

Update to CAA Principal Area of Disagreement Summary Statement for London Gatwick Airport Limited's July 2023 DCO application

Chapter 1

Update to the CAA's Principal Areas of Disagreement Summary Statement

- 1.1 The Civil Aviation Authority (CAA), in its capacity as a statutory consultee under planning law, submitted a Relevant Representation (RR-0831) to the Planning Inspectorate on Gatwick Airport Limited's (GAL) application for a Development Consent Order (DCO) TR020005.
- 1.2 In RR-0831, the CAA highlighted that GAL described a role for the CAA as an Independent Air Noise Reviewer to scrutinise and verify the Annual Monitoring and Forecasting Reports (for example in Appendix 14.9.7 to the Environmental Statement (APP-177) paragraphs 7.1.2 to 7.1.10). The CAA stated that it did not agree that it was appropriate for the DCO to designate an individual regulatory or oversight role absent a broader direction from Government. However, we were willing to explore with GAL how the requirements of such a role could become part of environmental publications which we are intending to have in place for the wider industry.
- 1.3 Consequently, the CAA included this issue as its sole Principal Area of Disagreement and produced a Summary Statement.
- 1.4 In its ~~la~~first update to its PADSS (REP2-039) the CAA noted that, since it submitted its Relevant Representation, the CAA had continued to discuss the issue with GAL and could now provide an update to its initial view, namely, that we acknowledged that we have the skills and independence to fulfil the role and could undertake such a role provided that:
- i) it was defined in such a way that it could be transferred to a more appropriate body without needing a new planning application (for example, by having a clause allowing the Secretary of State to nominate a replacement); and
 - ii) there was a commitment that GAL would fund the role through some mechanism.
- 1.5 In its second update to its PADSS (REP5-083) the CAA noted that GAL has proposed amendments to address the two issues described in REP2-039 with which the CAA was content, but that the CAA still had concerns that there did not appear to be any consequence to the CAA not approving a GAL noise report. Although the CAA had discussed this with GAL, it still considered that it could not agree unless the description of role/review process was amended in the DCO to include:

i) Condition only allowing GAL to declare an increase in capacity if the most recent noise report is approved.

1.6 Since submitting REP5-083, the CAA has had further discussions with GAL on this topic, and has reached agreement that the CAA's concerns will be met if the text in the draft DCO (REP8-005) at Schedule 2, R15 (Air Noise Envelope), paragraph (5)(c) is rewritten in line with the text below:

(5) The undertaker shall not be permitted to declare any further capacity for commercial air transport movements from the airport where—

(a) following the commencement of dual runway operations two consecutive annual monitoring and forecasting reports either when submitted to the independent air noise reviewer by the undertaker in accordance with subparagraph (2) of this requirement identify that the same noise envelope limit has been exceeded during the previous 24 months of the operation of the airport;

(b) an annual monitoring and forecasting report when submitted to the independent air noise reviewer by the undertaker in accordance with subparagraph (2) of this requirement identifies that a noise envelope limit is forecast to be exceeded; or

(c) the CAA and/or the Secretary of State notify GAL that an AMFR is not approved, and the CAA or the Secretary of State (as is relevant in the circumstances) has also identified that it is not reasonably satisfied that the same relevant noise envelope limit has not been exceeded during the previous 24 months of the operation of the airport following the commencement of dual runway operations or that it is not reasonably satisfied that a noise envelope limit is not forecast to be exceeded in a future year of operation.

and similar changes are made to the text in the Noise Envelope Appendix 14.9.7 to the ES (REP8-084) at paragraph 7.3.1 and paragraph 7.3.2 of the same document is deleted.

1.7 GAL has agreed to make these changes in its next submission of the draft DCO and the Noise Envelope Appendix 14.9.7, and so, provided it does so, the CAA's sole Principal Area of Disagreement with GAL has been addressed.

~~1.5 Since submitting REP2-039, the CAA has had further discussions with GAL on this topic, and has looked further at the process described in the draft DCO (REP3-006) and the Noise Envelope Appendix 14.9.7 to the ES (APP-177). GAL has proposed amendments to address the two issues described in REP2-039 with which the CAA is content.~~

~~1.6 However, the CAA still has concerns about the noise review process. In particular, there does not appear to be any consequence to the CAA not~~

~~approving a GAL noise report. As currently written, constraints on GAL's ability to declare more capacity only arise when a noise report is published which shows an actual or forecast exceedance of the noise envelope. The CAA has proposed to GAL that this could be addressed by amending section 14 (5) to read:~~

~~(5) The undertaker shall not be permitted to declare any further capacity for commercial air transport movements from the airport where—~~

~~(a) the most recent annual monitoring and forecasting report submitted to the independent air noise reviewer or by the Secretary of State has not been approved;~~

~~(b) The undertaker is not in compliance with an approved noise action plan;~~

~~(c) two consecutive annual monitoring and forecasting reports either when submitted to the independent air noise reviewer by the undertaker in accordance with sub-paragraph (2) of this requirement or when approved by the independent air noise reviewer or by the Secretary of State (as is relevant in the circumstances) identify that the same noise envelope limit has been exceeded during the previous 24 months of the operation of the airport; or~~

~~(d) an annual monitoring and forecasting report either when submitted to the independent air noise reviewer by the undertaker in accordance with sub-paragraph (2) of this requirement or when approved by the independent air noise reviewer or by the Secretary of State (as is relevant in the circumstances) identifies that a noise envelope limit is forecast to be exceeded;~~

~~1.7 GAL has proposed amendments to the DCO and Noise Envelope appendix to ensure that it has to either submit an updated noise report or make an appeal, which goes some way to meeting the CAA's concerns. However, GAL does not accept that it should not be permitted to declare additional capacity whilst this process is ongoing, as would be the case with the CAA's proposed amendment above.~~

~~1.8 The CAA is still in discussions with GAL on this topic and expects to review further iterations of the relevant section of the DCO. However, we retain a high degree of confidence that this issue can be resolved during the examination period.~~

1.91.8 Consequently, the CAA has updated its principal area of disagreement, which is described in the table below.

Chapter 1: Update to the CAA's Principal Areas of Disagreement Summary Statement

Principal Areas of Disagreement Summary Statement (PADSS) from Civil Aviation Authority		Version Number: 43 Submitted at: 0621/068/2024	
Principal Issue in Question	Concern held	What need to change/be amended/be included in order to satisfactorily address the concern	Likelihood of concern being addressed during Examination
Proposed role of CAA as Independent Reviewer for AMFR	Role as described is not clear in all circumstances.	Description of role/review process to be amended in the DCO to include: i) Condition only allowing GAL to declare an increase in capacity if the most recent noise report is approved <u>Wording in line with that described in paragraph 1.6 above.</u>	High <u>Addressed</u>