

Interested Party Reference number: 20045900
Gatwick Airport Northern Runway Project – Development Consent Order
(DCO)
Written Representations for Deadline 9 , 21st, August 2024

Gatwick Area Conservation Campaign (GACC)
21st, August, 2024

Dear Examining Authority
Please find our further written submissions for the 21st August Deadline 9.

Yours faithfully,
Peter Barclay
Chair, Gatwick Area Conservation Campaign

GACC responses to comments made by other IPs at Deadline 8

Comments relating to Noise

GACC disagree with the Applicant's response regarding the JLA proposal to ensure a sharing the benefits of noise reduction from aircraft is captured in the dDCO agreement (**REP8-106** from 3.1.52. GACC support the JLA's justification in **REP8-165**, Appendix 1 for an annual reduction in DB limits in the noise envelope and that these limits should be further reduced if the Applicant's optimistic demand for growth are not met: thus they should be capped both in terms of actual plane movements and with time. However, as stated previously, GACC would wish for a stronger annual reduction that set out by the JLA.

Comments relating to Surface Transport

GACC strongly disagree with the Applicant's response in **REP8-106** from 3.1.6 – 3.1.23 about the need to intervene, with ability to ensure this happens with SoS intervention if a mode share target is missed. A mechanism such as that proposed by the JLA in the form of their proposal for an Environmental Managed Growth framework should be included in the draft DCO agreement. If it is not clear why, if the Applicant is so sure it can manage any breach (without providing any evidence that is actually the case) why it is so persistent in its resistance to the dDCO having the means to ensure that if granted planning permission, the Applicant operates the development in line with that agreement.

GACC note that their response to mitigation actions at ISH9 (**REP8-112, para 3.1.3**), GAL propose an overall single cap on car parking in response to Action Point 2. GACC would suggest this is insufficient –and to ensure there is a cap in car parking provision both in terms of the actual number of passengers, and in terms of the year (and in each case the lower should be considered). Could not a forecast 'budget' of annual passenger numbers could be agreed each year, linked to slot allocations?

Comments relating to Climate Change

GACC agree with the Legal Partnership Authorities (**REP8-161, page 5**) that in addition to acknowledging that in-bound flights should be within the scope of the ES (as well as including other aspects as set out by GACC at **REP8-152**) these should be quantified by the applicant for all years, as has been provided for departing flights, both with and without the Jet Zero assumptions applied.

GACC comment on the updated Carbon Action Plan provided, as noted in Action Point 20 of **REP8-112**. This still excludes GHG emissions associated with flights and surface transport so is not accepted. This should be updated to align to inclusion of these elements in the dDCO agreement (as commented on below).

GACC challenge the assertion in **REP8-118**, paragraph 3.1.15 that "*aviation emissions will be controlled by government*" ^[SEP] for Gatwick Airport if expanded in accordance with this application as the scale of expansion sits outside of that envisaged by government. Despite repeated requests from GACC the Applicant has still failed to explain how it believes the government can control emissions at Gatwick, if it exceeds the number of ATMs and GHG emissions that it envisages would occur from Gatwick as part of a plan for the UK aviation sector as a whole to stay within its carbon budget. In addition, the notion that aviation emissions should rise from aviation in the short-term whilst then falling in the long-term (should assumptions in Jet Zero be realized), as would be the contribution of Gatwick to overall aviation sector emissions if this Application was permitted is not supported.

GACC dispute the nature of GAL's response to the points made regarding the Finch case in their submission **REP8-119**. In commenting on the response made here by GAL we refer to REP8-152 where we comment on the arguments made by other IPs regarding the Finch Case. This selective commenting on only of the points made suggests that GAL agrees with other points made – for example they only highlight one point of dispute with points raised by GACC in 1.1.43. In this paragraph GAL comment that surface access aspects are included. But appear to ignore the point being made by GACC as to wider induced effects – highway expansion will tend to increase *other* transport journeys too. By selectively picking just part of the comments made by different IPs it appears the Applicant has completely failed to grasp

the points raised or responded in such a way to suggest that the points made here should be treated with any degree of seriousness. For example, GACC highlight and challenge GAL's submission in the following respects:

- Paragraph 1.1.4. GACC have not seen a representation of the Appendices quantifying GHG emissions from flights from the Applicant that is implied here. This document should now be superseded by the data from REP7-079 for all years of the project for the different scenarios, including without Jet Zero (as noted by GACC in **REP8-152**). GACC request that this be updated, as have many other parts of their submission as this DCO Examination has progressed.
- Paragraph 1.1.6-12. This erroneously refers to the way that UK reports against carbon budgets. This is completely different from what is required to be assessed as part of the ES if the implications of causation from the Finch Case are applied to this DCO Application. The notion of what is, or is not, currently reported within the UK GHG inventories against carbon budgets is not the same as how an ES is to be prepared in light of the Finch Case. This appears not to have been understood or appreciated by GAL, as reflected in this reply. The basis of the exclusion in paragraph 1.1.7 bears no relevance to the findings of the Finch Case. Again in paragraph 1.1.18 GAL appears to confuse requirements for GHG reporting with what should be considered as part of the Environmental Assessment. Again, the dismissal of actually accounting for inbound flights as stated in paragraph 1.1.9-12 has no logical basis. And the dismissal of inbound domestic emissions as extremely small whilst excluding the far more significant inbound international flights is completely illogical given that the Finch case rules that location of emissions should in no way limit what is considered in the Environmental Statement.
- Paragraph 1.1.14-15 fails to contextualise these emissions against those noted in Jet Zero and Jet Zero One Year On as set out by GACC in **REP8-152**. Referencing the submission of AEF at deadline 6 (**REP6-119**), which is useful in enabling the significance of Gatwick to be contrasted to JZ and JZYO The assertion in this paragraph is that these emissions are calculated for the purposes of UK carbon budgeting (which we would therefore expect to see reflected in control measures in the draft DCO agreement and Carbon Action Plan) – but they should also inform the Environmental Statement. This is the essence of the Finch Case – to change the way the significance of carbon emissions are considered in the Environmental Assessment of the Project. GAL still has not done this. It is not clear the reason for this not being appreciated by the Applicant. The emissions should a) be assessed including in-bound emissions and b) contextualised against the JZ trajectory. Both of these should also include other aspects which GAL has not challenged from deadline 7 submissions here: i) the increase in emissions through a sensitivity analysis reflecting York Aviation's calculation of the likely increase in passengers between the future baseline and project case; and ii) inclusion of non-carbon aviation

emissions. The former is significant. The latter is commented on in relation to paragraph 1.1.30, as discussed below.

- Paragraph 1.16. No justification is provided for contextualisation against an ICAO scenario as opposed to the data underpinning the JZ high ambition (let alone other) scenarios. The UK has included emissions in its carbon budgets from 2038. The notion that the UK should assess the significance of any of the sectors it includes in its carbon emissions on the basis of global emissions of that sector are frankly absurd. On this basis every sector could argue it was insignificant compared to the equivalent sector in the US, China, or as GAL has proposed here the whole world, and therefore absolve itself of any obligation to comply with the legally binding UK Climate Change Act. The notion that as emissions only become a legally binding part of UK emissions in 2038 so the Applicant only needs to refer to an ICAO scenario now is also dismissed as the runway is planned to still be, and requested to be in operation in 2038, supporting additional flights with additional carbon emissions within the UK's carbon budget. This however, does not remove the distinction to consider both a) the scale of impact of the Project emissions and b) the scale of emissions of Gatwick's emissions with the Project in the context of the UK's carbon budget. This case is made by GACC in **REP8-152**.
- Paragraph 1.1.8-1.1.9. It is entirely possible to estimate emissions at other airports based on the airports that are currently flown to by Gatwick, to estimate this based on the level of emissions in ABAGO and surface transport at Gatwick where other airports do not have Carbon Action Plans for the latter (as is the case for Gatwick). Gatwick should at least include all of these emissions in its Carbon Action Plan so other airports can request of Gatwick what **REP7-106** suggests Gatwick ask of them. In the absence of specific data for specific airports then just as average noise factors for different ages and classes of aircraft are used to model noise (rather than using data from every individual plane) it would be reasonable to expect the aviation sector to have equal interest in reporting and managing all of its emissions in this way. The failure to do so would suggest a lack of desire or capacity for the sector to limit its emissions and support the justification for a stronger control of carbon emissions in the DCO and Carbon Action Plan.
- Paragraph 1.1.30 notes the use of UK Government Corporate Reporting carbon factors regarding waste-related emissions. It is unclear why this same set of tables has not been used by GAL to estimate the direct carbon emissions due to NO_x from engines and contrails of flights. The case for this has been made clearly by GACC, and is argued by GAL to have direct causation by the Finch Case. And here GAL has clearly set out that it believes the UK Government Corporate Reporting carbon factors are appropriate to use in its carbon accounting, so GACC maintain that ***it would entirely consistent for the very same data source, from the UK government to be used by GAL to quantify the level of non-***

carbon greenhouse gas emissions due to flights

(<https://www.gov.uk/government/collections/government-conversion-factors-for-company-reporting>). This was discussed at the Climate Change Issue Specific Hearing, and cannot be dismissed for the reasons of not being included in UK carbon emission reporting schedules as set out above, and previously.

- The discussion about SAF in paragraph 1.1.37 and thereafter relates to the assumptions made in Jet Zero (as well as the implications of including the non-carbon greenhouse gas emissions that are directly caused by flights as noted above). As discussed by Finch non-policy related aspects cannot be taken account of within a assessment of the Environmental Impact Assessment of a Project. This means the assumptions on emission reductions due to SAF in Jet Zero, which the Applicant in response to questions by the ExA has asserted is a strategy not a policy, should be discounted in determining the significance of greenhouse gas emissions in the Environmental Impact Assessment. This part of the Finch judgement has been quoted by the Applicant in paragraph 1.1.50 of this submission.

For the reasons stated above, and the analysis presented by GACC in our submission **REP8-152** we completely dispute the scale of Project emissions presented in 1.1.36 by the Applicant in **REP8-119**. GACC contend the significance of this airport development should be assessed against the size of the sector's carbon budget for the UK, not the global aviation industry. Following review of the arguments made by GAL in REP8-119 we stand by our contention in REP8-152 that the scale of Project emissions, based on causation as now expected for Environmental Impact Assessments by the Finch Case would equate to around **14-19% of all 2038 aviation emissions forecast in the CCC's Balanced Net Zero Pathway**, when they will become a legally binding part of the UK carbon budget.

With respect to the ExA's request for further information in the Rule 17d letter dated August 14th 2024, GACC comment as follows:

- **R17d.9.** GACC previously commented at deadline 4 (REP4-106) on the fact the Gatwick emissions trajectory was already outside of the JZ trajectory due to its more rapid proposed increase in emissions. At deadline 6 AEF (REP6-119) noted that is far further outside the JZ trajectory than previously understood. The fact the UK government has also been found to be outside the trajectory for its future carbon budget trajectory. In addition, it is noted that the emissions trajectory of Jet Zero itself is subject to legal challenge as to the validity of its assumptions and alignment with international climate targets. In REP4-106 GACC comments on this as follows (slightly shortened extract here, with short addition added [addition in square brackets], extracted from pages 16-17):

"The Royal Court of Justice subsequently ruled in favour of Friends of the Earth that the UK currently has an inadequate climate plan (2024). GACC

suggests that to ensure that climate policy is science-based and compliant with international climate obligations requires an acceptance that current climate policy making and decision making must change, including with respect to airport expansion.

That GAL is proposing a more rapid increase in carbon emissions proposed by GAL than in Jet Zero ... GAL should be required to evidence that their pathway is consistent with Jet Zero, and why the trajectory set out by AEF [and now the DfT] is, in their view, incorrect.

Combining this plan to exceed the carbon budget (area under the carbon emissions – time graph) that underpins the Jet Zero strategy, with the fact the UK government's future plans are already off-track and that this carbon budget requires strengthening (i.e. reducing) to respond to empirical climate- science findings (all as noted above) requires a significant shift in approach.

GACC contends that if the actual growth trajectory for Gatwick exceeds that set out in Jet Zero, and the overall economy future plans exceed the Climate Change Act trajectory, and collective NDC agreements (including that of the UK) exceeds that for a safe future climate, and that climate is exhibiting unprecedented warming, then the current approach, as set out in this DCO Application is completely and wholly at odds with the IEMA guidance.

The significance of the proposed increase in carbon emissions should be considered greater as overall economy-wide and global targets are off-track. Instead of airport expansion that enables us to increase our carbon emissions and for other countries to increase theirs by the same amount, it is time for a higher priority to be given to climate policy against other aspects of the policy mix.”

GACC would assert that this earlier submission relates directly to this request for comment by the ExA and wish it to be considered in this regard.

- **R17d.10.** GACC supports the proposal for the carbon cap to extend to include scope 3 emissions from airport operations and flights. GACC made the case for this in REP8-152, section 4 and would like to ask that the ExA consider the case we make in 4.1 with regard the scope for this carbon cap and how it is reflected in changes to both the DCO wording and also the Carbon Action Plan, and in 4.2 how the timeliness of this and other elements of the DCO compliance mechanisms (through EMGF or equivalent thereof, as argued for consistently by the JLA through this examination). Thus we argue for a wider scope than might be interpreted in the current wording presented (to explicitly include well-to-tank emissions, non-carbon greenhouse gas emissions of flights and surface transport emissions). GACC contend that in placing this within the EMGF then this inclusion would benefit from stronger national level governance,

in addition to the involvement of local councils set out in R17d.10. GACC therefore restate part of our submission made in REP8-152, with the addition of monitoring by local councils as set out here there should be a requirement for national level oversight and independent scrutiny as follows: *"That the oversight of the GHG emissions compliance with the DCO (inclusive of the most significant emissions – from flights) is provided by the Civil Aviation Authority with independent scrutiny and recommendations provided by the Government's Climate Change Committee, such that slots are only released for the coming period if the airport is able to work within the agreed quantum of the Government's agreed climate change trajectory."*

Comments of ExA's consultation on latest Draft of the Development Consent Order

The following comments relate the ExA's consultation on the draft DCO agreement¹.

R15, R16, R18 on noise envelope, noise envelope reviews and noise insulation schemes

Suggest may wish to comment

R19 Airport Operations.

This proposes adding a CAP of 80.2 mppa but the JLA have demonstrated that 75-76 mppa would be a more reasonable CAP to place here. GACC suggest that a lower CAP would make more sense. Why should the government put a CAP on Gatwick that exceeds that in the JZ and JZYO and that modelled in the York Aviation assessment of real demand estimate associated with the new runway? If it does so then how would the excess environmental impacts, including climate change impacts of flights, be constrained.

R20- Surface Access – **comment please on page 21-22**

R32 – Western Bund – **comment – page 24**

R35 (Odour monitoring and management plan)

GACC comment that we support the extension of the odour management plan to include the Horley Riverside Gardens Estate.

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020005/TR020005-003243-ExA's%20Consultation%20Draft%20DCO.pdf>

