



**Horsham
District
Council**



GATWICK AIRPORT NORTHERN RUNWAY PROJECT
PLANNING INSPECTORATE'S REFERENCE: TR020005
LEGAL PARTNERSHIP AUTHORITIES
POST HEARING SUBMISSION ISH9: MITIGATION
DEADLINE 8: WEDNESDAY 07 AUGUST 2024

Crawley Borough Council (GATW-AFP107)

Horsham District Council (20044739)

Mole Valley District Council (20044578)

Mid Sussex District Council (20044737)

West Sussex County Council (20044715)

Reigate and Banstead Borough Council (20044474)

Surrey County Council (20044665)

East Sussex County Council (20044514)

Tandridge District Council (GATW-S57419)

Legal Partnership Authorities

Gatwick Airport Northern Runway Project (TR020005)

LEGAL PARTNERSHIP AUTHORITIES
ISSUE SPECIFIC HEARING 9 | AGENDA ITEM 3 – MITIGATION

POST-HEARING SUBMISSION INCLUDING WRITTEN SUMMARY OF THE LEGAL PARTNERSHIP AUTHORITIES ORAL CASE

Note: The Legal Partnership Authorities are comprised of the following host and neighbouring Authorities who are jointly represented by Michael Bedford KC and Sharpe Pritchard LLP for the purposes of the Examination:

- Crawley Borough Council
- Horsham District Council
- Mid Sussex District Council
- West Sussex County Council
- Reigate and Banstead Borough Council
- Surrey County Council
- East Sussex County Council; and
- Tandridge District Council.

In these submissions, the Legal Partnership Authorities may be referred to as the “*Legal Partnership Authorities*”, the “*Authorities*”, the “*Joint Local Authorities*” (“*JLAs*”) or the “*Councils*”. Please note that Mole Valley District Council are also part of the Legal Partnership Authorities for some parts of the Examination (namely, those aspects relating to legal agreements entered into between the Applicant and any of the Legal Partnership Authorities).

Purpose of this Submission

The purpose of these post-hearing submissions is to provide a written summary of the Legal Partnership Authorities’ positions on the agenda Item specified below. This includes both a summary of the Legal Partnership Authorities oral representations on this agenda item and, in some cases, further comments on the oral representations made by the Applicant at the hearing. Whilst the structure of these submissions follows the order of the agenda items, they do not include all of the Legal Partnership Authorities’ concerns in relation to each Agenda Item as not all of these positions were rehearsed orally at ISH9 due to the need to keep oral representations succinct.

NOTE TO EXA: Please note that this submission should be read in light of, and having regard to, the Legal Partnership Authorities’ Deadline 8 submission “Update on Negotiations Regarding the Draft DCO Section 106 Agreement” which reports the up-to-date position to the ExA that broad agreement has been reached between the Applicant and the Authorities on many of the Authorities’ outstanding concerns relating to the monitoring and mitigation of environmental impacts.

In the unlikely event there is conflict between the Authorities’ submission “Update on Negotiations Regarding the Draft DCO Section 106 Agreement” and another of the JLAs’ submissions, the ExA should have regard to the update on the section 106 negotiations. When considering the below submission, the ExA should also have in mind that the Authorities maintain their position in relation to the proposal for an Environmentally Managed Growth Framework (“EMGF”) ((see [REP4-050], [REP5-093] and [REP6-100]), or any similar measures relating to controlling growth within environmental limits

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<p><u>Agenda Item 3.1 and 3.2</u></p> <p>The Applicant and Joint Local Authorities will be asked about the draft Requirements in Schedule 2 of the dDCO [REP7-005] and the potential changes identified at Annex B.</p> <p>The Applicant and Joint Local Authorities will be asked about outstanding matters in respect of the draft section 106 Agreement [REP6-063].</p> <p><u>Post-Hearing Note:</u></p> <p>As explained at the beginning of ISH9, the ExA decided to address issues pertaining to mitigation through requirements and the section 106 agreement – covered by agenda items 3.1 and 3.2 – on a thematic basis at ISH9. These post-hearing submissions follow this format and cover issues of mitigation thematically in the order in which they were discussed.</p> <ul style="list-style-type: none"> • For the Authorities detailed written submissions on Annex B to the ExA's Agenda for ISH9, please refer to Part C of the Legal Partnership Authorities Deadline 8 Submission “Consolidated Submissions on the dDCO – Deadline 8 Update”. • For an update on the latest position following ISH9 in respect of the Draft DCO Section 106 Agreement, please refer to the Legal Partnership Authorities Deadline 8 Submission “Update on Negotiations Regarding the Draft DCO Section 106 Agreement”. 		
<p>Surface Access</p>	<p><u>Oral Submissions on Requirement 20 and the Surface Access Commitments</u></p> <p>The Authorities consider that the revisions put forward through the ExA's suggested amendments to Requirement 20 are certainly necessary, albeit the Authorities consider that there are other measures which are also necessary. The ExA will know that the Authorities have put forward a suite of measures in the form of the Environmentally Managed Growth Framework (“EMGF”) and have put forward a series of ways in which that can be delivered (see [REP7-102]). For the avoidance of doubt, the Authorities continue to believe that a comprehensive package such as EMGF would be the best way to mitigate environmental impacts, including those in relation to surface access.</p>	

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	<ul style="list-style-type: none"> The ExA's proposed amendments to Requirement 20 would give a measure of certainty to the Authorities as to the Applicant's ability to deliver on what it claims to be able to deliver. The Authorities consider that such certainty is not at all unusual (as suggested by the Applicant), but is necessary to ensure that the environmental effects of the proposed development do fall within the compass of that which has been assessed. This means looking at the way that matters currently work, and then testing whether that is sufficient and whether there is a need to do more. <p><u>Concerns Regarding Timescales for Intervention in Applicant's Current Proposals</u></p> <ul style="list-style-type: none"> One of the Authorities' principal concerns regarding surface access relates to the mechanisms of enforcement the Applicant has proposed in its Surface Access Commitments [REP7-043] in the event that those commitments are breached or jeopardised. At paragraph 6.2.1 there is a reference to the first annual monitoring report which is provided six months before dual runway operations commence. That is the point at which information on mode share will be obtained. However, paragraph 4.2.1 of the surface access commitments makes it clear that, on the Applicant's proposals, the mode share targets are only to be achieved by the third anniversary of the commencement of dual operations. The targets do not apply before that point, even if there is a monitoring process in place. It is only then if two successive annual monitoring reports show that a mode share target has not been achieved, that there is then an obligation to prepare a mitigation action plan, and that itself is subject to mechanisms for discussion through the Transport Forum Steering Group and then potentially escalation including to the Secretary of State if there is a disagreement. In simple terms, on the Applicant's proposals, it could be five years from the commencement of dual runway operations (depending on how long it takes the Secretary of State to deal with matters if there is a dispute) before implementation measures are specified which, under paragraph 6.2.9 of the Surface Access Commitments, the Applicant must then implement, unless otherwise agreed with the Transport Forum Steering Group. The Authorities contend that that is inadequate. These inadequate timescales must also be seen in the context of the real levers that are available to the Secretary of State by way of interventions. Surface access is a function of the busy-ness of Gatwick Airport and that, therefore, is necessarily a function of the capacity that is declared at the Airport and then the slot allocation process. The Applicant will, by the time that the Secretary of State is in a position to exercise the surface access 	

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	<p>intervention powers, already have declared the majority of capacity that it expects to achieve, given its expected trajectory for growth in the earlier years, such that the slot allocations will have been made and therefore the airline schedules will be set and flights will be available.</p> <ul style="list-style-type: none"> • As such, the realistic levers to control mode share for an airport which has achieved its busy-ness will be very, very limited because the Secretary of State will not be in a position to influence what the Airport is doing in terms of flights and aviation activity due to constraints in the slot allocation regulations and the existence of airline historic rights. Any interventions may seek to influence passenger behaviour in terms of surface access such as through the levers of car parking controls and charges or through additional provision of public transport options. However, those interventions are much narrower and more limited and as such there is going to be a real practical problem with the Applicant's proposals, as to how the Secretary of State can meaningfully impose measures which the Applicant could deliver, that would then have the effect of achieving the surface access commitments or reducing impacts on the highway network. • Whilst the Authorities do have the enforcement powers that the Planning Act 2008 gives to them, there are question marks as to whether those powers are realistically measures that will lead to a change to the delivery of surface access commitments because: <ul style="list-style-type: none"> ○ Injunctive powers are necessarily retrospective and a Court would not be able to order an injunction to carry out an action which is not within the Applicant's power, such as reducing airline operations; and ○ Prosecution powers for breach of a DCO requirement are subject to the defence of "without reasonable excuse" and, where the Applicant has already declared capacity, and slots have been allocated, the Applicant may be limited in the actions it can then take, such that there may well be real difficulties for the Authorities in achieving any remedies to a breach of the SACs. • As such, in the Authorities' view there is certainly an absolute need to do more than the Applicant is proposing. <p><u>ExA's Proposed Amendment to Requirement 20</u></p> <ul style="list-style-type: none"> • In respect of the proposed amendments to Requirement 20, the Authorities support the idea that there should be some restrictions on the Applicant opening elements of the development and see that as being a perfectly reasonable approach. The restriction only applies if the Applicant has not 	

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	<p>been able to achieve a baseline percentage of 54% mode share before operations commence and if it cannot even achieve that at that time, the Authorities consider it is entirely reasonable to say it is not appropriate for the operation to commence in terms of dual operations. The 55% target does not bite on dual operations on the current structuring, but on car park Y and on the hotels at area H which is reasonable.</p> <ul style="list-style-type: none"> As such, the Authorities consider amendments to Requirement 20 to be necessary, but the current proposed amendments are not in themselves sufficient because further remedial action is too far down the line to be effective owing to the process envisaged in the SACs themselves. <p><u>Oral Submissions on the removal of permitted development rights relating to the provision of additional car parking</u></p> <p>The Authorities welcome the removal of permitted development rights, as suggested by the ExA, for the reasons set out in various earlier representations. The Authorities will of course consider any proposals by the Applicant as an alternative means of achieving the same objective but the Authorities would want to be reassured that any proposed cap put forward by the Applicant on parking numbers would be capable of enduring for the lifetime of the operation, and would indirectly exclude the provision of additional parking within the perimeter of the Airport, whether that be through the exercise of permitted development rights or through any express planning permissions. This suggestion would not address the Authorities concerns were it to simply be a cap which only regulates development as long as it's being undertaken under the DCO. The Authorities await further information as to the Applicant's proposal for a parking cap.</p>	
<p>Noise</p>	<p>Oral Submissions on behalf of the Authorities in respect of Requirements 15 and 16</p> <p>The Authorities expressed broad support for the proposals outlined in Requirements 15 and 16 and considered that the mechanism proposed by the ExA addressed several substantive concerns raised by the Authorities throughout the process. These concerns primarily related to ensuring certainty around the sharing of benefits with communities and achieving a progressive reduction over time in line with the ANPS and other national policies on benefit sharing.</p> <p><i><u>Sequencing and Timing Concerns</u></i></p> <p>The Authorities highlighted particular concerns regarding the sequencing of the proposed controls relative to growth. While supportive of the concept of a progressive reduction, they stressed the importance of ensuring that any requirement allows for operational plans to be implemented well in advance so as</p>	

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	<p>to realistically affect slot allocation, which requires a two year lead time from recognition of a noise problem to the ability to influence slot allocation for a subsequent year. As currently proposed, the requirement stipulates that the reporting actions must occur following the end of the summer season, which is 15th September, and that this is too late to influence slot allocation for the following year as capacity will already have been declared. They suggested incorporating a mechanism to address potential exceedances two years in advance rather than one. The Authorities explained that details on this mechanism would be provided in writing at Deadline 8; the ExA is referred to Part C to the Authorities’ “Consolidated Submission on the DCO – Deadline 8” for those details.</p> <p>As part of the proposed environmentally managed growth framework, the Authorities had submitted suggestions on quota count (QC) budgeting systems to address sequencing issues by introducing forward planning of the allocation of slots with a view to minimising the risk of the noise envelope being exceeded. Although the Applicant rejected mandatory QC budgeting, noting it might only partially inform capacity declarations and slot allocations, the Authorities felt that a QC budgeting system could be relevant, based on the ExA’s suggested criteria for monitoring. The Authorities also welcomed the approach to two-year advanced forecasting suggested by the Applicant in [REP6-87] and that this included the use of QC budgets as a planning tool. They sought to incorporate elements of this approach into the operating plan definition to address their sequencing concerns.</p> <p><u>Noise Limits vs Contours</u></p> <p>At ISH 9 the Applicant suggested that using noise limits based on specific locations could present problems and pointed out that no airport of comparable size employs such a system. They advocated for contour areas instead, describing the proposed noise limits as arbitrary.</p> <p>The Authorities have attempted to assess how the suggested noise control limits would function with a half decibel reduction every five years. By using the 2019 baseline contours and without access to the Applicant’s noise model, the Authorities replicated some of the Airport’s noise contours. They estimated that a half decibel reduction would result in a contour area of 114.8 km² by 2034, which, according to their modelling, would be above the core baseline and tracking the slow transition baseline.</p> <p>The Applicant expressed surprise that the Authorities supported the ExA’s recommendation for further changes, as the Authorities had previously indicated that if changes were made to the noise envelope process and were rigorously implemented, many of their concerns regarding noise control would be addressed. The Applicant questioned why additional changes were considered necessary.</p> <p>The Authorities clarified that their support for the ExA’s recommendation was consistent with their overall position on effective controls. They noted that while they welcomed positive changes proposed by the Applicant, these had not yet been incorporated into control documents. It was important to consider the Authorities’ representations in full context rather than focusing on isolated elements as evidence of a position change or inconsistency.</p> <p>Regarding QC budgets, the Authorities acknowledged Mr. Mitchell’s comments about them being a ‘blunt tool’ but stressed the importance of understanding these comments in the context of the Applicant’s earlier submission [REP6-087], which discussed introducing QC quotas and allocations to limit airport</p>	

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	<p>noise. The Authorities consider such budgets to be a useful tool to ensure compliance, subject to appropriate calibration against actual noise performance at Gatwick.</p> <p><u>Post hearing note</u></p> <p>The Applicant has still failed to demonstrate how they would ensure that operational control mechanisms will be in place to assure the Authorities that there is a reasonable prospect of complying with the ANCON noise envelope forecasts. A QC budgeting system would allow the total noise area to be converted to a total QC budget and this to be allocated to specific slots and apportioned throughout the year. Ultimately all slots would be conditioned ensuring the slot being available for only an aircraft of that QC rating.</p> <p>A carrier obtains a slot to allow it to use the runway and facilities. It does not require it to use an aircraft of specific acoustic performance. The ANCON model can only take account of what is scheduled. However, noisier aircraft may use the slot compared to that predicted as a carrier may trade a slot or change the aircraft allocated to the slot. The QC budgeting and slot control system provides an ‘in season’ management and operational control to assure that the ANCON noise model forecasts are delivered. Both are required to have any certainty that forecasts will be delivered.</p> <p>The Applicant itself has suggested in the Appendix to [REP7-102] conditions under which it could use the QC mechanism, so it appears that the disagreement between the Authorities and the Applicant is not if it is used, but when. To that end the Authorities consider that this should be clearly stated as comprising part of the ongoing planning and operational management process.</p> <p>The Authorities would highlight that in the Luton worked example of the noise envelope “8.36 Noise Envelope – Improvements and worked example” (submitted as REP2-032 to that examination) it refers to the Civil Aviation Authority information published in CAP1731 “Overall, Quota Count and average summer daytime and night-time noise contour area at a certain noise level are considered to represent the best correlation with other noise metrics and therefore to limit overall noise exposure.”. The authors of that document have noted how the correlation could be improved such that it provides a reliable operational tool to assist in forecasting and operational management.</p> <p>This measure would complement the five-year forecasting that the Applicant has proposed and appears implicit to the Authorities in the ExAs proposal</p> <p><u>Request for Data on Noise Contours</u></p> <p>The Authorities noted that while they had received substantial information about aircraft fleets, they had not received the necessary data on aircraft noise levels that underpin the noise contour areas. They reiterated their request for sound exposure level data and L.MAX data, as previously outlined in [REP1-033] and [REP5-079]. According to the CAA’s minimum standards for aircraft noise modelling [REP2-091], aircraft making up 75% of the total noise energy</p>	

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	<p>should be verified against local noise measurements. The Authorities emphasised the critical importance of this data for validating the noise model and reiterated their request for it to be provided.</p> <p><u>Post hearing note</u></p> <p>Following the reiteration of a request by the Authorities for noise model verification data (at 01:15:27:00 - 01:16:30:16, ISH 9 Day 1 Part 2) the Applicant responded on several occasions between: 01:18:16:11 and 01:21:18:02, on ISH 9 Day 1 Part 2, that the information was confidential and could not be shared. The Applicant even claimed to have sought and received confirmation from the CAA that this was the case. However, the Authorities have since spoken to the CAA about releasing the following data related to the model verification i.e.:</p> <ul style="list-style-type: none"> i) the results of statistical analysis of SEL and LAmax data for individual aircraft at each monitoring location that feed into the validation process at Gatwick along with a figure showing the monitoring locations on a map. <p>And:</p> <ul style="list-style-type: none"> ii) a comparison of the measured SEL and LAmax data against predicted levels for each aircraft. We have seen this for the B738 already but we would like to see this information for all aircraft that make up 75% of the noise energy at the airport. <p>and the CAA have responded with the following:</p> <p><i>'Assuming that Gatwick raise no issues then in principle we would also have no issue providing the information you've described below'.</i></p> <p>On the basis of the above, the Authorities would ask that the ExA ask the Applicant to provide the following data to the Authorities in a suitable electronic format:</p> <ul style="list-style-type: none"> i) the results of statistical analysis of SEL and LAmax data for individual aircraft at each monitoring location that feed into the validation process at Gatwick along with a figure showing the monitoring locations on a map. <p>And:</p> <ul style="list-style-type: none"> ii) a comparison of the measured SEL and LAmax data against predicted levels for each aircraft. We have seen this for the B738 already but we would like to see this information for all aircraft that make up 75% of the noise energy at the airport. 	

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	<p>The Authorities consider that the Examination process must be transparent, particularly for an application of this scale. Furthermore, if it is not possible to understand the inputs that form the basis of what will ultimately be the control, it undermines the control itself. If this process is to be reliable it must also fulfil good scientific principles including that it is reliable and reproducible. Neither can be achieved without this information being presented.</p> <p>The Authorities also highlight that they are not aware of any other way to compel this information to be released. Should the Development Consent Order be granted without additional powers to be able to compel the production of information alongside the others mentioned in the EMGF document, it will not be possible for the enforcement body to effectively fulfil its role. Therefore, the ExA is requested to review the powers that it may make available in any DCO so as to allow for effective enforcement as there is doubt that those within the Planning Act 2008 itself would cater for such circumstances.</p> <p><u>Oral Submissions on Noise Insulation Scheme (Requirement 18)</u></p> <p>The Applicant set out its position that the noise insulation scheme is well defined and does not require further local authority approvals. The Applicant stated that, through consultation already undertaken, the noise insulation scheme has taken into account local authority and stakeholder views. It is a well-defined scheme that can be implemented. The Applicant explained that it will bring forward a revision to the noise insulation scheme at Deadline 8 regarding the timing of the noise insulation scheme. The Applicant referred to the implicit desire reflected in the ExA's draft requirement to ensure that there is a clear process in place but suggested that the better way of doing that is to reflect it in changes to the scheme itself rather than the requirement.</p> <p>In response, the Authorities welcomed proposals from the Applicant regarding the timing of the scheme and confirmed that they would respond in writing when specific details have been provided. More broadly, the Authorities strongly support the ExA's proposed requirement, noting that it addressed many concerns previously outlined in the West Sussex LIR [REP1-068] at paragraphs 14.244 onwards, and in the Surrey LIR [REP1-097] at paragraph 12.166 onwards regarding the extent of the scheme and the risk of unmitigated impacts beyond its outer limits, especially regarding night noise, which had been a recurring issue.</p> <p>The Authorities believe that extending eligibility to 48dB for the eight-hour night period would significantly address health impacts related to night noise, particularly in shoulder periods. This had previously been raised at noise hearings. The Authorities had also suggested that the outer zone should include eligibility for insulation based on ground noise impacts and combined air and ground noise impacts. This inclusion now appeared to be part of the amended definition in Requirement 1, a change the Authorities strongly supported.</p> <p>Additionally, the Authorities supported the proposal for a design document addressing overheating risk, an issue that had been raised multiple times. The Authorities believed the approved document, the building regulations, and the CBC cooling hierarchy would together provide suitable standards for mitigating this risk. The requirement for local authority involvement was also highly supported by the Authorities, as it addressed concerns about democratic deficit in local authority oversight. The Authorities felt that the changes to the scheme made significant progress in this respect.</p> <p>Overall, the Authorities found many aspects of the proposed requirement very positive but raised a few points regarding the detail of the requirement.</p>	

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	<p>As regards the proposed definition of ‘eligible premises’ set out in amended Requirement 1 addressing combined ground noise and air noise impacts, the Authorities reminded the ExA that they had not seen the Applicant’s ground noise contours. If this requirement were to be implemented in its current form, the Applicant would need to provide these or establish a measuring process for combined ground and air noise impacts.</p> <p>The Authorities noted the need for further modelling work to ascertain the details but raised concerns about potential issues around additional awakenings. They noted that these might not be satisfactorily mitigated by the 48dB limit but indicated their intention to submit detailed findings on this at Deadline 8 after running the numbers through their software.</p> <p>Regarding single mode contours, the Authorities reiterated concerns raised previously and indicated their intention to make further submissions on this. They emphasised the discrepancy between real-world west-east wind direction splits, which do not necessarily reflect the average 75-25 split used to define the average mode contour. For instance, in 2016, the split was 85-15, and in 2014, it was 66-34. The Authorities expressed ongoing concerns about properties potentially experiencing impacts beyond the average mode contour in any given year.</p> <p>Despite these concerns, the Authorities were very positive about the overall thrust of the suggested proposal.</p> <p>Post hearing note In response to ISH9 Action 12, the Authorities have explained why the 48 LAeq contour would not afford the same mitigation as the one additional noise induced awakening and the reasons that it is considered necessary to have both. The ExA is referred to the Authorities Deadline 8 submission “Response to Actions Raised by the ExA at Issue Specific Hearing 9”.</p> <p>The Authorities while being grateful for the opportunity to participate in the noise insulation scheme in a manner that has not been available to them before would highlight to the Examining Authority that any and all reasonable local authority costs associated with any activity associated with the Development Consent Order should be funded by the Applicant.</p> <p>Section 106 – Engine Ground Running</p> <p>In response to the ExA’s query about whether the way in which engine ground running was addressed in the Section 106 agreement was sufficient or whether it should be dealt with as a requirement in the DCO, the Authorities confirmed that this had not been explicitly considered.</p> <p>The Authorities noted that engine ground running was not included in the Applicant's ground noise predictions and, therefore, would not be covered under the ground noise insulation scheme. There was no precedent for including engine ground running at any other airport. Consequently, the Authorities did not wish to add anything further regarding this aspect. However, to the extent that the current ground noise insulation scheme did not extend to the outer zone, the Authorities were not content. The Authorities acknowledged that the Applicant had referred to Luton Airport on several occasions and that the proposed DCO for Luton Airport provided significant mitigation for ground noise and engine testing, including acoustic barriers and bespoke engine ground run bays</p>	

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	<p>to attenuate ground noise. Additionally, Luton Airport had extended its ground insulation scheme to 55dB during the day and 45dB at night, setting a precedent for extending the scheme to the outer zone.</p> <p>The Authorities confirmed that, since the issue was not included in the current ground noise scheme, it needed to be secured in some form. Therefore, the Authorities suggested that a requirement remains necessary and that this would be submitted at Deadline 8.</p> <p>The Authorities clarified that the Applicant's assessment of ground noise due to engine testing was undertaken using the LA_{Max} metric, and therefore, engine ground running was not included in their noise predictions based on the Leq. Consequently, this is under-represented in the scheme of mitigation including the noise insulation scheme.</p> <p>Post Hearing Note The Authorities and the Applicant appear to have reached agreement on a section 106 obligation relating to engine testing. The obligation sets a threshold that caps the number of tests in a given period, and should it appear that this may be exceeded requires the provision of mitigation, including through the provision of a ground run pen. At the time of submission of this document, it is not considered necessary to formalise this obligation in a requirement but should this fall away then it will be presented, possibly with amendment, as a requirement.</p> <p>There has been much focus on air noise in the examination but the JLAs also propose requirements in relation to ground noise by the formulation and approval of a ground noise management plan (to deal with day-to-day operational controls for noise from aircraft when not in flight, including both physical and operational controls. Controls under existing planning permissions will be rolled forward in this plan together with new conditions as a result of the changes to the layout and operation of the airport.</p> <p>The other requirement concerns fixed plant noise management plan intended to deal with sounds of a commercial or industrial nature from activities falling within the scope of BS4142:2014+A1.</p>	
<p>Air Quality</p>	<p>Post-hearing Note: As explained in the introduction to this submission, further discussions between the Applicant and the Authorities have taken place since the close of ISH9 and the following summary of the Authorities oral submissions should therefore be read in view of the Authorities submission "Update on Negotiations regarding the Section 106 Agreement".</p> <p>-----</p> <p>The Applicant asked for clarity as to what the ExA's proposal for a new requirement was intended to achieve and whether this was meant to replace what was in the draft Section 106 agreement or was meant to go further. The Applicant stated that in their assessment there were no likely significant air quality effects and so no specific mitigation is proposed for air quality purposes, just a monitoring obligation. The Applicant stated that if this requirement was meant to go further than the Section 106 agreement and require a plan with mitigation steps, the Applicant would not accept that.</p>	

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	<p>Oral Submissions on the ExA’s proposed Requirement</p> <p>The Authorities reminded the ExA that their preferred position was to see air quality included within the EMGF, as detailed in Section 4 of [REP7-102].</p> <p>It was noted that discussions with the Applicant regarding the Section 106 provisions, which include air quality monitoring, were ongoing but had not yet reached an agreed position. A particular issue relates to the duration of monitoring, with the current proposal from the Applicant in the Section 106 agreement in Schedule 1, [REP6-063], allowing for monitoring to cease after 2038. The Authorities’ position is that such monitoring needs to continue until 2047, as they do not consider that the environmental information provided by the Applicant demonstrates the absence of potential adverse effects.</p> <p>The Authorities pointed out that they had proposed a requirement for air quality monitoring Part C their Consolidated Submissions on the dDCO at Deadline 7 [REP7-108] which would apply in the event that the matter could not be agreed through Section 106 discussions.</p> <p>In view of the Authorities position as set out in previous submissions, the Authorities explained that the principle of the ExA’s proposed requirement is considered an appropriate way forward. However, the Authorities emphasised the need for any monitoring and management plan to be implemented until at least 2047, extending to the period when the full scale of operations was expected to be in place. The Authorities also emphasised that it was essential to include explicit provision for the monitoring of ultrafine particulates, a point also under discussion in negotiations between the Authorities and the Applicant in relation to the draft Section 106 agreement.</p> <p>Applicant’s Comments</p> <p>The Applicant contended that they had assessed air quality and effects and found no likely significant effects and therefore it was unnecessary to go further and prepare an anticipatory mitigation plan where there is no need. The Applicant stated that there was a requirement in the draft Section 106 agreement to meet any relevant objectives for a minimum of two years before the obligation could come to an end and that this was in line with relevant standards as to monitoring. The Applicant also confirmed that it did not consider monitoring of ultrafine particles to be necessary as there is no legal requirement to do so but it was committed to monitoring in the future should a relevant standard be put in place.</p> <p>Following the Applicant’s comments, David Deakin – air quality consultant at AECOM acting on behalf of the Authorities – further clarified that the Authorities wish to ensure that three years of monitoring data is collected before any cessation of monitoring is undertaken. Additionally, the Authorities propose including margins of tolerance, aiming to maintain air quality levels 10% or 20% below the standards at the time, ensuring confidence that thresholds would not be exceeded in the future. The Authorities also highlighted the importance of anticipating tighter thresholds over time and including this consideration in the text. He mentioned that while the contribution of road traffic to air quality issues was expected to decrease over time, the relative importance of airport contributions would increase such that long-term information to understand this transition is deemed essential by the Authorities.</p>	

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<p>Socioeconomics and the ESBS</p>	<p>Post-hearing note: As explained in the introduction to this submission, further discussions between the Applicant and the Authorities have taken place since the close of ISH9 and the following summary of the Authorities oral submissions should therefore be read in view of the Authorities submission “Update on Negotiations regarding the Section 106 Agreement”.</p> <p>-----</p> <p>The Authorities made the following oral submissions on the ESBS at ISH9:</p> <ul style="list-style-type: none"> • The Authorities maintained that the proposed requirement would meet the tests in the National Planning Policy Framework and, to the extent relevant, in the National Policy Statement for the imposition of requirements. The Authorities recognised that the Applicant has acknowledged residual adverse impacts from the proposed scheme, not necessarily related to this particular environmental discipline, but encompassing negative environmental impacts. These impacts, the Applicant has suggested, could be balanced against benefits, such as the employment consequences of the scheme. The Applicant has proposed the ESBS as a means to deliver these benefits. The Authorities see a clear nexus between making the development acceptable in planning terms and ensuring the delivery of these benefits and, to the extent that the development's acceptability depends on these benefits, it is necessary to secure their delivery. The Authorities therefore were quite clear that it would be appropriate to require the securing of benefits as part of the planning balance to ensure their realisation. • Whilst acknowledging that there are ongoing discussions between the parties as to whether the ESBS should be dealt with through the Section 106 agreement, the Authorities noted that there are circumstances where certain matters might be dealt with more flexibly or efficiently through a Section 106 agreement rather than as a requirement. The Authorities explained that, so long as the resolution of these matters remains uncertain, the Authorities welcomed the changes identified by the ExA. • The Authorities explained that additional text was needed to ensure the effective delivery of the proposed outcomes. It was explained that the present Implementation Strategy is viewed by the Authorities as an outline, and the Authorities have asked for a detailed ESB Implementation Plan to be submitted at a later date in accordance with outline principles. Whilst detailed drafting as to these principles would be provided at Deadline 8, the Authorities summarised that the plan needs to: define which activities sit outside of the ESBS fund and which sit within it; specify the fund's intended coverage period; provide clarity on spatial areas; align with thematic plans (which themselves need to indicate detailed objectives, targets, outputs, and key performance indicators); provide information on the need for specific beneficiaries, potential activities, and net additional impacts. This will also need to include details as to minimum funding to be secured; how hard-to-reach groups will be engaged; and how the funding would be spent. 	

Topic / Agenda Item	Summary of Oral Submissions and Post-Hearing Notes
	<ul style="list-style-type: none"> • The Authorities also emphasised the need for clarity on the role of the ESBS Steering Group, including a route map for its operation and milestones for developing the Implementation Plan. The conclusion was that a detailed ESBS Implementation Plan should provide this greater level of detail to ensure comprehensive and effective execution. • In response to the ExA's query as to whether including the ESBS as a requirement would place an undue administrative burden on the Authorities, the Authorities confirmed that this would very much depend on the success of the Section 106 agreement negotiations. If matters are satisfactorily resolved and clear through that process, particularly regarding the scale of funding committed, the Authorities consider that it would avoid the uncertainties that would be inherent in the requirement route. The current position in the requirement necessitates calling for a more detailed plan to be submitted and approved in due course, which inherently included unknowns at this stage due to the need for further detail. • If a common position on the Section 106 agreement were reached, it would eliminate the additional complexity of agreeing a future scheme through the requirement route. However, if there is no agreement as to the terms of the Section 106, the inevitable default position would be to require a formal requirement. This would be necessary and should adopt the structure the Authorities have proposed, which would involve further discussions, agreements, and approvals. Although this would be complex, a requirement would be needed in the absence of a mutual agreement through the Section 106 agreement. <p><u>Housing Fund Requirement</u></p> <p>In response to questions raised by the ExA, the Applicant argued that there is insufficient evidence to demonstrate the Northern Runway Project would lead to an impact on housing.</p> <p>The Authorities confirmed to the ExA that they do not agree with this position and contended that there are indeed impacts on the local housing market which need to be mitigated by the Applicant and further comments are made on this issue in the Authorities' Post Hearing Submissions on Socio Economics also submitted at Deadline 8. The Authorities explained that this issue represents something which could be addressed by a requirement or legitimately secured via the Section 106 Agreement.</p> <p>The Authorities suggested that the requirement needs to specify the content of the required housing fund plan to ensure its deliverability and that it would adequately mitigate the pressures on affordable and temporary housing. They emphasised the need for clarity as to how the plan would address the impacts from non-home-based workers and specify how the funding would support the delivery of the required accommodation, whether by local authorities or the Applicant directly. Additionally, it needed to address timescale issues.</p>

Topic / Agenda Item	Summary of Oral Submissions and Post-Hearing Notes	
	<p>The Authorities confirmed that the wording requires further elaboration to ensure that all parties would understand the content and expectations of the plan to be submitted for approval. The Authorities suggested that the requirement needed to specify the content of the required housing fund plan to ensure its deliverability and that it would adequately mitigate the pressures on affordable and temporary housing. They emphasised the need for clarity as to how the plan would address the impacts from non-home-based workers and specify how the funding would support the delivery of the required accommodation, whether by local authorities or the Applicant directly. Additionally, it needed to address timescale issues. The Authorities confirmed that the wording requires further elaboration to ensure that all parties would understand the content and expectations of the plan to be submitted for approval.</p> <p>The ExA is referred to Part C to the Authorities’ “Consolidated Submission on the DCO – Deadline 8” for further detailed comments on their proposed Housing Fund requirement and further justification for its inclusion. The ExA is also referred to the Authorities submission “Update on Negotiations regarding the Section 106 Agreement” for an up-to-date position.</p>	
<p>Matters specifically related to the Section 106 Agreement</p>	<p>Post-hearing note: <u>As explained in the introduction to this submission, further discussions between the Applicant and the Authorities have taken place since the close of ISH9 and the following summary of the Authorities oral submissions should therefore be read in view of the Authorities submission “Update on Negotiations regarding the Section 106 Agreement”.</u></p> <p>Community Fund</p> <p>The ExA asked the Authorities for a high-level update in respect of discussions on the London Gatwick Community Fund at Schedule 4 of the draft section 106 agreement and whether the Authorities considered that agreement as to the level of funding would be reached before the end of the examination.</p> <p>In response, the Authorities confirmed that it was difficult to provide a clear answer as to how likely it was that the matter would be resolved because negotiations often involve multiple moving parts and discussions about various interconnected issues, making it challenging to isolate the likelihood of resolving specific matters due to their potential knock-on effects on other aspects. Nonetheless, the Authorities explained that the Applicant has provided helpful information as to how the Community Foundations would function and how to ensure appropriate use of the funding which had been requested by the Authorities. The drafting as to operational details of the Community Fund has progressed well. However, the specifics regarding the amount of funding and its calculation are still under negotiation. Additionally, review mechanisms have been included in the drafting to ensure that the Community Fund remains effective in addressing any unexpected impacts.</p>	

Topic / Agenda Item	Summary of Oral Submissions and Post-Hearing Notes	
	<p>The Authorities confirmed that, if agreement as to the level of funding had not been reached by the end of the examination, they would submit to the ExA the funding that they consider to be appropriate at Deadline 9. In this way the Authorities will ensure that the outcomes they deem necessary to support the DCO are clearly communicated to the ExA by the close of the examination.</p> <p>In response to the ExA's query as to whether the Community Fund should be secured by way of a requirement, the Authorities confirmed that it may be difficult to draft a requirement at Deadline 8 because of timing and the active nature of discussions.</p> <ul style="list-style-type: none"> • Post-Hearing Note: Please see the Authorities' response to Actions at ISH9 for further information on the Authorities' position. <p>Subordinate Documents under S.106 Agreement</p> <p>During this section of the hearing, the Authorities explained that, in addition to the section 106 agreement itself, there are several subordinate documents required for the effectiveness of the section 106 agreement. There are ongoing discussions with the Applicant addressing these subordinate documents, with several outstanding issues remaining. It was emphasised by the Authorities that achieving a resolved position would require appropriate agreement between the parties on these additional documents, as well as the section 106 agreement itself.</p> <p>Involvement of Charlwood Parish Council</p> <p>In response to a query from Lisa Scott representing the Parish Council to be involved in discussions regarding the Community Fund, the Authorities considered that, from a pragmatic perspective, it would not be practical or fair to single out one entity, such as Charlwood Parish Council, to the exclusion of others. They acknowledged the importance of Charlwood Parish Council and other parish councils but noted that a process involving multiple parties required a more inclusive approach. It was noted that the local authorities are separately engaged with the communities and parish councils and incorporating additional voices on the section 106 agreement within the existing timescales would not be feasible.</p> <p>Landscape and Ecological Enhancement Fund</p> <p>The Authorities confirmed their position that there remain biodiversity and landscaping impacts not currently mitigated through the draft section 106 agreement or requirements. In particular, the Gatwick Green Space Partnership contribution, secured under the draft section 106 agreement and still under discussion as to its value, has a limited geographical scope. The Authorities therefore believe there are impacts that remain unmitigated.</p> <p>To address this, the Authorities have proposed a Landscape and Ecology Enhancement Fund that local organisations or bodies could apply to for financing projects within a defined area. This fund would have a project officer responsible for assessing applications, ensuring that they are necessary to mitigate the impacts of the development, and then allocating the funding accordingly. This position was outlined in paragraph 3.5.2 of the Authorities' update on progress on legal agreements at deadline 6 [REP6-112] and further detailed in the Authorities post-hearing submissions from ISH8 [REP6-109].</p>	

Topic / Agenda Item	Summary of Oral Submissions and Post-Hearing Notes	
	<p>Section 106 – Explanatory Memorandum</p> <p>The ExA requested an updated Explanatory Memorandum (EM) that explains the values of contributions within the draft section 106 agreement, detailing how those figures were determined and their justifications.</p> <p>The Authorities confirmed that the figures in the draft section 106 agreement are currently under discussion. They expressed reluctance to comment on specific figures during the hearing due to the potential for changes resulting from ongoing negotiation</p> <p>For an update on the latest position following ISH9 in respect of the Draft DCO Section 106 Agreement, please refer to the Legal Partnership Authorities Deadline 8 Submission “Update on the Draft DCO Section 106 Agreement at Deadline 8”.</p>	
<p>Carbon Action Plan Requirement 21</p>	<p>Requirement 21 Carbon Action Plan</p> <p>In respect of the ExA’s proposed amendments (providing for Crawley Borough Council to be consulted prior to any change to the Carbon Action Plan which the Secretary of State agrees to, and to for Crawley Borough Council to be provided with monitoring reports, and to be consulted on any action plan required if further interventions are required), the Applicant confirmed that they would be happy to make changes and would submit an updated CAP to reflect the proposals.</p> <p>The Authorities welcomed the Applicant’s proposal but confirmed that they would respond formally when they had seen the revised text following Deadline 8.</p>	
<p>Landscape and Ecology</p>	<p>Post-hearing note: <u>As explained in the introduction to this submission, further discussions between the Applicant and the Authorities have taken place since the close of ISH9 and the following summary of the Authorities oral submissions should therefore be read in view of the Authorities submission “Update on Negotiations regarding the Section 106 Agreement”.</u></p> <p>ExA’s Proposals on Requirement 8</p> <p>Following the Applicant’s comments on the ExA’s proposed requirement 8, the Authorities explained that they remain concerned that the tree survey information provided by the Applicant thus far is insufficient to demonstrate that policy CH6 of the Crawley Local Plan could be satisfactorily met on land within the red line boundary of the development. The Authorities emphasised that this is not merely a question of meeting numerical planting requirements and that the suitability and spacing of the trees also needs to be ensured. As CH6 recognises, there might be a need for offsite provision if the policy requirements cannot be fully achieved within the development site itself.</p>	

Topic / Agenda Item	Summary of Oral Submissions and Post-Hearing Notes	
	<p>The Authorities confirmed that they are not satisfied with the current information from the Applicant, as it does not sufficiently demonstrate that the policy could be met entirely within the red line boundary. Therefore, the Authorities believe that additional measures are necessary to ensure compliance with the policy. In the Authorities Consolidated Submissions on the dDCO at Deadline 7 [REP7-108], the Authorities had proposed a more detailed requirement for tree replacement (pages 70 - 72 of the document). While the Authorities are therefore supportive of the principle of the ExA's proposal, they consider this drafting requires further detail to ensure deliverability. For that reason, the Authorities confirmed that they prefer their wording, as submitted at D7, which includes explicit reference to a potential tree mitigation contribution — a sum that could be paid under policy CH6 if appropriate planting levels could not be achieved within the site. The obligation or requirement is intended to function such that if calculations demonstrate that there is no need for additional tree planting, no contribution to off-site planting would be required. However, if the calculations proved to be incorrect and there was a loss of trees, the requirement would ensure that appropriate planting could be undertaken. As no agreement has been reached as part of the section 106 agreement, the authorities have proposed this as a requirement.</p> <p>The ExA queried how the Applicant could be confident it met the requirements of CH6 without having undertaken detailed work. The Applicant confirmed this could be met through the OLEMPs. In response, the Authorities pointed out that without sufficiently detailed design work to identify clear planting areas and without accurate knowledge of the tree losses that needed replacement, there was a risk of conducting a calculation that produced a result requiring inappropriate planting just to meet a numerical target. The Authorities are therefore not persuaded by the current approach and consider it necessary to include a default mechanism that allowed for offsite tree planting if required.</p>	
<p>Odour Management and Monitoring Plan</p>	<p>Odour Management and Monitoring Plan</p> <p>The Applicant explained that it does not consider the requirement necessary as they contend that assessments show there will be no significant effects requiring mitigation.</p> <p>**</p> <p>The Authorities welcomed the change proposed by the ExA, acknowledging the requirement appears largely based on their own proposal submitted at Deadline 7 in [REP7-108].</p> <p>The Authorities confirmed that they believe it to be necessary and justified and therefore considered it should be included in any DCO. Leon Hibbs, environmental officer for RBBC, clarified that an assessment conducted by the Applicant in 2019 had examined the baseline scenario, but this had not formed part of the DCO assessment. That indicated a potential odour issue under the baseline scenario. The current development is a progression from that assessment, and the Authorities had already expressed in their Local Impact Reports [REP2-007] that they did not find the chosen assessment methodology appropriate. The Applicant is currently proposing a complaint-keeping mechanism, which had been in place for the last 20 years, whereas the Authorities consider that more is needed in the context of the DCO.</p>	

Topic / Agenda Item	Summary of Oral Submissions and Post-Hearing Notes	
	<p><i>The ExA requested that the Authorities address the Applicant’s point that, because there are no likely significant effects, there is no need for mitigation.</i></p> <p>The Authorities confirmed that they did not accept that there was sufficient information to reach a clear conclusion that there would be no likely significant effects. They emphasised that while the EIA regime helps determine whether there are likely significant effects, environmental controls are not limited to such circumstances. Under both the Planning Act 2008 and the Town and Country Planning Act 1990, planning controls can be imposed for material impacts even if they do not constitute likely significant effects. This principle extends beyond EIA requirements, as evidenced by the separate regulatory regimes and policy guidance for heritage, for example, which demand consideration of degrees of harm independent of EIA significant effect thresholds.</p> <p>Furthermore, the Authorities did not agree that the evidence was clear enough to conclude that there were no likely significant effects. They pointed out that the Applicant had assessed the odour impact in 2019 and identified the Horley Gardens Estate as an area with potential odour impact warranting further investigation. This assessment determined that the odour issue was largely driven by aircraft movements, with engine start-up responsible for 70-78% of the odour. However, the Applicant had not assessed this in their dispersion modelling work. Therefore, with a significant projected increase in aircraft movements, it was reasonable to expect an increase in odour impact beyond the baseline scenario.</p> <p>The Authorities noted that the Applicant’s previous assessments, including work initiated in 1997, had shown that while complaint work is valuable, it does not provide a complete picture, necessitating actual monitoring. Initial work began in 2019 to look at the issue, using dispersion modelling to identify regions where odour complaints were likely. This modelling clearly identified an area in the Horley Gardens Estate where odour complaints could be expected. However, the subsequent monitoring did not take place. With the DCO projecting a significant increase in aircraft movements, the primary drivers of the odour issue, it was reasonable to conclude there would be an increase in odour complaints in the absence of further evidence from the Applicant.</p> <p>The Authorities confirmed that they had seen a proposed odour management reporting process set out in the Applicant’s proposals [REP7-094] and are intending to provide comments within the Joint Local Authorities Response to the Applicants Deadline 8 Submission.</p>	

Topic / Agenda Item	Summary of Oral Submissions and Post-Hearing Notes	
Further Agenda Items 3.3 and 3.4		
3.3	The Applicant and Joint Local Authorities will be asked about the scope of, and agreement about, control documents	<p>The Authorities confirmed that they have provided comments partly in response to ExQ2 DCO 2.26 as outlined in [REP7-110]. As set out in this answer, the Authorities have concerns regarding some control documents sitting under the Code of Construction Practice (CoCP). However, the Authorities explained they have not raised specific issues with the Water Management Plan, the Construction Communication and Engagement Plan, or the Outline Invasive Species Strategy.</p> <ul style="list-style-type: none"> • Post-Hearing Note: Please refer to Appendix A to this post-hearing submission which is comprised of a non-exhaustive summary of the Authorities outstanding concerns regarding control documents and cross-references to submissions in which the Authorities detailed comments may be found.
3.4	The Applicant and Joint Local Authorities will be asked about specific articles and schedules of the dDCO (excluding Schedule 2) where agreement is unlikely to be reached by the close of the Examination.	<p>The Authorities noted productive discussions have taken place with the Applicant on the dDCO and progress across various matters has been made. Nonetheless, a common position had not yet been reached on all issues. Under this agenda item, the Authorities provided an update on key provisions where a common position is currently considered unlikely.</p> <p>Article 11: Street Works</p> <p>The Authorities have concerns regarding the specificity of Article 11, particularly the need for a clear list of streets subject to its provisions and the consent arrangements. They requested that a list of affected streets be included in a Schedule to the Development Consent Order (DCO). Despite the ExA asking the Applicant to provide such a list in ExQ2, the Applicant has declined, citing the stage of design as a limiting factor. Discussions have focused on identifying streets of particular concern or sensitivity to the Authorities. The Authorities confirmed that if a common position is not reached, they would invite the ExA to revise Article 11 to require street authority consent before exercising the power. The Authorities maintained that consent arrangements within Article 11 are necessary due to the potential significance of the works on the highway and highway users, despite the Applicant's resistance.</p> <p>Article 25: Removal of Hedgerows</p> <p>The Authorities requested that hedgerows that could be removed under Article 25 be listed in a Schedule and shown on a plan, a practice followed in other DCOs. They were content with the mechanism of having the list in a separate document submitted and regulated under the article, rather than within the article or a schedule. However, the Applicant disagreed, considering the current arrangements satisfactory, a position not shared by the Authorities.</p>

Topic / Agenda Item	Summary of Oral Submissions and Post-Hearing Notes	
		<p>Schedule 1: Description of the Development</p> <p>The Authorities confirmed that they still have issues with the description of the development in Schedule 1, particularly concerning the level of detail of some of the works. They also raised concerns about additional works, such as larger construction compounds, which they believe could have wider environmental effects and should therefore be specifically described.</p> <p><i>The ExA specifically asked whether the parties were close to resolution on Article 9.</i></p> <p>The Authorities confirmed that Article 9 remains under discussion.</p> <p>It was confirmed that – while some important issues had been mentioned – there are other issues which remain under negotiation and where issues were not mentioned at ISH9 this should not be taken to imply agreement.</p> <ul style="list-style-type: none"> • Post-Hearing Note: Please refer to the Legal Partnership Authorities Deadline 8 Submission “Consolidated Submissions on the dDCO – Deadline 8 Update” which was submitted at Deadline 8 for a more detailed summary of the specific articles and schedules of the dDCO where agreement is unlikely to be reached.

Appendix A

Document	Document Reference	Summary of Legal Partnership Authorities' Outstanding Concerns
Airport Boundary Plan	Appendix 1 to Glossary (Doc Ref. 1.4)	[REP3-004] The Authorities note that it does not reflect DCO limits and are not clear on its purpose. Clarification would be welcome.
Carbon Action Plan	ES Appendix 5.4.2: Carbon Action Plan (Doc Ref. 5.3)	<p>The Authorities support the ExA's suggested change to Requirement 21 as published in [EV20-001] Annex B to Agenda for Issue Specific Hearing 9.</p> <ul style="list-style-type: none"> • [REP4-057] ISH6 Post-Hearing Submission, the Authorities state that the CAP [APP-021] lacks significant sanctions or other measures in the event that the various commitments are not achieved. • [REP4-060] In response to ExQ1 CC.1.3, the Authorities explain that the CAP should be strengthened by tying its delivery to environmentally sustainable growth. • [REP5-093] the Authorities set out the Requirement for an Environmentally Managed Growth Framework, which includes limits and thresholds for greenhouse gas emissions.
Code of Construction Practice	ES Appendix 5.3.2: Code of Construction Practice (Doc Ref. 5.3)	<p>There continue to be outstanding concerns regarding the CoCP, including its status, and whether it should be an outline document, as highlighted in previous submissions [REP3-135, REP4-062, REP7-110]. Further comments on the CoCP are being submitted via JLA submissions on the Applicants Deadline 7 submissions, at Deadline 8.</p> <p>The Authorities still have concerns about a number of the CoCP Management plans (the annexes), with comments provided on the following, within other rows in this table as follows;</p> <ul style="list-style-type: none"> • Outline Construction Workforce Travel Plan (Annex 2) • Outline Construction Traffic Management Plan (Annex 3) • Soil Management Strategy (Annex 4) • Outline Arboricultural and Vegetation Method Statement (Annex 6) • Construction Dust Management Strategy (Annex 9) <p>As indicated during ISH9, the authorities do not have any outstanding concern around the other CoCP annexes.</p>
Construction Dust Management Strategy	ES Appendix 5.3.2: CoCP Annex 9 – Construction Dust	<p>Work on the dust management plan is progressing and the authorities are expecting an update to REP5-022, following recent discussions with the applicant. Updates are expected to:</p> <ul style="list-style-type: none"> • Provide an improved approach to the timely reporting of complaints which does not require the JLAs to request information. • Set out provision for the JLAs to access real time or near real time air quality monitoring data.

Document	Document Reference	Summary of Legal Partnership Authorities' Outstanding Concerns
	Management Strategy (Doc Ref. 5.3)	<ul style="list-style-type: none"> To add text to ensure that when a dust management plan is sent for approval by the local planning authority, that in situations where the dust impacts are potentially in a neighbouring authority that a copy of the proposed management plan will also be sent to the Environmental Health department of that authority so they may feed back to the planning authority responsible for approving the report. Confirm all areas with dust generating activities will be captured in a DMP, that maps as shown in the CDMS will be included in the CDMPs and update cross references to the current version of the CoCP and figures showing work areas.
Design And Access Statement	Design and Access Statement (Doc Ref. 7.3)	<p>While the DAS is listed as a Control document in dDCO [REP7-005], it unclear whether this reference should just relate to Appendix 1 – Design Principles [REP7-063] which states very clearly that it alone is the Design and Drainage Control document. The Applicants have also been clear to state that the 5 volumes of the DAS are 'indicative'. This key point needs checking and Schedule 14 needs to be clear on which documents are to be included.</p> <p>The DAS (Volumes 1 to 5) [Volume 1 [AS-154], Volume 2 [REP7-059], Volume 3 [AS-155], Volume 4 [REP7-061] and Volume 5 [AS-156] is still considered to be poorly detailed and has not been updated comprehensively to reflect the changes made to the Design Principles Document [REP7-063]. Key omissions include any detail on the Reed Bed Construction Compound and Works 44 (Sewage Treatment Works). Further information is provided in the Joint Local Authority response to these documents submitted at Deadline 8.</p> <p>[REP7-063] - 7.3 Design and Access Statement - Appendix 1 - Design Principles - Version 5 – This document is not agreed as it still lacks detail on the overall design vision for the Project, some design aspects of the Works have no details and the document has not been updated to address recent project changes. The overall approach to securing design detail for the majority works through a 'consultation' remains a key concern. Further information is provided in the Joint Local Authority response to these documents submitted at Deadline 8.</p>
Environmental Statement	Environmental Statement: Main Text (Doc Ref. 5.1), Environmental Statement: Figures (Doc Ref. 5.2) and Environmental Statement: Appendices (Doc Ref. 5.3)	<p>It is not clear which parts of the document are being certified. It is noted that at D6 the illustrative plans (figures 5.2) were included within Schedule 14 which helps on the location of things from a design perspective but it would be useful to have a definitive list as the document is so many parts. It is unclear why some docs are to be certified separately for example Annex 6 of the ES is the Appendix 11.9.6 is part of the Flood Risk Assessment yet it is cross referenced in Chapter 11 of 5.1 on Water Environment. It would be helpful if the Applicant explained whether the Annexes are part of the certification if the main body of the document to be certified cross references them.</p> <p>The JLAs have identified numerous errors and inconsistencies in the construction noise and ground noise assessments contained in Chapter 14 and associated appendices. The JLAs position is that there would be substantial benefit in providing updated chapter and appendices that address these errors and inconsistencies and reflect updated information submissions that have been provided by the Applicant throughout the examination. There is insufficient information contained within the Chapter for transparency in the process.</p>

Document	Document Reference	Summary of Legal Partnership Authorities' Outstanding Concerns
	<p>including Environmental Statement Addendum – Updated Central Case Aircraft Fleet Report (Doc Ref. 5.1)</p>	<p>In their response to the Applicant's answer to ExQ2 CC2.1, the JLAs have highlighted that Tables 16.9.9, 16.9.10 and 16.9.13 in ES Chapter 16: Greenhouse Gases [APP-041] and Tables 5.2.1, 5.3.1, 6.1.1, and 6.1.2 in ES Appendix 16.9.4: Assessment of Aviation Greenhouse Gas Emissions [APP-194] would benefit from updating with data on aviation emissions from inbound flights in light of the Supreme Court judgment in <i>Finch</i>. A top-line figure for these emissions has been provided in a single paragraph in the Applicant's ExQ2 response [REP7-079] but the relevant portions of the ES have not been updated accordingly.</p>
<p>Flood Resilience Statement</p>	<p>Annex 6 to ES Appendix 11.9.6: Flood Risk Assessment (Doc Ref. 5.3)</p>	<p>The flood resilience strategy is not in line with the flood resilience statement or its objectives, due to the climate change allowance used for the surface water drainage strategy for the airfield works. The JLAs' most recent comments on this were provided at Deadline 8, in response to [REP7-095].</p> <p>The Joint Local Authorities maintain that the approach taken for the fluvial mitigation strategy should be applied to the surface water mitigation strategy, with a higher climate change allowance of 40% applied to the airfield works, assuming a lifetime of 100 years. If GAL are unable to use a climate change allowance of 40% and a lifetime of 100 years for the airfield works, the JLAs would request that they demonstrate how the airfield works are removed after 40 years and the land reinstated. It is not considered that the response provided has addressed this point.</p> <p>GAL accepted the fact that the 100-year design life for the surface access works would extend to 2132, seven years beyond the end of the 2080's epoch of 2125 and they have come to a conclusion that based on current predictions and sensitivity tests, an additional seven years of climate change beyond 2125 would not impact significantly on the assessment of flood risk for the Project. This position by GAL cannot be used to justify why no consideration was given to years beyond the design life of the surface access works and in the absence of any other evidence then we would prefer GAL to use a 1% AEP with 40%CC to design the mitigation features. This is a more practical approach to consider for the period between 2125 and 2132 in relation to the design of the flood compensation/mitigation strategy.</p>
<p>Land Plans</p>	<p>Land Plans - For Approval (Doc Ref. 4.2)</p>	<p>The JLAs are commenting separately on the question of the way in which certain highway land should be shown on the plans. See post hearing submission on CAH2.</p>
<p>Noise Envelope Document</p>	<p>ES Appendix 14.9.7: The Noise Envelope (Doc Ref. 5.3)</p>	<p>The JLAs are not confident that the proposals contained therein will secure the policy objectives. The JLAs have repeatedly made suggestions for improvements that have been rejected by the Applicant. There is significant disagreement between the parties about how the noise envelope should be delivered and the improvements that should occur as a result. The concerns extend to the lack of local democratic accountability and other factors that are all included in [REP5-093] – JLA proposals</p> <p>case for Environmentally Managed Growth.</p>

Document	Document Reference	Summary of Legal Partnership Authorities' Outstanding Concerns
<p>Noise Insulation Scheme Document</p>	<p>ES Appendix 14.9.10: Noise Insulation Scheme (Doc Ref. 5.3)</p>	<p>The JLAs would like to see the following included in the noise insulation scheme:</p> <ul style="list-style-type: none"> • Use of single mode contours to determine eligibility. • Setting the Inner Zone at 60 dB LAeq,16h consistent with Aviation 2050; The future of UK Aviation, the Manston airport decision and to futureproof against a potential reduction in SOAEL. • Use of an additional noise induced awakening contour to determine eligibility for the inner zone. (Heathrow included this criterion as a SOAEL in their PEIR for runway 3 and have adopted it as a qualifying criterion within their new noise insulation scheme). • Inclusion of a voluntary acquisition scheme for properties within the 69 dB LAeq,16h contour or the 63 dB LAeq,8h contour. • A comprehensive and effective methodology for assessing and mitigating the effects of overheating in properties where to mitigate the effects of noise there is a requirement to close windows.
<p>North And South Terminal Roundabouts</p>	<p>BAU improvement scheme plans North and South Terminal Roundabouts BAU Improvement Scheme Plans (Doc Ref. 4.10)</p>	<p>At North Terminal Roundabout, consideration could be given to pedestrian crossing improvements given existing desire lines. These could be at North Terminal Approach, on the pedestrian desire line underneath the structure that carries the Gatwick Airport Shuttle Transit and then connects into the footway that leads towards Northway. Secondly, consideration could be given for pedestrian crossing enhancements at Longbridge Way to implement a crossing over Longbridge Way, that provides an onwards connection to footpath 346_2Sy.</p> <p>Given the location and likely use of these crossings they may not be signalised controlled crossings but footway enhancements with dropped kerbs, tactile paving, and pedestrian refuges. However, these would be most beneficial/should be provided as part of a wider active travel network rather than standalone features.</p>
<p>Outline Arboricultural And Vegetation</p>	<p>ES Appendix 5.3.2: CoCP Annex 6 – Outline Arboricultural</p>	<ul style="list-style-type: none"> • The Tree Removal and Protection Plans need to account for all trees and hedgerows impacted (as detailed in the JLA DL6 submission [REP7-103]). • The Tree Removal and Protection Plans need to provide a better case for a realistic worst-case scenario for tree loss/clearance. Currently, the tree loss is considered excessive for reasoning further detailed in the JLA DL6 submission [REP7-103]. • The OAVMS needs to ensure that any detailed AVMS will include a tree schedule and as set out in OAVMS (which must accord with CBC's tree replacement policy CH6).

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Method Statement	and Vegetation Method Statement (Doc Ref. 5.3)	<ul style="list-style-type: none"> The Vegetation Removal and Protection Plans currently provide no context as to the vegetation types proposed for removal or retention within the Order Limits (other than trees). Vegetation types should be identified on the plans by habitat type, such as neutral grassland, reedbed, watercourse and scrub, and those proposed for retention should be clearly identified.
Outline Construction Traffic Management Plan	ES Appendix 5.3.2: CoCP Annex 3 – Outline Construction Traffic Management Plan (Doc Ref. 5.3)	<p>The Authorities consider that contingency access through Crawley's Air Quality Management Area (AQMA) at J10 M23 needs to be tightly controlled to protect air quality. Currently insufficient information has been provided by the Applicant on the situations and frequency of use of the contingency route, on how this route would be monitored and managed in practice to minimize the use of the route. The Local Authorities consider that changes are needed to para 6.3.1-6.3.2 oCTMP to provide this information.</p> <p>The majority of the tracked changes to the Outline Construction Traffic Management Plan, that were included in the Joint Local Authorities Deadline 6 submission, entitled, Comments on any further information/submissions received by Deadline 5 [REP6-099], have not been included by the Applicant.</p> <p>These include:</p> <ul style="list-style-type: none"> Need to clarify that other construction compounds may be provided to those listed in paragraph 5.12 The Applicant should commit to providing measures to avoid/mitigate the early arrival of delivery and construction vehicles, paragraph 7.8.2. Road Safety training events should be extended to include local schools, paragraph 8.2.1. Access arrangements for construction compounds within Surrey
Outline Construction Workforce Travel Plan	ES Appendix 5.3.2: CoCP Annex 2 – Outline Construction Workforce Travel Plan (Doc Ref 5.3)	<ul style="list-style-type: none"> The Applicant states that low emission vehicles would be encouraged where practicable for the workforce bus services in the construction phase. However, the Applicant should go further by making a firm commitment that GAL or contractors workforce bus services and shuttle buses will be ultra-low emission or zero emission vehicles. This is proposed to help reduce the negative impacts of the Proposed Scheme. The majority of the tracked changes submitted by the Joint Local Authorities in, Comments on any further information/submissions received by Deadline 5 [REP6-099], have been accepted by the Applicant and are now included in the revised OCWTP [REP7-025]. However, outstanding matters, which will be highlighted at Deadline 8, include: Clarify the minimum time period shift times will be staggered to avoid workers ending and starting the shift travelling at the same time. Clarification as to what measures are to be provided to encourage PT use, in Section 7.5. Clarification as to what measures are to be provided to encourage car sharing, in Section 7.6.

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Outline Landscape And Ecology Management Plan	ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan (Doc Ref. 5.3)	<ul style="list-style-type: none"> • The overall net loss of woodland is of major concern. Additional woodland creation, either on-site or off-site, is required. This should seek to provide further mitigation for impacts on bats, notably the rare Bechstein's bat. Further information can be found in the Legal Partnership Authorities ISH 8 Post-hearing Submission on Agenda Item 7: Ecology [REP6-109]. • Increased woodland planting was suggested to have been included in DL6 documents (Cover Letter [REP6-033], oAVMS [REP6-039] and BNG Statement [REP6-050]) at Museum Field (Figure 1.2.1). However, the Authorities cannot identify how the figure has actually changed from the DL4 submission [REP4-012] and the suggested increased planting is considered misleading. • The OLEMP should demonstrate as to how detailed LEMPs will accord with CBC tree replacement policy as set out within the OAVMS. • If the Project is to satisfy the Biodiversity Net Gain (BNG) 'trading rules' and deliver a true BNG, in addition to compensating for the net loss of woodland, a 10% BNG in woodland habitat is required.
Parameter Plans	Parameter Plans - For Approval (Doc Ref. 4.7)	These are still considered to be too generously drawn. The Authorities would still like confirmation to the question raised [REP6-111 and REP6-116] that for all the parameter plans, the maximum height includes all plant and equipment and in the case of the decked and multi-storey car parks includes the height of the lighting columns. Further information is provided in the Joint Local Authority response to these documents submitted at Deadline 8.
Soil Management Strategy	ES Appendix 5.3.2: CoCP Annex 4 – Soil Management Strategy (Doc Ref. 5.3)	We note that there have been no revisions to the Soil Management Strategy document during the examination. A number of clarification queries were posed in ExA WQ1 but further detail has not been added to the document.
Surface Access Commitments	ES Appendix 5.4.1: Surface Access Commitments (Doc Ref. 5.3)	The Authorities' outstanding concerns regarding the Surface Access Commitments were outlined in oral submissions at ISH9 as summarised on the post hearing written submissions. Specific amendments required are detailed in the JLA's comments on the Applicant's Deadline 7 submissions.
Surface Access Drainage Strategy	Annex 2 to ES Appendix 11.9.6: Flood Risk	The Authorities' most recent comments on this are detailed in the JLA's comments on the Applicant's Deadline 7 submissions [REP7-095]. The Joint Local Authorities maintain that the approach taken for the fluvial mitigation strategy should be applied to the surface water mitigation strategy, with a higher climate change allowance of 40% applied to the airfield works, assuming a lifetime of 100 years. If GAL are unable to use a climate change allowance of 40% and a lifetime of 100 years for the airfield works, we would request that they demonstrate how the airfield works are removed after 40 years and the land reinstated. WSCC do not consider that the response provided has addressed this point.

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	Assessment (Doc Ref. 5.3)	
Surface Access General Arrangements	Surface Access Highways Plans – General Arrangements - For Approval (Doc Ref. 4.8.1)	<p>WSCC still reviewing recently submitted (19/07/24) LINSIG assessment of the North Terminal signalised junction.</p> <p>Other outstanding matters include need for a signed Stage 1 RSA from the Applicant and agreement on a new requirement for a Speed Limit Monitoring Strategy. SCC have agreed departures and RSA for Longbridge Roundabout subject to detailed stage addressing southbound merge and other RSA points</p>
Surface Access Engineering Section Drawings	Surface Access Highways Plans – Engineering Section Drawings - For Approval (Doc Ref. 4.8.2)	<p>WSCC have no specific issues with the engineering section drawings, subject to detailed design. SCC have raised queries, including relating to temporary pathways and crossing during construction. These will be addressed during detailed design. The Applicant has confirmed all temporary layout proposals can be built within the order limits.</p>
Surface Access Structure Section Drawings	Surface Access Highways Plans – Structure Section Drawings - For Approval (Doc Ref. 4.8.3)	<p>WSCC have no specific issues with the structures as proposed. Any queries raised by SCC are to be addressed during detailed design.</p>

Legal Partnership Authorities

Gatwick Airport Northern Runway Project (TR020005)

Document	Document Reference	Summary of Legal Partnership Authorities' Outstanding Concerns
Traffic Regulation Measures – Classification Of Roads Plans	Traffic Regulation Plans – Classification of Roads - For Approval (Doc Ref. 4.9.2)	WSCC and SCC have no specific concerns in relation to the proposed classification of roads.
Traffic Regulation Measures – Clearways And Prohibitions Plans	Traffic Regulation Plans – Clearways and Prohibitions - For Approval (Doc Ref. 4.9.3)	WSCC have no specific concerns in relation to the proposed clearways and prohibitions. SCC have no specific concerns subject to appropriate TRO processes being followed.
Traffic Regulation Measures – Speed Limits Plans	Traffic Regulation Plans – Speed Limits - For Approval (Doc Ref. 4.9.1)	WSCC and SCC have no specific concerns and are agreeable to the principle of the proposed speed limits. This is subject to the Applicant providing a signed and dated Stage 1 RSA and agreeing to the need for an additional requirement for a Speed Limit Monitoring Strategy. This additional requirement has been requested in the Legal Partnership Authorities Deadline 7 Submission, Consolidated submissions on the draft Development Consent Order [REP7-108] maintained in its equivalent D8 submissions.
Water Treatment Works Footpath Plan	Annex 2 to ES Appendix 19.8.1: Public Rights of Way Management Strategy (Doc Ref. 5.3)	There will need to be a temporary path closure notice. The alternative alignment needs to be safe and suitable for legal path users and the Applicant must maintain and sign the alternative route.

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Works Plans	Works Plans - For Approval (Doc Ref. 4.5)	The comments made on the Works Plans [REP7-120] by West Sussex Authorities should be addressed.
Written Scheme Of Investigation For Surrey	ES Appendix 7.8.1: Written Scheme of Investigation for post consent Archaeological Investigations – Surrey (Doc Ref. 5.3)	Agreed subject to clarification that the scope of paragraph 9.1.1 refers to the archaeological results of the Gatwick Project overall and not just limited to the test pitting proposal for Car Park B.
Written Scheme Of Investigation For West Sussex	ES Appendix 7.8.2: Written Scheme of Investigation for post consent Archaeological Investigations and Historic Building Recording – West Sussex (Doc Ref. 5.3)	<p>[AS-158] is not agreed. Two outstanding points within the document require further information in order for agreement to be reached. These are detailed in the West Sussex Authorities D8 submissions and are:</p> <ol style="list-style-type: none"> 1. Clarification on one item of work proposed, and 2. Inclusion of Works Site 28 for archaeological works.