

Principal Areas of Disagreement Summary Statement (PADSS) from Surrey County Council - Version Number: Three Submitted at: Deadline Nine - 21st August 2024

Ref	Principal Issue in Question	Concern held	What needs to change/be amended/be included in order to satisfactorily address the concern	Likelihood of concern being addressed during Examination
Needs case (including capacity and demand)				
1	The capacity deliverable with the NRP 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 delivering a smaller scale of benefits</p>	Assessments should be based on a lower throughput of passengers with the NRP.	Not addressed
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 Applicant but still fail to take</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.	Not addressed

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		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 REP4-049 . 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.	Not addressed
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 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. 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, as well as other methodological concerns.	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	Not addressed

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			<p>displacement from other airports.</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>Updated Position (Deadline 9):</p> <p>Although the Applicant provided some further explanation in REP3-78 (pages 100-105), 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</p>	

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			<p>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</p>	

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			the estimates of net local employment gain.	
Environmentally Managed Growth				
5	Unlike other airport expansion schemes there is no attempt to consider environmental impacts holistically	As part of their DCO application Luton Airport have proposed a Green Controlled Growth approach, which places controls on four key categories of environmental effect: air quality, greenhouse gas emissions, aircraft noise and surface access. If any limit is breached, further growth will be stopped, mitigation will be required and ultimately, airport capacity would be constrained until environmental performance returned below the limits. No comparable approach is proposed at Gatwick.	Development of an environmentally managed growth approach. Greater controls need to be incorporated into proposals, whereby GAL is required to mitigate in advance of growth.	Not addressed
Traffic and transport				
6	Assessment methodology, assumptions and limitations of the assessment	<p>SCC is concerned that the modelling tools adopted cannot be considered accurate enough to provide confidence in their outputs, whether it is likely that GAL will be able to meet their Surface Access Commitments and thus whether the ES has thoroughly assessed all the potential impacts.</p> <p>D9 Update Whilst further information has been provided by GAL regarding a number of our modelling related issues, the information provided has confirmed that a number of concerns that SCC has raised regarding the transport modelling are genuine issues but are generally of small consequence in isolation. Information has not been</p>	<p>The Covid sensitivity test, now issued, is only one of a number that SCC would like. Sensitivity test information in respect to the issues raised regarding model accuracy, as well stress tests such as impact of realistic minimum and maximum car access/parking charges and lower than expected rail provision/patronage.</p> <p>D9 - As such, whilst SCC can agree that the modelling tools provide a reasonable indication</p>	Not addressed

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		<p>provided to confirm whether all of the issues would be more significant if addressed together.</p> <p>Whilst the Applicant has also provided evidence to suggest that small changes in the number of vehicles using the highway network would not significantly change the assessment outcomes, the degree of change that would trigger a different assessment outcome is not known. Furthermore, it is not known whether the cumulative impact of the modelling issues referenced above (and throughout the Examination period) would trigger a different assessment outcome.</p>	<p>of the impacts of the NRP, our preference would be that REP5-093 - Deadline 5 Submission - The requirement for an Environmentally Managed Growth Framework be adopted Alternatively revisions should be made to the SAC as requested at D9 and Requirement 20 as proposed by the ExA be adopted.</p>	
7	Assessment methodology, assumptions and limitations of the assessment	<p>SCC is concerned that the extent of the VISSIM model includes only one junction in Surrey's network (Longbridge Roundabout), but the extent should be much larger. SCC notes that GAL has extended the VISSIM model to cover the junctions requested (A23/Massetts Road, A23/Victoria Road, A217/Tesco Roundabout, and A217/Hookwood Roundabout). However, SCC notes that only the results from the 2016 base and 2032 future baseline are provided. While the extended results corroborate the results of the original smaller model for these scenarios, the results of the "with project" scenarios have not been provided. Furthermore, GAL has not considered the change in performance along the A23 through Horley, which is a key bus corridor.</p>	<p>The microsimulation study area to be increased to cover more of the SCC network, to enable detailed investigation of the impact of the NRP on its local road network to be understood and include:</p> <ul style="list-style-type: none"> A23/Massetts Road A23/Victoria Road A217/Tesco Roundabout, and A217/Hookwood Roundabout <p>At D9: Provision of: -The "with project" scenario</p>	Not addressed

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			-The change in performance along the A23 through Horley, which is a key bus corridor	
8	Baseline Environment	<p>SCC is concerned that high levels of background traffic on the SRN (M25), (which is demonstrated as being at capacity in 2029 in the westbound direction in the morning peak and in the eastbound direction in the evening peak), will increase traffic on the local road network both directly and indirectly as non-airport traffic re-routes off the SRN on to SCC's network.</p> <p>The fundamental concern is that the southern section of the M25 is forecast to be at capacity in the BAU scenario. The implication is that NRP traffic (or equivalent) is therefore using SCC's network.</p> <p>The evidence presented does not allay concerns and SCC welcome the view of NH too.</p>	<p>SCC wishes to understand the volumes of traffic transferred on to its network either directly to/from the airport or displaced from the SRN on to its network and what the impacts of this traffic would be.</p> <p>SCC wish to engage further with GAL and National Highways regarding their network being at capacity in the business-as-usual scenario and the implied impact on our road network as a result.</p>	Not addressed
9	Baseline Environment	<p>SCC is concerned that the baseline includes the 2,500 additional spaces via robotics at the South Terminal long stay parking area even though it is yet to be agreed whether this would count as permitted development as it has not been trialled yet.</p>	<p>SCC wishes to understand the implications if the 2,500 spaces are not permitted development - in particular, whether the associated highway infrastructure proposed would still be appropriate in such a case, and that the DCO should not provide permission for these spaces if they are not allowed under permitted</p>	Not addressed

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			development. No progress made on this matter	
10	Highway impact – including journey times	<p>Modelling shows capacity issues at a number of junctions as detailed in the Surrey LIR.</p> <p>There are also journey time impacts, also detailed in the Surrey LIR</p>	<p>Mitigation measures to improve performance of these junctions should be included.</p> <p>SCC require the journey time impacts to be mitigated, especially in terms of buses. The following will assist in addressing: our preference would be that REP5-093 - Deadline 5 Submission - The requirement for an Environmentally Managed Growth Framework be adopted Alternatively revisions should be made to the SAC as requested at D9 and Requirement 20 as proposed by the ExA be adopted.</p>	Not addressed
11	Mitigation and Enhancement Measures Adopted as Part of the Project	<p>SCC note that a heavy reliance is placed on charges for car parking and forecourt access (see above) and also for rail projects to deliver surface access commitments. However, there are no new rail proposals associated with the project, just 2-3 extra peak hour trains and 10 extra</p>	Sensitivity tests that assume less ambitious delivery of increased rail services to the airport and to understand what GAL is prepared to do to ensure	Not addressed

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		off-peak trains per hour that are planned to happen regardless of the project.	that this is a minimum level of rail service to the airport. A contribution is required to the proposed Network Rail Schemes assumed in the baseline. D9- This could be resolved if Requirement 20 as proposed by the ExA were to be adopted.	
12	Mitigation and Enhancement Measures Adopted as Part of the Project	<p>SCC is concerned that the bus and coach services seem to be under-played: they fail to meet the target in the 2014 ASAS for a second runaway, and there is no indication of the willingness of operators to provide these services or advise if others may be required</p> <p>D9 Update</p> <p>Whilst further information has been provided by GAL regarding a number of our modelling related issues, the information provided has confirmed that a number of concerns that SCC has raised regarding the transport modelling are genuine issues but are generally of small consequence in isolation. Information has not been provided to confirm whether all of the issues would be more significant if addressed together.</p>	<p>Further evidence of GAL's engagement with bus and coach operators and to understand GAL's commitment to delivering improved bus and coach access and increased contribution to passenger and staff mode share.</p> <p>D9 - As such, whilst SCC can agree that the modelling tools provide a reasonable indication of the impacts of the NRP, our preference would be that REP5-093 - Deadline 5 Submission - The requirement for an Environmentally Managed Growth Framework be adopted Alternatively revisions should be made to the SAC as requested at D9 and</p>	Not addressed

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			Requirement 20 as proposed by the ExA be adopted.	
13	Assessment of Effects	<p>SCC has already outlined concerns about the performance of the models used, the extent of models used and low level of impacts reported. Until these have been addressed, SCC cannot comment on the assessment of effects.</p> <p>D9 Update</p> <p>Whilst further information has been provided by GAL regarding a number of our modelling related issues, the information provided has confirmed that a number of concerns that SCC has raised regarding the transport modelling are genuine issues but are generally of small consequence in isolation. Information has not been provided to confirm whether all of the issues would be more significant if addressed together.</p>	<p>SCC wishes to see concerns about the modelling tools addressed before the assessment of effects can be agreed.</p> <p>D9 - As such, whilst SCC can agree that the modelling tools provide a reasonable indication of the impacts of the NRP, our preference would be that REP5-093 - Deadline 5 Submission - The requirement for an Environmentally Managed Growth Framework be adopted</p> <p>Alternatively revisions should be made to the SAC as requested at D9 and Requirement 20 as proposed by the ExA be adopted.</p>	Not addressed
14	Surface Access Commitments	It is a concern to SCC that GAL appear to have proposed a less ambitious sustainable transport mode share target than previous documents aimed for and that efforts to meet them in a business-as-usual scenario seem to have been neglected.	SCC note GAL's comments at ISH4 as to why the targets in the Second Decade of Change published in the same year as the DCO application, are now	Not addressed

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			<p>just an aspiration and not consistent with SAC.</p> <p>The reduction in the mode share target further emphasises the need for commitments that follow the principle of environmentally managed growth, such as those being pursued by Luton Airport in their DCO application. These commitments would prevent growth until interim surface access commitments had been met and thus ensure that sustainable travel was at the heart of Gatwick's growth, rather than a target after growth.</p> <p>An EMG approach has not been adopted.</p>	
15	Securing mitigation	SCC is concerned that the highway-based mitigation, secured through this DCO, is planned to commence as soon as the airside works have been completed rather than establishing whether they would be required at that time if the SAC were met or exceeded. That the first Annual Monitoring Report (AMR) will be produced no later than six months before the commencement of dual	SCC wishes to see mitigation that leads to sustainable travel delivered upon commencement of works and that additional highway capacity and parking capacity is not commenced until the SAC are met.	Not addressed

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		runway operations provides the opportunity for evidenced based growth to occur.	See also comments at ref 17 above. The authorities have submitted a tracked version of requested SAC changes at D9. This includes comments on monitoring timescales.	
16	Securing mitigation	SCC is concerned that <i>“if the AMR shows that the mode share commitments have not been met or, in GAL's reasonable opinion, suggests they may not be met (having regard to any circumstances beyond GAL's control which may be responsible)”</i> , GAL has the opportunity to prepare an action plan for the next two years to address any shortfall but that there does not appear to be any sanction if the SAC are not met by that time.	SCC wishes to see growth delivered in a sustainable way, such that the SAC are met before further growth in passenger and staff numbers is allowed. See also comments at ref 17 above. The authorities have submitted a tracked version of requested SAC changes at D9.	Not addressed
17	Securing mitigation	SCC is concerned that separate entrances to the South Terminal compound are proposed for HGVs (from the roundabout) and private vehicles (from Balcombe Road). This implies that an extended journey on the local road network is required.	SCC wishes to see all access to the South Terminal compound from the South Terminal Roundabout. SCC remains concerned that the proposed Balcombe Road access is referenced in DCO documentation.	Not addressed
Noise				
18	Air noise - Threshold and scope of LOAELs and SOAELs	The ES only considers the Leq metric for LOAELs and SOAELs. In doing so it makes reference to national policy. The consideration only of Leq as a metric is too narrow as it does not represent all the effects of air noise and other	Inclusion of assessment for a wider range of criteria, including but not exclusively, awakenings, N above contours	Not addressed

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		<p>metrics should be applied to the decision processes within the project to inform impact and mitigation (see ref 27 below). In determining the LOAELs and SOAEL more recent data, including planning decisions and revised health assessment criteria need to be applied. The health impact of noise is likely to be a significant under estimate of the noise impact in view of the choice of LOAELs and SOAEL. (See LIR NV4)</p> <p>Updated position (Deadline 9): The Council is disappointed with the level of information provided regarding secondary metrics. Information has only been provided for seven “community representative” locations that do not cover all affected communities and no information relevant to the air noise assessment has been provided regarding overflights.</p>	<p>in addition to the Lden and Lnight. More recent information used to calculate significance of effects.</p>	
19	<p>Air noise - No attempt has been made to expand on the assessment of likely significant effects through the use of secondary noise metrics.</p>	<p>Context is provided to the assessment of air noise through consideration of the secondary LAmax, overflight, Lden and Lnight noise metrics. However, no conclusions on how these secondary metrics relate to likely significant effects have been made so their use of in terms of the overall assessment of likely significant effects is unclear.</p> <p>Updated position (Deadline 9): No information has been provided to address the concern over the lack of use of secondary metrics to supplement the assessment of likely significant air noise effects.</p>	<p>Provide some commentary about how secondary metrics relate to likely significant effects and whether the assessment of secondary metrics warrants identifying a likely significant effect.</p>	Not addressed

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20	Air noise - Properties that are newly exposed to noise levels exceeding the SOAEL are not identified	<p>It is important to identify how many properties are newly exposed to noise levels exceeding the SOAEL to determine compliance with the first aim of the ANPS.</p> <p>Updated position (Deadline 9): The Applicant has not addressed this concern. The Council is concerned that Chapter 14 does not present the necessary information required for a DCO application and is disappointed that the Applicant has not addressed these concerns through provision of an updated chapter.</p>	<p>Identify how many and the location of properties newly exposed to noise levels exceeding the SOAEL.</p> <p>Identify how many properties are exposed to noise levels exceeding the SOAEL for both the Central Case and the Slower Transition Case.</p>	Not addressed
21	Ground noise – issues with the ground noise modelling and assessment. The assessment should consider the Slower Transition Case as per the aircraft noise assessment.	<p>There are issues with the ground noise modelling as discussed in the LIR. Higher levels of ground noise will be identified in the Slower Transition Case. Consequently, there is potential for receptors to experience significant noise effects that are not identified in the Central Case assessment.</p> <p>Updated position (Deadline 9): The Applicant has provided SOAEL ground noise contours for the 2032 slower transition case. However, this does not address concerns that ground noise contours maps have not been produced to the same level of detail as air noise or road traffic noise contour maps. The Council remains concerned at the way ground noise has been assessed and presented such that it is unable to fully understand the impacts and effectiveness of mitigation.</p>	<p>Production of ground noise contour maps for the assessment years as produced for air noise and road traffic noise.</p> <p>An assessment of Slower Transition Case ground noise effects should be provided to identify the potential for exceedances of the SOAEL at sensitive receptors and eligibility for noise insulation on a precautionary basis. (See LIR Ref. NV11)</p>	Not addressed

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22	Construction noise - Significant construction noise effects	<p>Residual significant construction noise effects should be controlled through mitigation. Insulation will be provided, but it is not clear if this would be sufficient mitigation to reduce significant noise effects.</p> <p>Updated position (Deadline 9): Properties eligible for insulation are now identified in the CoCP. However, the CoCP still fails to secure mitigation assumptions relating to barriers and percussive piling that are applied in Chapter 14 construction assessments (see JLA's submission [REP7-100]).</p>	Provide more detail on noise control measures within the Code of Construction Practice as set out in the LIR (Refs. NV1, NV2 and NV3)	Not addressed
23	Noise envelope – not policy compliant nor fit for purpose	<p>SCC considers there are substantial deficiencies in the Noise Envelope that need to be addressed before it could be considered fit for purpose. The proposed monitoring, review and enforcement of the Noise Envelope is not agreed. SCC would like to see an environmentally managed growth approach to implementation and enforcement.</p> <p>Updated position (Deadline 9): The Council supports the JLA's submission for an Environmentally Managed Growth Framework [REP4-050, REP5-093 and REP6-100] as the preferred approach. Nonetheless, it is broadly supportive of the ExA's revised requirements R15 and R16 in Schedule 2 [PD-028] but considers that the operation of controls and timing of slot allocation and the inclusion of</p>	Development of an environmentally managed growth approach which would include the noise envelope and a monitoring, reporting, and modelling regime that enables the airport's growth to be accurately recorded and predicted and with appropriate governance that includes local authorities to scrutinise the monitoring and enforce environmental limits. (See LIR Ref. NV6).	Not addressed

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		LAs in the noise envelope process needs further consideration.		
24	Noise envelope - Sharing the benefits	<p>No details on how benefits of new aircraft technology would be shared between the airport and local communities are provided. Sharing the benefits has not been removed from national aviation policy and is a fundamental part of the noise envelope.</p> <p>Updated position (Deadline 9): The Council's position is that sharing the benefits should be based around future baseline scenarios where no growth in the 2019 fleet occurs. Provision of this information was requested by the Planning Inspectorate at scoping; paragraph 2.3.13 of Appendix 6.2.2 [APP-095], states: <i>"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 in the DCO application".</i></p> <p>This request was ignored by the Applicant in its Scoping Response set out in 2.3.11 of Appendix 6.2.3 [APP-096]. This was raised in the Local Impact Report - Appendix C: Noise and Vibration District and Borough Profiles [REP1-100], which the Applicant again chose to ignore. The Council is supportive of the principle behind the ExA's revised requirements R15 and R16 in Schedule 2 [PD-028] to share the benefits of technological improvements and</p>	Details on how noise benefits are shared in accordance with policy requirements set out in the Aviation Policy Framework (see LIR Ref. NV6).	Not addressed

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		to progressively reducing the noise contour area over time.		
25	Noise envelope – Incentives to achieve faster fleet transition	<p>Basing the noise envelope contour limits on the Slower Transition Case means there is no incentive to push the transition of the fleet to quieter aircraft technology. Furthermore, a first review of the contour 9 years after opening or when 382,000 Air Traffic Movements is achieved provides limited incentive for GAL to achieve a faster fleet transition and secure noise benefits.</p> <p>Updated position (Deadline 9): The JLAS' view is that the original Central Case is the most likely future fleet and therefore the most appropriate to base Noise Envelope limits on. The Council is broadly supportive of the principle behind the ExA's revised requirements R15 and R16 in Schedule 2 [PD-028] to progressively reduce the noise contour area over time.</p>	<p>Noise contour area limits should be based on the Central Case.</p> <p>The DCO should provide for 5 yearly (or more frequent) reviews of the Noise Envelope as part of an environmentally managed growth approach (see Ref. 31 above and LIR Ref. NV6).</p>	Not addressed
26	Noise envelope - Annual noise contour limits	<p>Noise contour area limits relate only to the 92-day summer period. There should be additional noise contour area limits in place to control growth during periods of the year outside the 92-day summer period.</p> <p>Updated position (Deadline 9): The Council is concerned that night noise controls may be removed in future and wants to see a commitment that the Applicant would retain and maintain these measures given they form part</p>	Annual noise contours should be included in the Noise Envelope	Not addressed

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		of the assumptions underpinning the Applicant's noise modelling.		
27	Noise envelope - Flexibility of noise contour area limits to account for airspace redesign and future aircraft technology	<p>GAL wants flexibility to increase noise contour area limits depending on airspace redesign and noise emissions from new aircraft technology. If expansion is consented, any uncertainties from airspace redesign or new aircraft technology should be covered within the constraints of the Noise Envelope.</p> <p>Updated position (Deadline 9):The Council's concerns on this matter have not been addressed.</p>	There should be no allowance for the noise envelope limits to increase as a result of these factors. (See LIR Ref. NV6)	Not addressed
28	Noise envelope - CAA to regulate the Noise Envelope; mechanism needed to involve relevant local authorities in regulation	<p>To date, the CAA have not accepted a role regulating the Noise Envelope. There is no mechanism for host authorities to review Noise envelope reporting or take action against limit breaches or review any aspects of the Noise Envelope.</p> <p>Updated position (Deadline 9): The Council's position on this matter is unchanged and it supports the JLAs' submission for an Environmentally Managed Growth Framework [REP4-050, REP5-093 and REP6-100] as the preferred approach.</p>	A mechanism should be included to allow local authorities to have a role in scrutinising Noise Envelope reporting, enforcing limit breaches or reviewing any aspects of the Noise Envelope. This should be secured as part of an environmentally managed growth approach - see Ref 31 above.	Not addressed
29	Noise envelope - Adoption of an action plan	A breach would be identified for the preceding year, with an action plan in place for the following year. Consequently, it would be two years after a breach before a plan to reduce the contour area would be in place.	More forward-planning needs to be adopted to ensure that action plans are in place before a breach of the noise contour area limit occurs. This should be	Not addressed

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		<p>Updated position (Deadline 9): This has not been fully addressed so the Council supports the JLAS' submission for an Environmentally Managed Growth Framework [REP4-050, REP5-093 and REP6-100] as the preferred approach.</p>	<p>secured as part of an environmentally managed growth approach - see Ref 31 above.</p>	
30	<p>Noise envelope - Two consecutive breaches to occur before capacity declaration restrictions</p>	<p>24 months of breach would be required before capacity declaration restrictions for the following were adopted. Consequently, it would be three years after the initial breach before capacity restrictions were in place.</p> <p>Updated position (Deadline 9): This has not been fully addressed so the Council supports the JLAS' submission for an Environmentally Managed Growth Framework [REP4-050, REP5-093 and REP6-100] as the preferred approach.</p>	<p>More forward-planning needs to be adopted to ensure that action plans are in place before a breach of the noise contour area limit occurs. This should be secured as part of an environmentally managed growth approach - see Ref 31 above.</p>	<p>Not addressed</p>
31	<p>Noise envelope - Prevention of breaches</p>	<p>The proposed approach to ensuring the noise envelope is not breached is not robust in terms of the timing when action would be taken, against a forecast breach, and the ability to manage slot allocation. As proposed, slots could already have been allocated to airlines such that a breach could not be prevented. No details are provided on what kind of actions are proposed to achieve compliance in the event of a forecast breach</p> <p>Updated position (Deadline 9): This has not been fully addressed so the Council supports the JLAS' submission for an Environmentally Managed Growth Framework</p>	<p>Details on actions to be adopted to prevent a breach should be provided as part of an environmentally managed growth approach (see Ref 31 above).</p>	<p>Not addressed</p>

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		[REP4-050, REP5-093 and REP6-100] as the preferred approach.		
32	Noise envelope - Prevention of breaches	<p>The proposed approach to ensuring the noise envelope is not breached is not robust in terms of the timing when action would be taken. Thresholds (cf. Luton’s Green Controlled Growth approach) that prompt action before a limit breach occurs and forward looking noise budgets should be used to ensure that the noise envelope is not breached.</p> <p>Updated position (Deadline 9): This has not been fully addressed so the Council supports the JLAS’ submission for an Environmentally Managed Growth Framework [REP4-050, REP5-093 and REP6-100] as the preferred approach.</p>	Adopt a set of thresholds that trigger preventative action and require forward looking noise budgets to prevent breaches of limits should be included as part of an environmentally managed growth approach and secured through DCO requirements (see Ref 31 above)..	Not addressed
33	Noise envelope - Capacity declaration restrictions as a means of managing aircraft noise	<p>This is not an effective means of preventing future noise contour limit breaches and thresholds and forward looking noise budgets should be used to control the allocation of slots to ensure that the noise envelope is not breached.</p> <p>Updated position (Deadline 9): This has not been fully addressed so the Council supports the JLAS’ submission for an Environmentally Managed Growth Framework [REP4-050, REP5-093 and REP6-100] as the preferred approach.</p>	Slot restriction measures should be adopted to ensure the noise envelope is not breached This should be included as part of an environmentally managed growth approach and secured through DCO requirements (see Ref 31 above).	Not addressed

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34	Noise insulation scheme - eligibility	<p>The air noise insulation scheme is only based on average Leq contours rather than single mode contours and is confined to Leq metrics.</p> <p>Updated position (Deadline 9): The Applicant has not addressed this concern. The Council maintains its position that single mode contours are an important aspect in understanding effects of the proposed expansion and the Applicant should take it into account when formulating the noise insulation scheme. The Council is, however, supportive of the ExA's proposed paragraph 1 (Interpretation) of Schedule 2 [PD-028] on 'eligible premises' in relation to the reduction in the eligibility thresholds to 54dB LAeq 16hr and 48dB LAeq 8hr.</p>	The scheme must reflect the on-the-day noise experience of residents and this is better represented by single mode contours and additional metrics (see LIR Ref. NV5).	Not addressed
35	Noise insulation scheme - Provision of different types of noise insulation, ongoing maintenance/replacement and addressing overheating	<p>Is noise insulation in the Outer Zone restricted to ventilators or will the occupier have flexibility to make alternative insulation improvements?</p> <p>There appears to be no provision for the ongoing maintenance / replacement costs of the noise insulation with this cost simply passed to the owner.</p> <p>A lack of measures to prevent overheating in noise insulated homes especially in the summer months at night would occur if windows are required to be closed to achieve good acoustic conditions. Acoustic ventilators may not have sufficient cooling capability to deal with the issue of overheating.</p>	Clarity on the flexibility of the noise insulation scheme, maintenance and addressing overheating concerns. (See LIR Ref. NV5).	Not addressed

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		<p>Updated position (Deadline 9): The Applicant has not addressed concerns about the lack of provision of overheating mitigation as part of the noise insulation scheme.</p>		
36	Noise insulation scheme - Measurement of ground noise to identify eligibility	<p>It is unclear how noise monitoring would be undertaken to determine eligibility through cumulative ground and air noise. Properties that may experience cumulative levels of air and ground noise that would include them in the NIS Outer Zone should be screened for monitoring and offered an insulation package if eligible.</p> <p>Updated position (Deadline 9): The Applicant has not addressed this concern. The Council is, however, supportive of the ExA's proposed paragraph 1 (Interpretation) of Schedule 2 [PD-028] on 'eligible premises'.</p>	<p>Provide details on how monitoring of ground noise would be undertaken and how a property would be identified as appropriate for monitoring of ground noise.</p> <p>Houses that need insulation should be identified prior to the commencement of the project opening (currently 2029) and insulated, not after the project has opened.</p>	Not addressed
37	Noise insulation scheme - How will effective insulation requirements be determined	<p>It is unclear if a property in the Inner Zone would be assessed to determine the most effective means of insulation.</p> <p>Updated position (Deadline 9): The Applicant has not addressed this concern. However, the Council sees considerable merit in the ExA's revised requirement R18 and proposed paragraph 1 (Interpretation) of Schedule 2 [PD-028].</p>	<p>Provide details on how Inner Zone properties would receive the most appropriate and effective insulation packages</p>	Not addressed
38	Noise insulation scheme - Noise insulation for community buildings	<p>Schools are included in the Noise insulation Scheme, but it is unclear if other community buildings (e.g. care</p>	<p>Provide details on what community buildings would be</p>	Not addressed

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		<p>homes, places of worship, village halls, hospitals etc.) would be eligible for noise insulation.</p> <p>Updated position (Deadline 9): The Applicant has not addressed this concern regarding eligibility of community buildings. The Council is, however, supportive of the ExA's proposed paragraph 1 (Interpretation) of Schedule 2 [PD-028] on 'eligible premises'.</p>	<p>eligible for noise insulation and what level of insulation would be provided.</p>	
39	Noise insulation scheme - Properties that have already received insulation	<p>It is not clear if properties that have already received insulation would be eligible for upgraded noise insulation as part of the new scheme.</p> <p>Updated position (Deadline 9): The Applicant has not addressed this concern.</p>	<p>Clarification on how properties that have already received insulation would be treated under the new scheme</p>	Not addressed
40	Loss of amenity outside space	<p>Access to outdoor space is important for health and wellbeing, but noise insulation will not reduce levels likely to cause annoyance outside including in gardens.</p> <p>Updated position (Deadline 9): The Applicant has not addressed this concern.</p>	<p>An appropriate compensation scheme where existing properties are permanently affected (sSee LIR Ref. NV16).</p>	Not addressed
Landscape and Visual				
41	The loss of or change in existing green infrastructure, including potential loss of important or historic hedgerows and existing greenspace.	<p>Information on general rather than detailed loss is provided in the documentation.</p>	<p>Detailed plans showing extent of vegetation loss. Loss of broadleaved woodland is not mitigated or compensated for by the NRP.</p>	Not addressed

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Biodiversity and ecology				
42	The extent of loss of mature broadleaved woodland (and other habitats)	It is not clear from the application document how much woodland is being lost and how much is being enhanced / replanted. The same is true for other habitats. The ecology chapter for the ES does not quantify the amount of loss or compensation. A reference is made to these figures being included in Biodiversity Net Gain (BNG) assessment however this information is not clear within the BNG report (screenshots of the BNG metric have been provided – but this is difficult to navigate and is difficult to review). The impact assessment should quantify the loss to accurately describe the impact. In addition, this information would aid with understanding and transparency.	<p>GAL should quantify losses and replacement habitat in the Ecology chapter for the ES. Additional compensation is required for the mature woodland loss. Especially considering the lag time for newly planted woodland to mature and reach target condition.</p> <p>The BNG metric should be supplied in Excel format to aid with review of information. Habitat parcels should be clearly referenced in figures and the Excel metric so that the two can be easily cross referenced and to aid with clarity over what compensation / enhancement is proposed.</p> <p>Loss of broadleaved woodland is not mitigated or compensated for by the NRP.</p>	Not addressed
43	No compensation provided for loss of ponds	The ecology chapter states that no replacement ponds will be provided within the application site due to airport airstrike safety. This is fully justified however, it is not	It remains unclear why replacement ponds could not be provided off-site –	Not addressed

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		understood why off-site provision of new ponds has not been considered.	preferable within the nearby Biodiversity Opportunity Areas to maximise ecological opportunities / outcomes. This loss remains unmitigated	
44	Biodiversity Net Gain (BNG) baseline assessment methodology	The BNG baseline has been calculated excluding those areas of the site which will not be impacted by the proposals (i.e airfield grassland). This is a non-standard approach and it is assumed that this approach has been adopted so that net gain can be achieved from a lower baseline value (i.e. net gain is easier to achieve as baseline value is lower).	The BNG assessment should follow standard practice. The baseline BNG value of the site should include all habitats within the DCO application boundary. It is currently unclear whether the application would achieve net gain as the baseline value which has been used does not include all habitats within the DCO application site. SCC is of the view that if BNG statutory/best practice guidelines are not followed, it is inappropriate to state the scheme is achieving BNG.	Not addressed
Carbon and Climate Change				
45	The unsustainable growth of airport operations may result in significant adverse impacts to the climate.	Growth may lead to unsustainable surface access transportation and airport operation growth.	To monitor and control GHG emissions during the project construction and operation it is suggested a control mechanism similar to the Green Controlled Growth Framework submitted as part of the London Luton	Not Addressed

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			<p>Airport Expansion Application, is provided. Implementing such a framework would make sure that the Applicant demonstrates sustainable growth while effectively managing its environmental impact. Within this document, the Applicant should define monitoring and reporting requirements for GHG emissions for the Applicant's construction activities, airport operations and surface access transportation. Emission limits and thresholds for pertinent project stages should be established. Should any exceedances of these defined limits occur, growth should be halted.</p>	
Draft Development Consent Order				
46	Revisions required to the definition of "commencement"	In particular, the implications arising from certain operations which fall outside that definition and which do not appear to be controlled (article 2(1), interpretation);	Revisions required. The authorities' main concerns are with the potential impacts of the works that fall within paragraph (k), (m), (n) and (o). Detailed comments are	Not addressed

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			provided in the Legal Partnership consolidated comments of the dDCO submitted at Deadline 8.	
47	Article 11 Street works	The way in which street works are controlled under article 11 (street works). It departs from most precedents by authorising interference with any street within the Order limits, rather than those specified in a schedule.	Revisions required. The usual cross-reference to a schedule should be included. We welcome the revisions in the ExA proposed dDCO changes to address this point.	Not addressed
48	Article 48 (Defence to proceedings in respect of statutory nuisance) Exemptions are proposed from large parts of section 79(1) of the Environmental protection Act without adequate justification	Residents should be able to bring nuisance action as they can at present	Justification for exemptions required. Revisions required to ensure it is not so wide-ranging. Further comments provided at D8 in the Legal Partnership submission	Not addressed
49	Drafting of Requirement 15 (air noise envelope)	The Air Noise Envelope is not considered fit for purpose as it does not align with policy requirements. In addition there is no role for any local authority control in this requirement. A mechanism should be included in the DCO to require the CAA to involve the local authorities and other key stakeholders in scrutinising noise envelope reporting.	The air noise envelope provision should include: -A “mitigate to grow approach” An Environmental Scutiny Group (ESG) including local authorities -Appropriate enforcement powers for the ESG -Establish appropriate sanctions for technical and limit breaches	Not addressed

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			<p>-Integrate existing noise controls into the noise envelope</p> <p>The Council is broadly supportive of the principle behind the ExA's revised requirements R15 and R16 in Schedule 2 [PD-028] to progressively reduce the noise contour area over time.</p>	
50	Drafting of Requirement 18 (noise insulation scheme)	Justification is required on a number of points, such as why the time limits in the requirement have been chosen.	<p>Drafting revisions to ensure the requirement is enforceable and precise. The local authorities require amendments to ensure provisions in the scheme are consistent with their proposed metrics and thresholds.</p> <p>The Council is broadly supportive of the principle behind the ExA's revised requirements R15 and R16 in Schedule 2 [PD-028] to progressively reduce the noise contour area over time.</p>	Not addressed
51	Drafting of Requirement 19 (airport operations)	Greater specificity is required.	Revisions required. Comments are provided in the Legal	Not addressed

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		<p>R.19(2) would restrict dual runway operations to 386,000 <u>commercial</u> air transport movements per annum. The Councils consider a control on <u>total</u> air transport movements per annum would be preferable.</p> <p>R.19(3) allows the use of the northern runway between the hours of 23:00 - 06:00 when the southern runway is not available for use “for any reason”. The Councils consider “for any reason” to be too broad and considers the use of the northern runway between these times should only be used when the southern runway is not available because of planned maintenance and engineering works.</p> <p>The requirement needs to restrict use of the northern runway to departures and to Code C aircraft or smaller (the basis of the current proposals and assessments in the ES)</p> <p>The requirement needs to include a night movement cap.</p>	Partnership consolidated comments of the dDCO submitted at Deadline 8.	
52	Drafting of Requirement 20 (surface access)	The dDCO gives too much flexibility in allowing the development to proceed with only retrospective checks to see if the mitigation proposed is delivering results. This is reactive and ineffective, in particular in considering whether the development is appropriate for the communities who may be affected by the adverse impacts of the development and whether there is sufficient amelioration of those impacts. R20 appears to say that the operation can only be carried on if there is adherence to the surface access commitments but when those surface	SCC considers it as more appropriate to have clear steps set out in the DCO to regulate the growth and clear sanctions should the mitigation measures not be achieved. The Luton airport expansion is currently before the Secretary of State with proposals which seek to manage growth as the	Not addressed

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		<p>access commitments are considered more carefully they are toothless in terms of constraining any activity at the airport.</p> <p>The intention is that the surface commitments will be a certified document, and Requirement 20 requires the operation to be in accordance with those commitments. For example, the mode shift target of 55% has to be tested three years after the commencement of operations. If this is not achieved, the monitoring arrangements in the SAC envisage a reporting process and preparation of action plans for future activity. However, there is no commitment to curtail operations either during the period of the preparation of action plans or until such time as the targets are met. Therefore, this target does not actually constrain the operation of the airport.</p>	<p>Authorities suggest, i.e. green controlled growth (which is set out in Part 3 of Schedule 2 of the Luton dDCO. The Secretary of State will have to decide, in deciding that development consent order, whether those controls are necessary, but it is clearly relevant that the operator and promoter of that development consider that managed growth is workable and they are putting that forward as the way in which they will achieve both their growth but also achieve the environmental objectives.</p> <p>D9: The local authorities submitted comments on the ExA recommended amendments to Requirement 20 at ISH9</p>	