I think Mr. Tanner has said. But as far as Mr. Bedford submissions are concerned, the following points to make. First is I'm not going to go over all ground relating to EMG. You have our submissions on that issue. We oppose it for the reasons we have set out. Insofar as there is a hint of movement in the noise territory as well. I'm not going to cover that here. Um, secondly, I think I have to say that the way in which the operation of the SACs has been characterized is just plain wrong.

00:44:38:01 - 00:45:09:01

Um, the assay assays. Rep 7042. as I've said, indicated that the first hammer will be produced no later than six months before the commencement of dual runway operations. Paragraph 6.2.1. Paragraph 6.2.6. Um anticipates what will be subsequent productions of uh amrs. It says if the EMR shows that the merger commitments have not been met or Engels a the applicant's or the transport forum steering group.

00:45:09:03 - 00:45:39:03

Reasonable opinions suggest they may not be met. The applicant will, in consultation with the TFSi, prepare an action plan to identify such additional interventions. So from the moment that we have to start preparing an Amr, it provides for anticipatory action to be taken. So the proposition that's going to be five years after July and we operations before anything needs to be, um, done is just fundamentally, um, wrong.

00:45:39:05 - 00:46:26:17

We've deliberately built into the process the need to anticipate that the problems arising, rather than wait for it to occur. And that process is starting before the runway operations commence. So we simply don't accept the way in which the operation of the air sacs has been, uh, described. And it's a pretty fundamental misunderstanding of the way they operate. The third point is that insofar as it's now claimed by the JLA, that this, um, provision is necessary, they present absolutely no policy basis for the proposition that one should be able to prevent development if mode share targets or not met, whether in the project case or in the baseline case.

00:46:26:24 - 00:47:16:03

Absolutely nothing in policy terms to suggest that. And they haven't presented evidence of any scheme which they've been involved in where they impose such a, an obligation, uh, particularly given the concerns that the applicant has expressed about incurring substantial development, only to find that a that a project can't be, uh, can't be carried out. And the fundamental point, as I've mentioned, is that one has an EIA, one mitigates for the impacts that you think are going to arise with the benefit of any sensitivity analysis, if there is any extra traffic, you provide mitigation measures to address the substance of that concern, which is exactly what we have, what we have done.

00:47:16:10 - 00:47:59:07

That's the normal way these matters are approached, and there's simply no policy or legal basis that's being advanced by the JLA to justify this project, taking a different approach to any other ones they are adopting within their own area or anywhere else for that for that matter. We simply don't accept the points that have been raised. Um, and apart from that, there simply isn't any evidence that they are put forward in putting forward of harm that would be realized in the event of any, uh, conflict with the Mod shares that we've assessed, particularly in terms where we provided mechanisms to deal with that.

00:47:59:09 - 00:48:30:10

So there's absolutely no substance and anything that the jails are suggesting from a necessity point of view, and we've never seen any justification for it. Um, as for a few of the other miscellaneous, um, uh, points. Um, it's almost suggested that we are somehow relying upon the enforcement mechanisms and the and the in the 2008 act to make this work. We're not we're not relying upon, uh, those we were simply noting that those are there.

00:48:30:12 - 00:49:03:13

But as we've been at pains to, uh, insert enforcement mechanisms within the SACs themselves, uh, which includes, um, uh, activity on part of the transport forum. Um steering group being able to suggest that action has to be taken in acknowledgement of anticipatory, uh, issues with the with the SACs. So it's not correct to say that we're relying upon the Planning Act. And to make this work, we've already set out adequate processes to achieve it.

00:49:03:22 - 00:49:37:21

And then finally, I do say that one has to take into account the good performance of the airport to debt that we've identified in previous and previous submissions to you. The airport is performing well. We have included provision within the Asac for Transport Forum Steering Group to participate in any review of the monitoring report and any further action that needs to be that needs to be taken into contact with the airport is already operating well, and that provides further comfort.

00:49:37:23 - 00:49:42:05

We say, for the proposition that this requirement simply isn't necessary.

00:49:43:22 - 00:49:59:24

Thank you, Mr. Linus. Um, with that, um, I think we'll move on to the other suggested new provision of removal of permitted development rights. I suspect your answers may be quite similar, but I would like to hear your view of that first, Mr. Linus.

00:50:00:20 - 00:50:31:20

Scotland is for Africa. There's always room for a surprise, sir. Um, we have, um, reflected on this requirement, um, sir. And, um, we think it falls into, um, a category which probably covers some of the other requirements that we come on to, which is that we understand the concern. We think there is a different approach to achieving the objective of the requirement.

00:50:31:22 - 00:51:07:27

So, um, as we have indicated previously, um, we have said we don't think, um, uh, a control on car parking in this way is, uh, is necessary. Um, because the mechanisms to control car parking that we have described, including through the service access commitments, ensure that the provision of parking would be commensurate, um, with what we have assessed and with what needs to be achieved to ensure the, uh, the mode share commitments.

00:51:08:06 - 00:51:46:06

But having said that, in light of the recent request for further information, uh uh, at PD 25 and the questions in relation to, uh, car parking, we've given further thought to the controls that could be included in a draft DCO so that rather than address those concerns through a requirement that relates to the removal of permitted development, uh, rates, um, we're minded to instead propose a cap on the overall number of parking spaces to achieve the same objective.

00:51:46:08 - 00:52:23:05

Having reflected on this, um, requirement. And, um, we we think a better way of dealing with that concern is to include, um, a new requirement, um, in the draft DCU, uh, which essentially imposes a, a cap on the provision of parking, including both replacement and for, uh, growth, um, at a, at a maximum, um, uh, at a maximum level. And, uh, we can go into the detail of that, uh Uh,, as necessary in due course.

00:52:23:12 - 00:52:48:18

Uh, but the principle of having a cap on car parking, uh, provision, we say, would avoid the need to have any requirement which removed PD rates, which we thought were an unacceptable way of dealing with in any event. So in summary, sir, we don't think it's necessary, but in order to try and address the concern, we would suggest that it could be addressed by a different means.

00:52:49:12 - 00:52:52:18

Thank you. So you'll be making a written submission to that effect?

00:52:53:28 - 00:52:57:13

Uh, Scotland applicant? Um. Yes, sir. And we'll do that at deadline yet?

00:52:57:22 - 00:53:04:14

Thank you. Uh, does anyone in the IP want to make a point at this point?

00:53:05:11 - 00:53:06:09

Mr. Turner?

00:53:06:26 - 00:53:07:14

Mr. Turner.

00:53:08:01 - 00:53:40:13

It's probably the same point. Nigel Tanner, resident. The applicant seems to want to ignore any limitations or commitments he's making on the grounds that he's investing, and that is enough. And then he enforces that by saying, actually, we won't provide enough parking for the users of the service that they're selling. That, by definition, is poor service and by definition is an appalling response to the request.

00:53:40:25 - 00:53:59:09

Hopefully, the examination authority will insist that every mandatory requirement is imposed on the applicant they will comply with, and I, for one, will be delighted if they don't proceed, if they're not prepared to comply with the requirements.

00:53:59:21 - 00:54:02:01

Thank you, Mr. Turner. Lisa. Scott.

00:54:03:03 - 00:54:40:03

Thank you, Lisa Scott, parish council. Um, I share the concerns of the last commenters. Charnwood parish runs along to the north side and the end of the runway. We already have a significant issue with fly parking. Um, both from people. Um, individuals who know that they can park in the area in certain locations and then go off on holiday, and actual parking companies that sell supposedly secure parking spaces and then move cars into other local areas where they can on street park.

00:54:40:05 - 00:55:26:18

This has resulted in, for example, the village of hook. Would we have a total of nine, I believe, unrestricted parking spaces. Everywhere else is, um, residents parking or double yellow lines. And this is detrimental to the residents. It means for a village of around 7000 occupants households. Um, we have nine parking spaces for when people maybe have visitors or carers attending if a carer has a 15 minute in-house spot to come and visit, uh, one of the elderly residents or residents that need support, um, this time to fill out a residence parking permit, um visitors parking permit application will cut in on that time.

00:55:26:20 - 00:55:38:05

So, um, any further in inducement for people to park randomly in our local roads is going to have a further negative impact on residents.

00:55:39:07 - 00:55:39:27

Thank you.

00:55:42:12 - 00:55:46:28

I don't see any other hand up or anyone else wanting to speak on this point. So Mr. Ly.

00:55:47:15 - 00:55:50:17

There is no other hand up, is there? Councillor. Essex.

00:55:50:24 - 00:55:51:21

Councillor. Essex.

00:55:52:20 - 00:56:25:07

Thank you. Jonathan Essex on behalf of Gatwick Area Conservation Campaign. Um, if, as the applicant is proposing, they're going to bring a paper forward, setting out a cap on on airport parking, and presumably this is part of their package of measures to ensure that the the modal shift set out in the surface access commitments as models can be delivered. Then surely alongside that, it would be useful to have commensurate measures to constrain off airport parking both on street and off street, both authorized and unauthorized, as Councilor Scott has set out.

00:56:25:22 - 00:56:51:12

Otherwise, the the potential way in which the airport may use parking as a way to control constrained car travel to the airport could backfire and lead to more pressure on the local road network and more splattering of car parking around the airport instead. Thank you. Thank you and therefore not achieve the mode share targets and as set out in maybe a mitigation which they might propose.

00:56:51:25 - 00:56:54:00

Thank you, Mr. Bedford.

00:56:54:27 - 00:58:02:11

Thank you sir. I just briefly certainly we welcome sorry Michael Bedford for the joint local authorities. We welcome the removal of permitted development rights, as suggested, for the reasons that we've set out in various of our earlier representations. Uh, we will, um, listen and consider, uh, any proposals by the applicant as to an alternative means of achieving, uh, the same, uh, objective. Um, but, uh, we would certainly want to be reassured, uh, that any proposed cap that the applicant put forward on, parking numbers was capable of enduring for the effectively the lifetime of the operation, and would indirectly exclude then the provision of additional parking within the perimeter of the airport, whether that be through the exercise of permitted development rights or whether it be through the exercise of, um, any express planning permissions.

00:58:02:13 - 00:58:12:29

So one simply needs to know that it's actually doing its job, as opposed to being simply a cap that only regulates developments as long as it's being undertaken under the DCO.

00:58:14:15 - 00:58:19:14

Thank you, Mr. Bedford. Mr. Linus, do you want to respond on those points?

00:58:20:07 - 00:59:01:04

Scott Lang applicant. Thank you sir. Just to pick up mr. Bedford's final point, I think we shared the drafting of what we propose to, uh, do by way of, um, a couple of them and any comments that they have on the drafting of that. We'll consider those in due, uh, in due course. Uh, and respond to those, um, accordingly. Um, the second point I want to make is a more general one, which is obviously we have, uh, prepared this alternative requirement and circumstances where we've tried to understand a concern about the need to constrain, um, uh, parking on, uh, on the airport.

00:59:01:18 - 00:59:33:14

Uh, that's the reason for, um, uh, for doing it. And insofar thirdly, as concerns are being expressed about the implications of that for off site and parking, obviously that's not within our control. So we can't commit to a particular limit in the same way. But what we have done is offered a contribution in the 106 towards off site parking controls. And that, we say, is the appropriate means of of dealing without issue.

00:59:33:16 - 00:59:36:04

And we couldn't be expected to go any further than that.

00:59:38:08 - 00:59:38:28

Thank you.

00:59:40:15 - 01:00:05:18

Right. Okay. Well, now I'd like to move on to the suggested requirement. Amendment to requirement ten suggested by Thames Water rep 7119. Given the uncertainty over the wastewater treatment works and network capacity, I can read out this amendment if need be. Um, but, Mr. Linus, I take it you have seen this amendment.

01:00:07:04 - 01:00:10:04

Um, I can take you through it if need be.

01:00:11:05 - 01:00:13:10

Scott. The applicant. We have seen it, so. Thank you.

01:00:14:18 - 01:00:20:07

So, could could I hear what your view is as to whether or not that is acceptable?

01:00:21:25 - 01:00:22:10

in.

01:00:24:03 - 01:00:55:02

Scotland. As for the applicant. Um, we've dealt with this, sir, in response to EC EC2 2.2, where we set out the status of discussions with uh, Thames Water, um, and the work that they are doing, the likely timing of that information becoming available, specifically our understanding of it not being available in the examination. Um, and in lieu of that information, you'll be familiar with the context of the change.

01:00:55:04 - 01:01:37:11

Promoted to provide for the own airport wastewater transfer facility to address the ongoing uncertainty with the Thames Water position, and in lieu of the Thames Water requirement, which sought to restrict airport growth. Unless until a phasing plan had been agreed. And we've explained on that response why we don't think that requirement is necessary or appropriate, and why we think we're entitled to rely upon Thames Water delivering any identified upgrades in line with their statutory obligations, and without being conditioned to that, that remains our position or plan a effectively.

01:01:37:22 - 01:02:24:14

Uh, with the with the oil and airport wastewater treatment works, the the fallback and circumstances where you're otherwise minded to prefer their position and the need for a requirement. Uh, in that context, the, um, discussions are continuing, uh, with Thames Water, um, on this matter and in an effort to address their requests, but respecting our position that we need some certainty, and we propose to put forward a new requirement, that deadline hit and which will require us to prepare and provide a Thames Water, a wastewater flue phasing plan prior to commencing the project and in short order will set out further details of this.

01:02:24:16 - 01:02:55:19

When we submit it, sir. But, um, the phasing plan will include forecast passenger growth at the airport before the beginning of runway operations and for the subsequent five year period after commencement. Um, we think that's an appropriate period to allow a long term view of demand, particularly given that the period during which a lot of the passenger growth is going to take place. And those forecasts must be, we will say, in accordance with or not exceed the forecasts set out.

01:02:55:22 - 01:03:38:06

That means, essentially, that the phasing plan would ensure level of passenger growth beyond what was in the in the year, and the phasing plan would also include forecast. Wastewater treatment flows from the airport, which are correlated to growth numbers and passengers. Uh, that means essentially the phasing plan can't show a level of waste water flows beyond what was assessed in the Is. So the intention of that requirement is to try and give Thames Water comfort about the anticipated passenger throughput trajectory and the correlate of wastewater flows, um, along with an indication about their likely maximum extent to enable appropriate planning to occur.

01:03:38:09 - 01:04:06:14

But the important point for the airport is that it doesn't impose a cramping condition on the face of the DCO. Um, obliging the applicant to agree a plan prior to commencing the development or doing the runway operations. So that's what we propose to offer by way of, um, uh, an alternative. But there's obviously a wider context to this, uh, that I've explained. And we will put forward that amendment at deadline yet, as I've indicated.

01:04:06:27 - 01:04:38:15

Okay. Thank you. I mean, Thames Water aren't here today, so I can't hear from them. One just point of clarity on Thames Water's position set out in 7119I asked we asked in written questions to about the future baseline and the project. Thames Water responded about any airport growth. In your discussions of have they indicated concern about the growth in the future baseline?

01:04:41:02 - 01:04:43:05

You might not know the answer to that today.

01:04:47:11 - 01:04:57:12

Scott Linus for the applicant. My instructions are that there haven't been specific either way, but if you want clarification on that, we can. We can take that away, sir.

01:04:57:15 - 01:05:01:00

Yes. It would be useful to me to have that clarification. Thank you.

01:05:05:18 - 01:05:10:27

Very much. Thames Water's not here. No other IP. Any other ISPs? Want to make a comment here?

01:05:12:25 - 01:05:13:11

Yes.

01:05:13:13 - 01:05:57:09

There's yes, Odette Chalabi from Cagney. And just just at the outset, I want to note that Cagney does support all the proposed requirements that the examining authority have put in annex B. We're not going to say on every occasion that we support them. If we have nothing to add to what the local authorities are saying. And in terms of wastewater, Cagney has put before some concerns in terms of the draft requirement 31, which is the applicant's sort of plan B approach, as Mr. Lyness calls it. And Cagney's major concern is that requirement 31, as drafted, includes a tailpiece that allows the applicant to resile from building the on site wastewater treatment works in the event that it reaches an agreement with Thames Water to do something else.

01:05:57:17 - 01:06:30:08

Um, and the Cagney's view is that simply unacceptable, because it essentially means that the applicant can take another route to dealing with sewage without the Xa having scrutiny of the data, and which has still not been done. And then, as Cagney set out at rep 8129, and having regard to relevant case law, it's considered this is an unlawful tailpiece. It creates a risk that the applicant will seek to make changes that are very significant to the development in a way that deprives third parties of the opportunity to comment.

01:06:30:10 - 01:06:39:03

And that's something government planning guidance specifically warns against. So Cagney has that additional concern about the current drafting of requirement 31.

01:06:39:16 - 01:06:40:05

Thank you,

01:06:41:22 - 01:06:43:19

Mr. Linus. Do you want to respond?

01:06:43:21 - 01:06:47:12

I'm sorry to interrupt, Mr. Tanner, I think. Did you have your hand up?

01:06:47:17 - 01:07:26:15

Yes, I. Yes. Nigel Tanner, resident. I just wanted to support what Cagney was saying. I raised this issue along with someone else. On the 19th of June at the last meeting. It's really significant that Thames Water said on the 26th of June, uh, Gatwick re-engaged with them. That suggest that this discussion has been stalled forever, which is why we are where we are and enforces the view that actually the whole planning process should stop, because what the applicant is doing is drip feeding information.

01:07:26:17 - 01:07:57:13

In very late, and, as Cagney observed, giving itself the option to then opt out of any requirements at all. It cannot be, as I said last time, that with the ongoing problem that's lasted for 10,000 days, with wastewater coming off the airport, that creates hazards that are mapped out in bright red on on the paperwork submitted to the Isa that we carry on like this.

01:07:57:15 - 01:08:21:05

This should just stop Gatwick as the applicant should have sorted out the wastewater drainage surface water requirements before they started. Because if they don't, they put the occupants of this town and this area at risk. And their conduct has been utterly irresponsible.

01:08:22:03 - 01:08:24:21

Thank you, Mr. Turner. Mr. Linus.

01:08:28:12 - 01:08:58:19

Scott Linus for the applicant. Um, I'm not going to get into, uh, the debate mentioned by Mr. Tanner about, uh, engagement. We set out our position in respect of the extent of engagement which we have sought to have with Thames Water over a number of years now in response to EC2, we 2.2 to go over that. They're safe to say that we completely reject the suggestion that we're somehow coming to this at a late, at a late stage.

01:08:59:04 - 01:09:32:29

I was for the tailpiece, um, at point, um, there is provision made already within the DCU within schedule two requirements under um, uh, paragraph uh, one interpretation, um, which provides for where submitted details or actions can be otherwise agreed by discharging authority at pursuant to identified requirements. That agreement is not to be given by the discharging authority, where it's been demonstrated to the satisfaction of the discharging authority.

01:09:33:01 - 01:10:30:24

The departure of the previously certified or approved document does not give rise to any materially new, materially different environmental effects of those assessed in the environmental statement. So the order already makes specific provision to address the concerns that have been raised by cognitive more broadly through the inclusion of that wording in the in the requirement. It's simply to recognize that discussions are ongoing between the applicant and Thames Water in the context of Thames Water's obligations. And it's possible that in circumstances where the DCO were made, which included the provision for the Auckland Airport wastewater treatment works, um, our plan B, as we've described already, it may be that subsequent discussions with Thames Water in the context of their ongoing assessment, which have identified, arrives at an agreement that enables, an alternative solution to be delivered and which satisfies them as relevant.

01:10:30:26 - 01:10:57:29

Undertaker. And we think there's every good sense and not wanting to preclude that agreement being possible. Ethanol alternative optimal solution was identified, which would otherwise require a change to the DCO, subject to the terms that I've just mentioned. So we don't think there is the fundamental

issue with the steel piece that a cognitive mentioned. And we think there is a very good practical reason for for wanting it.

01:10:59:04 - 01:11:03:25

Thank you. Just before we move on, I think Councillor Essex wants to speak.

01:11:06:26 - 01:11:45:29

Thank you. With regard to, um, the applicants response, noting that they will propose, um forecast passenger growth for the five year period past the dualling. But yet this is a scheme which is proposed to provide sufficient capacity all the way up to 20, 47 or 80 million passengers worth. Um, would it not be appropriate to either require that to be the full amount of, um, forecast passenger growth and subsequent, um, water demand that they anticipate for the whole project rather than just the first five years of it.

01:11:46:01 - 01:12:02:22

Or should there be some kind of control mechanism built in here such that rather than just do it for a five year period at the start that is rolled on, going to make sure Thames Water can fully integrate Gatwick requirements into all of their future asset management plans. Thank you.

01:12:02:24 - 01:12:06:15

Thank you, Councillor Essex. Mr. Linus, do you want to respond to that one please?

01:12:06:26 - 01:12:38:26

Scotland. Thank you sir. Um, yes. Obviously whenever, um, this requirement is advanced by the applicant, we'll take on board any comments that are made. But an immediate response. The five year period has been provided to give certainty in accordance with the town's water planning framework. And there are project cycles, which we understand to be five years. So we sought to align the five year period with what they do. As far as room planning is concerned, that's the rationale behind it. But we can explain that when submitting the requirement.

01:12:39:08 - 01:13:15:05

Thank you. Thank you. But I'd like to move on now to two things. We would like the applicant to provide some further information on. I would normally raise these issues as any other business, but unfortunately I am not able to attend the later days of this hearing and I wanted to ensure that I am as clear as possible as to the additional information I'm looking for. So that said, in response to EC2 rep 7092, the conclusion within appendix A is the 10% sensitivity test is unlikely to change the conclusions set out in the transport assessment.

01:13:16:16 - 01:13:51:28

I would like some further clarification about the use of a busy June day in the assessment, taking into account the earlier Covid sensitivity testing. Table 25 in the Covid sensitivity testing as 1 to 1 shows, the difference in post-Covid traffic is related to a drop in business and commuter travel. June is a combined peak month for the submitted assessment based on a higher pre-COVID network. Peak flows. August in pre-COVID circumstances would have had significantly lower business and commuter travel than June.

01:13:52:15 - 01:14:26:17

What I would like is clarification of whether the post Covid tests showed a large decline in June. Business and commuter traffic also translate in the same way to post-Covid August traffic levels. What I'm trying to see, understand is do the figures from the post-Covid analysis show that June is still the highest month for combined traffic flow now? That's the first point. So I has that been understood? I don't, by the way, expect a response to this now.

01:14:26:19 - 01:14:30:04

I think you should take it away as a written action points and respond.

01:14:32:02 - 01:14:34:06

But is it clear what I want to see there?

01:14:35:16 - 01:14:42:15

Thank you, Sir Ian Mack for the can. I just understand I think the the end output was seeking clarification that yes. Does the post Covid.

01:14:42:17 - 01:14:50:27

19 still still hold true that June is the kind of peak month. Yes. Yes. Correct. That's the one. Yeah. We can get that.

01:14:51:07 - 01:15:07:04

Okay. Thank you. And the second point is following on from the Chancellor's statement yesterday when she announced that the A27 Arundel bypass will not now be funded. Could you provide me with your view as to what effect this has for the analysis contained in the transport assessment?

01:15:13:29 - 01:15:16:28

Scotland as the applicant? Sir. Yes, we've noted that. Thank you.

01:15:17:18 - 01:15:34:18

Okay. Thank you. Well, that is, um, pretty much finishes my questioning. So given it is exactly 3:15, we will take a 50 minute break and adjourned until 3:30. Thank you.