



Horsham
District
Council



GATWICK AIRPORT NORTHERN RUNWAY PROJECT

Planning Inspectorate's Reference: TR020005

Legal Partnership Authorities

CONSOLIDATED SUBMISSIONS ON THE DRAFT DEVELOPMENT CONSENT ORDER – UPDATE AT DEADLINE 9

Resubmission Version

DEADLINE 9: WEDNESDAY 21 August 2024

Crawley Borough Council (GATW-AFP107)

Horsham District Council (20044739)

Mid Sussex District Council (20044737)

West Sussex County Council (20044715)

Reigate and Banstead Borough Council (20044474)

Surrey County Council (20044665)

East Sussex County Council (20044514)

Tandridge District Council (GATW-S57419)

LEGAL PARTNERSHIP AUTHORITIES

CONSOLIDATED SUBMISSIONS ON THE DRAFT DEVELOPMENT CONSENT ORDER – UPDATE AT DEADLINE 9

INTRODUCTION

The Legal Partnership Authorities are comprised of the following host and neighbouring Authorities who are jointly represented by Michael Bedford KC and Sharpe Pritchard LLP for the purposes of the Examination:

- Crawley Borough Council
- Horsham District Council
- Mid Sussex District Council
- West Sussex County Council
- Reigate and Banstead Borough Council
- Surrey County Council
- East Sussex County Council; and
- Tandridge District Council.

In these submissions, the Legal Partnership Authorities may be referred to as the “*Legal Partnership Authorities*”, the “*Authorities*”, the “*Joint Local Authorities*” (“*JLAs*”) or the “*Councils*”. Please note that Mole Valley District Council are also part of the Legal Partnership Authorities for some parts of the Examination (namely, those aspects relating to legal agreements entered into between the Applicant and any of the Legal Partnership Authorities).

Purpose of These Submissions

These submissions concern the Draft Development Consent Order (“**dDCO**”) submitted by the Applicant at Deadline 8 [REP8-006]. The purpose of these submissions is to signpost the ExA to the Legal Partnership Authorities’ outstanding concerns regarding the Deadline 8 dDCO and to respond to the ExA’s “Proposed Schedule of Changes to the draft DCO” [PD-028].

These submissions are formed of three parts:

- **Part A:** Legal Partnership Authorities Response to the to the ExA’s “Proposed Schedule of Changes to the draft DCO” [PD-028].
- **Part B:** Legal Partnership Authorities Response to the Applicant’s Schedule of Changes to the dDCO Version 6 [REP8-004]
- **Part C:** Legal Partnership Authorities List of Amendments to the dDCO – Updated at Deadline 9.

For the avoidance of doubt, the Authorities maintain their position that their proposal for an Environmentally Managed Growth Framework (“EMGF”) (see [REP4-050], [REP5-093] and [REP6-100]), or any similar measures relating to controlling growth within environmental limits, represents the only way for the ExA, the Secretary of State and local communities to have full confidence that the growth of Gatwick Airport would not result in exceedances of assessed environmental impacts and parameters.

These submissions should be read in conjunction with the Authorities’ Closing Position Statement.

PART A: LEGAL PARTNERSHIP AUTHORITIES RESPONSE TO THE TO THE EXA’S “PROPOSED SCHEDULE OF CHANGES TO THE DRAFT DCO” [PD-028]

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA’s Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
1.	Article 2 (Interpretation)		“the tree removal schedules” means the tree removal schedules contained within the tree survey report and arboricultural impact assessment certified as such by the Secretary of State under article 52 (certification of documents).	The Authorities welcome the inclusion of this definition in Article 2.
2.	Article 9 (Planning permission)	(4) Any conditions of any planning permission granted prior to the date of this Order that are incompatible with the requirements of this Order or the authorised development shall cease to have effect from the date the authorised development is commenced and for the purpose of this article planning permissions deemed to be granted pursuant to the 2015 Regulations shall be deemed to be granted prior to the date of this Order.	(4) Any conditions <u>Conditions 3 and 4</u> of any planning permission CR/125/1979 granted prior to the date of this Order that which are incompatible with the requirements of this Order or the authorised development shall cease to have effect from the date the authorised development is commenced and for the purpose of this article planning permissions deemed to be granted pursuant to the 2015 Regulations shall be deemed to be granted prior to the date of this Order	The Authorities welcome the inclusion of these amendments for the reasons set out under “Alternative A” in row 4 of Part B of the Authorities’ Deadline 8 submission “Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8” [REP8-163].
3.	Article 9 (Planning permission)	(5) Where the undertaker identifies an incompatibility between a condition of a planning permission and this Order that engages paragraph (4), it must notify the relevant planning authority and use reasonable endeavours to notify the current	(5) Where the undertaker identifies an incompatibility between a condition of a planning permission and this Order that engages paragraph (4), it must notify the relevant planning authority and use reasonable endeavours to notify the current beneficiary of the affected planning permission as soon as reasonably practicable.	The Authorities welcome the deletion of these amendments for the reasons set out under “Alternative A” in row 4 of Part B of the Authorities’ Deadline 8 submission “Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8” [REP8-163].

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		beneficiary of the affected planning permission as soon as reasonably practicable.		
4.	Article 9 (Planning permission)	(7) The undertaker must not exercise the permitted development right in Class F of Part 2 of Schedule 2 to the 2015 Regulations for— (a) any development on the areas labelled Work No. 38 (habitat enhancement area and flood compensation area at Museum Field) or Work No. 43 (water treatment works) on the works plans; or (b) any development of car parking on the area labelled Work No. 41 (ecological area at Pentagon Field) on the works plans.	7) The undertaker must not exercise the permitted development right in Class F of Part 82-of Schedule 2 to the 2015 Regulations for— (a) any development on the areas labelled Work No. 38 (habitat enhancement area and flood compensation area at Museum Field) or Work No. 43 (water treatment works) on the works plans; or (b) any development of car parking on the area labelled Work No. 41 (ecological area at Pentagon Field) on the works plans	The Authorities agree that the reference to “Part 2” should be changed to “Part 8”. The Authorities respectfully disagree with the deletion of paragraph (b) and consider its retention is needed for reasons unaffected by proposed new Requirement R1, namely the inclusion of paragraph (b) is required to ensure the ecological mitigation to be provided by Work No. 41 (ecological area at Pentagon Fields) is not compromised by the development of car parking.
5.	Article 10 (Application of the 1991 Act)	(7) Subject to paragraph (3), the permit schemes and the lane rental schemes apply to the construction and maintenance of the authorised development and will be used by the undertaker in connection with the exercise of any powers conferred by this Part.	(7) Subject to paragraph (3), the permit schemes and the lane rental schemes apply to the construction and maintenance of the authorised development and <u>will</u> will <u>must</u> be used by the undertaker in connection with the exercise of any powers conferred by this Part.	The Authorities welcome the inclusion of this amendment for the reasons set out in row 6 of Part B of the Authorities’ Deadline 8 submission “Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8” [REP8-163].
6.	Article 11 Street works)	(1) The undertaker may, for the purposes of the authorised development, enter on so much of	(1) The undertaker may, for the purposes of the authorised development <u>and subject to the consent of the street authority</u> , enter on so much of any of the streets as are within the Order limits and may—	The Authorities welcome the inclusion of this amendment for the reasons set out in row 7 of Part B of the Authorities’ Deadline 8 submission “Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8” [REP8-163].

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		any of the streets as are within the Order limits and may—		As the West Sussex authorities have previously explained (see Appendix M to [REP1-069]), article 11 departs from most precedents by authorising interference with any street within the Order limits, rather than those specified in a schedule. This is a significant departure from the Model Provisions (SI 2009/2265; see Model Provision 8(1)); and established precedent; for example, article 14 (street works) of the Sizewell DCO (SI 2022/853); article 12 (street works) of the M42 J6 DCO (SI 2020/528) and article 10 (street works) of the Thames Tideway DCO (2014/2384) each of which refers to a schedule of named streets. The ExA has requested that the Applicant provide such a schedule and the Applicant has refused. Absent the schedule the consent provision recommended by the ExA is essential, otherwise the Applicant would be able to exercise the street works powers under article 11 without control.
7.	Article 12 (Power to alter layout, etc., of streets)	(1) (a) alter the level or increase the width of any kerb, street, footpath, footway, cycle track, carriageway or verge or central reservation; (1) (c) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track, verge or central reservation within the street;	1) (a) alter the level or increase the width of any kerb , street, footpath, footway, cycle track, carriageway or verge or central reservation; 1) (c) increase the width of the carriageway of the street by reducing the width of any kerb , footpath, footway, cycle track, verge or central reservation within the street;	The Authorities have no comments on this amendment.
8.	Article 25 (Felling or lopping of trees and removal of hedgerows)	(5) In this article “hedgerow” has the same meaning as in the Hedgerow Regulations 1997.	(5) In this article “hedgerow” means a <u>hedgerow within the meaning of the Hedgerow Regulations 1997 and which are listed in the tree removal schedules.</u>	Subject to the point mentioned below, the Authorities welcome the amendment to article 25(5) for the reasons set out in row 9 of Part B of the Authorities' Deadline 8 submission “Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8” [REP8-163]. The Authorities are concerned however, with the cross-reference to the “tree removal schedules” which they do not consider to be the appropriate document to be cross-referenced. The Authorities consider the

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				<p>“arboricultural and vegetation method statement” is the appropriate document to be cross-referenced because it is comprehensive, including tree schedules and tree removal plans. The Authorities would therefore request that article 25(5) is amended as follows –</p> <p>“In this article “hedgerow” means a hedgerow within the meaning of the Hedgerow Regulations 1997 and which are listed in the arboricultural and vegetation method statement.</p>
9.	Article 40 (Special category land)		<u>(6) Provision must be made (whether in the relevant landscape and ecology management plan, the open space delivery plan submitted under paragraph (1) or otherwise) which ensures that the undertaker is responsible for the cost of and associated with the ongoing maintenance in perpetuity of the replacement land shown on the special category land plan with Plot number 1/013 (land west of Church Meadows) and comprising Work No. 40(c).</u>	The Authorities welcome the inclusion of this amendment for the reasons set out in row 11 of Part B of the Authorities’ Deadline 8 submission “Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8” [REP8-163] .
10.	Article 49 (Defence to proceedings in respect of Statutory nuisance)	(1) Where proceedings are brought under section 82(1) (summary proceedings by persons aggrieved by statutory nuisances) of the Environmental Protection Act 1990(a) in relation to a nuisance falling within paragraph (c), (d), (e), (fb), (g), (ga) and (h) of section 79(1) (statutory nuisances and inspections therefor) of that Act no order is to be made, and no fine may be imposed, under section 82(2) of that Act if the defendant	(1) Where proceedings are brought under section 82(1) (summary proceedings by persons aggrieved by statutory nuisances) of the Environmental Protection Act 1990(a) in relation to a nuisance falling within paragraph (e) , (d), (e), (fb) , (g), and (ga) and (h) of section 79(1) (statutory nuisances and inspections therefor) of that Act no order is to be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows that the nuisance— (a) relates to premises used by the undertaker for the purposes of or in connection with the construction, or maintenance or operation of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with— (i) a notice served under section 60 (control of noise on	<p>Regarding paragraph (1): in row 12 of Part B of the Authorities’ Deadline 8 submission “Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8” [REP8-163], the Authorities sought to limit to one the number of sub-paragraphs of section 79(1) of the Environmental Protection Act 1990 which fall within the defences under article 49. That one sub-paragraph was sub-paragraph (g) which concerns noise emitted from premises so as to be prejudicial to health or a nuisance. In seeking to limit the number to one, the Authorities sought to delete the following sub-paragraphs of section 79(1) from paragraph (1):</p> <ul style="list-style-type: none"> • (c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance; • (d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;

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		<p>shows that the nuisance— (a) relates to premises used by the undertaker for the purposes of or in connection with the construction, maintenance or operation of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with— (i) a notice served under section 60 (control of noise on construction sites) of the Control of Pollution Act 1974; or (ii) a consent given under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974 (b); or (b) is a consequence of the construction, maintenance or operation of the authorised development and that it cannot reasonably be avoided.</p>	<p>construction sites) of the Control of Pollution Act 1974; or (ii) a consent given under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974(b); or (b) is a consequence of the construction, or maintenance or operation of the authorised development and that it cannot reasonably be avoided.</p>	<ul style="list-style-type: none"> • (e) any accumulation or deposit which is prejudicial to health or a nuisance; • (fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance; • (ga) noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street; and • (h) any other matter declared by any enactment to be a statutory nuisance. <p>The Authorities note the ExA's recommended amendment would delete paragraphs (c), (fb), and (h) but would retain paragraphs (d), (e), and (ga).</p> <p>While noting that the only made airport DCO precedent, the Manston Airport Development Consent Order 2022 (SI 2022/922; article 38(1)) disapplies (g) only, on reflection, the Authorities would be content with the amendment proposed by the ExA which has the merit of consistency with article 47(1) of the draft London Luton Airport Expansion DCO [REP11-091] (of that Examination Library).</p> <p>Regarding paragraph (1)(a) and (b), the Authorities welcome the deletion of “or operation”. Notwithstanding the fact that the term is not included in article 38 of Manston or article 47 of Luton, paragraph (2) provides that compliance with the code of construction practice will be sufficient to show that an alleged nuisance could not reasonably be avoided. Since the code of construction practice does not apply to the operation of the authorised development, there is no justification for the inclusion of “or operation” in paragraph (1)(a) and (b).</p> <p>Further information in respect of the Authorities' position on article 49 is set out in row 12 of Part B of the Authorities' Deadline 8 submission “Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8” [REP8-163]</p>

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11.	Article 56 (Deemed consent)	(5) Where an application for consent or approval to which this article applies is made, the fee contained in regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as may be amended or replaced from time to time) is to apply and must be paid to the recipient authority for each application.	(5) Where an application for consent or approval to which this article applies is made, the fee contained in regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as may be amended or replaced from time to time) is to apply and must be paid to the recipient authority for each application.	Schedule 9 (council resources) to the Section 106 Agreement now includes provision for the matters covered in article 56(5) and so the Authorities are content with the deletion of article 56(5). Furthermore, owing to this, the Authorities no longer consider that New Requirement 3 is required.
12.	Article 56 (Deemed consent)	(6) Any fee paid under paragraph (5) must be refunded to the undertaker within a period of 35 days of the application being rejected as invalidly made.	(6) Any fee paid under paragraph (5) must be refunded to the undertaker within a period of 35 days of the application being rejected as invalidly made.	Owing to Schedule 9 (council resources) to the Section 106 Agreement, the Authorities consider article 56(6) is not required.
Schedules				
Schedule 1				
13.	Work No 41	Works to create an ecological area at Pentagon Field including works to— (a) deliver no less than 1ha of planting; (b) plant a tree belt no less than 250 metres in length and 15 metres in width along the site's eastern boundary (adjacent to Balcombe Road); (c) place and grade spoil deposition.	Works to create an ecological area at Pentagon Field including works to— (a) establish a temporary spoil receptor site; (b) permanently raise the ground level across the central part of Pentagon Field to create a raised spoil platform to a height of up to 4 metres above datum;	The Authorities welcome the amendments to this Work No. for the reasons set out in row 22 of Part B of the Authorities' Deadline 8 submission "Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8" [REP8-163].

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
			<p>(c) reinstate land by — (i) reprofiling and reinstatement of grassland; (ii) planting of a native tree belt approximately 15 metres wide and no less than 250 metres in length along the eastern boundary of Pentagon Field adjacent to Balcombe Road; (iii) planting of no less than 1 hectare of native woodland in the south east portion of the site. (a) deliver no less than 1ha of planting; (b) plant a tree belt no less than 250 metres in length and 15 metres in width along the site's eastern boundary (adjacent to Balcombe Road); (c) place and grade spoil deposition</p>	
14.	Work No. 44	<p>Works to— (a) remove existing surface car parking and associated structures; (b) construct wastewater treatment works.</p>	<p>Works to— (a) remove existing surface car parking and associated structures; (b) construct wastewater treatment works; <u>(c) construct new rising mains and pumping station next to Gatwick Airport Police Station;</u> <u>(d) provide a new outfall to River Mole;</u> <u>(e) provide associated revisions to</u></p>	<p>The Authorities welcome the amendments to this Work No. for the reasons set out in row 24 of Part B of the Authorities' Deadline 8 submission "Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8" [REP8-163].</p> <p>On a drafting point, paragraph (e) refers to "the project boundary"; however, that term is not used elsewhere in the draft DCO. The Authorities would suggest that it is replaced with "the Order limits" (which is a defined term, used on several occasions) and so paragraph (e) should state –</p> <p>"(e) provide associated revisions to wastewater infrastructure within the project boundary Order limits".</p>

	Reference	Text as set out in the draft DCO [REP9-005]	ExA's Recommended Amendment/Insertion	Legal Partnership Authorities Response
			<u>wastewater infrastructure within the project boundary.</u>	
15.	Work No. 45		<u>Work to construct a pumping station east of the railway [X] if Work No. 44 is not constructed.</u>	The Authorities welcome the inclusion of this Work No. for the reasons set out in row 25 of Part B of the Authorities' Deadline 8 submission "Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8" [REP8-163].
16.	Ancillary or Related Development	(g) alteration of the layout of any street permanently or temporarily, including but not limited to increasing the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street; altering the level or increasing the width of any such kerb, footpath, footway, cycle track or verge; and reducing the width of the carriageway of the street;	(g) alteration of the layout of any street permanently or temporarily, including but not limited to increasing the width of the carriageway of the street by reducing the width of any kerb , footpath, footway, cycle track or verge within the street; altering the level or increasing the width of any such kerb , footpath, footway, cycle track or verge; and reducing the width of the carriageway of the street;	The Authorities have no comments on this amendment.
Schedule 2				
17.	1 (Interpretation)	New	- "Annual Monitoring Report" shall mean the report as defined in the surface access commitments; - "average summer night" shall mean the period 2300-0700	The Authorities consider the definition of "eligible premises" should be amended. Since the definition is included in Requirement 18 (noise insulation scheme), the discussion of "eligible premises" is included in the discussion of that requirement below.

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
			<p>in average operating mode between 16 June until 15 September inclusive;</p> <p>-</p> <p>“Eligible premises” shall mean buildings used as a permanent residence, school, hospital, library, place of worship, or community facility where, following the commencement of dual runway operations, and the undertaker having taken all reasonable operational and design measures on airport to reduce noise, air noise, ground noise or combined air and ground noise is predicted to exceed LAeq, 16 hr 54 dB on an average summer day, and buildings used as a permanent residence where, following the commencement of dual runway operations, air noise, ground noise or combined air and ground noise is predicted to exceed LAeq, 8 hr 48 dB, on an average summer night;</p>	
18.	R2A (Phasing scheme)	1) The authorised development must not commence unless, no less than two months prior to the anticipated date of commencement, a phasing scheme setting out the anticipated phases for construction of the authorised development has been	1) The authorised development must not commence unless, no less than <u>four</u> two months prior to the anticipated date of commencement, a phasing scheme setting out the anticipated phases for construction of the authorised development has been submitted to the host authorities	In row 178 of Part A of the Authorities’ Deadline 8 submission “Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8” [REP8-163], the Authorities explained a six-month notice period was necessary to allow a proper lead-in period to help deliver the Applicant’s project. They further explained they were concerned by the prospect of being unprepared when applications might be coming in intensively.

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
		submitted to the host authorities and National Highways.	and National Highways.	<p>Having considered the ExA's comments, the Authorities consider a four-month lead-in period would be reasonable for the Authorities' purposes, without causing any significant delay to the project.</p> <p>The Authorities therefore agree with the ExA's recommended amendment.</p>
19.	R2A (Phasing scheme)		<p><u>(3) A submission of an updated phasing scheme made to a host authority under sub-paragraph (2)(b) must be made to the host authority at least 3 months before the significant change in question is implemented unless otherwise agreed in writing by the host authority in question. (4) Where any requirement in this Schedule requires the submission to any of the host authorities of details or a document relating to the authorised development, the undertaker must provide in writing to the host authority in question indicative timings for the submission of the relevant details or document in question at least 3 months before their submission unless otherwise agreed in writing by the host authority in question.</u></p>	<p>The Authorities welcome the inclusion of this amendment for the reasons set out in row 178 of Part A of the Authorities' Deadline 8 submission "Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8" [REP8-163].</p>
20.	R3 (Time limit and notifications)	<p>(1) The authorised development must begin no later than the expiration of five years beginning on the start date. (2) The undertaker must notify the host authorities—: (a) within 7 days after the date on which the authorised development begins; (b) at least 28 days prior to the anticipated date of commencement of the authorised development,</p>	<p><i>The ExA notes that the Applicant's Explanatory Memorandum [REP8-007] does not provide justification for the time periods in Requirement 3. Additionally, the Legal Partnership Authorities [REP8-163] have not provided justification for the changes they propose to Requirement 3. Interested Parties are asked to comment on and justify the dates proposed.</i></p>	<p>Requirement 3 was updated by the Applicant at Deadline 6 [REP6-005] when time periods were changed from working days to calendar days. On several occasions, this change resulted in the Authorities being given less notice than would have been the case if working days had been retained. There was no justification for the reduction in notice periods and the Authorities consider it would be reasonable for the original periods to apply. The position in respect of each provision is as follows –</p> <ul style="list-style-type: none"> • paragraph (a) – the time period here is satisfactory, and the requested amendment has been made to clarify when the period begins; • paragraph (b) – previously, paragraph (b) required the undertaker to provide CBC with at least 30 working days' notice [i.e. 42 calendar days' notice] of the anticipated date of commencement.

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
		<p>provided that commencement may still lawfully occur if notice is not served in accordance with this subparagraph;</p> <p>(c) within 7 days after the actual date of commencement of the authorised development;</p> <p>(d) at least 28 days prior to the anticipated date of commencement of dual runway operations; and</p> <p>(e) within 7 days after the actual commencement of dual runway operations.</p>		<p>The Authorities have therefore proposed a 42 days' notice period for consistency with the previous drafting;</p> <ul style="list-style-type: none"> • paragraph (c) – the time period here is satisfactory, and the requested amendment has been made to clarify when the period begins; • paragraph (d) – this amendment has been made to ensure consistency with the time period referred to in paragraph (b); and • paragraph (e) – the time period here is satisfactory, and the requested amendment has been made to clarify when the period begins.
21.	R4 (Detailed design)	<p>(4) No part of any listed works is to commence until details of the layout, siting, scale and external appearance of the buildings, structures and works within that part have been submitted to and approved in writing by—</p> <p>(a) for Work No. 40(a) (pedestrian footbridge over the River Mole), MVDC (in consultation with RBBC); and</p> <p>(b) for all other listed works, CBC.</p> <p>(5) The details referred to in subparagraph (4) must include an explanatory note and drawings (where necessary) and be accompanied by a compliance statement.</p>	<p>(4) No part of any listed works is to commence until <u>the details referred to in sub-paragraph (5) for of the</u> layout, siting, scale and external appearance of the buildings, structures and works within that part have been submitted to and approved in writing by—</p> <p>(a) for Work No. 40(a) (pedestrian footbridge over the River Mole), MVDC (in consultation with RBBC); and</p> <p>(b) for all other listed works, CBC.</p> <p>(5) The details referred to in subparagraph (4) must include—</p> <p>(a) an explanatory note;</p> <p>(b) and drawings (where necessary) and be accompanied by</p> <p>(c) a compliance statement;</p> <p>(d) <u>details of layout, siting, scale,</u></p>	<p>The Authorities welcome the inclusion of this amendment for the reasons set out in row 179 of Part A of the Authorities' Deadline 8 submission "Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8" [REP8-163].</p>

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			<p><u>external appearance and levels (including existing and finished floor levels and ground levels);</u> <u>(e) a schedule of materials and finishes;</u> <u>(f) details of any associated structures;</u> <u>(g) access arrangements;</u> <u>(h) an operational lighting scheme for any works;</u> <u>(i) details of any construction and sustainability measures; and</u> <u>(j) where any works are subject to a design review in accordance with Annex A to Appendix A to the design and access statement—</u> <u>(i) the design approach;</u> <u>(ii) how the design principles have been incorporated into the final design; and</u> <u>(iii) how the output of the design review process has been taken into account in the design presented for approval</u></p>	
22.	R10 (Surface and foul water drainage)	<p>(4) No part of any listed works involving surface or foul water drainage is to commence until details of the surface and foul water drainage for that part, including means of pollution control and monitoring, have been submitted to and approved in writing by CBC (in consultation with West Sussex County Council, the Environment Agency and Thames Water Utilities Limited).</p> <p>(5) The drainage details referred to in sub-paragraph (4) must include an explanatory note and</p>	<p>(4) No part of any listed works involving surface or foul water drainage is to commence until <u>the details referred to in sub-paragraph (5) of the surface and foul water drainage for that part, including means of pollution control and monitoring, have been submitted to and approved in writing by CBC (in consultation with West Sussex County Council, the Environment Agency and Thames Water Utilities Limited).</u></p> <p>(5) The drainage details referred to in sub-paragraph (4) must include— (a) an explanatory note; (b) and drawings (where necessary) and—be accompanied by (c) a compliance statement;</p>	<p>The Authorities welcome the inclusion of this amendment for the reasons set out in row 181 of Part A of the Authorities' Deadline 8 submission "Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8" [REP8-163].</p>

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
		drawings (where necessary) and be accompanied by a compliance statement.	<p><u>(d) details of layout, siting, scale, external appearance and levels (including existing and finished floor levels and ground levels);</u> <u>(e) a schedule of materials and finishes;</u> <u>(f) details of any associated structures;</u> <u>(g) access arrangements;</u> <u>(h) an operational lighting scheme for any works;</u> <u>(i) details of any construction and sustainability measures; and</u> <u>(j) where any works are subject to a design review in accordance with Annex A to Appendix A to the design and access statement—</u> <u>(i) the design approach;</u> <u>(ii) how the design principles have been incorporated into the final design; and</u> <u>(iii) how the output of the design review process has been taken into account in the design presented for approval.</u></p>	
23.	R15 (Air noise envelope) and R16 (Air noise envelope reviews)	Text to be replaced by wording in next column	<p>Air noise limits (1) From the commencement of dual runway operations, the operation of the airport shall be planned to achieve a predicted air noise contour area that: for an average summer day is at least 10% less than the value of the 51 dB air noise contour area calculated for an average summer day in 2019; and for an average summer night is at least 10% less than the value of the 45 dB air noise contour area calculated for an average summer</p>	<p>General comments on noise requirements At Deadline 8, the Authorities included in their Consolidated Submission on the draft DCO [REP8-163] several noise requirements, including those concerning a Ground Noise Management Plan, a Fixed Plant Noise Management Plan, a Wizard Plan, a Night time noise cap, and a Noise Action Plan. As set out in Part C to this document, the Authorities maintain their position in respect of these requirements which, for the reasons set out in Part C, the Authorities consider should be included in the made DCO.</p> <p>Requirement 15, 16 The Authorities would make three points in respect of the proposed new Requirement 15, 16.</p> <p>First, the Authorities' preference is for the ExA's recommended version of Requirement 15, 16 (which was contained in Annex B to the Agenda for Issue Specific Hearing 9 [EV20-001]) – as amended by the Authorities in row 15, 16 of Part C of their Deadline 8 Submission "Consolidated</p>

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
			<p>night in 2019</p> <p>(2) Five years after the commencement of dual runway operations, and every fifth year thereafter until 2049, the operation of the airport shall be planned to achieve a predicted air noise contour area that:</p> <p>for an average summer day reduces the 51 dB air noise contour area by at least a further 10%</p> <p>and</p> <p>for an average summer night reduces the 45 dB air noise contour area by at least a further 10%</p> <p>(3) Before the commencement of dual runway operations, and annually thereafter, the undertaker shall have submitted to the independent air noise reviewer and have had approved by the independent air noise reviewer an operating plan ahead of the following summer operating season that shows that the noise limits set out in (1) and (2) shall be achieved.</p> <p>(4) As soon as reasonably practicable after the end of each summer operating season, after the commencement of dual runway operations, the undertaker shall publish their report to the independent air noise reviewer</p>	<p>Submissions on the draft Development Consent Order – Update at Deadline 8” [REP8-163] – to be recommended by the ExA to the Secretary of State for inclusion in the made DCO. The justification for the inclusion of that version of Requirement 15, 16 is included in those rows of that part of that document.</p> <p>Second, if no such recommendation is made, the Authorities would propose that Requirement 15, 16 (as recommended by the ExA in their proposed schedule of changes to the draft DCO [PD-028]) should be amended as set out in Alternative A or Alternative B below. Alternative B is more comprehensive than Alternative A, which has been subject to modest “light touch” amendments.</p> <p>Third, if the ExA does not agree with inclusion of the Authorities’ D8 version of Requirement 15, 16 or with Alternative A or Alternative B, the Authorities would strongly favour the requirement proposed by the ExA over that proposed by the Applicant in the D8 version of the draft DCO [REP8-006].</p> <p><u>Alternative A - background</u></p> <p>Alternative A proposes clarificatory amendments to Requirement 15, 16 (air noise limits) which the Authorities consider are needed to ensure the requirement is precise. It also includes minor amendments to make the language consistent with that used in other requirements.</p> <p><u>Alternative A – proposed requirement</u></p> <p>Air noise limits</p> <p>(1) From the commencement of dual runway operations, the operation of the airport shall must be planned to achieve a predicted air noise contour area that:</p> <p>a) for the 51dB air noise contour area calculated for an average summer day, is at least 10% less than the value of the 51 dB air noise contour area calculated for an average summer day in 2019;</p>

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
			<p>showing the calculated noise performance of the airport informed by actual noise measurements, compared with the noise limits set out in (1) and (2) with an explanation of any exceedances.</p> <p>(5) If, in consultation with the host authorities, the independent air noise reviewer considers that any exceedances reported in (4) are caused by factors within the control of the undertaker, the undertaker shall modify its approach to the development of its operating plan for the year after next to meet the noise limits set out in (1) and (2).</p>	<p>and</p> <p>b) for the 45 dB air noise contour area calculated for an average summer night, is at least 10% less than the value of the 45 dB air noise contour area calculated for an average summer night in 2019.</p> <p>(2) Five years after the commencement of dual runway operations, and every fifth year thereafter until 2049, the operation of the airport shall must be planned to achieve a predicted air noise contour area that:</p> <p>(a) for an average summer day reduces the 51 dB air noise contour area by at least a further 10%</p> <p>and</p> <p>(b) for an average summer night reduces the 45 dB air noise contour area by at least a further 10%</p> <p>(3) Before the commencement of dual runway operations, and annually thereafter, the undertaker shall must have submitted to the independent air noise reviewer and have had approved by the independent air noise reviewer (in consultation with the host authorities) an operating plan ahead of the following summer operating season that shows that the noise limits set out in sub-paragraphs (1) and (2) shall be achieved.</p> <p>(3A) As soon as reasonably practicable after approval of the operating plan, the undertaker must send a copy of the approved plan to each host authority.</p> <p>(4) As soon as reasonably practicable after the end of each summer operating season, after the commencement of dual runway operations, the undertaker shall must publish their submit a report to the independent air noise reviewer (and the host authorities) showing the calculated noise performance of the airport informed by actual noise measurements, compared with the noise limits set out in sub-paragraphs (1) and (2) with an explanation of any exceedances.</p>

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
				<p>(5) If, in consultation with the host authorities, the independent air noise reviewer considers that any exceedances reported in (4) are caused by factors within the control of the undertaker, the undertaker shall must modify its approach to the development of its operating plan for the year after next to meet the noise limits set out in sub-paragraphs (1) and (2).</p> <p><u>Alternative A – justification</u></p> <p>In sub-paragraphs (1)(a), the words “the 51dB air noise contour area calculated for” have been included to show, for the avoidance of doubt, the correct comparator for the 2019 figure. In sub-paragraph (1)(b), the words “the 45 dB air noise contour area calculated for” have been included for the same reason.</p> <p>The references to “shall” in paragraphs (1) to (5) which have been replaced with “must” have been changed for consistency with the language used in other requirements and to reflect modern drafting.</p> <p>In paragraph (3), the “host authorities” must be consulted by the independent air noise reviewer on the operating plan before it is approved. As explained in several previous submissions, it is important there is local authority involvement in the approval process.</p> <p>New paragraph (3A) has been added to ensure the host authorities receive a copy of the approved operating plan, a draft of which they will have been consulted on under amended paragraph (3). This makes good practical sense and creates a negligible burden for the undertaker.</p> <p>Similarly, paragraph (4) has been amended to require the undertaker to submit to the host authorities a copy of the report referred to in that paragraph. Again, this would place a negligible administrative burden on the undertaker. The host authorities could also assist by identifying any problems arising from the report’s contents and flagging them up to the undertaker. Also, in paragraph (4) a minor drafting amendment has been made by replacing “publish their” with “submit a”. (“Publish” raises the</p>

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
				<p>question of how the report must be publish; the requirement to “submit” the report to named persons raises no such questions).</p> <p>In paragraphs (3) to (5), the term “sub-paragraphs” has been included for clarity.</p> <p>The Authorities note paragraph (4) refers to “actual noise measurements”. The Authorities consider it would be helpful if a new paragraph could be added to clarify, for the avoidance of doubt, what is being measured. (This point applies equally to Alternative B).</p> <p><u>Alternative B – background</u></p> <p>Alternative B proposes the same clarificatory amendments to Requirement 15, 16 as set out under Alternative A and has been further amended to include a proposal for one additional noise induced awakening.</p> <p><u>Alternative B – proposed requirement</u></p> <p>Air noise limits</p> <p>(1) From the commencement of dual runway operations, the operation of the airport shall shall must be planned to achieve a predicted air noise contour area that:</p> <ul style="list-style-type: none"> a) for the 51dB air noise contour area calculated for an average summer day, is at least 10% less than the value of the 51 dB air noise contour area calculated for an average summer day in 2019; <p style="text-align: center;">and</p> <ul style="list-style-type: none"> b) for the 45 dB air noise contour area calculated for an average summer night, is at least 10% less than the value of the 45 dB air noise contour area calculated for an average summer night in 2019;

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
				<p>c) a reduction, for an average summer night, of the area within which more than one additional noise induced awakening due to aircraft noise associated with the airport is predicted.</p> <p>(2) Five years after the commencement of dual runway operations, and every fifth year thereafter until 2049, the operation of the airport shall must be planned to achieve a predicted air noise contour area that:</p> <p>a) for an average summer day reduces the 51 dB air noise contour area by at least a further 10%</p> <p>and</p> <p>b) for an average summer night reduces the 45 dB air noise contour area by at least a further 10%</p> <p>c) a reduction, for an average summer night, of the area within which more than one additional noise induced awakening due to aircraft noise associated with the airport is predicted.</p> <p>(3) Before the commencement of dual runway operations, and annually thereafter, the undertaker shall must have submitted to the independent air noise reviewer and have had approved by the independent air noise reviewer (in consultation with the host authorities) an operating plan ahead of the following summer operating season that shows that the noise limits set out in sub-paragraphs (1) and (2) shall be achieved.</p> <p>(3A) As soon as reasonably practicable after approval of the operating plan, the undertaker must send a copy of the approved plan to each host authority.</p> <p>(4) As soon as reasonably practicable after the end of each summer operating season, after the commencement of dual runway operations, the undertaker shall must publish their submit a report to the independent air noise reviewer (and the host authorities) showing the calculated noise performance of the airport informed by actual noise measurements,</p>

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
				<p>compared with the noise limits set out in sub-paragraphs (1) and (2) with an explanation of any exceedances.</p> <p>(5) If, in consultation with the host authorities, the independent air noise reviewer considers that any exceedances reported in (4) are caused by factors within the control of the undertaker, the undertaker shall must modify its approach to the development of its operating plan for the year after next to meet the noise limits set out in sub-paragraphs (1) and (2).</p> <p><u>Alternative B – justification</u></p> <p>The Authorities have consistently requested that noise-induced awakening contours are provided by the Applicant. The additions of new paragraphs 1(c) and 2(c) are consistent with that request. Moreover, there is precedent for the use of the one additional awakening contour; both in a DCO context in Requirement 23(2) and (3) of the Northampton Gateway Rail Freight Interchange Order 2019 (SI 2019/1358) and in an aviation context, as the metric is used by Heathrow in its noise action plans. It will be remembered that, unlike Heathrow, Gatwick does not operate a voluntary night flight ban for any part of the DfT night flight core period 23:30 – 06:00. It is therefore even more crucial that the full effects of the NRP on nighttime noise disturbance and unseen health effects are properly controlled.</p>
24.	R18 (Noise insulation scheme)	Text to be replaced by wording in next column	<p>Receptor based mitigation</p> <p>(1) Within not more than 3 months following the commencement of any of Work Nos. 1 – 7 (inclusive) the undertaker shall submit for approval by the relevant local planning authority a list of premises forecast to be eligible premises at the commencement of dual runway operations.</p> <p>(2) Within not more than 6 months following the commencement of any of Work Nos. 1 – 7 (inclusive) the undertaker must take appropriate steps, having consulted with the relevant local planning authority, to</p>	<p>The definition of “eligible premises”</p> <p>The Authorities consider the following words should be removed from the definition and included in a separate paragraph of R18 –</p> <p>“Eligible premises” shall mean means buildings used as a permanent residence, school, hospital, library, place of worship, or community facility where, following the commencement of dual runway operations, and the undertaker having taken all reasonable operational and design measures on airport to reduce noise, air noise, ground noise or combined air and ground noise is predicted to exceed LAeq, 16 hr 54 dB or one additional noise induced awakening on an average summer day and buildings used</p>

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
			<p>notify the owners and occupiers of all premises on the approved list (1) that the premises has been approved for the design and installation of a package of measures that may include ventilation, noise insulation and methods to reduce solar gain to achieve an internal noise environment consistent with guidance.</p> <p>(3) Within not more than 12 months following the commencement of any of Work Nos. 1 – 7 (inclusive) the undertaker must, subject to access being granted to the premises, carry out a survey of all the premises on the approved list and submit, for approval by the relevant local planning authority, proposed designs for all premises on the approved list.</p> <p>(4) The designs submitted by the undertaker and the consideration of them by the relevant local planning authority must have due regard for guidance including Sound Insulation and Noise Reduction for Buildings BS 8233 British Standards Institution (2014), Methods for rating and assessing industrial and commercial sound BS 4142 British Standards Institution (2014), Acoustic design of schools: performance standards BB93 Department for Education (2015) and Acoustics— Technical Design Manual 4032 Department for Health (2011) as relevant.</p> <p>(5) If the relevant planning authority does not approve the receptor based mitigation design for a permanent residence on the approved list because it considers internal living conditions would be unacceptable, the undertaker shall offer the owner of the premises home relocation, which shall include the open market value of the premises and reasonable moving expenses, fees and costs.</p>	<p>as a permanent residence where, following the commencement of dual runway operations, air noise, ground noise or combined air and ground noise is predicted to exceed LAeq, 8 hr 48 dB or one additional noise induced awakening, on an average summer night.</p> <p>The Authorities consider that, to ensure the undertaker has taken all reasonable operational and design measures on airport to reduce noise, the requirement itself should provide explicitly for this. Proposed new paragraph (1A) achieves this.</p> <p>In addition, the Authorities consider the addition of “or one additional noise induced awakening” is necessary because that metric takes better account of the impact of noise events than Leq. Moreover, aircraft can become quieter by 3dB and in turn the number of flights could double. However, looking at the effect on awakenings the increase in flights to sustain the same impact would be far less than a doubling. The awakenings are important as they relate to effects that on the most part the person is not aware are occurring but will experience a deterioration in health and are uncontrolled by the Leq metric.</p> <p>Requirement 18 (noise insulation scheme)</p> <p><u>Proposed new Requirement 18(1A)</u> “(1) Within not more than 3 months following the commencement of any of Work Nos. 1 – 7 (inclusive) the undertaker shall submit for approval by the relevant local planning authority a list of premises forecast to be eligible premises at the commencement of dual runway operations. (1A) The list mentioned in paragraph (1) must be accompanied by a report explaining how the undertaker has taken all reasonable operational and design measures on airport to reduce noise”.</p> <p>The Authorities consider the inclusion of paragraph (1A) secures, in a straightforward way what, with respect, would otherwise be difficult to demonstrate if the text deleted from the definition of “eligible premises” was retained in it.</p>

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
			<p>(6) Subject to agreement by the owner of the premises and access being granted to the premises, the design approved by the relevant local planning authority shall be installed and commissioned before the commencement of dual runway operations.</p>	<p><u>Requirement 18(2)</u> The Authorities consider paragraph (2) should be amended as follows –</p> <p>“Within not more than 6 months following the commencement of any of Work Nos. 1 – 7 (inclusive) the undertaker must take appropriate steps, having consulted with the relevant local planning authority, to notify the owners and occupiers of all premises on the approved list (1) that the premises has been approved for the design and installation of a package of measures that may include ventilation, noise insulation and methods to reduce solar gain to achieve an internal noise and thermal environment consistent with guidance”.</p> <p>The Authorities consider this amendment is necessary to ensure that the design and installation of mitigation does not result in adverse effects on the health and wellbeing of individuals as a result of overheating.</p> <p><u>Requirement 18(4)</u> The Authorities consider paragraph (4) should be amended as follows –</p> <p>“The designs submitted by the undertaker and the consideration of them by the relevant local planning authority must have due regard for to guidance (including any successor guidance) including-</p> <ul style="list-style-type: none"> a) in respect of the noise environment – <ul style="list-style-type: none"> i. Sound Insulation and Noise Reduction for Buildings BS 8233 British Standards Institution (2014), ii. Methods for rating and assessing industrial and commercial sound BS 4142 2014+A1:2019 British Standards Institution (2014+2019), iii. Acoustic design of schools: performance standards BB93 Department for Education (2015) and iv. Acoustics – Technical Design Manual 4032 Department for Health (2014) Health Technical Manual 08-01: Acoustics, Department for Health (2013) as relevant; and b) In respect of the thermal environment, the Chartered Institute of Building Service Engineers’ documents- <ul style="list-style-type: none"> i. TM52 “The limits of thermal comfort: avoiding overheating” and

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
				<p>ii. TM59 “Design methodology for the assessment of overheating risk in homes”.</p> <p>The Authorities have introduced guidance documents regarding the thermal environment into paragraph (4) and have organised that paragraph so that the noise environment and thermal environment guidance documents are listed separately. It also now provides for the consideration of any successor guidance document.</p> <p>The Authorities understand the “Acoustic design of schools: performance standards BB93 Department for Education (2015)” has been superseded by “Acoustics— Technical Design Manual 4032 Department for Health (2011) Health Technical Manual 08-01: Acoustics, Department for Health (2013)” as so, in the guidance list, the former document has been replaced with the latter. In addition, the latest version of the “Methods for rating and assessing industrial and commercial sound” has been referred to.</p> <p><u>Requirement 18(5) and (6)</u> The Authorities consider the references to “shall” in these paragraphs should be changed to “must” to ensure consistency with the language used in other requirements and to reflect modern drafting. The paragraphs should be amended as follows –</p> <p>“(5) If the relevant planning authority does not approve the receptor based mitigation design for a permanent residence on the approved list because it considers internal living conditions would be unacceptable, the undertaker shall must offer the owner of the premises home relocation, which shall must include the open market value of the premises and reasonable moving expenses, fees and costs.</p> <p>(6) Subject to agreement by the owner of the premises and access being granted to the premises, the design approved by the relevant local planning authority shall must be installed and commissioned before the commencement of dual runway operations”.</p>

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
				If the ExA does not agree with inclusion of the above amendments, the Authorities would strongly favour the requirement proposed by the ExA over that proposed by the Applicant in the D8 version of the draft DCO [REP8-006].
25.	R19 (Airport Operations)	<p>1) From the date of the commencement of dual runway operations, the airport may not be used for more than 389,000 aircraft movements per annum.</p> <p>(2) The repositioned northern runway must not be used between the hours of 23:00 – 06:00 but may be used between these hours where the main runway is temporarily non-operational by reason of an accident, incident or structural defect or when maintenance to the main runway is being undertaken.</p> <p>(3) Subject to sub-paragraph (4), the repositioned northern runway must not be used—: (a) for aircraft landings; or (b) for departures of aircraft larger than Code C aircraft.</p> <p>(4) Sub-paragraph (3) does not apply and the repositioned northern runway may be used in one or both of the ways stated in that sub-paragraph—: (a) where the main runway is temporarily non-operational by reason of an accident, incident or structural defect or when maintenance to</p>	<p>1) From the date of the commencement of dual runway operations, the airport may not be used for more than 389,000 aircraft movements per annum <u>or a passenger throughput of 80.2million passengers per annum.</u></p> <p>(2) The repositioned northern runway must not be used between the hours of 23:00 – 06:00 but may be used between these hours where the main runway is temporarily non-operational by reason of an accident, incident or structural defect or when maintenance to the main runway is being undertaken.</p> <p>(3) Subject to sub-paragraph (4), the repositioned northern runway must not be used—: (a) for aircraft landings; or (b) for departures of aircraft larger than Code C aircraft.</p> <p>(4) Sub-paragraph (3) does not apply and the repositioned northern runway may be used in one or both of the ways stated in that sub-paragraph—: (a) where the main runway is temporarily non-operational by reason of an accident, incident or structural defect or when maintenance to the main runway is being undertaken; or <u>(b) as agreed in writing between the undertaker and the Secretary of State (following consultation with the CAA and CBC).</u></p> <p>(5) In this requirement “Code C aircraft” means aircraft with dimensions meeting the maximum specifications of code letter C in the Aerodrome Reference Code table in</p>	<p>Subject to the point below regarding paragraph (1), the Authorities welcome the amendments made to paragraphs (1) and (4).</p> <p>Regarding paragraph (1), the Authorities would suggest the following amendments –</p> <p>“(1) From the date of the commencement of dual runway operations, the airport may not be used for more than 389,000 aircraft movements per annum and with or a passenger throughput of more than 80.2million passengers per annum”.</p> <p>As originally drafted, the Authorities consider the airport could have been used if there were more than 389,000 aircraft movements per annum but there were not 80.2 million passengers per annum (and vice versa). The Authorities do not consider this was the intention of the original drafting. In addition, for clarity, the words “more than” have been included before “80.2 million passengers”.</p>

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
		the main runway is being undertaken; or (b) as agreed in writing between the undertaker and the Secretary of State (following consultation with the CAA and CBC). (5) In this requirement "Code C aircraft" means aircraft with dimensions meeting the maximum specifications of code letter C in the Aerodrome Reference Code table in Annex 14, Volume I to the Convention on International Civil Aviation, as at the date of this Order.	Annex 14, Volume I to the Convention on International Civil Aviation, as at the date of this Order.	
26.	R20 (Surface Access)	From the date on which the authorised development begins the operation of the airport must be carried out in accordance with the surface access commitments unless otherwise agreed in writing with CBC and National Highways (in consultation with Surrey County Council and West Sussex County Council).	<p>(1) From the date on which the authorised development begins the operation of the airport must be carried out in accordance with the surface access commitments unless otherwise agreed in writing with CBC and National Highways (in consultation with Surrey County Council and West Sussex County Council).</p> <p><u>(2) First use of the following airport facilities shall not be permitted until the mode shares set out below have been demonstrated to have been achieved in the Annual Monitoring Report unless otherwise permitted by CBC. a) At least 54% of passengers travelling to the airport used public transport in the monitored year. Should this public transport mode share not be achieved then the Undertaker shall not use the following:</u></p> <ul style="list-style-type: none"> • <u>Simultaneous operational use of the northern runway;</u> <u>and</u> • <u>Pier 7 and associated stands.</u> 	<p>The Authorities welcome and support the amendment proposed by the ExA which would provide the Authorities with a greater degree of confidence that the SACs, and in particular the mode share targets, could be delivered.</p> <p>Nonetheless, Requirement 20 must work in conjunction with the SACs themselves. Therefore, SCC and WSCC have submitted at Deadline 9 a document headed "Response to the Applicant's Deadline 8 Surface Access Commitments" which includes a table of those councils' key concerns with the surface access commitments [REP8-052] and an Appendix which includes the amendments the councils are seeking to the SACs.</p> <p>The Authorities consider REP8-052 should be replaced with the Appendix mentioned above (or, as a minimum, it should be changed in the light of the table of key concerns). Requirement 20 should be read in this context.</p>

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
			<p><u>b) At least 55% of passengers travelling to the airport used public transport in the monitored year. Should this public transport mode share not be achieved then the Undertaker shall not use the following:</u></p> <ul style="list-style-type: none"> - <u>The South Terminal Hotel Phase 2 on the former car park H; and</u> - <u>The use of multi storey car Park Y.</u> <p><u>c) Not more than 44.9% of staff travelling to the airport were car drivers in the monitored year. Should this car driver mode share be exceeded then the Undertaker shall not use the South Terminal Office (on former car park H).</u></p>	
27.	R23 (Flood compensation delivery plan)	<p>(1) Prior to the commencement of the first of the floodplain works requiring prior mitigation, a flood compensation delivery plan setting out the timeframe for delivering the fluvial mitigation works must be submitted to and approved by CBC (in consultation with the Environment Agency).</p> <p>(2) The authorised development must be constructed in accordance with the flood compensation delivery plan referred to in sub-paragraph (1) unless otherwise agreed in writing with CBC (in consultation with the Environment Agency).</p>	<p>(1) Prior to the commencement of the first of the floodplain works requiring prior mitigation, a flood compensation delivery plan setting out the timeframe for delivering the fluvial mitigation works must be submitted to and approved by CBC (in consultation with <u>WSCC as lead local flood authority and the Environment Agency</u>).</p> <p>(2) The authorised development must be constructed in accordance with the flood compensation delivery plan referred to in sub-paragraph (1) unless otherwise agreed in writing with CBC (<u>in consultation with WSCC as lead local flood authority and the Environment Agency</u>).</p>	<p>The Authorities welcome the inclusion of these amendments for the reasons set out in row 40 of Part B of the Authorities' Deadline 8 submission "Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8" [REP8-163].</p>

	Reference	Text as set out in the draft DCO [REP9-005]	ExA's Recommended Amendment/Insertion	Legal Partnership Authorities Response
28.	R32 (Western noise mitigation bund)	1) The commencement of dual runway operations must not take place until Work No. 18(b) (replacement noise bund and wall) has been completed. (2) Once completed, Work No. 18(b) must not be removed unless otherwise agreed in writing by CBC.	<p>1) The commencement of dual runway operations must not take place until Work No. 18(b) (replacement noise bund and wall) has been completed.</p> <p>(2) Once completed, Work No. 18(b) must not be removed unless otherwise agreed in writing by CBC.</p> <p><u>(3) No part of Work No. 18 is to commence unless a scheme has been agreed in writing between the undertaker and CBC for the implementation of noise mitigation of no less efficacy than the existing western noise bund for the period between the removal of the existing western noise bund and the completion of construction of the replacement noise bund and wall.</u></p> <p><u>(4) The undertaker must implement the scheme agreed under paragraph (3).</u></p>	<p>The Authorities welcome the inclusion of paragraphs (3) and (4) for the reasons set out in row 42 of Part B of the Authorities' Deadline 8 submission "Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8" [REP8-163]; however, to ensure the new wall provides at least the same level of mitigation as the existing bund, as stated in row 42, the Authorities also consider that new paragraph (5) is required, namely –</p> <p>"(5) The replacement noise bund and wall must be of no less efficacy than the existing western noise bund".</p>
29.	R35 (Odour monitoring and management plan)	From the date of the commencement of the authorised development, the authorised development and the operation of the airport must be carried out in accordance with the odour monitoring and management plan unless otherwise agreed in writing by CBC (in consultation with RBBC).	<p>(1) <u>The commencement of dual runway operations must not take place until an odour management and monitoring plan has been submitted to and approved in writing by CBC in consultation with RBBC.</u></p> <p>(2) <u>The odour management and monitoring plan submitted under sub-paragraph (1) must be substantially in accordance with the outline odour management and monitoring plan and must include procedures for monitoring, recording and reporting to CBC on aviation fuel odour and other odour emissions at the Horley Gardens Estate.</u></p> <p>(3) From the date of the commencement of the authorised development, the authorised development and the operation of the airport must be carried out in accordance with the <u>approved</u> odour monitoring and management plan unless otherwise</p>	<p>The Authorities consider the new requirement (odour management and monitoring plan) which was included in the ExA's proposed requirements contained in Annex B to the Agenda for Issue Specific Hearing 9 [EV20-001] is preferable to the one proposed here and the Authorities' comments on that requirement are included (on page 125) of Part C of the Authorities' Deadline 8 submission "Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8" [REP8-163].</p>

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
			agreed in writing by CBC (in consultation with RBBC).	
30.	R37 (Car parking spaces)	<p>1) The undertaker shall not provide more than 53,260 car parking spaces within the Order limits unless otherwise agreed in writing by CBC.</p> <p>(2) Upon commencement of the authorised development and by no later than each anniversary of that date, the undertaker must submit an annual report to CBC providing an update on the number of car parking spaces provided by the undertaker within the Order limits.</p>	<p>1) The undertaker shall not provide more than 53,260 car parking spaces <u>or allow the parking of more than 53,260 cars</u> within the Order limits unless otherwise agreed in writing by CBC.</p> <p>(2) Upon commencement of the authorised development and by no later than each anniversary of that date, the undertaker must submit an annual report to CBC providing an update on the number of car parking spaces provided by the undertaker and cars parked within the Order limits.</p>	<p>For clarity, the Authorities consider it would be preferable if Requirement 37 and New Requirement 1 were merged to create a single requirement as follows –</p> <p>“(1) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 8, Class F – development at an airport (or any order revoking and re-enacting that Order with or without modification), no additional car parking shall be provided within the Order limits unless otherwise agreed by CBC.</p> <p>(2) In paragraph (1) “additional car parking” means –</p> <p>(a) the provision of more than 53,260 car parking spaces or;</p> <p>(b) allowing the parking of more than 53,260 cars.</p> <p>(3) Upon commencement of the authorised development and by no later than each anniversary of that date, the undertaker must submit an annual report to CBC providing an update on the number of car parking spaces provided by the undertaker and cars parked within the Order limits.</p> <p>(4) In paragraph (2) the number “53,260” includes a maximum of 47,180 car parking spaces for passengers or a maximum of 47,180 passengers’ cars, as appropriate”.</p>
New Requirements				

	Reference	Text as set out in the draft DCO [REP9-005]	ExA's Recommended Amendment/Insertion	Legal Partnership Authorities Response
31.	New R1 (Removal of permitted development rights relating to the provision of additional car parking)		Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 8, Class F – development at an airport (or any order revoking and re-enacting that Order with or without modification), no additional car parking shall be provided at the airport unless otherwise permitted by CBC.	Please see the comment above regarding R37 (car parking spaces).
32.	New R2 (Control of engine testing)		During the carrying out of Work No.18(a) and 18(b), no engine testing may take place at the Taxiway Juliet West Spur as shown on Figure 5.2.1A of the Project Description Figures of the Environmental Statement, unless otherwise agreed in writing by CBC.	The Authorities welcome the inclusion of this requirement for the reasons set out in row 42 of Part B of the Authorities' Deadline 8 submission "Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8" [REP8-163].
33.	New R3 (Host authorities' fees)		<p>(1) No part of the authorised development is to commence until the undertaker has entered into a planning performance agreement with the host authorities to cover the host authorities' costs, on a cost recovery basis, of –</p> <p>(a) consenting or approving any application under any article;</p> <p>(b) agreeing, endorsing or approving any requirement; and</p> <p>(c) responding to any consultation under this Order.</p> <p>(2) Any difference arising between the host authorities and undertaker in respect of the content of any planning performance agreement may be resolved by arbitration under article 54 (arbitration).</p>	<p>Paragraph 5 of Schedule 9 to the Section 106 Agreement includes provision for the parties to enter into negotiations in good faith to complete a Planning Performance Agreement which will include provision for the recovery of relevant costs from GAL of time spent by the local authorities in giving their agreement, consent, endorsement or approval to a requirement (or DCO article) or in their role as consultee to a requirement.</p> <p>Owing to this, the Authorities no longer consider that New Requirement 3 is required.</p>
Schedule 11				

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
34.	Applications made under requirement	<p>1.—(1) Where an application has been made to a discharging authority for any agreement, endorsement or approval required by a requirement included in this Order (except where the discharging authority is the independent air noise reviewer, in which case Part 2 of this Schedule has effect in place of this Part), the discharging authority must give notice to the undertaker of its decision on the application before the end of the decision period.</p> <p>(2) For the purposes of sub-paragraph (1), the decision period is—</p> <p>(a) in the case of requirements in respect of which the discharging authority has a duty under Schedule 2 (requirements) of this Order to consult with any other body—</p> <p>(i) where no further information is requested under paragraph 2, 8 weeks from the day immediately following that on which the application is received by the discharging authority;</p> <p>(ii) where further information is requested under paragraph 2, 8 weeks from the day immediately</p>	<p>1.—(1) Where an application has been made to a discharging authority for any agreement, endorsement or approval required by a requirement included in this Order (except where the discharging authority is the independent air noise reviewer, in which case Part 2 of this Schedule has effect in place of this Part), the discharging authority must give notice to the undertaker of its decision on the application before the end of the decision period.</p> <p>(2) For the purposes of sub-paragraph (1), the decision period is—(a) in the case of requirements in respect of which the discharging authority has a duty under Schedule 2 (requirements) of this Order to consult with any other body—</p> <p>(i) where no further information is requested under paragraph 2, 8 weeks (or in the case of major works, 13 weeks) from the day immediately following that on which the application is received by the discharging authority;</p> <p>(ii) where further information is requested under paragraph 2, 8 weeks (or in the case of major works, 13 weeks) from the day immediately following that on which further information has been supplied by the undertaker under paragraph 2; or</p>	<p>The Authorities welcome the amendments to sub-paragraphs (2)(a)(i), (ii) and (iii) and the inclusion of paragraph (2A)(i) to (xii) for the reasons set out in row 44 of Part B of the Authorities' Deadline 8 submission "Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8" [REP8-163].</p>

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
		<p>following that on which further information has been supplied by the undertaker under paragraph 2; or</p> <p>(iii) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in sub-paragraph (i) or (ii); and</p> <p>(b) in the case of requirements in respect of which the discharging authority has no duty under Schedule 2 of this Order to consult with any other body—</p> <p>(i) where no further information is requested under paragraph 2, 6 weeks from the day immediately following that on which the application is received by the discharging authority;</p> <p>(ii) where further information is requested under paragraph 2, 6 weeks from the day immediately following that on which further information has been supplied by the undertaker under paragraph 2;</p> <p>or</p> <p>(iii) such longer period as may be</p>	<p>(iii) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in sub-paragraph (i) or (ii) <u>(such agreement not to be unreasonably withheld)</u>; and</p> <p>(b) in the case of requirements in respect of which the discharging authority has no duty under Schedule 2 of this Order to consult with any other body—</p> <p>(i) where no further information is requested under paragraph 2, 6 weeks <u>(or in the case of major works, 9 weeks)</u> from the day immediately following that on which the application is received by the discharging authority;</p> <p>(ii) where further information is requested under paragraph 2, 6 weeks <u>(or in the case of major works, 9 weeks)</u> from the day immediately following that on which further information has been supplied by the undertaker under paragraph 2; or</p> <p>(iii) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in sub-paragraph (i) or (ii) <u>(such agreement not to be unreasonably withheld)</u>.</p> <p><u>(2A) In sub-paragraph (2), "major works"</u></p>	

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
		<p>agreed by the undertaker and the discharging authority in writing before the end of the period in sub- paragraph (i) or (ii).</p>	<p><u>means—</u></p> <p><u>(i) Work No. 9 (Works to construct the replacement Central Area Recycling Enclosure (CARE) facility);</u></p> <p><u>(ii) Work No. 16 (new hangar);</u></p> <p><u>(iii) Work No. 22 (Works associated with the North Terminal building);</u></p> <p><u>(iv) Work No. 23 (Works associated with the South Terminal building);</u></p> <p><u>(v) Work No. 24 (Works to upgrade the North Terminal forecourt including access roads);</u></p> <p><u>(vi) Work No. 25 (Works to upgrade the South Terminal forecourt including access roads);</u></p> <p><u>(vii) Work No. 26 (Works to construct a hotel north of multi-storey car park 3);</u></p> <p><u>(viii) Work No. 27 (Works to construct a hotel on the car rental site);</u></p> <p><u>(ix) Work No. 28 (Works associated with the Car Park H Site);</u></p> <p><u>(x) Work No. 29 (Works to convert the existing Destinations Place office into a hotel);</u></p> <p><u>(xi) Work No. 30 (Works to construct Car Park Y);</u></p> <p><u>(xii) Work No. 31 (Works associated with Car Park X)</u></p>	

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
35.	Fees	<p>3.— (1) Where an application is made to a discharging authority for agreement, endorsement or approval in respect of a requirement to which this Part of this Schedule applies, the fee contained in regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(1) (as may be amended or replaced from time to time) is to apply and must be paid to that authority for each application.</p> <p>(2) Any fee paid under this Schedule must be refunded to the undertaker within a period of 35 days of—</p> <p>(a) the application being rejected as invalidly made; or</p> <p>(b) the discharging authority failing to determine the application within the decision period specified in paragraph (1) of this Part, unless within that period the undertaker agrees in writing that the fee may be retained by the discharging authority and credited in respect of a future application</p>	<p>3.— (1) Where an application is made to a discharging authority for agreement, endorsement or approval in respect of a requirement to which this Part of this Schedule applies, the fee contained in regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(1) (as may be amended or replaced from time to time) is to apply and must be paid to that authority for each application.</p> <p>(2) Any fee paid under this Schedule must be refunded to the undertaker within a period of 35 days of—</p> <p>(a) the application being rejected as invalidly made; or</p> <p>(b) the discharging authority failing to determine the application within the decision period specified in paragraph (1) of this Part, unless within that period the undertaker agrees in writing that the fee may be retained by the discharging authority and credited in respect of a future application.</p>	<p>For the reasons set out next to “New R3 (host authorities fees)” the Authorities no longer consider this provision is needed and agree to its deletion.</p>
36.	Schedule 12	<p>Schedule 12 The Authorities have further considered the contents of Schedule 12 to the draft DCO and, for the reasons set out below, consider the following Work Nos. should be included in that schedule.</p>		

Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response								
	<table border="1"> <thead> <tr> <th data-bbox="478 329 870 391">Work No.</th> <th data-bbox="870 329 1903 391">Reason for inclusion within Schedule 12 (non-highway works for which detailed design approval is required)</th> </tr> </thead> <tbody> <tr> <td data-bbox="478 391 870 894">9 (Works to construct the replacement Central Area Recycling Enclosure (CARE) facility)</td> <td data-bbox="870 391 1903 894"> <p>Little information is provided in the DAS and DPs (DBF12 and DBF13, REP8-090) regarding how the CARE facility will be designed to limit the impacts associated with operating waste facilities, including, but not limited to, noise, dust, odour, vermin etc, as required by the Airports NPS (paragraph 4.70).</p> <p>The Operational Waste Management Plan does not include, or consider, the design of the CARE facility.</p> <p>The JLAs have requested that the DAS and DPs be strengthened, however the Applicant has not done so.</p> <p>Owing to these uncertainties, the Authorities consider the site should be included in Schedule 12 (Listed Works), enabling consideration of the design of the CARE facility under Requirement 4 (b) of the dDCO (D8 version) at a later date, to ensure that the design of the site has given consideration to impacts associated with the operation of waste management sites.</p> </td> </tr> <tr> <td data-bbox="478 894 870 1247">32 (Works to remove existing car parking at North Terminal Long Stay car park and construct a decked car parking structure)</td> <td data-bbox="870 894 1903 1247"> <p>The Authorities have expressed concerns about the impact of this structure, in particular from lighting on the setting of the Grade II* Charlwood Park Farmhouse to the west [REP4-065]. This has not been addressed by the Applicant.</p> <p>Further decked parking is now proposed for this site with the displacement of surface parking for the Wastewater Treatment Works (Works 44). The Authorities' concerns are set out in section 10 of [REP7-120]. There is no reference to these changes to works 32 in either the DAS (versions Deadline 7) or the DP [REP8-090].</p> <p>The Authorities do not consider the control documents can be relied upon to address the design impact from the works and should therefore be subject to design approval.</p> </td> </tr> <tr> <td data-bbox="478 1247 870 1398">41 (Works to create an ecological area at Pentagon Field)</td> <td data-bbox="870 1247 1903 1398"> <p>This site is near sensitive residential receptors and is highly visible from nearby rights of way.</p> <p>The Authorities welcome the ExA's suggested change to the description of works in Schedule 1 to reflect the proposed use as a temporary spoil receptor site and</p> </td> </tr> </tbody> </table>	Work No.	Reason for inclusion within Schedule 12 (non-highway works for which detailed design approval is required)	9 (Works to construct the replacement Central Area Recycling Enclosure (CARE) facility)	<p>Little information is provided in the DAS and DPs (DBF12 and DBF13, REP8-090) regarding how the CARE facility will be designed to limit the impacts associated with operating waste facilities, including, but not limited to, noise, dust, odour, vermin etc, as required by the Airports NPS (paragraph 4.70).</p> <p>The Operational Waste Management Plan does not include, or consider, the design of the CARE facility.</p> <p>The JLAs have requested that the DAS and DPs be strengthened, however the Applicant has not done so.</p> <p>Owing to these uncertainties, the Authorities consider the site should be included in Schedule 12 (Listed Works), enabling consideration of the design of the CARE facility under Requirement 4 (b) of the dDCO (D8 version) at a later date, to ensure that the design of the site has given consideration to impacts associated with the operation of waste management sites.</p>	32 (Works to remove existing car parking at North Terminal Long Stay car park and construct a decked car parking structure)	<p>The Authorities have expressed concerns about the impact of this structure, in particular from lighting on the setting of the Grade II* Charlwood Park Farmhouse to the west [REP4-065]. This has not been addressed by the Applicant.</p> <p>Further decked parking is now proposed for this site with the displacement of surface parking for the Wastewater Treatment Works (Works 44). The Authorities' concerns are set out in section 10 of [REP7-120]. There is no reference to these changes to works 32 in either the DAS (versions Deadline 7) or the DP [REP8-090].</p> <p>The Authorities do not consider the control documents can be relied upon to address the design impact from the works and should therefore be subject to design approval.</p>	41 (Works to create an ecological area at Pentagon Field)	<p>This site is near sensitive residential receptors and is highly visible from nearby rights of way.</p> <p>The Authorities welcome the ExA's suggested change to the description of works in Schedule 1 to reflect the proposed use as a temporary spoil receptor site and</p>		
Work No.	Reason for inclusion within Schedule 12 (non-highway works for which detailed design approval is required)										
9 (Works to construct the replacement Central Area Recycling Enclosure (CARE) facility)	<p>Little information is provided in the DAS and DPs (DBF12 and DBF13, REP8-090) regarding how the CARE facility will be designed to limit the impacts associated with operating waste facilities, including, but not limited to, noise, dust, odour, vermin etc, as required by the Airports NPS (paragraph 4.70).</p> <p>The Operational Waste Management Plan does not include, or consider, the design of the CARE facility.</p> <p>The JLAs have requested that the DAS and DPs be strengthened, however the Applicant has not done so.</p> <p>Owing to these uncertainties, the Authorities consider the site should be included in Schedule 12 (Listed Works), enabling consideration of the design of the CARE facility under Requirement 4 (b) of the dDCO (D8 version) at a later date, to ensure that the design of the site has given consideration to impacts associated with the operation of waste management sites.</p>										
32 (Works to remove existing car parking at North Terminal Long Stay car park and construct a decked car parking structure)	<p>The Authorities have expressed concerns about the impact of this structure, in particular from lighting on the setting of the Grade II* Charlwood Park Farmhouse to the west [REP4-065]. This has not been addressed by the Applicant.</p> <p>Further decked parking is now proposed for this site with the displacement of surface parking for the Wastewater Treatment Works (Works 44). The Authorities' concerns are set out in section 10 of [REP7-120]. There is no reference to these changes to works 32 in either the DAS (versions Deadline 7) or the DP [REP8-090].</p> <p>The Authorities do not consider the control documents can be relied upon to address the design impact from the works and should therefore be subject to design approval.</p>										
41 (Works to create an ecological area at Pentagon Field)	<p>This site is near sensitive residential receptors and is highly visible from nearby rights of way.</p> <p>The Authorities welcome the ExA's suggested change to the description of works in Schedule 1 to reflect the proposed use as a temporary spoil receptor site and</p>										

	Reference	Text as set out in the draft DCO [REP9-005]	<u>ExA's Recommended Amendment/Insertion</u>	Legal Partnership Authorities Response
			<p>recommendation for parameters [PD-028]. The level of detail in the DP [REP8-090] DLP19 still fails to recognise the visual impact of the soil deposition on the landform or provide any measurable controls on quantity of materials imported or height of the landform.</p> <p>There are concerns about the uncertainty of the landform and way the earthworks will be managed see section 12 of [REP6-116]. The concerns could be addressed through further design details and design approval through inclusion in Schedule 12.</p>	
		43 (Water treatment works; reedbeds)	Concerns remain about the lack of detail about the design specification underpinning these works, in particular the effectiveness of odour control and the appearance/ effectiveness of the acoustic mitigation. DDP14 gives little information on the works and lacks reference to the need to address site context in respect of sensitive receptors such as nearby properties, ecological and drainage matters (see section 9 of [REP5-117] .)	
		44 (Wastewater treatment works)	<p>This facility should be designed to effectively mitigate its odour emissions and ensure any drainage outputs safeguard the environment.</p> <p>Due to the late addition into the Examination it is clear to the Authorities the that design considerations for this key infrastructure are far from fully developed and the development design principles provide limited detail on the visual appearance of the Works or any certainty on the environmental performance of the facility. There is no reference to these works in the illustrative DAS [AS-155]</p> <p>It is considered there are not enough safeguards in the control documents over the design and performance of this work and so it should be added to Schedule 12.</p>	
Schedule 13				
37.	Informative Maximum Parameter Heights	Informative Maximum Parameter Heights	Informative Maximum Parameter Heights	The Authorities welcome the inclusion of these amendments for the reasons set out in row 46 of Part B of the Authorities' Deadline 8 submission "Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8" [REP8-163] . As mentioned in that submission, these

	Reference	Text as set out in the draft DCO [REP9-005]	ExA's Recommended Amendment/Insertion	Legal Partnership Authorities Response
38.	Informative Maximum Parameter Heights		<p>(1) Work No. 41(b) (2) Work Description <u>Works at Pentagon Field to permanently raise the ground level</u> (3) Maximum building or other works height (m) <u>4 metres</u></p> <p>(1) Work No. 38(d) (2) Work Description <u>Undertake earthworks, landscaping and a bund around the southern and eastern perimeter</u> (3) Maximum building or other works height (m) <u>Bund 6 metres</u></p>	changes would need to be accompanied by changes to the parameter plans.
OLEMP				
39.	Paragraph 1.1.4	Each LEMP will include the following: • [...]	<p>Each LEMP will include the following: • [...]</p> <ul style="list-style-type: none"> • <u>An explanation of how the proposed tree planting for that area contributes to the achievement of the CBC tree replacement requirement as set out in Policy CH6 (Tree Planting and Replacement Standards) of Crawley 2030: Crawley Borough Local Plan 2015-2030 (adopted on 16 December 2015)</u> 	The Authorities welcome these amendments to the oLEMP.

**PART B: LEGAL PARTNERSHIP AUTHORITIES RESPONSE TO THE APPLICANT’S SCHEDULE OF CHANGES TO THE DDCO
VERSION 6 [REP8-004]**

Row	Provision	Change made at Deadline 8	Applicant’s Reasoning	Legal Partnership Authorities Response
Changes Made at Deadline 8				
	Article 9(4) (planning permission)	(5) Where the undertaker identifies an incompatibility between a condition of a planning permission and this Order that engages paragraph (4), it must notify the relevant planning authority and use reasonable endeavours to notify the current beneficiary of the affected planning permission as soon as reasonably practicable.	Added to incorporate additional elements of the JLAs' proposed drafting amends to article 9 in their Consolidated submissions on the draft Development Consent Order [REP7-108] . This drafting is considered more precise than the JLA's specific proposed drafting of <i>"any person who might be adversely affected by the condition ceasing to have effect"</i> .	As set out in Part A to this submission, the Authorities are supportive of the ExA’s amendments to this Article for the reasons set out under “Alternative A” in row 4 of Part B of the Authorities’ Deadline 8 submission “Consolidated Submissions on the draft Development Consent Order – Update at Deadline 8” [REP8-163] .
189.	Article 9(4) (planning permission)	(7) The undertaker must not exercise the permitted development right in Class F of Part 2 of Schedule 2 to the 2015 Regulations for [...]	Added for clarity.	This amendment should in fact refer to “Part 8” of Schedule 2 to the 2015 Regulations.
190.	Article 17 (classification of roads, etc.)	From the date determined by the undertaker, being not before the date on which Work No. 35 (South Terminal Junction improvements) is completed and open for traffic, the roundabout circulatory carriageway at junction 9 of the M23 is to cease to have the classification of motorway and will instead be classified as a trunk road with an A-road classification as if it had become so by virtue	These amends to the drafting added at the last deadline (see row 171 of this Schedule of Changes) ensure that the re-classification of the highway does not occur automatically upon the completion of the separate Work No. 35 but only when determined by the undertaker, thus ensuring this process can be managed and avoiding unintended consequences.	The Authorities do not have comments on this amendment.

		of an order under section 10(2) of the 1980 Act	The deletion of wording at the end reflects that the same provision is already made in paragraph (4) of article 17.	
191.	Article 18 (traffic regulations)	(8) A copy of the instrument referred to in paragraph (7)(a) must be held at the registered office address of the undertaker for inspection during normal working hours and a copy must be sent to each of Surrey County Council and West Sussex County Council.	Added to incorporate additional elements of the JLAs' proposed drafting amends to article 18 in their Consolidated submissions on the draft Development Consent Order [REP7-108]. The Applicant's standard practice, as informed by statute, is to hold a copy of TROs it makes in its capacity as airport operator at its registered office for inspection and it proposes that the same approach be taken in respect of TROs made under the DCO. The Applicant is happy to additionally provide copies to West Sussex County Council and Surrey County Council so that they have easy access to the final version of the made TROs. The Applicant does not consider that the novel and unprecedented step of being required to publish TROs on its website is required.	The Authorities welcome this amendment which addresses their concerns regarding Article 18.
192.	Article 18 (traffic regulations)	Provisions concerning the roundabout circulatory carriageway at Junction 9 of the M23, or access to that junction under subparagraph (3), may include prohibitions on access and use by pedestrians, other non-motorized users, and vehicles. Additionally, from the date determined by the undertaker—no earlier than the completion and opening of Work No. 35 (South Terminal Junction improvements) to traffic—a speed restriction of 50 mph will be imposed on the roundabout circulatory carriageway at	Paragraph (10) has been moved from article 17 (where it was added at the last deadline – see row 171) as it relates to matters covered by article 18 rather than 17 and thus sits more coherently here. New paragraph (11) has been added following further discussions with National Highways because of the necessity to impose this speed limit in connection with the authorised development, to ensure the ongoing safety of the strategic road network in this location.	The Authorities do not have comments on this amendment.

		Junction 9 of the M23, as if established under paragraph (2).		
193.	Article 19 (clearways, prohibitions and restrictions)	(4) From the date determined by the undertaker, being not before the date on which Work No. 35 (South Terminal Junction improvements) is completed and open for traffic, a clearway restriction is to be imposed on the roundabout circulatory carriageway at junction 9 of the M23 as if effected pursuant to paragraph (1).	New paragraph (4) has been added following further discussions with National Highways because of the necessity to impose this restriction in connection with the authorised development, to ensure the ongoing safety of the strategic road network in this location.	The Authorities do not have comments on this amendment.
194.	Article 21 (agreements with relevant highway authorities)	(3) The undertaker must not commence a local highway work prior to entering into an agreement pursuant to paragraph (1) which provides includes details of the specification of that work which will reasonably satisfy the relevant highway authority for the purpose of article 20, and related provisions in relation to the maintenance and adoption of such works pursuant to that article.	This minor amendment has been made at the request of the JLAs in discussions with the Applicant.	The Authorities welcome this amendment to Article 21.
195.	Schedule 1 (authorised development)	Work No. 43 Works to construct water treatment works, comprising a constructed wetland (reed bed) treatment system including— the creation of reed	Added to incorporate comments from the JLAs' in their Consolidated submissions on the draft Development Consent Order [REP7-108] . Further explanation is provided in Appendix A to the	The Authorities consider the Applicant's amendments to the description of Works No. 43 to be an improvement. However, for the reasons set out in Part C to this submission , the Authorities consider Works No. 43 should be moved to Schedule 12.

		<p>beds and associated facilities, cabin, storage unit</p> <p>and the reprovision of car parking.</p> <p>(a) reed beds, surrounded by embankments and suitable boundary treatment;</p> <p>(b) associated plant, equipment and machinery;</p> <p>(c) cabin building;</p> <p>(d) storage unit;</p> <p>(e) reprovision of car parking for Gatwick Greenspace Partnership.</p>	<p>Applicant's Response to Deadline 7 Submission (Doc Ref. 10.65).</p>	
196.	<p>Schedule 2 (requirements), paragraph 1 (interpretation)</p>	<p>"aircraft movements" means commercial or non-commercial aircraft take-offs and landings, but shall not include diverted or emergency flights;</p>	<p>New definition added to reflect the amendments made to requirement 19 (airport operations) at the request of the JLAs.</p> <p>The Applicant considers that the JLAs' proposed definition in their Consolidated submissions on the draft Development Consent Order [REP7-108] is too circular, so has developed this definition drawing on the CAA's website.¹</p>	<p>The Authorities welcome this amendment.</p>
197.	<p>Schedule 2 (requirements), paragraph 1 (interpretation)</p>	<p>"commencement of dual runway operations' means the first day on which commercial air transport aircraft movements are scheduled to depart from both the repositioned northern runway and the main runway, which for the avoidance of doubt shall exclude any days on which both runways are used by the</p>	<p>Definition amended to refer to the new definition of "aircraft movements", for consistency and clarity.</p>	<p>The Authorities welcome this amendment.</p>

		undertaker to test dual operations following approval by the CAA for dual operations;		
198.	Schedule 2 (requirements), paragraph 1 (interpretation)	“commercial air transport movements” means take-offs and landings of aircraft engaged on the transport of passengers, freight or mail on commercial terms, which for the avoidance of doubt shall not include air transport movements with the exception of diverted or emergency flights;	Definition amended so as not to replicate the new definition of "aircraft movements" and to be clear as to the nature of these movements. This definition has also drawn from the CAA's website (as above).	The Authorities welcome this amendment.
199.	Schedule 2 (requirements), paragraph 1 (interpretation)	“emergency flights” means aircraft Air transport movements which do not carry commercial passengers, which include but are not restricted to [...]	Definition amended to refer to the new definition of "aircraft movements", for consistency and clarity.	The Authorities welcome this amendment.
200.	Schedule 2 (requirements), paragraph 1 (interpretation)	Amended definition for "noise insulation scheme outer zone 1" and new definitions of "noise insulation scheme outer zone 2" and "noise insulation scheme outer zone 3".	Added to reflect changes made to the Noise Insulation Scheme (Doc Ref. 5.3) at Deadline 8. This is further discussed in Annex 1 of Appendix A to the Applicant's Written Summary of Oral Submissions – ISH 9 – Mitigation (Doc Ref. 10.62.2).	The Authorities have no comments on these amendments.

201.	Schedule 2 (requirements), paragraph 1(4) (interpretation)	Cross-references updated.	To reflect new requirements with "unless otherwise agreed" limbs.	The Authorities have no comments on these amendments.
202.	Requirement 15 (air noise envelope)	<p>The undertaker shall not be permitted to declare any further capacity for commercial air transport movements from the airport where –</p> <p>(a) following the commencement of dual runway operations two consecutive annual monitoring and forecasting reports either when submitted to the independent air noise reviewer by the undertaker in accordance with sub-paragraph (2) of this requirement identify that the same noise envelope limit has been exceeded during the previous 24 months of the operation of the airport;</p> <p>(b) an annual monitoring and forecasting report when submitted to the independent air noise reviewer by the undertaker in accordance with sub-paragraph (2) of this requirement identifies that a noise envelope limit is forecast to be exceeded; or</p> <p>(c) the independent air noise reviewer and/or the Secretary of State identifies</p>	<p>Added to reflect changes made to the Noise Envelope (Doc Ref. 5.3) at Deadline 8.</p> <p>This is further discussed in Annex 1 of Appendix A to the Applicant's Written Summary of Oral Submissions – ISH 9 – Mitigation (Doc Ref. 10.62.2).</p>	The Authorities detailed comments on Requirements 15 and 16 are set out in <u>Part A to this submission.</u>

		that the same relevant noise envelope limit has been exceeded during the previous 24 months of the operation of the airport following the commencement of dual		
203.	Requirement 16 (air noise envelope reviews)	<p>(3) The noise envelope limits contained within any noise envelope review document (for the avoidance of doubt excluding any extraordinary noise envelope review document and any noise envelope review document submitted following the approval of any extraordinary noise envelope review document) must not be greater than—</p> <p>(a) Leq 16 hour day 51 dB 135.5146.7 km2</p> <p>(b) Leq 8 hour night 45 dB 146.9457.4 km2</p> <p>[...]</p> <p>(6) The undertaker must publish on a website (including a page on a website) hosted by the undertaker for that purpose each approved noise envelope review document or extraordinary noise envelope review document within not more than 1445 days following the date on which those are approved.</p>	<p>The figures have been updated to reflect changes to the Noise Envelope (Doc Ref. 5.3) at recent deadlines.</p> <p>For further information see Annex 1 of Appendix A to the Applicant's Written Summary of Oral Submissions – ISH 9 – Mitigation (Doc Ref. 10.62.2).</p>	<p>The Authorities detailed comments on Requirements 15 and 16 are set out in <u>Part A to this submission.</u></p>

204.	Requirement 17 (verification of air noise monitoring equipment)	[...] the undertaker must submit to the independent air noise reviewer a noise model verification report and the undertaker must publish on a website (including a page on a website) hosted by the undertaker for that purpose each noise model verification report submitted to the independent air noise reviewer within not more than 14 45 days after the date of its submission	Added to reflect changes made to the Noise Envelope (Doc Ref. 5.3) at Deadline 8. This is further discussed in Annex 1 of Appendix A to the Applicant's Written Summary of Oral Submissions – ISH 9 – Mitigation (Doc Ref. 10.62.2).	The Authorities recognise the improvement on the previous position. The Authorities maintain their position on Requirement 17 as set out in <u>Part C to this submission.</u>
205.	Requirement 18 (noise insulation scheme)	New material added on process – see the draft DCO for the additions in full.	Added to reflect changes made to the Noise Insulation Scheme (Doc Ref. 5.3) at Deadline 8. This is further discussed in Annex 1 of Appendix A to the Applicant's Written Summary of Oral Submissions – ISH 9 – Mitigation (Doc Ref. 10.62.2).	The Authorities detailed comments on Requirement 18 are set out in <u>Part A to this submission.</u>
206.	Requirement 19 (airport operations)	19.—(1) From the date of the commencement of dual runway operations, the airport may not be used for more than 386,000 commercial air transport movements 389,000 aircraft movements per annum.	Added to incorporate the JLAs' proposed drafting amends to requirement 19 in their Consolidated submissions on the draft Development Consent Order [REP7-108] . Further explanation is provided in Appendix A to the Applicant's Response to Deadline 7 Submissions (Doc Ref. 10.65).	The Authorities welcome these amendments and their detailed comments on Requirement 19 are set out in <u>Part A to this submission.</u>

207.	Requirement 21 (carbon action plan)	21. From the date on which the authorised development begins, the authorised development and the operation of the airport must be carried out in accordance with the carbon action plan unless otherwise agreed in writing with the Secretary of State (following consultation with CBC).	Amended to incorporate the ExA's proposed changes to this requirement comprised in Annex B to the Agenda for ISH 9 [EV20-001].	The Authorities welcome this amendment to Requirement 21.
208.	Requirement 25 (operational Waste management plan)	25.—(1) Work No. 9 (replacement CARE facility) must not be commenced until an operational waste management plan has been submitted to and approved in writing by must not be brought into routine operation until the undertaker has submitted an operational waste management plan West Sussex County Council to for approval	Amended to incorporate the ExA's proposed changes to this requirement comprised in Annex B to the Agenda for ISH 9 [EV20-001].	The Authorities comments on Requirement 25 are set out in <u>Part C to this submission.</u>
209.	New Requirement 35 (odour monitoring and management plan)	35. From the date of the commencement of the authorised development, the authorised development and the operation of the airport must be carried out in accordance with the odour monitoring and management plan unless otherwise agreed in writing by CBC (in consultation with RBBC).	This new requirement has been added to respond to the understood intention of the ExA's proposed requirement on this topic in Annex B to the Agenda for ISH 9 [EV20-001] and further to discussion at ISH 9.	The Authorities comments on Requirement 35 are set out in <u>Part A to this submission.</u>

210.	New requirement 36 (Thames Water phasing plan)	<p>36.—(1) Prior to the commencement of the authorised development, the undertaker must prepare and provide to Thames Water Utilities Limited a passenger throughput phasing plan which will include forecast passenger growth numbers for the period up to the commencement of dual runway operations and five years after the commencement of dual runway operations.</p> <p>(2) The details in the plan provided pursuant to sub-paragraph (1) must not materially exceed the forecast annual passenger numbers shown for the equivalent time periods for the airport with the authorised development in Table 9.2-1 of the forecast data book</p>	New requirement added in connection with the Applicant's discussions with Thames Water Utilities Limited ("TWUL") to offer additional comfort to TWUL.	The Authorities have no comments on this amendment.
211.	New requirement 37 (car parking spaces)	<p>37.—(1) The undertaker shall not provide more than 53,260 car parking spaces within the Order limits unless otherwise agreed in writing by CBC.</p> <p>(2) Upon commencement of the authorised development and by no later than each anniversary of that date, the undertaker must submit an annual report to CBC providing an update on the number of car parking spaces provided by the undertaker within the Order limits.</p>	Added for the reasons set out in Appendix B of The Applicant's Response to Rule 17 Letter – Parking (Doc Ref. 10.64).	The Authorities comments on Requirement 35 are set out in <u>Part A to this submission.</u>

212.	<p>New requirement 38 (speed limit monitoring)</p>	<p>38.—(1) No part of Work Nos. 35, 36 or 37 (surface access works) is to commence until a speed limit monitoring plan for those works has been submitted to and approved in writing by West Sussex County Council (in consultation with Surrey County Council and National Highways).</p> <p>(2) The speed limit monitoring plan must include—</p> <p>(a) as a minimum, one survey to be carried out before commencement of the first of Work Nos. 35, 36 or 37 (surface access works) and two surveys to be carried out after completion of the last of those works to assess the changes in traffic speed on the local and strategic highway networks;</p> <p>(b) the locations to be monitored and the methodology to be used to collect the required data;</p> <p>(c) the periods over which traffic is to be monitored (each such period to be no longer in duration than 14 days);</p> <p>(d) the submission of survey data and interpretative reports to West Sussex County Council; and</p> <p>(e) a description of the manner in which the undertaker would propose to address excessive speeding identified through the monitoring.</p> <p>(3) The authorised development must be carried out in accordance with the speed limit monitoring plan approved pursuant to sub-</p>	<p>Added for the reasons set out in Appendix A to the Applicant's Response to Deadline 7 Submissions</p> <p>(Doc Ref. 10.65)</p>	<p>Subject to the two points mentioned below, the Authorities are broadly content with Requirement 38 (speed limit monitoring). For example, in the draft submitted by the Authorities at D8 (see the new requirement on page 90 of Part B of the Consolidated Submission on the draft DCO [REP8-163]) the requirement provided that no part of the authorised development may commence until a speed limit monitoring plan has been approved. On reflection, the Authorities are content with the Applicant's corresponding drafting, namely that no part of Work Nos. 35, 36 or 37 (surface access works) may commence until the plan has been approved. Since the plan only relates to surface access works, the Authorities consider it is reasonable for other parts of the development to commence in the meantime.</p> <p>The two points are: first, the Authorities consider the plan should specify the criteria which would determine whether additional speed restriction mitigation is required. Second, the plan should also set out the timescale for the delivery of any mitigation.</p> <p>In the light of the two points, the Authorities would suggest the requirement is amended as follows –</p> <p>Speed limit monitoring</p> <p>38.—(1) No part of Work Nos. 35, 36 or 37 (surface access works) is to commence until a speed limit monitoring plan for those works has been submitted to and approved in writing by West Sussex County Council (in consultation with Surrey County Council and National Highways).</p> <p>(2) The speed limit monitoring plan must include—</p> <p>(a) as a minimum, one survey to be carried out before commencement of the first of Work Nos. 35, 36 or 37 (surface access works) and two surveys to be carried out after completion of the last of those works to assess the changes in traffic speed on the local and strategic highway networks;</p> <p>(b) the locations to be monitored and the methodology to be used to collect the required data;</p> <p>(c) the periods over which traffic is to be monitored (each such period to be no longer in duration than 14 days);</p>
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		paragraph (1) unless otherwise agreed in writing with West Sussex County Council (in consultation with Surrey County Council and National Highways).		(d) the submission of survey data and interpretative reports to West Sussex County Council; and (e) the criteria which shall be applied to determine whether additional speed mitigation infrastructure is required; and (f) a description of the manner in which the undertaker would propose to address excessive speeding, if identified through the monitoring, and the timescales for delivering any infrastructure. (3) The authorised development must be carried out in accordance with the speed limit monitoring plan approved pursuant to sub-paragraph (1) unless otherwise agreed in writing with West Sussex County Council (in consultation with Surrey County Council and National Highways).
213.	New requirement 39 (tree balance statement)	<p>Tree balance statement</p> <p>39.—(1) On or before the ninth anniversary of the commencement of dual runway operations, a tree balance statement must be submitted to CBC for approval.</p> <p>(2) The tree balance statement referred to in sub-paragraph (1) shall follow the methodology set out in section 2 of Appendix J of the tree survey report and arboriculture impact assessment, and must include—</p> <p>(a) the total number of trees that have been removed as part of the authorised development;</p> <p>(b) the total number of replacement trees that are required on the basis of the CBC tree replacement requirement; and</p> <p>(c) the total number of trees that have been provided as part of the authorised development.</p>	This requirement has been added in relation to Action Point 22 as set out in the Applicant's Response to Actions ISH9: Mitigation (Doc Ref. 10.63.2).	<p>Tree balance statement</p> <p>The Authorities welcome the principle of the proposed requirement; however, they have concerns with various aspects of the detail.</p> <p>First, under the Applicant's proposed wording, no tree balance statement would be provided until 2038. This is an unreasonably long time to wait and it is not clear why such a delay is necessary. Were this an ordinary developer, the statement would be provided much earlier in the process at reserved matters stage. The Authorities acknowledge that, owing to the scale of the project and the number of trees which will be affected, a later time than usual is acceptable. Under the Authorities' proposed amendment, the first statement would be provided in or around late 2029 which is considered fair. Moreover, the Authorities consider a phased approach to reporting is appropriate, with interim auditing of the tree balance within successive parts of the development on the third, sixth and ninth anniversaries of commencement. This would not be an onerous undertaking for the Applicant but it should allow CBC to monitor progress</p>

		<p>(3) In the event that the tree balance statement identifies that the total number of trees that has been provided as part of the authorised development is less than that required by the application of the CBC Tree Replacement Requirement, the undertaker must pay the tree mitigation contribution to CBC within 60 days of the approval of the tree balance statement by CBC under sub-paragraph (1).</p>		<p>towards the ultimate achievement of a policy-compliant tree balance.</p> <p>The Authorities do not consider the Applicant's own assessment and "tree mitigation contribution" are appropriate and instead consider that CBC's adopted documents should be included as these are robust and have been considered satisfactory by the SoS.</p> <p>39.—(1) On or before the ninth anniversary of the commencement of dual runway operations, and on the third, sixth and ninth anniversaries of that commencement, a tree balance statement must be submitted to CBC for approval.</p> <p>(2) The tree balance statement referred to in sub-paragraph (1) shall must follow the methodology set out in section 2 of Appendix J of the tree survey report and arboricultural impact assessment in policy CH6 of the Crawley Borough Council Local Plan 2015-2030 and the accompanying Green Infrastructure SPD 2016, and must include—</p> <ul style="list-style-type: none"> (a) the total number of trees that have been removed as part of the authorised development; (b) the total number of replacement trees that are required on the basis of the CBC tree replacement requirement; and (b) the total number of trees that have been provided as part of the authorised development. <p>(3) In the event that the relevant tree balance statement identifies that the total number of trees that has been</p>
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				<p>provided as part of the authorised development is less than that required by the application of the CBC tree replacement requirement, the undertaker must pay the tree mitigation contribution to CBC within 60 days of the approval of the tree balance statement by CBC under sub-paragraph (1).</p> <p>(4) In this requirement—</p> <p>(a) “CBC tree replacement requirement” means the number of replacement trees required on the basis of basis of the number as per paragraph (2)(a), calculated in accordance with the table in Policy CH6 (Tree Planting and Replacement Standards) of Crawley 2030: Crawley Borough Local Plan 2015-2030 (adopted on 16 December 2015);</p> <p>(b) “tree mitigation contribution” means the sum sought pursuant to Policy CH6 of the CBC development plan (or any replacement policy) and calculated in accordance with the tree mitigation formula to be paid to CBC and used towards the provision of tree planting and maintenance in the borough of Crawley or within the area of the host authority which is a district council the sum calculated using the following formula, by reference to the approved Tree Balance Statement: (the number as per paragraph (2)(b) minus the number as per paragraph (2)(c)) multiplied by £700; and</p> <p>(c) “tree survey report and arboricultural impact assessment” means the document of that description certified by the Secretary of State under article 52 (certification of documents, etc.)</p>
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				(c) "tree mitigation contribution formula" means the formula as set out in the CBC Green Infrastructure Supplementary Planning document or any other document replacing it containing a formula for the payment of contributions containing a formula for the payment of contributions towards providing replacement trees
214.	Schedule 3 Schedule 4	Minor corrections	To correct drafting errors	The Authorities have no comments on these amendments.
215.	Schedule 6 (Traffic Regulations)	New row added	To reflect extension of speed limit changes in vicinity of M23 J9 following discussions with National Highways.	The Authorities have no comments on these amendments.
216.	Schedule 9 (protective provisions)	New parts added.	Added as explained in the Applicant's Response to Actions – CAH 2 (Doc Ref. 10.63.1).	The Authorities have no comments on these amendments.

PART C: LEGAL PARTNERSHIP AUTHORITIES LIST OF AMENDMENTS TO THE DDCO – UPDATED AT DEADLINE 9.

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
1.	Art. 2(1) Interpretation	<p>Definition of “commencement”</p> <p>Alternative A</p> <p>“commence” means the carrying out of any material operation (as defined in section 155 (when development begins) of the 2008 Act) forming part, or carried out for the purposes, of the authorised development other than operations consisting of—</p> <p>(a) remedial work in respect of any contamination or adverse ground conditions;</p> <p>(b) environmental (including archaeological) surveys and investigation;</p> <p>(c) investigations for the purpose of assessing ground conditions;</p> <p>(d) site or soil surveys;</p> <p>(e) erection of fencing to site boundaries or marking out of site boundaries;</p> <p>(f) removal of hedgerows, trees and shrubs;</p> <p>(g) installation of amphibian and reptile fencing;</p> <p>(h) the diversion or laying of services;</p> <p>(i) ecological mitigation measures;</p>	<p>There has been no proper explanation in the EM or in the control documents (including the CoCP) of the reasons for and the extent of each of the types of operation listed.</p> <p>Some types of operations (particularly those in paragraphs (k), (m), (n) and (o) have the potential to be significant and long lasting.</p> <p>The issue for the Authorities is the lack of control that they will have over what are likely to be significant aspects of the development.</p> <p>Two alternatives have been provided: A - removing those operations from the definition of commencement entirely and B - requiring the consent of the Authorities before any of these activities could begin.</p> <p>If A were to be recommended, then the significant construction sites could be listed as numbered works, as happened in the Sizewell DCO.</p>	<p>The Authorities welcome the Applicant’s further detail on these points, particularly in the updated COCP.</p> <p>As mentioned previously, the Authorities main concerns are with the potential impacts of the works that fall within paragraphs (k), (m), (n) and (o).</p> <p>Regarding (m), the establishment of construction compounds, the Authorities welcome paragraph 5.4.14 of the COCP which states -</p> <p>“Temporary construction compounds will be reinstated to their previous use and habitats will be restored to their existing ecological value (as a minimum)”.</p> <p>The Authorities consider the COCP should include similar commitments in respect of the following paragraphs and would be grateful if the Applicant could confirm the COCP will be updated accordingly –</p>

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		<p>(j) receipt and erection of construction plant and equipment; (k) erection of temporary buildings and structures; (l) site preparation and site clearance; (m) establishment of construction compounds; (n) establishment of temporary haul roads; and (o) the temporary display of site notices, advertisements or information, and “commencement” and “commenced” are to be construed accordingly;</p> <p>Alternative B</p> <p>Insert the following new requirement:</p> <p>Pre-commencement operations</p> <p>(XX).—(1) No operation listed in sub-paragraphs (k), (m) and (o) of the definition of “commence” may be carried out without the consent of the local planning authority, following consultation with the local highway authority.</p> <p>(2) No operation listed in sub-paragraph (n) of the definition of “commence” may be carried</p>		<p>(k) erection of temporary buildings and structures;</p> <p>(m) establishment of construction compounds; (n) establishment of temporary haul roads; and (o) the temporary display of site notices, advertisements or information,</p> <p>Update at Deadline 9 21 August 2024</p> <p>The Authorities maintain their position as expressed at Deadline 8.</p>

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		<p>out without the consent of the local highway authority, following consultation with the local planning authority.</p> <p>(3) All operations listed in sub-paragraphs (a) to (n) of the definition of “commence” must be carried out in accordance with the code of construction practice.</p> <p>(4) Consent under this requirement must not be unreasonably withheld.</p>		
2.	Art. 2(9) Interpretation	<p>(9) References in this Order to materially new or materially different environmental effects in comparison with those reported in the environmental statement must not be construed so as to preclude the undertaker from avoiding, removing or reducing an adverse environmental effect that was reported in the environmental statement.</p>	<p>See reasoning in West Sussex Authorities LIR Appendix M [REP1-068]</p> <p>This appears to be unprecedented. An explanation has been added to the EM. It appears to be a limitation on the “not materially different” test that, as the explanatory memorandum [REP6-007] says, has become commonplace in DCOs.</p>	<p>The Authorities are no longer pursuing the deletion of article 2(9) and have no objection to it being included in the draft DCO</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities maintain their position as expressed at Deadline 8.</p>
3.	Art. 2(10) Interpretation	<p>(10) In this Order, the expression “includes” may is to be construed without limitation, unless so construing would give rise to any materially new or materially different</p>	<p>See related comment above. Ensures compliance with Rochdale Envelope.</p>	<p>The Authorities are no longer pursuing this amendment to article 2(10).</p> <p><u>Update at Deadline 9 21 August 2024</u></p>

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		environmental effects in comparison with those reported in the environmental statement.		As above, the Authorities are no longer pursuing this amendment to Article 2(10).
4.	Art. 9(4) Planning Permission	<p>Alternative A</p> <p>Delete paragraph (4)</p> <p>(4) Any conditions of any planning permission granted prior to the date of this Order that are incompatible with the requirements of this Order or the authorised development shall cease to have effect from the date the authorised development is commenced and for the purpose of this fees article planning permissions deemed to be granted pursuant to the 2015 Regulations shall be deemed to be granted prior to the date of this Order.</p> <p>Alternative B</p> <p>(4) Subject to paragraphs (5), (6) and (7), any conditions of any planning permission granted prior to the date of this Order that are incompatible with the requirements of this</p>	<p>Article 9(4) does not appear to be preceded in any made DCO.</p> <p>It is widely drafted and catches any incompatible planning conditions, but no such conditions are identified.</p> <p>The Authorities have concerns about some existing planning conditions in particular and wish to avoid any doubt and later argument about whether they be overridden.</p> <p>In alternative B, the Authorities are examining the planning history to finalise a list of conditions which they consider should be preserved for the avoidance of doubt, and will seek to agree them with the Applicant.</p>	<p>Alternative A</p> <p>The Authorities note that, in the latest version of Appendix A to the Planning Statement [REP7-057], the Applicant has identified (in paragraph 1.2.2) two conditions from “the 1979 Permission” [i.e. planning permission CR/125/1979] as “inconsistent with the Project” namely –</p> <p>“Condition 3 restricts the use of the emergency runway to times when the main runway was temporarily not in operation; and</p> <p>Condition 4 requires the western noise mitigation bund to remain in place”.</p> <p>Paragraph 1.2.3 states: “These restrictions are the only inconsistent conditions that the Applicant is aware of”.</p> <p>The Authorities do not disagree with this analysis. Owing to the fact the Applicant and Authorities consider only two conditions are inconsistent with the DCO application, the Authorities would suggest that the Applicant’s proposed paragraph (4) (which</p>

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		<p>Order or the authorised development shall cease to have effect from the date the authorised development is commenced and for the purpose of this article planning permissions deemed to be granted pursuant to the 2015 Regulations shall be deemed to be granted prior to the date of this Order.</p> <p>(5) The undertaker must, before commencement of any development under this Order, use reasonable endeavours to identify any conditions that would cease to have effect under paragraph (4).</p> <p>(6) if the undertaker identifies any conditions under paragraph (5), the undertaker must notify the relevant planning authority and use reasonable endeavours to notify any person who might be adversely affected by the condition ceasing to have effect.</p> <p>(7) Paragraph (4) does not apply to the conditions listed in column (1) of the table in Schedule [X] (conditions excepted from article 9(4)) of the planning permissions listed in column (2) of that table.</p>		<p>the Authorities considered should be deleted at D7) should be amended as follows -</p> <p>“(4) Any conditions Conditions 3 and 4 of any planning permission CR/125/1979, granted prior to the date of this Order that which are incompatible with the requirements of this Order or the authorised development, shall cease to have effect from the date the authorised development is commenced and for the purpose of this article planning permissions deemed to be granted pursuant to the 2015 Regulations shall be deemed to be granted prior to the date of this Order.”</p> <p>If this amendment were made, the new paragraph (5) which was introduced by the Applicant at D7 [REP7-006], should be deleted as it would no longer be necessary (because paragraph (5) concerns a notification point which would fall away in the light of the Authorities’ proposed amendments to paragraph (4)).</p> <p><u>Alternative B</u></p> <p>The Authorities have considered the planning permissions which affect the airport. If this drafting</p>

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO																											
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		<p style="text-align: center;">New Schedule</p> <p style="text-align: center;">SCHEDULE [X] CONDITIONS EXCEPTED FROM ARTICLE 9(4)</p> <table border="1" data-bbox="559 662 1153 862"> <thead> <tr> <th data-bbox="559 662 870 777">(1) Condition</th> <th data-bbox="870 662 1153 777">(2) Planning Permission</th> </tr> </thead> <tbody> <tr> <td data-bbox="559 777 870 818">[TBC]</td> <td data-bbox="870 777 1153 818">[TBC]</td> </tr> <tr> <td data-bbox="559 818 870 862"></td> <td data-bbox="870 818 1153 862"></td> </tr> </tbody> </table>	(1) Condition	(2) Planning Permission	[TBC]	[TBC]				<p>is retained, the Authorities consider the following conditions should be excepted from article 9(4) because they are not incompatible under paragraph (4) and so, for the avoidance of doubt, should be preserved -</p> <p style="text-align: center;">New Schedule</p> <p style="text-align: center;">SCHEDULE [X] CONDITIONS EXCEPTED FROM ARTICLE 9(4)</p> <table border="1" data-bbox="1817 777 2478 1344"> <thead> <tr> <th data-bbox="1817 777 1991 846">Condition</th> <th data-bbox="1991 777 2282 846">Planning permission</th> <th data-bbox="2282 777 2478 846">Site address</th> </tr> </thead> <tbody> <tr> <td data-bbox="1817 846 1991 987">3</td> <td data-bbox="1991 846 2282 987">CR/2020/0707/NCC</td> <td data-bbox="2282 846 2478 987">Hampton by Hilton, Longbridge House</td> </tr> <tr> <td data-bbox="1817 987 1991 1094">8</td> <td data-bbox="1991 987 2282 1094">CR/2019/0802/FUL</td> <td data-bbox="2282 987 2478 1094">Bloc Hotel, South Terminal</td> </tr> <tr> <td data-bbox="1817 1094 1991 1201">9</td> <td data-bbox="1991 1094 2282 1201">CR/2019/0802/FUL</td> <td data-bbox="2282 1094 2478 1201">Bloc Hotel, South Terminal</td> </tr> <tr> <td data-bbox="1817 1201 1991 1274">11</td> <td data-bbox="1991 1201 2282 1274">CR/2017/0116/FUL</td> <td data-bbox="2282 1201 2478 1274">Boeing Hangar</td> </tr> <tr> <td data-bbox="1817 1274 1991 1344">25</td> <td data-bbox="1991 1274 2282 1344">CR/2017/0116/FUL</td> <td data-bbox="2282 1274 2478 1344">Boeing Hangar</td> </tr> </tbody> </table>	Condition	Planning permission	Site address	3	CR/2020/0707/NCC	Hampton by Hilton, Longbridge House	8	CR/2019/0802/FUL	Bloc Hotel, South Terminal	9	CR/2019/0802/FUL	Bloc Hotel, South Terminal	11	CR/2017/0116/FUL	Boeing Hangar	25	CR/2017/0116/FUL	Boeing Hangar
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	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)		
				9	CR/2011/0620/FUL	Pollution Control Lagoon
				9	CR/2011/0014/FUL	Sofitel London Gatwick
				10	CR/2011/0014/FUL	Sofitel London Gatwick
				1	CR/2010/0396/NCC	Runway Shoulders
				5	CR/2009/0326/FUL	North Terminal
				4	CR/2002/0865/FUL	Travel Inn, Longbridge Road
				8	CR/1999/0243/FUL	Jetset House and Compound Adjacent to Perimeter Road South
				4 and 5	CR/1997/0138/FUL	Car Park Z, Southern Perimeter Area
				9	CR/1997/311/FUL	Computer Centre,

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		Buckingham Gate								
11 and 12	CR/127/1979	Outline application for Airport Passenger Terminal and associate access								
5.	Art. 9(5) Planning permission	(5) Subject to paragraph (6) , nothing in this Order restricts any person from seeking or implementing, or the relevant planning authority from granting, planning permission for development within the Order limits.	There are some particular cases, namely where land is to be used for ecological mitigation, where it would be inappropriate and unnecessary for airport related permitted development rights to remain available. Proposed paragraphs (6)(a), (b) and (c) are intended to achieve that protection and (d)	Please see the Authorities' latest position on the application of article 9 to permitted development rights, as set out in the Authorities' Post Hearing Submission on ISH9 which is submitted at Deadline 8. The relevant text is next to the "Surface Access" column and under the sub-heading "Oral Submissions on the removal of permitted						

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	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		<p>(6) No person may implement deemed planning permission—</p> <p>(a) for any development within the area of Work No. 34(c) (replacement open space at Car Park B South and Car Park B North);</p> <p>(b) for any development within the area of Work No. 38 (Museum Field habitat enhancement area and flood compensation area);</p> <p>(c) for any development within that part of the area of Work No. 41 (Pentagon Field ecological area) which comprises the planting described in paragraphs (a) and (b) of that work;</p> <p>(d) for any development comprising a car park or any development of more than [TBC] metres in height, within any part of the area of Work No. 41 (Pentagon Field ecological area) which does not comprise the planting described in paragraphs (a) and (b) of that Work;</p>	<p>would provide further protection for Pentagon Field.</p> <p>More generally, the Authorities are concerned that leaving the Applicant with uncontrolled permitted development rights to provide car parking, in addition to the parking proposed in the DCO, increases unnecessarily the risk of the mode share commitments in the Surface Access Commitments being breached. This would be a particular concern were the Environmentally Managed Growth proposals not to be included in the DCO. Proposed paragraph (6)(e) would remove PD rights for airport related parking within the Order limits.</p> <p>The Authorities are in discussions with the Applicant on the Surface Access Commitments and if a satisfactory conclusion can be reached then proposed paragraph (6)(e) could be dropped.</p>	<p>development rights relating to the provision of additional car parking”.</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities position on Article 9(5) is set out in Part A of this document.</p>

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
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		<p>(e) for any development comprising a car park on any other operational land within the Order limits.</p> <p>(6) In this article—</p> <p>(a) “deemed planning permission” means permission which would be deemed to be granted under article 3 (permitted development) and Classes F, G, I, J, K, L, M and N of Part 8 (transport related development) of Schedule 2 to the 2015 Regulations;</p> <p>(b) “initiate” means when development of land shall be taken to be begun as per section 56 (time when development begun) of the 1990 Act, and “initiated” and “initiation” are defined accordingly; and</p> <p>(c) “planning permission” means planning permission granted under the 1990 Act including deemed planning permission deemed to be granted under article 3 (permitted development) and Classes F, G, I, J, K, L, M and N of Part 8 (transport related</p>		

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		development) of Schedule 2 to the 2015 Regulations.		
6.	Art 10(3) Application of the 1991 Act	(3) The following provisions of the 1991 Act do not apply in relation to any works executed under the powers conferred by this Order— (a) section 56 (directions as to timing)(c); (b) section 56A (power to give directions as to placing of apparatus)(d); (c) section 58 (restrictions following substantial road works)(e); (d) section 58A (restriction on works following substantial street works)(f); (e) section 73A (power to require undertaker to re-surface street)(g); (f) section 73B (power to specify timing etc. of re-surfacing)(h); (g) section 73C (materials, workmanship and standard of re-surfacing)(i); (h) section 77 (liability for cost of use of alternative route); (i) section 78A (contributions to costs of re-surfacing by undertaker)(j); and (j) Schedule 3A (restriction on works following substantial street works)(k).	See West Sussex Authorities LIR Appendix M [REP1-068] Some of these amendments may not be required by the Authorities if provision can be made in the DCO relating to permit schemes and lane rentals (see later on those subjects). In particular, it is important that section 56 of NRSWA must not be disapplied if the permit scheme article is not included. There have been discussions between the Applicant and the Authorities on the permit schemes, and the Authorities will consider any amendments put forward by the Applicant at D7 on permit schemes with a view to resolving them if the Applicant puts forward (as is expected) amendment relating to the permit schemes at D7.	The Authorities note the amendments made by the Applicant to article 10 at Deadline 7 [REP7-006] . As stated in row 168 of the Authorities’ D8 response to the Applicant’s D7 Schedule of Changes, the Authorities are content with these amendments (see Part A of this document), save for the following drafting amendment – Paragraph (7) states the permit and land rental schemes “.... will be used by the undertaker in connection with the exercise of any powers conferred by [Part 3 of the DCO]”. The Authorities would expect to see “must be used” rather than “will be used” (because “will be” raises the question “when will it be used?” and so creating uncertainty; there is no such uncertainty with “must be used”). <u>Update at Deadline 9 21 August 2024</u> The Authorities position on Article 10(3) is set out in Part A of this document.

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
7.	Art. 11 Street works	<p>11.—(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets specified in Schedule [X] (streets subject to street works) as are within the Order limits and may—</p> <p>Together with:</p> <p>(4) Without limiting the scope of the powers conferred by paragraph (1) but subject to the consent of the street authority, the undertaker may, for the purposes of the authorised development, enter on so much of any other street within the Order limits, for the purposes of carrying out the works set out at paragraph (1) above.</p> <p>And a list of streets to be set out in a schedule</p> <p>Or if a list of streets is not included, the Councils propose the following:</p>	<p>The Authorities note that in question DCO.2.8, the ExA asked the Applicant to provide a schedule of the streets affected by Art.11 in lieu of ‘any of the streets as are within the Order limits’.</p> <p>This is also a suggestion made by the Authorities, and they will await to comment on the Applicant’s drafting.</p>	<p>The Authorities note the Applicant has not provided a schedule of streets and would therefore suggest that the street works powers proposed under article 11 should be subject to the street authority’s consent. Absent any consent provision, there is a risk of streets being interfered with at inappropriate times which would be detrimental to the undertaker and street authority. The Authorities would therefore propose that article 11 should be amended as follows –</p> <p>11.—(1) The undertaker may, for the purposes of the authorised development and subject to the consent of the street authority, enter on so much of any of the streets as are within the Order limits and may—</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities welcome and support the amendment proposed by the ExA as set out in Part A to this document.</p>

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		11.—(1) The undertaker may, for the purposes of the authorised development and subject to the consent of the street authority , enter on so much of any of the streets as are within the Order limits and may—		
8.	Art. 18 Traffic regulations	New paragraph (7A) The instrument referred to in paragraph (7)(a) must be displayed by the applicant on its website and a copy must be sent to— (a) [email address] in the case of Surrey County Council; (b) [email address] in the case of West Sussex County Council.	This is to ensure that the traffic authorities are provided with copies of the “instrument” which gives effect to any traffic regulation measures made by the Applicant under art. 18 (1), (2) or (3), and that the public can see them too.	The Authorities maintain their position in respect of this proposed new paragraph. <u>Update at Deadline 9 21 August 2024</u> The Authorities welcome and support the amendment made by the Applicant to this provision at Deadline 8 as explained in Row 191 to Part B to this document.
9.	Art. 25 Felling or lopping of trees and removal of hedgerows	(5) In this article “hedgerow” means a hedgerow within the meaning of has the same meaning as in the Hedgerow Regulations 1997 and which are listed in Schedule [X] and shown on the hedgerow plan.	See the Authorities’ response to EXQ DCO.2.1.2 at D7	The Authorities maintain their position in respect of the proposed amendments to this article. <u>Update at Deadline 9 21 August 2024</u> The Authorities position on Article 25 is set out in Part A of this submission.

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		<p>In article 2 (interpretation) a new definition:</p> <p>“the hedgerow plan” means the plan certified as such by the Secretary of State under article 52 (certification of documents);</p> <p>In article 52 (certification of documents, etc), a new entry referring to the hedgerow plan</p> <p>A new Schedule listing the hedgerows: this could be based on the drafting in, for example, Schedule 16 to the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024</p>		
10.	Art. 31 Time limit for exercise of authority to acquire land compulsorily	<p>31.—(1) After the end of the period of 7^{ten} years beginning on the start date—</p> <p>(a) no notice to treat is to be served under Part 1 of the 1965 Act; and</p> <p>(b) no declaration is to be executed under section 4 (execution of declaration) of the 1981 Act as applied by article 34 (application of the 1981 Act and modification of the 2017 Regulations),</p> <p>in relation to any part of the Order land.</p>	Although the Authorities remain of the view that 7 years plus the “start date” is a highly unusual length of time (and there are particular concerns about the potential sterilisation of the Bayhorne Farm proposals), they are prepared to agree to a reduction from 10 to 7 years.	<p>The Applicant made this amendment to the draft DCO at Deadline 7 [REP7-006] and the Authorities welcome the amendment. (Consequential amendments, which are also welcomed, were made to articles 33(1)(a)(ii), 34(8)(b) and 38(1)).</p> <p><u>Update at Deadline 9 21 August 2024</u> This request is no longer at issue following the Applicant’s amendment to the dDCO.</p>

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11.	Art. 40 Special category land	<p>New paragraph:</p> <p>(3) Provision must be made (whether in the relevant landscape and ecology management plan, the open space delivery plan submitted under paragraph (1) or otherwise) which ensures that the undertaker is responsible for the cost of and associated with the ongoing maintenance in perpetuity of the replacement land shown on the special category land plans with Plot number 1/013 (land west of Church Meadows) and comprising Work No. 40(c).</p>	<p>The circumstances that arise here are unusual.</p> <p>Under the current version of the DCO, the Applicant intends to acquire the special category land at Church Meadows using (s131(4)(b) of the Planning Act 2008). Doing so requires the provision of replacement land.</p> <p>The special category land to be acquired is in the area of RBBC. However, the replacement land is located in the area of MVDC. Under s131(4), the replacement land must have been or will be vested in the “prospective seller” (ie RBBC) and subject to the same rights, trusts and incidents as attach to the order land.</p> <p>RBBC are reluctant to accept ownership of open space land outside their area and continue to have the financial responsibility of maintaining it. Similarly MVDC do not want that responsibility.</p> <p>In order to address this issue, the Authorities understand that the Applicant is intending to submit amendments to the DCO at D7. The replacement land will still be maintained as</p>	<p>The Authorities maintain their position in respect of this proposed new paragraph.</p> <p>As mentioned in row 173 of the Authorities’ D8 Response to the Applicant’s Schedule of Changes to the draft DCO [REP7-004], the Authorities welcome the deletion of the text which is proposed for deletion from article 40(4).</p> <p>Further detail on the Authorities’ position in respect of the maintenance of the replacement open space land is set out in row 6.1 of the Authorities’ D8 post-hearing submission on CAH2.</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities welcome and support the amendment made by the ExA as further explained in Part A to this document.</p>

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			<p>open space but the obligation to do so will be placed, in the first instance, on the Applicant, secured in the relevant LEMP.</p> <p>The Authorities will consider the changes (including any changes to the OLEMP) made at D7, but in the meantime put forward their own amendment which would ensure ongoing maintenance of the land by the Applicant is assured.</p>	
12.	Art. 49 Defence to proceedings in respect of statutory nuisance	<p>49.—(1) Where proceedings are brought under section 82(1) (summary proceedings by persons aggrieved by statutory nuisances) of the Environmental Protection Act 1990(a) in relation to a nuisance falling within paragraph (c), (d), (e), (fb), (g), (ga) and (h) of section 79(1) (statutory nuisances and inspections therefor) of that Act no order is to be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows that the nuisance—</p> <p>(a) relates to premises used by the undertaker for the purposes of or in connection with the construction, or maintenance or operation of</p>	<p>Dealing first with the general position, the Applicant has explained in its explanatory memorandum [REP6-007] that in its view the incorporation of article 49 imposes a high standard on the undertaker – notably higher than section 158 of the Planning Act 2008 (Nuisance: statutory authority) - by referring to the CoPA processes and specifying that the nuisance must not have been reasonably avoidable.</p> <p>The Authorities’ understanding of the Applicant’s position is that including more of the</p>	<p>The Authorities maintain their position in respect of these proposed amendments.</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities welcome and support the amendment made by the ExA as further explained in Part A to this document.</p>

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		<p>the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with—</p> <p>(i) a notice served under section 60 (control of noise on construction sites) of the Control of Pollution Act 1974; or</p> <p>(ii) a consent given under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974(b); or</p> <p>(b) is a consequence of the construction, maintenance or operation of the authorised development and that it cannot reasonably be avoided.</p>	<p>paragraphs of section 79(1) of EPA 1990 within the scope of article 49 somehow increases the protection afforded to those potentially affected by statutory nuisances arising from the development. The Authorities consider that this is a misunderstanding of the position.</p> <p>Article 49 is not included to provide additional protection, it is included because sections 79 to 82 of EPA 1990 (and all the controls they contain) are not being disapplied under the DCO, they would therefore take effect despite section 158 of the 2008 Act, and the Applicant would therefore be potentially liable to prosecution under section 82 of EPA. Article 49 provides the Applicant with additional defences against prosecution. In most cases, the defence of “best practical means” is available (s.82(9)) - but no others. Article 49 replaces the best practical means defence with a weaker “cannot reasonably be avoided” defence.</p> <p>Therefore the starting point, so far as the Authorities is concerned, is that the number of paragraphs of s.79(1) to be included with the</p>	

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			<p>scope of article 49 should be limited, and the Applicant should justify each one individually.</p> <p>Turning to some of the individual paragraphs:</p> <p>The Applicant has sought to explain (in the response to ExA Q1 DCO.1.37 [REP3-089]) the inclusion of the individual paragraphs of section 79(1) and that that the code of construction practice will provide sufficient environmental controls.</p> <p>The COCP does not, of course, apply to the operation of the airport, and it is very unusual for DCOs to refer to “operation” in this article. Notably it is not included in either Manston or Luton.</p> <p>The applicant seeks to justify the inclusion of subsection 79(1)(c) (fumes or gases emitted from premises) by saying that by subsection 79(4) it only applies to emissions from private dwellings. In that case, there is no need to disapply it.</p>	

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			<p>It is also difficult to see where circumstances under subsection 79(1)(d) (dust, steam, smell or other effluvia arising on industrial, trade or business premises) would arise, and even if they did, and action was taken, the defence of best practical means would be available.</p> <p>The position is similar in relation to (fb) (artificial light emitted from premises), which by virtue of s.79(5B) does not apply to artificial light emitted from an airport. Again, no need to double disapply something which already doesn't apply, if the Applicant is concerned about liability under s.79 for airport premises.</p> <p>The applicant says that (ga) (noise emitted from a vehicle, machinery or equipment in a street) does not apply to noise made by traffic. It is unclear how that justifies the disapplication of the provision.</p> <p>There is no other specific justification for the disapplication of the other paragraphs in the explanatory memorandum of SoCG, only reliance on a very small number of DCO precedents, which are not representative of</p>	

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			<p>airport development. The only made airport DCO precedent (Manston) disapplies paragraph (g) and does not extend to the operation of the authorised development. In the draft Luton DCO, only paragraphs (d), (e), (g) and (ga) would be excluded in the equivalent provision, and it also does not apply to operation of the authorised development.</p>	
13.	Schedule 1 Authorised Development	Work No. 18	<p>No specific amendments are shown to the work itself but as the Authorities mentioned in their post hearing submissions on agenda item 8 of ISH8 [REP6-110], there is greater detail required about the sequencing of these works and in particular about (a) the inclusion of noise mitigation in the period between removal of the existing bund and the construction of the replacement bund and (b) uncertainty about the acoustic effectiveness of the bund.</p> <p>Further detail is in the Authorities’ ExQ1 response reference NV1 and NV2 [REP4-068] and in [REP3-135] DCO 1.38 Works 18. The issue is not just the gap in acoustic provision</p>	<p>The Authorities maintain the position set out at Deadline 7.</p> <p>Moreover (and in addition to the amendment to requirement 32 mentioned below) the Authorities consider that, in order to prevent the residents of Charlwood from being exposed to unmitigated noise emissions due to engine testing during the carrying out of Work No.18(a) and 18(b), engine testing during the carrying out of those works should be controlled. The Authorities would propose the following requirement as a means of controlling engine testing during the carrying out of Work No.18(a) and 18(b) -</p>

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	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
			<p>when the existing bund is removed but also uncertainty about the acoustic effectiveness of the bund.</p> <p>An amendment to requirement 32 (western noise mitigation bund) is suggested below.</p>	<p>“During the carrying out of Work No.18(a) and 18(b), no engine testing may take place at the Taxiway Juliet West Spur as shown on Figure 5.2.1A of the Project Description Figures of the Environmental Statement, unless otherwise agreed in writing by CBC”.</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities welcome and support the ExA’s proposed inclusion of new requirement R2 (Control of Engine Testing) as further explained in Part A to this document.</p>
14.		<p>Work No. 22 Works associated with the North Terminal building including works to— (a) extend the International Departure Lounge on levels 20, 30 and 40 to the north; (b) extend the International Departure Lounge on levels 10, 20 and 30 to the south; (c) extend the baggage hall and baggage reclaim; (d) construct the North Terminal autonomous vehicle station;</p>	<p>Generally, the Authorities consider that more detail is required in relation to the car park, hotel and office accommodation elements of the development, and including limitations on parking space numbers, guest bedroom spaces and office floor areas is a reasonable minimum expectation.</p> <p>In relation to hotels, the Authorities have suggested a new requirement (see later in this document) which would impose controls on the type of parking that could be provided.</p>	<p>The Authorities maintain their position and consider this amendment should be made.</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities maintain their position and consider this amendment should be made.</p>

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		(e) construct the autonomous vehicle maintenance building; (f) reconfigure internal facilities; (g) construct a multi-storey car park with provision for no more than 890 parking spaces for cars ; (h) demolish the CIP building and circulation building; (i) remediate the coaching gates.		
15.		Work No. 28 Works associated with the Car Park H Site including works to— (a) construct a hotel; (b) construct an office with provision for up to 5,000 square metres of office floor space ; (c) construct a multi-storey car park with provision for no more than 3,700 parking spaces for cars ; (d) demolish Car Park H; (e) external vehicle and pedestrian accesses.	See general comment above	The Authorities maintain their position and consider these amendments should be made. <u>Update at Deadline 9 21 August 2024</u> The Authorities maintain their position and consider this amendment should be made.
16.		Work No 29. Works to convert Destinations Place office into a hotel with provision for up to 250 bedrooms and refurbishment of the building exterior.	See general comment above	The Authorities maintain their position and consider this amendment should be made. <u>Update at Deadline 9 21 August 2024</u>

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
				The Authorities maintain their position and consider this amendment should be made.
17.		Work No. 30 Works to construct Car Park Y including— (a) earthworks and works to construct an attenuation storage facility with a capacity of approximately 32,000m ³ ; (b) construction of a multi-storey car park with provision for no more than 3,035 parking spaces for cars.	See general comment above	The Authorities maintain their position and consider this amendment should be made. <u>Update at Deadline 9 21 August 2024</u> The Authorities maintain their position and consider this amendment should be made.
18.		Work No. 31 Works associated with Car Park X including— (a) earthworks and landscaping; (b) construction of a flood compensation area with a capacity of approximately 55,000m ³ ; (c) construction of an outfall structure; (d) access improvements; (e) deck parking provision with provision for no more than 3,280 parking spaces for cars, including a re-provision of Purple Parking and surface parking amendments. (f) surface parking amendments.	See general comment above	The Authorities maintain their position and consider this amendment should be made. <u>Update at Deadline 9 21 August 2024</u> The Authorities maintain their position and consider this amendment should be made.

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
19.		Work No. 32 Works to remove existing car parking at North Terminal Long Stay car park and construct a decked car parking structure with provision for no more than 1,680 parking spaces for cars if Work No. 44 (wastewater treatment works) is not implemented or 2,842 parking spaces for cars if Work No. 44 is implemented.	See general comment above The numbers being provided on this site depend on whether Work 44 (project change 4 water treatment works) is delivered. The parameter plans for the site are so generous that the additional displaced surface parking from Work 44 can be accommodated.	The Authorities maintain their position and consider this amendment should be made. <u>Update at Deadline 9 21 August 2024</u> The Authorities maintain their position and consider this amendment should be made.
20.		Work No. 33 Works associated with the existing Purple Parking car park including— (a) removal of existing decked car parking structure; (b) partial removal of existing surface car parking; (c) erection of a fenceline; (d) re-configuration of remaining surface level car parking with provision for no more than 700 parking spaces for cars.	See general comment above	The Authorities maintain their position and consider this amendment should be made. <u>Update at Deadline 9 21 August 2024</u> The Authorities maintain their position and consider this amendment should be made.
21.		Work No. 38 Works to construct the habitat enhancement area and flood compensation area at Museum Field including works to—		The Authorities maintain their position and consider this amendment should be made. <u>Update at Deadline 9 21 August 2024</u> The Authorities maintain their position and consider this amendment should be made.

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		(a) construct a flood compensation area with a capacity of approximately 57,600m ³ ;52 (b) extend Gatwick greenspace footpath; (c) construct a maintenance access road; (d) undertake earthworks, landscaping and a bund (up to 6 metres in height above datum) around the southern and eastern perimeter; (e) construct footbridge; (f) construct two farm access bridges.		
22.		Work No. 41 Works associated with land to create an ecological area at Pentagon Field including works to— (a) establish a temporary spoil receptor site; (b) permanently raise the ground level across the central part of Pentagon Field to create a raised spoil platform to a height of up to 4 metres above datum; (c) reinstate land by— (i) reprofiling and reinstatement of grassland; (ii) planting of a native tree belt approximately 15 metres wide and [TBC] long along the	In the case of Work No. 41, the Authorities consider that far more detail about the scale and location of the spoil bunds needs to be provided in the description of works and in the control documents, and that the bunds (which should be described as land raising) should be referred to in the parameter plans (see amendment to Schedule 13 below). CBC will seek to engage in discussions with the Applicant over the detailed wording including those words in square brackets.	Work No. 41 The Authorities note the changes made by GAL in the D7 draft DCO [REP7-006] to Work No. 41; however, they do not consider the amendments reflect the proposed works and consider the description should be recast as follows to better reflect the Applicant’s proposals. (The drafting below is an updated version of the drafting submitted by the Authorities submitted at D7 with updated text shown red) – “Works associated with land at Pentagon Field including works to— (a) establish a temporary spoil receptor site; (b) permanently raise the ground level across the central part of Pentagon Field to create a raised spoil platform to a height of up to 4 metres above datum; (c) reinstate land by—

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		<p>eastern boundary of Pentagon Field adjacent to Balcombe Road;</p> <p>(iii) [other planting elements to be confirmed – it is currently unclear where and what the planting works listed in Works 41 comprise.]</p> <p>(a) deliver approximately 1ha of planting;</p> <p>(b) plant a tree belt approximately 15 metres length;</p> <p>(c) create spoil bunds.</p>		<p>(i) reprofiling and reinstatement of grassland;</p> <p>(ii) planting of a native tree belt approximately 15 metres wide and no less than 250 metres in length along the eastern boundary of Pentagon Field adjacent to Balcombe Road;</p> <p>(iii) planting of no less than 1 hectare of native woodland in the south east portion of the site”.</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities welcome and support the ExA’s proposed amendment to Work No. 41 as set out in Part A to this submission.</p>
23.		<p>Work No. 43</p> <p>Works to construct water treatment works including—</p> <p>(a) 6 reed beds, surrounded by embankments and suitable boundary treatment;</p> <p>(b) associated plant, equipment and machinery;</p> <p>(c) maintenance access;</p> <p>(d) a cabin, secure storage unit and the reprovision of the car parking for Gatwick Greenspace Partnership parking.</p>	See general comment above	<p>The Authorities note the changes made by GAL in the D7 draft DCO [REP7-006] to Work No. 43; however, they consider the drafting submitted by the Authorities at D7 better reflects the proposed works.</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities maintain their position and consider this amendment should be made.</p>

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
24.		<p>Work No. 44 Works to—</p> <p>(a) remove existing surface car parking and associated structures;</p> <p>(b) construct wastewater treatment works;</p> <p>(c) construct new rising mains and pumping station next to Gatwick Airport Police Station;</p> <p>(d) provide a new pipe outfall to River Mole;</p> <p>(e) provide associated revisions to wastewater infrastructure within the project boundary.</p>	<p>The works are described in the Project Change 4 documents, and include a new pumping stations. Elsewhere in Schedule 1, pumping stations have been listed, for example Work No 4(c)(ii). This is an integral part of the Work and should be listed, along with the other suggested details.</p> <p>As with other works, there is insufficient detail in the Works and parameter plans to show the lateral and vertical limits of the various elements of the works.</p>	<p>The Authorities maintain their position and consider this amendment should be made.</p> <p><u>Update at Deadline 9 21 August 2024</u></p> <p>The Authorities welcome and support the ExA's proposed amendment to Work No. 44 as set out in Part A to this submission.</p>
25.		<p>Work No. [X]</p> <p>Work to construct a pumping station east of the railway [X] if Work No. 44 is not constructed</p>	<p>As mentioned above, pumping stations are mentioned elsewhere in Schedule 1 (another example of a stand alone pumping station work is Work No. 19).</p> <p>This pumping station and its associated pipe run is shown on plan [REP6-016] drawing 5.2.1e (Environmental Statement Project Description Figures Version 4 (Tracked)) but it has been deleted from the latest version of the plan [REP6-015]. The Authorities understand</p>	<p>The Authorities maintain their position and consider this amendment should be made.</p> <p><u>Update at Deadline 9 21 August 2024</u></p> <p>The Authorities welcome and support the ExA's proposed amendment to Work No. 45 as set out in Part A to this submission.</p>

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
			that the pumping station is still required in case Work No. 44 is not delivered.	
26.		<p>Additional Works</p> <p>The Authorities consider that some of the larger construction compounds should be added to the list of numbered works, rather than be listed with the ancillary works, because of their size and the length of time they will be required.</p> <p>If the ExA indicates sympathy with this position, then the Authorities consider that it would be for the Applicant to draft the work description.</p> <p><u>Schedule 1</u> to the Sizewell C (Nuclear Generating Station) Order 2022 included a temporary accommodation campus as Work No. 3. This could be used as a template.</p>		<p>Row 26 of the Consolidated Submissions [REP7-108] refers to the fact that the Authorities consider the larger construction compounds should be added to the list of numbered works. These were identified in [REP6-111] (at page 13 of Table 1 i.e. from Main Contractor Compound MA1 to (and including) to Reed Bed Compound) and a copy of the relevant extract has been snipped below. The Authorities would welcome the Applicant’s comments on this point.</p>

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	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)																
				<p>Legal Partnership Authorities Gatwick Airport Northern Runway DCO (TR020005)</p> <table border="1"> <tr> <td>Main Contractor compound MA1</td> <td>Requested added to DP. Works would be up to 25m high, cover an area of around 4 hectares have in excess of 500 parking spaces and provide accommodation for a workforce of circa 700 works. Visual impact over 14 year period.</td> </tr> <tr> <td>Airfield Satellite Compound</td> <td>Requested added to DP. While visually away from nearby occupiers site is close to ecologically sensitive Brockley Wood and River Mole and is within floodplain. Further details needed to safeguard these environmental constraints to address matters such as layout, light spill, dust suppression, potential impact on watercourse.</td> </tr> <tr> <td>Car Park Z compound</td> <td>Request add to DP. CBC mapping shows watercourse along SW boundary and site is partially within floodplain. Some landscaping along SW boundary. Adjacent to Lowfield Health employment area which also has hotel and St Michaels Church (latter is noise sensitive use and listed building) Layout needs careful consideration.</td> </tr> <tr> <td>Car Park Y Compound</td> <td>Request to add to DP. There needs to be clear understanding how this compound use relates to other development planned for this site. Surrounding tree loss, ecological impacts and drainage impact along and visual impacts need to be fully addressed.</td> </tr> <tr> <td>South Terminal roundabout contractor compound</td> <td>Request to add to DP. The proposed location of the compound will make it highly visible to users of the A23 London Road and nearby residential properties close to residents to the west of Balcombe Road.</td> </tr> <tr> <td>Longbridge roundabout contractor compound</td> <td>Request to add to DP. Use of this area of land will require some clearance of trees/shrubbery and this should be clearly understood prior to starting on site to ensure this is done sensitively to minimise the impacts to properties and businesses within the vicinity as much as is practicably possible. While the content of REP4-040 is noted, the construction compound will be in relative proximity to a conservation area and care must be taken in terms of both the compound itself and the access.</td> </tr> <tr> <td>Car Park B compound</td> <td>Request to add to DP. The layout should respect any existing trees and landscaping to be retained including that to be incorporated into the future Replacement Open Space. Appropriate access should be retained to nearby rights-of-way. The design should be sensitive to the residential properties at 92-98 The Crescent with regard to overlooking, privacy and noise. 24/7 access to the telecoms base station would need to be retained in the scheme.</td> </tr> <tr> <td>Reed Bed Compound</td> <td>Request adding details to DP in connection with Works 43. Currently no detail on extent of this compound as while within DCO Project boundary this is not within works area. Layout need to address ecological safeguards, tree protection routing and be clear on visual impacts and duration. These works could be agreed as part of Schedule 12 approval for Works 43 but note this compound is not within the Works area.</td> </tr> </table> <p>Update at Deadline 9 21 August 2024 The Authorities maintain their position and consider this amendment should be made.</p>	Main Contractor compound MA1	Requested added to DP. Works would be up to 25m high, cover an area of around 4 hectares have in excess of 500 parking spaces and provide accommodation for a workforce of circa 700 works. Visual impact over 14 year period.	Airfield Satellite Compound	Requested added to DP. While visually away from nearby occupiers site is close to ecologically sensitive Brockley Wood and River Mole and is within floodplain. Further details needed to safeguard these environmental constraints to address matters such as layout, light spill, dust suppression, potential impact on watercourse.	Car Park Z compound	Request add to DP. CBC mapping shows watercourse along SW boundary and site is partially within floodplain. Some landscaping along SW boundary. Adjacent to Lowfield Health employment area which also has hotel and St Michaels Church (latter is noise sensitive use and listed building) Layout needs careful consideration.	Car Park Y Compound	Request to add to DP. There needs to be clear understanding how this compound use relates to other development planned for this site. Surrounding tree loss, ecological impacts and drainage impact along and visual impacts need to be fully addressed.	South Terminal roundabout contractor compound	Request to add to DP. The proposed location of the compound will make it highly visible to users of the A23 London Road and nearby residential properties close to residents to the west of Balcombe Road.	Longbridge roundabout contractor compound	Request to add to DP. Use of this area of land will require some clearance of trees/shrubbery and this should be clearly understood prior to starting on site to ensure this is done sensitively to minimise the impacts to properties and businesses within the vicinity as much as is practicably possible. 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27.	Req. 2A	Phasing scheme and indicative timings of submissions of documents	The amendments proposed here are intended to ensure that the Authorities are properly able	The Authorities' updated comments on Requirement 2A (including their comments on the																

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	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
	Phasing scheme	<p>2A.—(1) The authorised development must not commence until a phasing scheme setting out the anticipated phases for construction of the authorised development has been submitted to the host authorities and National Highways.</p> <p>(2A) The date of commencement of the authorised development must be no sooner than the expiry of the period of 6 months beginning with the date on which the phasing scheme is submitted under paragraph (1).</p> <p>(2) The undertaker must review and make any necessary updates to the phasing scheme and submit that updated phasing scheme to the host authorities and National Highways:</p> <p>(a) no later than one year after five years from the date of commencement of the authorised development;</p> <p>(b) at any time if the undertaker proposes a significant change to the contents or timing of the phases of construction in a previously submitted phasing scheme; and</p> <p>(c) at least once in every yearno later than every five years after the date of the most</p>	<p>to prepare and allocate resources in advance of submissions being made, particularly at periods when applications will be coming forward intensively.</p> <p>The amendments should not, and are not intended to result in any significant delay to the delivery of the project.</p> <p>The Authorities understand that the Applicant will be submitting amendments to this provision at Deadline 7, which the Authorities will consider.</p>	<p>changes made by the Applicant to this provision at D7 [REP7-006]) are set out in row 168 of Part A of this document i.e. in the Authorities’ comments on the Applicant’s D7 Schedule of Changes.</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities welcome and support the ExA’s proposed amendment to requirement 2A as set out in Part A to this submission.</p>

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	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		<p>recent submission of a phasing scheme under this sub-paragraph (2),</p> <p>provided that the undertaker is not required to submit any further phasing scheme to a host authority after the completion of the construction of the authorised development, or after such earlier date as may be agreed by the host authority in question.fifteenth anniversary of the commencement of the authorised development.</p> <p>(2A) A submission of an updated phasing scheme made to a host authority under subparagraph (2)(b) must be made to the host authority at least 3 months before the significant change in question is implemented unless otherwise agreed by the host authority in question.</p> <p>(2B) Where any requirement in this Schedule requires the submission to any of the host authorities of details or a document relating to the authorised development, the undertaker must provide to the host authority in question indicative timings for the submission of the</p>		

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		<p>relevant details or document in question at least 3 months before their submission unless otherwise agreed by the host authority in question.</p> <p>(3) Where any requirement in this Schedule requires the submission to any of the host authorities or National Highways of details or a document relating to a part of the authorised development, the undertaker must:</p> <p>(a) state which phase that part falls within by reference to the most recent phasing scheme submitted under sub-paragraph (1) or (2); and</p> <p>(b) where the part does not constitute the whole phase:</p> <p>(i) identify which works in Schedule 1 (authorised development) constitute the part, including by reference to the works plans (where applicable); and</p> <p>(ii) provide indicative timings for the submission of the relevant details or document for the remainder of works in that phase.</p> <p>(4) In this requirement “phasing scheme” means a written document which—</p>		

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	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		(a) identifies, by reference to Schedule 1 (authorised development), the works that are anticipated to be constructed within successive temporal phases of construction; (b) includes a layout plan showing the location of the works anticipated to be constructed in each phase; and (c) includes an indicative construction programme for any phases to be delivered in the five years following the date of submission of the phasing scheme and indicative timings for the delivery of later phases;		
28.	Req. 3 Time limit and notifications	(2) The undertaker must notify the host authorities— (a) within the period of 7 days beginning with after the date on which the authorised development begins; (b) at least 4228 days prior to the anticipated date of commencement of the authorised development, provided that commencement may still lawfully occur if notice is not served in accordance with this sub-paragraph; (c) within the period of 7 days beginning with after the actual date of commencement of the authorised development;	These amendments are intended to correct the position following submission of amendments at D6 in which references to “business” days were removed. The Authorities understand that the Applicant will be submitting amendments to this provision at Deadline 7, which the Authorities will consider.	The Authorities maintain their position and consider these amendments should be made. <u>Update at Deadline 9 21 August 2024</u> Please see the further justification in respect of this position as set out in Part A to this submission.

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		<p>(d) at least 4228 days prior to the anticipated date of commencement of dual runway operations; and</p> <p>(e) within the period of 7 days beginning withafter the actual commencement of dual runway operations.</p>		
29.	Req. 4 Detailed design	<p>4.—(1) No part of the authorised development (except for the highway works and listed works) is to commence until CBC has been consulted on the design of that part, with this consultation to take place in the same manner as if taking place pursuant to paragraph F.2. of Part 8 of Schedule 2 to the 2015 Regulations (subject to sub-paragraph (6)).</p> <p>(3) No part of any listed works is to commence until details of the layout, siting, scale and external appearance of the buildings, structures and works within that part have been submitted to and approved in writing by CBC (in consultation with MVDC and RBBC to the extent that they are the relevant planning authority for any land to which the details relate).</p>	<p>These amendments would mean MVDC would be discharging authority for Work No 40.</p> <p>The Authorities understand that the Applicants will be submitting amendments to this provision at D7, which the Authorities will consider.</p>	<p>The Authorities’ updated comments on Requirement 4 (including their comments on the changes made by the Applicant to this provision at D7 [REP7-006] and the Authorities’ further proposed amendments) are set out in row 179 of Part A of this document i.e. in the Authorities’ comments on the Applicant’s D7 Schedule of Changes.</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities welcome and support the ExA’s proposed amendments to this Requirement as set out in Part A to this submission.</p>

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		(7) In this paragraph, references to CBC are to be read as references to MVDC in the case of Work No. 40 (works associated with land to the north east of Longbridge Roundabout) and MVDC is not to be a consultee where as a consequence of the foregoing it would be responsible for approving details or agreeing any matter instead of CBC.		
30.	Req. 4 Detailed design	(7) No part of the authorised development is to commence until a statement of compliance demonstrating how the plans and details of the relevant building, structure or works for that part are in compliance with, where applicable— (i) the design principles in appendix 1 of the design and access statement; and (ii) the limits of works; and (iii) the parameter plans.	A compliance plan would assist the Authorities in understanding how proposals fit in with the control documents, which should help with resourcing and ensuring time limits are met. The Authorities understand that the Applicant will be submitting amendments to this provision at D7, which the Authorities will consider.	The Authorities’ updated comments on Requirement 4 (including their comments on the changes made by the Applicant to this provision at D7 [REP7-006] and the Authorities’ further proposed amendments) are set out in row 179 of Part A of this document i.e. in the Authorities’ comments on the Applicant’s D7 Schedule of Changes. Update at Deadline 9 21 August 2024 The Authorities maintain their position as set out above.
31.	Req. 8	8.—(1) No part of the authorised development is to commence until a landscape and ecology management plan for that part has been	See comments above on requirement 4.	The Applicant introduced a new paragraph (5) into Requirement 8 at Deadline 7 [REP7-006] and the Authorities are content with that amendment.

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		<p>submitted to and approved in writing by CBC (in 60 consultation with RBBC, MVDC or TDC to the extent that they are the relevant planning authority for any land to which the submitted plan relates)</p> <p>(5) In this paragraph, references to CBC are to be read as references to MVDC in the case of Work No. 40 (works associated with land to the north east of Longbridge Roundabout) and MVDC is not to be a consultee where as a consequence of the foregoing it would be responsible for approving a plan instead of CBC.</p>	<p>The Authorities understand that the Applicants will be submitting amendments to this provision at D7, which the Authorities will consider.</p>	<p><u>Update at Deadline 9 21 August 2024</u> The Authorities maintain their position as set out above and are content with the amendment made by the Applicant.</p>
32.	Req. 9 Contaminated land and groundwater	<p>Placeholder: no amendments suggested at this stage.</p> <p>9.—(1) In respect of any part of the authorised development where historical data cannot establish that the risk of contaminated land is low, the undertaker must conduct ground investigations prior to that part of the authorised development being commenced.</p>	<p>The Authorities are considering whether subparagraph (1) and in particular the highlighted words below can be strengthened and/or made clearer so as to ensure that ground investigations take place in appropriate circumstances and in line with the Authorities’ usual expectations.</p>	<p>Requirement 9(1) refers to “historical data”. To better understand the provision, the Authorities have asked whether GAL can confirm which data is being referred to here. The Authorities look forward to receiving this information.</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities are still waiting for the Applicant to provide historical data and as such they maintain their position as set out above.</p>

Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO				
No.	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		The scope of these investigations must be agreed with the relevant planning authority (in consultation with the Environment Agency on matters related to its functions).	The Authorities will seek to agree wording with the Applicant.	
33.	Req. 14 Archaeological remains	Placeholder: no amendments suggested at this stage.	The Authorities will carry out a check on the revised written scheme of investigation which is expected at D7. If the Authorities consider any amendments to R14 are required they will submit them at D8	WSCC is content with Requirement 14.
34.	Req. 15 Air noise envelope	(2) The undertaker shall be required to submit annual monitoring and forecasting reports and, if necessary, noise compliance plans to the independent air noise reviewer in accordance with the requirements contained at section 7 of the noise envelope document and at the same time shall send copies of those documents to the host authorities so they may make comments to the independent air noise reviewer. The independent air noise reviewer must have regard to any comments that it receives from the host authorities and the Applicant must afford such assistance as the	Limited changes to the process which would ensure that host authorities had sight of the documentation and had a consultee role. There is also a duty on the Applicant to co-operate with the host authority Note: the Authorities are considering whether further changes are required to this requirement.	The Authorities' updated position on Requirement 15 (and 16) is included in Part C of this document. <u>Update at Deadline 9 21 August 2024</u> The Authorities detailed comments in respect of Requirements 15 and 16 are set out in Part A to this submission, which in turn refers to Part C of [REP8-163].

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		<p>host authorities may require reasonably require.</p> <p>(3) The undertaker must comply with each noise compliance plan which is approved following scrutiny and verification by the independent air noise reviewer or the Secretary of State (as is relevant in the circumstances) in consultation with the host authorities, subject always to compliance with all other laws and international obligations which are applicable to the noise compliance plan and the measures therein contained.</p> <p>(5)</p> <p>until an annual monitoring and forecasting report has been approved (following consultation with the host authorities) by the independent air noise reviewer or by the Secretary of State (as is relevant in the circumstances) which confirms compliance with the noise envelope limit identified to have been exceeded or forecast to be</p>		

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		exceeded (as is relevant in the circumstances), including where relevant when taking account of the measures proposed within a noise compliance plan to address any such exceedance.		
35.	Req. 16 Air noise envelope reviews	<p>(1) The undertaker shall be required to submit noise envelope review documents to the independent air noise reviewer for approval in accordance with the requirements contained at section 8 of the noise envelope document and at the same time must send copies of those documents to the host authorities so they may make comments to the independent air noise reviewer. The independent air noise reviewer must have regard to any comments that it receives from the host authorities and the undertaker must afford such assistance as the host authorities may require reasonably require.</p> <p>(2) The undertaker must submit a draft of any noise envelope review document to the</p>	<p>Limited changes to the process which would ensure that host authorities had sight of the documentation and had a consultee role, and shortening of some of the time limits, which appear generous for simple publication of a document.</p> <p>There is also a duty on the Applicant to co-operate with the host authority.</p> <p>Note: the Authorities are considering whether further changes are required to this requirement.</p>	<p>The Authorities' updated position on Requirement 16 is included in Part C of this document.</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities detailed comments in respect of Requirements 15 and 16 are set out in Part A to this submission, which in turn refers to Part C of [REP8-163].</p>

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		<p>independent air noise reviewer not less than 42 days before the submission of that noise envelope review document for approval pursuant to sub-paragraph (1) of this requirement and at the same time must send copies of those draft documents to the host authorities so they may make comments to the independent air noise reviewer. The independent air noise reviewer must have regard to any comments that it receives from the host authorities and the undertaker must afford such assistance as the host authorities may require reasonably require.</p> <p>(6) The undertaker must publish on a website (including a page on a website) hosted by the undertaker for that purpose each approved noise envelope review document or extraordinary noise envelope review document within not more than 1445 days following the date on which those are approved.</p>		

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
36.	Req. 17 Verification of air noise monitoring equipment	<p>7.—(1) Within not more than six months following the end of the period of 12 months beginning with the commencement of dual runway operations and at 5 yearly intervals thereafter the undertaker must submit to the independent air noise reviewer a noise model verification report and at the same time must send a copy of that report to the host authorities so they may make comments to the independent air noise reviewer. The independent air noise reviewer must have regard to any comments that it receives from the host authorities and the undertaker must afford such assistance as the host authorities may require reasonably require.</p> <p>(2) The undertaker must publish on a website (including a page on a website) hosted by the undertaker for that purpose each noise model verification report submitted to the independent air noise reviewer within not more than 1445 days after the date of its submission.</p>	<p>Limited changes to the process which would ensure that host authorities had sight of the documentation and had a consultee role, and shortening of some of the time limits, which appear generous for simple publication of a document.</p> <p>Note: the Authorities are considering whether further changes are required to this requirement.</p>	<p>The Authorities maintain their position in respect of this amendment.</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities maintain their position in respect of this amendment.</p>
37.	Req. 18	Placeholder: no amendments suggested at this stage.	Drafting may follow in due course in relation to the time limits in this requirement and to include	The Authorities' updated position on Requirement 18 is included in Part C of this document.

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
	Noise insulation scheme		<p>more detail about what “appropriate steps” are to notify people under paragraphs (2), (3) and (6) and to measure levels of ground noise under paragraph (4).</p> <p>At the very least there should be a definition of “appropriate steps” in the requirement – it should be for the Applicant to come forward with the definition.</p>	<p><u>Update at Deadline 9 21 August 2024</u> Please refer to Part A to this submission in which the Authorities have commented on the ExA’s revised amendments Requirement 18.</p>
38.	Req. 19 Airport operations	<p>(1) From the date of the commencement of dual runway operations, the airport may not be used for more than 386,000 commercial air transport389,000 aircraft movements per annum.</p> <p>(5) In this requirement—</p> <p>“aircraft movements” means all aircraft movements with the exception of diverted or emergency flights”;</p> <p>“Code C aircraft” means aircraft with dimensions meeting the maximum specifications of code letter C in the</p>	<p>This is to ensure that the cap includes certain non-commercial flights which would not otherwise fall within the definition of “commercial air transport” in requirement 1. It includes, for example, private flights.</p> <p>At full capacity the airport is forecast to handle 386,000 commercial movements, and 389,000 total movements.</p> <p>“aircraft movements” is an industry term which would include such “non-commercial” movements.</p> <p>The ExA is referred to :</p>	<p>The Authorities maintain their position and consider this amendment should be made.</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities welcome and support the Applicant’s amends and those made by the ExA as outlined in Part A and Part B to this submission.</p>

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		Aerodrome Reference Code table in Annex 14, Volume I to the Convention on International Civil Aviation, as at the date of this Order.	<p>UK airport data notes and FAQs Civil Aviation Authority (caa.co.uk)</p> <p>The following industry terms are described:</p> <p>Aircraft Movement: Any aircraft take-off or landing at an airport. These could be either commercial or non-commercial flights. For airport traffic purposes one arrival and one departure are counted as two movements.</p> <p>Air Transport Movements: Landings or take-offs of aircraft engaged on the transport of passengers, freight or mail on commercial terms. All scheduled movements, including those operated empty, loaded charter and air taxi movements are included.</p> <p>Note: The Authorities are currently under discussions with the Applicant about flight departure routes. Depending on the outcome of those discussions, the Authorities may include further suggested amendments at D8.</p>	

Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO				
No.	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
39.	Req. 20 Surface access	20. From the date on which the authorised development begins the operation of the airport must be carried out in accordance with the surface access commitments unless otherwise agreed in writing with CBC and National Highways in consultation with West Sussex County Council and Surrey County Council.	The Authorities understand that the Applicants will be submitting amendments to this provision at D7, which the Authorities will consider.	<p>The Applicant introduced this wording into Requirement 20 at Deadline 7 [REP7-006] and the Authorities are content with that amendment.</p> <p>The Authorities' wider comments on this provision are set out in Part C of this document.</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities welcome and support the ExA's proposed amendments to Requirement 20 as explained in Part B to this submission.</p>
40.	Req. 23 Flood compensation delivery plan	Placeholder: no amendments suggested at this stage.	The Authorities are considering the arrangements for who should be the discharging authority in this requirement. They should be able to provide an update at D8 and will discuss with the Applicant in the meantime.	<p>Identifying the appropriate discharging authority for this requirement has proved challenging for CBC and WSCC. On reflection, CBC and WSCC are content for CBC to discharge, provided WSCC as lead local flood authority is consulted beforehand.</p> <p>CBC and WSCC would therefore propose that Requirement 23 is amended as follows -</p> <p>(1) Prior to the commencement of the first of the floodplain works requiring prior mitigation, a flood compensation delivery plan setting out the timeframe for delivering the fluvial mitigation works must be submitted to and approved by CBC (in</p>

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
				<p>consultation with WSCC as lead local flood authority and the Environment Agency).</p> <p>(2) The authorised development must be constructed in accordance with the flood compensation delivery plan referred to in sub-paragraph (1) unless otherwise agreed in writing with CBC (in consultation with WSCC as lead local flood authority and the Environment Agency).</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities welcome and support the ExA’s proposed amendments to Requirement 23 as explained in Part B to this submission.</p>
41.	Req. 30 Site waste management plan	<p>Placeholder: no amendments suggested at this stage.</p> <p><i>Please note: Amendments were included in row 184 of Part A of the Authorities Deadline 8 “Consolidated Submissions on the dDCO” [REP8-163].</i></p>	The Authorities are considering whether the identity of the discharging authority for this requirement should be amended.	<p>The Authorities’ updated comments on Requirement 30 are set out in row 184 of Part A of this document i.e. in the Authorities’ comments on the Applicant’s D7 Schedule of Changes.</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities amendments to requirement 30 were included in row 184 of Part A of the Authorities Deadline 8 “Consolidated Submissions on the dDCO” [REP8-163].</p>

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
42.	Req. 32 Western noise mitigation bund	<p>Western noise mitigation bund</p> <p>32.—(1) The commencement of dual runway operations must not take place until Work No. 18(b) (replacement noise bund and wall) has been completed.</p> <p>(2) Once completed, Work No. 18(b) must not be removed unless otherwise agreed in writing by CBC.</p> <p>(3) No part of Work No. 18 is to commence unless a scheme has been agreed in writing between the undertaker and CBC for the implementation of noise mitigation of no less efficacy than the existing western noise bund for the period between the removal of the existing western noise bund and the completion of construction of the replacement noise bund and wall.</p> <p>(4) The undertaker must implement the scheme agreed under paragraph (3).</p> <p>(5) The replacement noise bund and wall must be of no less efficacy than the existing western noise bund.</p>	<p>See comments on Work No. 18 above.</p> <p>The Authorities wish to ensure that there will be sufficient protection in the transition phase and that the replacement bund and wall provides at least the same level of mitigation as the existing bund.</p> <p>The Authorities understand that the Applicants will be submitting proposals on the first of those points at D7, which the Authorities will consider.</p>	<p>The Authorities maintain their position and consider this amendment to Requirement 32 should be made.</p> <p>In addition, (and as mentioned in row 13 above) the Authorities consider that, in order to prevent the residents of Charlwood from being exposed to unmitigated noise emissions due to engine testing during the carrying out of Work No.18(a) and 18(b), engine testing during the carrying out of those works should be controlled. The Authorities would propose the following requirement as a means of controlling engine testing during the carrying out of Work No.18(a) and 18(b) -</p> <p>“During the carrying out of Work No.18(a) and 18(b), no engine testing may take place at the Taxiway Juliet West Spur as shown on Figure 5.2.1A of the Project Description Figures of the Environmental Statement, unless otherwise agreed in writing by CBC”.</p> <p>Update at Deadline 9 21 August 2024 The Authorities detailed comments on Requirement 32 are set out in Part A to this submission.</p>

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
43.	Sch 11 Time Limits	<p>Applications made under requirement</p> <p>1.—(1) Where an application has been made to a discharging authority for any agreement, endorsement or approval required by a requirement included in this Order (except where the discharging authority is the independent air noise reviewer, in which case Part 2 of this Schedule has effect in place of this Part), the discharging authority must give notice to the undertaker of its decision on the application before the end of the decision period.</p> <p>(2) For the purposes of sub-paragraph (1), the decision period is—</p> <p>(a) in the case of requirements in respect of which the discharging authority has a duty under Schedule 2 (requirements) of this Order to consult with any other body—</p> <p>(i) where no further information is requested under paragraph 2, 8 weeks (or in the case of major works, 16 weeks) from the day immediately following that on which the</p>	<p>See previous comments on the length of time that the Authorities will have to deal with what could possibly be a large number of requests and applications coming in an intensive period. Whilst the Authorities welcome the changes that have been made by the Applicant as regards requirement 2A (phasing) and the proposals for a compliance statement, they still consider that a longer time period is justifiable in the case of a limited number of works.</p> <p>In addition, the authorities consider that they should have more time to consider whether further information is necessary and seek a modest extension of one week to the time limit for making such a request.</p> <p>In the list of “major works” the Authorities have included some of the more substantive works, including all those works listed in paragraph 4.3 of REP6-111 as requiring Design Review, These would be ‘major in scale’ under the Development Management Definition used for planning applications and would normally be</p>	<p>On reflection, the Authorities consider the 16-week periods mentioned in sub-paragraphs (2)(a)(i) and (ii) for major works is too long and should be reduced to 13-weeks, which is consistent with the timeframe within which a major application must be determined under the Town and Country Planning Act regime.</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities comments on Schedule 11 are set out in Part A to this submission in response to the ExA’s proposed amendments.</p>

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		<p>application is received by the discharging authority;</p> <p>(ii) where further information is requested under paragraph 2, 8 weeks (or in the case of major works, 16 weeks) from the day immediately following that on which further information has been supplied by the undertaker under paragraph 2; or</p> <p>(iii) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in sub-paragraph (i) or (ii) (such agreement not to be unreasonably withheld); and</p> <p>(b) in the case of requirements in respect of which the discharging authority has no duty under Schedule 2 of this Order to consult with any other body—</p> <p>(i) where no further information is requested under paragraph 2, 6 weeks (or in the case of major works, 12 weeks) from the day immediately following that on which the application is received by the discharging authority;</p>	<p>subject to a minimum 13 week determination period.</p> <p>There is a placeholder at sub-paragraph (2A)(xii) for others to be added potentially.</p>	

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	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		<p>(ii) where further information is requested under paragraph 2, 6 weeks (or in the case of major works, 12 weeks) from the day immediately following that on which further information has been supplied by the undertaker under paragraph 2; or</p> <p>(iii) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in sub-paragraph (i) or (ii) (such agreement not to be unreasonably withheld).</p> <p>(2A) In sub-paragraph (2), “major works” means—</p> <p>(i) Work No. 9 (Works to construct the replacement Central Area Recycling Enclosure (CARE) facility);</p> <p>(ii) Work No. 16 (new hangar);</p> <p>(iii) Work No. 22 (Works associated with the North Terminal building);</p> <p>(iv) Work No. 23 (Works associated with the South Terminal building);</p> <p>(v) Work No. 24 (Works to upgrade the North Terminal forecourt including access roads);</p>		

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO			
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)
		<p>(vi) Work No. 25 (Works to upgrade the South Terminal forecourt including access roads); Work No. 26 (Works to construct a hotel north of multi-storey car park 3); (vii) Work No. 27 (Works to construct a hotel on the car rental site); (viii) Work No. 28 (Works associated with the Car Park H Site); (ix) Work No. 29 (Works to convert the existing Destinations Place office into a hotel); (x) Work No. 30 (Works to construct Car Park Y); (xi) Work No. 31 (Works associated with Car Park X) (xii) [Others TBC]</p> <p>(3)[no changes proposed]</p> <p>Further information</p> <p>2.—(1) In relation to any application to which this Part of this Schedule applies, the discharging authority has the right to request such further information from the undertaker as is necessary to enable it to consider the application.</p>		

No.	Legal Partnership Authorities List of Amendments to DCO: Part 1 – Amendments to Text of DCO							
	Provision	Amended Text	Explanation	Legal Partnership Authorities – Deadline 9 Update (updated text in bold)				
		<p>(2) If the discharging authority considers such further information to be necessary and the requirement does not specify that consultation with a requirement consultee is required, the discharging authority must, within 21 44 days of receipt of the application, notify the undertaker in writing specifying the further information required.</p> <p>(3) [no further changes proposed]</p>						
44.	Sch 12 Non-highway works for which detailed design approval is required	<p style="text-align: center;">SCHEDULE 12 Non-Highway Works for which Detailed Design Approval is Required</p> <table border="1" data-bbox="559 1078 1155 1390"> <thead> <tr> <th data-bbox="559 1078 755 1117"><i>(1) Work No.</i></th> <th data-bbox="755 1078 1155 1117"><i>(2) Work description</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="559 1117 755 1390">1 (part)</td> <td data-bbox="755 1117 1155 1390">Northern Runway (only in respect of those parts that involve surface or foul water drainage for detailed approval under requirement 10(3) (surface and foul water drainage only)</td> </tr> </tbody> </table>	<i>(1) Work No.</i>	<i>(2) Work description</i>	1 (part)	Northern Runway (only in respect of those parts that involve surface or foul water drainage for detailed approval under requirement 10(3) (surface and foul water drainage only)	See explanations given in Table 1 in Appendix A (Design Note) to the Authorities' response to the ISH8 Action Points [REP6-111]	<p>The Authorities have reviewed the additional information provided by the Applicant at Deadline 7 and, based on that information, have reduced the number of works they consider should be included in Schedule 12.</p> <p>An updated Schedule 12 is set out below. The following works have been removed from the version submitted by the Authorities at Deadline 7 – Work Nos. 4, 6(c), (e) and (f), 7, 10(i), 11, 12, 14, 19, 20, 34 and 42.</p>
<i>(1) Work No.</i>	<i>(2) Work description</i>							
1 (part)	Northern Runway (only in respect of those parts that involve surface or foul water drainage for detailed approval under requirement 10(3) (surface and foul water drainage only)							

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9	Central Area Recycling Enclosure																																											
10 (a) – (h)	Motor Transport Facilities																																											
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45.	Sch 13 [Informative] Maximum Parameter Heights	<p>Heading:</p> <p>Informative Maximum Parameter Heights</p> <p>Insert the following entry:</p> <table border="1" data-bbox="559 846 1115 1393"> <thead> <tr> <th data-bbox="559 846 674 1003">(1) Work No</th> <th data-bbox="674 846 868 1003">(2) Work description</th> <th data-bbox="868 846 1115 1003">(3) Maximum building <i>or other</i> works height (m)*</th> </tr> </thead> <tbody> <tr> <td data-bbox="559 1003 674 1276">41(b)</td> <td data-bbox="674 1003 868 1276">Works at Pentagon Field to permanently raise the ground level *</td> <td data-bbox="868 1003 1115 1276">4 metres</td> </tr> <tr> <td data-bbox="559 1276 674 1393">38(d)</td> <td data-bbox="674 1276 868 1393">Undertake earthworks, landscaping</td> <td data-bbox="868 1276 1115 1393">Bund 6 metres</td> </tr> </tbody> </table>	(1) Work No	(2) Work description	(3) Maximum building <i>or other</i> works height (m)*	41(b)	Works at Pentagon Field to permanently raise the ground level *	4 metres	38(d)	Undertake earthworks, landscaping	Bund 6 metres	<p>See the Authorities' explanation at D6 [REP6-111] Item 8.</p> <p>This would need to be accompanied by changes to the parameter plans.</p>	<p>The Authorities maintain their position and consider this amendment should be made.</p> <p><u>Update at Deadline 9 21 August 2024</u> The Authorities comments on Schedule 13 are set out in Part A to this submission in response to the ExA's proposed amendments.</p>
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Legal Partnership Authorities Proposed List of Amendments to the DCO : Part 2 – New Articles and Schedules

Provision No.	Amended Text	Explanation	Updated Position Deadline 8
<p>New Part in Schedule 9: Highway Land</p>	<p>The Authorities understand that the Applicants will be submitting revised land plans and a revised book of reference at deadline 7 which may meet the concerns of the Authorities.</p> <p>If the revised plans and book of reference do not satisfy the Authorities, they will put forward drafting at deadline 8 which will reflect paragraph 18 (land) of the protective provisions in Part 3 of Schedule 9 (protective provisions) to the draft DCO.</p>	<p>The Authorities’ position on acquisition of highway land was rehearsed at CAH1 and in their post hearing submissions [REP4-056]</p>	<p>The Authorities’ updated position on acquisition of highway land (including the revised land plans) is set out in the CAH2 post-hearing submission which is also being deposited at Deadline 8.</p> <p><u>Update at Deadline 9 21 August 2024</u></p> <p>The Authorities maintain their position as put forward at Deadline 8.</p>

Legal Partnership Authorities List of Amendments to the DCO: Part 3 – New Requirements

Provision No.	Amended Text	Explanation	Updated Position Deadline 8
<p>New Requirement</p> <p>Environmentally Managed Growth</p>	<p>A corrected version of the EMGF Requirement is appended to this submission at Appendix 1.</p>	<p>Please see Appendix I to [REP6-100] which sets out the proposed requirement in full. Regrettably there was a technical difficulty when the requirement was transposed from Word to PDF, resulting in the paragraph numbering being lost</p>	<p>The Authorities maintain their position in respect of this requirement.</p> <p><u>Update at Deadline 9 21 August 2024</u></p> <p>As set out in various submissions – including the Legal Partnership Authorities closing statement – the Authorities maintain that the EMGF is necessary and maintain their position in respect of this new requirement.</p>
<p>New Requirement</p> <p>Speed limit monitoring Strategy</p>	<p>Speed monitoring and mitigation</p> <p>[X].—(1) No part of the authorised development is to commence until written details of a speed limit monitoring strategy for Airport Way and London Road (A23) has been submitted to and approved in writing by West Sussex County Council [and National Highways].</p> <p>(2) The speed limit monitoring strategy must include—</p>	<p>WSCC have been in discussions with the Applicant about the Road Safety Audit (RSA) associated with the highway works. In relation to Problem 3.1 in the RSA that related to reductions to speed limits on Airport Way and London Road, GAL have stated,</p> <p>"The mitigations proposed as part of the scheme and broader relevant site considerations summarised below, for each link, are considered to be sufficient</p>	<p>The Authorities maintain their position in respect of this requirement.</p> <p><u>Update at Deadline 9 21 August 2024</u></p> <p>The Authorities updated position is set out in Part B to this submission.</p>

	<p>(a) as a minimum, one survey to be carried out before construction of the authorised development commences and two surveys to be carried out after completion of the highway works, to assess the changes in traffic speed on the local [and strategic] highway network;</p> <p>(b) the locations to be monitored and the methodology to be used to collect the required data;</p> <p>(c) the periods over which traffic is to be monitored;</p> <p>(d) the submission of survey data and interpretative report to West Sussex County Council [and National Highways]; and</p> <p>(e) a mechanism for the future approval of additional mitigation measures together with a programme for their implementation.</p> <p>(3) The scheme approved under sub-paragraph (1) must be implemented by the undertaker.</p>	<p>mitigations at this project stage. However, it is acknowledged that in line with standard practice, speed compliance will be subject to post opening monitoring and additional measures (including speed cameras) could be considered at that stage if deemed necessary. Such measures could be accommodated within the DCO site boundary."</p> <p>The Applicant also goes on to state:</p> <p>"Road user speeds will be subject to monitoring following completion of the scheme. If the average (mean) speed when the revised A23 London Road comes into operation is at or above 46mph (based on the WSCC policy guidance for a 40mph speed limit) further supporting measures shall be considered with due consideration of potential measures such as additional signage and road marking measures outlined in Table 3 of the West Sussex Speed Limit Policy 2022/2023 that may be considered to be appropriate for implementation at this location."</p>	
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		<p>The requirement is intended to ensure that the monitoring and potential mitigation are secured.</p>	
<p>New requirement: Odour management</p>	<p>Odour management and monitoring plan</p> <p>[X] - (1) No part of the authorised development is to commence unless an Odour Management and Monitoring Plan (OMMP) to ensure the management of aviation fuel odour and other odour emissions at the Horley Gardens Estate has been agreed in writing between the undertaker and CBC in consultation with RBBC.</p> <p>(2) The OMMP should be based on best practice and include:</p> <p>(a) a two stage study to:</p> <p>(i) determine the ambient concentrations of an appropriate marker for aviation fuel at which fuel odours are perceived on the Horley Gardens Estate;</p> <p>(ii) if the concentrations of the marker determined in subparagraph (i) exceed the limit of detection of a suitable field based monitor then such equipment is to be installed at an agreed</p>	<p>See paragraph 3.4.2 of the Authorities' update on progress on legal agreements at deadline 6 [REP6-112]</p>	<p>Please refer to Part C of this document.</p> <p><u>Update at Deadline 9 21 August 2024</u></p> <p>Please refer to Part A to this submission for the Authorities comments on the ExA's revised proposal in respect of the Oduor Management and Monitoring Plan.</p> <p>Put simply, the Authorities maintain their position that an Odour Management and Monitoring Plan – including a two-stage study – is necessary.</p> <p>The Authorities previous submissions on this issue are best summarised in:</p> <ul style="list-style-type: none"> • Part B to the Authorities Deadline 7 submission “Consolidated submissions on the draft Development Consent Order” [REP7-108]; and

	<p>location for a 1 year period to enable the examination of the distribution of events giving rise to aviation fuel odour;</p> <p>(b) procedures for recording, reviewing monitoring results and adjusting mitigation;</p> <p>(c) procedures for data sharing with the host authorities and reporting to the host authorities;</p> <p>(d) a complaints and resolution process;</p> <p>(e) a communications and engagement plan; and</p> <p>(f) any proposed odour mitigation measures.</p> <p>(3) The undertaker must implement the OMMP agreed under paragraph (1).</p>		<ul style="list-style-type: none"> • Paragraph 3.4.2 of the Authorities Deadline 6 Submission “Update on progress negotiating the draft Section 106 Agreement” [REP6-112]
<p>New requirement: Ground noise management plan</p>	<p>A new requirement is under consideration and may be included at D8.</p>	<p>This issue is explained in the West Sussex Authorities LIR [REP1-068] at page 234. The idea is that the plan would operate in a complimentary fashion to the noise envelope.</p>	<p>(1) Ground Noise Management Plan</p> <p>(X)—(1) No part of the authorised development is to commence until a ground noise management plan (GNMP) has been submitted to and approved in writing by</p>

		<p>As explained in the LIR, the plan would need to include:</p> <ul style="list-style-type: none"> • Predictive ground noise contours for each year. • Verification monitoring and confirmatory actual ground noise modelling. • A list of all mitigation, be they operational, physical, technological or any other mitigation. • Performance standards for the mitigation and how the performance standards are enforced. • Engagement process for monitoring and reporting to LPA and incorporating feedback including undertaking of further studies and provision of additional mitigation. 	<p>CBC (in consultation with RBBC, MVDC, and Horsham Borough Council, as appropriate).</p> <p>(2) The GNMP must –</p> <p style="padding-left: 40px;">(a) provide for the control and management of ground noise at the airport; and</p> <p style="padding-left: 40px;">(b) be in accordance with the underlying principles of the Noise Policy Statement England 2010 and the Noise Policy Vision and Aims included in that document.</p> <p>(3) The GNMP must include –</p> <p style="padding-left: 40px;">a. provision for the annual production (to CBC) of predicted ground noise contours and the contours for the preceding year, with contours presented for the day and night periods – Day, from 51 dB LAeq 16hr (the LOAEL set out in Moving Britain Ahead) to 69 dB LAeq 16hr in 3 dB increments; and Night, from 45 dB LAeq 8hr (the LOAEL set out in Moving Britain Ahead) to 63 dB LAeq 8hr in 3 dB increments;</p> <p style="padding-left: 40px;">b. the methodology for the ground noise modelling for the</p>
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			<p>contours referred to in sub-paragraph (a), together with all assumptions and validation mechanisms, and provision that validation must occur at a frequency of no more than five years;</p> <p>c. the circumstances, methods and conditions under which ground noise will be monitored;</p> <p>d. a list of any existing ground noise mitigation and a means of identifying and implementing any new mitigation;</p> <p>e. an implementation plan to secure any mitigation which includes, unless otherwise agreed in writing by CBC (in consultation with RBBC, MVDC, and Horsham Borough Council, as appropriate), –</p> <ul style="list-style-type: none"> i. limits and controls on the ground running of aircraft engines, including timings, durations and locations at which ground running may take place; ii. a mechanism for controlling the use of stands and taxiways to minimise ground noise impacts on receptors; iii. limits on the use of auxiliary power units and ground power units;
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			<ul style="list-style-type: none"> iv. details of the existing and any proposed noise barriers and bunds at the airport, including the timing of the installation of any new barriers and bunds; and v. restrictions on the towing of aircraft to and from stands and hangars at night where such movements may have a noise impact on nearby receptors; f. performance standards for any proposed mitigation; and g. a process for investigating complaints relevant to ground noise and for reporting findings, any proposed mitigation, and any action taken as a result of that mitigation, to CBC. <p>(4) The undertaker must implement the approved GNMP.</p> <p>(5) No later than five years from the date of commencement of the authorised development, and every five years afterwards, the undertaker must review and make any necessary updates to the GNMP and submit that updated document to CBC (in consultation with RBBC, MVDC, and Horsham Borough Council, as</p>
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			<p>appropriate) for written approval.</p> <p>(6) If the Secretary of State publishes revised levels for the LOAEL which are lower than those set out in subparagraph (3)(c), or the undertaker and CBC (in consultation with MVDC, RBBC and Horsham District Council) agree in writing to such lower levels, the contours must be produced from those revised levels to the maxima stated in subparagraph (3)(a).</p> <p>(7) In this requirement –</p> <p>(a) “day” means 07:00-23:00 in average operating mode between 16 June until 15 September inclusive; and</p> <p>(b) “night” means the period 23:00-07:00 in average operating mode between 16 June until 15 September inclusive;</p> <p>(c) “ground noise” means ground noise caused by aircraft operations including airfield manoeuvring, taxiing; engine testing and auxiliary power unit operation and not including aircraft in flight, taking off</p>
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			<p>or landing;</p> <p>(d) "LOAEL" lowest observable adverse effect levels; and</p> <p>(e) "Moving Britain Ahead" means the Department for Transport's document "Consultation Response on UK Airspace Policy: A framework for balanced decisions on the design and use of airspace, Moving Britain Ahead" dated October 2017.</p> <p><u>Update at Deadline 9 21 August 2024</u></p> <p>The Authorities maintain their position that the proposed requirement is necessary.</p>
<p>New requirement:</p> <p>Community Annoyance</p>	<p>Aviation noise attitudes surveys</p> <p>[X] - (1) In the event that an ANAS follow up survey has not been published by the Secretary of State or the CAA by the end of 2036, the undertaker must commence an airport-specific follow up survey within 6 months of the date of the third anniversary of the commencement of dual runway operations (if that date is after the end of 2036).</p>	<p>See paragraph 3.5.1 of the Authorities' update on progress on legal agreements at deadline 6 [REP6-112]</p>	<p>The Authorities will await to see the Applicant's D8 response to this matter and will reply as soon as possible afterwards.</p> <p><u>Update at Deadline 9 21 August 2024</u></p> <p>The Authorities maintain their position that the proposed requirement is necessary.</p>

	<p>(2) The undertaker must publish the airport-specific follow up survey on its website and provide a copy of it to those host authorities which are district councils.</p> <p>(3) In this paragraph—</p> <p>“ANAS follow up survey” means a noise attitudes survey carried out or commissioned by the Secretary of State or the CAA which is a follow up survey to the survey known as the Aviation Noise Attitudes Study (ANAS) 2024, that the Civil Aviation Authority has been commissioned by the Department for Transport to conduct and at the time of the making of this Order was conducting;</p> <p>“airport-specific follow up survey” means a noise attitudes survey to be carried out in relation to Gatwick Airport by the undertaker which follows the methodology used in the Aviation Noise Attitudes Study (ANAS) 2024. Any deviations from the methodology used in the Aviation Noise Attitudes Study (ANAS) 2024 are to be agreed in writing with the host authorities.</p>		
<p>New requirement: Night time noise cap</p>	<p>A new requirement is under consideration by the Authorities and may be included at D8.</p>	<p>As set out in paragraph 12.189 of the Joint Surrey Local Impact Report [REP1-098], the Authorities consider that this Requirement is necessary to ensure that the night noise levels are as modelled in chapter 14 of the Applicant’s Environmental Statement, which assumes that the current</p>	<p>The Authorities propose the inclusion of the following requirement in the draft DCO -</p> <ol style="list-style-type: none"> 1. Between 23:30 and 06:00 (local time) – <ol style="list-style-type: none"> a. no more than 11,200 aircraft movements may

		<p>Department for Transport core night movement cap remains in place.</p> <ul style="list-style-type: none"> • In paragraph 14.12.24 of chapter 14 [APP-039], the Applicant states that <i>‘There is an assumption that for the 42 years beyond 2047 noise levels are assumed constant in order to arrive at a 60-year discounted appraisal result.</i> • In paragraph 14.13.21 of chapter 14 [APP-039]) the Applicant states: <i>‘Noise changes at night would be lower than during the day because it is assumed that the current night restrictions would continue to cap aircraft numbers in the 23:30-06:00 hours period’.</i> <p>In view of the government’s consultation on the movement cap and the potential for the nighttime movement gap at Gatwick Airport to change in October 20254, the Authorities consider the current movement cap should be included in the dDCO by way of a requirement.</p>	<p>take place during the summer period; and</p> <ol style="list-style-type: none"> b. no more than 3,250 aircraft movements may take place during the winter period. <ol style="list-style-type: none"> 2. In years where the summer period is only 30 weeks long (as opposed to 31 weeks) up to 4% of the unused summer aircraft movement limit can be carried into the winter period. 3. In this requirement – <ol style="list-style-type: none"> a. “aircraft movements” means all aircraft movements with the exception of diverted or emergency flights; b. “summer period” means the period beginning at 01:00 GMT on the last Sunday in March and ending at 00:59GMT on the last Sunday in October; and c. “winter period” means the period between the end of British Summer Time in one year and the start of British Summer Time in the next. <p><u>Update at Deadline 9 21 August 2024</u></p>
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			The Authorities maintain their position that the proposed requirement is necessary.
New requirement: Noise action plan	A new requirement is under consideration by the Authorities and may be included at D8.	<p>The Authorities understand that the Requirement to Produce a Noise Action Plan (“NAP”) is a regulatory requirement under the Environmental Noise (England) Regulations 2006.</p> <p>Nonetheless – as measures included in the NAP form part of the Applicant’s embedded mitigation – the Authorities are considering whether a requirement should be included in the dDCO which states that, in the event that the NAP is replaced, any future NAP shall secure the same level or more mitigation as the NAP at the date of the DCO and if the obligation to produce a NAP ceased, GAL would provide the same level of mitigation in any event.</p>	<p>The Authorities propose the inclusion of the following requirement in the draft DCO</p> <p>”Any amendment to or replacement of the Noise Action Plan must not give rise to any materially new or materially different environmental effects from those identified in the environmental statement, as regards the operation or maintenance of the authorised development.”</p> <p><u>Update at Deadline 9 21 August 2024</u></p> <p>The Authorities maintain their position that the proposed requirement is necessary.</p>
New requirement: Hotel parking	<p>Hotel parking-</p> <p>-</p> <p>[X] (1) No provision is to be made at the specified hotels for parking other than parking for disabled staff and disabled visitors and for maintenance and servicing vehicles that are required for the operation of the hotel.—</p>	<p>This requirement has been added as an alternative way in which to address the Authorities’ concerns about the lack of detail in the descriptions of some of the hotels which are listed in Schedule 1.</p>	<p><u>Update at Deadline 9 21 August 2024</u></p> <p>Whilst maintaining their position regarding their controls on hotel car parking, the Authorities consider that their previous amendment submitted at Deadline 7 and Deadline 8 needs to be updated to reflect</p>

	<p>—</p> <p>(2) No provision is to be made at the specified hotels for commuter, staff or customer parking other than for disabled persons.</p> <p>-</p> <p>(3) In this paragraph, the “specified hotels” means the hotels described in—</p> <p>-</p> <p style="padding-left: 40px;">a. Work No. 26;</p> <p style="padding-left: 40px;">b. Work No. 27;</p> <p style="padding-left: 40px;">c. Work No. 28(a).</p>	<p>It would place limitations on the provision of parking at the hotels listed in subparagraph (3) of the proposed requirement.</p>	<p>similar concerns regarding office car parking.</p> <p>Given the lack of detail in the descriptions of hotels and offices, the Authorities consider that the following new requirement is necessary.</p> <p>The changes shown in red reflect amendments to the Authorities previous formulation of this proposed new requirement.</p> <p><u>Hotel and office parking</u></p> <p>[X]—(1) No provision is to be made at the specified hotels or the specified office for parking other than parking for disabled staff and disabled visitors and for maintenance and servicing vehicles that are required for the operation of the hotel or office, as appropriate.</p> <p>(2) No provision is to be made at the specified hotels or the specified office for commuter, staff or customer parking other than for disabled persons.</p> <p>(3) In this requirement paragraph,</p> <p>(a) the “specified hotels” means the hotels described in—</p> <p style="padding-left: 40px;">(i) Work No. 26;</p> <p style="padding-left: 40px;">(ii) Work No. 27;</p>
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			(iii) Work No. 28(a); and (b) the “specified office” means Work No. 28(b).
New (Deadline 8) requirement: fixed noise management plan	<p>(X)—(1) No part of the authorised development is to commence until a fixed plant noise management plan (FPNMP) has been submitted to and approved in writing by CBC (in consultation with RBBC, MVDC, and Horsham District Council, as appropriate).</p> <p>(2) The FPNMP must –</p> <p>a. subject to sub-paragraph (3)(d) provide for the control and management of sounds of a commercial and industrial nature, in accordance with British Standard BS 4142:A12019;</p> <p>b. be in accordance with the underlying principles of the Noise Policy Statement England 2010 and the Noise Policy Vision and Aims included in that document;</p> <p>c. provide for –</p> <p>i. the minimisation and mitigation of any adverse effects of noise on health and quality of life from fixed plant, so far as is reasonably practicable;</p> <p>ii. the avoidance of any significant adverse effects on health and quality of life of noise from fixed plant;</p>	<p>The purpose of this requirement is to control noise of an industrial or commercial nature arising from the following plant or uses:</p> <ol style="list-style-type: none"> 1. commercial, industrial and manufacturing processes 2. fixed installations comprising mechanical and electrical plant and equipment 3. loading and unloading of goods and materials 4. mobile plant <p>This requirement is necessary as there are presently no similar controls in the draft DCO.</p>	<p>This is a new requirement added at D8.</p> <p><u>Update at Deadline 9 21 August 2024</u></p> <p>The Authorities maintain their position that the proposed requirement is necessary.</p>

	<ul style="list-style-type: none"> iii.the prevention of any unacceptable adverse effects of noise on health and quality of life from fixed plant; d. include – <ul style="list-style-type: none"> i.confirmation that the background sound levels to be used in any assessment of fixed plant noise are the same as those set out in Table 7.1.1 of Appendix 14.9.3: Ground Noise Modelling of the Environmental Statement, or any other background sound levels determined in accordance with a methodology agreed in writing by CBC (in consultation with RBBC, MVDC, and Horsham District Council, as appropriate); ii.the techniques to assess the proposed source; iii.the process for reporting information to CBC; iv.a methodology for assessing fixed plant noise at the airport at different times of the year, such times to be agreed with CBC in writing (in consultation with RBBC, MVDC and Horsham District Council, as appropriate); v.a process for investigating complaints relevant to fixed plant noise and reporting findings, any proposed mitigation, and any action taken as a result of that proposed mitigation, to CBC. <p>(3) In this requirement “sounds of an industrial and commercial nature” includes commercial, industrial and manufacturing processes, including –</p> <ul style="list-style-type: none"> a. fixed installations comprising mechanical and electrical plant and equipment; 		
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	<p>b. loading and unloading of goods and materials, including items to and from aircraft holds and to and from surface transport; and</p> <p>c. mobile plant.</p> <p>(4) The FPNMP does not apply to –</p> <p>a. construction noise where it is subject to control under the Code of Construction Practice or a notice issued under section 60 of the Control of Pollution Act 1974 or a consent issued under section 61 of that Act;</p> <p>b. air noise;</p> <p>c. ground noise where it is subject to control under the Ground Noise Management Plan; and</p> <p>d. items listed in paragraph 1.3 of the British Standard BS4142:2014+A12019</p> <p>(5) The rating level for any fixed plant must be a rating level of at least 10 dB below the background sound level or such other level as is agreed, in writing, with CBC (in consultation with RBBC, MVDC, and Horsham District Council, as appropriate).</p> <p>(6) The undertaker must implement the approved FNMP.</p> <p>(7) In this requirement “rating level” has the same meaning as in British Standard BS 4142:A12019”.</p>		
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<p>New (Deadline 8) requirement: Wizad Plan</p>	<p>“(1) No part of authorised development is to commence until a Wizad Plan has been submitted to and approved in writing by CBC (in consultation with Horsham District Council and Mid Sussex District Council).</p> <p>(2) The Wizad Plan referred to in paragraph (1) must include –</p> <ul style="list-style-type: none"> (a) the methodology for the assessment and calculation of the maximum annual air traffic movements using Wizad; (b) restrictions on the size and noise classification of the aircraft using Wizad; and (c) the circumstances under which Wizad may be used. <p>(3) Notwithstanding sub-paragraph 2(c), Wizad must not be used between the hours of 19:00 – 07:00.</p> <p>(4) In this requirement, “Wizad” means the flight path commonly known as Wizad or Route 9, between Crawley and Haywards Heath”.</p>	<p>The Applicant previously assumed that Wizad would be used; however, as the application has proceeded, the Applicant has sought to refine its position and said that no airspace change would be required. Other comments have been made which are not aligned with this position. The Authorities consider the position is unclear and so it would be reasonable and appropriate to include this requirement in the draft DCO.</p>	<p>This is a new requirement added at D8.</p> <p><u>Update at Deadline 9 21 August 2024</u></p> <p>The Authorities maintain their position that the proposed requirement is necessary.</p>
<p>New (Deadline 8) requirement: East Sussex Bus Service Scheme</p>	<p>1. No part of the authorised development is to commence until details of the East Sussex Bus Service Scheme (“ESBSS”) have been submitted to and approved in writing by ESCC.</p> <p>2. The details referred to in sub-paragraph (1) must include funding to be provided to the bus service operator (or to ESCC should the service be procured by ESCC) for –</p> <ul style="list-style-type: none"> a. provision for the extension of the existing 261 bus route (or a service replacing service 261) beyond East Grinstead to ensure a direct two-way bus service between Uckfield and the airport; b. provision for at least one hourly two-way bus service between the airport, via Uckfield, and Hellingly and Hailsham 	<p>East Sussex County Council (“ESCC”) has argued, since the start of the process, for bus service improvements between East Sussex and Gatwick. This has mainly been pursued through ESCC’s Statement of Common Ground (SOCG) [REP5-040], where ESCC sought inclusion of specific improved bus services within the Surface Access Commitments (“SAC”).</p>	<p>This is a new requirement added at D8.</p> <p><u>Update at Deadline 9 21 August 2024</u></p> <p>The Authorities maintain their position that the proposed requirement is necessary.</p>

	<p>(which may be provided by extending the existing bus route or by providing another service);</p> <p>c. provision for a two-way hourly bus service between the airport, via East Grinstead and Forest Row, and Crowborough;</p> <p>d. provision for the operating hours of the bus services referred to in sub-paragraphs (2)(a), 2(b), and (2)(c) to include early mornings, evenings and weekends;</p> <p>e. a mechanism for the ESBSS to be reviewed every [five] years and updated accordingly, provided that any updated document is approved in writing by ESCC.</p> <p>3. On and from the commencement of the authorised development, the undertaker must operate the airport in accordance with the ESBSS unless otherwise agreed in writing by ESCC.</p>	<p>However, the Applicant is unwilling to meet this request and state that this can be considered for future funding through the Transport Mitigation fund. ESCC consider the Fund is likely to be oversubscribed and since they will not form part of the decision-making board, it is far from certain they will secure funding. The Applicant's most recent SAC [REP7-043] does not address ESCC's requests for bus service improvements between East Sussex and the airport. (The Authorities' Response to the Applicant's Deadline 6 Submissions - Appendices (page 8 [REP7-104]) highlight ESCC's specific bus service improvements requests.</p> <p>The ESCC are concerned that if this matter is not satisfactorily addressed by the Applicant and the application is consented, there will be an increase in private car journeys between East Sussex and the airport due to the poor public transport connectivity.</p> <p>In the event this issue is not covered by the revised SAC that the Applicant will submit at Deadline 8, ESCC request that this requirement is included in the DCO.</p>	
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