

**Interested Party Reference number: 20045900**

Gatwick Airport Northern Runway Project – Development Consent Order (DCO)  
Written Representations for Deadline 8 , 7<sup>th</sup> August 2024

Gatwick Area Conservation Campaign (GACC)  
7<sup>th</sup> August, 2024

Dear Examining Authority

Please find our further written submissions for the 7<sup>th</sup> August Deadline 8.

Yours faithfully,

Peter Barclay

Chair, Gatwick Area Conservation Campaign

**GACC response at DCO Deadline 8 on 7<sup>th</sup> August, 2024**

This submission has been broken down into four sections relative to the examinations held in the week commencing 29<sup>th</sup> July.

- 1 Noise Issues
- 2 Climate Change
- 3 Water
- 4 Surface Transport

# 1 Noise Issues

## Introduction

This submission comments on the Examining Authority's potential amendments to Schedule 2 (Requirements) of the Applicant's draft Development Consent Order that was submitted at Deadline 7 [REP7-005] as set out in Annex B to the Agenda for Issue Specific Hearing 9: Environmental Matters (ISH9).

## Requirement 15/16 Air noise envelope, air noise envelope reviews

We support some aspects of the EA's proposals. In particular we welcome the proposal that there should be a progressive reduction in permitted noise levels both at the date of commencement of dual runway operations compared to 2019 levels and every five years thereafter.

However, we have significant concerns about some aspects of the EA's proposals, as set out below. Taken as a whole we do not believe that the EA's proposals strike a policy compliant balance between the interests of the airport and those of impacted communities.

**We do not agree that noise contour reduction requirements should be based on LAeq metrics only. It is widely accepted that LAeq does not portray aircraft noise as experienced by communities, and all relevant policy and guidance advises against its use as a sole metric in noise envelopes. We see no basis for the EA's proposal that the noise envelope should use LAeq metrics only and consider that this discriminates against the interests of communities in a material and wholly inappropriate way. We believe that measures taking account of frequency of overflight should be included.**

*The APF says "... we recommend that average noise contours should not be the only measure used when airports seek to explain how locations under flight paths are affected by aircraft noise. Instead the Government encourages airport operators to use alternative measures which better reflect how aircraft noise is experienced in different localities, developing these measures in consultation with their consultative committee and local communities. The objective should be to ensure a better understanding of noise impacts and to inform the development of targeted noise mitigation measures".*

*The CAA's noise envelope guidance, CAP 1129, recommends using a "combination of parameters" and states that "where unilateral agreement cannot be achieved using standard metrics, consideration should be given to designing envelopes using other metrics provided that they are scientifically valid and robust".*

The ANPS requires noise envelopes to be tailored to local priorities and to be defined in consultation with local communities.

**A noise envelope based on LAeq alone does not meet any of these requirements and is inappropriate.**

**We do not agree that noise envelope limits should only be set for the period**

**between 16 June until 15 September.**

The APF requires noise envelopes to give communities certainty about future levels of noise. Neither Gatwick's nor the EA's proposals do so because they contain no restrictions on noise outside the peak summer season. They would therefore permit noise in the remainder of the summer period and throughout the winter period to increase without limit. This would result in substantial and indefinite uncertainty and represent a clear failure of the planning process.

The fact that noise is currently at its worst in the peak summer period is immaterial: communities should not be exposed to unlimited levels of noise, with serious health, annoyance and economic consequences for 75% of the year. No planning process should contemplate such an outcome.

The noise envelope should include limits for the remainder of the summer period and for the whole of winter period. In both cases the limits should require noise to reduce materially and progressively from 2019 levels.

**Neither Gatwick's nor the EA's proposals achieve the policy requirement that growth in aviation should ensure benefits are shared between the aviation industry and local communities.**

*The APF says "as a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows. As noise levels fall with technology improvements the aviation industry should be expected to share the benefits from these improvements."*

The EA's noise proposals do not deliver any benefits for communities. The growth Gatwick is planning would deliver very significant industry benefits as compared to the baseline, notably an increase in passenger capacity of over 60%. But communities would suffer a significantly worse noise environment than in the baseline, with no compensating benefits. It is not possible to characterise this as a sharing of benefits arising from growth; it is a wholly one-sided proposition.

The EA appears to have focussed exclusively on the secondary policy requirement to share benefits arising from technology improvements (which are modest at best) and ignored the primary policy requirement that growth in aviation should only be permitted if it is accompanied by noise benefits to communities.

**In our view, the only way a genuine and policy-compliant sharing of benefits could potentially be achieved is by banning night flights between 11pm and 7am. This is the outcome envisaged by the Airports National Policy Statement and overwhelmingly approved by Parliament.**

Even if the EA's mechanism for periodic and progressive reductions in noise limits was accepted, the reductions it is proposing are in our view insufficient. A 0.5dB reduction in the limit, to be achieved only every five years, would be inaudible to humans and of no significance to communities. We estimate it would take some 25 years for this process to deliver meaningful noise reductions, whilst communities would suffer from

very significant and harmful increases in air traffic movements for the whole of that period. This cannot reasonably be considered to represent a fair sharing of the benefits of growth between the aviation industry and local communities.

**The EA should reconsider its proposals and put forward a package that offers a meaningful sharing of benefits between communities and the industry as required by policy and envisaged by Parliament. This should include a ban on night flights and limits on aircraft movements in periods of high community impact and sensitivity.**

### **Change mechanisms**

We are not clear what, if any, change mechanisms the EA proposes should be incorporated in the air noise envelope.

We have previously made clear that GACC does not accept the change processes proposed by Gatwick. In our view these processes are not policy compliant, fair or balanced and therefore require substantial revision or removal. Amongst other things, in order to be policy compliant, the process should preclude increases in noise in all circumstances, should allow all stakeholders a right of appeal to the Secretary of State and to seek extraordinary reviews, should incentivise noise reduction by assuming an accelerated best-case fleet transition and should oblige the airport to consult with stakeholders on reviews.

### **Noise envelope breaches/exceedences**

We are concerned that the EA has proposed that Gatwick should only be required to take action to meet noise limits if exceedences "*are caused by factors within the control of the undertaker*".

In our view any exceedence, irrespective of cause, should result in immediate action to rectify the position. In addition, any exceedence should result in financial penalties and adjustment to subsequent period limits as recommended by in the CAA's noise envelope guidance. A "within the control of" provision opens the door to dispute and uncertainty in an unnecessary and harmful way.

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## 2 Climate Change

This submission is structured as follows:

- 1 Comments on the need's case and climate implications of release of climate and flight trajectories modelled in JZ and JZOYO, as explored by AEF (**REP6-119**) and responded to by the Applicant (**REP7-095, section 2**) and the proposed baseline and project assessment by York Aviation on behalf of the JLA (**REP7-104, Appendix B**).
- 2 Comments on the scope of assessment of climate impacts of the Project in the Environmental Assessment, specifically reflecting on comments made with respect to the relevance of the Finch case in response to ExQ2 CC2.1 at deadline 7.
- 3 Updates the earlier calculation by GACC on the significance of the GHG emissions of the Project (as required to be assessed through the Environmental Statement).
- 4 Comments on how to ensure sufficient monitoring and mitigation of climate impacts in the DCO and the Carbon Action Plan if the project is consented. These comments are made without prejudice.

This is set out in the sections that follow.

### **1. Comments on the climate implications of the need's case and climate implications of release of climate and flight trajectories modelled in Jet Zero (JZ) and Jet Zero One Year On (JZOYO) as explored by AEF (REP6-119) and responded to by the Applicant (REP7-095, section 2) and the proposed future baseline and project assessment by York Aviation on behalf of the JLA (REP7-104).**

#### 1.1 Comments on AEF submission (**REP6-119**) and Applicant's response (**REP7-095**).

GACC understand that the **REP6-119** submission by AEF is significant in two respects:

Firstly GAL has asserted (notably, repeatedly, in ISH6) has until now relied upon the contention that modelling undertaken for the Jet Zero strategy takes account of the airport's growth and therefore [aviation] emissions from the proposed expansion. Yet, this submission shows that GAL's application has far higher carbon emissions than JZ and JZOYO (98% and 144% higher respectively). Whilst the significance of this with respect to the ES is considered in Section 2, GACC dispute GAL's earlier claim that they have no responsibility to manage the significance of these flight emissions.

\* It is not clear to GACC how the government can contain overall emissions of aviation if Gatwick, or any other airport for that matter, can independently be allowed to exceed what is expected to occur at that airport.

\* It is not clear to GACC how GAL should be allowed to continue to safeguard the second runway to the South on climate grounds alone.

Secondly, the modelling of Jet Zero One Year On (JZOYO) shows a significantly lower capacity utilisation of Gatwick (less ATMs, peaking at 2030). This shows that the Department for Transport modelling forecasts that much of GAL's projected demand would be met elsewhere by other UK airports.

These are discussed further below.

### Comparison of greenhouse gas emissions between GAL, and JZ and JZOYO modelling

GACC has compared air traffic movements and greenhouse gas emissions for the project with those in Jet Zero High Ambition Scenario (JZ), Jet Zero One Year On High Ambition Scenario (JZOYO). This contrasted data shared by AEF in **REP6-119** with GAL's projected air traffic movements (**APP-075, Table 10.1.1** and project carbon emissions (**APP-194**). Comparison has been made for two dates, 2038 and 2047, as these are the dates for which data is provided in both **REP6-119** and **APP-075**. The comparison made is included in Annex 2 to this submission.

This analysis shows that the carbon intensity for the average air traffic movement in the GAL DCO submission is significantly higher than that considered by the Department for Transport. This is found to be 27-30% higher in 2038 and 54% higher in 2047 than that modelled in the JZOYO high ambition scenario, and 23-26% higher in 2038 and 67-68% higher in 2047 than that modelled in the JZ high ambition scenario. If all airports were to do the same, then the UK carbon budget for aviation would be significantly exceeded.

This comparison found that the main reason for the difference between the modelling by the Department for Transport (the main reason in JZ and still a significant effect in JZOYO) is the higher average carbon emissions/flight as modelled by GAL – presumably due a combination of larger aircraft and/or more long-haul destinations. This was not mentioned at all by the Applicant in **REP7-095**, which focused exclusively on the difference between the JZ and JZOYO modelling to their predictions with respect to lower predicted growth, not the size of aircraft or their destinations.

Comparing GAL's GHG emission projections for flights with Jet Zero, around 83% of the difference was found by GACC to be due to increased carbon intensity of the flights in the future baseline and around 61% in the project case. For Jet Zero One Year On, around 51% of the difference between is due to increased carbon intensity of the flights in the future baseline and around 39% in the project case.

GACC contend that if the carbon/emissions per flight is higher (presumably due to GAL's anticipated allocation of slots to more longer-haul destinations and associated fleet mix this would entail) then the total number of flights should be required to be lower for the aviation emissions from an airport to stay the same. This is a matter that must be addressed at the airport level such that there is a connection between the modelling by the government and the actual climate impacts caused by flights from UK airports.

Therefore, if Gatwick exceeds the GHG emissions forecast by the Department for Transport, then that could jeopardise the ability of the sector to reach its net zero target if other airports develop as expected - and Gatwick can't control what happens at other airports - so in effect that represents a 'carbon budget' for the airport. This is important both in respect of:

- **Assessment of the significance of GHG emissions in the Environmental Assessment.**

GACC contend that increasing the carbon emissions per air traffic movement by 54-68% higher than government modelling by 2047 should be judged a significant impact in its own right, even before the total emissions (also

- considerably higher) is considered; and
- **Inclusion of the GHG emissions of flights in the DCO and Carbon Action Plan.**

This is considered by GACC to be a necessary addition to these control documents, to ensure that constraints can be applied to both carbon emissions and aircraft movements should GHG emissions limits are exceeded. This comparison of the Department for Transport and GAL's modelling highlights that capping air traffic movements alone cannot be judged as an effective way to limit the greenhouse gas emissions of flights. This is discussed further in section 4 below.

#### Comment on difference in growth trajectories between GAL and JZ/JZOYO

JZ has significantly lower ATMs than that proposed by GAL in 2038 and to a lesser extent 2047, and JZOYO shows significantly lower demand in both 2038 and 2047. This appears to undermine the credibility of GAL's needs case and forecast ATMs. If Gatwick has higher ATMs, and GHG emissions, than that modelled by the Department for Transport in both JZ and JZOYO, then that would appear to require (an)other airport(s) to reduce their ATMs and GHG emissions accordingly.

If that is Heathrow airport reducing its emissions to make way for growth of Gatwick then this would imply that the Needs Case presented by Gatwick is at odds with the Airports National Policy Statement (ANPS). It is not clear where else the demand for Gatwick growth might come from as the ANPS (and hence JZ and JZOYO) assume that Heathrow's third runway would provide for most of the potential growth of aviation demand in London and the South East. If this is additional demand, uncapped by climate considerations, then Gatwick's growth would fall outside of that set by UK aviation policy (ANPS and MBU), so should not be permitted. GACC would request that the ExA require that GAL provide some explanation as to how their assessment of need is so much higher than that modelled by the government.

This reiterates GACC's comment in **REP1-173 (at section 7, paragraph 52)** that, "*GAL must explain why it believes it is acceptable to expand from 44 mppa to 80 mppa (as well as doubling airfreight). This is inconsistent with the Making Best Use of Existing Runways policy.*"

It would appear (at ISH9) that GAL has modelled demand based on passengers coming predominantly from a given geographical area. GACC support the challenge to this modelling approach from York Aviation on behalf of the JLA as Gatwick will actually compete for passengers across the London and SE aviation market, especially because it is dominated by Easyjet (passengers will often choose to fly from Gatwick based on low-cost flights; rather than based on their ease of travel to the airport). This makes GAL's Surface Access modelling assumptions also look suspect, as discussed in the Surface Transport part of this submission.

GAL's defence in **REP7-095** is that the Department for Transport's modelling supporting JZ and JZOYO should not be used to view the situation for one airport in isolation. GACC challenge this as an empty defence, as GAL have failed to offer any credible technical reason why the departure model underpinning JZ or JZOYO based on passenger preference does not send more passengers to Gatwick. Gatwick should not be able to model need in a way that contravenes the priority of ANPS before MBU and leads to

excessive GHG emissions in the UK aviation sector (compared to JZ expected contribution of Gatwick Airport).

In any case, GAL's latest position at **REP7-05** that JZ and JZOYO cannot be relied upon regarding individual airport decisions (for aviation emissions) is the opposite of what GAL asserted in earlier ISH discussions (as noted by AEF deadline 6 representation, paragraph 1) and, alongside the fact that GAL are exceeding both overall GHG emissions and GHG emissions/ATM in JZOYO. This means that there needs to be some mechanism going forward (regardless of whether GAL's Application is approved) to manage and constrain the number of ATMs and hence the GHG emissions of flights from Gatwick Airport. The current position, with aviation emissions excluded from current operations or the DCO if approved, would require the government to reduce ATMs elsewhere should Gatwick exceed its notional allocation in JZOYO and JZ – this would be strongly resisted by other airports. Unless GAL can propose a mechanism for this, it would point to the need for Gatwick's ATMs and aviation emissions to be limited going forward. This is discussed further in Section 4 below.

#### Comment on related submission by the JLA

In addition, GACC agree with the comments of the JLA in response to the applicant's earlier comments on climate change (**REP6-094**) in **REP7-103, section 23**. GACC agrees that a 'A comparison of future emissions from the airport against [carbon budgets beyond 2038] would allow some contextualisation (of the likely significance) against the CCC balanced pathway which will be used as the basis for setting the seventh carbon budget, noting that a calculation of what GACC understand to be the likely significance has been provided in section 3 below. This updates the earlier calculation provided by GACC on the ExA's request (**REP4-106, pages 8-13**). Furthermore the JLA comments in paragraph 23.4 that, "It is necessary to estimate the Applicant's proportion of the Jet Zero trajectory to determine if total emissions align with this trajectory or exceed it." GACC comments that the Applicant has indeed significantly exceeded the proportion of the JZ trajectory allocated to Gatwick (and even more so, the updated JZOYO) both in absolute terms, *and in terms of greenhouse gas emissions/air traffic movement*.

#### 1.2 Comments on the proposed future baseline and forecast Northern Runway project assessment and implications for environmental assessment (responding to **REP7-104**)

GACC notes that, apart from the lower growth noted by York Aviation to reflect the build out of Pier 7 passenger handling facilities (paragraph 11), the JLA and Applicant are largely agreed with respect to hourly and daily movement capacity (paragraph 12) which means that similar noise, air pollution and surface transport impacts will be experienced for a lower passenger throughput (reflecting a lower proposed future baseline of 67 mppa as opposed to 57 mppa with the similar peak daily passengers).

GACC would expect this to be reflected in a revision to the cost-benefit analysis of the project that would presumably show that similar environmental impacts are experienced for a lower future baseline (and project case) in the case of noise, air pollution and surface transport impacts, alongside significantly reduced economic benefits, changing the balance of the cost-benefit analysis.

In addition, the impact of increased areas affected by noise due to the induced effect of



noise should be reflected in the Environmental Statement. **REP7-104 paragraph 28-32** notes that increase in air traffic from NRP will increase the probability of using WIZAD, evidenced in part by the fact that Applicant/NATS engagement has already led to 'GAL proposing an early airspace change under FASI-S that shows increased and routine use of a departure route that is initially virtually identical to WIZAD.' GACC agree with York Aviation's conclusions that, 'It seems highly likely that greater use of a route to the south is an essential requirement to ensure that the increased volume of air traffic can be accommodated within the air traffic system overall' and the consequence that 'Greater use of WIZAD is also a noise issue' which is most likely not fully reflected in the environmental assessment. GACC therefore conclude that the links between Project and Airspace have causal downstream impacts (and as noted in ISH9 could be considered within the scope of the Environmental Statement as a result of the Finch case), and have led to underplayed noise impacts within the Environmental Statement. GACC would request that the adequacy of the Environmental Statement with respect to noise be considered by the ExA for these reasons.

With respect to carbon emissions though the impacts would appear to be different. In **paragraph 13 of REP7-104** York Aviation on behalf of the JLA conclude that the difference between the future baseline and the NRP is most likely to increase from 13 to 18-19 MPPA (from 57 mppa with the revised future baseline to 75-76 mppa with the project). This would proportionally increase the greenhouse gas emissions associated with the project by between –**an increase of between 38.5% and 47.2%**. This is a significant increase in the greenhouse emissions of the Project that should be reflected in the overall greenhouse gas emissions associated with the flights, the largest component of greenhouse gas emissions caused by the Project.

## **2. Comments on the scope of assessment of the climate impacts of the Project in the Environmental Assessment**

The following subsections present GACC's case for a wider consideration of the significance of greenhouse gas emissions in the Environmental Statement. These are in response to Deadline 7 submissions, particularly commenting on the ExQ2 CC2.1 on the Finch Case.

### 2.1 Further justification and extension of GHG emissions required to be considered in the Environmental Statement

GACC previously asserted (**REP1-173, chapter 7**) that the GHG emissions of flights were significant. This case is strengthened by the Finch case that scope 3 impacts, including GHG emissions, that are deemed to have been caused by the 'Project and therefore, as a matter of law, **should be required to be included in the Environmental Assessment.**

GACC contend that this should include all of the following:

- **Aviation emissions (currently calculated but then negated by GAL as it is assumed they are constrained by the Jet Zero strategy).** However, as is clear in Section 1.1, Jet Zero does not negate the need to consider these carbon emissions explicitly as part of the significance of the Project's climate impact as the proposed runway exceeds national policy in terms of ATMs, carbon emissions/flight and overall carbon emissions (and **REP1-173, section 7.2.1 and 7.4**). GAL currently has incorrectly excluded consideration of the significance of (departing) flights and surface

transport as the former will not be legally budgeted for within the UK carbon budget until 2033.<sup>1</sup>

<sup>1</sup> Although CB4 and CB5 do take account of international aviation emissions by reducing the overall budget by a sum assumed to be equivalent to international aviation and shipping emissions.

- **A scenario without the SAF and zero emission flight assumptions assumed in Jet Zero**, on the basis of the Finch case as set out in section 2.2 below (and **REP1-173, section 7.3**). The assumptions in the Jet Zero strategy should be assumed to occur in the Environmental Assessment. In any case, the ExA should fully consider that GAL's presented aviation emissions are associated primarily with the 'high ambition' (i.e. highest risk, least likely to be delivered) Jet Zero scenario. This is not the worst case, so should not be used as the basis for the Environmental Assessment, which it is anticipated would take a precautionary approach to environmental risks.
- **GHG emissions associated with in-bound flights** (as proposed following Finch by CAGNE (**REP7-129**) and the Legal Partnership Authorities (**REP7-110**).
- **Non-CO2 effects of aviation**. That non-CO2 effects should be accounted for, using the methodology set out by government for UK businesses to report their air travel carbon footprint against (see **REP1-173, section 7.6**). The case for this was further strengthened by the discussions at ISH6 and the Finch Case, in that just because a downstream GHG impact is not monitored by the UK government, does not mean that it should not be included in the assessment of the significance of climate impacts in the Environmental Statement.
- **Surface transport**. The significance of climate impacts on surface transport, including the ability that expanding the SRN has on delivering decarbonisation of local transport around the airport (noting the case for including these indirect downstream effects is strengthened by the Finch case).
- **Scope 3 emissions associated with ABAGO**. One significant omission appears to be the emissions associated with waste disposal (notably incineration at the Newhaven incinerator), which are predicted to increase under the future baseline and project case (Nutfield Conservation Society, **REP7-146** and **REP4-126**). This should be considered alongside the downstream impacts of items consumed on the airport site and in flights, such as in-flight food (Charlwood Parish Council - **REP7-126**).
- **Well-to-Tank emissions** as noted by the Legal Partnership Authorities (**REP7-110**).
- **Scope 3 emissions in the form of construction, ABAGO and surface transport** increased at other airports, induced by the increase in flights to these destinations from Gatwick Airport (Kent County Council - **REP7-106**). ABAGO and construction emissions could be estimated based on being equal to that proposed in the project. Increased surface transport emissions to/from destination airports could be estimated based on an assessment of what these journeys and associated emissions are now.

In addition, **all increases to flight emissions should be considered, including those in the Future Baseline case**, as these are an increased environmental impact. And, in the case that ExA allows the concept of a 'future baseline', it should be grounded in reality and be lowered to 57 mppa, which will lead to a 35-42% increase in emissions, as noted in 1.2 above (and **REP1-173, section 7.2.2**).

These aspects should all also be reflected in the way that the Carbon and Environmental Aspects are addressed in the economic appraisal (as noted in **REP1-173, section 2**).

## 2.2 Modelling of Jet Zero through to 2050 and consideration in the ES

The Finch case (paragraph 108) notes that 'assumptions that non-planning regimes will operate effectively does not remove the obligation to identify and assess in EIA effects which planning authority is assuming will be avoided or mitigated'. Phillips (**REP7-136**) notes that GAL relied on assumptions of government JZ strategy<sup>2</sup> [in **APP-194** - ES Appendix 16.9.4, paragraphs 1.2.9-1.2.10].

In the last two weeks the potential for the Jet Zero strategy to be achieved, specifically in terms of delivery of SAF, has been called into question through three separate announcements:

- Air New Zealand announcing it has abandoned its 2030 climate goal
- Shell pauses construction of its Sustainable Aviation Fuel facility in Rotterdam
- BP is scaling back its plans to develop Sustainable Aviation Fuel.

The online articles referencing these three examples are presented in **Annex 1** to this submission.

Therefore, GACC suggests that the ExA should ask the Applicant to set out the greenhouse gas emissions of the flights up to 2050 in both the baseline and project case, in the case that Jet Zero strategy is not realised, such that the full potential significant impact of the project is able to be assessed.

## 2.3 Carbon emissions associated with indirect, induced and catalytic economic impacts (responding to comments made by GAL in **REP7-079**)

GACC dispute GAL's contention regarding the relevance of the Finch case to this DCO application (REP7-79, paragraph 11+). Much of this discusses whether it is possible or appropriate to quantify the carbon impact of indirect, induced and catalytic economic effects (paragraphs 12-21). GAL contends that, with respect to scope 3 of ABAGO-related emissions (paragraph 23) 'indirect effects ... are beyond any coherent or realistic assessment in connection with the project', and takes a similar view with regard to induced or catalytic employment effects noting that there is no inevitable causal relationship. GACC contends that if there is a causal relationship in economic terms it is unclear how GAL can argue that this causality does not also have a carbon impact.

As the economic assessment for national economic impacts sits outside of the Environmental Assessment, and no economic impacts outside of the UK have been assessed, the potential for scope 3 impacts overseas has not even been considered by GAL, whether directly impacting other airports (construction, ABAGO and surface transport increases associated with increase in passengers as flights increase) or wider, such as in relation to outbound tourism from the UK. GACC dispute that these impacts are not significant and not able to be quantified, noting that their existing as a consequence of the development is not disputed by GAL.

GACC therefore request that these wider impacts on other airports and economies, specifically those overseas are considered at least qualitatively in the environmental assessment.

<sup>2</sup> It is noted that previously (in the ISHs) the Applicant confirmed that it considers Jet Zero as a government strategy, as opposed to a policy.

GACC maintains that the impact that continued expansion of Gatwick will play in the wider climate impacts associated with wider economic development pathways is significant. The mechanism whereby expansion of Gatwick risks further locking-in of high-carbon development pathways with tourism dependant on air-based tourism, **is significant in climate terms as it could lead to closer coupling of economic growth with greenhouse gas emissions and a ricketing up of greenhouse gas emissions to construct and sustain outbound tourism from the UK around the world.**

GAL appears to have justified limiting what carbon emissions it has assessed within its environmental statement by only considering the *significance* of greenhouse gas emissions that are monitored by the UK government through its carbon budget (noting for example GAL's justification for not including in-bound flights in REP7-09, paragraph 37-40). GAL's claim as the approach 'was considered appropriate to avoid double counting at a national and international level' might have been a position to take before the Finch judgement, but GACC contend that the Finch case is clear in ruling that these and other emissions (see section 2.1 and 2.2 above) should now be included in the Environmental Assessment.

GAL's contention in REP7-079, paragraph 41, that it not reasonable to "assess carbon emissions could that they were reasonably judged not be significant" appears to be somewhat clutching at straws. In contrast CAGNE (REP7-129, paragraph 3+) note that the Finch judgement found that:

- 1 'Inevitable' combustion of fossil fuels are effects of the Project is a question of law and causation;
- 2 There must be sufficient evidence of likely significant effects; and that
- 3 Not occurring near or at a Project site is not a reason to exclude from an EIA.

GACC contend that on all three of these grounds in-bound flights should be included in the environmental assessment.

### **3. Comments on the significance of climate impacts.**

Reflecting the rationale in Section 2 above, GACC request that the ExA require to assess this application such as to include all of the following in assessing significance of its climate impacts:

- a) Include the significance of (departing) flights and surface transport;
- b) Include arriving as well as departing flights;
- c) Include calculation of non-CO2 impacts of flights;
- d) Consider a scenario without Jet Zero assumptions holding.
- e) Increase the aviation impacts of the Project in line with the York Aviation estimate of the future baseline of 57 mppa and northern runway increasing this to 75-76 mppa by 2047; and
- f) include well-to-tank emissions.

a), b), c) and d) were considered by GACC in their earlier submission of **REP4-106**. e) was previously considered but with different assumptions and f) has been added to the updated estimate of Project emissions below.

This updates the submission made by GACC previously (**REP4-106**) on 15<sup>th</sup> May 2024.

This is proposed to be increased as follows:

- **Increased scale of project to 18-19 mppa.** Increase of between 38.5% and 47.2% due to change increase in project from future baseline from 13 mppa to 18-19 mppa. Previously the project was assumed to increase to 25 mppa as that was the worse case assumption from the JLA at the time.
- **Well-to-tank emissions.** GACC noted in its Written Representation (REP1-173) that compliance *would increase GHG emissions associated with aviation by 20.77% and that, in addition, a conversion from CO<sub>2</sub> to CO<sub>2e</sub> for aviation emissions would result in a 0.91% increase in all aviation emissions.* Therefore we propose increasing the Project emissions by a factor of  $1.2077 \times 10.0091 = 21.87\%$  increase.

Together these would result in emissions of the Project of 5.25-5.54 MtCO<sub>2e</sub> by 2038, or 7.09-7.48 MtCO<sub>2e</sub> without the Jet Zero assumptions holding.

This equates to **an overall Project impact of 3.9%-4.4% of the 2038 UK carbon budget** and around **14-19% of all 2038 aviation emissions forecast in the CCC's Balanced Net Zero Pathway.**

Therefore, GACC contend that the Project would cause significant GHG emissions and lead to Gatwick Airport having significant, increased emissions in the future. GACC contend that the significance of Gatwick proposing expansion significantly beyond the modelling framework of Jet Zero and Jet Zero One Year On, should also be considered.

#### **4. Comments on how to ensure sufficient monitoring and mitigation of climate aspects in the DCO and control documents.**

##### **4.1 Extending scope of DCO and Carbon Action Plan for climate change**

GACC maintain that the climate impacts of this DCO application are significant. The rationale for inclusion of the emissions for flights and surface transport in the way significance is evaluated in the DCO, as well as inclusion of other scope 3 emissions (not least non-carbon impacts of NO<sub>x</sub> and contrails from flights, well-to-tank emissions and emissions from incoming flights). Yet, in the large part the DCO and the Carbon Action Plan both omit any control of the most significant climate impacts of the Project – aviation emissions and to a lesser extent surface access emissions.

The notion that aviation emissions can be controlled solely through the national Jet Zero strategy and limits on Air Traffic Movements is challenged in section 1.1 above. More carbon emissions/air traffic movement, as is now proposed by GAL compared to the government's guiding Jet Zero strategy, would mean less flights cause the same climate impact.

To address this GACC propose that the draft DCO agreement and Carbon Action Plan are both strengthened such that they monitor, manage and constrain the GHG emissions associated with a) flights and b) surface transport movements by road. The following is therefore proposed, in addition to the proposals made by the JLA which GACC support.

## **Carbon Action Plan**

- Extend its scope extended to include, as a minimum, flights and surface transport; and
- Is bound into a stronger set of governance mechanisms in the DCO such as the EMG framework proposed by the JLAs, as discussed below.

## **DCO agreement**

- Introduces a requirement that slot allocation takes account of the emissions of the aircraft, and is based on its destination, such that the airport plans to operate within its carbon budget for flights as well as staying within noise envelope limits. Therefore, slot allocation can be managed in such a way as to stay within carbon budget in the first place. For this to be done in a transparent manner GAL must publish at least:
  - The noise emissions expected associated with each airline and route, which could be aided and assisted by the CAA and/or DfT to publish noise data for different aircraft models.
  - The carbon emissions expected to be associated with each airline and route, which would be aided and assisted by the full disclosure of the fuel efficiency for different aircraft models, and how this impacts flights of different lengths and routes.
- Includes a mechanism to reduce slots (even when grandfather rights exist) where environmental impacts exceed limits, including noise, air pollution, surface access commitments and climate change inclusive of flight and surface transport greenhouse gas emissions. This is proposed as an extension to the slot allocation controls proposed under the Environmentally Managed Growth Framework requirements set out by the JLA.

## **4.2 Time lag for implementation of mitigation measures under current arrangements and EMGF.**

GACC does not believe the current mechanisms in the draft DCO agreement sufficiently enable breaches in noise, climate, air pollution or surface access commitments to be mitigated in a reasonable timescale. GACC are concerned that should the highway improvements be granted before modal share is achieved, then subsequent failure to achieve the SACs and potential deterioration of the SACs with time remain a real possibility. Achievement of the SACs will also be threatened if the surface origin locations of outbound passengers that underpins Gatwick's transport model fail to be realised in practice as passengers chose which airport to travel from on the basis of price far more than that assumed by the Applicant. In ISH9 the timescale for a breach to be addressed was discussed as potentially taking 5 years. GACC consider that this is far too long.

The EMG framework would appear to reduce the risk to the non-delivery of the SACs as noted above, but even so could still take significant time for the Secretary of State to intervene to address serious planning breaches, should they occur:

- The annual monitoring is not required until 31 July on the following year;
- If GAL submit an action plan within 21 days, which is not approved by the proposed EMG over 28 days, and then leads to a further 42 days to resubmit then the revised action plan may not be received until 91 days later. This would be the end of October.
- So, it could be 10 months after the end of the calendar year, before the Secretary of State starts to consider potential action.

- The Slot Allocation process occurs each 6 months, so the time to influence this might be 12-18 months after the breach.

To address this, GACC propose:

- Earlier date to submit annual monitoring reports, **such as 31 March after each calendar year.**
- That this is supported and enabled by **submission of quarterly monitoring reports for at least noise and climate requirements**, not least the noise and climate impacts of flights.

#### **4.3 Extending compliance monitoring from EMG to include key national bodies, independent of Government.**

GACC propose the following, to strengthen that proposed by the JLA:

- **That the oversight of the GHG emissions compliance with the DCO (inclusive of the most significant emissions – from flights) is provided by the Civil Aviation Authority with independent scrutiny and recommendations provided by the Government’s Climate Change Committee**, such that slots are only released for the coming period if the airport is able to work within the agreed quantum of the Government’s agreed climate change trajectory.
- Oversight by the EMG for air pollution, noise and surface transport aspects would benefit from greater cooperation with and data sharing from national organisations.
- That the CAA should provide all full disclosure of data and information used to calculate noise envelopes, including aircraft noise for different aircraft models such that an independent model might be built and maintained by the EMG, including modelling used with the EMG and local councils; and b) joint powers of scrutiny by the councils and local groups via the EMG.

## **Annex – Supporting Information**

### **Annex 1. References on the reduction of commitment to reduce carbon impacts of flying and reduced investment in Sustainable Aviation Fuels.**

#### **1. New Zealand airline statement that it has abandoned its goal to cut carbon emissions by 2030.**

Joao da Silva (30<sup>th</sup> July 2024) *Air NZ becomes first big carrier to drop climate goal.* <https://www.bbc.co.uk/news/articles/czrjzvep41ro>.

Air New Zealand has abandoned a 2030 goal to cut its carbon emissions, blaming difficulties securing more efficient planes and sustainable jet fuel.

The move makes it the first major carrier to back away from such a climate target.

The airline added it is working on a new short-term target and it remains committed to an industry-wide goal of achieving net zero emissions by 2050.

The aviation industry is estimated to produce around 2% of global carbon dioxide emissions, which airlines have been trying to reduce with measures including replacing older aircraft and using fuel from renewable sources.

"In recent months, and more so in the last few weeks, it has also become apparent that potential delays to our fleet renewal plan pose an additional risk to the target's achievability," Air New Zealand Chief Executive Officer, Greg Foran, said in the statement.

In 2022, Air New Zealand adopted a 2030 target to cut its emissions by almost 29%.

It was much more ambitious than a 5% reduction goal over the same period set by the global aviation industry.

Sustainable Aviation Fuels (SAF) are a key part of the sector's strategy to cut emissions but airlines have struggled to purchase enough of it.

"The price of [SAF] is more expensive than traditional fuels, and there is not enough capacity to produce that at scale," said Ellis Taylor from aviation analytics firm Cirium.

International airlines body IATA said the industry's emissions reduction target was "net zero 2050 and airlines are not cutting back on the pledge".

It added that while this target was achievable, "we are also reliant on the right supportive measures from governments".

"We need scale up of all solutions including SAF production as well as emerging technological solutions including the use of hydrogen and carbon removals."

Mr Taylor said that airlines were also being affected by delays to new aircraft deliveries, "with both Boeing and Airbus under-delivering new jets over the last few years, largely due to snags in the wider supply chains of the manufacturers".

#### **2. Shell pause construction of its SAF facility in Rotterdam.**

Christopher Surgenor (10th July 2024) *Shell takes a potential billion dollar hit over decision to pause SAF facility construction.* <https://www.greenairnews.com/?p=5902>

Shell has revealed it will take a financial hit of between \$600 million and \$1 billion from pausing construction of its biofuel plant in Rotterdam that was designed to produce



820,000 tonnes of biofuels a year, split between sustainable aviation fuels and renewable diesel, from used cooking oil and animal fats. First announced in September 2021, the former Pernis refinery at the Shell Energy and Chemicals Park Rotterdam was expected to open this year and be one of the biggest facilities in Europe producing fuel from waste. The oil major has cited difficult current market conditions for biofuels in Europe due to oversupply, cheap imports and lower than expected growth in demand for biodiesel. Technical problems had already led to delays in the project's construction. Former Shell Aviation President Jan Toschka left the company earlier this year to join a new SAF venture, Zaffra, located in Amsterdam. Meanwhile, a new Dutch SAF feedstock startup Green Air Fuel Technology (GAFT) is on a fund-raising round to help develop its novel process.

Back in 2021, Shell said it was aiming to produce 2 million tonnes of SAF by 2025, and for SAF to make up 10% of its global aviation fuel sales by 2030. As part of its Powering Progress strategy, the company planned to transform its refineries into five energy and chemical plants, reduce the production of traditional fuels by 55% by 2030 and provide more low-carbon fuels, including for aviation. The Rotterdam project was said by the company to require "hundreds of millions of dollars of investment each year during construction."

Announcing the decision to "temporarily pause" construction, Shell said it would "address project delivery and ensure future competitiveness given current market conditions."

### **3. BP scaling back plans to develop SAF in Europe and the US**

Graham Warwick (June 25<sup>th</sup> 2024) **BP Pauses SAF Projects As It Simplifies Biofuel Growth Plans.** <https://aviationweek.com/aerospace/emerging-technologies/bp-pauses-saf-projects-it-simplifies-biofuel-growth-plans>

BP plans to take full ownership of its Brazilian biofuels joint venture (JV) but is scaling back plans to develop new sustainable aviation fuel (SAF) and renewable diesel production projects in Europe and the U.S.

**Annex 2. Comparison of Jet Zero, Jet Zero One Year On, and Northern Runway DCO flight carbon emissions**

	Scenario		2038	2047
CO2e emissions (tonnes)	Jet Zero Strategy High Ambition			
Scenario	3276785	1964471		
	Jet Zero One Year On High Ambition Scenario		2595581	
	1594764			
	GAL NRP Future Baseline		4544000	3283000
	GAL NRP Future Project Emissions		5583000	
	3888000			
ATMs	Jet Zero Strategy High Ambition Scenario		285356	
	328860			
	Jet Zero One Year On High Ambition Scenario		232147	
	245245			
	GAL Future Baseline Case		321000	328000
	GAL Northern Runway Project Case		385000	389000
Carbon intensity/flight (tonnes CO2e)	Jet Zero Strategy High			
Ambition Scenario	11.5	6.0		
	Jet Zero One Year On High Ambition Scenario		11.2	6.5
	GAL Future Baseline Case		14.2	10.0
	GAL Northern Runway Project Case		14.5	10.0

**Table X. Uplift of carbon intensity/ATM for Gatwick**

	2038		2047	
	JZ	JZOYO	JZ	JZOYO
Future Baseline	23%	27%	68%	54%
With NRP	26%	30%	67%	54%

**Table Y. Increase in carbon emissions for Gatwick compared to JZ/JZOYO**

	2038		2047	
	JZ	JZOYO	JZ	JZOYO
Future Baseline	39%	75%	67%	106%
With NRP	70%	115%	98%	144%

### 3 Water

#### **GACC Comment on GAL response to comments at deadline 6 regarding wastewater and flooding (REP7-095)**

#### **Water quality from surface water drainage of highway (Reference REP7-095, section 11.2)**

GACC are concerned that the HEWRAT modelling of outfalls from roads where they are widened should have: a) baseline testing of existing water quality so that the water quality entering the road drains, and ultimately the river, from the surface water drainage system is designed to be sufficient quality and b) sufficient redundancy in terms of capacity such that it is able to perform as designed and be appropriately maintained.

#### **Requirement for 100 year design life and associated climate change allowance**

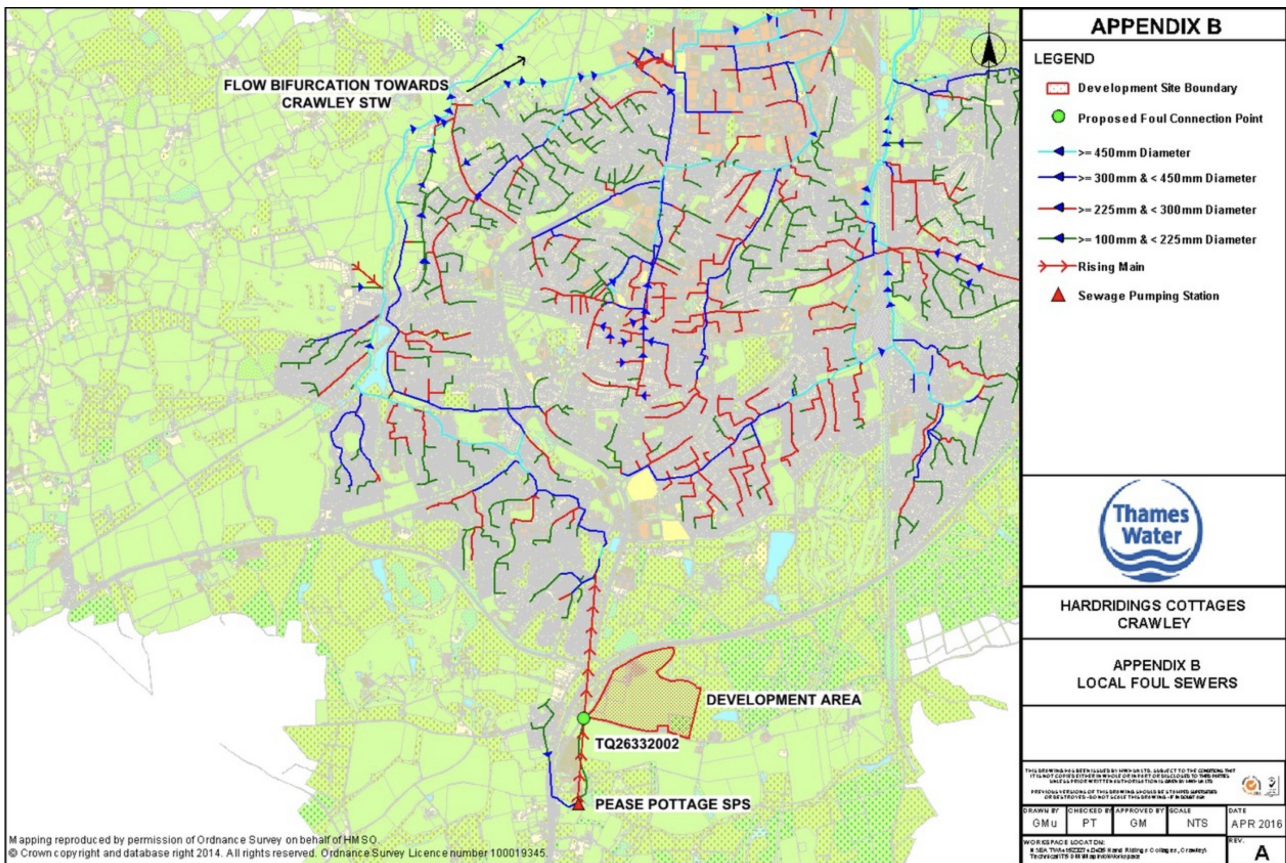
GACC notes that GAL continue to attempt to justify (section 11.5) why it has still failed to consider a 100 year design lifespan for the whole project. GACC maintain that this piece of national infrastructure is no less significant than the highway network that surrounds it so should all be subject to the same 100 year design life and associated climate change allowance. GACC contend that while GAL continues to try and justify it somehow makes no difference, GAL still has provided no clear explanation as to why it cannot adopt the same 100 year design life for the whole project, as was the case for Manston, and as would appear rational, rather than choosing a shorter design life for part of this project. It is unclear why choosing a lower design life for a project that increases hardstanding and therefore runoff, would not lead to flood risk to be understated at present. **GAL should clearly set out why it considers it inappropriate to use the 100-year design for the whole project.**

The focus of this section seems to be on the impact of choosing a 40 not 100 year design life on 'the safety of passengers and staff', noting an increase in 'flood depth' not those outside of the airport boundary. **GAL should also set out what the impact of choosing a lower design life for the airfield has on, when permitted, emergency discharge of floodwater into the River Mole. Does the choice of a 100 year rather than 40 year design life change this, and if so how?**

#### **Adequacy of Wastewater Treatment Provision**

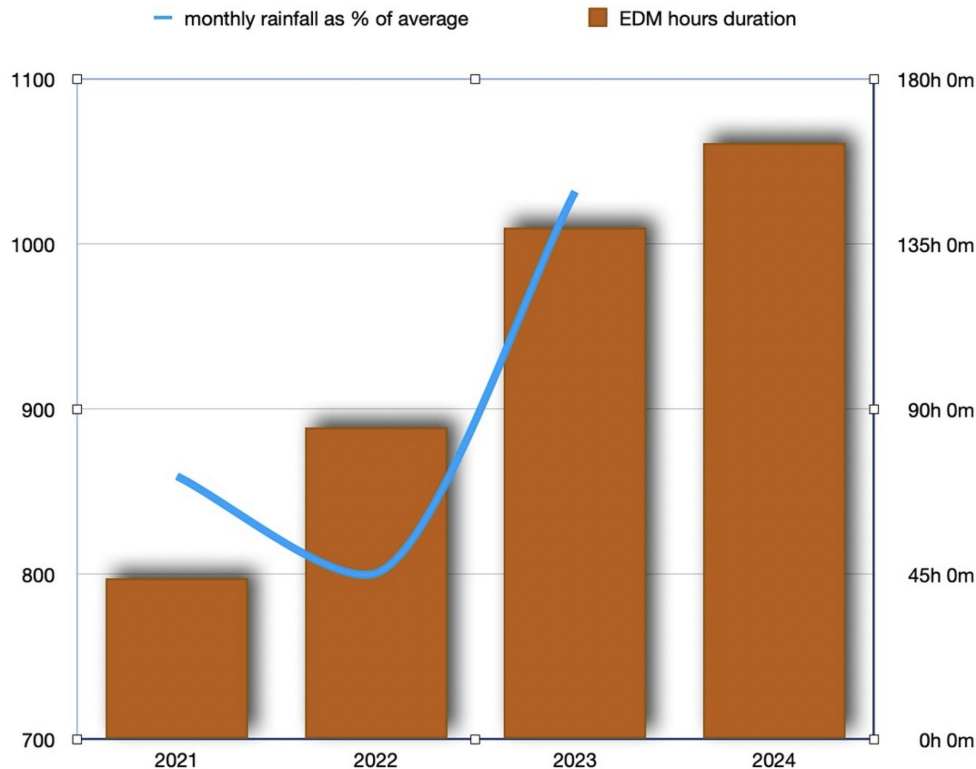
GACC have spoken to River Mole River Watch (RMRW) who highlighted that over the last 12-months Horley sewage treatment works has been woefully underperformed, and failing in its ability to treat current flows.

RMRW highlight increasing local evidence of increased sewage overflows following housing growth. For example, Thames Water objected to planned growth (of housing) of 600 homes at Peas Pottage. This is on the same sewer network as Gatwick (see Figure 1 below).



**Figure 1. Sewage Network in the Crawley Area.** Source: Thames Water

Since the development the Pease Pottage sewage pumping station has seen an increase in storm overflow activity. **Figure 2** (below) shows how storm overflow durations have shown a year-on-year increase in sewage overflow event durations in recent years into the vulnerable Stanford Brook. Whilst there is some correlation with rainfall it is insufficient to say this is the only causal factor.



**Figure 2. Event duration monitoring at Pease Pottage sewage pumping station**

This highlights the importance of providing sufficient sewage pumping and treatment capacity from the airport to its two struggling sewage treatment works at Crawley and Horley, and the risk both of current operations and planned growth on storm overflows from sewage works. Horley sewage works is already failing to cope such that some of Gatwick’s current wastewater flows end up, regularly, in the River Mole.

GACC are concerned that the Project’s environmental impact has been assessed by focusing on the difference between a GAL-created future baseline and the Project case. This risks overlooking the real impacts that are already being caused now. The focus here on inadequate sewage treatment could be applied to water supply from areas of water scarcity around the airport, existing noise and climate impacts too.

GACC request that ExA investigate how this can be addressed through an update to the DCO, regardless of whether the project is permitted. The proposed SWT by GAL needs to not just be sized for future baseline and project growth but the extent that Gatwick already contributes to sewage overflows at Horley and Crawley, and the works prioritised appropriately.

**Flash Flooding and Loss of Flood Storage area at Gatwick – current impact on flash flooding immediately downstream of the airport**

**Impact of Flash Floods in the River Mole Catchment**

**Figure 3** (appended in landscape format for clarity) highlights a recent example of where **the flood risk model does not reflect the local flash flood risk**. This figure presents data from a modest thunderstorm in August 2024 that dropped 30mm over Maidenbower and photos related to a similar summer thunderstorm over Ifield in 2022. Both were quite tight rainfall events that resulted in localized flash flooding.

This is typical of local heavy rainfall events where rain from impermeable surfaces reaches the river in minutes, resulting in flash flooding. This tends to overtop and flood locally very quickly before then proceeding further downstream at a more average speed will be exacerbated by climate change. As a result this thunderstorm in Maidenbower reached Horley in 4 hours, 6 hours quicker than normal. This modelling highlights that such storm events fill up local water courses like "bath tubs" within minutes and hours of deluge point rainfall giving effectively no warning. This contrasts the 24-hours for floodwater to travel from this area to reach the River Thames at Esher or Molesey.

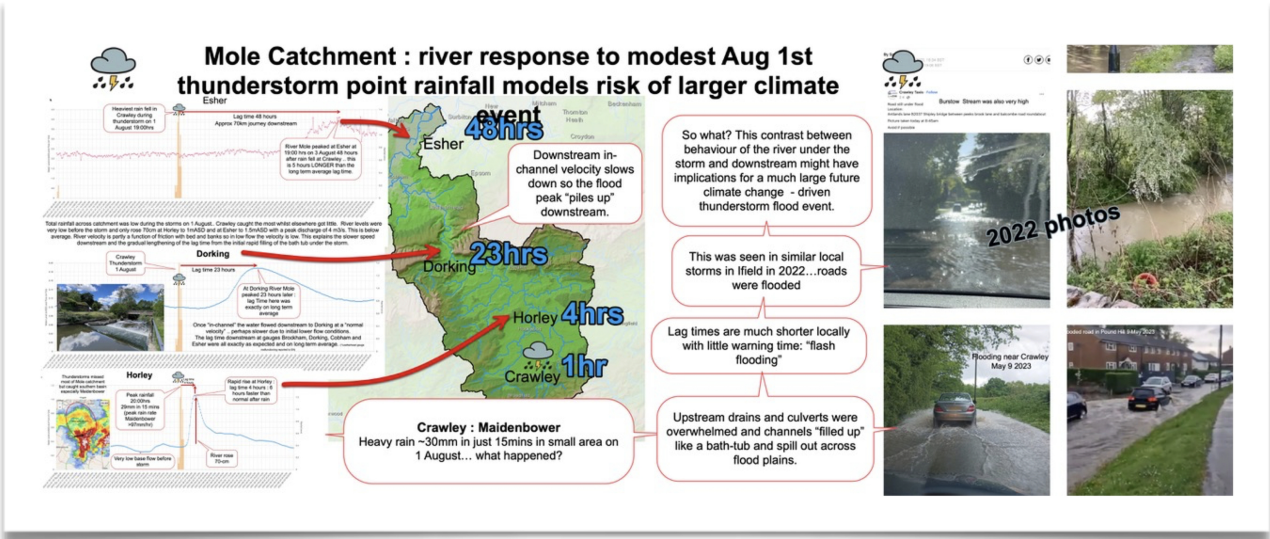
As climate change is increasing the likelihood of more severe flood events, and more intense rainfall events it would appear that even with a 1:100 year event the flood, risk, specifically flash flood risk from a local rainfall event, would appear to be underexplored and understated.

Currently the flood risk assessment fails to analyse the impact of flash flood events on peak river flows in this sort of scenario and the current flood risk assessment appears not to consider peak river flows locally in this sort of scenario – **the kind of scenarios that lead to local areas being flooded.** (REP7-055 - Appendix 11.9.6: Flood Risk Assessment Version 3.0 June 2024 Application Ref 5.3). GACC are therefore concerned that potential consequences of this local flash flooding may have been understated or overlooked:

Gatwick could be flooded really quickly due to a local extreme rainfall event. It is not clear that such inbound flooding of a rainfall event, to flood Gatwick from the River has been taken into account in the flood risk assessments for the Project.

Historically this did not occur as the area where Gatwick is located used to flood in preference to other areas (e.g. Horley) and upstream areas (notably Crawley) were less built up. GACC are concerned that there is already a deficit of land set aside for flooding in the Gatwick area to compensate for flash flooding now this is not provided by the area Gatwick sits on (historically called Lowfield), which will worsen in future due to climate change. This is due to the whole of Crawley and areas immediately upstream, not just because Gatwick is now built on. GACC questions to what extent should GAL provide its own land area) and what land should be adapted to increase local flood storage (e.g. through natural flood management) to reduce the risk of Horley and other local areas being flooded.

GAL should undertake further flood risk assessment investigating the risk and mitigation of such local flash flooding and the local Flood Risk Authorities should also consider whether the introduction of the FCAs on the River Mole would result in any impact on flood peaks travelling further down the River Mole.



**Figure 3. Mole Catchment river response to modest August 1<sup>st</sup> 2024 thunderstorm and photos of similar event in 2022.**

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## **4 Surface Transport**

### **Surface Transport comments reflecting on Deadline 7 submissions**

#### **1. Overview**

Even if the modelling is fully TAG compliant the impact of wider assumptions underpinning the surface transport modelling need to be tested. GACC has particular concerns around assumptions about where the passengers come from and the impact of rail capacity constraints.

GACC are concerned that both the potential of different home locations for passengers and the deterrent effect of insufficient rail capacity are modelled, and, should the application be permitted, that sufficient funding, contingency plans and controls are included in the DCO to remedy this.

#### **2. Modelling of where outbound passengers originate**

GACC are still unclear what sensitivity testing of variations in the competition effect of other airports competing for passengers with Gatwick has been undertaken by the Applicant with respect to the different possible geographical distribution of the surface trip origins of potential future Gatwick passengers? How does a wider range of possible locations (as opposed to the current assumptions of where passengers will come from in the surface transport modelling) affect the outputs of the transport models? To what extent are the transport modelling results and likely modal split affected by where the passengers are modelled to live?

To what extent does the low cost model that dominates the business model of flying from Gatwick (i.e. Easyjet as main carrier) mean that Gatwick is more likely to compete on price, so people may choose Gatwick over other locations if cheaper, which means some journeys selected based on competition between airports in the London and South/South East (or wider UK) catchment area? This could increase the possibility of a wider set of surface origin locations of outgoing passengers.

To what extent has the linkage between the reason for flying and choice of mode of transport been factored into the transport model? For example, are leisure travellers on low-cost airlines more likely to drive to the airport than business passengers? If passengers are choosing low-cost holidays, to what extent is the surface transport mode driven by price, and how is this reflected in the modelling.

If surface transport is impacted largely by price and the airport is planning to reduce constraints on highway access (through capacity enhancements of the SRN around the airport), what are the ways that the airport might intervene through mitigation measures to deliver the mode share commitments in the Surface Access Commitments?

#### **3. Constraint of rail capacity in transport model**

GAL has submitted detailed plans to expand highway capacity but any investment in increased rail capacity and services is subject to ongoing discussions with Network Rail



and Govia Thameslink Railway. It is noted that GAL is committing to a Rail Enhancement Fund and to specific measures in Network Rail's PADSS, but GACC is concerned that any improvements are subject to the Applicant's ability to deliver and at this stage the scale and nature of any improvements is unclear. This leads to questions about the deliverability of the Applicants' mode share commitments. Commitment 14A of the updated SAC submitted at Deadline 7 [REF: REP7-043] shows that further studies are required to determine what further rail service, network and station upgrades will be required. If these studies identify a need for changes to the rail system because of the additional demands from the Project, then it's reasonable to ask whether the transport modelling carried out for the DCO correctly reflects limitations in the ability of the rail system to meet the demands of the Project. This is especially pertinent in the case where enhancements are found to be required but the Applicant determines that they cannot be delivered. What will this mean for deliverability of the mode share commitments with and without any agreed rail upgrades?

It is GACC's view that the updated SACs submitted at Deadline 7 [Ref: REP7-043] are inadequate and too vague, with an emphasis on phrases that suggest small scale improvements or low level commitments such as "review", "engage positively", "participate" and "sponsor analysis" [Ref: REP7-043, Commitment 14A]. It might be illustrative of GAL's intent that it refuses to accept, without setting out a reason, any requirement to fund grade separation of Windmill Bridge Junction, which represents a significant infrastructure constraint that might be necessary to address in order to release rail additional capacity to accommodate the demand generated by the project. GACC does not support limiting the Rail Enhancement Fund to a maximum figure. It is GACC's view that the Applicant should be held responsible for funding any rail improvements that are necessary to meet the mode share commitments in the SACs and to avoid any deterioration in conditions on the rail system caused by the Project. This could also include new rail lines in addition to unlocking capacity constraints on the Brighton main line. If the Applicant is unable to fund or otherwise deliver the rail improvements needed to meet the SACs then it is reasonable to suppose that the SACs will not be achieved and, in GACC's view, in those circumstances the Project should not proceed.

#### **4. Controls in the DCO agreement and other control documents**

GACC are concerned that currently there is insufficient funding for rail investment (as noted by Network Rail) and this funding gap to increase substantially if the modal targets are not met as noted above. This is similar in some way to the gap in provision of water treatment around the airport now, which the development could exacerbate in the future.

However, for the water treatment facility it is now proposed that sufficient investment will be secured prior to each five year Asset Management Plan period for wastewater provision. Similarly, we request that the ExA consider imposing a requirement in the DCO that, rather than having a £10 million cap, the transport fund is sufficient to deliver the SACs. This should be include of rail investment requirements going forward, sufficiently in advance of the UK's 5 year planning periods for rail investment such that works, funded by GAL, can be planned and delivered in advance of capacity constraints.

GACC remain concerned that either the above is not sufficiently delivered, or its delivery is delayed such that the Surface Access Commitments (SACs) are not met. GACC therefore

support the proposals to link achievement of the SACs to the allocation of slots at the airport. And that this should include removal of grandfather rights going forward such that slots can be removed if the SACs are not met.

**#####**