



## Hearing Transcript

<b>Project:</b>	Gatwick Airport Northern Runway
<b>Hearing:</b>	Recording of Issue Specific Hearing 9 (ISH9) - Day 2 - Part 4
<b>Date:</b>	31 July 2024

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## **Gatwick\_31st July\_ISH9\_PT4**

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### FULL TRANSCRIPT (with timecode)

00:00:04:28 - 00:00:48:28

It's now 1145. So resume issue specific hearing nine Mr. Linus, going back to, um, our brief conversation, just to confirm, we are going to be discussing socioeconomics and health and well-being in detail tomorrow. Today is just about drafting and some schedules. I'm confident that you're going to be able to deal with what I'm going to talk about. It is just about wording and drafting. However, having said that, if it appears that it's not going well and you feel that you need to have some of the colleagues with you tomorrow, let me know and we'll have a rethink about that.

00:00:49:27 - 00:01:21:00

Is that acceptable to the jazz as well? Thank you. Right. So if we can firstly look at the proposed drafting of the employment Skills and Business implementation plan requirement. So the initial wording for this requirement was provided by the applicant in response to ex q2 TSS 2.8 which is rep 791. And we have made some very slight amendments to the wording of this requirement.

00:01:21:02 - 00:02:05:12

And our reasoning behind the consideration of including this requirement is to ensure that the socio economic benefits of the proposed development are adequately secured and realised. And also, I'm assuming many of you are aware that there's existing precedent for such an inclusion in the scope of this type of requirement in relation to skills and employment. So I'd like to turn to the JLA first, please. Could you let me have your thoughts on the slight amendments that we've made to the requirement and the requirement overall? Um, and whether or not you consider it meets the test for planning conditions as set out in the National Planning Policy Framework.

00:02:08:09 - 00:02:39:18

Thank you, Madam Michael Bedford, Joint Local Authorities. If I deal with the second element first, because that goes to, as it were, the issue of the principle. Um, then, uh, the answer is that, yes, we do think that, uh, it would meet the tests in, uh, the National Planning Policy Framework and indeed, to the extent that they are relevant in the NPS for the imposition of, uh, requirements.

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Um, and, uh, we say that because, um, uh, it is recognized by the applicant that the proposal has, uh, residual adverse impacts, um, not in relation necessarily to this particular environmental discipline, but there are negative environmental, uh, impacts, which the applicant then suggests as part of a planning balance can be weighed against benefits.

00:03:11:06 - 00:04:03:20

And the applicant puts forward the employment consequences of the scheme as part of the benefits and part of the way in which the applicant seeks then to deliver those benefits is through the employment, skills and business strategy. So there is a clear nexus between, uh, to make the development acceptable in planning terms, those benefits. And would they subject, obviously, to all the other considerations you've got to consider? Would the development be acceptable in planning terms? And if you conclude that in order or as it were, as part of the conclusions, why you reach the conclusion that the development is acceptable in planning terms is the delivery of these particular benefits, then it is necessary to ensure that these benefits are delivered.

00:04:03:22 - 00:04:39:21

Otherwise, the nexus isn't there to enable those benefits to be brought into account in the way that they are. So we see it as being therefore entirely appropriate that you can require the securing of the benefits which are part of the planning balance, in order to ensure that they are delivered. We're also obviously very well aware that there are ongoing discussions between the parties about dealing with ISPs through the section 106 agreement, and that is another route.

00:04:39:23 - 00:05:11:19

And you may have heard that there are some circumstances where, for reasons of flexibility or reasons of efficiency in terms of documentation, it may be that things which could be a requirement are dealt with as a section 106. And that's a matter that, uh, we may need to come back to. At the moment I don't, because I don't actually know how the 1 in 6 matters are going to resolve themselves.

00:05:11:28 - 00:05:42:21

Uh, but if the matter is to be dealt with through a requirement, which is obviously the subject of what you have put forward. Uh, then, um. So far as, uh, that text is concerned, we, uh, we welcome, uh, the changes that you have identified, but we do think that there needs to be additional text, uh, to ensure, uh, effectiveness in terms of delivering, uh, the outcomes.

00:05:42:29 - 00:06:17:10

So, uh, that, um, the, uh, I think effectively what we see is, is that the present, um, implementation, um, uh, strategy is more in the nature of being an outline. Uh, and what we would like to see, uh, is that it's treated as an outline and that it calls for effectively the delivery of a detailed, uh, ESB implementation plan, substantially in accordance with the principles in the outline.

00:06:18:25 - 00:06:56:15

Um, and we are still working on, uh, how we think that that should be, uh, adjusted and we will provide some wording in our, um, deadline eight post hearing submissions. But to put a bit of flesh on what matters we think need to be covered. Um, it needs to define, uh, the activities that the applicant would be proposing to carry out outside of the SBS fund, as well as those that would be carried out and funded within the SBF fund.

00:06:56:19 - 00:07:56:18

It would need to identify the period that the fund is intended to cover. Um, and, uh, we have issues as to the reference to the, uh, the monitoring period. Uh, that's part of the discussion in relation to the 106. There needs to be clarity as to the spatial areas that are being referred to. There needs to be ensuring that it's in accordance with the thematic plans which themselves need to indicate detailed

objectives, targets, outputs and key performance indicators, and that it will provide information on the need for specific beneficiaries, potential activities and the net additional impact, including detail of the minimum funding to be secured, and that it also provides further detail or greater detail on how hard to reach groups will be engaged with and how the funding will be spent.

00:07:56:20 - 00:08:31:29

So effectively. What we see is this is a start, but we think that there is a need to ensure that the detailed Essbase implementation plan provides that greater level of detail. And so I also noted over the page I missed this, uh, also clarity on the role of the ESB steering Group. Uh, we don't at the moment see that there's a route map to explain how it is to operate or milestones for developing the implementation plan.

00:08:32:09 - 00:08:44:24

So I say I will try to provide some further written text to you at deadline eight, but that's a summary of our concerns in terms of the the current position.

00:08:45:06 - 00:09:10:08

Thank you. That's helpful. I'm sure you're seeing the dialogue between ourselves and the applicant, and about their concerns about how if this was secured as a requirement, it would raise an unnecessary level of complexity in order to how it's dealt with. Is that something that you would see? It would cause the JLo's administrative challenge as a requirement, rather than a section 106?

00:09:12:13 - 00:10:04:01

I'm afraid. Sorry. Michael Bedford, joint local authorities. Uh, the answer to that is it depends if there is a successful outcome to the section 106, negotiations and matters are all satisfactorily resolved in a way which is clear through that process. And obviously, one of the things that is going to be quite important to that process is the scale of funding, which is committed to in the section one and 106, then one could say that one would avoid, as it were, uncertainties of the requirement route, which, as I've indicated, we see the position at the moment, is that the requirement would need to call for a more detailed plan to be submitted and approved in due course.

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So that obviously has inherent unknowns in it at this stage because it's calling for further detail. So I say if the position were that we had reached a common position on a section 106, I think we would say that you don't have that additional layer of complexity of going down the route, of agreeing a scheme, etc., etc. however, obviously, if we're not in a position that we've reached a common, uh, agreement with the applicant on the terms of the section 106, then we think the inevitable default position would be that there should be a requirement.

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Indeed, we would say there needs to be a requirement, and it would need to adopt the sort of structure that we've envisaged, which will no doubt involve further discussions and need for further agreement and approval, uh, as part of that process, which will have some complexities, but we don't see that as reasons to not do that. In the event the parties haven't been able to reach a common agreement through the section 1.6.

00:11:09:01 - 00:11:25:14

Thank you. That's useful. As all parties are aware, we will be issuing our our draft DCO imminently. So am I correct? Again shouldn't make assumptions in assuming that those discussions will not be completed on this matter by deadline eight.

00:11:28:24 - 00:11:57:27

I think there is a desire to make significant progress on both sides, so that there is clarity as to the parties positions by deadline eight, so that that would enable you to be informed as to what you're likely to, uh, expect. I think that is the desire whether that will prove to be the case. Uh, I'm afraid I'm not directly the person doing the negotiating, so I don't know.

00:11:58:01 - 00:12:16:18

That might have been my not so subtle hint to, um, suggest that those negotiations, maybe if they could be fast tracked, it would be very useful. Um, before I turn to the applicant, does anybody else want to raise any issues on this specific agenda item?

00:12:18:21 - 00:12:37:16

Nope. Okay. Um, if I turn to the applicant, obviously you may have some comments on what Mr. Bedford said, but do you have any initial comments on the slight amendments we have made, um, in respect of the requirement, noting I have taken on board your response to EC2.

00:12:38:16 - 00:13:10:11

Scot liners for the applicant. Uh, in short, the answer is you don't have any comments to make specifically on the change to the requirement. But more broadly, I think our our formal position has expressed thus far has been to prefer the 106 route. But we have taken the first hint and looking at the requirement, we also take the second hand on the one who seeks discussions. It's our desire to make substantial progress on those before deadline. Yet we're working very hard to try and achieve that.

00:13:10:27 - 00:13:46:24

Um, but more, more generally, I think on this requirement, um, to some extent it reflects what's happening on the one who's six as matter of stand. We've heard what the Glas have said and submitted a deadline seven regarding a need to incorporate more detail into the provisions that support the sort of 1 to 6 commitment. If this were to come forward as a requirement in this form, we envisage that more detail would be required. We've taken on board the Glas comments, and we can discuss those, uh, in advance of deadline here and try and make substantial progress on them.

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So, in short, we think that if this requirement were imposed, further detail would be required within the documents that are mentioned there. Uh, but this reflects discussions that we're having with the Glas and any event pursuant to the 106.

00:14:03:23 - 00:14:35:03

Thank you very much. Um, I'd like to move on to the a new requirement, the housing fund, which is in annex be. And we are aware of the ongoing discussions between the applicant and the Glas in respect of this matter. And just to note that the wider issue of housing is an agenda item for tomorrow.

So there will be a further opportunity to discuss this topic in more detail. So as I've said, today is just about the wording of possible requirements.

00:14:35:09 - 00:14:59:18

I'm going to turn to the applicant first in this instance. Um, can you give me an update in respect of the discussions taking place between the parties on this matter? And regardless of how such a fund is at the end or not secured? Is this is the housing fund required as a form of mitigation in

00:15:01:12 - 00:15:01:27

Scotland?

00:15:01:29 - 00:15:40:00

For the applicant, the position in respect of discussions with the Glas is that we reject the suggestion that issued as a matter of principle, be a housing fund, and we do not accept that it would be required as any form of mitigation, because the evidence shows there would be no effects requirement. That's our in-principle position, which we can explain in more detail. Um, at tomorrow. Um, so in some sense, any discussion on the wording, as I said before, is as academic because we simply don't accept that there is a rationale or any reasonable justification for, uh, for this requirement.

00:15:40:07 - 00:16:08:10

Um, as a matter of principle, um, if there is going to be any consideration of the way that the drafting is set out, we would simply note at this stage that there's nothing, uh, through this requirement, which provides for any limit or any quantification of any fund, nor is there any guidance as to how a figure would be reached. But to some extent that's secondary to the in-principle objection that we have. We simply do not regard this as an acceptable requirement.

00:16:10:03 - 00:16:33:16

Thank you. My next question was to you about the wording, but given your comments, I will not ask that. But as you said, we will revisit this, um, in more detail tomorrow. Thank you. I'm going to turn to you, Mr. Bedford. Um, in terms of the update, in terms of negotiations between parties. So anything you'd like to add to that?

00:16:34:00 - 00:16:49:15

Uh, no. Other than that it is the subject of, uh, discussion. Sorry. Michael Bedford, the joint local authorities, uh, it is the subject of, uh, discussion. Um, did you want me to deal also with the point about the wording of the document or.

00:16:50:16 - 00:17:18:09

Um, yeah, I was going to my next question after your response was, is there anything else you want to add? I've noted your, um, response to in the Legal Partnerships Authorities Legal Agreements Progress Update document, which is rep six 112. Is there anything before we move on to wording that you wish to add in respect of why a housing fund is considered necessary, or would you rather wait to have that wider discussion tomorrow?

00:17:18:15 - 00:17:52:22

I think that's probably better place tomorrow, because particularly because it's slightly lopsided if you hear from us, but you haven't heard from the applicant on that matter of, uh, contention. Uh, clearly you've seen what we've already said about that. And we certainly don't start from the same position as the applicant of saying that there is no justification and there is no need for the fund. So we see this as being a matter which can be dealt with by a requirement, but equally it can be legitimately the subject of negotiation through the section 106.

00:17:52:25 - 00:17:54:03

So that's how we see it.

00:17:54:10 - 00:18:03:09

Thank you. And moving on to any comments on the wording of the draft requirement and compliance with relevant tests.

00:18:04:04 - 00:18:38:19

And then madam, again, I think we think that there would benefit from there being some more specification within the requirement as to the content of the housing fund plan, in order to ensure that it is able to be deliverable, and that it adequately mitigates the pressures on affordable and temporary housing. Um, we will be, I think, putting forward some suggested text in our, um, comments at, uh, deadline eight.

00:18:39:01 - 00:19:23:04

Uh, but clearly it needs to make it clear how, uh, it's going to deal with the impacts from the non home based workers. And it needs to specify, uh, how the funding will be used to support the delivery of the required accommodation, uh, which may be by the local authorities, it may be by the applicant directly and it obviously needs to deal with timescale issues. Um, so, um, those are matters which we do think that the wording would need some further elaboration, so that all parties are then clear that the plan that's to be submitted for approval has, as it were, a Co eight content.

00:19:24:16 - 00:19:32:23

Thank you. If you could provide any wording at deadline eight it would be helpful. Thank you Bob. Is there anybody else who wishes to comment on this agenda item?

00:19:34:12 - 00:19:53:22

No. Um, I'd like to move on to discussing a couple of the proposed schedules contained in the draft section 106. Now, if we turn to schedule four first, which is the London Gatwick Community Fund, and Mr. Bedford, sorry, I'm going to turn to you again.

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Um, again, I'm, I'm aware that this is a subject of ongoing discussions. Um, are you in a position to provide me with high level update in respect of these discussions? And also whether you feel that agreement in respect of funding is going to be reached before the end of the examination. So what I'm trying to establish is how close are you in agreeing the funding? Well.

00:20:27:17 - 00:21:05:01

Michael Bedford for the joint local authorities, I'm going to defer in a moment to Mr. Knowles from Sharpe Pritchard, who's been more involved in the negotiations. But I suspect we're not going to really be in a position to give you an answer as to how likely it is that the matter is going to be resolved. I mean, without, uh, in this kind of forum getting into any of the detail of negotiations, uh, it is often the case that there are a number of, as it were, moving parts and a number of discussions about a number of different moving parts.

00:21:05:11 - 00:21:27:29

And it's quite hard to isolate, as it were, the likelihood of particular matters being resolved or not resolved because some of them have knock on effects on other moving parts. If I can just put it like that. So, you know, with that, with that context, then perhaps Atlas Knowles if there's anything further that she can add on the the particular fund.

00:21:28:14 - 00:21:59:09

Okay. Yeah. Um, Emily Knowles with the joint local authorities. Um, not much more to add than what Mr. Bedford has said. I think, um, the applicants helpfully provided, um, information to the authorities that we've requested about how the community foundations would work and how to to give confidence that the funding will be spent appropriately, etc.. so the drafting in terms of how it will all work is has come together quite nicely. Um, but in terms of the specifics amount and how that's calculated is still under negotiation.

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Um, we've also included review mechanisms to ensure that the fund, you know, remains the appropriate way to deal with these, um, in unexpected impacts. But yeah, nothing further.

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Thank you, Mr. Bedford. If by the coming towards the end of the examination, you're still quite a distance apart in terms of funding, is would you be prepared to submit into the examination what funding you think is appropriate?

00:22:29:28 - 00:23:18:02

Like for the joint local authorities, I think inevitably that, uh, is the sensible way forward if we've not, uh, reached an agreed position. Uh, and I suspect, as I say, we were talking earlier, uh, in relation to the earlier discussion about the parties, uh, desiring to have clarity on their respective stances by deadline. Eight, I suspect that if at deadline eight, the position is that the parties have not, or certainly not confident that there's going to be an agreed position, then obviously at deadline nine, which is effectively our final opportunity to make any representations to the examining authority.

00:23:18:04 - 00:23:50:04

I think the, uh, joint local authorities would want you to be armed with, uh, as it were, the outcomes that they see as being necessary in order to, uh, support any development consent order that were to be made. Uh, so I think we would want to be telling you at deadline nine what it is that we would be looking for, which by as it were, inference is not there in whatever it is that the applicant has thus far put forward to us.

00:23:50:06 - 00:24:02:16



So I hope that helps you as to where we think that we would end up, albeit that I say we are not at the moment taking the position that that is the case because negotiations are continuing.

00:24:03:00 - 00:24:19:06

Thank you. Obviously, the figures you provide, if you could provide justification, as much justification as hostile, if by the end of the examination you haven't reached agreement, going back to conversation which just had should therefore a requirement to cure the community fund.

00:24:21:02 - 00:24:58:15

We will be looking at that together with all of the other elements. And obviously, insofar as matters are properly capable of being dealt with as requirements, then yes, we will want to put forward. Uh, requirements. Uh, or at least, uh, as it were, the bounds of requirements. It may be that there will be some matters where, because of the nature of the, um, um, subject matter, we can only give, as it were, an outline or a headline of what the requirement would need to cover, as opposed to giving you precise wording for a requirement.

00:24:58:19 - 00:25:19:07

I'm. I'm saying that sort of, as it were, covering matters across the piece rather than specifically in relation to this particular fund. But we would certainly want you to be clear what our final position was and what it was that we would be inviting you to recommend the Secretary of State in relation to that subject matter, as indeed all the others.

00:25:20:02 - 00:25:27:20

Thank you. Could I ask then, for deadline to consider providing some draft wording for a requirement for the community fund?

00:25:31:13 - 00:26:03:24

Suspect that may be difficult given that a deadline eight is, um, next Wednesday. Uh, there are active negotiations and discussions ongoing. Uh, and I suspect we're not I mean, I appreciate you've got the 14th of August, and I know that that is a critical date, but I suspect we may not be in a position to deal with all of the matters by deadline. We will do what we can because we're as alive as you are to the where the clock that is ticking.

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But there may be matters that we have to leave to deadline nine.

00:26:07:15 - 00:26:26:20

That that's fine. Um, obviously, if you can. Great. Or even if just, um, in your submissions, expand on your views on that, that would be equally as helpful. Thank you. Before I turn to the applicant, is there anybody else who wishes to comment on this agenda item?

00:26:28:12 - 00:26:32:26

No. Uh, Mr. Linus, is there anything you wish to add?

00:26:33:02 - 00:27:03:05

It'd be very brief. Um, Scott, for the applicant. Um, as for the community fund, uh, an accurate summary of where we are, and I have nothing to add to that. Um, discussions are ongoing issues of narrowed, uh, considerably in the way that's been described, and I don't need to add anything further on that. Uh, anticipation of, um, what the ex may want to know about what if, um, by deadline it the position as we see it is this.

00:27:03:07 - 00:27:21:01

We're obviously working to continue to work towards agreement. Um, on the section 106, we are having positive, uh, discussions which have been taking place over the last couple of weeks. We're anticipating feedback from the jazz before deadline it,

00:27:22:22 - 00:27:50:08

and we expect to be in a position to confirm whether we think an agreement can be reached by deadline at nine. Then if so, there'll be a signed and completed 106, which will be submitted a deadline nine if agreement is unlikely to be reached. And we knew that deadline eight um, we will prepare a unilateral undertakings to the relevant authorities to secure relevant obligations and will submit those at deadline nine if agreement isn't reached.

00:27:51:11 - 00:27:58:18

Thank you. Just one final question. The community fund. Is it a form of mitigation?

00:28:00:20 - 00:28:02:24

Scotland's for the applicant. Yes.

00:28:03:18 - 00:28:12:19

And you're probably going to guess what without being flippant. Then if it's mitigation, should it be secured by a requirement? in.

00:28:15:28 - 00:28:32:24

Scotland as the applicant. Uh. In short, the answer is at no. Our position as as we have set out previously in terms of the flexibility and the mechanisms that are used to implement the community funds, setting more naturally within a section 106 rather than rather than a requirement.

00:28:34:05 - 00:28:50:05

So in terms of going back to the employment skills and business strategy position is very similar. You have provided me with wording for a requirement for that. Should we be minded to go down that avenue. Is it possible that you can provide some wording for this?

00:29:01:18 - 00:29:34:05

At Scotland for the applicant. Um, I think we would have, you know, I think we'd have difficulties doing that for deadline eight, uh, for similar reasons that are expressed by Mr. Bedford in relation to the JLR position. And, um, from our perspective. Um, given the position that we've set out in terms of dealing with by, by way of section one to, uh, six were reluctant to do that unless we're specifically asked to do so by yourselves.

00:29:34:21 - 00:29:42:26

Um, and certainly we don't think we'd be able to do that by, uh, by deadline yet, given the discussions that are taking place between us and the jazz,

00:29:44:14 - 00:30:07:02

we we have we have made a lot of progress with them. And we're we're going through the fine drafting of that obligation at the moment, and our preference would be to continue with our process rather than divert attention to drafting, um, a requirement when progress is being made positively and drafting that through a 106 obligation.

00:30:08:01 - 00:30:24:24

Okay. Understand that. So I think from my perspective I will see what progress has been made at deadline eight. And then it may be that I put something in writing that requests that you do provide, um, a draft requirement before the close of examination. Well, that deadline nine. Yes.

00:30:25:08 - 00:30:25:26

Ma'am. Thank you very.

00:30:25:28 - 00:30:29:23

Much. Thank you. Um. Lee. Sorry.

00:30:31:07 - 00:30:37:06

Bedford. Sorry. Yes. No, I appreciate you got hands up from others, so. No, I'm happy to. If you want to come back to me.

00:30:37:08 - 00:30:40:08

No, that's fine, Mr. Bedford. I'll take you. Then. I'll go to you, Miss Scott.

00:30:40:12 - 00:31:14:24

Thank you. Um. Yes, madam. Just in relation to the, uh, section 106 discussions, it, uh, just perhaps ought to be, um, mentioned that as well as, uh, the 106 itself. There are a number of, as it were, subordinate documents that would sit under the 106 were there to be a 106 agreement, about which there are ongoing discussions, and there are still outstanding issues in relation to a number of those subordinate documents.

00:31:14:26 - 00:31:44:21

So that is something that we are talking to the applicant about. But there are I say it's not simply the section 106 itself. There are say um, say subordinate documents which would be required in order for the 106 to be effective, which will also need to have a appropriate measure of agreement between the parties in order for them to reach a resolved position. So that's just something I wanted to sort of, as it were. Er, no thank you.

00:31:44:23 - 00:31:47:19

Thank you, Miss Scott. Sorry. Please.

00:31:47:21 - 00:31:48:06

Thank you.

00:31:48:17 - 00:31:49:02

Yeah.

00:31:49:04 - 00:32:09:24

Charles Parish, council Lisa Scott and the parish council had put forward a request for mitigation fund for the parish and nearby areas. And I'm wondering if either that, um, is approved as a separate mitigation. And if it's not, can we be part of the discussions with the Glas?

00:32:12:15 - 00:32:22:08

Thank you. Can I look to both parties? Whether Miss Scott representing the parish council, can be included.

00:32:24:09 - 00:33:05:14

Michael Bedford, joint local authorities. I think the answer is from a pragmatic point of view, it would not be practical or indeed fair to single out one entity I not in any way diminish the importance of either Charnwood Parish Council or indeed any other parish council. Uh, but one can't, uh, fairly have a process which involves multiple parties. And obviously the, uh, local authorities are uh, um, uh, separately, uh, engaged with the communities and with the parish councils.

00:33:05:24 - 00:33:32:04

And I'm afraid this is one of those circumstances where I've actually the voice comes from the JLA. Um, and it would not realistically work, and it certainly wouldn't work within the timescales that we're working to, uh, to bring in other voices. And I say one couldn't single out, I think, one parish council to the exclusion of others for that purpose. So I'm afraid the answer is from our point. We don't see that as being a practical way forward.

00:33:32:22 - 00:33:54:20

Miss Scott, I realize that isn't the answer that you were looking for. So as a midway ground, can I ask you at your for deadline ET to again submit, um, the wording that you the mitigation that you were looking for and I will review it and move forward. Um, between deadline eight and deadline nine, if that's acceptable to you.

00:33:55:02 - 00:33:56:00

Thank you. Yes.

00:33:56:27 - 00:33:59:23

Thank you, Mr. Linus. Do you have anything else to add?

00:34:00:07 - 00:34:01:29

Scotland. Applicant? No, thank you, ma'am.

00:34:03:09 - 00:34:03:27

Mr. Tanner.

00:34:13:15 - 00:34:53:08

So, the local councils can actually access funding. The the applicant continues to see no need to enter commitments on endless subjects. They assume a level of trust that doesn't exist. So if a social fund of 10% of the investment that is made in the airport which created independently managed, then those like Charnwood and other authorities would be able to access the funding they've needed because it sounds like otherwise they're going to get locked out.

00:34:53:28 - 00:35:05:04

Thank you. Mr. Taylor, do you see that as being something? Obviously, I have no detail of what you're proposing, but do you see that as something that's been over and above the community fund that's been discussed?

00:35:06:00 - 00:35:34:20

I don't have the details of the community fund. Every as I mentioned before, every other project that involves public, um, investment, the supplier of that service would be required to provide social value to a to 10%. So as I don't have the the details of the community fund, I can't comment.

00:35:35:00 - 00:35:44:16

Mr.. Are you proposing to attend tomorrow's session on socioeconomics as well? Just there is a reason for me asking because I'm trying to get the information to you.

00:35:44:23 - 00:35:46:27

Okay. Um, I can try.

00:35:46:29 - 00:36:03:25

Yeah, well, irrelevant of whether or not you are. Um, if you speak to the case team, when we finished, I will direct them to direct you to information about the proposed community fund, because that might answer some of the questions that you currently have.

00:36:04:01 - 00:36:21:20

Well, it might, but it might not, because what I hear from the applicant on so many subjects is that they see no need to mitigation. They don't see a problem. It's across noise or anything else and that they're not really planning to do anything. And it's shocking.

00:36:22:05 - 00:36:36:25

I take on board what you're saying and again, as I said yesterday, do not take my comments either way, but there is some funding available. So I'll get one of my colleagues to direct you to that and hopefully you can have a look and then comment further.

00:36:37:21 - 00:36:48:10

Thank you. Are you able to indicate what the total value of the social value of the Community Fund is in proportion to the overall investment from the.

00:36:48:15 - 00:37:14:10

It depends greatly on passenger numbers. So if it is broken down in the schedule for the section 106, um, you will be able to see the the proposed figures. Obviously, as you've heard today, there is some ongoing discussion about the suitability of those figures. But as I said, I'll get one of my colleagues to

direct you to that, and hopefully that might alleviate the fact that you think there isn't anything available.

00:37:14:12 - 00:37:21:27

Well, as long as it's close to the 10% that is publicly used across UK projects, I.

00:37:21:29 - 00:37:28:26

Can't comment on something that's not before me in the examination, but this signpost due to some information. Thank you.

00:37:31:04 - 00:38:14:15

Um, I just want to move on briefly to schedule five of the section 106, which is the employment, skills and business uh, schedule. We've already touched on this matter, and we'll be touching on it again tomorrow, but I've just got, um, a couple of questions to the applicant in terms of some practicalities, which you may or may not be able to answer today. Um, in response to EC2, SC 2.7, which is rep 710, East Sussex County Council commented that the current version of the strategy does not include specific mention of links to career hubs working with schools across Surrey, West Sussex and East Sussex.

00:38:15:06 - 00:38:29:26

The document only refers to the cost to Capital Local Enterprise Partnership career hubs, which no longer exists and has now been super superseded by West Sussex County Council. Is this something that's going to be updated?

00:38:30:27 - 00:38:36:23

Scott the applicant. We are going to update the PSBs deadline to take into account those comments.

00:38:37:12 - 00:38:44:01

Thank you. And there was a question where the Surrey County Council are or will be a member of the steering group.

00:38:51:08 - 00:38:57:20

At Scotland as the applicant. We think we know the position, but we should probably check and come back to that tomorrow, if we may, ma'am.

00:38:58:06 - 00:39:06:18

That's fine. Those are the only questions I have for yourselves on that schedule. Mr. Bedford, is there anything else you wish to add today to? In terms of schedule five?

00:39:08:08 - 00:39:13:27

I'll just check. I don't think that there is. No, I'm being told that there isn't anything we need to add. Thank you, Madam Chair.

00:39:15:18 - 00:39:49:01

Thank you. Is there anybody else who wants to specifically comment on that schedule? No. Schedule seven. Then that's health now. I'm not going to discuss that today because I've got quite a few

technical questions on this. So this schedule will be discussed in tomorrow's hearing. So unless anybody else has any questions on the drafting of requirements or section 106, in respect of Socio-Economic and Health and Wellbeing, I'm going to hand over to Mr.

00:39:49:03 - 00:39:49:28

Gleason now.

00:39:53:12 - 00:40:35:26

Thank you very much. So I'm going to begin with requirements 21 in our annex B, which is carbon Action Plan. Um, so this has been amended to provide for qualified counsel, to be consulted prior to any change to the Carbon Action Plan, which the Secretary of State agrees to. And additionally, we've set out that the cap should be modified to make provision for Crawley Borough Council to be provided with the monitoring reports, to be and to be consulted on any action plan required in the event that further interventions are required.

00:40:37:25 - 00:40:50:10

So, and in the event that further interventions are required to be consulted when the cap is reviewed, could I begin asking the applicant for their views on these potential changes, please?

00:40:51:08 - 00:41:11:22

Scott for the applicant, sir, we're happy to make the amendment the requirement that's been suggested, and we're also happy to include the suggested consultation commitments identified in the reasoning for the amendments, and will submit an updated cap to reflect that or an action plan. I should say sorry to reflect this deadline yet.

00:41:12:22 - 00:41:13:07

Thank you.

00:41:18:28 - 00:41:20:18

Miss Bedford citizens comments or.

00:41:21:28 - 00:41:36:23

Thank you, Sir Michael Bay, for the joint local authorities. Obviously, we welcome that indication from the applicant and we'll comment formally when we've seen the revised text. But we obviously welcome the recognition that Crawley Borough Council should be a consultee.

00:41:37:24 - 00:41:52:22

Thank you. Let's then move on to requirements eight. Oh, sorry. Some hands up. Can we go from this end to the other? So, Cagney first, please.

00:41:52:28 - 00:42:35:04

Odetta Chalabi for Cagney and Cagney has a number of comments on the carbon action plan requirement. And first, Cagney does welcome the involvement of the local authorities. But a key concern is that the Carbon Action Plan still does not have teeth and with no immediate enforcement consequences in terms of airport growth if promises are not kept. So Cagney considers that local authorities should have further powers to enforce the cap embedded within the requirement. And at

the same time, while Cagney supports there being a role for local authorities, it's also concerned that CBC does not currently have the expertise or resources to properly provide oversight.

00:42:35:12 - 00:43:06:29

And accordingly, Cagney also submits that funding should be made available for CBC to use external expertise and to address this requirement, and to have proper oversight of the cap. One example is that it's not clear to Cagney that the applicant has considered, either within the cap or within its decade of change, the scope three emissions that would arise from waste burnt at an offsite incinerator. They're not mentioned anywhere. And whether that's been excluded and why requires proper scrutiny.

00:43:07:23 - 00:43:43:23

The second point Cagney wants to make is that Cagney has submitted previously that, as the applicant has accepted with noise in terms of carbon, there should be carbon limits or a carbon cap with a step trajectory embedded within the DCO requirements, including on scope three. Aviation emissions, together with consequences of such emissions, are not. Such limits are not met. And in particular, Cagney adopts what the Aviation Environment Federation has set out as regards a carbon cap at rep 1114 and Rep 3158, and the R.A.F.

00:43:43:25 - 00:44:15:15

justifications for that. But Cagney notes that the applicant says it does not control aviation emissions, and uses that as a justification for excluding scope three. But the same could be said regarding aircraft noise, and the applicant is happy for the noise envelope to apply. And following the reasoning of the Supreme Court in Finch. If the airport did not expand and therefore did not provide the additional infrastructure needed for more flights, those emissions would not be taking place.

00:44:15:17 - 00:44:33:13

So there's no evidence before the examination that they would happen anywhere, any way elsewhere. So there is a sense in which the applicant is responsible for those emissions. And Cagney therefore considers there should be real consequences in terms of growth if emissions are not reduced as promised.

00:44:34:04 - 00:44:37:27

Thank you. Next. Councillor Coleman, is it?

00:44:38:08 - 00:44:39:11

Yes. Thank you.

00:44:39:17 - 00:45:16:16

Um. Councillor Coleman, Wealden District Council and Green Party representative. There's a certain causal relationship between the consent of a second runway at Gatwick and increased emissions from additional flights. Indeed, increased passenger volumes and a greater proportion of long haul flights is the whole purpose of the expansion. The Aviation Environmental Federation has calculated that the proposed runway and passenger and passenger growth would add a million tonnes of CO2 per year by 2050. Therefore, the landmark Supreme Court ruling that has just been mentioned by Cagney is at Finch versus Surrey County Council is relevant.



00:45:16:23 - 00:45:57:27

In that case, it was found that there had been an overly narrow interpretation of the environmental impact assessment regime. The climate impacts resulting from the end use consumption must be considered and the exclusion of end use or downstream emissions from the environmental impact assessment were inconsistent and legally flawed, regardless of where the emissions actually took place. As the atmosphere we know knows no borders and the same principles apply in this case, the application is narrowly focused on direct emissions generated as a result of the airport expansion itself, rather than the emissions it will generate, which is not an honest assessment of the full consequences of the development.

00:45:58:20 - 00:46:35:15

Reliance on the government's net zero aspirations is premature, irresponsible and insufficient in regulating emissions. The sustainability of alternative fuels must be properly assessed and not assumed, and which can only take place once. They acknowledge that once the technology exists at scale, reliance on jet zero is a justification for expansion, represents an act of willful blindness to the extent of climate damage that would be caused, and the responsibility for the emissions from international aviation must be fully accounted for, regardless of where those emissions take place.

00:46:35:21 - 00:46:41:29

So isn't the exclusion of downstream emissions from the DCO dishonest and unlawful.

00:46:42:10 - 00:46:43:18

Thank you. Thank you.

00:46:56:12 - 00:46:59:02

And was it Councillor Essex? Did you have your hand up?

00:47:02:16 - 00:47:47:08

Thank you. Um, I just wanted to. To relate this carbon action plan to the request that you made through your ex. Um, second round of questions, in particular relating to the Finch case and that the, the results of, of those submissions will be fully reflected in what you consider to be the final way in which, um, climate change emissions are reflected both in the climate, uh, the carbon action plan and in the DCO requirements to ensure that not only are they monitored, but they're sufficient mechanism for them to be enforced and required to be mitigated if whatever monitoring and mitigation by the airport themselves doesn't sufficiently materialise.

00:47:47:14 - 00:48:18:14

I would argue that that means that the carbon action plan and the scope of the climate mitigation, um, which I understand the JLA are setting out to be controlled through their green, um, controlled growth framework or environmentally managed growth framework should extend to include the the carbon emissions associated um through all of the scope three emissions. That's both the scope three emissions of of the aircraft um flying from the airport.

00:48:18:16 - 00:48:55:27

The scope three emissions associated with the production of sustainable aviation fuels, as is known. That which is off site, such as the incineration emissions referred to by Cagney, and the emissions relating to surface transport. That is, the total scope three emissions, as we understand, should be within the scope of the carbon Action plan, such that the plan is actually actually reflecting the requirement of Finch to consider all downstream emissions within the scope of the project.

00:48:55:29 - 00:49:30:00

My understanding from the responses given at deadline seven is that there is no question that these are within scope, so should be included in the Carbon Action Plan and the DCO. The question is whether or not they are considered to be significant enough in impacts from the environmental statements, in the way it's considered to be included. We heard earlier the discussion about significance links to where the provisions are required. Now, you asked us to elaborate on our case that we've made on the significance of, of, uh, of the carbon impacts.

00:49:30:02 - 00:50:10:10

And I think that what we've seen is the Finch case, um, reasserts our position that it's not just the flights which are departing from the airport that should be considered as significant, um, at, at the point of project. But those which are arriving, too. And that's made clearly in the JLR case. Um, also, we we are quite clear in our position that significance requires to be built into the DCO. Um, and section 106 requirements, because, um, the jet zero framework isn't in any way sufficient, um, to control those emissions.

00:50:10:12 - 00:50:28:22

It sets out some numbers as to what's included or not included, but it doesn't provide the mechanism for those to be controlled because they occur at airports are related to the project, and therefore it's the project. I this DCL agreement for the future running of the airport, which needs to clearly set out the mechanism for their control.

00:50:29:22 - 00:50:33:18

Thank you. Mr. Linus, do you wish to respond on those.

00:50:33:20 - 00:51:12:04

Points, Scott? The applicant? Yes. Thank you sir. A number of those submissions aren't actually about the proposed requirement, but our broader submissions about the environmental assessment and the French case. As you know, sir, we've responded to, uh, EQC to CC 2.1 and our document rep 7-079 on French. More generally, I do not propose to go into any more details on that here, to the extent we need to make further submissions in response to comments that maybe other parties will do that in advance of the close of the examination.

00:51:13:00 - 00:51:46:06

Um, as for other points, um, that raise new submissions, um, in part, they effectively refer to the um EMG approach as being proposed by the, uh, Glas. Again, I do not need to go into the the detail of that. Um, we have set out repeated semesters to why we don't accept, um, the approach that's advocated by Cagney, but through the jazz, um, proposal.

00:51:46:15 - 00:52:23:12

Um, rap 6093. Um, so in general, the extent of the comments uh, received on the cap have been in the context of the EMG framework, which we've submitted detailed responses on. If you look at section four of Rap 6093, um, submissions in respect of carbon and GHG in that context are made. We don't change our position on that. In response to the most recent submission that deadline seven their rap 7102 and we'll be responding for completeness to that submission at deadline ET as well.

00:52:23:14 - 00:52:46:29

So I do not need to address any further. Um, certainly the submission by Cagney that, um, some contribution needs to be made to the Glas to deal with our consultation requirement. We do not see the need for that. Um, any consultation takes place can be carried out in accordance with usual administrative functions. Thank you.

00:52:47:05 - 00:53:15:04

Thank you. So, uh, the question you've referred to various speakers have referred to, which was CC 2.1. Uh, second written questions. So the responses to that came in at deadline seven. Uh, the applicant responded, uh, we had probably 8 to 10 individual responses from different parties. Presumably you will be commenting on that at deadline eight Scotland applicant.

00:53:15:06 - 00:53:15:23

Yes, sir.

00:53:15:25 - 00:53:26:13

And the same opportunity arises for parties to comment on the applicant's, uh, response to that question, so can be taken forward there. Thank you.

00:53:33:06 - 00:53:44:20

Okay. Thank you. We will move on then. Although may come back as control documents to that matter later. Let's move on to requirements eight.

00:53:51:27 - 00:53:55:18

So this is landscape and ecology management plan.

00:53:57:10 - 00:53:58:10

And

00:54:00:09 - 00:54:29:20

there has been a change proposed here to include revised wording to ensure that each lamp submitted for approval is in accordance with the tree planting proposals set out in s appendix eight point 10.1, which is tree survey reports and Agricultural Impact Assessment, which sets out how the proposed tree planting will comply with Crawley Borough Council policy. Six.

00:54:34:09 - 00:54:54:02

So I'd like to start by asking the applicant's comments on this proposal and the recommended amendments and how also the quantity of tree planting required to comply with that policy is otherwise secured through the DCO. If the amendments were not to be included in.

00:54:56:15 - 00:55:27:07

Scotland. As for the applicant. So in short, we agree and accept the principle of securing planting more trees than are removed. So we understand the principle that's trying to be achieved through the requirements. The way we see that being addressed is that a lamp would be provided for each part of the project. But, um, the conclusions in the Arbor Cultural Impact Assessment are based on project wide tree removal and planting. So an individual lamp, for example, around the highways may issue.

00:55:27:09 - 00:55:59:27

And that loss of trees, that isn't the overall project position as you'll understand. The other thing to say is that the the arboriculture impact assessment has been carried out on a worst case scenario basis to demonstrate that even in that worst case, the applicant can replace the number of trees lost both project wide and within CBC. Um, so in that respect, we note the detailed comments on the draft requirement that the GLA submitted, and we think that some form of wording can be agreed.

00:56:00:00 - 00:56:10:10

The issue we have with the current drafting is that it's predicated on an AI, which is based on a worst case assessment, which may not be the right, the right way to reflect that in the requirement.

00:56:10:18 - 00:56:14:08

Okay. Thank you. Mr. Bedford comments.

00:56:15:24 - 00:56:49:01

Thank you sir. Um, Michael, where is the joint local authorities? So I think our starting point is that we have remaining concerns that the tree survey information, which has been so far submitted, is insufficient in terms of detail to show that the um th6 policy of the Crawley local Plan could be satisfactorily met on land which is within the red line of the older land.

00:56:49:26 - 00:57:32:14

Um, and it's obviously not just a question of can you plant the numbers? It's are they suitable, are they adequately spaced to endure? Or as Sh6 recognises, there may be, uh, a requirement for offsite provision because you can't, within your particular development, uh, achieve the requirement. So so we're not satisfied. I say at the moment that the information that the applicant is provided, uh, is sufficient to show that they can meet the policy wholly within the red line, which is why we think that more needs to be done to ensure delivery of the policy requirement.

00:57:32:24 - 00:57:51:10

What we had done in our rep seven um, Dash 108 um, proposals is we'd set out a more detailed requirement. So it's page 70, I think, sir, of rep 7-108

00:57:53:06 - 00:58:32:13

on tree replacement. Um, it's in part three of that document, so it has a green, um, as it were, uh, banner heading to the page. Um, and it starts with just the heading on page 70, and then it goes into pages 71 and 72 with the detailed requirement. Um, and I say while we think that, as it were, the principle of the examining authority's proposal is sound, we think it needs a bit more detail to ensure deliverability.

00:58:32:15 - 00:58:59:18

And I think we at the moment, at any rate, still prefer I'm afraid our wording has put forward deadline at seven, which does make explicit reference to potentially a tree mitigation contribution, which is the sum that may be paid under policy. Six in those circumstances where it's not possible to deliver, uh, appropriate levels of planting within the site itself.

00:59:01:18 - 00:59:08:26

So I think I've got the right page here. Page starts on page 70, then goes 70. Effectively 71. Yeah.

00:59:08:28 - 00:59:12:22

So what it goes over to the page I think also to 72 for thousands.

00:59:12:24 - 00:59:13:12

Quite some way.

00:59:13:14 - 00:59:14:21

Yes. Some of the definitions.

00:59:14:23 - 00:59:21:08

Um that's fine. Have you discussed this with the applicant. Have you had to respond to that?

00:59:25:29 - 00:59:59:26

Okay. Uh, Emily knows for the joint local authority, um, it was originally a, um, proposed obligation in the section 106 agreement, um, which upon negotiation was was not something that the applicants felt they could accept in the 106. And Crawley and the joint local authorities felt this is a necessary, uh, mitigation to secure. Um, I think I'm right in saying someone will correct me if I'm wrong, that the way the obligation or the requirement is intended to work is that, you know, if there is if calculations are correct and there is no need to plant trees, then they don't need to be planted.

00:59:59:28 - 01:00:08:00

It's only if those are wrong and there's a loss. And so that's why we've proposed it as a requirement because we can't agree it in the 106.

01:00:08:26 - 01:00:18:12

Okay. Thank you. Are there any of the comments on this provision before I ask the applicant to respond? No, Mr. Linus.

01:00:18:29 - 01:00:50:00

Let's go to the applicant, sir. And just to rewind slightly, we provided a substantial amount of information to the jazz on this issue at deadline at six, and as far as we were concerned, the information we provided showed that we met the policy requirements, indeed comfortably. So, um, and uh, as far as our position is concerned, we that remains the case. We think we have satisfied policy through the submission of that information.

01:00:50:18 - 01:01:21:18

We have seen the requirement that has been advanced by the JLS. We do not have any issue with the principle of the requirement. I need to confirm that. But we just need to look at the mechanism for delivery. There's comments that we need to make on the detail of how that's been proposed. both either by the Glas or how we work out in pursuit of this requirement. By way of example, we're contemplating the use of a trade balance different to address the concern that I mentioned before.

01:01:21:20 - 01:01:33:07

So we are alive to the need to look at the detail. And we can address that in discussions with the JLA, which will hopefully assist on how to deal with this requirement as well, should have come forward.

01:01:34:03 - 01:01:47:23

Thank you for that. Um, just picking up on Mr. Bedford's point. How can you be confident that you can meet the requirements of the policy within the red line? If you don't, if you haven't looked at that level of detail.

01:01:50:19 - 01:01:53:26

Let's go a line because we can secure that through the Olympe.

01:01:58:12 - 01:02:01:06

Mr. Bedford, are you convinced by that?

01:02:02:05 - 01:02:39:27

With Michael Beveridge, joint local authority. With respect? No. For the simple reason that, um. If you haven't done sufficiently detailed design work in order to come up with clear areas where planting is to take place, and you have sufficient knowledge of what are the tree losses that are required to be replaced. You could end up in the situation that you do an arithmetic exercise. It produces a result, and the only way in which you can deliver on that result is effectively by inappropriate planting, simply to meet a number.

01:02:39:29 - 01:02:49:20

So I'm afraid we're not persuaded. Which is to say, why we consider the default mechanism needs to be included in this to allow for offsite provision if necessary.

01:02:53:24 - 01:02:55:21

Mr. Linus Jones, come back on that.

01:02:56:21 - 01:03:29:07

Uh, it's got nine hours for the applicant. Um, I think the best approach is for us to take away those comments from the, um, uh, from the applicant. As far as we're concerned, we had, uh, for, for the GLA, as far as we are concerned, we had addressed the provision of securing adequate planting through the process, and that the information that had been provided at deadline six was sufficient to address the JLR concerns on this. Um, but we will, um, take away those comments from today and address those and further discussions with the JLR.

01:03:30:03 - 01:03:35:18

Okay. Thank you. In terms of the deadline six submission, do you have a reference for that? Sorry.

01:03:36:00 - 01:03:36:27

We'll get that for you.

01:03:41:22 - 01:03:43:15

So I think um,

01:03:45:05 - 01:04:00:05

at deadline eight, it would be useful if you could submit, um, an update on your discussions with the joint local authorities regarding the mechanism then for securing the tree planting to comply with that policy.

01:04:01:12 - 01:04:03:01

Seven was the deadline. Seven. One.

01:04:08:00 - 01:04:18:23

Yes, sir. Um. Scotland. Applicant? Yes, sir. And the the reference was actually Rep 7030. And following as you'll appreciate, there's a number of documents but

01:04:20:08 - 01:04:25:27

up to 41 7030 up to 7041. Thank you.

01:04:38:03 - 01:04:50:12

Sir Michael, for the joint letter. I think it follows from that that obviously at the moment you don't yet have our comments on those deadlines, seven submission documents. And so that's something I think we're still in the process of looking through. Sure. Thank you.

01:04:57:25 - 01:05:28:20

So then we we touched on the, um, draft section 106 agreements, schedule six, which addresses biodiversity and landscaping. Again, the local authorities have raised concerns through reps 6112 uh, that they feel aren't covered in schedule six in relation to both the trees and the creation of a landscaping ecology enhancement fund. Um.

01:05:32:05 - 01:05:43:26

Mr. Bedford, do you want to just outline, first of all, what? That what you're expecting from or would like from the applicants in terms of that fund and why it's necessary. Then I'll ask the applicant to respond.

01:05:45:00 - 01:05:53:18

Thank you sir. I think I'm going to ask Miss Knowles if she's in a position to help you. Best on that, because she's got a better handle on those discussions.

01:05:56:25 - 01:06:31:27

Um, yes. Um, Emily Knowles for the joint local authorities. Um, the local authorities position is that there are, um, environmental, um, and biodiversity and landscaping impacts that are not mitigated, um, currently through the 106 or the requirements, um, and in particular, um, the Gatwick Green

Space Partnership contribution, which is secured under the 106 um and is still under discussion. Um has a sort of, um, finite remit in terms of the areas to which it can apply funding.

01:06:32:04 - 01:07:06:12

Um, so the authorities feel that there remain unmitigated impacts. Um, the idea would be to have a fund that is available for um, um, local organisations or bodies to apply to, to um, have to fund projects within the defined area and to have a project officer who would be responsible for assessing those um applications and ensuring that they were necessary to mitigate impacts of the development and to then, um, allocate that funding.

01:07:06:14 - 01:07:14:18

But discussions are ongoing with the applicant for about this particular fund. But as of yet, it's not secured in the zero six.

01:07:14:29 - 01:07:17:12

Thank you, Mr. Linus.

01:07:23:00 - 01:07:53:07

Scott. Linus. The applicant. Um, so there are some drafting points outstanding between the parties on biodiversity landscaping generally. But as far as the existing commitments are concerned, we think, the approach taken within 106 as drafted is adequate. The best approach is to secure these benefits through the Gateway Green Space Partnership. The authorities are part of that partnership and can regulate how that operates.

01:07:53:09 - 01:07:58:08

We don't think there's a need for anything any further provision within the 106 and has already been made.

01:08:01:18 - 01:08:03:18

To the local authorities, wants to come back?

01:08:03:25 - 01:08:25:12

Yeah. Emily Knowles with the joint local authorities. I don't have the opposite hand. Um, but my understanding, as I said, is that that the remit of the GGP, the Gatwick Greenspace Partnership, is geographically limited. And that is one particular concern the authorities have and a reason they think a separate fund would be useful. So just on that particular point. Thank you.

01:08:28:27 - 01:08:29:16

Mr. Linus.

01:08:29:29 - 01:08:40:12

It's just we think that the TSP, um, provision is, is adequate, but discussions are ongoing on this, and we'll continue this.

01:08:40:23 - 01:08:52:29



Okay. Um, it's I think would be helpful to have commentary on that deadline if possible. so we can see how things are evolving, even if they aren't concluded at that point. Thank you.

01:08:58:06 - 01:09:02:26

So any other comments from parties on that particular point? Councillor Essex.

01:09:04:06 - 01:09:34:19

Thank you. Just a brief point. I understand that the TCO is contingent to some degree on the project going ahead. Um, but there's also a need for some kind of DCO or framework in the case that it doesn't go ahead and also that the DCO has to presumably pick up how potential impacts environmental impacts, um, are, are mitigated, which relate to the future baseline as opposed to that within the project itself.

01:09:34:21 - 01:10:10:20

I just wanted to, um, be assured that the scope is within both um, and my the concern is about permitted development rights, that that we don't have a situation where something is delivered through the, um, landscaping ecology management plan and then then subsequently the degree of flexibility the um applicant seeks with regard to permitted development rights, at least potentially some of those trees then subsequently going because they, they, they think it's advantageous to deliver some works within the red line, um, in a way that that then subsequently changes that.

01:10:10:22 - 01:10:20:06

So my question really is about the degree to which the length has, um, a priority over permitted development rights rather than the other way around.

01:10:20:16 - 01:10:43:09

Thank you, Mr. Lane, is to answer comments on that in the you've set out in the planning statement, I think, and probably elsewhere, the various discussions about legal agreements. Um, one is due to expire at the end of this year. And certainly you take forward the new one.

01:10:44:28 - 01:10:50:25

That's right. The existing section 100 Ex-scotland applicant. Yes, sir. That's right. Yes. Expires at the end of this year, sir.

01:10:51:06 - 01:11:12:07

So can you pick up the points about if the development concerns weren't granted for the scheme, how effects would be addressed in the future? Bearing in mind that you would be. You are intending growing the airport up to 67 million.

01:11:13:23 - 01:11:55:27

Yes. Um. Scotland. Just bear with me, sir. I think this is a different agenda item. Um, under 4.1. Uh, but, um, in short, um, uh, in short, sir, um, the requirement that's been imposed on us is that we're obliged, under project obligation, to assess and mitigate the effects of the scheme itself and the effects of that scheme from an airport operation perspective, or only realized upon commencement of dual runway operations, as we have set out in our previous, um, uh, submissions.

01:11:56:11 - 01:12:24:29

Um, there are existing controls which, um, apply to the airport and the planning, since there aren't beyond the control that's applied to the use of the northern, um, uh, runway. Uh, but fundamentally through the DCU, we're only required to mitigate those effects that arise as a result of the project. Uh, so there isn't an obligation upon us to address the effect of the future baseline, which said that outside the project.

01:12:26:09 - 01:12:35:19

Okay. Um. Councillor Essex, does that answer provide the reassurance you wanted?

01:12:37:05 - 01:12:50:17

I think that provides some reassurance. I'm. I'm a little bit confused as to how the permitted development rights against, um, the, the lamp are balanced, but maybe that will come out in the wash, I don't know.

01:12:50:27 - 01:13:26:21

Sorry. Scotland staff a number of different points here. I mean, clearly the three requirements and the DCO, uh, which make, uh, the development on the DCU subject to the lamp. They've got to be complied with regardless of PD rates. Um, uh, more generally, it's not the scope of this examination to look at controls that would be applied in the absence of the project scope, this examination is to look at controls that apply with the project in place. As I said, there are existing controls that apply to the airport generally, but that's not a matter for for this examination.

01:13:27:12 - 01:13:28:03

Okay. Thank you.

01:13:32:02 - 01:13:54:00

Um, it's now just approaching 1:00, I think, rather than start on the next item, which is requirement 25. That's the next one we'll come to. I think we'll adjourn now. So we will adjourn until 2:00 and back at that point. Thank you very much.