



Gatwick Airport Northern Runway  
National Infrastructure Project

TR020005

**Principal Areas of Disagreement Summary  
Statement**

**Version 4 (CLEAN)**

**Deadline 9 submission 21<sup>st</sup> August 2024**

**Interested Party Reference: 20044737**

## **Introduction**

Mid Sussex District Council has significant concerns about the application. In preparing this document, the Council has focused on its principal areas of concern and has aimed to provide as concise a summary as possible of these.

This is Version 4 of the Principal Area of Disagreement Summary Statement (PADSS) and updates Version 3 submitted in June 2024 (REP5 – 098 and REP5-099). A track change and clean version have been submitted at Deadline 9. It identifies the remaining principal area of disagreement that have been identified as further work has been undertaken during the Examination.

The PADSS covers the following topic areas:

- Aviation need, capacity and forecasting
- Noise
- Air Quality
- Green House Gases
- Traffic and Transport
- Historic Environment and Landscape
- Draft Development Consent Order

<b>Principal Areas of Disagreement Summary Statement (PADSS) from Mid Sussex District Council</b>	<b>Version Number: 4.0</b> <b>Submitted at: 21<sup>st</sup> August 2024</b>
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<b>TOPIC: Aviation need, capacity and forecasting</b>			
	<b>Principal Issue in Question</b>	<b>Concern held</b>	<b>What needs to change/be amended/be included in order to satisfactorily address the concern</b>
1.	The capacity deliverable with the Proposed Development	<p>Following the provision of further information by the Applicant [REP1-054 and discussions, the hourly and daily aircraft movement capacity deliverable with the NRP Proposed Development is agreed as the likely maximum throughput attainable.</p> <p>However, the annual passenger and aircraft movement forecasts deliverable from this capacity are not agreed. Based on information provided by the Applicant it is considered that the maximum throughput attainable with the NRP to be of the order of 75-76 mppa so</p>	Assessments should be based on a lower throughput of passengers with the NRP.

		delivering a smaller scale of benefits.	
2.	The forecasts for the use of the NRP are not based on a proper assessment of the market for Gatwick, having regard to the latest Department for Transport forecasts and having regard to the potential for additional capacity to be delivered at other airports. The demand forecasts are considered too optimistic.	<p>The demand forecasts have been developed 'bottom up' based on an assessment of the capacity that could be delivered by the NRP (see point above). It is not considered good practice to base long term 20 year forecasts solely on a bottom up analysis without consideration of the likely scale of the market and the share that might be attained by any particular airport.</p> <p>Alternative top-down forecasts have now been presented by GAL [REP1-052] that show slower growth in the early years following the opening of the NRP. These are considered more reasonable than the original bottom-up forecasts adopted by the</p>	The adoption of the top down forecasts, including an allowance for capacity growth at the other London airports as the base case for the assessment of the impacts of the NRP and the setting of appropriate controls on growth relative to the impacts.

		Applicant but still fail to take adequate account of the extent to which some part of the demand could be met by expansion at other airports serving London including a third runway or other expansion being delivered at Heathrow.	
3.	Baseline Case has been overstated leading to understatement of the impacts	There is concern that it is unreasonable to assume that the existing single runway operation will be able to support 67.2 mppa meaning that the assessment of impacts understates the effects, see <b>REP4-049</b> . The JLAs believe that the maximum throughput attainable in the Baseline Case is likely to be of the order of 57 mppa and that this alternative Baseline should be adopted as the basis for assessing the effects of the Proposed Development.	The Alternative Baseline Case should be adopted as the basis for assessing the impacts of the NRP.
4.	Overstatement of the wider, catalytic, and national level economic benefits of the NRP.	The methodology used to assess the catalytic employment and GVA benefits of the development is not robust as it is not based on the use of available data relating to	The catalytic impact methodology needs to properly account for the specific catchment area and demand characteristics of each of the cross-section of airports to ensure that the catalytic impacts of airport growth are robustly identified. Account needs to be taken of the specific relationship between growth at Gatwick and the characteristics of its catchment area, having regard to changes due to the NRP and displacement from other airports.

		<p>air passenger demand in the UK. The JLAs are not confident that these assessments present a realistic position in terms of catalytic employment at the local level such that the results should not be relied on.</p> <p>The national economic impact assessment is derived from demand forecasts which are considered likely to be optimistic and fails to properly account for potential displacement effects from other airports, as well as other methodological concerns.</p>	<p>The national economic impact assessment should robustly test the net impact of expansion at Gatwick having regard to the potential for growth elsewhere and properly account for Heathrow specific factors, such as hub traffic and air fares.</p> <p>Although the Applicant provided some further explanation in REP3-78 (pages 100-105) and REP7-077, the council remains concerned that the methodology is not robust for the reasons set out at paragraphs 57-60 of REP4-052. It is understood that the Applicant contends that its assessment of the total employment impact of the growth of the Airport is calculated on a net basis, such that any local displacement is accounted for. As a consequence, it is claimed by the Applicant that, to the extent that the direct, indirect and induced impacts may be estimated on a gross employment gain basis, this effect is neutral in terms of the estimate of total direct, indirect, induced and catalytic employment given that the catalytic employment is estimated as the difference between the total net employment gain and the calculated direct, indirect and induced employment. Given the concerns expressed regarding the catalytic impact methodology, the council do not accept that displacement has adequately been accounted for in the employment estimates, not least as no account is taken of the extent to which growth at Gatwick would be displaced from other airports. When coupled with the concerns regarding the catalytic impact methodology as a whole, little confidence can be placed on the reliability of the estimates of net local employment gain.</p>
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<b>TOPIC: Noise</b>			
	<b>Principal Issue in Question</b>	<b>Concern held</b>	<b>What needs to change/be amended/be included in order to satisfactorily address the concern</b>
5.	Assessment of significant effects for air noise	The Applicant's assessment of air noise does not contain sufficient information on temporal effects and secondary metrics to fully understand how communities would be affected by the proposed expansion.	Provide a thorough assessment of significant effects that identifies how communities will be impacted by air noise
6.	Assessment of significant effects for ground noise	The Applicant's assessment of ground noise is presented in a manner that is confusing. There is a lack of ground noise contours that would be expected to be presented in a similar manner to air noise and road traffic noise contours. No assessment is provided for the period when there is no barrier/ bund in place at the western end of the runway. The Council have no confidence in the ground noise assessment and its conclusions..	Provide a thorough assessment of significant effects that identifies how communities will be impacted by ground noise
7.	Methodology used to model air noise	Further detail of the methodology used to model air noise impacts is needed.	<p>GAL should provide more detailed information used to model air noise.</p> <p>Details of SEL and LAmax measurements of each aircraft type that underpin air noise modelling should be provided along with the margin of error between predictions and measurements.</p> <p>The Applicant continually rejected this information request stating that information on the Boeing 737-800 [REP6-065] was sufficient. The JLAs made an explicit request for information at ISH9 and the Applicant insisted that the information was confidential to the CAA. After ISH9, the JLAs contacted the CAA regarding this matter and have finally received measured Single Event Level and LASmax noise data after the CAA confirmed that the data was NOT confidential. The CAA are also willing to share a comparison of</p>

			measured and predicted noise levels; however, they require approval from Air Noise Performance data providers in order to share this information. A request by the JLAs has been made to the ANP database data providers and a response is being awaited.
8.	Methodology used to model ground noise	<p>Further detail of the methodology used to model ground noise impacts is needed.</p> <p>The assessment of ground noise sources using L<sub>Amax</sub> and L<sub>Aeq,T</sub> metrics for different noise sources is unnecessarily confusing. There is no significance criteria set for L<sub>Amax</sub> noise sources so likely significant effects cannot be identified. The Applicant attempts to provide a narrative linking the metrics, which is unhelpful given the Applicant relates different metrics to different noise sources that have no connection.</p>	Engine ground running, auxiliary power unit, fire training ground activities and engine around taxi noise should all be included in L <sub>Aeq,T</sub> ground noise predictions.
9	Noise Envelope	Significant concerns relating to the definition, management and enforcement of the Noise Envelope.	<p>A Noise Envelope that is fit for purpose, with a regulatory framework that is able to scrutinise and take action if required.</p> <p>The joint local authorities should be part of a Noise Envelope scrutiny group.</p>
10.	Noise Insulation Scheme	Lacks clarity as to what measures will be applied and where.	The Applicant submitted an updated Noise Insulation Scheme at [REP8-087]. The JLAs have responded to this in its Deadline 9 submission. In summary, the position of the MSDC remains that whilst minor modifications have been made, the Council's concerns have not been addressed.



	<b>TOPIC: Air Quality</b>		
	<b>Principal Issue in Question</b>	<b>Concern held</b>	<b>What needs to change/be amended/be included in order to satisfactorily address the concern</b>
14.	<p>Air Quality Action Plan - A combined operational air quality action plan (AQAP) has not been prepared to draw together carbon action plan and surface access commitments. It is also noted that the approach differs from previous discussions where a draft AQAP was provided in 2022. The proposed air quality action plan could be informed by monetisation of air quality impacts.</p>	<p>This is a matter of local concern as shown in the local guidance prepared by Sussex authorities in 2021.</p>	<p>MSDC continue to consider that the provision of additional information (e.g. in line with Sussex Guidance) would be beneficial for defining mitigation measures within the AQAP.</p> <p>The SACs have already been taken into account in the assessment of air quality impacts. The air quality effects of the Project are therefore those which remain assuming all SAC are met.</p> <p>The Sussex Guidance specifies that, even where air quality standards are met, the health effects of additional pollution emissions as a result of the Project should be mitigated.</p> <p>It is the Council's view that since SAC have already been taken into account (embedded), additional mitigation is needed to mitigate the increased airport related pollution in line with the damage costs as per the Sussex Guidance.</p> <p>The Council also has concerns that if air quality standards were to change in future, the current controls within the DCO provide no mechanism to manage this uncertainty and would allow uncontrolled growth to continue even where breaches were occurring.</p> <p>The purpose of the Environmentally Managed Growth (EMG) Framework proposed by the JLAs is to introduce action thresholds (which align with LAQM guidance TG22) to identify where a risk of exceedance is likely.</p> <p>The Applicant argues this is unreasonable and tries to suggest that the JLAs are attempting to prevent planning consent on the basis of potential future change in air quality (which was the basis of the Stansted Airport appeal it cites) which is clearly not the case, since these thresholds would be implemented during operation of a consented development, and only if future legislative requirements were to result in risk of exceedance.</p>

			The JLAs maintain that this approach is necessary because, there is no acknowledgement on the part of the Applicant of the possibility that air quality standards may change over the lifetime of the Project, and their draft AQAP provides inadequate controls to manage change including a retrospective 5 yearly reporting cycle.
15.	Operational air quality monitoring – linked to the uncertainty around the effectiveness of modal shift measures. There is no information of how air quality data will be reviewed to check that change are not more adverse than predicted, nor what measures would be taken is a significant adverse deterioration was monitored.	The concern is that it is unclear how operational monitoring would trigger air quality mitigation	As above, see Air Quality Row 14.
17	Air Quality and Emissions Mitigation Guidance for Sussex	The applicant has not clearly demonstrated regard to the Sussex Air Quality and Emissions Mitigation Guidance or the Defra air quality damage cost guidance in assessing air quality impacts and mitigation measures. The health/damage costs are not included in the DCO documents despite confirmation from the applicant that they would be undertaking a TAG (Transport	As above, see Air Quality Row 14.

		<p>Analysis Guidance) assessment which would identify the air quality damage costs of the Project. The underlying rationale of the Sussex Guidance is to quantify health damage costs associated with the transport emissions from the proposed development (NO2, M10/2.5) in order to offset these damages to protect human health. This approach is in line with the principals of Defra's Clean Air Strategy.</p>	
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	<b>TOPIC: Greenhouse Gases</b>		
	<b>Principal Issue in Question</b>	<b>Concern held</b>	<b>What needs to change/be amended/be included in order to satisfactorily address the concern</b>
24.	The unsustainable growth of airport operations may result in significant adverse impacts to the climate.	The increased demand in GAL's services may lead to unsustainable surface access transportation and airport operation growth, which may significantly impact the climate.	The measures in the Carbon Action Plan are too weak and will not allow for effective monitoring of the Greenhouse Gas impacts of construction and operating the NRP. The CAP lacks an effective mechanism to ensure that carbon reductions align with the Applicant's proposed targets. MSDC would support the imposition of a further requirement setting a carbon gap, either through a Requirement of the DCO or the JLA EMGF.
24.a	Carbon Action Plan [REP8 – 054]	The CAP lacks an effective mechanism to ensure that carbon reductions align with the Applicant's proposed targets. The Environmentally Managed Growth Framework will address this gap by implementing controls that limit further growth unless carbon reductions meet the established targets.	The measures in the Carbon Action Plan are too weak and will not allow for effective monitoring of the Greenhouse Gas impacts of construction and operating the NRP. The CAP lacks an effective mechanism to ensure that carbon reductions align with the Applicant's proposed targets. MSDC would support the imposition of a further requirement setting a carbon gap, either through a Requirement of the DCO or the JLA EMGF

	<b>TOPIC: Traffic and Transport</b>		
	<b>Principal Issue in Question</b>	<b>Concern held</b>	<b>What needs to change/be amended/be included in order to satisfactorily address the concern</b>
28.	Surface Access Commitments (SACs) and target mode shares	<p>Concerns are held about the SACs that underpin the creation of a new Surface Access Strategy and the approach to meeting and monitoring these commitments.</p> <p>There is considered to be a lack of detail and robustness to the SACs and lack of clarity or suitable control should the SACs not be met. The Highway Authority is advocating an alternative approach similar to that adopted by Luton Airport to control growth against meeting surface access modal splits. The specific concerns, relating to the SACs, are set out in the Joint West Sussex LIR but include:</p> <ul style="list-style-type: none"> <li>• Commitment 1, to ensure 55% of passenger journeys is made by public transport is not considered ambitious or of sufficient challenge. Prior to the Pandemic the airport</li> </ul>	<p>The MSDC Position is as per that of WSCC as Highways Authority, as set out below:</p> <p>Concerns are held about the SACs that underpin the Surface Access Strategy and the approach to meeting and monitoring these targets. There is considered to be a lack of suitable control should the SACs not be met.</p> <p>Whilst the ExA's revisions to requirement 20, which are supported by the Highway Authority, and the Applicant's supplements to the SACs, are considered to be improvements, in themselves they are not considered sufficient to provide appropriate controls that the mode share commitments will be met and that suitable and timely mitigation will be provided, if they are not met.</p> <p>It therefore remains the Highway Authority's position that more is required in relation to surface access and specifically additional controls to ensure compliance with the mode share commitments. The Highway Authority considers that the JLA's proposals for EMG, which include clearer, and earlier, checks on whether the mode share commitments will be met, provides a more robust set of controls to deliver the required outcomes in accordance with the Environmental Statement and the SACs. The EMG approach also allows the use of controlling growth at the Airport as a mechanism to help meet the SACs.</p>

		<p>achieved 47.8% public transport modal share in the 12 months up to March 2020.</p> <ul style="list-style-type: none"> <li>• Target mode shares set out as Commitments are only set out as percentages. The percentages masks trends in absolute numbers and permit significant increases in car trips to and from the airport.</li> <li>• Insufficient evidence and justification are provided to demonstrate how the mitigation proposed can provide sufficient sustainable and active travel infrastructure to successfully meet the some of the target modal splits.</li> <li>• Commitments are made in relation to bus and coach service provision. Determination of mode of travel takes into a variety of factors rather than just provision of service. The Applicant has not assessed or considered the attractiveness of modes or how this could be increased.</li> </ul>	<p>The JLA's have also set out the measures and changes they would require should the ExA and the SoS not be persuaded of the JLA's justification for EMG, in relation to surface access. These are set out in REP7-102 and, in light of the material that the Applicant submitted at Deadline 8, a further Deadline 9 submission from the Legal Partnership Authorities, providing additional points on the drafting of the DCO, which includes changes to requirements relating to the SACs.</p>
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		<ul style="list-style-type: none"><li>• Should the SACs not be met the proposed approach allows for higher levels of vehicular traffic than is targeted by the SACs for a substantial period of time. The Applicant will produce an Action Plan to address the failure to meet the targets. This does not provide sufficient control and the Highway Authority advocate a Green controlled Growth approach, similar to that adopted by Luton Airport.</li></ul>	
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<b>TOPIC: Historic Environment and Landscape</b>			
	<b>Principal Issue in Question</b>	<b>Concern held</b>	<b>What needs to change/be amended/be included in order to satisfactorily address the concern</b>
39.	The assessment of the potential for noise impact on the High Weald AONB	The Council is not yet satisfied that there will not be more intensive use of flightpaths that are currently infrequently used (i.e. route 9/WIZAD). The Council is concerned that noise impacts on the High Weald Area of Outstanding Natural Beauty have not been robustly assessed	This has not been addressed by the Applicant who has stated that controls on this route may have an impact on them. However, this is contrary to other statements they have made. For certainty, the Council would like to see a control placed on the route because expansion at the airport will have a direct effect on it which MSDC considers has not been properly taken into account. [REP8-163, p105] sets out the JLAs suggested requirement.
40.	The assessment of the potential for noise impact on the Historic Parks and Gardens	The Council is not yet satisfied that there will not be more intensive use of flightpaths that are currently infrequently used (i.e. route 9/WIZAD). The Council is concerned that noise impacts on the Historic Parks and Gardens have not been robustly assessed	This has not been addressed by the Applicant who has stated that controls on this route may have an impact on them. However, this is contrary to other statements they have made. For certainty, the Council would like to see a control placed on the route because expansion at the airport will have a direct effect on it which MSDC considers has not been properly taken into account. [REP8-163, p105] sets out the JLAs suggested requirement.



<b>TOPIC: Draft Development Consent Order</b>			
	<b>Principal Issue in Question</b>	<b>Concern held</b>	<b>What needs to change/be amended/be included in order to satisfactorily address the concern</b>
41.	<b>The drafting of the draft DCO</b>	As currently drafted the Development Consent Order does not provide sufficient controls to manage development proposals.	Following the publication by the ExA of the proposed schedule of changes to the draft DCO, the JLAs have responded at Deadline 9 (21.08.24).