



GATWICK AIRPORT NORTHERN RUNWAY PROJECT – DEVELOPMENT CONSENT ORDER (DCO)

CRAWLEY BOROUGH COUNCIL - IP Ref: GATW-AFP107 PRINCIPAL AREAS OF DISAGREEMENT SUMMARY STATEMENT

21 August 2024

Version 4

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Introduction

This Principal Areas of Disagreement Summary Statement (PADSS) document Version 4 has been prepared by Crawley Borough Council (CBC), with input from the joint authorities and appointed consultants where required. CBC is a host authority for the Gatwick Airport Northern Runway Project, which was accepted by PINS for Examination on 3rd August 2023. This document updates the PADSS submitted on 6 June 2024 [REP5-085]. It identifies the remaining and some new principal areas of disagreement that have been identified as further work has been undertaken and includes commentary on Project Change 4 reflecting the comments provided via a Written Representation submitted at Deadline 7 [REP7-120].

AVIATION CAPACITY, NEED AND FORECASTING

REF	Principal Issue in Question	Concern held	What needs to change/be amended/be included in order to satisfactorily address the concern
ACNF1.	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.
ACNF 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</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.

		original bottom-up forecasts adopted by the 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.	
ACNF 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.
ACNF 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 from other airports, 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 displacement from other airports. 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>Updated Position (Deadline 9): 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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PROJECT DESCRIPTION, EXISTING SITE AND OPERATION

Ref	Principal Issue in Question	Concern Held	What needs to change/be amended / be included in order to satisfactorily address the concern
<p>PD1. Existing Site and Operation (CH4 – ES) and Project Description (CH5 – ES)</p>	<p>Clarification of airfield boundaries and what the various plans show.</p>	<p>Lack of clarity about current airport boundary / operational airport boundary and extent of land needed for and controlled by the DCO. The boundaries need to be understood on drawings and in context of drafting of DCO to be clear on airport limits, any permitted development provisions and to ensure drafting of the DCO and requirements are effective and enforceable. These matters were raised at ISH2 and in the West Sussex LIR Section 4. the additional information provided by GAL in response to the ISH2 ExA questions does not satisfactorily address this point.</p>	<p>Revised plans to address these points showing for both existing boundaries and that proposed under the DCO.</p> <p>Updated position (Deadline 5): - The Council remains unclear as to extent of the operational land boundaries and would welcome a clear explanation of these. CBC notes the Applicant has provided a further paper on 'Excepted Development' at Deadline 4 [REP4-030] which supplements the Applicant's Response to Deadline 2 submissions [REP3-106]. CBC will provide its response at Deadline 5.</p> <p>Deadline 9 – This is still unclear – see [REP8-165]</p>

DESIGN AND ACCESS STATEMENT

Ref	Principal Issue in Question	Concern Held	What needs to change/be amended / be included in order to satisfactorily address the concern
DAS1.	Lack of design quality controls and targets	Document has been prepared without any design ambition or commitment to measurable standards.	<p>There needs to be clear commitments to meet required policies and design standards, ensuring minimum compliance with the adopted Local Plan. This has been explained in more detail in Section 24 of the West Sussex LIR (24.79 - 24.85).</p> <p>Deadline 5 update – While there has been some limited revisions made to the Design and Access statement this substantive document is still ‘illustrative’ and the Appendix 1 – Design Principles (latest version [REP3-056] which is the intended control document is still considered inadequate. Detailed commentary on the design concerns has been provided in the Joint Authority response to ExQ1 GEN 1.21 , GEN 1.22, DCO 1.39, DCO 1.56 and DCO 1.57 [REP3-135]. [REP4-064], [REP4-062] and Section 5 [REP-042]</p> <p>Deadline 9 update – The latest version of the Design Principles document [REP8-090] is updated to reflect Project Change 4 but the concerns regarding the overall detail within this control document , lack of design ambition and the indicative status and content of the DAS remain - see [REP8-126] CBC is disappointed that the suggested Design Panel approach for reviewing design quality has not been adopted by the Applicant, while a Design Advisor is now proposed it is still not clear from the level of</p>

			<p>detail in the Development Principles how meaningful engagement with the discharging authorities will be secured. In addition, the proposed 'consultation process' provides no meaningful opportunity for design discussion and there remains concern about design quality given the limited design information in the Development Principles Document and generous extent of the works, parameter and tree removal plans</p>
DAS 2.	Indicative status of majority of DAS and lack of 'design fix'.	Appendix A1 is an inadequate Control document of insufficient detail. .	<p>Applicant needs to work up more elements of the project in detail to enable more certainty on design of development. The design control document needs to contain much greater detail. (see comments in line 1 above).</p> <p>Deadline 5 update – see comments in line 1 of this table above.</p> <p>Deadline 9 update – please see commentary in DAS 1 above.</p>
DAS 3.	Lack of detail in document including lack of site context analysis, site constraints and opportunities (also lacking from ES Project Description)	Some aspects of development excluded from D and A document, also a general lack of contextual analysis including site opportunities and constraints. Insufficient information on design and visual impacts. This is of particular concern in environmentally sensitive locations.	<p>More detailed design work required to ensure design quality, protection of visual amenities and more information to form any 'control' document. More certainty and detail needs to be agreed now to safeguard sensitive works sites and sensitive environmental assets. (see comments in line 1 above).</p> <p>Deadline 5 update – see comments in line 1 of this table above.</p> <p>Deadline 9 update – This has been partially addressed in a piecemeal fashion by the Applicant by updating of some drawings within the DAS and some additional wording included in the Development Principles as well as updating some works descriptions in Schedule 1. The overall level of detail in the Development Principles to address site constraints, opportunities and wider context</p>

			and safeguards for these features is not considered to sufficiently addressed due to the persistent argument from the Applicant for flexibility and refusal to add illustrations and plans which could provide this certainty to the control document.
DAS 4.	Inconsistencies in documents within DAS and in relation to other supporting documents.	Conflicting descriptions and cross- referencing lead to uncertainty over what is proposed and which details should take precedent.	<p>Updates and corrections needed for consistency and certainty. Examples have been provided in Section 24 of the West Sussex LIR.</p> <p>Deadline 5 update – With the lack of track changes on the main DAS , the iterative nature of the DCO process and the project changes introduced these inconsistencies are difficult to keep track of. These are being identified by the Authorities and amended by the Applicant as part of the ongoing process. It is suggested this matter is kept in the list for now until documents reach a more finalised form.</p> <p>Deadline 9 – The problems remain. Current versions of the DAS issued at Deadline 7 are inconsistent with the Development Principles document issued at Deadline 8. See [REP8-126] sections 14 and 15 for further information.</p>
DAS 5. Section 7 and dDCO	Lack of defined parameters for some development and lack of on parameter plans and within Schedule 12 Control documents.	All development should have defined parameters for all elements including soil deposition and temporary storage areas	Without agreed parameters for all the development it is questionable how design details can be controlled. The applicants have not explained this. This is a complex project with some build elements being EIA scale development in their own right. Ensuring sufficient control over the numerous design elements of such a substantial project is considered essential. This has been explained in more detail in sections 8, 11 and 24 of the West Sussex LIR in respect of Pentagon Field and larger built elements of the project in general.

			<p>Deadline 5 update – this point is not adequately addressed by the Applicant . The absence of such detail has been again raised in response to ExQ1 DCO 1.39 and DCO 1.56 [REP3-135]</p> <p>Deadline 9 – Concern still remains about the parameter plans see [REP8-126]section 2, Additional details to justify the inclusion of works 9, 32, 41, 43 and 44 as 'listed works' in Schedule 12 have been provided in the Legal Partnership submission at deadline 9.</p>
<p>DAS 7. Control Document OLEMP</p>	<p>Safeguarding of existing landscaping and protection of visual amenities</p>	<p>Lack of detail on landscape protection measures and zonal approach proposed in document is too vague giving inadequate control to safeguard impacts. This is further explained in Section 8 (8.43, 8.55-8.57 and 8.67) and Section 24 of the West Sussex LIR</p>	<p>Significant detail needs to be added to these documents now to identify all important trees, hedges and landscape assets that could be impacted by the development. Mitigation principles need to be agreed now.</p> <p>Deadline 5 update – The level of detail provided to date is still considered to be inadequate as while there has been work done by the Applicant on tree survey work and tree protection the design principles document is still lacking in detail and the works and parameter plans provided and intended as control documents do not give sufficient certainty. The Council has responded numerous times on this point across various references in respect of responses on general design, historic environment and landscape and visual impacts for example see section 5 [REP4-042] and in detailed design comments to GEN 1.21 and DCO 1.56 [REP3-135]</p> <p>Deadline 9 – CBC acknowledge the tree survey information and revisions to the OLEMP provided during the course of the Examination. While safeguards are now identified for key landscaping features during construction, the level of tree removal</p>

			remains a concern particularly where these plans are near sensitive locations such as screening to listed buildings and along the southern airport boundary with Charwood Road.
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LANDSCAPE, TOWNSCAPE AND VISUAL IMPACT

Ref	Principal Issue in Question	Concern Held	What needs to change/be amended / be included in order to satisfactorily address the concern
LTVI1.	Absence of tree mitigation strategy or any acknowledgement of CBC requirements under policy CH6 in the adopted Crawley Borough Local Plan	There is no recognition of the landscape impact from the loss of trees within the DCO area and no robust measures to mitigate tree removal. Applicant needs to address this key policy and respond in this document and control documents to provide adequate mitigation. Applicant's development should comply with the requirements of policy CH6. (see West Sussex LIR including references at 8.1C, 8.67 and Section 9).	<p>Applicant needs to address this key policy provide adequate mitigation to comply with the requirements of policy CH6.</p> <p>Deadline 5 update – CBC welcome the Applicant's acknowledgement of this policy however the level of detail provided to date means that it is not yet clear if a policy compliant tree mitigation strategy is being proposed. Recent commentary on this point and tree related matters is set out within section 3.1, section 7.1 and 7.2 [REP4-042]</p> <p>Deadline 9 – The recognition of of this policy is welcomed, Condition 39 [REP8-005] is a positive addition but the wording requires refinement to fully address the policy and to secure replanting earlier in the Project . Leaving the the tree balance until 2038 to identify any shortfall is too late.</p>
LTVI 2.	Lack of controls over visual impacts for some key project sites which are in sensitive locations including those near rights of way or close to the site boundary.	Concerns held that there is no control in relation to the townscape /landscape impact (both overall scale, landscape loss and lack of understanding of context) to ensure that future development does not harm the character of the area. These are identified in Section 8 and Section 11 of the West Sussex LIR.	<p>Additional information to be provided and associated mitigation to be reviewed and amended.</p> <p>Deadline 5 update – no additional information provided which addresses this point</p> <p>Deadline 9 update- concerns remain see DAS1.</p>

<p>LTVI 3.</p>	<p>Draft Development Consent Order, Requirements and Schedule 11 documents</p>	<p>Concern remains in relation to the controls to ensure the visual impacts of the development are appropriately mitigated.</p>	<p>Applicant to provide further information in relation to proposed landscape and visual impacts and further discussion and agreement needed on DCO wording. Further information has now been set out in the West Sussex LIR for the GAL's consideration.</p> <p>Updated position (Deadline 5): CBC maintains that controls are still inadequate to control visual impacts, due to the limited level of detail in the Project documents see recent references in response to GEN 1.21 and DCO 1.56 [REP3-135].</p> <p>Deadline 9 update – Draft DCO and Requirements are still subject of discussion and concerns remain (see submission at Deadline 9) and [REP8-163] and [REP8-126] sections 14,15 and 23 in relation to design.</p>
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HISTORIC ENVIRONMENT

Ref	Principal Issue in Question	Concern Held	What needs to change/be amended / be included in order to satisfactorily address the concern
HE 3. Environmental Statement (Chapter 7: Historic Environment)	Lack of archaeological evaluation within the airport perimeter.	The scheme of archaeological investigation undertaken prior to the submission of the DCO application has been focused on areas within the proposed development that were easily accessible and has not covered all potential areas of impact.	<p>Appropriate commitment (with description and methodology) given within the Written Scheme of Investigation (Document 5.3, Appendix 7.8.2) to undertake investigations in all areas under threat from the proposed development, which have not been shown to have been disturbed/destroyed by previous development.</p> <p>Deadline 9 update: Although the submitted report detailing the history and development of the airport has resolved the majority of concerns, one site remains where it recommended that a programme of archaeological trial trenching is undertaken (after determination) - new hotel, office and multi-storey Car park – Works No. 28 (Car Park H). This has been discussed with the Applicants previously and stated again in the response at Deadline 8.</p>
HE 8.	Impact on setting of nearby listed heritage assets	There is no evidence in this submission that the setting is not harmed though visual impact or light impacts.	<p>Evidence to be provided and further information needed to understand how the proposed control documents such as the Design and Access Statement and Lighting strategy address these impacts / provide adequate safeguards for these assets. This point has been explained in more detail in Section 7 of the West Sussex LIR.</p> <p>Deadline 5 Update: This point is still unresolved see response to HE.1.1 and HE.1.3 [REP4-065]</p>

			<p>Deadline 9 – This has still not been satisfactorily addressed in respect of Charlwood Park Farmhouse and Charlwood House due to the lack of detail with the Development Principles document [REP8-090] and inconsistency with parameter plan and for Charlwood Park Farmhouse with the absence of information from project change 4 on works site 32</p>
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AGRICULTURAL LAND USE AND RECREATION

REF	Principal Issue in Question	Concern held	What needs to change/be amended/be included in order to satisfactorily address the concern
ALUR 2.	Appropriateness and adequacy of the proposed open space and recreation provision	Car Park B - Whether location is appropriate and lack of detail on the quality amenity benefit, function purpose, use and management. Museum Field – quality of provision/ usability of space and connectivity with surroundings. Further detail is set out in Section 11 of the West Sussex LIR (Car Park B 11.29 and Museum Field 11.26)	<p>Further detail needed on routes and linkages, landscaping, signposting, amenity benefit, function, timing and delivery purpose and management of these spaces. See Table 11.1C for suggested mitigation and 11.31 in relation to Museum Field.</p> <p>Updated position (Deadline 5): CBC consider there is sufficient information provided to understand the proposed delivery and maintenance of the southern part of Car Park B (which is the portion within the Borough Boundary) as open space. Subject to delivery and long term maintenance of the land being secured with appropriately worded provisions in the dDCO and OLEMP the wording of which is still under discussion, this point could be resolved.</p> <p>Museum Field – Concerns remain [see REP4-066], [REP3-135 – page 45] and [REP1-068] - chapter 11 (as referenced above).</p> <p>Deadline 9: The connectivity of Museum Field via a permissive path/crossing to Horley Road has not been acknowledged by the Applicant in its latest control documents and this is disappointing despite a positive meeting back in July [.REP7-110] L.U.2.5 This should be a clearly stated commitment for this site with the caveat that the matter is with Surrey County Council to investigate whether there are any highway safety</p>

			objections and whether a further safety audit is required.
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ECOLOGY / NATURE CONSERVATION AND ARBORICULTURE

Ref	Principal Issue in Question	Concern held	What needs to change/be amended/be included in order to satisfactorily address the concern
ENA1	The extent of loss of mature broadleaved woodland (net loss over 5 ha)	<p>Although some woodland will be re-planted along the new highway alignment it will be years before bat foraging and roosting habitat, and habitat connectivity are fully reinstated. The assessment concludes there is a significant effect on bat behaviour until new woodland planting had established. Current mitigation and compensation measures are insufficient to maintain bat foraging habitat and commuting routes over the short and medium term.</p> <p>The proposed development will result in a net loss of 3.12ha of woodland, much of this being semi-mature or mature deciduous woodland. Additional mitigation is required, if necessary off-site, for the following reasons:</p> <ol style="list-style-type: none"> 1. As a Priority Habitat, there should be no net loss of deciduous woodland 2. New woodland planting may take many decades to reach maturity and fully compensate for that lost <p>If the Project is to truly deliver 10% BNG (and meet BNG trading rules) this needs to include woodland, as woodland is a key habitat impacted by the Development.</p>	<p>The Applicant should seek additional compensation measures, if necessary off-site, to ensure no adverse impacts on broadleaved woodland habitat and bats.</p> <p>The joint West Sussex LIR (REP1-068 and REP1 – 069) makes recommendations, including advance highway tree planting. It also requests greater clarity on woodland loss and compensatory planting in the Sketch Landscape Concept Plans within the OLEMP, and further explanation of the woodland BNG calculations</p> <p>Deadline 9: The Applicant should seek additional locations for the planting of broadleaved woodland, with particular emphasis on enhancing woodland connectivity for bats. It is recognised that, due to airport safeguarding constraints, it may not be possible to plant further woodland within the DCO limits. Thus, off-site woodland creation may be required. Suitable locations might include the River Mole Biodiversity Opportunity Area (BOA), Ifield Brook BOA, Gatwick Woods BOA, and Glover’s Wood and Edolph’s Copse BOA.</p>

WATER ENVIRONMENT

REF	Principal Issue in Question	Concern held	What needs to change/be amended/be included in order to satisfactorily address the concern
WE6.	While it is understood that there is the need for GAL to attenuate water using systems that can be designed to reduce the attraction of birds	The use of concrete attenuation structures if possible be avoided.	the use of a more sustainable approach with reduced carbon footprint will be the preferred option rather than using designs with a high carbon footprint. Although, GAL has proposed in APP 078 to use soft engineering where there is a connection between the new flood compensation areas and the watercourse, but what kind of flood features will be adopted for the FCA is not stated.
WE7.	Residual risk when flood structures are overwhelmed.	While Gal has proposed several mitigation strategies as it relates to flood risk, how they intend to deal with possible residual risks in the event these structures are overwhelmed or a Possible blockage on the flow system.	The need to consider residual risk r as part of the drainage mitigation strategy is a statutory requirement and such risk should be used to inform the design especially flow paths when the drainage system is overwhelmed or there is a blockage in the system
WE9.	Overlap between drainage and ecology matters in relation to the northwest area and the impact on the river Mole	It would be good to understand the impact the drainage design and engineering solutions have on ecology in relation to matters such as sediment build up, flood overspill, de-icer storage and pollution control measures.	Further information should be provided on the management of both the drainage features and ecological mitigation measures.
WE10.	Climate change allowance for fluvial mitigation strategy	GAL has stated that a joint fluvial mitigation approach has been adopted for both the surface access and the airfield structures using a 100-year return period and 20% CC. GAL should be using a 40% CC because the 2080's epoch for GAL is up to 20132, which is 7 years more than the EA's 20125 standard for the 2080's epoch. Although the GAL has said a sensitivity test has shown that the extra 7 years will not	GAL's allowance for climate change should be 40% and not 20% because their 2080's epoch exceeds the EA standard by 7 years

		<p>have a significant impact, but this does not address our concerns and the use of a 40% CC will provide a more robust mitigation strategy.</p>	
<p>WE11.</p>	<p>Climate change allowance for Pluvial mitigation strategy</p>	<p>The surface water drainage hydraulic model has been designed for the 1% AEP event plus a 25% allowance for climate change for the airfield works, assuming a lifetime of 40 years. According to the Environment Agency guidance (Flood risk assessment: climate change allowances (2022), the drainage system should be designed for the 1% AEP event plus a 40% allowance for climate change if the lifetime of the development is 2100 or beyond.</p> <p>During ISH 7, the Applicant acknowledged that some individual elements within the airfield works may have a lifetime longer than 40 years, therefore we consider that a more extensive lifetime is used in the assessment. Additionally, there is existing airport infrastructure, which is either 40 years or older and still in use, which demonstrates that the proposed airfield works may also be in place for longer than 40 years. As such, WSCC considers that a lifetime of at least 75 years should be used and an increased climate change allowance of 40%. The Applicant should therefore design to the 1% AEP event plus a 40% allowance for climate change or provide</p>	<p>Commitment to specific targets and defined measures</p> <p>Deadline 5 update – No detailed response on this point has been provided on why the water targets set out in policy ENV9 cannot be met.</p> <p>Deadline 9: GAL's allowance for Pluvial climate change mitigation strategy should be 40% and not 25% because some of the airfield structures have a life of more than 40 years or will continue to be used and a more robust strategy using a 40% CC allowance should be used.</p>

		justification for the lifetime of the development.	
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TRAFFIC AND TRANSPORTATION

Ref	Principal Issue in Question	Concern Held	What needs to change/be amended / be included in order to satisfactorily address the concern
<p>The Council also endorses the PADSS submitted by West Sussex County Council as the Highway Authority particularly regarding the transport modelling and mitigation for impacts on the highways.</p>			
TT1.	<p>Surface Access Commitments (SACs) and the proposed controls, should the surface access mode shares not be met.</p>	<p>The CBC Position is as per that of WSCC as the 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>The SACs and associated mitigation to be reviewed and amended.</p>

		<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 SACs and drafting of DCO.</p> <p>The specific concerns, relating to the SACs include:</p> <ul style="list-style-type: none"> • Transport Forum Steering Group (TFSG) Terms of Reference – whilst the TFSG is an already established group, the DCO and proposals within the SACs are changing this group from an advisory group to a decision making one. The Terms of Reference of this group and how decisions shall be made have not been agreed between the Highway Authorities and the Applicant. It is noted that in the latest version of the SACs Commitment 14C is included which requires the Applicant to update the Terms of Reference of this group. The Highway Authority is of the view though that, as with other groups being formed as part of the DCO ie TMFDG, the ToR or the main principles of those ToR should be defined at examination. The decision making of the TFSG and how this takes place is a fundamental matter relating to the control of the development and it is not presently defined in the SACs. • ISH 9 additional controls to requirement 20 – The revised SAC's does not fully incorporate the suggested amendments the ExA made to requirement 20 as part ISH9. The targets, included by the Applicant in the latest revision 	
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		<p>of the SACs [REP8-053], are set out as interim mode share commitments.</p> <p>However, there are no restrictions on the use of airport facilities should these not be met, as was included in the ExA's suggested requirement.</p> <p>The final suggested mode split target by the ExA was, not more than 44.9% of staff travelling to the airport are car drivers in the monitored year. Should this car driver mode share be exceeded then the Applicant would not be able to use the South Terminal Office (on former car park H). This has not been included in the latest version of the SACs.</p> <ul style="list-style-type: none"> • Commitment 12 Staff Travel – This commitment requires the Applicant to introduce measures to discourage single-occupancy private vehicle use by staff. At the JLAs request the Applicant has included typical measures that could be introduced. The JLAs also requested that the measures were developed in consultation with and approved by the local highway authorities and National Highways. As presently written it only requires the Applicant to consult with the TFSG. There is therefore no independent approval body for such measures. This is considered to be akin to an applicant discharging their own condition. • Commitment 13 Sustainable Transport Fund – The Joint Local Authorities previously requested that the £10 per annum contribution towards the Sustainable Transport Fund (STF) for each Staff Car Park Pass Holder was index linked. This is to ensure that the STF is an appropriate mechanism to fund the delivery of the SACs into the longer term and that inflation 	
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		<p>does not reduce the ability of the fund to deliver appropriate interventions. This part of the fund has not been indexed linked and the Applicant has not included this request in the latest version of the SACs.</p> <ul style="list-style-type: none"> Commitment 16 Monitoring Commitments – The initial concern in relation to this commitment is that, GAL have not included wording stating that the baseline public transport services are considered to be those during 2024 and not the service levels as modelled within the DCO, and that this is not considered to be a matter that is beyond the control of GAL, which could impact on its ability to achieve the mode share commitments. <p>The JLA’s earlier concerns about the time periods being allowed, where compliance with the SACs is not being met, remain. The Applicant has provided no justification for the period of time a breach of the mode share commitments could occur, before monitoring of the modal share target, results in the need to prepare an action plan. Only when two successive Annual Monitoring Reports report show a breach does the Applicant produce the SAC Mitigation Action Plan. In the latest draft of the SACs the Applicant commits to providing the SAC Mitigation Action Plan to the TFSG within 30 days.</p> <p>Should the SAC Mitigation Action Plan not be agreed between the Applicant and the TFSG, the Applicant must submit the SAC Mitigation Action Plan and the proposed measures to the Secretary of State within 30 days of receiving TFSG’s written reasons for not agreeing to the SAC Mitigation Action Plan. The Applicant has been reduced this from the previously stated 90 days, but for the reasons set out above concerns remain that the time periods allowed, where</p>	
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		<p>the mode share Surface Access Commitments are not being met, is too long.</p> <p>WSSC also have concerns that, in theory, the SoS may be able to use whatever measures they consider as necessary, to address non-compliance with the mode share SACs, however in practice, this would not include measures to control growth at the airport. These specific concerns are set out in paragraph 8.2 of the Deadline 8 Joint Local Authorities Response [REP8-126]. Therefore, the Highway Authority considers that the only means to control growth at the airport, to ensure that it aligns with the environmental impacts forecast as part of the Applicant's Environmental Statement, is to adopt the Environmentally Managed Growth approach.</p>	
<p>TT3.</p>	<p>Surface Access Commitments – Active Travel connections</p>	<p>Enhancements to routes beyond the immediate airport connecting to wider networks, particularly improvements to NCR21 south to Crawley are essential to meet staff mode share targets, given how low current Active Travel mode share is. This is discussed at 17.92 of the West Sussex LIR. GAL's commitment to developing an ASAS to support the SAC document, and to engage with the local authorities regarding active travel infrastructure is acknowledged. However, certainty on the delivery of required improvements is needed to determine if the effectiveness of the staff active travel mode share targets are realistic.</p>	<p>Ensure improvements to active travel connections are provided (or funding and agreed commitments for delivering these)</p> <p>Updated Position (Deadline 5): CBC welcome recognition (SoCG Row 2.20.4.3) that additional active travel interventions will be delivered by the Applicant as and when necessary to support achieving the mode share commitments, particularly for staff mode share. This is more positive than the response to the same issue raised in 2.1.3.1 of the CBC/GAL SoCG.</p> <p>Updated position (Deadline 9): There are no proposed public access improvements on the PRow network as part of the Project. The Project offers an opportunity to improve a number of the footpaths locally, which has not been taken forward by the Applicant.</p>

<p>TT4.</p>	<p>Bus Priority Measures</p>	<p>Commitments made in relation to bus and coach service provision should include Route 200 (from Horsham, through Crawley’s western neighbourhoods and Manor Royal to Gatwick Airport). The Joint Local Authorities note that the Applicant’s response in the SoCG appears to focus on roads within and close to the airport, but this misses the point that improvements across the whole network should be supported. Bus priority measures across the network to reduce journey times should also be included. This is discussed at 17.32 to 17.36 of the West Sussex LIR.</p>	<p>Provide bus priority measures that achieve improvements on the wider network (or funding for these), not just roads that are within the control of the Applicant. For example, funding improvements to Route 200 continue to be considered necessary.</p> <p>Updated Position (Deadline 5): The Applicant’s updated position of April 2024 is noted and that an updated version of the Surface Access Commitments (REP3-028) has been submitted at Deadline 3. However, this revised document does not include any further mitigation in relation to bus priority measures or other sustainable transport modes. Concerns remain that no measures are to be implemented that would increase the attractiveness of alternative modes of travel that would offer time savings over use off the private car such as bus priority measures to deliver journey time savings. Concerns remain that there is insufficient mitigation and controls within the SACs (REP3-028) to ensure that the modal commitments are delivered.</p> <p>Updated position (Deadline 9): The focus of bus mitigation has been on the provision of service rather than implementing measures, within the Applicant’s control, to increase the attractiveness of alternative modes of travel, i.e. bus priority measures to deliver journey time savings.</p> <p>As per the views of WSCC as Highway Authority, CBC has concerns that no assessment as to the need for bus priority measures has been undertaken and that no specific infrastructure improvements, such as</p>
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			<p>bus priority, has been proposed to increase the attractiveness of bus travel.</p> <p>The wording in the Airports NPS requires the number of journeys via sustainable modes to be maximised as much as is possible. If these measures have not been considered or implemented it is not evident if trips via bus are being maximised. Based on the mitigation currently proposed, the mechanism to secure bus priority measures would be through the Transport Mitigation Fund.</p>
TT9.	CoCP and OCTMP	<p>Concern about the lack of detail and clarity in the CoCP and CTMP. Limited information provided by Applicant in SoCG to be submitted at D5 suggesting possible criteria for when contingency routes will be able to be used reaffirms these concerns.</p>	<p>Updated Position (Deadline 9): Crawley Borough Council continues to have concerns about the risks associated with construction traffic utilising routes through Crawley's AQMA from the J10 of M23.</p> <p>Information requested by the Council at the July TWG for detailed criteria for use of this contingency route has not been provided. The Council does not consider the use of contingency access "when primary access is impaired" is sufficiently clear and may lead to wide interpretation and inadequately controlled access through the AQMA. The Council maintains its position that detailed restrictions for contingency access should be provided in the oCMTP to give assurance that the final CMTP will be substantially in accordance with any agreed prohibitions.</p>
TT13.	Permitted Development Rights	<p>GAL has extensive permitted development rights which include the provision of parking, and the Council is concerned that there is no control through the DCO or proposed s106 agreement to prevent these being used</p>	<p>Updated Position (Deadline 5): The council continues to consider that the removal of permitted development rights is the only way to ensure it can effectively control the provision of future airport parking and ensure that Gatwick provides sufficient but no more</p>

		<p>to create an overprovision of parking in the future, undermining the surface access commitments.</p>	<p>parking than is required to support its sustainable strategy for airport access. Concerns remain that there is insufficient mitigation and controls within the SACs (REP3-028) to ensure that the modal split commitments are delivered. This matter is subject to ongoing discussion through negotiation on the S106 agreement</p> <p>Updated position (Deadline 9): CBC welcome the proposed New Requirement 1, which would remove permitted development rights related to airport parking. However, it is considered that additional clarity could be added by incorporating reference within the requirement to the number of parking spaces referred to under Requirement 37. This would then mean that New Requirement 1 is clear in setting out that no additional car parking shall be provided at the airport, beyond the 53,260 car parking spaces, unless otherwise permitted by CBC. This is further discussed in the Deadline 9 response submitted by the Joint Legal Authorities.</p>
<p>TT14.</p>	<p>Baseline parking assumptions</p>	<p>Robotic Parking: Do not agree with the applicant's assumption that 2,500 robotic parking spaces can form part of the baseline. This would significantly increase parking capacity beyond the 100 space temporary three-month trial and would significantly increase parking capacity, the full highway impact of which would need to be properly assessed. The Applicant appears to be assuming that all 2,500 parking spaces can be taken as a given at this stage. However, this assumption is made some way in advance of individual Permitted Development Rights (PDR) consultations that GAL advise would be submitted in 2024/25/26. Given that each of those PDR consultations would be expected to be supported by sufficient evidence to demonstrate 'sufficient but no more parking' than is needed to ensure GAL's mode share obligations can be met, it is</p>	<p>The applicant should not be assuming for an increase of 2,500 passenger spaces through robotic parking in its baseline – this should form part of the DCO itself.</p> <p>Updated Position (Deadline 5): The council remain of the view that the 2,500 passenger spaces proposed through robotic parking should form part of the DCO. Given that the Applicant has previously advised PDR consultations on robotic parking will be submitted in 2024/25/26, it is questionable whether these parking changes will come forward in advance of the DCO, which (if consented) would likely be in place from 2025.</p>

		<p>not considered appropriate for GAL to simply assume, without providing justification through evidence, that 2,500 robotic spaces coming forward through PDR can be considered as forming part of the baseline. It would be more appropriate if GAL were to include this parking as part of the DCO. This is discussed further at 17.68 and 17.69 of the West Sussex LIR.</p>	<p>Updated position (Deadline 9): CBC retains its concern that the 2,500 robotic spaces should form part of the DCO rather than the ‘without project’ baseline.</p>
<p>TT15.</p>	<p>Hotel parking</p>	<p>The Authorities (particularly Crawley Borough Council) have concerns regarding the need to ensure that Control Documents include adequate controls on the provision of additional on-airport parking at hotels and offices.</p>	<p>The Authorities’ view is that any such (i.e. hotel-related) parking should be operational parking only so as to support the Applicant’s Surface Access Commitments. This is particularly important as the hotels will, in due course, exist as commercial operations operated by other parties and so there is no reason that they should be exempt from the Local Planning Authorities wider policies in relation to car parking merely by virtue of their conception under the DCO for authorising consent.</p> <p>Updated position (Deadline 5): CBC note the Applicant’s response (SoCG Row 2.20.5.6) confirming that no additional parking is proposed or assumed for any new hotels in relation to the Project. The council would re-state its view that controls will be required to prevent hotel parking (except for operational spaces) being created in future, and there would need to be some way any future operator would be signed into the airport surface access commitments</p> <p>Updated position (Deadline 9): CBC note that the Applicant has confirmed that no additional parking is proposed for any hotels or commercial floorspace related to the Project. However, the Authorities note that this is not currently secured by way of a</p>

			<p>Requirement. As for Row TT13 above, incorporating the R37 parking cap number into New Requirement 1 would provide additional clarity to ensure that Permitted Development Rights would be removed to ensure the number of car parking spaces is capped at 53,260. This would provide comfort that further parking at hotels, in excess of the R37 cap, could not be brought forward through permitted development rights. This is further discussed in the Deadline 9 response submitted by the Joint Legal Authorities.</p>
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AIR QUALITY

REF	Principal Issue in Question	Concern held	What needs to change/be amended/be included in order to satisfactorily address the concern
AQ1.	Air Quality and Emissions Mitigation Guidance for Sussex	<p>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.</p> <p>The approach taken by the Applicant is not consistent with the principles of the Sussex Guidance, (local Policy ENV12) to address the impact of emissions from the development at a local level proportionate to the value of the damage to health.</p>	<p>Additional mitigation measures to address local air quality impacts, proportionate to damage costs of the scheme to be provided in accordance with the Sussex Guidance.</p> <p>The proposed mitigation to be provided through an Air Quality Action Plan secured by s.106 agreement, or a control document by Requirement in the Draft DCO.</p> <p>Updated Position (Deadline 5) The draft Air Quality Action Plan submitted by GAL [REP2 -004] fails to address local air quality impacts in line with the Air Quality and Emissions Mitigation Guidance for Sussex by identifying additional mitigation to the value of the damage cost to health.</p> <p>The JLAs have addressed this point in their D4 response [REP4-042] and detailed review of the AQAP [REP4-053].</p> <p>A response from GAL is awaited to further progress this area of disagreement. It is anticipated that further progress can be made before the next Examination Deadline.</p> <p>Updated Position 12-08-24</p> <p>The Council maintains its position that the impacts of Project related emissions have not been adequately addressed in line with the principles of the Sussex Guidance (local Policy ENV12).</p>

			<p>The Sussex Guidance specifies that, even where air quality standards are met, the health effects of additional pollution <i>emissions</i> as a result of the Project should be mitigated to the value of the damage costs.</p> <p>The Damage costs are based on the health impact of a unit of air pollutant on mortality and morbidity from the Project related emissions. They are used to provide a monetary value when assessing the effects of air pollution within the economic appraisal (LAQM TG22 and PG 22).</p> <p>The Applicant has calculated this cost to society as £83.5m but has not provided any costings for the proposed mitigation to define the level of these measures within the air quality action plan in line with the guidance.</p> <p>Since the surface access commitments have already been taken into account in the assessment of air quality impacts (embedded mitigation), the value of the remaining operational mitigation being proposed in the AQAP should be shown to offset the damage costs as set out within the Sussex Guidance.</p>
AQ2.	Air Quality Action Plan (AQAP)	<p>Updated Position (Deadline 5) A draft AQAP (Annex 5 of draft s106 [REP2-004]) was provided by GAL on 26 March 2024. Disappointingly, the draft AQAP simply summarises the measures within the carbon action plan, surface access commitments and construction code of practice, with no commitment to additional targeted measures. No additional information has</p>	<p>A combined operational air quality management plan should be provided which specifically focuses on local air quality, and which draws together measures aimed at local mitigation to reduce the health impacts from emissions, in addition to those outlined in the SAS and the CAP.</p> <p>Updated Position (Deadline 5) Many of the measures in the draft AQAP are embedded in the design and therefore already</p>

		<p>therefore been provided which addresses the Council’s concerns.</p> <p>The CAP and ASAS do not specifically or adequately address air quality mitigation measures based on health, and both lack the means to measure short-term exposure or provide monitoring to check compliance.</p>	<p>accounted for in the modelling (such as surface access mode share). Consequently, the air quality/health impacts of the Project (represented by the £83.5m damage costs) are those impacts that arise after the embedded mitigation has been considered. The Authorities would therefore expect to see an indication of which measures in the AQAP are ‘embedded mitigation’ so that it is possible to identify how much additional mitigation is needed to offset emissions from the Project at a local level proportionate to the value of the damage to health.</p> <p>The Joint Local Authorities have submitted a detailed review of GALs Draft AQAP [REP2 - 004]. Please see REP4-053 for this detailed review. Without a response from GAL further progress cannot be made to update this area of disagreement. It is anticipated that further progress can be made before the next Examination Deadline.</p> <p>Updated Position 12-08-24. The proposed air quality action plan [REP6-063- Appendix 5] has done little to address the points raised above or set out in the JLAs detailed review of GALs Draft AQAP [REP4-053]</p> <p>The Applicant’s draft AQAP is essentially a retrospective reporting and updating document. It lacks the forward-looking element required of a plan and does not identify which measures are already embedded mitigation and therefore technically not mitigation (since they have already been accounted for in the assessment of impacts - such as the surface access commitments). It also does not identify what level of air quality improvement may be achieved from the proposed measures, or the value of the measures proportionate to the damage costs of the Project.</p>
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			<p>The Council's position remains that the Applicant's proposed AQAP is not adequate for the purpose of identifying and monitoring the effectiveness of mitigation measures for the air quality impacts of the authorised development. (ANPS 5.35 to 5.41)</p> <p>The ExA's proposed Requirement for an air quality monitoring and management plan is welcomed. The additional requirement for the plans to be approved by the Council would help secure an effective air quality management framework.</p>
AQ3.	Dust Management Plan (DMP)	<p>Updated Position (Deadline 5) A draft Dust Management Plan [No Examination Ref] has been shared with the JLAs on 26 March 2024. This is welcomed by the Council, however, there are a number of key issues within the draft DMP that are missing or need further clarification. These are outlined in the JLAs detailed review of the DMP [REP4-053]</p>	<p>The applicant proposes a DMP once detailed design plans are available. However, there is no reason why a DMP or outline DMP cannot be produced at this stage since construction compound locations and transport routes have been provided. A DMP is therefore requested for the examination, and to provide additional confidence in the control measures and monitoring for the construction phase.</p> <p>Updated Position (Deadline 5) The Joint Local Authorities have submitted a detailed review of GAL's draft DMP [No Examination Ref]. This review [REP4-053] identifies a range of issues that remain unresolved areas of concern, including: identifying high risk locations, monitoring locations, dust soiling assessment techniques, suitably qualified assessors, procedures and data sharing.</p> <p>Without a response from GAL to the DMP review (and any updated DMP committed to by GAL for Deadline 5 [REP4-033]) further progress cannot be made to update this area of disagreement. It is anticipated that further</p>

			<p>progress can be made before the next Examination Deadline.</p> <p>Updated Position 16-08-24</p> <p>A review of the Deadline 8 Submission '5.3 Environmental Statement Appendix 5.3.2 Code of Construction Practice - Annex 9 - Construction Dust Management Strategy (CDMS) - Version 2 (Tracked)' [REP8-047] indicates that the majority of remaining changes required have been implemented. However, there remains two aspects of the updated CDMS that have not been addressed. The two aspects not addressed by the Applicant in the updated CDMS are the absence of a proactive approach to informing the Councils when there are dust complaints and the absence of an approach to share data in real time (or near real-time) for automatic particulate monitoring (e.g. Osiris monitoring). These are both points previously raised by the Councils in previous submissions e.g. [REP3-117] and the most recent technical working Group (5th July2024).</p> <p>The proactive sharing of dust complaints and monitoring data is particularly important given the availability of the Article 49 defence to proceedings in respect of statutory nuisance (ANPS 5.231).</p> <p>It has also been noted that visual observations are listed to be undertaken on a weekly frequency (paragraph 5.7.1). Inspections should be undertaken on a daily basis as per IAQM (2018) guidance (para 4.7) which states that visual inspections "<i>should be conducted at least once on each working day</i>".</p>
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			<p>Additionally, it is noted that a review of the CDMP will be undertaken on a 3 monthly basis with any new controls to be agreed and implemented in a new strategy (paragraph 5.6.7). Text should be added to this paragraph to require issuing of any new updated strategy to the local authorities for approval.</p> <p>Lastly, paragraph 5.8.3 identifies the possibility that unacceptable dust emissions may occur despite additional mitigation measures but <u>requires only that “consideration should be given” to taking action</u>. This paragraph should be strengthened to read ‘In the event that unacceptable dust emissions continue, despite the additional mitigation measures, site operations will be modified in liaison with the local authority, and site operations temporarily suspended until the issue can be resolved.’</p> <p>On this basis, whilst the progress made with Applicant is welcome, the CDMS remains an area of disagreement. Further additions outlined above should be made to the CDMS to address these concerns.</p>
AQ4.	Construction Traffic Management Plan (CTMP)	Section 6.5 of the CTMP (Restrictions and Monitoring) identifies risks associated with construction traffic utilising routes through the J10 M23 and Hazelwick Air Quality Management Areas in Crawley. Reference is made to a monitoring system that ‘it is envisaged’ will be developed in the full CTMP. However, no details on this monitoring system are provided to help understand how this would protect air quality. It is also unclear if the plan takes into account additional traffic associated	<p>Further details are requested during the examination on the proposed monitoring system and how this would protect air quality in Crawley’s AQMA. More clarification is required regarding the additional traffic that would be expected in the future situation.</p> <p>Updated Position (Deadline 5) No additional information has been provided which address these points.</p> <p>Outstanding areas of concern relating to air quality matters (including matters within the</p>

		<p>with the natural growth of airport traffic, or additional traffic growth associated with the additional capacity already created in the first phase of construction.</p>	<p>CTMP), were provided by AECOM on behalf of the JLAs at Deadline 3 [REP3-117 – Appendix A]. GAL's states [REP4-031 para 3.7.7] that its response to these air quality concerns will be provided by Deadline 5.</p> <p>Without a response from GAL to these technical air quality issues the Council is unable to update the resolution status of concerns relating to the CTMP.</p> <p>Updated Position – 12-08-24</p> <p>Further information (as described above) requested by the Council to show how monitoring will be used to identify any deviation from the expected impacts has not been received. Detailed monitoring requirements should be provided in the outline plans to provide assurance that the final CMTMP and CWTP will be substantially in accordance with any agreed monitoring plans</p> <p>The Council continues to have particular concerns that the lack of detailed restrictions for contingency access through Crawley's AQMA at J10 M23 will result in significantly increased traffic volumes passing through its AQMA.</p> <p>The Council maintains its position that contingency access needs to be tightly controlled to protect air quality. The use of restricted routes when "<i>primary access is impaired</i>" is insufficiently clear and may lead to wide interpretation and inadequately controlled access.</p> <p>To ensure controls will be substantially in accordance with the outline construction traffic management plan, the Council would welcome</p>
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			<p>a framework of defined thresholds for the authorised use of a contingency access to be provided and secured through the oCTMP, within the DCO.</p>
AQ5.	Operational Air Quality Monitoring	<p>CBC has concerns regarding the measurement accuracy of the AQ Mesh low-cost sensors which the applicant is proposing to use to monitor operational phase impacts. AQ Mesh monitors are not approved by Defra for the monitoring of air quality in line with Local Air Quality Monitoring guidelines (equivalence reference method criteria for continuous monitoring) particularly with regards to short term level exceedances. As such they are not sufficient to demonstrate compliance with air quality standards. This introduces uncertainty on how air quality will be evaluated and reported to the council, which in turn reduces transparency on the effectiveness of measures relied upon to improve air quality.</p>	<p>Further information is requested to understand how air quality will be monitored, evaluated and reported to local authorities, along with the further steps that would be taken should air quality exceed short term limits or deteriorate further than predicted. CBC would welcome a commitment from the applicant to use monitoring equipment that meets the equivalence reference method.</p> <p>Updated Position (Deadline 5) Outstanding areas of concern relating to air quality, were provided by AECOM on behalf of the JLAs at Deadline 3 [REP3-117 – Appendix A].</p> <p>GAL's states [REP4-031 para 3.7.7] that its response to these air quality concerns will be provided by Deadline 5.</p> <p>Without a response from GAL to these technical air quality issues the Council is unable to update the resolution status of concerns relating to operational air quality monitoring.</p> <p>Updated Position 16-08-24</p> <p>Operational odour monitoring is addressed in the Applicant's <i>Odour Monitoring and Management Plan (OMMP) - Version 2 (Tracked)</i> [REP8-101]. However, the Council remains concerned that almost all of the IAQM (assessment of odour for planning v1.1, July 2018) best practice methodology, is either</p>

			<p>absent or addressed only at a very high level in the Applicants proposed OMMP, despite the IAQM guidance being referenced and relied upon by the Applicant in their ES [APP-038].</p> <p>The recommended elements within the guidance expected in an OMMP include: Essential Site Details, Routine Controls Under Normal Conditions, Reasonably Foreseeable Abnormal Conditions and Additional Controls, Triggers For Additional Controls and Checks on Effectiveness and Management of Good Practice.</p> <p>The Council maintains its position that the Applicant has not demonstrated a clear enough understanding of odour sources and their dispersion to develop a robust plan. This is because the Applicant has only presented a risk-based review [APP-038] rather than a quantitative assessment. This is despite complaints received over an extended duration at Gatwick before any further expansion of operations.</p> <p>On this basis, whilst the progress made with Applicant is welcome Operational odour therefore remains an area of concern. Further quantitative assessment and an enhanced odour management and monitoring plan, which should be agreed with the Councils, is needed.</p>
AQ7.	Surface Access Commitments and Controlled Growth	There is insufficient information and a lack of sensitivity testing to clearly demonstrate how differing levels of modal shift attainment could impact future air quality predictions.	Further information is needed to understand how reliant on modal shift assumptions future air quality predictions are. Further information on the performance indicators to deliver against targets, and how the monitoring strategy should be linked to controls if modal shift targets aren't met.

		<p>CBC has concerns over whether the modal shift can be achieved, and if this is not achieved what the air quality effects may be.</p> <p>CBC continues to have concerns that there are no effective control measures in place to restrict growth if mode share targets are not achieved. Air quality impacts have been calculated based on the Applicants target surface access parameters, if these targets are not achieved then the predicted air quality and emissions impacts for the Project will be under reported.</p>	<p>To ensure that surface access commitments are met for mode share, and that air quality is not compromised by unchecked traffic growth, CBC consider that a controlled growth approach, which would restrict growth until mode share targets for surface access are met, should be adopted by the Applicant.</p> <p><u>Updated Position (Deadline 5)</u></p> <p>The Joint Local Authorities submitted a proposal for an Environmentally Managed Growth Framework at deadline 4 [REP4-050] and a further updated EMG framework is provided by the JLAs for Deadline 5. Response from GAL is awaited to progress resolution on the Council's concerns regarding controlled growth.</p> <p>It is anticipated that further progress can be made before the next Examination Deadline.</p> <p>Updated Position 16-08-24</p> <p>The Council continues to have concerns that if modal shift targets are not achieved or 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. The EMG approach would be clearly linked to air quality monitoring.</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</p>
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			<p>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> <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.</p>
<p>AQ8.</p>	<p>Assessment Scenarios (including 2047 Full Capacity)</p>	<p>The scenarios assessed in Chapter 13 of the ES (Listed para13.5.23) do not provide a realistic worst-case assessment. This is particularly the case for those scenarios where both construction and operational activities are underway at the same time, but the assessment has treated them separately.</p> <p>The same concerns apply to the emissions ceiling calculations as to how realistic these are, particularly when there are construction and operational activities ongoing, and the emissions ceiling calculations treat these separately. In addition, there is no operational assessment for the final full-capacity assessment year of 2047, as per ANPS (para 5.33) which identifies the need to include assessment when at full capacity.</p>	<p>Clarification is required as to how the selection of assessment years and their configuration re operational and construction was made and how this aligns with the requirements of the ANPS.</p> <p>A modelled assessment for the final full-capacity assessment year of 2047 is requested.</p> <p>Updated Position (Deadline 5) Outstanding areas of concern relating to air quality, were provided by AECOM on behalf of the JLAs at Deadline 3 [REP3-117 – Appendix A].</p> <p>GAL's states [REP4-031 para 3.7.7] that its response to these air quality concerns will be provided by Deadline 5. The Council is awaiting a response from GAL to these technical air quality issues.</p> <p>Further concerns have been identified with regards to how the Applicant has conducted its assessment in the ES of the worst-case Project effects on the road network and air quality from the combined operational and</p>

			<p>construction activities for the 2029 with Project scenario. These concerns are outlined in more detail in CBCs Statement of Common Ground response (Air Quality Table 2.2 reference 2.2.4.3) for Deadline 5.</p> <p>The Council will await a response from GAL to these concerns which have implications not only for the air quality effects of the Project in 2029 but also for other environmental impacts including noise, traffic and the future baseline.</p> <p>Updated Position – 16-08-24</p> <p>The Applicant has provided information on road traffic emissions in 2047, but the impact of airport emissions, which will be of increased relative importance in 2047, have not been modelled for the airport at full capacity.</p>
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NOISE AND VIBRATION

REF	Principal Issue in Question	Concern held	What needs to change/be amended/be included in order to satisfactorily address the concern	
Legislation, policy and guidance				
NV1.	Local planning policies	Local planning policies are covered in Table 14.2.2 but no information is provided on how these policies are addressed in the ES.	<p>Details should be provided on how local planning policies are addressed in the ES.</p> <p>Updated position (Deadline 9): The Applicant has not provided any information to address concerns that no regard has been given to local planning policies.</p>	
Assessment of significant effects – Construction Vibration				
NV3.	Assessment of vibration effects from road construction	Potential exceedances of the SOAEL are identified in the assessment of vibration emissions from compactors and rollers.	<p>The Applicant should provide information as to how potential vibration impacts would be managed and levels monitored/controlled to ensure that the SOAEL is not exceeded in practice</p> <p>Updated position (Deadline 9): The Applicant has not addressed concerns that local communities would be exposed to vibration levels exceeding the SOAEL during construction activities.</p>	
Assessment of significant effects – Air Noise				
NV5.	Only 2032 assessment year is assessed as a worst-case	The assessment of air noise only covers 2032 as it is identified as the worst-case; however, identification of significant effects for all assessment years should be provided.	Identify significant effects during all assessment years to help understand how communities would be affected by noise throughout the project lifespan.	

			<p>Updated position (Deadline 9): The Applicant has not provided enough detail on temporal noise effects that would occur throughout the lifespan of the project. As such noise effects are not understood to the required level of detail.</p>	
NV6.	<p>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 ground noise through consideration of the secondary L_{Amax}, overflight, L_{den} and L_{night} noise metric; however, no conclusions on how this metric relates to likely significant effects have been made so the use of secondary metrics in terms of the overall assessment of likely significant effects is unclear.</p>	<p>Provide some commentary about how secondary metrics relate to likely significant effects and whether the assessment of secondary metrics warrant identifying a likely significant effect.</p> <p>Updated position (Deadline 9): CBC are 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 relevant information provided regarding overflights.</p>	
NV7.	<p>No details of the noise modelling or validation process are provided. No details of measured Single Event Level or LAS_{max} noise data from the Noise-Track-Keeping are provided</p>	<p>It is difficult to have any confidence in the noise model without any provision of the assumptions and limitation that have been applied in the validation of the noise model and production of noise contours. Measured Single Event Level and LAS_{max} noise data should be provided for individual aircraft variants as it is key information used when defining the aircraft noise baseline.</p>	<p>Details of the validation process, noise modelling process along with any assumptions and limitations applied should be provided. This should include Single Event Level and LAS_{max} noise data for individual aircraft variants at each monitoring location used for validation.</p> <p>Updated position (Deadline 9): CBC are extremely disappointed with the Applicant’s position on this matter. 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 LAS_{max} noise data after the CAA confirmed that the data was</p>	

			NOT confidential. The CAA are also willing to share a comparison of 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.	
Assessment of significant effects – Ground Noise				
NV8.	The assessment of ground noise should also consider the slower transition case as per the aircraft noise assessment. It is not clear why 2032 is considered worst-case for ground noise. Ground noise contours are not provided.	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 identified in the Central Case assessment. Whilst 2032 provides the highest absolute noise levels, there appear to be larger increases in noise as a result of the proposed development at some receptors during other assessment years. Noise contours have been provided for aircraft noise and road traffic noise, but no noise contours are provided for ground noise. These contour plots should be provided to allow better understanding of ground noise effects for each assessment year and scenario. It would be expected that LAeq and LAmx contour plots are provided.	An assessment of Slower Transition Case ground noise effects should be provided to identify the potential for exceedances of the SOAEL at sensitive receptors. Likely significant effects for all assessment years should be identified in the ground noise assessment. Provide LAeq and LAmx noise contour plots to supplement the ground noise assessment. Contour plots should be provided for Do-minimum and Do-something scenarios for each assessment year. Updated position (Deadline 9): The Applicant has submitted SOAEL ground noise contours for the day and night period of the 2032 slower transition fleet [REP6-065] but have dismissed any requests to provide contours from LOAEL up for all scenarios contours ground noise showing the change in ground noise within the area covered the relevant LOAEL contour so that effects can be fully understood. The Applicant has refused to acknowledge that engine ground running (30-60 minute activity) should not be assessed using the LAmx metric and is more appropriate to be assessed using the LAeq,T metric. This is particularly concerning given the potential for unmitigated ground noise events to	

			occur at the western end of the Juliet runway when there is no barrier/ bund in place.	
The Noise Envelope				
NV10.	Sharing the benefits	<p>Paragraph 14.2.44 – sharing the benefits has been removed from the ES. This is a fundamental part of the Noise Envelope so it should be demonstrated how benefits of new aircraft technology are shared between the airport and local communities.</p> <p>There is no incentive to push the transition of the fleet to quieter aircraft technology. This means that the Noise Envelope allows for an increase in noise contour area on opening of the Northern Runway.</p> <p>The Applicant 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>Details on how noise benefits are shared should be provided in accordance with policy requirements set out in the Aviation Policy Framework.</p> <p>Noise contour area limits should be based on the Central Case.</p> <p>There should be no allowance for the Noise Envelope limits to increase</p> <p>Updated position (Deadline 9): The Applicant has provided information on sharing the benefits; however, CBC do not accept the method applied and information should be provided on a ‘no growth’ scenario as per the Planning Inspectorates Scoping Report (para 2.3.13 Appendix 6.2.2 [APP-095]).</p> <p>The Applicant has not addressed concerns that there is too much flexibility in the Noise Envelope through allowances for contour limits to increase. CBC support the JLAs submitted a proposal for Environmentally Managed Growth [REP4-050] and support the ExA’s proposed Requirement for ratcheted reductions as set out in R15/R16 .</p>	
NV11.	CAA to regulate the Noise Envelope	<p>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>A mechanism should be included to allow the host authorities to scrutinise noise envelope reporting and take action in the case of any breaches</p> <p>Updated position (Deadline 9): The Applicant has not addressed concerns that the host authorities have no scrutiny role as part of the Noise Envelope.</p>	

<p>NV12.</p>	<p>Prevention of breaches</p>	<p>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. No details are provided on what kind of actions are proposed for an action plan to achieve compliance. 24 months of breach would be required before capacity declaration restrictions for the following were adopted so it would be three years after the initial breach before capacity restrictions were in place. Capacity restrictions would not prevent new slots being allocated within the existing capacity and is not an effective means of preventing future noise contour limit breaches if a breach occurred in the previous year.</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. Adoption of thresholds that prompt action before a limit breach occurs would provide confidence in the noise envelope. Slot restriction measures should be adopted in the event of a breach being identified for the previous year of operation Updated position (Deadline 9): The JLAs submitted a proposal for Environmentally Managed Growth [REP4-050].</p>	
<p>Noise Mitigation</p>				
<p>NV13.</p>	<p>Securing of noise mitigation measures and noise limits, including timing of implementation</p>	<p>No clear mechanism is provided for how noise mitigation measures and some noise limits (e.g. plant noise limits) are to be secured. The timing of implementation of such mitigation measures is also important and needs to be appropriately secured. This is important to ensure that new mitigation measures are installed in advance of increased activity, changes in operations, or removal of any existing mitigation measures,</p>	<p>Details of how mitigation measures detailed in the assessments are to be secured should be provided. This should include details of the timing when each such mitigation measure will be installed and how this timing is secured. Where new mitigation measures are being proposed to replace existing measures which are to be removed, an assessment of predicted noise levels and likely impacts during any intermediate phase during the works should be provided. Updated position (Deadline 9): Construction noise barriers used to avoid significant construction noise effects are not secured in the DCO so cannot be relied upon in the</p>	

			<p>assessment. The Applicant has made no attempt to address this matter.</p> <p>Temporary effects during the period after demolition of the existing barrier until when the new barrier/ bund is complete have not been appropriately assessed by the Applicant.</p> <p>The proposed replacement bund is smaller than the existing bund, which directly contradicts the third aim of the NPSE to improve health and quality of life.</p>	
Noise Insulation Scheme				
NV14.	Noise insulation scheme details	<p>How would the noise insulation scheme prioritise properties for provision of insulation. Residents of properties within the inner zone will be notified within 6 months of commencement of works; however, it is not clear what noise contours eligibility would be based upon. Is noise insulation in the Outer Zone restricted to ventilators or will the occupier have flexibility to make alternative insulation improvements? Schools are included in the Noise insulation Scheme, but it is unclear if other community buildings (e.g. care homes, places of worship, village halls, hospitals etc.) would be eligible for noise insulation.</p> <p>It is unclear how noise monitoring would be undertaken to determine eligibility through cumulative ground and air noise.</p>	<p>Provide details on how the scheme would roll out. Clarify what noise contours would be used to define eligibility. Clarify on the flexibility of the noise insulation scheme. Provide details on what community buildings would be eligible for noise insulation and what level of insulation would be provided. 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>Updated position (Deadline 9): The Applicant has provided information regarding the timing of noise insulation scheme rollout. However, concerns about the ground noise insulation scheme have not been addressed. The Applicant has refused to extend the scope of the ground noise insulation scheme to the outer Zone. The Applicant has continually benchmarked against the Luton Airport Expansion project but rejects</p>	Uncertain.

			any comparison to the Luton Airport ground noise insulation scheme, which extends to the 55dB LAeq,16h and 45dB LAeq,8h contours.	
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CARBON AND GREENHOUSE GASES

REF	Principal Issue in Question	Concern held	What needs to change/be amended/be included in order to satisfactorily address the concern
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No Commentary

CLIMATE CHANGE

REF	Principal Issue in Question	Concern held	What needs to change/be amended/be included in order to satisfactorily address the concern
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No Commentary

LOCAL ECONOMIC AND SOCIO-ECONOMIC IMPACTS

REF	Principal Issue in Question	Concern held	What needs to change/be amended/be included in order to satisfactorily address the concern	
Document name: Environmental Statement Appendix 17.9.3: Assessment of Population and Housing Effects				
LESE 20.	Vacant properties	In paragraph 6.2.3-6.2.4 the Applicant provides an analysis of vacant properties, which implies that bringing these back into use will help meet the demand generated by non-home based workers. There is no analysis of why these properties are vacant, length of time vacant and barriers bringing them back into use.	<p>A more robust assessment of the current private rented market is required. The Applicant needs to consider how it can help to bring these properties back into use, both in the short term by the non-home based workers but also by bringing a benefit to local areas and bringing properties back into use by local population once construction is complete.</p> <p>Updated Position (Deadline 5): No change.</p> <p>Updated Position (Deadline 9): Whilst CBC agree that use of Census 2021 data is broadly robust, there are pressures in the private rented sector which have increased since the Census 2021, which reflected unprecedented changes to the housing market arising from the Covid-19 pandemic, whereby there was a greater than normal availability of PRS. Therefore vacancy is more limited than the data suggests. Pressure is felt through shorter void periods and high demand per unit on the market, albeit data is</p>	

			<p>limited. The need to place asylum seekers in either the PRS or hotels has added to the pressures. There is a risk that increased demand for PRS housing and hotels arising from the construction phase of the Project could make the homelessness position worse. In light of this, a Homelessness Prevention Fund has been agreed within the s106 which the council can draw down from based on evidence of impacts on the housing market.</p>	
<p>Document name: Appendix 17.9.2 Local Economic Impact Assessment</p>				
<p>LESE 29.</p>	<p>Additionality assumptions</p>	<p>It is unclear to what extent additionality assumptions have been accounted for in the estimates of GVA and employment effects including direct, indirect, induced and catalytic effects. Paragraph 6.3.5 states that estimating net direct, indirect and induced impacts requires assumptions on displacement that are difficult to determine robustly. Whilst it is acknowledged that estimating levels of displacement can be tricky, assumptions can still be applied through the application of a precautionary approach and use of benchmarks.</p> <p>This is further discussed in Appendix F of the West Sussex LIR.</p> <p>Please note: Work is ongoing between York Aviation and the Applicant regarding a joint local authority SoCG on operations/capacity and needs/forecasting. As this is a work in progress, the PADSS for these elements have not been updated but will be at Deadline 5, when the ExA request this is next submitted into the Examination.</p>	<p>The Applicant to clarify its approach to additionality. The Applicant should apply displacement (and other additionality assumptions) to the various calculations to align with Green Book guidance.</p> <p>Updated Position (Deadline 5): CBC note that agreement has been reached (please see SoCG Row 2.19.2.1) as to the methodology for operational employment and GVA, i.e. on-site employment, indirect and induced employment and the associated GVA. This element of disagreement can be removed.</p> <p>This is distinct from any issues regarding the local impact of that employment and the implications for housing, employment and training, as well as considerations of construction employment and the wider catalytic impact of the airport</p>	<p>Low</p>

			<p>on other business growth and employment. These matters are all subject of ongoing discussion.</p> <p>Updated position (Deadline 9): Although further discussions have been held, there has not been any productive progress on this outstanding area of disagreement since the submission of Statements of Common Ground at Deadline 5.</p> <p>In overall terms, there remains concern that aspects of the benefits may have been overstated, particularly in terms of the national level economic benefits and this could weigh too highly in the planning balance.</p> <p>At a more local level, there is concern that the catalytic benefits to local employment are simply not robust and appear more likely to have been overstated. It remains uncertain whether the assessment of these effects represents a worst case in terms of the economic benefits to be realised nor broader consequences. This links to the absence of any robust sensitivity testing of the demand forecasts, again meaning that a reasonable worst case cannot be assessed in terms of either downside risks to benefits or upside potential to effects.</p>	

CUMULATIVE ASSESSMENT AND IMPACTS

REF	Principal Issue in Question	Concern held	What needs to change/be amended/be included in order to satisfactorily address the concern
CA1.	Lack of support for the Crawley Western Multi-Modal Transport Link	<p>It is unclear to what extent the transport impacts of the development at West of Ifield have been considered alongside the construction phase of the Project. The Applicant indicates that it has not been considered necessary to include a cumulative assessment which includes the scheme. The Authorities do not agree with this decision by the applicant and consider there is the potential for unassessed and unmitigated impacts. The Transport Assessment (para 15.5.24 and 18.7.5) acknowledges the modelling shows traffic may take a route on the west side of the Airport from Ifield Avenue in Crawley via Bonnets Lane, these routes are adjacent to the West of Ifield site. There are a number of highways works associated with the West of Ifield scheme, in particular a multi-modal route which the West Sussex Transport Plan and the Crawley Borough Local Plan 2023-2040, Main Modifications Consultation Draft February 2024, identify as an Area of Search. GAL's support for the Crawley Western Multi-modal Transport Link is necessary to alleviate this future impact. West Sussex LIR Paras 19.28 to 19.32 refer.</p>	<p>Provide support, in policy terms and potentially financially, for the Crawley Western Multi-Modal Transport Link to enable developers to alleviate this impact should development West of Ifield come forward. Updated Position Deadline 5; No change Updated Position Deadline 9: No Change</p>
CA2.	Safeguarding for a future southern runway should be removed if the NRP is approved	Safeguarding for a potential future southern runway significantly impedes the ability of Crawley to meet its development	Confirm that GAL will not pursue the requirement for safeguarding

		<p>needs for housing, employment and noise sensitive supporting infrastructure such as schools. GAL is not actively pursuing this option and, given growth through the Project continues to 2047, it would be unlikely a southern runway would be needed until around 2050 at the earliest. West Sussex LIR Para 18.81 refers.</p>	<p>Updated Position Deadline 5; No change Updated Position Deadline 9: Should consent be given for the NRP providing capacity for very significant expansion at Gatwick, CBC will urge the Secretary of State to provide certainty as to whether land will continue to need to be safeguarded for a potential future southern runway beyond 2050 for Gatwick, given the significant constraint it imposes on housing and economic development in Crawley.</p>
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DRAFT DCO / OTHER MISCELLANEOUS CONCERNS

Ref	Principal Issue in Question	Concern Held	What needs to change/be amended / be included in order to satisfactorily address the concern
DCO1.	The Council has wide-ranging concerns about the dDCO.	<p>These will be shared with the Applicant in due course and set out in the Council’s LIR.</p> <p>A summary of the Council’s main concerns (which is not exhaustive) is set out below –</p> <ul style="list-style-type: none"> i. the definition of “commencement” and, 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). ii. clarification of other definitions relating to various airport and boundary plans listed in the order and extent of operational land. iii. the drafting of article 3 (development consent etc. granted by Order). iv. the drafting of article 6 (limit of works) which appears to allow GAL to exceed parameters beyond those assessed in the Environment Statement. v. the drafting of article 9 (planning permission) and provisions in relation to existing planning conditions and future planning controls (including permitted development rights). vi. the drafting of article 25, which concerns trees and hedgerows. vii. the drafting of Part 6 (Miscellaneous and General) particularly the impact of article 46 (disapplication of legislative provisions) on 	<p>Amended wording to ensure the dDCO is worded appropriately to ensure they are meaningful and enforceable.</p> <p>Outstanding concerns remain regarding the dDCO and a schedule of changes has been commented upon and attached to the ‘Comments on the Applicant’s Deadline 1 Submission Development Consent Order – schedule of Changes’ [REP1-005].</p> <p>Iterations of this schedule are likely to be presented at appropriate deadlines.</p> <p>Deadline 5 Update: Concerns remain about the drafting of the dDCO. Comments are being exchanged at each deadline. CBC will review the expected revised draft DCO due for submission from the Applicants at this deadline.</p> <p>Deadline 9 – The summary position is that while some matters have been addressed, concerns remain about the drafting of the dDCO and further comments will be submitted at Deadline 9.</p> <p>In respect of matters i. to xi. In the column headed “Concern Held”, the position is as follows.</p> <p>Those matters mentioned next to points ii. iii. and iv. are no longer live.</p>

		<p>drainage and article 48, which provides a defence to statutory nuisance.</p> <p>viii. the inclusion of Work Nos. 26, 27, 28 and 29 (which all concern hotels) in Schedule 1 (authorised development).</p> <p>ix. the drafting of several requirements (Schedule 2) including: the drafting of “start date” (R.3(2) (time limits and notifications); the 14-day notification period in R3(2); why some documents must be produced “in accordance with” the certified documents and others must be produced either “in general accordance” or “in substantial accordance” with them; the drafting of R.14 (archaeological remains); and of those which concern noise (e.g. R.15 (air noise envelope), R.18 (noise insulation scheme)); the ambiguous drafting in R.19 (airport operations);</p> <p>x. concerns regarding Schedule 11, including the proposed timeframe for granting approval for the works, particularly those which are complex and for which limited information has been provided. The lack of any fee proposal for the processing approvals etc. is a matter of genuine concern.</p> <p>xi. the limited information contained in the documents listed in Schedule 12 (documents to be certified).</p>	<p>Regarding i. – as explained in row 1 of Part B of the Authorities’ Deadline 8 Consolidated Submission on the draft DCO [REP8-163] this issue is capable of resolution if, in respect of temporary buildings and structures; the establishment of temporary haul roads; and the temporary display of site notices etc. the Code of Construction Practice is amended to state that these temporary sites will, when no longer needed, be reinstated to their previous use and habitats will be restored to their existing value (as a minimum). The Code of Construction Practice already does this in respect of other temporary works falling within the definition of “commencement” and so CBC consider this final request to be uncontroversial.</p> <p>Regarding v. – please see the commentary on Article 9 (planning permission) in Part A of the Authorities’ Deadline 9 submission on the draft DCO.</p> <p>Regarding vi. – please see the commentary on Article 25 (felling or lopping of trees and removal of hedgerows) in Part A of the Authorities’ Deadline 9 submission on the draft DCO.</p> <p>Regarding vii. – please see the commentary on Article 49 (defence to proceedings in respect of statutory nuisance) in Part A of the Authorities’ Deadline 9 submission on the draft DCO.</p> <p>Regarding viii. – in respect of Work Nos. 28 and 29, please see the commentary in rows 15 and 16 of Part B of the Authorities’ Deadline 8 Consolidated Submission on the draft DCO [REP8-163]. The row headed “New requirement: Hotel parking” in that part of that document</p>
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			<p>includes a proposed new requirement in respect of Work Nos. 26, 27, and 28a.</p> <p>Regarding ix. And x., please see Part A of the Authorities' Deadline 9 submission on the draft DCO and Part B of the Authorities' Deadline 8 Consolidated Submission on the draft DCO [REP8-163].</p>
DCO2.	Resources, timings and costs involved with discharge of requirements and monitoring and enforcement of ongoing mitigation measures	There has been no discussion with applicant to date on this matter. Schedule 11 in the DCO is not populated. This remains the case as of 26.3.24 (contrary to what might be suggested in the wording in the SoCG 2.7.1.12).	<p>The scale and complexity of the project will require significant LPA resource. CBC welcomes dialogue with the applicant to progress this matter. CBC welcome the opportunity to discuss with GAL.</p> <p>Deadline 5 update – GAL have updated Schedule 11 however the fees proposed will not cover the CBC resourcing required to support the delivery of the project. Further discussions are needed to address this important point . Various written comments have been provided on this matter including in response to ExQ1 DCO 1.7 [REP3-0135 and REP4-062]</p> <p>Deadline 9 update – GAL have agreed to fund a principal planning officer post to oversee the discharge of requirements and to fund some admin officer time to support this process (Schedule 9 of the S106) CBC also welcome the agreement that a PPA will be entered into no later than 27 November 2024 to ensure cost recovery for the additional time spent by the local authorities and their consultants in the discharging of requirements. This remains an area of disagreement as the terms and details of the PPA terms still need to be discussed and would be removed from this table only when a suitable agreement is in place.</p>
DCO 6.	Northern Runway operation controls	How the runway operation changes mentioned in paragraphs 1.3.7 and 1.3.8 will be secured and appropriately controlled	<p>dDCO requirement to be added and agreed.</p> <p>Updated Position (Deadline 5) - No Change</p>

			Updated Position (Deadline 9) CBC supports the proposed amended Requirement 19 (Airport Operations) published by the ExA on 14 August limiting aircraft movements to 389,000 per annum, and a passenger cap of 80.2million passengers per annum. Subject to the inclusion of the ExA's proposed amendments of 14 August to this Requirement, this matter is resolved.
DCO 7. Planning Statement	Airports National Policy relevance to the DCO determination	Whether there is any legal precedent for the statement that it is "appropriate to use the policy framework of the [Airports National Policy Statement (ANPS) as the primary framework against which the project as whole should be tested" (para 1.5.19)	Updated position (Deadline 9) CBC's position on the correct policy context is set out in the Authorities' Deadline 7 document Response to "The Applicant's Position on Section 104 and Section 105 of the Planning Act 2008" [REP7-107].
DCO 8. Planning Statement (Appendix A)	Planning History	The Applicant has committed to undertake a review of the Planning History. However, as currently drafted this is incomplete, inaccurate and misleading. No details on the current controls and conditions imposed by existing planning permissions have been included, and no evidence is provided to justify the baseline position being relied upon.	Reviewed Planning History to be agreed with the LPA. The Applicant has not addressed this request. CBC has therefore provided this key information in the West Sussex LIR, and await the Applicant's comments. Updated position (Deadline 5) : As demonstrated by Appendix C in the West Sussex LIR [REP1-069], the planning history submitted to the Examination (as Appendix A) is misleading and incomplete and the relevance of some of the entries to the DCO submission is still unexplained. The response provided by GAL in December 2023 [AS-115] provided answers to specific detailed questions posed by the Examination Panel well in advance of the submission of the West Sussex LIR in March 2024 and does not respond to the points raised in Chapter 4 of this document [REP1-068] in respect of the existing planning controls currently in force at the airport, incompatible controls and permitted development rights. The response provided is not adequate and GAL have not provided any response to the detailed submission on this matter provided in the LIR. CBC is not satisfied the current airport planning

			<p>restrictions have been properly considered as part of the DCO.</p> <p>Updated position (Deadline 9) CBC's position is set out in section 13 of the Authorities' Deadline 8 response to the Applicant's Deadline 7 submissions. [REP8-126]</p>
<p>DCO 12</p>	<p>Airports NPS and National Networks NPS (position regarding s104 and s105 of the Planning Act 2008 and National Policy Statements).</p>	<p>The Council consider that the application falls within the scope of s.104 PA 2008 and its provisions should be applied. The NNNPS has effect in relation to application in so far as it comprises the 'highway related development' elements of the proposal. The Airports NPS does not have effect in relation to any parts of the application, but it is an important and relevant matter in so far as the proposal comprises 'airport related development'. Because the NNNPS does not contain any guidance on the assessment of 'airport related development', and that development is a fundamental component of the proposal, the NNNPS does not provide a sufficient guide to determine whether the application, taken as a whole, is in accordance with it. This is discussed in greater detail through the West Sussex LIR (Paragraphs 6.1 to 6.10).</p>	<p>The Applicant has provided more detail on the scope of the engineering work at D1 through Application Document Ref: 10.9.2 (The Applicant's Response to Actions – ISH1 The Case for the Proposed Development) Action Point 1. The Authorities will review the material submitted by the Applicant and form a view.</p> <p>Updated Position (Deadline 5): Matter under discussion.</p> <p>Updated position (Deadline 9): CBC's position is set out in section 13 of the Authorities' Deadline 8 response to the Applicant's Deadline 7 submissions [REP8-107]. In brief, the Authorities and the Applicant have agreed to disagree regarding the application of section 104 and 105 on the basis that the application for development consent can be determined without the SoS having to make a definitive interpretation of the correct approach to those provisions.</p>