



**Horsham  
District  
Council**



# **GATWICK AIRPORT NORTHERN RUNWAY PROJECT**

Planning Inspectorate's Reference: TR020005

## **Legal Partnership Authorities**

### **COMMENTS ON THE APPLICANT'S RESPONSES TO ExQ2**

**Deadline 8: WEDNESDAY 07 AUGUST 2024**

Crawley Borough Council (GATW-AFP107)

Horsham District Council (20044739)

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

### COMMENTS ON THE APPLICANT’S RESPONSES TO ExQ2

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 this submission is to respond to the Applicant’s answers to the ExA’s Further Written Questions (“ExQ2”) [\[PD-021\]](#) which were contained in various submissions submitted by the Applicant at Deadline 7. Please note that the Authorities responses to The Applicant's Response to ExQ2 - Development Consent Order and Control Documents [\[REP7-081\]](#) are included in **Part D to the Legal Partnership Authorities Deadline 8 submission “Consolidated Submissions on the dDCO – Update at Deadline 8”** The Authorities own responses to ExQ2 were submitted in [\[REP7-110\]](#).

**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

**Legal Partnership Authorities' Comments on the Applicant's Answers to ExQ2**

ExQ2 Question to:		Question and Applicant's Answer	Legal Partnership Authorities Response
<b>CASE FOR THE PROPOSED DEVELOPMENT</b>			
CS.2.1	Applicant Local Authorities	<p><b>Statements of Common Ground on Forecasting &amp; Need and Capacity &amp; Operations</b></p> <p>The ExA note the issues regarding the submission of the above SoCG referred to in the D5 Cover Letter [REP5-001] and the references within the '<i>Applicant's Response to Deadline 5 Submissions – Response to York Aviation</i>' at D6, including the intention to submit an updated version at D7. Please ensure that such documents are submitted at D7. Even if such documents are still in a state of flux, the agreed differences between the parties on these issues would be of assistance to the ExA.</p> <p><b>See link for Applicant's Answer: <a href="#">[REP7-078]</a></b></p>	<p>Following ISH9, further discussions are planned regarding Forecasting and Need with a view to narrowing areas of disagreement.</p>
CS.2.3	Applicant	<p><b>Sensitivity testing</b></p> <p>In their D6 submission 'Response to the Applicant's Deadline 5 Submissions' [REP6-099], the Joint Local Authorities (JLAs) note in Appendix III that it is not possible to comment further [on the Applicant's consideration of the environmental implications of adopting a lower Baseline throughput] as the outputs in [REP5-081] are based on the original Slow Transition case fleet mix and not the revised Fleet Mix now proposed by the Applicant at ISH8. They also refine their consideration of</p>	<p>The Applicant repeats its assertion that the alternative Baseline and With Development cases put forward in [REP4-049] did not allow for any spreading of the peaks of traffic at Gatwick in future. This is not correct for the reasons set out at paragraphs 15-18 of Appendix B to <b>[REP7-104]</b>.</p> <p>It is notable that on page 3 of this response, the Applicant claims that 75-76 mppa would not be attainable with the NRP if York Aviation's assumptions regarding the daily and annual profile of demand are correct. This is material</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
		<p>the capacity of the existing runway under the Future Baseline case to 57 million passenger per annum (mppa) and for the capacity of the Proposed Development to 75-76mppa.</p> <p>a) Provide an assessment on the implications on the Fleet mix as used in [REP5-081] as opposed to the revised ISH8 Fleet Mix and any differences this may cause.</p> <p>b) [REP5-081] provides a Future Baseline Sensitivity analysis. Does the revised position of the JLAs as to their view of the likely capacity of the future baseline and the proposed development at 57mppa and 75-76mppa respectively require a separate analysis? These figures provide a range/delta between them at 18-19mppa. If not please justify your answer.</p>	<p>as it demonstrates further uncertainty regarding the forecasts for the NRP and the level of benefits that will be delivered. As the Applicant acknowledges, there is a clear link between the demand forecasts and the assessment of the planning balance in terms of positive benefits and harms.</p> <p>It is of relevance, therefore, that the consequence of the alternative 75-76 mppa NRP case, with less spreading of the peak than claimed by the Applicant, is that level of demand in the 92-day summer period assessed for noise is the same as for the Applicant's 80.2 mppa forecasts but with lower demand over the rest of the year and, hence, lower overall benefits to balance with the noise effects. This is acknowledged by the Applicant in response and illustrated in the graphs on page 6.</p> <p>We note that the Applicant incorrectly relates the slower build up in traffic with the NRP to the timing of the provision of Charlie Box. Whilst earlier submissions had noted this as a factor that could influence the capacity deliverable, the slower build-up of traffic in the sensitivity test case set out in [REP4-049] derived solely from the Applicant's top-down forecasts set out in [REP1-052].</p>
		<p><b>See link for Applicant's Answer: <a href="#">[REP7-078]</a></b></p>	
<p><b>CLIMATE CHANGE AND GREENHOUSE GASES</b></p>			
<p>CC.2.1</p>	<p>Applicant</p>	<p><b>Finch v Surrey County Council</b></p> <p>The Supreme Court has recently (20 June 2024) handed down judgment in the case of R (on the application of Finch on behalf of the Weald Action Group) (Appellant) v Surrey County Council and others (Respondents). At ISH6: Climate Change the ExA noted that the Applicant had responded to</p>	<p><b>Impact of Finch on in-bound flights (paragraphs 38 to 47)</b></p> <p>As set out in the JLAs' previous comments in Appendix 1 to <a href="#">REP7-110</a> in response to ExQ2 CC2.1, the Supreme Court judgment in <i>Finch</i> was clear that the key question for determining whether emissions arising from a project are an effect of that project is one of causation, though ease of assessment will also be a relevant factor in determining whether or not an effect must be included as part of the EIA process.</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
		<p>comments made by IPs relating to downstream emissions by reference to the Finch case in written submissions (see [REP3-072]) [REP4-032].</p> <p>Following the Supreme Court judgment, all parties are invited to comment on the relevance or otherwise of this decision to the Applicant's DCO application.</p> <p><b>See link for Applicant's Answer: <a href="#">[REP7-079]</a></b></p>	<p>The JLAs welcome the Applicant's apparent acknowledgment that the <i>Finch judgment</i> requires the aviation GHG emissions from inbound flights to be quantified and assessed, since these are indirect effects of the NRP on climate, within the meaning of the EIA Regulations. However, there remain outstanding issues regarding the presentation and contextualization of the new scope 3 emissions data:</p> <ol style="list-style-type: none"> <li>1. At present, the figures for emissions from inbound flights are only presented as a single paragraph within the Applicant's Deadline 7 submissions. The JLAs consider that the ExA would be better served in making a final judgement as to the significance of the NRP's effect on climate change if the relevant parts of the Environmental Statement were to be updated to properly present and contextualise the new data in a comparable way to how outbound aviation emissions were originally assessed. In particular, 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.</li> <li>2. The Applicant has chosen to contextualise the figures for emissions from inbound flights against the total anticipated figure for 2050 global international aviation emissions. The JLAs are not aware of any recognised methodology which supports this approach. A more appropriate method of contextualisation is that recommended in the <a href="#">Institute of Environmental Management &amp; Assessment (IEMA) Guide: Assessing Greenhouse Gas Emissions and Evaluating their Significance</a>, 2nd Edition (February 2022). This was the approach taken by the Applicant in its assessment of outbound aviation emissions, as highlighted in the Applicant's response to ExQ2</li> </ol>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<p>CC2.1. For large projects, this guidance recommends an indicative threshold for significance of 5% of the UK or devolved administration carbon budget in the applicable time period, at which point the magnitude of GHG emissions, irrespective of any reductions, is likely to be significant (p.27). The JLAs consider this an appropriate threshold for contextualising aviation emissions from inbound flights.</p> <p>3. Even were the ExA minded to rely upon the Applicant's global contextualisation, it must be born in mind that the anticipated figure for inbound aviation emissions would constitute 0.11% of all global aviation emissions from a <i>single</i> project. The ExA will need to take a view on whether this constitutes a new significant effect on climate, but the JLAs do not agree with the Applicant's characterisation of inbound aviation emissions as "plainly insignificant".</p> <p><b>Well to tank emissions (paragraph 48 to 53)</b> It is acknowledged that the assessment of Well to tank emissions has been expanded. No further response is required on this matter.</p>
<b>Compulsory Acquisition and Temporary Possession, [REP7-080]</b>			
CA.2.4	Applicant	<p><b>Permanent acquisition of land</b> In Table 1-1 of NH's '<i>Comments on any Submissions Received by Deadline 5</i>' [REP6-114], in respect to the need for the permanent acquisition of land which already forms part of the existing Strategic Road Network (SRN), NH have maintained their position</p>	<p>As explained at ISH9, the Authorities welcome the principle which the Applicant has proposed in response to this question, however some concerns remain regarding the proportionality of the Applicant's proposed approach to the permanent acquisition of Highway Land.</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
		<p>that the blanket and broad approach to compulsory acquisition is unjustified and non-compliant with the Government's guidance on compulsory acquisition. Please provide additional plot specific justification as to why temporary powers would not suffice for the land in question.</p> <p><b>See link to Applicant's Answer:</b> <a href="#">[REP7-080]</a></p>	<p>Please refer to the Legal Partnership Authorities' Deadline 8 submission "<b>CAH2 – Post-Hearing Submission and Actions Response</b>" for further information and in particular the Authorities response to Action 1.</p>
CA.2.6	Applicant	<p><b>Engagement and communication</b>                      Airport Industrial Property Unity Trust (AIPUT), Comments on the Applicant's second update to the Land RightsTracker [REP6-117] and Marathon Asset Management MCAP Global Finance (UK) LLP (MAMGF) , [REP6-128] have raised concerns regarding lack of engagement and/ or slow communication by the Applicant, particularly in relation to responding to correspondence and returning or sending documentation. AIPUT, Comments on the Applicant's second update to the Land Rights Tracker [REP6-117] also noted that the status update provided in the Land Rights Tracker v3 [REP5-033] did not accurately reflect their position.                      The ExA acknowledges the scale of the Proposed Development but is keen to ensure effective engagement for all parties. Please advise if there are any specific barriers facing the Applicant in respect of continuing to undertake meaningful engagement and communication with Affected Persons?</p> <p><b>See link to Applicant's Answer:</b> <a href="#">[REP7-080]</a></p>	<p>As confirmed during CAH2, we understand that Reigate and Banstead Borough Council ("RBBC") and the Applicant have now commenced discussions and RBBC are aware of their urgency.</p>
		<p><b>Protective Provisions</b></p>	

ExQ2		Question and Applicant's Answer	Legal Partnership Authorities Response
CA.2.8	Applicant Local Authorities	Noting the Legal Partnership Authorities' response to ExQ1 CA.1.17 [REP4-070] and the subsequent response by the Applicant in The Applicant's Response to Deadline 4 Submissions [REP5-072], please confirm if draft protective provision wording has been submitted in respect of local highway authorities?	The ExA is referred to the Legal Partnership Authorities' Deadline 8 submission " <b>CAH2 – Post-Hearing Submission and Actions Response</b> " for the Authorities' up to date position on the issue of protective provisions for the Local Highway Authorities.
		<b>See link to Applicant's Answer:</b> <a href="#">[REP7-080]</a>	
CA.2.9	Applicant Local Authorities	<p><b>Management of Replacement Open Space</b> Please can all parties provide an up-to-date position in respect of the management of all replacement open space (ROS).</p> <p>Can the Applicant confirm if Horley Town Council are to be involved in the management of Church Meadows ROS?</p>	<p>The ExA is referred to the Legal Partnership Authorities' Deadline 8 submission "<b>CAH2 – Post-Hearing Submission and Actions Response</b>" for the Authorities' up to date position on the issue of Replacement Open Space.</p> <p>Put simply, the Authorities welcome the deletion of text from Article 40(4) and the Applicant's amended approach to RO. However, some outstanding concerns remain regarding the Applicant's commitment to maintain the relevant land.</p> <p>The Authorities have put forward an amendment to Article 40(4) to the dDCO in <b>Part B to the Legal Partnership Authorities' "Consolidated Submissions on the dDCO"</b> in row 11.</p>
		<b>See link to Applicant's Answer:</b> <a href="#">[REP7-080]</a>	
<b>Ecology and Nature Conservation</b> <a href="#">[REP7-082]</a>			
EN.2.2	Applicant Local Authorities	<p><b>Biodiversity Opportunity Areas</b> At ISH8 the Applicant stated that it had not considered ecological enhancement within surrounding Biodiversity Opportunity Areas (BOAs) (other than Gatwick Woods and River Mole) because the surrounding BOAs were too far from the Order limits. The ExA notes that Ifield Brook BOA is shown very close to the Order limits on figure 9.6.2 of [APP-048] and both Grattons Park BOA and the Glover's</p>	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 should therefore be read in view of the Authorities submission "Update on Negotiations regarding the Section 106 Agreement"



ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
		<p>Wood and Edolph's Copse BOA are within 2 kilometres of the Order limits.</p> <p>a) The Applicant is asked to clarify the distances from the Order limits that opportunities for ecological enhancements were considered?</p> <p>b) The Applicant and Local Authorities are asked to comment on whether opportunities for woodland enhancement to mitigate the loss of woodland within the Order limits should be considered within the Ifield Brook BOA, Grattons Park BOA and the Glover's Wood and Edolph's Copse BOA?</p> <hr/> <p><b>See link to the Applicant's Answer: <a href="#">[REP7-082]</a></b></p>	<p>The Authorities support the Applicant's Ecology Strategy of enhancing and linking existing habitats and features within the Order limits. However, they maintain the view that this approach should have extended outside the Project site into the wider landscape.</p> <p>The question specifically concerns mitigation for loss of woodland. The Authorities disagree with the Applicant's position that 'there is no requirement to seek additional enhancement off site.' The Authorities are firmly of the view that additional mitigation is required for loss of woodland for the following reasons:</p> <ol style="list-style-type: none"> <li>1. As a Priority Habitat, there should be no net loss of deciduous woodland. The current proposal will result in a net loss of 3.12ha of woodland, much of this being semi-mature and mature deciduous woodland.</li> <li>2. New woodland planting will take many decades to reach maturity and fully compensate for that lost.</li> <li>3. As highlighted in the ES (Ch.9 Section 9.9.380) [APP-034], the loss of mature woodland, and a reduction in habitat connectivity, will have a significant impact on bat species during the short and medium term.</li> <li>4. If the Project is to truly deliver 10% BNG this needs to include woodland, as woodland is a key habitat impacted by the Development.</li> </ol> <p>If mitigation for loss of woodland cannot be achieved on-site, due to airport safeguarding or other constraints, it should be delivered off-site. The</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<p>Applicant fails to address why this has not been considered, whether in Biodiversity Opportunity Areas (BOAs), or elsewhere.</p> <p>The Applicant mentions that they have taken account of the aims of the BOAs that sit within and adjacent to the Project to ensure habitat creation within the DCO limits is appropriate. This is a sensible approach but has failed to address the overall net loss of woodland and impacts such as disturbance during the 14-year construction period and loss of habitat connectivity. The Project should fully mitigate all impacts and enhance habitat connectivity across the wider landscape, particularly for the rare Bechstein's bat.</p> <p>Paragraph 185 of National Planning Policy Guidance states '<i>To protect and enhance biodiversity and geodiversity, plans should... promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity</i>'. In their previous answer, the Authorities put forward proposals as to how mitigation and enhancement might be achieved within BOAs. This included new woodland creation, strengthening of existing woodland corridors and the planting of hedgerows to provide linkages between woodlands.</p> <p>The Authorities wish to highlight that due to the net loss of woodland, the Applicant's BNG metric does not satisfy the 'trading rules' and therefore the Project will not deliver a true BNG.</p> <p>In summary, the Authorities strongly disagree with the Applicant's position that 'there is no requirement to seek additional enhancement off site.'</p>
<b>GENERAL AND CROSS-TOPIC</b>			

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
GEN.2 .6	Applicant NATS (En route)	<p>WIZAD</p> <p>Section 4.4 of the 'Applicant's Response to Deadline 5 Submissions – Response to York Aviation' [REP6-091] concerns the implications for WIZAD of growth. The Applicant's position with regards to Airspace Change and the FASI-S process is noted; however, section 4.4 states that the use of WIZAD will increase in the baseline case and with the Proposed Development, due to congestion of the London Terminal Control Area airspace. This suggests that the increased use of WIZAD is directly linked to expansion at the Airport (in either baseline or NRP).</p> <ol style="list-style-type: none"> <li>a. The Statement of Common Ground (SoCG) between the Applicant and NATS (En route) Limited (NERL) [REP5-066] states that Gatwick Airport Limited (GAL) and NERL are co-sponsoring the London Airspace South (LAS) airspace deployment which can be put into operation earlier than Future Airspace Strategy Implementation South (FASI-S). Do the LAS proposals have any impact on the usage or potential for usage of WIZAD?</li> <li>b. Confirm (or otherwise) that the increased use of WIZAD caused by the Proposed Development would not require an airspace change.</li> <li>c. Given the statement that WIZAD usage would increase in the baseline case and with the proposed development due to congestion in the London Terminal Control Area airspace, would the implementation of FASI-S allow for WIZAD usage to decrease or cease?</li> <li>d. Would the baseline case result in a greater use of WIZAD than the proposed development – and if so, why?</li> </ol>	<p>Through discussions with the Applicant and having regard to this response, it is now clear that there is a distinction between the potential for greater use of WIZAD SID, as a specific defined route, as a consequence of the NRP and the broader issue of whether more radical changes to the airspace are required to overcome the congestion that would arise in the airspace more generally as a consequence of growth in the number of aircraft movements at Gatwick.</p> <p>The Applicant makes reference to a separate submission from NATS [REP7-112] that also addresses WIZAD SID. This is informative as it makes clear that why WIZAD SID is used currently:</p> <p><i>“As the WIZAD SID is often requested in order to alleviate ground congestion where departure delays may occur, the Gatwick Tower Controller, rather than NERL, is often the originator of any request for their use. NERL does not believe that the proposed development is likely to result in greater use of the WIZAD SID compared to the baseline case.”</i></p> <p>The circumstance describes directly what the JLAs have always believed that WIZAD was being used to alleviate congestion and delays on the ground and, thus, relates directly to the capacity deliverable. The Applicant has previously claimed, in discussions, that this is not the case and the predominant reason for its usage relates to weather events to the north of the Airport.</p> <p>The Authorities assume that NATS believe that the use of WIZAD would necessarily be greater in the Baseline case than the NRP case due to the high levels of congestion currently that the NRP is aimed at alleviating.</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
		<p>See link to the Applicant's Answer: <a href="#">REP7-083</a></p>	<p>In this response, the Applicant refers to the proposed FASI-S airspace change as effectively negating the discussion regarding any increase in the use of WIZAD SID as it would effectively be replaced by a new structure of departure routes to the south of the Airport. The options under consideration are illustrated at Figure 2 of Appendix B to <b>REP7-104</b>. Whilst not replicating WIZAD SID, this would suggest that a new route or routes would be established to the south of the Airport, whose regular use would result in increased noise nuisance to areas to the south of the Airport. Accepting that this proposal for airspace change is the subject of a separate airspace change procedure, it is evident from both the Statement of Need for this airspace change (see 1.1.9 of the Capacity and Operations SOCG [<b>REP7-069</b>]) that increasing capacity and making best use of runways is part of the justification for needing this change. The Applicant confirms this in its response, stating <i>“One of the objectives of the airspace modernisation programme is to create capacity through more efficient airspace design”</i>.</p> <p>The JLAs remain concerned that, to the extent that the proposed modernisation of airspace is necessary to ensure that the increase in movements with the NRP can be accommodated within the wider airspace over the south east of England, the consequences of this should have been assessed at least by way of a sensitivity test on the implications for the noise experienced by local communities.</p> <p>The JLAs also consider that the reported use of the WIZAD SID now in relation to adverse weather is unusual as this is not clearly included within the route conditions of use in the UK Aeronautical Information Publication. This in itself may constitute a change in the way airspace is used and is a direct result of the growth in operations at the Airport giving rise to an increase in congestion and lack of operational flexibility.</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
GEN.2 .12	Applicant	<p><b>Planning History</b> The Crawley Borough Council (CBC) Principal Areas of Disagreement Summary Statement (PADSS) [REP5-085] states that the Applicant has undertaken to review the planning history but that no response to CBC's detailed submissions on the matter have been provided.</p> <p>The Applicant is asked to respond to CBC's concerns and to paragraphs 4.1-4.18 of the Joint West Sussex Local Impact Report (LIR) [REP1-068].</p> <p><b>See link to the Applicant's Answer: <a href="#">REP7-083</a></b></p>	<p>The ExA is referred to the Authorities latest position in respect of this issue in <b>Part B to the Legal Partnership Authorities' "Consolidated Submissions on the dDCO – Update at Deadline 8" in row 4.</b></p>
<b>HEALTH AND WELLBEING</b>			
HW.2. 10	Applicant	<p><b>Health Impact Assessment</b> Noting West Sussex County Council comments at row 83 of their <b>Updated PADSS</b> [REP5-115], please confirm whether the Applicant considers it necessary to undertake a standalone assessment for West Sussex?</p> <p>If not, please provide a justification.</p> <p><b>See link to the Applicant's Answer: <a href="#">REP7-084</a></b></p>	<p>JLAs would have preferred a standalone Health Impact Assessment, even though there is no statutory requirement. With their willingness to engage to support the local communities with funding community projects and their educational programmes as set out by the Applicant in any other business at the Gatwick ISH 9 Environmental Matters 1st August 2024, the Applicant should now consider how they will monitor the impacts on those communities' health, through the construction, ideally at a SLOA level as health impacts can be diluted when looking at a Local Authority District and Borough level owing to the range of deprivation across such an area, deprivation closely linked to health outcomes. Monitoring should include vulnerable groups, including physical, psychological and mental health impacts within those communities, and review any mitigation with a view to altering / increasing mitigation to safeguard the public's health.</p> <p>Include within the Communications plan for the Project and ongoing operations, a clear pathway for the public to raise concerns and impacts affecting the public as individuals and communities to the Applicant and a</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<p>robust policy or responding to issues raised. This communications plan to consider a range of publication routes that accommodate individuals with disabilities and non-English speakers and ethnic groups.</p>
<p>HW.2.11</p>	<p>Applicant</p>	<p><b>Health Damage Cost Calculation</b></p> <p><b>Has a health damage cost calculation been provided in ES Chapter 17 [APP-043] as per the request made by Horsham District Council at row 3.2 of their PADSS [REP5-091]? If not, please confirm if such a calculation is considered necessary?</b></p> <hr/> <p><b>See link to the Applicant's Answer: <a href="#">[REP7-084]</a></b></p>	<p>The necessity for a health damage cost calculation is in line with local planning policy in Sussex (Air Quality and Emissions Mitigation Guidance for Sussex) which requires all major development to calculate the damage costs of emissions associated with their proposals and provide mitigation to the level of these health costs to offset the air quality impacts of the Project.</p> <p>Section 7 of Needs Case Appendix 1 – National Economic Impact Assessment [APP-251] has provided this calculation (£83m for air quality damage costs and £1,258m for GHG damage costs).</p> <p>However, these damage costs are not complete as they fail to include emissions produced by construction plants which have not therefore been monetised, and no mitigation measures have been proposed by the Applicant to offset the damage costs.</p> <p>By comparison, the Rampion (offshore wind farm) DCO has complied with this local planning policy and has provided a damage cost calculation with a schedule of mitigation to the appropriate level to offset its impacts – see Rampion damage cost and mitigation schedule: <a href="#">Link to Air Quality Mitigation Strategy (April 2024)</a></p> <p>All other major development in Sussex complies with this requirement but the Applicant does not accept it applies to their application.</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<p>Both Crawley Borough Council and Horsham District Council have consistently raised this issue in their responses and PADSS but it still has not been adequately addressed by the Applicant.</p>
<p>HW.2.12</p>	<p>Applicant</p>	<p><b>Overheating Assessment</b>                      Please confirm whether the Applicant considers it necessary to undertake an 'Overheating Assessment' as requested by Mole Valley District Council at row MV12 of their PADSS [REP5-101]? If not, please provide a justification.</p> <p>Additionally, please confirm how the proposed Noise Insulation Scheme proposes to address overheating issues?</p> <p><b>See link to the Applicant's Answer: <a href="#">[REP7-084]</a></b></p>	<p>The JLAs have made clear that the approach taken by the Applicant fails to properly take into consideration the issues of acoustics ventilation and overheating.</p> <p>Once the fully revised noise insulation scheme has been published the JLAs will comment further.</p> <p>This issue was raised in response to the PEIR and at the local impact report stages for Sussex and Surrey [REP1-100] and [REP1-068].</p> <p>The Crawley Borough Council emerging Local Plan deals with an appropriate cooling hierarchy to be adopted by reference to that adopted by the Mayor of London. The Planning Noise Advice Document: Sussex which is a document produced by all local authorities in Sussex and is progressively being adopted by all (Crawley Borough Council have already done so) also refers to the need to address the issues of acoustics ventilation and overheating.</p> <p>The issue of overheating was discussed at the Topic Working Group of 18<sup>th</sup> July but there remains disagreement between the Applicant and the JLAs despite the Noise consultants on behalf of the Applicant acknowledging that they had not employed anyone with expertise to provide them with advice on the issue.</p> <p>The JLAs consider that the Applicant still needs to produce a workable solution to deal with the internal living conditions that will be created.</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<p>The ventilation rate suggested by the Applicant is not sufficient to deal with conditions of overheating and it is considered that it is reasonable for overheating assessments to be conducted at properties exposed to noise and for a scheme to be designed for the property or properties of a similar age and type.</p>
<b>Historic Environment</b>			
HE.2.4	Applicant	<p><b>Written Scheme of Investigations</b></p> <p>a) Confirm at which deadline the Surrey Written Scheme of Investigations (WSI) [REP2-017] will be updated to incorporate the recommended sampling strategies of SCC.</p> <p>b) Respond to the concerns of WSCC raised in their PADSS [REP5-115]. In particular:</p> <ul style="list-style-type: none"> <li>i. Will a HeritageClerk of Works be appointed. If not, why not?</li> <li>ii. Will the WSI [REP2-019] be updated to provide further commitment to undertake investigations in all areas affected by the Proposed Development? Provide justification if not.</li> <li>iii. Provide further information regarding proposed mitigation in areas already evaluated or provide such details in a revised WSI.</li> <li>iv. Provide further clarity regarding sign off for archaeological mitigation in a revised WSI (or justification if not proposing to do so).</li> </ul>	<p><u>Revised West Sussex WSI [AS-157].</u></p> <p>The document while significantly improved is not agreed as there are 2 outstanding points that need to be addressed.</p> <p>These are:</p> <ol style="list-style-type: none"> <li>1. Clarity is needed that the work proposed on 6.5.2 will include other surface deposits identified by the investigation. This is suggested within 5.5 under bullet point 3, however, 6.5.2 only relates to paleochannels or other deposits of geoarchaeological potential.</li> <li>2. Works Site number 28 – Car Park H. There has been discussion of other sites (sensitive due to underground services) including this area proposed for new hotel, offices and multi-storey car park H which is still not identified within the revised WSI despite the Authorities written request for this to be so. While it was acknowledged that this area only had a limited amount of services within the present car park and considering its early construction there is a potential of</li> </ol>



ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
		<p>See link to the Applicant's Answer: <a href="#">[REP7-085]</a></p>	<p>surviving archaeological deposits. It is still recommended that some archaeological work is undertaken within this area (perhaps in a staged approach, with initial low level of trenching to assess survivability and then wider if there is good survival.)</p>
HE.2.5	Applicant	<p><b>Heritage Outreach Programme</b> Provide an update on a potential outreach programme for heritage matters, including how such a programme (if appropriate) would be controlled. Would such a programme be best suited in the WSI(s) or the CoCP?</p> <p>See link to the Applicant's Answer: <a href="#">[REP7-085]</a></p>	<p>The Authorities consider that the proposals specified in the updated West Sussex WSI <a href="#">[AS-157]</a> would provide an appropriate outreach programme.</p>
<b>Land use and Recreation</b>			
LU.2.2	Applicant	<p><b>Public Rights of Way Management Strategy</b> In respect of Table 4.1.1 of the Public Rights of Way Management Strategy <a href="#">[REP2-009]</a>, please confirm how long West Sussex 346_2Sy is to be temporarily closed/ diverted?</p> <p>See link to the Applicant's Answer: <a href="#">[REP7-086]</a></p>	<p>On a high-level basis, the Authorities would comment that:</p> <ul style="list-style-type: none"> <li>Any alternative route must be suitable for lawful users of the route; and</li> <li>Any alternative route is the landowner/contractors responsibility to suitably sign and maintain for the whole duration of use.</li> </ul>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
LU.2.4	Applicant	<p><b>Pentagon Field</b> Please provide comment in respect of the statement made by the Local Authorities at row 116 of the 'Response to Applicant's Schedule of Changes to the dDCO' [REP6-103] insofar as the proposed works potentially relate more to land raising rather than the creation of spoil bunds.</p> <p><b>See link to the Applicant's Answer: <a href="#">[REP7-086]</a></b></p>	<p>The works as described resulting in the deposition of circa 100 cubic metres of spoil on 4.6 hectares of this field changing increasing the site level by 4 metres is considered to be land raising based on the limited details provided by the Applicant. The Authorities suggested a revised description of works line 22, page 31[REP7-108] and also requested additional detail be provided including a parameter plan.</p>
<b>Noise and Vibration</b>			
NV.2.1	Applicant	<p><b>Noise Thresholds</b> As noted in the Communities Against Gatwick Noise and Emissions (CAGNE) D2 submission [REP2-070], Stansted and Bristol airport expansion schemes used an adverse effect level of 69 L<sub>Aeq</sub> day and 63 L<sub>Aeq</sub> night, and the same values were not contested during the Examination of the Luton DCO.</p> <p>Why should the same values not be used for the Proposed Development?</p> <p>How would the Applicant propose to modify its off-site mitigation proposals through Appendix 14.9.10: Noise Insulation Scheme [REP4-017], if these noise levels were to be regarded as unacceptable</p> <p><b>See link to the Applicant's Answer: <a href="#">[REP7-089]</a></b></p>	<p>The Applicant has previously dismissed the relevance of the Heathrow expansion PEIR as it "<i>was not taken forward</i>" [REP2-005] when responding to the JLA's request to adopt a SOAEL based on one additional aircraft noise induced awakening in accordance with the Heathrow PEIR.</p> <p>Aside from the point made regarding the relevance of the Heathrow PEIR, the UAEL criteria is based on the London Borough of Richmond, 'Supplementary Planning Document: Development control for noise generating and noise sensitive development'. As such, if the Applicant were to justify their suggested UAELs then it should be with reference to local planning policy relevant to the area around Gatwick.</p> <p>It is noted that in the Crawley Borough Council Local Plan, the UAEL for transport noise sources is explicitly defined for noise sensitive development in</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<p>Policy ENV11 as 66dB LAeq,16h and 57dB LAeq,8h. If the Applicant was to follow the approach adopted in the Heathrow PEIR by making reference to local planning policy, the UAEL values in the CBC Local Plan would need to be adopted. Notwithstanding this, the JLAs acknowledged that precedent has been set in previous airport expansions (Luton, Manston, Bristol, Stansted etc.) and would accept the Applicant adopting a UAEL of 69 dB LAeq,16h and 63 dB LAeq,8h as per the accepted precedent.</p> <p>An Unacceptable Adverse Effect is defined in Planning Policy Guidance Noise (PPGN) as:</p> <p><i>“Extensive and regular changes in behavior, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory”.</i></p> <p>PPN states that noise levels above the UAEL should be ‘prevented’. In this instance, the appropriate action would be to offer to buy properties within the UAEL contours in order to ‘prevent’ these unacceptable effects from occurring.</p> <p>There is concern that noise levels above UAEL could be reason to refuse a project and projects could be refused if a resident did not want to move. As</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<p>such, the UAEL in the London Luton Airport Expansion project was defined as 'precautionary' to allow some flexibility to offer voluntary acquisition for properties within the UAEL but not be held accountable if the offer was not accepted.</p> <p>In accordance with the UAEL of 69 dB LAeq,16h and 63 dB LAeq,8h, the Applicant should adopt a voluntary acquisition for residential properties inside the daytime air noise 69 dB LAeq,16h or night-time air noise 63 dB LAeq,8h contour. This approach would align with compensation policies set out in the London Luton Airport Expansion DCO.</p>
NV.2.2	Applicant	<p><b>Off-site mitigation</b></p> <p>As a general principle is it accepted that once a premises is predicted to be eligible for off-site mitigation the aim is to ensure the necessary mitigation is in place before the noise occurs that would otherwise be likely to cause the significant adverse noise effect on occupants of the premises?</p> <p>Is it also accepted that the internal living environment must remain acceptable, including with regard to ventilation and overheating?</p> <p><b>See link to the Applicant's Answer: <a href="#">[REP7-089]</a></b></p>	<p>The Applicant provided information at Issue Specific Hearing 9 regarding the rollout of the insulation scheme. The JLAs welcomed this information and has provided a response to the ExA hearing actions.</p> <ul style="list-style-type: none"> <li>• In short the JLA does not consider that the update takes on board the concerns that the JLA has been expressing throughout the process and the JLAs would like the scheme to include :</li> <li>• Use of single mode contours to determine eligibility.</li> <li>• 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 reductions in SOAEL.</li> <li>• Use of an additional noise induced awakening contour to determine eligibility for the inner zone. (Heathrow included this criteria as a SOAEL in their PEIR for runway 3 and have adopted it as a qualifying criteria within their new noise insulation scheme).</li> </ul>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<ul style="list-style-type: none"> <li>• Inclusion of a voluntary acquisition scheme for properties within the 69 dB LAeq,16h contour or the 63 dB LAeq,8h contour.</li> <li>• 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.</li> </ul> <p>In relation to the issue of overheating this has only been recognised as an issue comparatively recently and therefore it would not be expected for there to be schemes at other airports that would take this into consideration but that does not mean that is inappropriate for this new application.</p>
NV.2.3	Applicant	<p><b><u>Noise insulation inner and outer zones</u></b></p> <p>Given that the 2013 APF says “We will continue to treat the 57dB LAeq 16 hour contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance” and that post Survey of Noise Attitudes (SONA) the ANPS 2018 refers to 54 dB day, would not a single noise insulation scheme, aligned at least with the timescales of the proposed zone 1 scheme, starting at 54 dB achieve greater consistency with ANPS 5.68?</p> <p>Could not the same argument apply to night-time noise, recognising attention drawn to night-time noise and sleep disturbance in policy wording?</p>	<p>In addition to the comments made previously that should be read in conjunction with this, the Authorities’ comments including on the Applicant’s response is as follows:</p> <p>A single noise insulation scheme would serve to afford better protection to more of the population and the JLA <b>view is that it would afford greater consistency with paragraph 5.68 of the ANPS.</b> It is pragmatic and it ensures that the social costs of the airport operation are not transferred to the wider public simply because they live in the vicinity of an airport that is managing to increase the volume of air traffic.</p> <p>Due to the increased emphasis on controlling night noise exposure the JLAs would urge the Examining Authority to implement the same principle at night, as has been suggested with the draft Requirement although some clarification is</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<p>required as to the amount of mitigation that residents would qualify for. The JLAs discuss in their D8 response to the ISH9 Action Points the importance of the one additional noise induced awakening as a measure in the noise insulation scheme and the need to consider more than one metric for noise insulation if the objective and subjective effects of noise at night are to be properly taken into consideration.</p> <p>The JLAs consider it is essential that for protection of public health that anyone within the one additional noise induced awakening contour qualifies for the most generous mitigation package.</p> <p>The Applicant describes their tiered scheme and the JLAs' concerns about this approach are stated originally in the LIRs [REP1-100] and [REP 1-068] and remain unresolved.</p> <p>In the Applicant's scheme, even below the SOAEL there is still a proportion of the population that are annoyed or highly annoyed but would not qualify for the maximum scheme of mitigation as they are in one of the outer zones.</p> <p>In the areas under lower noise levels, eg 54-57 contours, a smaller percentage of the population would be annoyed and highly annoyed but it is probable that only those who were affected would apply, it should not be assumed to be a 100% take up. Therefore, the ExA questions proposition seems entirely</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<p>rationale and proportionate.</p> <p>The JLAs do not agree with the Applicant's threshold of SOAEL for the day scheme nor the proposition that mitigation intended to deal with daytime effects will be sufficient for dealing with night time effects.</p> <p>The JLAs would like to see the Applicant design a scheme from first principles having regard to present day issues including overheating rather than the approach of reapplying what has occurred in the past.</p>
NV.2.4	All IPs	<p><b>Off-site mitigation</b> To what extent could relevant authorities, including local planning authorities, play a role in, for example, reviewing the forecasts of premises</p>	<p>The full text of para the ANPS is broader than as stated by the Applicant. It states:</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
		<p>identified as eligible, involvement in community engagement including support with special cases, and approving proposed designs with regard to relevant standards, to assure consistency with the first aim of noise policy as set out in the ANPS at para 5.68?</p> <p><b>See link to the Applicant's Answer: <a href="#">[REP7-089]</a></b></p>	<p>5.68 Development consent should not be granted unless the Secretary of State is satisfied that the proposals will meet the following aims for the effective management and control of noise, within the context of Government policy on sustainable development:</p> <ul style="list-style-type: none"> <li>• Avoid significant adverse impacts on health and quality of life from noise;</li> <li>• Mitigate and minimise adverse impacts on health and quality of life from noise; and</li> <li>• Where possible, contribute to improvements to health and quality of life.</li> </ul> <p>The JLAs contend that in respect of the awakenings criteria avoiding significant adverse effects is not addressed as the Applicant's scheme relies on the mitigation proposal aimed at targeting the daytime effects within the lowest range of LOAEL. This is not sufficient to deal with night time effects that constitute a SOAEL.</p> <p>From the description the scheme does not appear to seek to deal with use of outdoor space.</p> <p>The comment about consultation is noted but the scheme remains very much as the original proposal. The scheme was revised following the JLAs</p>



ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<p>comments to the examining authority at D5 but the Applicant has been slow to release the amended scheme for final consideration and it is expected at D8 when it will be possible to comment further on this.</p> <p>In relation to the comments about the role of the LPAs these were provided at D7.</p>
NV.2.5	Applicant	<p><b>Noise limit values</b></p> <p>Para 5.60 of the ANPS states that “<i>The benefits of future technological improvements should be shared between the applicant and its local communities, hence helping to achieve a balance between growth and noise reduction.</i>” The Applicant summarised at D3 a benefits sharing calculation in relation to Bristol airport, provided an updated central fleet transition case at D4, introduced its revised noise limit proposals at ISH8 and would submit these revised proposals at D6.</p> <p>Comparing 2029 with 2019 how much quieter is the aircraft fleet expected to be in terms of source noise levels?</p>	<p>At D8 the JLAs have provided under separate cover, the JLA interpretation of how the 0.5dB reduction every five years would affect the contour area. The reduction is broadly consistent with the JLA proposal that the original central case fleet shown in Chapter 14 [APP-039] Diagrams 14.9.1 and 14.9.2, should be adopted for the noise envelope. these do of course take no account that the area under the contour is also a product of passenger demand and the Applicant's baseline growth is challenged by representation from York Aviation on behalf of the JLAs.</p> <p>We note that the Applicant has produced a calculation about sharing the benefit as required by policy. The JLAs consider that the way in which this calculation is formulated is not policy compliant as it fails to address the scenario where the 2019 movements are modelled using 2029 fleet. The</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
		<p>Please provide sufficient details to support the response provided. If the noise limits for air noise only were expressed as follows:</p> <p>From the commencement of dual runway operations, the forecast change in air noise level caused by the operation of the airport at any residential premises shall be no greater than:</p> <p>x1 dB in terms of LAeq day summer period y1 dB in terms of the LAeq night summer period x2 dB in terms of LAeq day non-summer period y2 dB in terms of the LAeq night non-summer period</p> <p>compared with the 2019 forecast values for the same parameters, where x1, y1, x2, y2, are real numbers.</p> <p>Whilst the comparison is between values of the same parameter, which parameter is considered most appropriate in this context and why?</p> <p>Are limits in terms of other parameters considered necessary?</p> <p>What would be the proposed values of x1, y1, x2, and y2?</p> <p>How do the values proposed demonstrate consistency with the ANPS statement above?</p>	<p>Applicant has instead extrapolated the baseline and then used this to calculate disproportionately in their favour.</p> <p>The approach cited above was raised in the PINs Scoping Opinion [APP-095]. for the northern runway that states at para 2.3.12 “The ES should also give consideration to the prospect of a ‘no development’ and ‘no growth scenario’ for comparative purposes and in support of the justification for the Proposed Development in the form that is to be presented I the DCO application.”</p> <p>The Applicant’s response in [APP-096] stating where the item can be found in the Environment Statement includes the phrase under the response to para 2..3.11 but the Applicant appears to have not responded to the requirement of the Examining Authority to provide the information as alternatives are stated by the Applicant.</p> <p>This point has been consistently addressed by the local authorities in their responses to the PEIR consultation and the Surrey [REP1-100] and West Sussex Local Impact Report [REP1-069] the Authorities.</p> <p>The Applicant is asked to address this properly urgently and the Examining Authority is asked to ensure this information is produced as the JLAS consider it material to any decision and controls that are placed upon it.</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
		<p>Please provide sufficient details to support the response provided.</p> <p><b>See link to the Applicant's Answer: <a href="#">[REP7-089]</a></b></p>	
NV 2.6	Applicant	<p><b>Noise limit compliance</b></p> <p>Despite the Applicant's assurances at ISH8, and considering the submissions made by the Joint Local Authorities, does the Applicant accept that once capacity has been declared it may not be able to prevent a forecast breach of a noise limit because of, for example, slot allocations that have already been made through existing rights?</p> <p>Is this what is meant by "<i>including respecting, for example, historic slot rights</i>" at 7.2.3 of the Appendix 14.9.7: The Noise Envelope Version 2 [REP5-029]?</p> <p>To what extent would a requirement within the DCO carry sufficient weight to overcome any or other such constraint that may interfere with compliance with any noise limit?</p> <p>Would it be possible to factor in any constraints imposed by '<i>other laws and international obligations</i>' with reference to R15(3) of the dDCO [REP5-004] into the forecasting process, in addition to the noise limits, to determine capacity that could be declared that would be consistent with meeting the noise limits?</p>	<p>The Applicant's response makes clear that it does not believe that it would be possible for the DCO to include a requirement that would overrule the right of airlines to historic slots under the Airports Slot Allocation Regulations 2006. The same would also apply in respect of any enforcement action under the Planning Act 2008. Whilst the Applicant suggests that it would seek to reach agreement with the airlines to reduce their slots in the event of a breach but there can be no certainty that such discussions would be fruitful, leaving the effect of a breach unremedied.</p> <p>It is for this reason that the JLAs' strong preference is for a mechanism that controls the declaration of capacity and the allocation of slots in advance through an EMG mechanism [REP7-102]. As discussed at ISH9, the JLAs are of the opinion that monitoring of compliance, including projections of future compliance, should be a requirement from at least 2 years ahead of the operation of the NRP to allow for the declaration of capacity and the allocation of slots, including against defined day and night quota count (QC) budgets, set by reference to the Noise Envelope, to be in place in advance to manage</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
		<p>See link to the Applicant's Answer: <a href="#">[REP7-089]</a></p>	<p>the allocation of slots.</p> <p>It is accepted that this would not guarantee perfect compliance with the Noise Envelope but it is a well accepted methodology for managing the allocation of slots within the context of a noise constraint, including the current controls imposed on night noise at Gatwick by Government, as well as at other airports including Stansted, Luton, London City and Bristol.</p> <p>Luton considered this in their worked example:</p> <p>“the CAA tested the correlation between Quota Count, LAeq,T contour areas and other noise control metrics in CAP1731 (Ref 4), concluding the following (emphasis added):</p> <p>“The metric considered in this study for restricting noise emissions is Quota Count. It has the advantage of being easily calculated, it is already used at several airports and can be used both at national and local level, as well as in an absolute sense or be normalised by the volume of traffic. On the other hand, noise Quota Counts are not that easy to administrate and this needs to be taken into consideration if applied to smaller airports. There is good correlation between the number of daytime movements and daytime Quota Count, and a good correlation between night-time movements and night-time Quota Count. The daytime Quota Count correlates relatively well with LAeq16h contour area; however, the correlation of night-time Quota Count</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<p>with LAeq8h noise contour area is not that clear. More detailed investigation highlighted that the poorer than expected correlation between night-time contour area and Quota Count is isolated to Gatwick airport and night-time fleet changes between 2006 and 2016.” ...</p> <p>“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.””</p> <p>The use of QC budgets with slot limited to QCs allocation would be preferable to proceeding with the allocation of new slots without reference to noise compliance so running the risk of needing to rely subsequently on voluntary curtailment of operations by airlines which is not enforceable.</p> <p>The slot market is a dynamic one and it is possible for slots to be traded allowing alternative fleet and carriers to serve the airport without any control whatsoever on whether the fleet will comply with local requirements. The QC compliance criteria would control this.</p> <p>The Applicant's proposal to provide a five year forecast cannot take account of the fleet with any certainty without this control mechanism.</p> <p>In summary the use of QC budgets and QC operational controls is necessary,</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<p>workable and relevant to the SoS consideration in paragraph 5.68 of the ANPS to ensure that there is a reasonable prospect that the Secretary of State can be “satisfied that the proposals will meet the following aims for the effective management and control of noise . . .”</p>
NV.2.7	Other IPs	<p><b>Independent noise reviewer</b>                      Provided the compliance process is detailed sufficiently within the requirement(s) of the dDCO would other Interested Parties accept that the Civil Aviation Authority, acting as the independent noise reviewer, would be a relevant authority to review the Applicant's analysis and forecast and confirm compliance with the requirement(s)?</p> <p><b>Note: The Applicant did not answer this question.</b></p>	<p><b>Regretfully, the Authorities' answer to question 2.7 was omitted from the Legal Partnership Authorities Deadline 7 submission responding to ExQ2 owing to a formatting error.</b></p> <p><b>Their answer is as follows:</b></p> <p><i>The view of the JLAs is that while the Civil Aviation Authority does have a role and is an important partner it cannot be considered that the review would be independent.</i></p> <p><i>Much of the work presented to the Civil Aviation Authority by the Applicant for independent review would be dependent on work from a division of the Civil Aviation Authority itself.</i></p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<p><i>The JLAs see it as important that there is local democratic accountability and full transparency in process and do not consider that this can be guaranteed under the proposal. During the pre-examination period the JLAs approached the CAA directly for information so that they could procure noise modelling because the Applicant declined the JLAs request. The CAA were unable to provide assistance as the Applicant declined access to the data. The CAA were clearly influenced by the Applicant and therefore cannot be considered as independent.</i></p> <p><i>The JLAs have experience of making arrangements for obtaining independent advice in relation to airport activities. This includes for the DCO.</i></p> <p><i>The JLAs would also like to be assured that whoever conducts the review has the full set of skills for all elements of the AMFR including fleet forecasting.</i></p> <p><i>The JLAs remain of the position that they should be funded by Gatwick, to appoint appropriate expertise to perform this function.</i></p> <p>The JLAs are also unclear how the CAA would participate in any enforcement as they do not have powers and whether this would fetter investigation and any enforcement.</p> <p><i>The JLAs also bring to the attention of the Examining Authority that reviews are agreed between the Independent Noise Reviewer and the Applicant and the lack of a robust role for the JLAs in representing the local community is a</i></p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<i>matter of objection.</i>
<b>Socio-economic effects</b>			
SE.2.1	Applicant	<p><b>Construction Communications and Engagement Plan - stakeholders</b></p> <p>Paragraph 2.1.2 of the Construction Communications and Engagement Plan (CCEP) [REP2-015] states that reasonable steps will be taken to engage with the local community, particularly focusing on those who may be most affected by construction impacts. Please confirm how such would groups be identified?</p> <p>Paragraph 4.1.1 of [REP2-015] further states that in implementing the CCEP, the Applicant will work with the Community Liaison Officer and the Principal Contractor(s) to identify the stakeholders to be targeted by the communication and engagement activities, and which will be kept under regular review in line with the construction programme. Again, please confirm how such stakeholders would be identified and how the review would take place?</p> <p><b>See link to the Applicant's answer: <a href="#">[REP7-091]</a></b></p>	<p>It has been raised with the Applicant that the JLAs would have preferred a standalone Health Impact Assessment, even though there is no statutory requirement. With their willingness to engage to support the local communities with funding community projects and their educational programmes as set out by the Applicant in any other business at the Gatwick ISH 9 Environmental Matters 1<sup>st</sup> August 2024, the Applicant should now consider how they will monitor the impacts on those communities' health, through the construction, ideally at a SLOA level as health impacts can be diluted when looking at a Local Authority District and Borough level owing to the range of deprivation across such an area, deprivation closely linked to health outcomes. Monitoring to include vulnerable groups, including physical, psychological and mental health impacts within those communities, and review any mitigation with a view to altering / increasing mitigation to safeguard the public's health.</p> <p>The Applicant should include within the Communications plan for the project and for ongoing operations a clear pathway for the public to raise concerns and impacts effecting the public as individuals and communities to the applicant and a robust policy or responding to issues raised. This communications plan should consider a range of publication routes that accommodate individuals with disabilities and non-English speakers and ethnic groups.</p>



ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
SE 2.4	Applicant	<p><b>Mitigation Measures – Healthcare Practitioner</b></p> <p>The ExA notes that in response to ExQ1 SE.1.3 [REP3-103] the Applicant confirmed that the occupational healthcare support needs of the construction workforce would vary over time with the size and composition of the workforce.</p> <p>Please confirm how the healthcare support would be determined?</p> <p><b>See link to the Applicant's answer: <a href="#">[REP7-091]</a></b></p>	<p>In addition to the Health and Safety (First Aid Regulations) which is there if an occupational injury or illness occurs, the Applicant has a duty under the Health and Safety Act 1974 (The Act) Section (2) and Section (3). They have the responsibility for the employees and any contractors and visitors to the construction site, as they do with passengers in the operational airport areas. This includes a number of other regulations under The Act relating to construction work to safeguard the occupational health of those on site. For example, Working at Height Regulations 2005, Personal Protective Equipment at Work Regulations 2022, The Control of Noise at Work Regulations 2005, to mention a few, all designed to protect from occupational health impacts. Assurance is needed that a suitably qualified person for Health and Safety is on site to monitor, provide training and information to prevent occupational health impacts.</p>
SE2.5	Applicant	<p><b>Local Economic Impact Assessment – Gateway Gatwick</b></p> <p>The ExA notes that in response to ExQ1 SE.1.11 [REP3-103] the Applicant states that 'Initiatives could encourage additional inbound international passengers facilitated by the Proposed Development to spend more nights in the region'.</p>	<p>The Applicant's response is very general and the Authorities are not convinced that the Implementation Plan will be able to achieve the required monitoring and evaluation activities. The Authorities are concerned by missing information in the draft Implementation Plan, which is intended to be attached to the S106 agreement. Whilst acknowledging that the initial draft</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
		<p>Please confirm how this would be measured?</p> <p><b>See link to the Applicant's answer: <a href="#">[REP7-091]</a></b></p>	<p>Implementation Plan will develop during the course of the development and will be updated, it needs to include details of indicative activities, KPIs, and priorities. KPIs will need to be tracked and monitored, but this is likely to focus more on tracking employment/ training/skills outcomes. Overall, the Applicant needs to give greater thought to this.</p>
SE 2.6	Applicant	<p><b>Employment Skill and Business Strategy - Implementation Plan</b></p> <p>In response to the Joint Surrey Councils LIR [REP1-097], it was acknowledged by the Applicant in Table 3.10 of [REP3-078] that training opportunities, as detailed in the draft Implementation Plan should be accessible and consideration was to be given to the funding of travel associated with training.</p> <p>Please signpost to where this is reflected in the draft Implementation Plan.</p> <p><b>See link to the Applicant's answer: <a href="#">[REP7-091]</a></b></p>	<p>The Authorities consider that training opportunities should be accessible, and measures to fund travel will help maximise opportunities for individuals who may otherwise be excluded. Whilst Applicant has previously advised that the Implementation Plan is not required to cover this level of detail pre-consent, at the ISH the ExA requested that an Implementation Plan should be included to provide greater reassurance to the Local Authorities. The Authorities are of the view that information prepared by the Applicant to date does not provide the necessary reassurance, as it essentially defers the addressing of this point to a later date.</p>
SE 2.7	Applicant East Sussex	<p><b>Employment Skill and Business Strategy – mitigation and compensation</b></p>	<p>The Applicant's response is noted.</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
	County Council	<p>Please review row 2.19.4.2 of the East Sussex County Council SoCG [REP5-039] and confirm whether the status of 'agreed' is correct?</p> <p><b>See link to the Applicant's answer: <a href="#">[REP7-091]</a></b></p>	
SE.2.8	Applicant	<p><b>Employment Skill and Business Strategy – securing mechanism</b></p> <p>At row 17 of the Kent County Council PADSS [REP5-096] it is stated that the Employment Skills and Business Strategy (ESBS) should be secured either in the form of a Requirement, or a control document such as a Stakeholder Actions and Commitments Register.</p> <p>Please provide draft wording for a Requirement and provide additional detail in respect of a draft Stakeholder Actions and Commitments Register.</p>	<p>This response comments solely on the mechanics of delivering a Requirement.</p> <p>The Authorities would highlight that the Applicant's current proposals in the section 106 agreement is not just with CBC, but also WSCC, SCC and RBBC. If the ESBS is to be secured by a Requirement, the mechanism for sign-off must also include SCC, MSDC and HDC.</p>
SE2.9	Applicant	<p><b>Draft Section 106 Agreement – Explanatory Memorandum</b></p> <p>Noting the response by the Applicant to ExQ1 SE.1.5 [REP3-103], discussions held at ISH3 ([EV8-001] and [EV8-002]) and on-going dialogue between parties, paragraph 4.24.4 of the draft Section 106 Agreement EM [REP6-096] refers to the ESBS as being a package of enhancement measures.</p>	<p>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 should therefore be read in view of the Authorities submission "Update on Negotiations regarding the Section 106 Agreement".</p> <p>The Authorities question whether it is appropriate for the Applicant to refer to</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
		<p>At paragraph 4.24.9 of [REP6-096] it is further stated that the obligations are considered necessary to make the Proposed Development acceptable in planning terms. As such, should the ESBS therefore not be secured via a requirement in the dDCO?</p> <p>In addition, noting paragraph 4.24.10 of the s106 EM [REP6-096] please provide more detail as to how, if the ESBS was secured via the dDCO, this would result in a layer of complexity and administrative challenge to parties involved.</p>	<p>the ESBS as a package of enhancement measures, as the ESBS is viewed by the Authorities as having a role in mitigating the impacts of development. The Authorities note that the ESBS [APP-198] as originally drafted referred specifically to mitigation, with the Applicant having since removed reference to mitigation from the document and S106 Explanatory Memorandum. The Authorities wish to reiterate concerns, stated in detail at 2.118 to 2.124 of the West Sussex Local Authorities' Response to Comments Received by Deadline 3 [REP4-042], that adverse labour impacts associated with the project have not been fully considered by the Applicant. This relates particularly to identified shortages in the construction workforce and related concerns that the Applicant's NHB worker assumptions are not sufficiently precautionary. The ESBS should be working to mitigate identified shortages in the construction workforce.</p> <p>There are general points the Authorities wish to raise in relation to the ESBS Implementation Plan and S106 Agreement:</p> <ul style="list-style-type: none"> <li>The Authorities remain unclear what activities GAL is proposing to carry out outside of the ESBS Fund, and those which will be carried out and funded by the ESBS Fund. Without clarity as to the activities that GAL is carrying out and funding itself, it is unclear what the ESBS Fund needs to cover and therefore whether it can be considered a sufficient sum. Whilst the Authorities are working to produce their own figure as to what would be an acceptable ESBS Fund, this is difficult without having a full understanding of what activities are being carried out by GAL outside of the ESBS Fund and what activities are proposed within</li> </ul>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<p>it. This was discussed with the Applicant some weeks ago and the Authorities await clarification from the Applicant.</p> <ul style="list-style-type: none"> <li>The Authorities are unclear on the lifetime of the ESBS Fund. The Applicant refers to various timescales including the 'Monitoring Period' and 23 years. The Applicant should clarify how long they intend the ESBS Fund to cover.</li> </ul> <p>Further, the Authorities wish to raise specific points in relation to Deadline 6 Submission - 10.11 Draft Section 106 Agreement Version 2 (Clean) <a href="#">[REP6-063]</a> and tracked <a href="#">[REP6-064]</a> with regards to the draft Implementation Plan.</p> <ul style="list-style-type: none"> <li>1.18: The ESBS Implementation Plan should also be in accordance with the Thematic Plans.</li> <li>2.1.1: Refers to some activities being delivered by GAL, though it is unclear if these are part of the ESBS Fund monies or separate to this. 3.7.4 appears to confirm that GAL activities are in addition to the proposed £14m. It would be helpful if the Applicant could clarify.</li> <li>3.4: The spatial areas referred to are very large, hence the Authorities concerns that the £14m offer by the Applicant will not go far, particularly if intended to cover a 23-year period.</li> <li>3.5.2: The sample Thematic Plan template remains empty, and provides no detail in relation to objectives/targets/outputs/KPIs.</li> </ul>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<ul style="list-style-type: none"> <li>3.6.1: The Implementation Plan provides no information on: need, specific beneficiaries, potential activities and net additional impact. It also remains unclear how harder to reach groups will be engaged with.</li> <li>3.7.1: Resources – it remains unclear how the ESBS fund will be spent.</li> <li>3.7.4: A previous iteration of the ESBS Implementation Plan referred to the Applicant providing two members of staff to support ESBS delivery, but this is no longer mentioned.</li> </ul> <p>3.8.4: ESBS Steering Group - there is still no route map to explain the process, indicative timeline &amp; milestones for evolving/ developing the Implementation Plan.</p>
SE 2.10	Applicant	<p style="text-align: center;"><b>Commercial Floorspace</b></p> <p>The ExA notes the comments made at row LESE 13 of the CBC PADSS [REP5-085]. In addition, the ExA noted the comments made by the Applicant during ISH8 regarding this matter ([EV17-001] to [EV17-005]).</p> <p>However, at row 2.19.5.3 of the CBC SoCG [REP5-037] it is stated by CBC that the commercial space may be occupied by users not related to the airport and as such the offices would not fall under the definition of <i>'Associated Development'</i>.</p> <p>Please confirm if it is intended that the commercial space is to be occupied by airport-related companies/ individuals and if so, is it necessary to secure the use in the dDCO? If occupation does not relate to airport use, how is the definition of <i>'Associated Development'</i> complied with?</p>	<p>The Authorities welcome the Applicant's confirmation that the proposed office floorspace will be used for airport-related uses only. The Authorities support the approach of the new requirement 34 in limiting use of the floorspace to airport-related uses unless otherwise agreed in writing with CBC. This is consistent with the approach of Policy GAT4 in the Crawley Local Plan (as adopted and emerging).</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
SE 2.12	Applicant  Local Authorities	<p><b>Local Authority Level Assessments</b> In respect of local level effects, the ExA notes the response to ExQ1 SE1.18 [REP3-103] by the Applicant and the content of ES Appendix 17.9.2: Local Economic Impact Assessment [APP-200]. The responses given by the Applicant during ISH3 regarding this matter ([REP1-058], [EV8-001] and [EV8-002]) insofar as the assessment was undertaken at the functional market area level is also noted. Additionally, the content of ES Appendix 17.6.1 Socio-Economic Data Tables [APP-197], in respect of the context of potential impacts within specific administrative boundaries, is acknowledged.</p> <p>The ExA also acknowledges that ES Appendix 17.9.3: Assessment of Population and Housing Effects [APP-201] contains a housing assessment at the local authority level and construction employment at the local authority level is provided in ES Appendix 17.9.1: Gatwick Construction Workforce Distribution Technical Note [APP-199].</p> <p>The ExA understands that the Applicant is maintaining their position insofar as the functional market area level is considered the correct level to undertake the socioeconomic assessments. Despite this, the ExA remains concerned that several of the local authorities consider that the assessments undertaken to inform ES Chapter 18 [APP-042] do not provide sufficient information at a local level to satisfactorily inform of specific local level socio-economic effects. This remains a recurring theme raised by the several of the local authorities at each of the Examination deadlines. Related to this is also a level of concern raised by local authorities in respect of the sensitivity and magnitude criteria for several socio-economic receptors.</p> <p>The ExA notes that discussions in relation to these issues are ongoing and is aware of the details provided by all parties in answer to various ExQ1 questions, the discussions held during ISH3 and the content of the SoCGs and PADSS. The ExA however requests that a high-level update is provided</p>	<p>The Authorities welcome the opportunity to continue engaging with the Applicant through a further Topic Working Group, but would reiterate that this engagement must be meaningful. Concerns raised by the Authorities regarding a lack of detailed local level assessment undertaken by the Applicant are longstanding and have been raised repeatedly throughout the DCO process. Noting the Applicant's response to Question SE 2.12, there appears limited scope for further negotiation as the Applicant is maintaining its position on these matters. A further TWG proposed at what is a late stage of the DCO process would, even if the Applicant should be minded to adjust its position, offer only a limited timeframe for the Applicant to undertake the local level analysis that has been consistently requested throughout this process. However, the Authorities remain keen to engage with the Applicant on these matters, and welcome the opportunity for further discussion.</p> <p>With regards to specific comments made in the Applicant's Question SE 2.12 response (Applicant's text in italics):</p> <ol style="list-style-type: none"> <li>1. <i>"The Applicant has assessed significance at the relevant functional economic or housing market area level, but has also provided information about the project's effects at the local authority level where available"</i>. The Authorities note that whilst the Applicant has provided information, there has not been an assessment or analysis</li> </ol>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
		<p>by all parties in respect of these issues, to include details of whether future meetings are planned to discuss these matters and a realistic view as to whether this issue is capable of being resolved prior to the end of the Examination.</p>	<p>of the implications at the local level.</p> <p>2. <i>“This is in line with PINS guidance – Annex to Advice Note 7: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements, concerns the Presentation of the Environmental Statement. When identifying and assessing impacts, it states: “the study areas should be sufficiently robust in order to undertake the assessment... The extent of the study areas should be established in accordance with recognised professional guidance and best practice, whenever this is available, and determined having regard to the extent of likely impacts”.</i> The Authorities remain of the view that the Applicant’s assessment and choice of study areas is not sufficiently robust for the reasons outlined at (1) above.</p> <p>3. <i>“Some of the authorities are indicating that there are impacts at the local authority level that are not apparent at the functional market area level, and that when considered at local authority level these may require mitigation. The Applicant does not consider this to be the case and has not seen any evidence from the authorities in their submissions to date to suggest that there are likely to be significant adverse impacts that would require mitigation”.</i> The Authorities strongly disagree with the Applicant’s assertion that no evidence has</p>



ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<p>been provided. The Authorities have submitted evidence throughout the DCO process, it is simply that the Applicant does not agree with the evidence submitted. For completeness, the Authorities refer to the following submissions as being of particular relevance:</p> <ul style="list-style-type: none"> <li>• Joint West Sussex Local Impact Report <a href="#">[REP1-068]</a> Section 18 Socio-Economics and Local Economy</li> <li>• West Sussex Deadline 3 Submission <a href="#">[REP3-117]</a> Sections 2.2 (Crawley Borough Council Housing Emergency) and 2.3 (Census Data and Temporary Accommodation)</li> <li>• Legal Partnership Authorities Deadline 3 Submission – Responses to ExQ1 <a href="#">[REP3-135]</a> (Socio-Economic Effects)</li> </ul> <p>West Sussex Local Authorities' Response to Comments Received by Deadline 3 <a href="#">[REP4-042]</a> Paragraph 2.81 to 2.94.</p>
SE 2.13	Applicant	<p><b>Distance travelled to work data</b> Please confirm whether the data used within ES Chapter 18 <a href="#">[APP-042]</a> and associated appendices in respect of distance travelled to work considers variations within local geographies? In addition, as detailed at row 2.19.1.6 of the CBC SoCG <a href="#">[REP5-037]</a>, please expand on your consideration that the assumptions used for non-home-based workers are sufficiently precautionary.</p>	<p>The Authorities wish to reiterate concerns, stated in detail through West Sussex Deadline 3 Submission <a href="#">[REP3-117]</a> Paragraph 2.2.4 and through Paragraphs 2.118 to 2.124 of the West Sussex Local Authorities' Response to Comments Received by Deadline 3 <a href="#">[REP4-042]</a>, that the Applicant's NHB</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			worker assumptions are not sufficiently precautionary.
SE 2.16	Applicant	<p><b>Catalytic impact methodology</b></p> <p>The ExA notes the Applicant's response to ExQ1.SE.1.20 [REP3-103] and also the comments made in the CBC SoCG at row 2.19.2.1 [REP5-037] and the ESCC SoCG at row 2.19.3.1 [REP5-039]. It is noted that the Applicant stated they would be preparing a further explanatory note in respect of this matter.</p> <p>Please signpost to this note or advise by which deadline it will be received and the likely content.</p>	Please refer to the Legal Partnership Authorities Deadline 8 submission " <b>Post-Hearing Submission from ISH9 – Socioeconomics</b> ".
<b>Traffic and Transport</b>			
TT.2.1	Applicant  National Highways	<p><b>National Networks National Policy Statement 2024 (2024 NNNPS)</b></p> <p>NH's response to ExQ1 GEN.1.33 [REP3-138] in the last bullet point highlights that "<i>Paragraph 5.283: "The Applicant should provide evidence that the development improves the operation of the network and assists with capacity issues." Importantly, this sentence does not appear in the 2015 NNNPS and National Highways considers it is relevant to the Applicant's proposals. In light of the specific matters</i></p>	<p>The Authorities have repeatedly stated that the M25 adjacent to the M23 is forecast to be at capacity in the future baseline.</p> <p>This needs to be considered in line with the NN NPS (National Networks National Policy Statement).</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
		<p><i>relating to the proposed expansion, and the assessments provided, National Highways does not consider such evidence has been provided."</i></p> <p>Although the 2015 NNNPS has effect for this application, the 2024 NNNPS could be an important and relevant matter. What evidence has been provided that the development improves the operation of the network and assists with capacity issues</p>	
TT.2.2	Applicant	<p><b>Future Baseline Sensitivity Analysis</b></p> <p>Explain what is meant in para 5.10.21 of the Future Baseline Sensitivity Analysis [REP5-081], as it seems to suggest traffic data to inform other</p>	<p>The Authorities note that this work is based on informed decisions. Whilst this is suitable for informing the ExA and Interested Parties, it is clearly not</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
		<p>topics has not been derived from additional modelling. Is the ExA to assume that this is a commentary of what the Applicant considers to be the outcome of any additional sensitivity modelling if it was undertaken?</p> <p>See link to the Applicant's Answer: <a href="#">[REP7-092]</a></p>	<p>sufficiently detailed for relying on as an evidence base.</p>
TT.2.6	Applicant	<p><b>Surface Access Commitments – Commitment 16</b></p> <p>Paragraphs 6.2.8 to 6.2.11 of the Surface Access Commitments (SAC) [REP6-030] sets out the involvement of the Secretary of State in the case where there is disagreement between the Transport Forum Steering Group (TFSG) and the Applicant in terms of the Surface Access Commitments Mitigation Action Plan. Explain:</p> <ul style="list-style-type: none"> <li>• The minimum timescale for the Secretary of State to be involved after the dispute has been identified, between the TFSG and the Applicant;</li> <li>• If there are any limitations on the Secretary of State in terms of response timescale; and</li> <li>• Whether as well as directing that the Mitigation Action Plan is amended, would this process make it possible for the Secretary of State to direct controls on factors affecting mode share at the airport. These possibly may include passenger numbers, aircraft movements and/or parking numbers.</li> </ul>	<p>The Authorities welcome confirmation that the SoS interventions could include controls such as pass numbers, aircraft movement or parking numbers/</p> <p>The questions specifically related to the timescales for responses once a breach of SACs modal share commitments had been identified and what measures would be at the Secretary of States (SoS) disposal to address the SAC modal split commitments being missed, should the TFSG and Applicant not agree on the proposed Action Plan.</p> <p>The Applicant has reiterated that where a dispute, in relation to the proposed SAC Mitigation Action Plan, between the TFSG and the Applicant occurs, the Applicant will make a submission to the Secretary of State within 90 days of receiving TFSG's written reasons. As has already been raised by the Highway Authority, 90 days is considered too long a period. Given the work to produce the SAC Mitigation Action Plan has already been completed, because it has been shared with the TFSG and they have written back with their reasons. It is not clear why 90 days is required or that this is reasonable time period, given the SAC modal splits are not being met. The Joint Local Authorities have suggested a much shorter, but a still reasonable timescale of 21 days, to collate the relevant information</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
		<ul style="list-style-type: none"> <li>Where a dispute has been identified between the TFSG and the Applicant (i.e. where the TFSG does not agree with the reasons put forward by GAL for not including the measures proposed by the TFSG in its SAC Mitigation Action Plan), GAL must make a submission to the Secretary of State within 90 days of receiving TFSG's written reasons, in accordance with paragraph 6.2.8</li> </ul> <p><b>See link to the Applicant's Answer: <a href="#">[REP7-092]</a></b></p>	<p>together and send to the SoS. This prevents further extending the period of time where the Applicant is not meeting the SAC mode share commitments and the airport isn't operating within the parameters assessed within the Environmental Statement.</p> <p>In relation to the question as to what measures would be at the disposal of the SoS to address the SAC modal split commitments being missed, the Applicant has confirmed that the SoS may impose interventions that are considered reasonably necessary to achieve the mode share commitments. The Applicant specifically states,</p> <p><i>"... the Secretary of State to direct such additional or alternative interventions that are considered reasonably necessary to achieve the mode share commitments having regard to all the materials submitted to I ..."</i> There is a discretion for the Secretary of State to require whichever measures are thought necessary to achieve the mode share commitments. That may mean a refocusing or ramping up of existing commitments that are set out in the SACs whether that be through parking charges, or forecourt charges for example.</p> <p><i>It does not preclude the Secretary of State from directing other controls on factors affecting mode share at the airport including passenger numbers, aircraft movements and/or parking numbers where the Secretary of State considers those interventions are reasonably necessary to achieve the mode share commitments (having had regard to the materials submitted to it including the representations submitted by the TFSG and any relevant evidence, data or information submitted by GAL)."</i></p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<p>The preceding sentence should be specifically included in the Surface Access Commitments.</p> <p>Whilst this clarification is welcomed and it is positive that the SoS can implement whatever measures they deem necessary, the practicalities of delivering such measures, such as controls on growth are less clear.</p> <p>The requirement to reach the mode share target arises on the third anniversary of the Northern Runway coming into first use.</p> <p>Assuming that the Applicant meets their aim of opening in 2029, this would mean that the target is applicable from 2032. The monitoring report for 2032 would be produced in early 2033 (when Civil Aviation Authority survey data for 2032 is available). The second report would be produced in early 2034. If, at that point, the Transport Forum Steering Group (TFSG) did not agree with the proposed actions, the matter would be referred to the Secretary of State (SoS), within 90 days of the TFSG raising their concerns in writing. Clearly the SoS would require time to review and decide on a course of action, it would likely be after the declaration of capacity for summer 2035 (made in September 2034).</p> <p>Hence, the earliest that any action could be taken by the SoS to limit ATMs would be 2036. At this point, virtually all of the NRP capacity is expected to have been taken up (circa 99% based on the Applicant's forecasts).</p> <p>Based on the existence of grandfather rights to slot allocations, there would be no realistic action that the SoS could take to reduce ATMs and growth at</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
			<p>the airport, to ensure that the surface access implications are acceptable, because the growth would have already occurred.</p> <p>Therefore, in theory the SoS may be able to use whatever measures they consider as necessary, however in practice, this would not include measures to control growth at the airport. Therefore, the Authorities consider that the only means to control growth at the airport, to ensure that it aligns with the environmental impacts forecast as part of the Applicant's Environmental Statement, is to adopt the Environmentally Managed Growth approach, advocated by the Joint Local Authorities.</p> <p>Additionally, and in relation to the SACs, the Authorities concerns remain about the length of time that can pass before measures are implemented and begin to take effect. Therefore, the Authorities remain of the view that more has to be done to tighten up the process and timescales of what needs to be provided when, in order for the SAC's [REP7-092] to have appropriate controls in place, should the SAC's not be met.</p>
TT.2.7	Applicant  Network Rail  Govia Thameslink Railway	<p><b>Rail Capacity and Mitigation</b></p> <p>Network Rail's PADSS [REP5-107] and Govia Thameslink Railway [REP6-126] highlight the outstanding issues around some elements of the rail modelling and also the mitigation required. The ExA are aware that discussions are ongoing, but would like parties' comments on:</p> <ul style="list-style-type: none"> <li>• Summary of outstanding issues relating to rail modelling;</li> <li>• Outline of any mitigation that may be required:</li> </ul>	<p>The Authorities welcome the introduction of the Rail Enhancement Fund into the SAC. SCC has previously expressed concerns [REP1-097] that service improvements to deliver the Applicant's commitments are beyond its control and remains concerned that whilst the Applicant's train service supply assumptions may be credible, they are both unfunded and unlikely to be reliable without further performance enhancement, for which there is no current funding commitment. This could affect the ability to meet public</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
		<ul style="list-style-type: none"> <li>• How any required mitigation would be secured; and</li> <li>• The likelihood of agreement on the above being reached during the Examination.</li> </ul> <p>See link to the Applicant's Answer: <a href="#">[REP7-092]</a></p>	<p>transport (especially rail) mode share targets.</p>
TT.2.8	Applicant	<p><b>Surface Access Commitments – Commitment 16</b></p> <p>Paragraph 6.2.6 of the SAC [REP6-030] in Commitment 16 limits the need for action in failing to meet mode share commitments must have regard “to any circumstances beyond GAL's control which may be responsible.” Prior to a decision on the DCO, if no agreement can be reached about the rail modelling and any necessary mitigations, would these be circumstances beyond the control of the Applicant in the context of Commitment 16?</p> <p>See link to the Applicant's Answer: <a href="#">[REP7-092]</a></p>	<p>The Authorities welcome the Applicant's response in that circumstances beyond GAL's control are for truly exceptional circumstances and events that could not be reasonably foreseen. However, they are of the view that additional clarity should be included and in their Deadline 7 Submission, Response to the Applicant's Deadline 6 Submissions – Appendices [REP7-104] have requested that the following wording be included,</p> <p><i>“TFSG will decide and confirm whether they agree with GAL's view that matters are beyond GAL's control and whether those events may affect the outcomes in the AMR. For clarity the baseline public transport services are considered to be those during 2024 (the DCO examination) and not the services levels as modelled within the DCO submission, and this is not considered to be a matter that is beyond the control of GAL.”</i></p>



ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
TT.2.10	Applicant	<p><b>Surface Access Commitments – Traffic Sensitivity Testing</b></p> <p>The Joint Surrey Councils [REP6-101] have indicated that sensitivity testing shared with them about lower sustainable modes shares than required in the SAC [REP6-030]. The Joint Surrey Councils state that <i>“The results inevitably lead to more vehicles on the SRN and LRN, (approximately 7% more GAL related road traffic in 2032). The analysis presented traffic impacts, there was no associated air quality and noise assessment.”</i></p> <p>Given this the ExA would like to understand what sensitivity tests have been undertaken and details of the outputs so the impacts of lower sustainable mode shares can be understood.</p> <p><b>See link to the Applicant's Answer: <a href="#">[REP7-092]</a></b></p>	<p>The Authorities have reviewed Appendix A provided in response to this question and have the following queries:</p> <ul style="list-style-type: none"> <li>• Table 1 – Para 4.1.1 indicates that in AM1 this test adds an additional 720 pcu trips to the demand. Can the Applicant please indicate the directional split (in to Gatwick or away from Gatwick) and where these trips enter the highway network.</li> <li>• The Authorities also request the same for the other tables.</li> </ul>
TT.2.11	Applicant  Joint Surrey Councils	<p><b>Active Travel Access to Airport</b></p> <p>The Joint Surrey Councils [REP6-101] in response to [REP5-072] TT.1.23 p181 express a number of outstanding concerns witness respect to the inadequacy of the active travel infrastructure being proposed. The ExA noted the response [REP3-104] to TT.1.27, but also understands the concerns of the Joint Surrey Councils. The ExA notes the improved shared route from Longbridge roundabout but also appreciates that this is along a busy dual carriageway. In terms of tree loss, the ExA notes that there will be</p>	<p>SCC, as highway authority, considers that GAL's engineering footprint and environmental concerns are overplayed in relation to providing the link through Riverside Garden Park, especially in the context of the much more major mitigation proposed as part of the project.</p> <p>Beyond this, the authorities' comments submitted at Deadline 7 [REP7-110] are still considered applicable:</p>

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
		<p>considerable impact along the A23 on the boundary of the Riverside Park.</p> <p>Is this therefore the right time to look at increasing permeability and active travel access that could be realised by the new crossing on the A23?</p> <p><b>See link to the Applicant's Answer: <a href="#">[REP7-092]</a></b></p>	<p>"The Authorities agree with the EXA with regard to increasing permeability and active travel access that could be realised by the new crossing on the A23. Surrey County Council has requested improvement of the AT route between Horley and North terminal through Riverside Garden Park between the new A23 signalised crossing and Riverside Garden Park car park as the most direct route between Horley and the North Terminal.</p> <p>As a reminder, Surrey County Council's other outstanding concerns with respect to the inadequacy of the active travel infrastructure being proposed are:</p> <ol style="list-style-type: none"> <li>1. The inadequacy of sections of the AT route via Longbridge Roundabout with sections over the River Mole bridges being provided as shared use rather than segregated;</li> <li>2. Non-improvement of the AT route between Horley and South Terminal from the end of The Crescent through Car Park B west of the railway as the most direct route between Horley and the South Terminal;</li> <li>3. Non-improvement of the AT route across the railway line south of the A23, as there is no cycle crossing provision between Victoria Road and Radford Road." </li></ol>
TT.2.1 2	Applicant	<b>Active Travel Access to Airport</b>	SCC agrees with National Highways <a href="#">[REP7-115]</a> that a crossing provision where Footpath 346_2sy intersects with North Terminal Roundabout at

ExQ2	Question to:	Question and Applicant's Answer	Legal Partnership Authorities Response
	<p>National Highway s  Highway s Authoriti es</p>	<p>The North and South Terminal Roundabouts BAU Improvement Scheme Plans [REP6-012] show concept designs for signalisation of the north and south terminal roundabouts.</p> <p>Should there be controlled pedestrian and cycle crossings on any elements of these design layouts to enable safe active travel around the airport? <b>See link to the Applicant's Answer: <a href="#">[REP7-092]</a></b></p>	<p>Longbridge Way and Northway would be beneficial as part of the overall Active Travel proposals.</p> <p>With regard to the South Terminal Roundabout, were there to be any development to the north, it would be expected that significantly enhanced pedestrian and cycle facilities would be provided along the PROW on the east side of the railway line, which provides grade separation into the airport and station.</p> <p>Beyond this, the JLA comments submitted at Deadline 7 [REP7-110] (below) are still considered applicable:</p> <p><i>“Notwithstanding these works are on National Highway’s network, the Joint Local Authorities have the following views on pedestrian and cycle access. Given the nature of the road network at South Terminal Roundabout, and that there are no existing pedestrian or cycle desire lines, there is not considered to be a need for formal crossing points at this location.</i></p> <p><i>At North Terminal Roundabout given existing desire lines consideration could be given to pedestrian crossing improvements. 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.</i></p>