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GATWICK



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The Applicant's Closing Submissions

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Contents

1	Introduction	8
1.1.	Overview	8
1.2.	Structure	13
2	The Project and Decision Making Framework	15
2.1.	The Project	15
2.2.	Decision-making framework	19
3	Policy	33
3.1.	Introduction	33
3.2.	Overview	34
3.3.	Themes	38
3.4.	Issues	49
3.5.	Conclusion	70
4	Needs and Benefits	72
4.1.	Introduction	72
4.2.	Context	74
4.3.	Benefits	79
4.4.	Matters agreed	94
4.5.	Remaining Issues	100
4.6.	Conclusion	124
5	Future Baseline	125
5.1.	Introduction	125
5.2.	Future baseline sensitivity	126
5.3.	Conclusion	132
6	Environmentally Managed Growth	133
6.1.	Introduction	133
6.2.	Context: The Applicant's proposals and policy	133

6.3.	Context: Heathrow's EMG and Luton's GCG framework proposals	138
6.4.	EMG vs Proposed Controls	139
6.5.	Conclusion	169
7	Approach to EIA	174
8	Greenhouse Gases	177
8.1.	Introduction	177
8.2.	Context	180
8.3.	Applicant's Assessment	183
8.4.	Outstanding issues	207
9	Climate Change	236
9.1.	Climate Change Resilience Assessment and In-Combination Climate Change Impacts Assessment	236
9.2.	Climate Change Mitigation	238
9.3.	Consideration of Climate Change matters during Examination	242
9.4.	Topic conclusion	245
10	Socio-economics	246
10.1.	Socio-Economics Assessment	246
10.2.	Socio-Economic mitigation	251
10.3.	Consideration of Socio-Economic matters during Examination	253
10.4.	Topic conclusion	259
11	Noise	261
11.1.	Noise Assessment	261
11.2.	Noise Planning Policy and Guidance	263
11.3.	Noise Envelope Policy and Guidance	269
11.4.	Project Assessment – Approach and Scope of Likely Significant Effects (Before Application of Project Mitigation)	270
11.5.	Existing and Proposed Project Mitigation	295
11.6.	Comments on ExA mitigation Proposals	323
11.7.	Comments on mitigation proposals of and outstanding issues raised by Interested parties	327
11.8.	Planning Policy Compliance Assessment	345

12	Traffic and Transport	348
12.1.	Traffic and Transport Assessment	348
12.2.	Traffic and transport mitigation	353
12.3.	Consideration of Traffic and Transport matters during Examination	360
12.4.	Topic conclusion	378
13	Air Quality	381
13.1.	Air Quality assessment	381
13.2.	Air Quality mitigation	384
13.3.	Consideration of Air Quality matters during Examination	386
13.4.	Topic conclusion	390
14	Ecology and Nature Conservation	391
14.1.	Ecology and Nature Conservation assessment	391
14.2.	Ecology and Nature Conservation mitigation	397
14.3.	Consideration of Ecology and Nature Conservation matters during Examination	400
14.4.	Topic conclusion	406
15	Health and Wellbeing	407
15.1.	Health and Wellbeing assessment	407
15.2.	Health and Wellbeing mitigation	410
15.3.	Consideration of Health and Wellbeing matters during Examination	410
15.4.	Topic conclusion	412
16	Design	413
16.1.	Introduction	413
16.2.	The Applicant's approach to achieving good design	413
16.3.	Matters raised during the Examination regarding good design	417
16.4.	Topic conclusion	423
17	Landscape and Townscape	424
17.1.	Landscape and Townscape assessment	424
17.2.	Landscape, Townscape and Visual mitigation	427
17.3.	Consideration of Landscape, Townscape and Visual matters during Examination	430

17.4.	Topic conclusion	440
18	Historic Environment	442
18.1.	Historic Environment assessment	442
18.2.	Historic Environment mitigation	444
18.3.	Consideration of Historic Environment matters during Examination	445
18.4.	Topic conclusion	448
19	Water Environment	450
19.1.	Water Environment assessment	450
19.2.	Water Environment Mitigation	451
19.3.	Consideration of Water Environment matters during Examination	454
19.4.	Topic conclusion	464
20	Land Use and Recreation	465
20.1.	Land Use and Recreation assessment	465
20.2.	Land Use and Recreation mitigation	467
20.3.	Consideration of Land Use and Recreation matters during Examination	468
20.4.	Topic conclusion	470
21	Geology and Ground Conditions	474
21.1.	Geology and Ground Conditions assessment	474
21.2.	Geology and Ground Conditions mitigation	475
21.3.	Consideration of Geology and Ground Conditions matters during Examination	476
21.4.	Topic conclusion	477
22	Resource and Waste Management	479
22.1.	Resource and Waste Management assessment	479
22.2.	Resource and Waste Management mitigation	479
22.3.	Consideration of Resource and Waste Management matters during Examination	480
22.4.	Topic conclusion	481
23	Major Accidents and Disasters	482
23.1.	Major Accidents and Disasters assessment	482
23.2.	Major Accidents and Disasters mitigation	483

23.3.	Consideration of Major Accidents and Disasters matters during Examination	484
23.4.	Topic conclusion	487
24	Cumulative Assessment	488
24.1.	Introduction	488
24.2.	Consideration of Cumulative matters during Examination	488
24.3.	Conclusion	493
25	Compulsory Acquisition and Temporary Possession	494
25.1.	Introduction	494
25.2.	The Applicant's case	496
25.3.	Special considerations affecting land	506
25.4.	Overview of negotiations with landowners	511
26	The Draft Development Consent Order, Section 106 Obligations and Control Documents	520
26.1.	Introduction	520
26.2.	Draft DCO	521
26.3.	Section 106 Agreement	546
26.4.	Approach to Control documents	547
26.5.	Control Documents Signposting Table	551
27	Stakeholder Engagement	561
27.1.	Introduction	561
27.2.	Pre-application engagement and consultation	561
27.3.	Engagement during the pre-examination and examination stages	562
27.4.	Engagement post-DCO consent	572
28	Planning Balance and Controls	576
28.1.	Introduction and overview	576
28.2.	Principle of development	582
28.3.	Need and Benefits	583
28.4.	Other environmental effects	584
28.5.	Conclusion	598

- 1 Appendix A – Compliance of highway-related development against the NSPNN 2014
- 2 Appendix B: Detailed Need and Benefits Submission

1 Introduction

1.1. Overview

- 1.1.1 After nearly six months of examination, and the much longer period of preparation beforehand, these closing submissions present the opportunity to restate what this Project is, at its heart, intended to achieve.
- 1.1.2 Gatwick Airport is seeking to bring into use an existing but significantly under-used runway to meet the demand to fly millions of people who wish to travel, go on holiday, visit family or friends or do their jobs; and to strengthen its operational resilience in doing so.
- 1.1.3 Gatwick is the UK's second largest airport, situated in the largest aviation market in the world, London. People travel through Gatwick not simply because it is there, but because they want and need to fly. It is popular and busy because it offers a range and frequency of destinations that the public and airlines find attractive. Its network remains the most extensive of all the London airports, serving 219 destinations in 2019, compared to 211 at Heathrow and 185 at Stansted and 139 at Luton¹.
- 1.1.4 As the busiest single runway airport in the world during the day, routinely scheduling 55 movements per hour, it is successful because Gatwick excels at knowing and running its airport to meet customer demand. The airport offer has been deliberately adapted so that it caters well for all passenger types, markets and needs, such that it now has one of the broadest spectrums of passenger demand observed at any airport globally.² Gatwick is clearly the second ranked airport in the London system for long haul (non-Europe) connectivity with 62 destinations compared to just 2 at Luton and 7 at Stansted.³ Gatwick is particularly significant next to Heathrow in providing long haul services to connect the UK to the rest of the world (and meet a fundamental aim of UK policy).
- 1.1.5 In catering for that demand Gatwick not only provides jobs and income for the thousands who are employed at the airport; it generates significant numbers of jobs and economic opportunities for workers and firms in its supply chain, and for the many others who are attracted to the area by the benefits it offers.

¹ See Table 6 of the Needs Case Technical Appendix [\[REP1-052\]](#).

² See section 3.2 of the Needs Case Technical Appendix [\[REP1-052\]](#).

³ *Ibid.*

- 1.1.6 Gatwick connects the UK to the rest of the world and it is, therefore, a key piece of national infrastructure, an engine for local and regional economic growth, and the airport of choice for millions—growing to over 46 million passengers in 2019.
- 1.1.7 Airports, and airport expansion, play a critical role in boosting global and domestic connectivity. National policy recognises the role of airports in boosting economic growth, supporting trade, inward investment, tourism, economic prosperity and significant numbers of jobs.⁴
- 1.1.8 The most up to date forecasts from the UK government continue to show demand for air travel in the UK and in London will grow substantially.⁵ They forecast growth of 147mppa between 2018 and 2050⁶ but there is a gross shortage of consented capacity to meet the demand. Critical national policy objectives are being frustrated and, as the Airports National Policy Statement (ANPS) recognises: *“As airports fill up and operate at full capacity, there is little resilience to deal with any disruption, leading to delays”*.⁷
- 1.1.9 It is for these fundamental reasons that government policy is consistently supportive of airports other than Heathrow bringing forward expansion plans to make best use of their existing runways.⁸ That is precisely what these proposals would achieve.
- 1.1.10 At Gatwick, the capacity shortage is even more pronounced. Its runway capacity is fully allocated to airlines during the busy hours across the summer months.⁹ Significant demand excess is observed every summer season and the airport experiences the highest levels of oversubscription on slot capacity of any UK airport. This inefficiency ultimately translates into passengers wishing to travel suffering increased fares, delays, disruption, crowding or no opportunity to fly. Opportunities are increasingly scarce to connect with new destinations and growth economies.
- 1.1.11 Gatwick is in the unusual but fortunate position of having an emergency or standby runway located to the north of the main runway. Granted planning permission in 1979, its use is restricted, by that permission, to when the main runway is not available for operations. The Applicant seeks consent through this

⁴ See paragraphs 2.5-9 of the ANPS.

⁵ See paragraphs 2.11-2 of the ANPS.

⁶ See the Needs Case Technical Appendix at Table 20 referring to the latest 2023 Jet Zero forecasts.

⁷ See paragraph 3.25 of the ANPS.

⁸ Beyond the horizon: The future of UK aviation - Making best use of existing runways paragraph 1.29; ANPS paragraph 1.39.

⁹ See paragraph 2.11 of the ANPS.

DCO to enable better use of that runway, by providing dual runway operations from the existing main and northern runways.

- 1.1.12 The Project is an innovative and sustainable way of adding additional capacity to Gatwick, through making use of the northern runway by repositioning its centreline 12 metres further north so that the two runways can be used together, catering for an additional approximate 13 million passengers per annum but without requiring the significant additional land take and related environmental effects that would be required if a full new runway was to be developed.
- 1.1.13 Very substantial benefits would arise from granting the DCO, by virtue of Gatwick being extremely well-placed to meet the demand for air travel. It is the best and arguably the only opportunity to grow the UK's long haul connectivity pending the construction of a third runway at Heathrow.
- 1.1.14 Capacity at Gatwick can be delivered into the market soonest, providing new capacity onstream by 2029. Even if Heathrow decided to restart their third runway plans, have them consented, funded and constructed, they would not convey new flights until, at best, the late-2030s. In the meantime, the London system would otherwise remain full, turning away significant excess demand for travel. *“Without expansion, capacity constraints would impose increasing costs on the rest of the economy over time, lowering economic output by making aviation more expensive and less convenient to use, with knock-on effects in lost trade, tourism and foreign direct investment.”*¹⁰
- 1.1.15 Gatwick would be in a position to cater for an unparalleled diversity of passengers, focussed in particular on its low-cost short haul services. Gatwick has led the way in catering for increased demand in this area, now being the only airport in London with the four largest European low-cost airlines operating.
- 1.1.16 Gatwick is well-located to cater sustainably for this additional demand. It lies at the heart of the most prosperous, densely populated and best-connected region of the UK, with more than 17 million people living within 90 minutes of the airport. Over 40 million air passenger journeys annually currently start or end within the locality. The airport also benefits from a significant share of the inner London catchment thanks to its excellent rail offering into Central London. The development would also provide major improvements to the surrounding strategic road network.

¹⁰ See paragraph 2.16 of the ANPS.

- 1.1.17 Beyond these substantial benefits - contributing to meeting increased demand for air travel, in particular Gatwick-specific demand – the Project would secure the improved resilience of operations at the airport, with consequential benefits for the London airports system. Allowing dual runway operations would not only allow greater numbers of flights to use the airport, but would have the obvious benefit of providing operational flexibility to cater for issues that may arise at any airport.
- 1.1.18 The Project will generate very substantial economic benefits through increased employment and new business opportunities, which would enable Gatwick to continue to drive the local and sub-regional economy. By 2029, an additional 4,500 jobs and £310m in GVA will be created per annum in the Six Authorities area covering West Sussex, East Sussex, Surrey, Kent, Brighton and Hove and the London Borough of Croydon. It is then expected to lead to an additional 14,000 jobs and £1bn of GVA in 2032, 13,700 jobs and £1.05bn of GVA in 2038, and 12,800 jobs and £1,1bn of GVA in 2047. A significant share of this impact is expected to be generated in close proximity to the airport.
- 1.1.19 Outside of the planning controls proposed by the Applicant's DCO requirements, the wider package of controls and enhancements proposed as part of the Project is extensive, including an Employment Skills and Business Strategy worth c. £20m, and a Community Fund which is forecast to total £22m, within a wider package, secured under the DCO and section 106 obligations (agreed with the local authorities) which conservatively totals a minimum of £500m.
- 1.1.20 The benefits of the Project would be generated as a result of the Applicant providing £2.2 billion of privately funded investment into critical national infrastructure.
- 1.1.21 The Applicant has always acknowledged that the Project would have some adverse effects, and it has considered these through the Environmental Statement submitted with the application. But a significant if obvious feature of this case is that the Project does not propose a new airport or even a new runway. It is difficult to conceive of any nationally significant infrastructure project that would have no negative impacts. However, even allowing for an increase in 13m passengers per annum, most, if not all of the adverse effects that would be caused by the Project would in fact be relatively modest and all can be suitably mitigated: in particular, no significant air quality effects would arise; and noise effects are limited with significant adverse effects forecast for only 80 properties, which would be mitigated through a noise insulation package that exceeds government policy and would be contained by a noise envelope that shares the

benefits of quieter fleet transition and growth between airlines and local communities.

- 1.1.22 As a responsible airport operator, the Applicant has already been successful in improving public transport access to Gatwick through its Airport Surface Access Strategy, which records how 21 million rail passengers use the station each year, more than any other UK airport. Its Second Decade of Change report is a sustainability plan for the airport to 2030, building on the achievements including substantial reductions in Gatwick's noise contours and direct carbon emissions. For carbon, Gatwick achieved Level 3+ carbon neutrality in 2017, was awarded Level 4+ in 2023 and has consistently set and beaten carbon targets which exceed government policy. Its Noise Action Plan (2019-2025) helps drive improvements in noise management at what is already a noise efficient airport, in the context of existing regulatory controls over noise that are managed by central government. Whilst not obliged to, Gatwick has over the last decade, entered into voluntary planning obligations (periodically reviewed), in order to give comfort to local communities that concerns over matters including parking and air quality are properly monitored.
- 1.1.23 The Project would enable the sustainable growth of the airport over the long term, subject not only to appropriate noise controls, but Surface Access Commitments to secure a higher mode share for passenger and staff trips, as well as a Carbon Action Plan which will ensure that the airport grows consistently with the commitments of the UK to achieving net zero. Gatwick has drafted a regime of control that would commit the airport as a whole.
- 1.1.24 Despite the volume of their submissions, a wide extent of agreement has been reached with the JLAs to resolve a significant proportion of outstanding matters and they have never made the case to this examination that the adverse effects of the Project would outweigh its benefits. All substantive matters raised in submissions are agreed with National Highways, Network Rail and Natural England.
- 1.1.25 The Project, therefore, is the very form of development sought by national policy. This application would deliver substantial economic benefits, meet an acknowledged demand from millions of people to fly each year, and improve the operational resilience of one of the most important airports in the UK, all by making best use of the airport and the existing runway infrastructure, in a way that maximises its benefits and appropriately mitigates its adverse environmental effects.

1.2. Structure

1.2.1 These introductory points are developed below, in submissions which summarise the Applicant's position on the main issues that have arisen during the examination. They are based upon the written submissions that have already been made and the Applicant hopes that they will assist the ExA and the Secretary of State in navigating their way through the evidence.

1.2.2 The submissions are structured as follows:

- 1) This Introduction;
- 2) The Project and Decision-Making Framework;
- 3) Policy;
- 4) Need and Benefits;
- 5) Future baseline;
- 6) Environmentally Managed Growth;
- 7) Approach to EIA;
- 8) Greenhouse Gases;
- 9) Climate Change;
- 10) Socio-economics
- 11) Noise;
- 12) Traffic and Transport;
- 13) Air Quality;
- 14) Ecology and Nature Conservation;
- 15) Health and Wellbeing;
- 16) Design;
- 17) Landscape and Townscape;
- 18) Historic Environment;
- 19) Water Environment;
- 20) Land Use and Recreation;
- 21) Geology and Ground Conditions;

- 22) Resource and Waste Management;
- 23) Major Accidents and Disasters;
- 24) Cumulative Assessment;
- 25) Compulsory Acquisition and Temporary Possession;
- 26) Development Consent Order, Section 106 Obligations and Control Documents;
- 27) Stakeholder Engagement; and
- 28) Planning Balance and Conclusions.

1.2.3 It will be apparent from this structure that there is a degree of overlap between different sections – this has been identified where relevant. Each section summarises the assessment carried out by the Applicant, before setting out matters that have been agreed during the course of the examination, and then addressing any issues that remain in dispute. The examination has been helpful, not only in testing the application but also in refining the mitigation and controls which collectively add to the case for the grant of DCO consent. Where the Applicant takes issue with matters that have been raised more specifically in relation to provisions of the draft DCO or control documents, these are dealt with when considering those documents, including amendments to the draft DCO that are proposed by the ExA.

2 The Project and Decision Making Framework

2.1. The Project

Introduction

- 2.1.1 The Project at its heart proposes to reposition the existing northern runway and lift the current restrictions on its use, to enable dual runway operations. It also includes airfield works, as well as the development of a range of infrastructure to accommodate increases in aircraft movements and passenger numbers, together with surface access improvements.
- 2.1.2 The Project includes the following key works components:
- 2.1.2.1. repositioning of the existing northern runway 12 metres northward (measured from the centreline of the existing northern runway);
 - 2.1.2.2. airfield works including repositioning and resurfacing of existing and constructing new taxiways, aircraft stands and an access track between the two runways;
 - 2.1.2.3. works to airfield support facilities including constructing a new pier, constructing and reconfiguring of aircraft stands, works to power facilities, and relocating the fire training ground and the Centre Area Recycling Enclosure (CARE) facility;
 - 2.1.2.4. works and extensions to the existing airport terminals (north and south);
 - 2.1.2.5. works to existing and construction of new hotels and offices;
 - 2.1.2.6. works to existing and construction of new car parks;
 - 2.1.2.7. surface access improvements, including active travel improvements and works to the M23 spur, the A23 London Road, Longbridge Roundabout, and the terminal roundabouts and forecourts;
 - 2.1.2.8. water treatment works and surface water and foul water improvements; and;
 - 2.1.2.9. environmental mitigation works including establishing habitat enhancement areas, flood compensation areas and areas of replacement open space.
- 2.1.3 The **Project Description Signposting Document** [\[REP6-013\]](#) identifies the relevant works numbers for the key works components in Schedule 1 of the draft

Development Consent Order (DCO) and signposts to the corresponding paragraphs in Chapter 5 of the ES and the relevant ES Figures.

- 2.1.4 The land subject to the application for development consent extends to approximately 735 hectares. The Project site boundary is shown on ES Figure 1.2.1 contained in **ES Introduction Figures** [\[APP-047\]](#).
- 2.1.5 The proposed location of the key works components proposed as part of the Project are shown on the ES Project Description as follows:¹¹
- 2.1.5.1. Figure 5.2.1a: Proposed Airport Works;
 - 2.1.5.2. Figure 5.2.1b: Proposed Car Parks;
 - 2.1.5.3. Figure 5.2.1c: Proposed Hotels and Offices;
 - 2.1.5.4. Figure 5.2.1d: Proposed Surface Access Improvements (not including highways);
 - 2.1.5.5. Figure 5.2.1e: Proposed Surface Water and Foul Water Improvements;
 - 2.1.5.6. Figure 5.2.1f: Proposed Temporary Construction Compounds;
 - 2.1.5.7. Figure 5.2.1g: Proposed Environmental Mitigation Areas; and
 - 2.1.5.8. Figure 5.2.1h: Existing Facilities Proposed to be Demolished or Removed.
- 2.1.6 The proposed location of and further details on the proposed highway improvements outside of the airport are provided in **ES Appendix 5.2.1: Surface Access General Arrangement Plans** [\[APP-076\]](#).
- 2.1.7 As the examination has progressed, the Applicant has proposed changes to the Project as follows.
- 2.1.8 On 8 March 2024, three changes to the application were accepted for examination [\[PD-011\]](#) following the Applicant's submission of a formal **Change Request** ("Change Request 1") on 13 February 2024 [\[AS-124 to AS-143\]](#). The three accepted project changes comprised:
- 2.1.8.1. Project Change 1: Extension to the design parameters for the North Terminal International Departure Lounge proposed southern extension;

¹¹ Figures 5.2.1, sheets a – h [\[REP8-018\]](#).

- 2.1.8.2. Project Change 2: Reduction in height of the proposed replacement Central Area Recycling Enclosure facility and change in its purpose;
- 2.1.8.3. Project Change 3: Revision to the proposed surface water treatment works (to accommodate a constructed wetland (reed bed) system).
- 2.1.9 On 7 May 2024, the Applicant submitted a **Second Change Notification** [[AS-145](#) and [AS-146](#)] to the ExA to provide an On-airport Wastewater Treatment Works as an alternative option to manage wastewater treatment should it be required for the Project (“Project Change 4”). As explained in the subsequent **Second Change Application Report** [[REP6-072](#)], the Applicant identified a need to put forward that change as a result of Thames Water Utilities Limited (TWUL) being unable to confirm, within the timescales of this examination, that it will be able to include any necessary upgrades to its infrastructure at the appropriate time within the regulatory funding cycles, as modelling work on the future capacity of the local network is currently ongoing. This project change was accepted for examination on 10 July 2024 [[PD-023](#)].
- 2.1.10 The Applicant submitted a **Third Change Notification** on 5 July 2024 [[AS-152](#) and [AS-153](#)] as a result of continued engagement with the freeholder and leaseholders of the Holiday Inn London - Gatwick Airport hotel. “Project Change 5” relates to a minor extension to the Order Limits to incorporate additional land (comprising 0.175ha in size) at the Holiday Inn to facilitate the construction of a temporary access point, a temporary bus parking layby, temporary traffic management measures and associated drainage provision. These arrangements would be put in place during construction of the Longbridge Roundabout junction works, to mitigate disruption to the hotel’s existing access. On 14 August 2024, the ExA accepted Project Change 5 into the Examination (see **Rule 17 Request for further information and Procedural Decision in respect of Project Change 5** [[PD-027](#)]).
- 2.1.11 The **Mitigation Route Map** (Appendix 5.2.3 to the ES, [[REP8-020](#)]) provides an audit trail of the controls and mitigation measures on which the ES relies and sets out how which they have been translated into controls the draft DCO, section 106 obligations or other consent regimes. The latest position of the Applicant on the draft DCO, planning obligations and control documents is set out in more detail later in these submissions.
- 2.1.12 The **Buildability Report** (Appendix 5.3.1 to the ES at [[REP2-013](#)] (Part A) and [[APP-080](#) and [APP-081](#)] (Part B)) and **Indicative Construction Sequencing** (Appendix 5.3.3 to the ES, [[APP-088](#)]) also present an indicative construction

methodology for the Project. These can be read in conjunction with the **Code of Construction Practice** and its **Annexes** (Appendix 5.3.2 to the ES, [\[REP4-007\]](#), and [\[APP-084\]](#), [\[APP-086\]](#), [\[REP2-015\]](#), [\[REP3-020\]](#), [\[REP3-022\]](#), [\[REP3-024\]](#), [\[REP3-026\]](#), [\[REP4-009\]](#), [\[REP4-011\]](#), [\[REP5-020\]](#) and [\[REP5-022\]](#)).

- 2.1.13 As Chapter 1 to the ES explains, alterations to existing airports in England fall under the Planning Act 2008 (“the 2008 Act”) regime where the alteration would:
- 2.1.13.1. increase by at least 10 million per year the number of passengers for whom the airport is capable of providing air passenger transport services; or
 - 2.1.13.2. increase by at least 10,000 per year the number of air transport movements of cargo aircraft for which the airport is capable of providing air cargo transport services.¹²
- 2.1.14 ‘Alteration’ includes the construction, extension or alteration of a runway, buildings, radar/radio mast/antenna or other apparatus at the airport.¹³
- 2.1.15 The Project falls within the definition of an alteration to Gatwick airport and would meet the threshold for change in the passenger throughput capacity at the airport such that it represents airport-related development for the purposes of the 2008 Act.
- 2.1.16 Alterations to an existing highway also falls under the 2008 Act where the affected highway is entirely within England, where the Secretary of State (SoS) or strategic highways company will be the highway authority for the highway and where the area exceeds the stated threshold. The applicable thresholds are:
- 2.1.16.1. for the alteration of a motorway, 15 hectares;
 - 2.1.16.2. for the alteration of a highway, other than a motorway, where the speed limit is expected to be equal to or greater than 50 mph, 12.5 hectares;
 - 2.1.16.3. or for the alteration of any other highway, 7.5 hectares.¹⁴
- 2.1.17 The proposed improvements to the North Terminal and South Terminal roundabouts would each individually involve the alteration of a highway where the strategic highways company is the highway authority and where the speed limit is 50 mph or over and the works individually each exceed the 12.5 hectare

¹² See sections 14(1)(i) and 23(1)(b), (4) and (5) of the 2008 Act.

¹³ Section 23(6) of the 2008 Act.

¹⁴ See sections 14(1)(h) and 22(1), (3) and (4) of the 2008 Act.

limit that applies to this category of road. Therefore, the Project includes works that constitute in their own right highways-related development under the 2008 Act.¹⁵

2.2. Decision-making framework

Introduction

- 2.2.1 The inclusion within the application of both airport- and highway-related development has raised issues relating to the interpretation and application of the decision-making framework set out in sections 104 and 105 of the 2008 Act.
- 2.2.2 These issues have been addressed by the Applicant in its **Deadline 1 Submission - The Applicant's Response to Actions - ISH 1: The Case for the Proposed Development** [[REP1-062](#)], its **Deadline 3 Submission - The Applicant's Response to the Local Impact Reports** [[REP3-078](#)], its **Deadline 4 Submission - Response to Deadline 3 Submissions** [[REP4-031](#)] and most recently in its **Deadline 6 Submission - The Applicant's Position on Sections 104 and 105 of the Planning Act 2008** [[REP6-095](#)].
- 2.2.3 The JLAs have set out their position in their **Local Impact Report** [[REP1-068](#)], their **Responses to ExQ1** (CS.1.27) in [[REP3-135](#)], Appendix II to their **Deadline 5 Submission - Comments on any further information/submissions received by Deadline 4** [[REP5-094](#)] and their **Deadline 7 Submission - Response to REP6-095 The Applicant's position on Section 104 and Section 105 of the Planning Act 2008** [[REP7-107](#)].
- 2.2.4 As a result of these exchanges, there are differing interpretations of the statutory provisions before the ExA and the Secretary of State. However, the parties agree that whichever one is adopted would not affect the outcome of the decision on the application.
- 2.2.5 For convenience the Applicant explains the main aspects of its position below.
- ### Sections 104 and 105
- 2.2.6 Section 104 of the 2008 Act applies "in relation to an application for an order granting development consent if a national policy statement ("NPS") has effect in relation to development of the description to which the application relates".¹⁶

¹⁵ Sections 14(1)(h) and 22(1)(b), (3) and (4)(b) of the 2008 Act.

¹⁶ Section 104(1) of the 2008 Act.

- 2.2.7 In deciding the application the Secretary of State must, amongst other requirements, have regard to “any NPS that is in effect in relation to development of the description to which the application relates (‘a relevant NPS’),¹⁷ along with “any other matters which the Secretary of State thinks are both important and relevant to the decision”.¹⁸ The application must be decided “in accordance with any relevant NPS, except to the extent that”¹⁹ one or more identified subsections applies. These include subsection (7), which applies if the Secretary of State is satisfied that the adverse effects of the proposed development would outweigh its benefits.
- 2.2.8 Section 105 of the 2008 Act applies “in relation to an application for an order granting development consent if section 104 does not apply in relation to the application”.²⁰ In deciding the application the Secretary of State must have regard to identified matters including any local impact report as well as any other matters which he thinks are both important and relevant to the decision.
- 2.2.9 The application in this case is for development that includes both airport-related development and highways-related development, as set out above.
- 2.2.10 The application relates in part to “development of the description” in relation to which the NNNPS has effect, because the NNNPS has effect in relation to development which meets the thresholds for nationally significant road infrastructure projects as defined by the 2008 Act.²¹
- 2.2.11 However, the application also relates to development that is not “development of the description” in relation to which an NPS is in effect, because there is no NPS in effect in relation to the proposed airport-related development.
- 2.2.12 Further the development in the application (despite partly including development in relation to which an NPS is in effect and partly including development in relation to which no NPS is in effect) is proposed as a single indivisible project, albeit one with the primary aim of providing airport-related development that is facilitated by highways-related development. The highways-related development is not proposed as a primary or as a severable element of the wider project. It would not be developed or have land-use effects other than those which arise as a result of and with the effects of the airport-related development, and vice versa.

¹⁷ Section 104(2)(a) of the 2008 Act.

¹⁸ Section 104(2)(d) of the 2008 Act.

¹⁹ Section 104(3) of the 2008 Act.

²⁰ Section 105(1) of the 2008 Act.

²¹ See paragraph 1.1 of the NNNPS, as well as para. 1.2. See too paras 1.4.4-5 of Chapter 1 of the Environment Statement [[APP-026](#)].

- 2.2.13 Sections 104 and 105 do not make explicit or specific provision for these circumstances. In this context the Applicant and the JLAs agree that it is necessary to conduct an objective assessment of the meaning which a reasonable legislature as a body would be seeking to convey in using the statutory words under consideration, read in context.²²
- 2.2.14 There is no dispute between the Applicant and JLAs that the 2008 Act allows for development in relation to which an NPS is in effect, as well as development in relation to which no NPS is in effect, to be included in a single application.
- 2.2.15 Similarly, there is no dispute that the legislation should be interpreted so as to allow for a decision under which development consent may be granted (not precluded), in relation to a single application which covers development in relation to which an NPS is in effect, as well as development in relation to which no NPS is in effect.
- 2.2.16 Against this background, the initial question which arises is whether the application of section 104 “in relation to an application for an order granting development consent” means that it applies to all aspects of the application for a DCO, even if the “development of the description to which the application relates” includes development in relation to which no other NPS is in effect.
- 2.2.17 Different approaches in response to this initial question have been suggested in the representations submitted by the Applicant and JLAs. Both have considered the implications of the EFW Group case and it is convenient to review that judgment briefly.

EFW Group Limited case

- 2.2.18 The case of EFW Group Limited v Secretary of State for Business, Energy and Industrial Strategy [2021] EWHC 2697 (Admin) informed the approach taken by the Applicant to this application.²³ The application in that case included (i) a capacity increase to an existing energy from waste plant resulting in a capacity above 50MW and (ii) the construction of a new 42MW energy from waste plant. The Examining Authority there applied section 104 to the capacity increase and section 105 to the new plant, as the latter did not pass the capacity threshold in the Act to be nationally significant infrastructure project (“NSIP”) and was only

²² Per Popplewell LJ in Deutsche Bank AG v Sebastian Holdings Inc [2024] EWCA Civ 245 at [11].

²³ See The Applicant’s Response to Actions - ISH 1: The Case for the Proposed Development [[REP1-062](#)] (paras 2.1.2-21), where the Applicant set out the considerations which had informed the approach taken in the Planning Statement.

included in the application due to a section 35 direction from the Secretary of State.

2.2.19 In his decision, the Secretary of State adopted the contrary view that sections 104 and 105 are “mutually exclusive” such that “it would not be correct to determine different parts of the Application under different provisions”. A challenge was made to the decision to refuse the development that was not an NSIP and subject to the section 35 direction. By the time of trial, the Secretary of State had changed his position and concluded that the ExA’s approach was correct – but confirmed this would have made no difference to the decision.

2.2.20 Dove J held as follows:

“59. Whilst specific circumstances of the kind presented by the application in the present case may not have been directly foreseen by those framing the 2008 Act, it is clear that the overarching approach of the legislation is that decisions should be reached in relation to proposals for development in respect of which an NPS has effect deploying the framework within section 104 of the 2008 Act, whereas proposals for development within the statutory framework’s decision-making process for which there is no applicable NPS having effect are to be decided pursuant to the framework provided by section 105 of the 2008 Act. Such an approach clearly reflects the language of section 104(1) which refers to an NPS having effect ‘in relation to development of the description to which the application relates’. It is less consistent with a literal reading of section 105(1), but when that text is placed in the context of the purpose and structure of the legislation as a whole, it is clear that section 105(1) should be interpreted as applying to those discrete elements of an application which comprise proposals for development for which no NPS which [sic] has effect. I accept the submission of the defendant that section 105 of the 2008 Act should be interpreted as applying to free-standing parts of an application to the extent that ‘section 104 does not apply in relation to the application’. Such an approach reflects the purpose and intent of the legislation without unduly disturbing the effect of the statutory language”.

2.2.21 This finding was supported as follows:

“58. To suggest that by incorporating a project in respect of which the NPS

has no effect within an application for a separate free-standing project which does fall within the scope of an NPS it is possible effectively to enlarge the scope of the NPS so as to include a project to which it was not designed to apply would clearly run contrary to the overall statutory scheme...It would be inconsistent with the centrality of the NPS within the statutory decision-making framework for its scope to be enlarged and its provisions bypassed by the manner in which an application has been formulated”.

- 2.2.22 It is common ground that the EFW Group case can be distinguished on its facts from the present case.²⁴ One component of the development proposed there (the new plant) was only included in the application for development consent by virtue of a direction from the Secretary of State under section 35 of the Act. In particular, the different elements of the application were regarded as distinct (and in fact led to a decision under which consent was refused for the new plant but granted for the capacity increase to the existing plant). In this case the highway and airfield works comprised in the Project are closely interrelated and proposed together. There is no circumstance under which the Applicant seeks consent for one element of the works without the other, as they are indivisible.
- 2.2.23 Nevertheless, the Applicant considered that the findings in the EFW Group case remained capable of application to this case, in that the judgment finds generally that section 104 should be applied in relation to development in respect of which an NPS has effect, whereas section 105 should be applied to development where no NPS is in effect. The judgment ultimately rejected the proposition that where an NPS was in effect in relation to an “application”, a proper interpretation of section 104 required the entire development covered by that application to be considered under that provision.
- 2.2.24 The Applicant considered that applying section 104 to the overall scheme would focus the consideration of policy on an NPS which was only in effect in relation to highways-related development, but not in effect in relation to the airport-related development as the primary element of the application. Having regard to the EFW Group judgment, and its reference to the centrality of the NPS to the decision-making framework, it was not considered appropriate to apply the detail of NNNPS policy to the airport-related development.
- 2.2.25 The Applicant also had regard to findings in the EFW Group judgment which indicated that they could encompass cases where it was possible to identify

²⁴ See para. 2.3 of [\[REP7-107\]](#).

discretely the development within a single application in respect of which there was a relevant NPS in effect, as well as the development in respect of which no NPS was in effect.

- 2.2.26 As a result, the Applicant stated that the airport-related development should be considered under section 105 (as there is no NPS in effect in relation to this element of the development) and the highway-related development should be considered under section 104 (where the NNNPS does have effect).²⁵
- 2.2.27 The Applicant accepts that this judgment was not directed to the circumstances of the current application, but the reasoning was nonetheless considered to assist in determining how the statutory provisions should be applied here. If an NPS “*has effect in relation to development of the description to which the application relates*”, this reference in section 104(1) to an “*application*” does not require that the entire application must be determined solely under section 104, in particular, if that application also relates to development that is not “development of the description” in relation to which an NPS is in effect. If an application includes development which is not “development of the description” in relation to which an NPS is in effect, section 104 only applies to the extent that an NPS is in effect in relation to the “development of the description” to which the application relates. In this case, the NNNPS does not contain detailed policies that are directed at airport-related development.
- 2.2.28 The JLAs rely on the distinguishable facts of the case to conclude that only where an application includes “free-standing parts” or “discrete elements” in respect of which no NPS is in effect should section 105 be applied to those parts.²⁶ They consider that in other cases, such as the present application, if an application includes any “development of the description” in relation to which an NPS is in effect, that suffices to engage section 104 exclusively.
- 2.2.29 However, the Applicant does not consider that the ability to distinguish that case justifies automatically disregarding its findings, without any examination of whether the judgment may assist in understanding how the statutory provisions should be applied in this case. Thus whilst the Court saw “some force” in the argument that the use of word “application” in both section 104 and 105 required the whole application to be determined either under section 104 or 105²⁷ - as the JLAs argue in this case - it ultimately rejected the contention that where an NPS was in effect, the use of the word “application” in section 104 created a mutual

²⁵ See paras 1.5.16-19, 8.1.2-3, 9.1.1-3 and 9.1.40-44 of the Planning Statement [APP-245].

²⁶ See paras 6.6-7 of the Joint West Sussex LIR [REP1-068].

²⁷ At [57].

exclusivity between sections 104 and 105, such that an entire application could only be determined either under section 104 or section 105.²⁸

- 2.2.30 Instead, it was “clear that the overarching approach of the legislation is that decisions should be reached in relation to proposals for development in respect of which an NPS has effect deploying the framework within section 104 of the 2008 Act, whereas proposals for development within the statutory framework’s decision-making process for which there is no applicable NPS having effect are to be decided pursuant to the framework provided by section 105 of the 2008 Act”.²⁹
- 2.2.31 These findings on the principles underlying the legislation were considered by the Applicant to assist in determining how to apply sections 104 and 105 in this case.
- 2.2.32 The different possible approaches advanced during the examination are considered further below, in the context of the terms of the NPSs that are material to the determination of the application.

Alternative approaches

Sections 104 and 105 are both applicable

- 2.2.33 As the Applicant explained in **The Applicant’s Response to Actions - ISH 1: The Case for the Proposed Development [REP1-062]**, if the airport-related development fell to be considered under section 105, it was still necessary to have regard to the fact that this development would come forward as part of a wider scheme, in respect of which any effects arising from the airport-related development could only and inevitably arise as part of the wider proposals.
- 2.2.34 In the circumstances of this case, it would be artificial to somehow separate out the effects of the airport-related development alone as this would not accurately represent how the effects of project including the airport-related development would arise, because there are no circumstances in which the effects of the airport-related development would be realised on their own (that is other than as part of the wider project), or where they would be more significant if considered by reference to the airport-related development on its own. The impacts of the airport-related development are taken into account, as part of the wider land-use effects of which they must form part.

²⁸ At [48].

²⁹ At [59].

- 2.2.35 Further, the policy framework of the ANPS is intended to achieve that purpose. Although the ANPS does not have effect in relation to the airport-related development and is focussed more directly on the development of a new runway at Heathrow, that project was known to include highway works (including works to the M25)³⁰ and unsurprisingly, therefore, it included policy tests which anticipated those works forming part of a wider application. It recognised that airport-related development may come forward with other development, including surface access proposals, and includes policies which apply to the overall development proposed, such that it is appropriate to consider the policy framework of the ANPS as well suited to assess this project as a whole.³¹
- 2.2.36 Considering the whole project against the ANPS would not improperly enlarge the scope of the NPS.³² In principle, its policy framework is fit for the purpose of ensuring all aspects of the NRP are appropriately considered.
- 2.2.37 Overall, this approach sought to recognise the principles of the EFW Group case; sought to focus consideration of the airport-related development on a policy framework that is designed for that purpose; recognised however that NPS policy relating to airport-related development itself acknowledges that such development will form part of a wider project and sets out policy accordingly; and recognised the reality that even if the airport-related development can be identified discretely as such for the purposes of section 105, its effects can only arise as part of the wider scheme.

³⁰ ANPS, paras 5.12-13.

³¹ By way of example, there is specific guidance on surface access (para. 5.5), including policy which is applied to “*schemes and related surface access proposals*” (para. 5.13; and see also para. 5.11); accessibility is considered by reference to new airports infrastructure and associated surface access facilities (para. 4.74); air quality impacts are to include surface access effects (para. 5.33); and mitigation for air quality may include “*changes to the layout of surface access arrangements*”; and the tests for decision-making refer generally to the “scheme” and to air quality impacts over the wider area (paras 5.42-3); noise impacts are to take into account “*operational noise (including from surface access arrangements) and aircraft noise*” (para. 5.52); and the tests for decision-making apply to the overall grant of development consent (para. 5.68); carbon emissions are to be assessed by including those from surface access (para. 5.77); and the test for decision-making is applied to the overall development consent (para. 5.82); returning to general principles of assessment, policy states generally that “*in considering any proposed development, and in particular when weighing its adverse impacts against its benefits, the Examining Authority and the Secretary of State will take into account: its potential benefits...; and its potential adverse impacts (including any longer term and cumulative adverse impacts) as well as any measures to avoid, reduce or compensate for any adverse impacts*” (para. 4.4); and all proposals that are likely to have significant effects on the environment must be accompanied by an environmental statement describing the aspects of the environment likely to be significantly affected “by the project” (para. 4.12).

³² The Applicant notes para. 4.7 which states that “*where the applicant’s proposals in relation to surface access meet the thresholds to qualify as nationally significant infrastructure projects under the Planning Act 2008...the Secretary of State will consider those aspects by reference to both the National Networks NPS and the Airports NPS, as appropriate*”. This is not taken to mean that the airport-related development must be considered discretely; rather the reference to considering those aspects by reference to the ANPS remains consistent with an overall project comprising airport-related development facilitated by highway-related development being considered pursuant to ANPS policies.

- 2.2.38 This approach also relates more naturally to cases such as this where the fundamental purpose of the application is not to provide highways-related development, but to provide airport-related development. It recognises that under section 105, where airport-related development is proposed only as part of a wider scheme including highways-related development, the important and relevant matter which reflects the only circumstances in which development can take place will be the land use implications of the project as a whole. It is also consistent with the need to consider environmental information which applies to the project as a whole and must be addressed as such as an important and relevant matter under that provision.
- 2.2.39 However, even if the airport-related development were notionally disaggregated from the rest of the project, its effects could only fall within the effects that have already been assessed in relation to the project pursuant to ANPS policy and as such, the Applicant does not consider that any different conclusion would be reached. Any conclusion reached under section 105 as set out above would be subject to the application of section 104 to the highways-related development, in respect of which the NNNPS is in effect. This is dealt with further below.
- 2.2.40 If sections 105 and 104 both apply, then the NNNPS would be applied to the highway-related development only. As with the analysis that applies to section 105, it is necessary to consider how, even recognising the EFW Group judgment, section 104 should apply where that development is part of a wider indivisible scheme, having regard also to the terms of the relevant NPS.
- 2.2.41 The Applicant recognises that, as with the analysis set out above and at **Appendix A**, there is artificiality in any exercise that seeks to separate out the effects of the highways-related development from those of the project as a whole, particularly in circumstances where the effects of the highways-related development will only ever be realised as part of the wider project.
- 2.2.42 That said, the policy set out in the NNNPS is, subject to a matter raised below, read more naturally as applying to highways-related development specifically and not to other development such as airport-related development. In this respect it differs from the ANPS which, as set out above, recognises that airport-related development will be likely to form part of a wider project including surface access development. Further, as set out above, section 104 is structured to accord greater priority to the consideration of an NPS than arises under section 105.
- 2.2.43 In this context, the Applicant considers that any assessment conclusions reached in respect of the scheme through the application of the policy principles in the

NNNPS would not differ if policy is applied to the highways-related development on its own- an annexed note confirms the position. Importantly, this is not the approach of the JLAs - who assert that the application would be contrary to the NNNPS but in so doing have not actually assessed the application systematically against the policies as worded in the NNNPS.

2.2.44 The Applicant has done so and notes that the policy tests (like the ANPS) are arranged by topic (as shown in section 9 of the **Planning Statement [APP-245]** and **Planning Statement Appendix C - Planning Policy Compliance Table [APP-248]**), establishing similar policy principles to those contained in the ANPS. The Applicant does not consider that applying these policy principles, as assessed there, to the highways-related development affects that policy assessment, because the effects of that development would inevitably fall within the land use effects that have been assessed having regard to the overall Project.

2.2.45 The Applicant also notes that if the highway-related development is considered under section 104 by reference to the NNNPS, the NNNPS advises³³ that:

“in considering any proposed development, and in particular, when weighing its adverse impacts against its benefits, the Examining Authority and the Secretary of State should take into account:

- *its potential benefits, including the facilitation of economic development...and any long-term or wider benefits;*
- *its potential adverse impacts, including any longer-term and cumulative adverse impacts...”.*

2.2.46 Helpfully, the application of this policy would allow the decision maker to take into account the same considerations as arise in relation to the assessment of the whole project, and in so doing reflect the similar exercise which would be followed in respect of the airport-related development under section 105. On either approach the Applicant considers that the same judgments would be reached.

Section 104 only applicable

2.2.47 The alternative approach is that the application is to be determined exclusively under section 104, as the JLAs suggest. However, within section 104 there are different courses which may still be taken.

³³ See para. 4.3.

- 2.2.48 The JLAs have stated that *“Because the NNNPS does not contain any guidance on the assessment of ‘airport related development’, and that development is a fundamental component of the proposal, the NNNPS does not provide a sufficient guide to determine that the application, taken as a whole, is in accordance with it”*.³⁴ They add that *“the application, taken as a whole, is ‘not in accordance with’ with NNNPS because the application includes so much non-highway related development which is not development addressed by policies in the NNNPS”*;³⁵ and that it is *“not possible, having regard to the terms of the NNNPS, to decide that the application (taken as an integrated and indivisible whole) is in accordance with the NNNPS”*. This is because the *“non-highways development is not in accordance with the NNNPS”*.³⁶
- 2.2.49 The Applicant considers that this cannot be an appropriate construction. It invites a conclusion on whether an application is in accordance with an NPS under section 104(3) without applying the policies within that NPS – only on the basis that they do not fall to be applied because they do not relate to airport related development. This approach makes it inevitable that an application which includes some development in relation to which no NPS is in effect must automatically be regarded as not being in accordance with an NPS that is in effect for the purposes of section 104(3). The statutory framework cannot have been intended to be applied in this distorted way simply because an NPS does not have effect in relation to part of the proposed application.
- 2.2.50 The JLAs in their latest submissions argue³⁷ that they do not advance their proposition (that the application is not in accordance with the NNNPS) on the simple basis that the application includes some airport-related development therefore it cannot be in accordance with the NNNPS. They state that their approach is based on the application including *“so much non-highway related development”* which is not development addressed by the policies in the NNNPS. This is described as a fact-sensitive question of degree as to whether a proposal which includes both development addressed by the policies of a NPS and development which is not addressed by those policies can be said, as a matter of planning judgment, to be *“in accordance with”* that NPS. They add, on this basis, that they *“have reviewed the policies of the NNNPS and are confident that, having regard to the terms of those policies and their inapplicability to large parts*

³⁴ Para. 6.8 of the West Sussex Joint LIR [[REP1-068](#)] and para 4.8 of the Surrey Joint LIR [[REP1-097](#)].

³⁵ Para. 10 of the Deadline 5 Submission - Comments on any further information/submissions received by Deadline 4 [[REP5-094](#)].

³⁶ *Ibid.*

³⁷ [[REP7-107](#)] para. 2.4.

of what is proposed, this application (taken as an integrated and indivisible whole) is not in accordance with the NNNPS”.

- 2.2.51 These additional submissions (which do not explain the basis for the confident judgment reached) do not address the problem that the Applicant identified – it remains the case that they invite a conclusion on whether the project accords with section 104 without actually applying substantively any of the policies within the NNNPS. Any application which included “*so much*” development outside the scope of the NPS that is in effect (how much is necessary is not clear from the JLAs submission) would automatically render any application not in accordance with the NPS for the purposes of section 104. The Applicant does not consider that section 104(3) was intended to operate this way.³⁸
- 2.2.52 However, the JLAs go on to say (correctly) that the duty in section 104(3) to decide the application in accordance with the NNNPS is not determinative of whether a DCO should be made or not in relation to the application, and that the decision should be reached after having regard to the matters set out in section 104(2),³⁹ including the ANPS (and any LIR).⁴⁰
- 2.2.53 They add that for the purposes of explaining their approach to section 104, they are prepared to assume that none of the exceptions in section 104(4)-(8) applies and that the highways-related development can be regarded as being in accordance with the NNNPS.⁴¹
- 2.2.54 It is not clear how the JLAs conclude on the one hand that the application is not in accordance with the NNNPS but on the other are prepared to interpret and apply section 104(3) so as to advance the proposition that the highway-related development is in accordance with the NNNPS.
- 2.2.55 Nonetheless, the Applicant understands the JLAs to conclude that consent may be granted in respect of the entire application, having regard to important and

³⁸ The Applicant also notes the reference at para. 2.5 of [\[REP7-107\]](#) to what the JLAs describe as the treatment of an analogous issue in the Net Zero Teesside Order 2024. This decision is considered in the conclusions below, but it suffices here to record that this decision was reached on alternative bases: (i) that NPS EN-1 should be applied to the whole of the proposed development and the application for consent could therefore be determined under section 104, and (ii) in respect of “specified elements” of the development as covered by a section 35 direction, by considering these under section 105 – see sections 4 and 7 of the decision letter. The determination under section 104 alone was carried out on the basis that that the section 35 direction determined that NPS EN-1 had effect in relation to an application for development consent under the direction. To anticipate the possibility that the direction did not have that effect (i.e. that NPS EN-1 did not have effect in relation to the specified elements of the development), the decision went on to apply section 105 to those specified elements – it did not apply section 104 even though the specified elements formed part of the same application.

³⁹ Para. 15 of [\[REP5-094\]](#).

⁴⁰ Para. 6 of [\[REP5-094\]](#).

⁴¹ Para. 9 of [\[REP5-094\]](#).

relevant matters including the ANPS and notwithstanding their conclusion that the application does not accord with the NNNPS.

- 2.2.56 The Applicant considers that if the application is to be determined only under section 104, there is an alternative approach which avoids the initial concern with the construction of section 104(3) as set out above.
- 2.2.57 This course recognises that the NNNPS is to be applied to the highways-related development – as the JLAs are prepared to assume - but must include applying its policy on weighing the wider benefits of that development against its cumulative impacts.⁴²
- 2.2.58 On this analysis the application of policy on weighing the wider benefits and effects would allow the overall effects of the project to be taken into account in deciding whether the application was in accordance with the NNNPS.
- 2.2.59 This approach would result in the application according with the NNNPS, because there would be no conflict with any aspect of the NNNPS as applied to the highways-related development and in any event the consideration of the wider benefits and effects of the overall project (as per the assessment which has already been undertaken by reference to the ANPS in the Planning Statement) would demonstrate that benefits outweigh the adverse effects. The application of ANPS policy as set out earlier could be regarded as an important and relevant matter but it would not alter the consideration of the wider benefits and effects of the overall project under paragraph 4.3 of the NNNPS.
- 2.2.60 The presumption in favour of the NNNPS under section 104(3), as well as the exceptions under sections 104(3)-(8) would be applied accordingly, including the consideration of section 104(7) as applied to the overall application. Under section 104(7), any consideration of the adverse effects and benefits of the proposed development would address the overall implications of the Project, because these would be enabled by the highway works as part of the application.
- 2.2.61 The Applicant considers that section 104 should be applied in this way if the application is determined exclusively under this provision. However, on the same assumptions as the JLA makes (i.e. that the highway-related development accords with the NNNPS or can be made to be, and that none of the exceptions in section 104(4)-(8) apply), the outcome would not differ depending on whether the JLAs' approach or the Applicant's alternative were followed.

⁴² See NNNPS para. 4.3.

2.2.62 The justification for the above conclusions on the different approaches to sections 104 and 105 emerges from the further consideration of policy by reference to the different topics, as covered in these submissions below.

Conclusion

2.2.63 There is no fully agreed position on how sections 104 and 105 should be applied to the circumstances of this case. The Applicant has set out an approach under which the airport-related and highway-related development are considered under section 105 and 104 respectively as set out above, albeit as part of a wider application and having regard to the terms of the NPSs that are relevant in this case. However, even if the application were determined only under section 104, the Applicant's suggested approach to section 104 would, as will be explained further below, lead to the conclusion that the application accords with the NNNPS as a whole and none of the exceptions in sections 104(4)-(8) apply.⁴³ The Applicant has assessed the application against both NPSs and found no conflict.

2.2.64 Further, although the Applicant is not persuaded by the JLA's construction of section 104, it is prepared to accept that the conclusions each party reaches on whether consent should be granted would not differ, whether the application was determined under section 104 and 105, or whether the application was determined under the alternative approaches to section 104, as set out above. It understands from the latest submissions of the JLAs that they agree.⁴⁴ Accordingly the Applicant is content for the ExA to proceed on this basis, and for Secretary of State to seek any further information or clarification as is considered necessary in advance of determining the application.⁴⁵

⁴³ See Para. 9.144 of the Planning Statement [APP-245].

⁴⁴ See para. 2.5 of [REP7-107]. The JLAs are correct to note there that footnote 25 to para 4.1.4 of [REP6-095] should be cross-referring to para 17 of [REP5-094].

⁴⁵ The Applicant notes the reference at para. 2.5 of [REP7-107] to the Net Zero Teesside Order 2024. To the extent that this decision was reached on alternative bases (see above), the Applicant endorses this approach for the avoidance of doubt.

3 Policy

3.1. Introduction

3.1.1 The Applicant has set out its position on the application of policy in several documents before the examination, in particular:

- **Planning Statement** [[APP-245](#)];
- **The Applicant's Written Summary of Oral Submissions – ISH 1: Case for the Proposed Development** [[REP1-056](#)];
- **The Applicant's Response to Actions – ISH 1: Case for the Proposed Development** [[REP1-062](#)];
- **The Applicant's Response to Written Representations Appendix A - Policy Response** [[REP3-073](#)];
- **The Applicant's Response to Written Representations – Appendix B – Response to CAGNE Written Representation** [[REP3-074](#)];
- **The Applicant's Response to Written Representations - Appendix C – Heathrow Airport Limited Written Representation** [[REP3-075](#)];
- **The Applicant's Deadline 3 Submission - 10.15 The Applicant's Response to the Local Impact Reports - Appendix A - Note on the Principle of Development** [[REP3-079](#)];
- **The Applicant's Response to the ExA's Written Questions (ExQ1) – Case for the Proposed Development** [[REP 3-084](#)];
- **The Applicant's Response to Deadline 2 Submissions** [[REP3-106](#)];
- **The Applicant's Response to Deadline 3 Submissions – Appendix C: Response to CAGNE's Deadline 3 Submission** [[REP4-024](#)];
- **The Applicant's Response to Deadline 3 Submissions – Appendix D – Response to Heathrow's Deadline 3 Submission** [[REP4-025](#)];
- **The Applicant's Response to Deadline 4 Submissions** [[REP5-072](#)];
- **The Applicant's Response to Deadline 4 Submissions – Appendix D: Response to Heathrow Airport's Deadline 4 Submission** [[REP5-076](#)];
- **The Applicant's Response to Deadline 4 Submissions – Appendix E: Response to York Aviation's Deadline 4 Submission** [[REP5-077](#)]; and
- **The Applicant's Response to Deadline 8 Submissions (Doc Ref. 10.77).**

3.1.2 This section gathers together the main points that arise from the policy debate that these documents have addressed. These points relate generally to the principle of development and the aspects of policy that relate to aviation. Other topics addressed by these submissions address policy as necessary below.

3.1.3 This section is structured as follows:

- 1) Overview;
- 2) Themes;
- 3) Issues:
 - i. Application of policy to Gatwick;
 - ii. Existing or new runway;
 - iii. Approach to non-runway development;
 - iv. Need additional to or different from Heathrow;
 - v. Jet Zero: implications of modelling; and approach to airport development.

3.2. Overview

- 3.2.1 Discussion at the examination has focussed on the following policy documents: the ANPS, the National Networks NPS (“NNNPS”),⁴⁶ Beyond the horizon: The future of UK aviation - Making best use of existing runways (June 2018) (“MBU”), the Aviation Policy Framework (March 2013) (“APF”), Flightpath to the Future (2022) (“FTTF”) and the Jet Zero Strategy (July 2022) (“JZS”).
- 3.2.2 There are a few introductory points to be made about these documents.
- 3.2.3 First, these submissions focus on the ANPS rather than the NNNPS as it is clear that this is the policy against which the airport-related development has been and should be assessed by all parties.⁴⁷ The Applicant has acknowledged that the proposed development in this case covers more than one nationally significant infrastructure project and includes highways-related development in respect of which the 2015 NNNPS is in effect.⁴⁸ However, for the reasons given above it considers that it is necessary to consider the airport-related development, and the overall project first against the ANPS.

⁴⁶ The original 2015 version, as well as the more recently designated 2024 version, which was considered in The Applicant's Response to the ExA's Written Questions (ExQ1) - General and Cross-Topic - Appendix A Airports NPS and National Networks NPS Comparison Table [\[REP3-092\]](#).

⁴⁷ This has also been the approach taken by the ExA at ISH1 in particular and generally in ExA questions.

⁴⁸ The 2024 NNNPS only has effect for applications for development consent accepted for examination after 24 May 2024, and so does not have direct effect in relation to this Application, but may still be important and relevant in the decision-making process (para 1.17 of the 2024 NNNPS). See too the Applicant's response to ExQ1 GEN1.33 in The Applicant's Response to the ExA's Written Questions (ExQ1) - General and Cross-Topic [\[REP3-091\]](#) and [\[REP3-092\]](#).

- 3.2.4 Although many provisions of the ANPS are specific to Heathrow⁴⁹ and it is not “in effect” in relation to this project (or any other development apart from a new North-West runway at Heathrow (“R3”)),⁵⁰ it says explicitly that it provides government policy on the need for new runway capacity in the South East⁵¹ and that it “sets out planning policy in relation to applications for any airport nationally significant infrastructure project in the South East of England”, such that “its policies will be important and relevant for the examination by the Examining Authority, and decisions by the Secretary of State, in relation to such applications.”⁵² Those policies do not just set out support for the development of Heathrow’s R3 and the matters which any application for consent must demonstrate. They additionally and explicitly⁵³ say that the government is “supportive of airports beyond Heathrow making best use of their existing runways”. A feature of this case has been the failure of the Joint Local Authorities (“JLAs”) and other parties to acknowledge that fundamental in-principle support, as is explained further below. This almost complete reluctance on the part of the JLAs to even acknowledge the strength of government policy and the weight to be attached to it has been pointed out regularly by the Applicant⁵⁴ and it was only more recently that the JLAs came to recognise the ‘strong policy support’ provided in this case for making best use of existing runways⁵⁵.
- 3.2.5 The relationship between the consideration of the ANPS and NNNPS under sections 104 and 105 of the Planning Act 2008 has been considered earlier. However, nothing in that analysis affects the need to address policy issues that arise in relation to what all parties recognise as the primary purpose of the application – the airport-related development – and this is the approach taken by all parties in the discussions on policy during the examination.
- 3.2.6 Second, the Applicant has acknowledged that the JZS was not published as policy, in particular as planning policy. However, no party has ever disputed that it is an important and relevant matter; indeed, as is explained below, all parties have relied on it to advance their policy cases and to confirm the status of extant planning policies. No party contends that it is somehow in conflict with existing planning policy. The Applicant does not consider that its status as a strategy for

⁴⁹ See too paragraph 1.13 which states that the ANPS sets out “particular considerations relevant to a development consent application to which the Airports NPS relates”.

⁵⁰ As specifically described in paragraphs 1.15 and 1.40.

⁵¹ Paragraph 1.13.

⁵² Paragraph 1.14; see too paragraph 1.41.

⁵³ Paragraph 1.39.

⁵⁴ For example in The Applicant’s Response to Deadline 4 Submissions [REP5-072] at section 3.10.6.

⁵⁵ See Appendix B para. 5 of the Joint Local Authorities’ Response to the Applicant’s Deadline 6 Submissions - Appendices [REP7-104].

the aviation sector justifies any substantive distinction being drawn between it and other policy for the purposes of deciding the application. This is explained further below.

- 3.2.7 Third, there is no dispute in this case that MBU is the up-to-date policy to be considered alongside the ANPS. It provides clear confirmation that “... *the government is supportive of airports beyond Heathrow making best use of their existing runways*”.⁵⁶ This is considered further below. MBU places no restriction on the number or scale of developments that benefit from this support. As the Secretary of State found in the Manston decision:

“47. The Examining Authority is correct that the principle of airports making the best use of their existing capacity and runways is a common theme running through Government aviation policy from the Airport Policy Framework 2013, the work of the Airports Commission, the ANPS and through to the recent aviation policy consultation documents [ER 5.5.28]. The MBU policy was published by the Department for Transport in June 2018 and adopted alongside the ANPS and confirms Government support for airports beyond Heathrow making best use of their existing runways... The MBU policy does not limit the number of MBU airport developments that might be granted and does not include a cap on any associated increase in ATMs as a result of intensifying use at MBU developments”.

- 3.2.8 Fourth, although the APF, MBU, the ANPS, FTTF and JZS were published at different times, they represent a consistent suite of policy and should all be treated as important and relevant matters when determining the application. The Applicant does not understand any party to have contended otherwise.
- 3.2.9 In so far as it may be suggested⁵⁷ that the APF is out of date, such that it should be accorded reduced weight, the Applicant does not agree. FTTF⁵⁸ describes MBU and the ANPS as the “most up-to-date policy on planning for airport development”, but this does not suggest that the APF is out of date and the continuing relevance of the APF is confirmed in the ANPS itself at paragraph 1.38, which states: “The Airports NPS does not affect Government policy on wider aviation issues, for which the 2013 Aviation Policy Framework and any subsequent policy statements still apply”.⁵⁹ The APF has not been withdrawn and no subsequent policy document replicates its scope. The fact that it has not been

⁵⁶ Paragraph 1.29.

⁵⁷ See The Applicant’s Response to Written Representations – Appendix B – Response to CAGNE Written Representation [REP3-074].

⁵⁸ Footnote 4 to Flightpath to the Future.

⁵⁹ The APF was also described as “existing government policy” at paragraph 4.34 of the consultation document Aviation 2050 (2018).

updated may most importantly mean that the Government does not consider it to be out of date. Notably, the Secretary of State relied on the APF as providing policy support for his decision at Manston Airport in August 2022 and listed the APF as “important and relevant” policy.⁶⁰ The APF was applied as up to date policy by the Secretary of State, as the decision letter confirms.⁶¹ The Applicant regards the APF as up to date government policy, which (read together with other government policy publications on aviation) forms an important and relevant part of the framework of government aviation policy for the purposes of the determination of this application.

- 3.2.10 As for FTTF, no-one suggests that it is inconsistent with the ANPS or MBU. Its primary themes plainly correspond with those which can be drawn from both the ANPS and MBU, as is explained below. FTTF complements the ANPs by emphasising the importance of a resilient and efficient airports sector, recognising that, the lack of capacity of UK airports creates a barrier to competition which needs to be addressed.⁶² It also endorses the principle of putting the aviation sector on course to achieve Jet Zero, as reflected in the subsequent Jet Zero Strategy.
- 3.2.11 Fourth, this paper does not cover either the NPPF or the local planning policy framework.⁶³ It is national policy rather than local policy (and national aviation policy in particular) which provides the principal policy framework for the application. That framework is not provided by the National Planning Policy Framework or the Local Plan, because both of those documents say that they do not contain policies for nationally significant infrastructure projects.⁶⁴ The NPPF confirms that it does not provide policies for NSIPs and local plans prepared in accordance with the NPPF do not do so either. The Local Plan⁶⁵ explains that any decision relating to significant growth at Gatwick would be a matter for national policy. The ANPS by contrast tells us that it provides government policy for airport nationally significant infrastructure projects in the South East, and it provides government policy for any new runway capacity in the South-East.⁶⁶ It states that it will be important and relevant to any decision on aviation

⁶⁰ Paragraph 40 of the Manston Airport 2022 Secretary of State Decision Letter.

⁶¹ See paragraphs 40, 48, 62, 106, 119 of the Manston Airport 2022 Secretary of State Decision Letter. See too the Stansted decision at DL14, and the Manston decision at DL48.

⁶² FTTF page 26.

⁶³ **The Applicant’s Written Summary of Oral Submissions - ISH1 Case for the Proposed Development** [[REP1-056](#)]; see too **The Applicant’s Response to Written Representations** [[REP3-072](#)] paragraphs 1.1.5-6; and the **Planning Statement** [[APP-245](#)] para.s 6.1.4-5.

⁶⁴ See NPPF paragraph 5.

⁶⁵ At paragraphs 1.38 and 9.5.

⁶⁶ Paragraphs 1.13 and 1.14.

development particularly in London and the South East.⁶⁷ On this basis, there is no local or NPPF policy the application of which should outweigh the application of the national policies considered below.

3.2.12 This paper turns next to set out the important policy themes which can be drawn from national policy, before considering specific issues which some IPs have sought to raise in respect of the ANPS and MBU in particular.

3.3. Themes

Introduction

3.3.1 There are five aspects of national policy which are important to highlight.⁶⁸ These demonstrate that:

- 1) policy has consistently confirmed the importance of aviation to the UK;
- 2) the government is committed to supporting aviation growth to meet forecast demand;
- 3) importance is attached to an efficient and resilient aviation industry;
- 4) Gatwick qualifies for government policy support; and
- 5) the strength of policy support is not diminished by or inconsistent with the Government's commitment to Net Zero.

The Importance of Aviation

3.3.2 National policy is replete with statements which testify to the national importance of the aviation industry.

3.3.3 These include the ANPS itself (at paragraphs 1.1, 2.1 to 2.9) confirms that:

"2.4 The UK has the third largest aviation network in the world after the USA and China, and London's airports serve more routes than any other European city. The UK's airports handled over 268 million passengers in 2016, a 6.7% increase from the previous year. The sector benefits the UK economy through its direct contribution to GDP and employment, and by facilitating trade and investment, manufacturing supply chains, skills development, and tourism.

⁶⁷ Paragraph 1.41.

⁶⁸ See **The Applicant's Response to Written Representations** [[REP3-072](#)].

2.5 In 2014 the UK aviation sector generated around £20 billion of economic output, and directly employed around 230,000 workers, supporting many more jobs indirectly. The UK has the second largest aircraft manufacturing industry in the world after the USA, and will benefit economically from growth in employment and exports from future aviation growth. Air Passenger Duty remains an important contributor to Government revenue, raising over £3 billion in 2015/16. Heathrow Airport directly supports around 75,000 jobs on site....

2.8 Aviation also brings many wider benefits to society and individuals, including travel for leisure and visiting family and friends. This drives further economic activity. In 2013, for example, the direct gross value added of the tourism sector, one of the important beneficiaries of a strong UK aviation sector, was £59 billion. Likewise, 2015 saw the value of inbound tourism rise to over £22 billion, with the wider UK tourism industry forecast to grow significantly over the coming decades.

2.9 The importance of aviation to the UK economy, and in particular the UK's hub status, has only increased following the country's decision to leave the European Union. As the UK develops its new trading relationships with the rest of the world, it will be essential that increased airport capacity is delivered, in particular to support development of long haul routes to and from the UK, especially to emerging and developing economies."

3.3.4 In its consultation Aviation 2050 (2018) the Government confirmed:

*"Aviation has long been at the heart of the United Kingdom's economic success. From its earliest days, flight has helped forge international trade links and created vital domestic connections enabling our country to flourish. Today we have the largest aviation network in Europe and the third largest in the world, an industry that contributes at least £22 billion to the UK economy, along with over 230,000 jobs."*⁶⁹

⁶⁹ Page 6.

- 3.3.5 Statements to the same effect have appeared consistently in the APF⁷⁰, MBU⁷¹, Flightpath to the Future 2022,⁷² and Jet Zero which confirms as follows:

*“The Government recognises the aviation sector’s role in making us one of the world’s best-connected and most successful trading nations. We are committed to enabling the recovery of the sector to support our levelling up agenda through regional connectivity and to strengthen ties within the Union, as well our connectivity globally. We need solutions that reduce the sector’s emissions whilst delivering economic benefits across the UK”.*⁷³

- 3.3.6 In his decision letter on Manston Airport, the Secretary of State confirmed that:

“48. The Aviation Policy Framework (“APF”) published in March 2013 recognises that the aviation sector is a major contributor to the economy and sets out Government support for the growth of the aviation sector within a framework that maintains a balance between the benefits of aviation and its costs (APF, executive summary, paragraph 5). One of Government’s main objectives is to ensure that aviation continues to make the UK one of the best connected countries in the world, and included in this is increasing links to emerging markets so that the UK can compete successfully for economic growth opportunities (APF executive summary, paragraph 9). The APF recognises the importance of the aviation sector in supporting export-led growth in sectors where the goods are of high value or time critical, and identifies air freight as a key element of the supply chain in the advanced manufacturing sector in which the UK is looking to build competitive strength (APF paragraph 1.6). It highlights that a successful and diverse economy will drive a need for quicker air freight, with access to such services crucial to keeping UK manufacturing competitive in the global marketplace (APF paragraph 1.8). The ‘Supporting airports across the UK’ section (APF pages 20 – 24) recognises that airports create local jobs and fuel opportunities for economic rebalancing in their wider region or area as they act as focal points for business development and employment. The aviation sector in the UK is largely privatised and operates in a competitive international market, and, as set out in paragraph 8 of the executive summary, Government continues to welcome significant levels of private investment in airport infrastructure. The APF recognises that maintaining

⁷⁰ See the Needs Case [APP-250] at Section 3.2. The APF states that “one of our main objectives is to ensure that the UK’s air links continue to make it one of the best connected countries in the world” at paragraph 9.

⁷¹ See Needs Case [APP-250] at Section 3.4.

⁷² Section 3.6.

⁷³ *Jet Zero Strategy*, Executive Summary, page 7.

the UK's international connectivity is a complex and contentious one, but that solving it is crucial to securing the UK's long-term economic growth (APF executive summary, paragraph 24)".

- 3.3.7 Few if any sectors of the economy benefit from such strong, consistent policy support.

Policy Supports Growth

- 3.3.8 Policy has long recognised the role of aviation in economic growth. The APF, published in 2013, states that:

"The Government's primary objective is to achieve long-term economic growth. The aviation sector is a major contributor to the economy and we support its growth within a framework which maintains a balance between the benefits of aviation and its costs, particularly its contribution to climate change and noise".⁷⁴

- 3.3.9 FTTF has most recently underscored the policy approach:

"The Government is committed to growth. We will work closely with industry to continually assess how we can best support sustainable recovery and a bright future for UK aviation...⁷⁵

"Airports are part of the UK's thriving and competitive aviation sector and play a critical role in boosting both global and domestic connectivity and levelling up in the UK. Airport expansion also plays a key role in this and the Government remains supportive of airport expansion where it can be delivered within our environmental obligations. The Government is supportive of airports bringing forward expansion plans by way of our existing policy frameworks for airport planning".⁷⁶

- 3.3.10 The ANPS is clear that airports in the South East face serious capacity challenges and that failing to meet demand would be damaging for the UK:

"2.11 The UK now faces a significant capacity challenge. Heathrow Airport is currently the busiest two-runway airport in the world, while Gatwick Airport is

⁷⁴ Paragraph 5.

⁷⁵ FTTF, page 19.

⁷⁶ FTTF, page 26.

the busiest single runway airport in the world. London's airports are filling up fast, and will all be full by the mid-2030s if we do not take action now.

2.12 Aviation demand is likely to increase significantly between now and 2050. All major airports in the South East of England are expected to be full by the mid-2030s, with four out of five full by the mid-2020s. By 2050 demand at these airports is expected to outstrip capacity by at least 34%, even on the department's low demand forecast. There is relatively little scope to redistribute demand away from the region to less heavily utilised capacity elsewhere in the country...

2.14 The consequences of not increasing airport capacity in the South East of England – the 'do nothing' or 'do minimum scenarios' – are detrimental to the UK economy and the UK's hub status. International connectivity will be restricted as capacity restrictions mean airlines prioritise their routes, seeking to maximise their profits. Capacity constraints therefore lead to trade-offs in destinations, and while there is scope to respond to changing demand patterns, this necessarily comes at the expense of other connections. Domestic connectivity into the largest London airports will also decline as competition for slots encourages airlines to prioritise more profitable routes."

3.3.11 The scale of the need for new capacity is therefore recognised as substantial; and this is reflected in the strength of support for growth in airport capacity, to avoid the consequences of the recognised need not being met. The Applicant does not suggest that the benefits of growth should not need to be balanced against their impacts, but it is necessary to acknowledge the significant strength of policy support for growth and its national importance in weighing that balance. It is notable that the ANPS regards the need for growth in connectivity as "*imperative*",⁷⁷ which reflects an unusually emphatic expression of support in the terms of planning policy, which the Government underscored in the Foreword of Transport Decarbonisation Plan, explaining that "*International connectivity is a vital part of Global Britain*".

An efficient and resilient aviation industry is important to the UK

3.3.12 The ANPS again puts the position very clearly:

⁷⁷ Paragraph 1.6.

“2.10 However, challenges exist in the UK’s aviation sector, stemming in particular from capacity constraints. These constraints are affecting our ability to travel conveniently and to a broader range of destinations than in the past. They create negative impacts on the UK through increased risk of flight delays and unreliability, restricted scope for competition and lower fares, declining domestic connectivity, erosion of the UK’s hub status relative to foreign competitors, and constraining the scope of the aviation sector to deliver wider economic benefits.

2.15 Operating existing capacity at its limits means there will be little resilience to unforeseen disruptions, leading to delays. Fares are likely to rise as demand outstrips supply, and the lack of available slots makes it more difficult for new competitors to enter the market.

2.16 The Government believes that not increasing capacity will impose costs on passengers and on the wider economy. The Airports Commission estimated that direct negative impacts to passengers, such as fare increases and delays, would range from £21 billion to £23 billion over 60 years. Without expansion, capacity constraints would impose increasing costs on the rest of the economy over time, lowering economic output by making aviation more expensive and less convenient to use, with knock-on effects in lost trade, tourism and foreign direct investment.

2.17 It is very challenging to put a precise figure on these impacts, but using alternative approaches the Airports Commission estimated these costs to be between £30 billion and £45 billion over 60 years. The Airports Commission urged caution interpreting these figures, which overlap with the direct passenger costs reported above and so are not wholly additional. But they do illustrate that not increasing airport capacity carries real economic costs to the whole economy beyond aviation passengers.”

- 3.3.13 Time has not diminished these concerns – indeed demand has continued to rise ahead of capacity and FTTF recognises the criticality generated by the lack of capacity:

“Equally, it is critical that the existing capacity of airports is managed as efficiently as possible. Airport slots are used to manage capacity at eight of

*the busiest airports in the UK. The airport slot allocation system is key to the successful functioning of these airports, as well as the efficiency and competitiveness of the aviation sector as a whole. The current slot allocation system was devised in the early 1990s, at a point at which demand was growing quickly and the amount of available capacity at certain airports was being rapidly filled. Some airports are now effectively full, and therefore newly available slots at some slot-coordinated airports have become a rarity, creating a barrier to competition and new entrants to the market”.*⁷⁸

- 3.3.14 No party to the examination has seriously disputed that this policy theme, or the other themes, apply directly to Gatwick and this application. Such is the strength of the policy theme that parties opposed to the DCO have found it easier to simply ignore it. The fact that government policy specifically highlights the significance of these issues (the importance of aviation and the damage done by the lack of capacity) is directly relevant and important in the determination of this application.
- 3.3.15 So too is the inevitable acceptance by the JLAs, explained further below, that the project would both improve the resilience of the Gatwick operation, as well as catering for the demand for growth at Gatwick.
- 3.3.16 The Applicant also acknowledges the confirmation from Heathrow Airport Limited that it *“does not object to the principle of growth at Gatwick Airport and recognises the importance of addressing the long-standing significant capacity constraints that affect the UK’s aviation sector and negatively impact the UK’s direct connectivity and potential for economic growth.”*⁷⁹

Gatwick Qualifies for Government Policy Support

- 3.3.17 In this context, the ANPS backing for the release of unrealised capacity in airports other than Heathrow is unequivocal and straightforward. As Paragraph 1.39 states, the Government is *“supportive of airports beyond Heathrow making best use of their existing runways.”* That is an unqualified expression of a clear policy principle.
- 3.3.18 The same principle had been expressed in the APF, which identified that a *“key priority is to work with the aviation industry and other stakeholders to make better use of existing runway capacity at all UK airports”*.⁸⁰ The context for the policy

⁷⁸ Page 26.

⁷⁹ Heathrow Airport Limited's Written Representation [REP1-192] at paragraph 1.1.6.

⁸⁰ Paragraph 10; see also paragraph 24.

was even then that “*In the medium and long term beyond 2020 we recognise that there will be a capacity challenge at all of the biggest airports in the South East of England*”.⁸¹ Government strategy comprised a suite of measures “*focussed on making best use of existing capacity to improve performance, resilience and the passenger experience; encouraging new routes and services*”.⁸²

- 3.3.19 This was also expressed in MBU, which confirms: “... *the government is supportive of airports beyond Heathrow making best use of their existing runways*”.⁸³ Indeed it recognised⁸⁴ that demand had turned out to be higher than the Airports Commission forecast that led to the recommendation to support a third runway at Heathrow, whilst making best use of other airport capacity.
- 3.3.20 This policy support is entirely consistent with how policy recognises the scale of the need for new capacity and the scope for existing airports to contribute to meeting it. Thus, despite recognition of their acknowledged impacts, policy expressly supports not only a new runway at Heathrow but also making best use of other existing runways.
- 3.3.21 A theme of some representations during the examination has been that the ANPS supports only one new runway in the South East, and that this was chosen to be the third runway at Heathrow. The Applicant does not dispute that, but it does take issue with the refusal to acknowledge that policy goes further. If the government had considered that the planned construction of the new runway at Heathrow would fully meet the need for further aviation capacity⁸⁵ to further the policy objectives identified above, it would have said so; but support for airports making best use of their existing runways inherently recognises the contrary position – that it was necessary to do more, subject to applications being acceptable on their overall merits including environmental impacts.
- 3.3.22 Whilst the ANPS settled government policy for the development of that runway, it states in terms that there is additionally a need for other airports to make best use of their existing runways. Given the overarching themes of policy set out above, that is entirely unsurprising – it is obvious that any sensible government faced with the capacity issues identified as long ago as 2012, when the Airports Commission was established, will look to making the most of existing airport

⁸¹ Paragraph 11.

⁸² Paragraph 1.60.

⁸³ Paragraph 1.29.

⁸⁴ Paragraph 1.4.

⁸⁵ To the extent that this may be inferred from Heathrow’s representations this is not accepted: see The Applicant’s Response to Written Representations - Appendix C Response to Heathrow Airport Limited Written Representation [REP 3-075] at paragraph 2.21. See too The Applicant’s Response to Written Representations - Appendix B Response to CAGNE Written Representation [REP3-074] section 1.3.

infrastructure to deliver the benefits that are considered to be so significant for the UK.

- 3.3.23 Representations to the examination have raised discrete issues with aspects of policy as expressed in the ANPS and MBU. These are addressed below. But by and large they fail to recognise this simple but fundamental expression of in-principle policy support for such growth at other airports, beyond the policy of providing a new runway at Heathrow.
- 3.3.24 That in-principle support must include Gatwick. The ANPS is clear at 1.39 that it applies to all airports other than Heathrow and the same is set out explicitly in MBU at paragraph 1.29.
- 3.3.25 It also reflects the simple principles of sustainability – compared with the disruption and historic difficulty of additional new green field runways, making better use of infrastructure within an existing airfield is inherently more achievable and more sustainable, with less significant effects. Making best use of an existing airport would be appropriate on its own merits, even if it wasn't so strongly supported in policy.
- 3.3.26 “Making best use” is not a new concept. As the Secretary of State’s decision letter at Manston made clear:⁸⁶ “the principle of airports making the best use of their existing capacity and runways is a common theme running through Government aviation policy from the Airport Policy Framework 2013,⁸⁷ the work of the Airports Commission, the ANPS and through to the recent aviation policy consultation documents. The MBU policy was published by the Department for Transport in June 2018 and adopted alongside the ANPS and confirms Government support “*for airports beyond Heathrow making best use of their existing runways.*”
- 3.3.27 As its consistent use over time might suggest, “making best use” was not intended to serve as a detailed or complicated technical term susceptible to extensive or evolving interpretation; rather it is a common sense term intended to convey nothing more than the broad objective of airports making as intensive use of their runways and other infrastructure as possible to deliver additional aircraft movements, in view of the scale of the need for more airport capacity and the delays and difficulty associated with its provision.

⁸⁶ Paragraph 47.

⁸⁷ APF in 2012: “The Government wants to see the best use of existing airport capacity” (paragraph 1.24).

- 3.3.28 The link between this concept and the broader policy themes identified above is clear and corroborated by recent decisions regarding airports seeking to use existing runways to expand their capacity. Those decisions strongly rely on the principle of “making best use” policy and in so doing recognise the “*very strong support from national policy*” for growth (Stansted)⁸⁸ and that “*substantial weight*” must be given to the socio-economic benefits of expansion which flow from meeting the need for new capacity (Manston).⁸⁹
- 3.3.29 It is a conspicuous feature of representations made by Interested Parties that they have refused to acknowledge or attach any weight to these findings and the principles that underlie them.
- 3.3.30 No party to the examination has suggested that the Applicant would in carrying out the project be failing to make best use of its northern runway or its runways generally, or that this use would be inconsistent with the policy objectives of achieving growth in the aviation sector to meet a substantial need for new capacity.
- 3.3.31 Parties have suggested that there are other reasons why policy support should be withheld. Each of these is fundamentally misconceived, for reasons that are set out below.

The strength of policy support is not diminished by or inconsistent with the Government’s commitment to Net Zero⁹⁰

- 3.3.32 The Government’s Jet Zero Strategy is clear:

*“Our approach to sustainable growth is supported by our analysis (set out in the supporting analytical document) which shows that we can achieve Jet Zero without the Government needing to intervene directly to limit aviation growth. The analysis uses updated airport capacity assumptions consistent with the latest known expansion plans at airports in the UK. The analysis indicates that it is possible for the potential carbon emissions resulting from these expansion schemes to be accommodated within the planned trajectory for achieving net zero emissions by 2050, and consequently that our planning policy frameworks remain compatible with the UK’s climate change obligations”.*⁹¹

⁸⁸ DL156.

⁸⁹ DL 199 and 200. See too Bristol DL 552.

⁹⁰ See the Planning Statement [[APP-245](#)] from paragraph 6.2.28.

⁹¹ JZS paragraph 3.57.

3.3.33 The Government's policy objectives for aviation and for carbon are not, therefore, incompatible. As the Government had confirmed in its response to consultation on the draft Jet Zero Strategy:

"3.4 Furthermore, airport growth has a key role to play in boosting our global connectivity and levelling up in the UK. The Government is, and remains, supportive of airport expansion where it can be delivered within our environmental obligations. Our existing policy frameworks for airport planning - the ANPS and MBU - provide a robust and balanced framework for airports to grow sustainably within our strict environmental criteria. We do not, therefore, consider restrictions on airport growth to be a necessary measure".⁹²

3.3.34 Similarly in its Response to the annual report of the Climate Change Committee, in October 2023, the Government explained that:

"DfT analysis shows that, in all modelled scenarios, we can achieve our net zero targets by focusing on new fuels and technology, rather than capping demand, with knock on social and economic benefits."

3.3.35 This examination has also seen how the Government's Jet Zero Modelling Framework explained that *"In June 2018, the government set out its policy support for airports to make best use of their existing runways in Beyond the Horizon: The future of UK aviation: making best use of existing runways ("MBU") and a new runway at Heathrow Airport in the Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England (ANPS), subject to related economic and environmental considerations. In common with the Jet Zero Consultation the capacity assumptions in our modelling reflect and are aligned with these policies."*⁹³

3.3.36 Annex D to the Modelling Framework (page 50) shows the modelling assumption of 386,000 ATMs for Gatwick.

3.3.37 These matters, which must be strongly material to a decision in this case, are not acknowledged or given discernible weight by the JLAs (or indeed any of the Interested Parties) in their policy assessment of the Project. Indeed, this

⁹² Planning Statement [APP-245] para. 6.2.36.

⁹³ Jet Zero Modelling Framework paragraph 3.18.

examination is unusual in the way in which so few parties have sought to assess or apply national aviation policy at all.

3.4. Issues

Overview

- 3.4.1 Throughout the examination the Applicant has been critical of the JLAs for not recognising the strength of government policy support for aviation and suggesting that support for making best use of existing runways is only “implicit” in government policy. York Aviation helpfully finally conceded recognising that “*The JLAs recognise the strong policy support provided for making best use of existing runways*” (at Deadline 7).⁹⁴ But there is no evidence that any weight has been given to that passing reference.
- 3.4.2 There is still no recognition of the strength of the government’s policy support in view of the importance which it attaches to aviation because of its economic benefits and the critical importance of international connectivity.⁹⁵ The position of York Aviation is not to comment on or accept or recognise the strength of that support (albeit the Applicant notes that its submissions at Luton were different in character)⁹⁶ but to immediately point out that the in-principle policy support is subject to understanding the benefits and effects of any development. As should have been clear from the submissions to the examination, this is something the Applicant has never disputed. It has been consistently recognised and, for the avoidance of doubt, the Applicant completely accepts that the strength of these policies does not mean that the detail of the benefits and impacts of its application do not need to be scrutinised – but the strength of policy support is clearly material in weighing that balance.⁹⁷

⁹⁴ The Joint Local Authorities’ Response to the Applicant’s Deadline 6 Submissions - Appendices [REP7-104] Appendix B, paragraph 5.

⁹⁵ These matters are set out in a number of places, including the Applicant’s Response to Written Representations: Appendix A Policy Response [REP3-073], particularly Section 2.

⁹⁶ See Luton Needs Case, (reference AS-125 in the Luton examination library).

⁹⁷ For example, in the Applicant’s Response to Written Representations – Appendix E Letters of Support from Tourism Operators and Organisations [REP3-077] at paragraph 3.1.3. At paragraph 7 of Appendix IV to [REP6-009], York Aviation criticise the Applicant for stating in para. 2.1.5 of Appendix E - Response to York Aviation’s Deadline 4 Submission [REP5-077] that the policy support for making best use in the ANPS and in MBU is “unequivocal”. A fair reading of that paragraph would find, however, that the Applicant had already recognised in the preceding paragraph the importance of issues such as robust forecasts of demand to demonstrate economic effects and environmental impacts had already recognised the importance of those issues. Instead, the point made in paragraph 2.1.5 was directly addressing York Aviation’s partial quotation from the ANPS that the Applicant must demonstrate a need different from Heathrow’s need. The Applicant pointed out that the support set out in the ANPS at paragraph 1.39 and in MBU for airports including Gatwick making best use of their runways was not expressed conditionally on a requirement to demonstrate a need different from Heathrow. York’s response in Appendix IV avoids that issue.

No application to Gatwick

- 3.4.3 The submissions have included the hopeless proposition that the making best use policy as set out in the ANPS does not actually cover Gatwick.
- 3.4.4 This is obviously wrong.⁹⁸As set out above, the ANPS tells us in terms that it sets out planning policy in relation to applications for any airport nationally significant infrastructure project in the South East of England.⁹⁹ It states¹⁰⁰ that *“the Government has confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways”*. Paragraph 1.42 adds that *“airports wishing to make more intensive use of existing runways will still need to submit an application for planning permission or development consent to the relevant authority...”*. This could not be clearer. MBU policy says the same thing at paragraph 1.29.
- 3.4.5 Some representations draw attention to paragraph 1.6 of the ANPS which provides that the Airports Commission *“considered it imperative that the UK continues to grow its domestic and international connectivity in this period, which it considered would require the more intensive use of existing airports other than Heathrow and Gatwick.”*
- 3.4.6 This cherry picks a limited aspect of ANPS policy and fails to recognise not only the wider policy references (which are plainly not restrictive to particular airports) but also the context: this reference (along with paragraph 2.28) records the findings of the Airport Commission, which was expressing its conclusions in the context of having shortlisted Heathrow and Gatwick as the candidates for a new full-length runway. The Airports Commission had shortlisted Heathrow and Gatwick as candidates for the new full-length runway needed in the South East – a decision to be taken by the Government in the ANPS. Once that decision was taken, the ANPS dropped the exclusion of Gatwick from its making best use policy. Accordingly, the ANPS expresses policy support for *“airports beyond Heathrow”* making best use of their existing runways, as the other policy references (at paragraphs 1.39 and 1.42) confirm.
- 3.4.7 It also fails to recognise the consistency of the making best use theme of policy, which cannot be interpreted to somehow exclude Gatwick. MBU (at paragraphs 1.5, 1.25 and 1.29) makes clear that the Government is supportive of all airports who wish to make best use of their existing runways, except Heathrow, the policy

⁹⁸ See further Response to Written Representations - Appendix C Response to Heathrow Airport Limited Written Representation [[REP3-075](#)].

⁹⁹ Paragraph 1.14; see too paragraph 1.41.

¹⁰⁰ Paragraph 1.39.

for which is set out in the ANPS. The APF confirms (paragraph 1.24) that “The Government wants to see the best use of existing airport capacity”.¹⁰¹ In FTTF, the Government states that “It is essential that we utilise existing airport capacity in a way that delivers for the UK.”¹⁰² Nothing in any of this suggests that Gatwick is precluded from growth; and it would be astonishing if it were, given the wider recognition of the need to generate further capacity beyond a new runway at Heathrow.

Existing or new runway

- 3.4.8 A related but equally misguided attempt to undermine the clear in-principle policy support for the project has involved the suggestion that whereas the “making best use” policy applies to existing runways, the Applicant is instead seeking to obviate the Airports Commission findings and the basis of ANPS policy by proposing a new runway that either is the failed southern runway in disguise, or simply falls outside the terms of the policy as drafted. Both contentions are entirely devoid of merit.
- 3.4.9 The Applicant has explained¹⁰³ the work of the Airports Commission and the background to the selection of Heathrow in the ANPS as the Government’s chosen location in the South East of England to meet the need for one new runway by 2030, as referred to at paragraph 2.32 of the ANPS. Whilst both Heathrow and Gatwick were shortlisted by the Airports Commission as potential locations to meet that need, the Applicant has never challenged the conclusion reached in the ANPS which preferred the third runway at Heathrow to a new southern runway at Gatwick.
- 3.4.10 That proposal for a new southern runway, as described in section 5.2 of the Airports Commission’s report, as well as the preferred scheme at Heathrow, were completely different to the project under consideration in this application:
- 1) Gatwick’s main runway is 3,316m long and a new southern runway would have been of comparable length at 3,400m. The ANPS (at paragraph 2.15) requires Heathrow’s north west runway to be at least 3,500m in length. The use of the existing runway involves no such construction;

¹⁰¹ See too paragraph 1.60 which summarises the Government’s strategy without any exclusion of Gatwick, as follows: “Taking into account responses to the scoping document, our strategy is based on a suite of measures focused on: making best use of existing capacity to improve performance, resilience and the passenger experience...”.

¹⁰² Page 18.

¹⁰³ The Applicant’s Response to Written Representations - Appendix C Response to Heathrow Airport Limited Written Representation [[REP3-075](#)].

- 2) the length of the new runways considered by the Airports Commission meant that they would have been capable of supporting all aircraft codes. The northern runway is 2,561m and certified for up to Code E aircraft; and the Draft DCO further requires that the repositioned northern runway must not be used for arrivals or the departures of aircraft larger than Code C aircraft (Requirement 19(3));
- 3) The north-west runway at Heathrow and the new southern runway proposed at Gatwick were fully spaced (at Gatwick the new runway was to be a new 3k runway situated 1,045m south of the existing main runway), allowing simultaneous independent mixed mode operations on each runway. The routine use of the northern runway proposed in this application is dependent on the operation of the main runway;¹⁰⁴
- 4) The independent operation of the new runways would have enabled significantly greater movements. By comparison with the 260,000 ATMs that the ANPS requires¹⁰⁵ to be enabled by the Northwest Runway at Heathrow, Gatwick's southern runway was promoted as having the capacity to bring Gatwick to 560,000 ATMs. However, the NRP would enable an additional 60,000 ATMs, compared to forecast growth in the Base Case (in the absence of the Project),¹⁰⁶ bringing Gatwick to 386,000 (commercial) ATMs;
- 5) The separation of the new southern runway, requiring a location on land substantially outside the existing airport boundary, was also designed to give space for the required supporting airport infrastructure – a new terminal building, main pier and satellite. The project plainly does not require separation to be designed in this way (and its location within the airport boundary is entirely consistent with the principle of more sustainable airport development that is inherent in MBU policy);
- 6) The routine use of the northern runway proposed in this application is dependent on the operation of the main runway and it shares the same flightpaths/airspace. No airspace change is required to allow its operation in conjunction with the existing runway. The same cannot be said of the new runways considered by the Airports Commission;

¹⁰⁴ See The Applicant's Response to Written Representations - Appendix C Response to Heathrow Airport Limited Written Representation [REP3-075] paragraphs 2.1.3-4.

¹⁰⁵ Paragraph 2.15.

¹⁰⁶ ES Appendix 4.3.1: Forecast Data Book [APP-075] paragraph 8.3.3.

- 7) Development in the form of the current application was neither promoted nor considered by the Airports Commission. It would not have made any shortlist for that purpose. As a potential project, it was first put forward for public consultation in GAL's draft Masterplan in October 2018;
- 8) The Gatwick Airport Masterplan 2019 shows the extent of land required to deliver a new runway, being of a completely different character and scale than the land required by the Project.

3.4.11 It cannot sensibly be claimed therefore that this proposal is anything like the scale of development that the Airports Commission or policy was envisaging at Gatwick when considering the competing options for delivery of substantial new airport capacity. It is also entirely false to suggest that it (or its effect) has already been considered by the Airports Commission and rejected.¹⁰⁷ It is also obvious that these works are also entirely different from what would be required to deliver a new runway at Heathrow (see paragraph 1.15 of the ANPS).

3.4.12 As for the allegation that a "new runway" is being created, this is contrasted with the term "existing runway" in both the ANPS and MBU, but that term does not require any particular legal scrutiny and involves a simple planning judgment for the decision maker which straightforwardly applies to the northern runway that can be seen on the ground in this case. At the risk of stating the obvious, the northern runway exists and operates today but is plainly underused. It cannot be the best use of the runway if it lies idle. It is difficult to think of a more compelling example of the making best use policy.¹⁰⁸

3.4.13 The following points confirm that the Project is not creating a new runway:

- 1) the Northern Runway (Runway 08L/26R) is a CAA certified, Code 4E, visual approach runway. Its length is 2561m with the following runway declared distances. Its certification is based on Regulations (EU) No 2018/1139 and 139/2014 as amended and retained under UK law. Specific rules applicable to the runway are set out under EU CS ADR-DSN B015 to B205;

¹⁰⁷ The Applicant has explained that the scale of development is entirely different from that which would be necessary to construct a full length new southern runway at Gatwick (see para. 3.2.14 of and Appendix A to The Applicant's Response to Actions - ISH 1: The Case for the Proposed Development [[REP1-062](#)]).

¹⁰⁸ This point is addressed directly in the Planning Statement [[APP-245](#)] from Section 8.2.3.13. There it demonstrates that all policy documents support both best use of existing infrastructure and best use of existing runways. Because of the emphasis placed on this point by some Interested Parties, GAL has responded more fully to this matter elsewhere – please see in particular The Applicant's Response to Written Representations - Appendix B Response to CAGNE Written Representation [[REP3-074](#)], which also draws on material submitted by GAL to the examination at Deadline 1 (Written Summary of Oral Submissions at ISH1: Case for the Proposed Development [[REP1-056](#)] and The Applicant's Response to Actions - ISH 1: The Case for the Proposed Development [[REP1-062](#)]). The matter is also addressed in response to ExQ1 CS.1.26. 5.1.10.

- 2) it is serviced by published Standard Instrument Departure (SID) and Standard Arrival (STAR) routes, which will not change as a result of the Project. The runway operates visual and Required Navigational Performance (RNP) based approach procedures in both runway directions. These will not change either as a result of the Project;
- 3) it is currently used when the main runway is out of service. In that role it is capable of accommodating all codes of aircraft. In 2019, the NRP was used by 2.8k flights, typically in the night period during planned maintenance of the main runway when flight numbers were low and on a rare occasion when there was a sustained closure of the main runway;
- 4) it is capable of handling around two thirds of the peak hour throughput of the main runway. This latent capacity is not available in the current airfield configuration due to the separation between the two runways being less than the 210m separation requirement. The repositioning by 12m to the north provides the required separation to allow that existing capability to be used. It is clear that in the absence of the project, best use is not being made of this capacity;
- 5) the works involved would comprise the repositioning of a 12m strip (part runway, part shoulder, including bringing the northern shoulder to runway standard), as well as the removal of a redundant strip of hardstanding (part runway, part shoulder) to the south, returning it to grass before resurfacing takes place;¹⁰⁹
- 6) the repositioning would involve excavation to circa 1.5m deep for the runway element and circa 0.75m deep for the shoulder element, followed by the placement of granular base materials and associated drainage;
- 7) the resurfacing would involve 100m of asphalt to be layered to be profiled for correct drainage. Resurfacing is a routine operation carried out (asphalt runways with a high volume of traffic require resurfacing every 10-12 years);
- 8) drainage would be replaced and airfield ground lighting would be reinstalled. The shoulder on the south side of the existing northern runway does not contain a drain, so there is no requirement to cut into the original runway construction to create a drainage run on the south side. The

¹⁰⁹ The works required to reposition the existing northern runway are secured under Work No. 1 of the Draft DCO (Doc Ref. 2.1) and are described in paragraphs 5.2.18 to 5.2.24 of ES Chapter 5: Project Description (Doc Ref. 5.1) Figure 5.2.1a of the ES Project Description Figures [\[REP8-018\]](#). Further detail on the construction works associated to the northern runway is then provided in Section 8.2 of the ES Appendix 5.3.1: Buildability Report (Part A) [\[REP8-022\]](#).

proposed drainage is yet to be confirmed at this stage, but will comprise of either a slot drain or using a series of gullies as per the existing arrangements on the main runway;¹¹⁰

- 9) once complete, the repositioned northern runway would be 45m wide (excluding the shoulders, being 60m wide including the shoulders) and 2.6km in length - the same dimensions as the existing northern runway, simply repositioned 12m northwards;
- 10) the 12m strip of hardstanding on the southern side of the existing northern runway would be removed, with placement of engineered fill and topsoil in the excavated area, followed by grading and provision of a grassed area.

3.4.14 It is also incorrect¹¹¹ to claim (as CAGNE do) that the policy supports “making best use of existing runways and in that context of associated existing infrastructure, but not creating dual runway operations at a single-runway airport or undertaking significant construction works to build dual runway capacity”.¹¹²

3.4.15 This is a gloss on the policy wording, which neither describes nor prescribes a particular limit to the extent of works that may be associated with making best use of an existing runway.

3.4.16 CAGNE itself accepts that MBU can involve “operational works”¹¹³ including Gatwick “making improvements” to the northern runway.¹¹⁴ It is accepted therefore, as common sense suggests, that the carrying out of alterations to an existing runway is compatible with it remaining an “existing runway”. There is then no reason to then conclude that works which simply allow for a relatively small repositioning, only 12m to the north, of the centre line of what is plainly an

¹¹⁰ Further information on the drainage arrangements is provided in the Applicant’s Written Summary of Oral Submissions from ISH1 [\[REP1-056\]](#); The Applicant’s Response to ISH1 Actions [\[REP1-062\]](#) and the Applicant’s Deadline 4 Submission - Appendix E: Response to SCC’s Airfield Drainage Queries [\[REP4-026\]](#) the Applicant’s Deadline 4 Submission - Appendix E: Response to SCC’s Airfield Drainage Queries - Annex A -Figures [\[REP4-027\]](#). The information provided includes Indicative cross-sections of the existing and proposed northern runway. Further, ES Appendix 5.3.1: Buildability Report (Part A) [\[REP8-022\]](#) contains further information on the typical construction equipment expected to be used in the construction of the northern runway works (paragraph 8.2.8), the typical times of the construction works (paragraph 8.2.3 and 8.2.6) and the associated contractor compounds to be used (paragraph 8.2.9).

¹¹¹ See further The Applicant’s Response to Written Representations - Appendix B Response to CAGNE Written Representation [\[REP3-074\]](#).

¹¹² CAGNE Deadline 1 Submission - Written Representation [\[REP1-137\]](#) paragraph 42.3.

¹¹³ Ibid para. 73.

¹¹⁴ Ibid para. 44.

existing runway remove the runway from the scope of an “existing runway” into the realms of creating “an entirely new runway”.¹¹⁵

- 3.4.17 CAGNE also accepts that MBU would allow Gatwick to improve the northern runway such that “it could be used more frequently or quickly as a standby runway, or for larger aircraft”,¹¹⁶ but it fails to recognise that policy does not prescribe the operational circumstances under which use of an existing runway can be increased. There should be no dispute that the northern runway is an existing under-used runway; and that the proposal would make best use of it as policy envisages.

Physical works and non-runway development

- 3.4.18 CAGNE suggest that the related development included in the project - but excluding the northern runway itself – include works that are inconsistent with policy, which again places a wholly unwarranted gloss on the policy. The policy does not constrain or prescribe the extent of development that may come forward to allow for best use to be made of an existing runway. The fact that physical works are necessary to enable the potential of the northern runway to be released does not logically mean that the project cannot be MBU. If that were the case, planning or development consent would not be necessary for any MBU proposals and the MBU policy would be redundant.
- 3.4.19 This is confirmed by the extent of physical development that other schemes within the scope of MBU have brought forward. As the Stansted Airport decision confirmed (in approving two new taxiways linked to the existing runway, six

¹¹⁵ Ibid para. 76. The ExA raised the question of whether the coverage of permitted development rights could be relevant to the application of MBU policy. The Applicant does not interpret MBU policy to require or imply a correlation with the scope of permitted development rights. However, these are not tests of whether or not the NRP benefits from the support in government policy for making best use; and there is nothing in the ANPS to suggest that the application of MBU would be limited in that way. But the nature of the works proposed would fall within the Town and Country Planning (General Permitted Development) (England) Order 2015, Class F, which provides that “The carrying out on operational land by a relevant airport operator... of development...in connection with the provision of services and facilities at a relevant airport” is permitted development unless it relates to “the construction or extension of a runway”. The widening on one side and the reduction on the other so that the runway is repositioned by 12m does not extend the runway or amount to the construction of a new runway. See further section 3.2 of The Applicant’s Response to Actions - ISH 1: The Case for the Proposed Development [[REP1-062](#)].

¹¹⁵ The references in the ANPS to the findings of the Airports Commission on the need for more intensive use of existing infrastructure (see para. 1.39) suggest that there may be other measures which can also be used to increase the use of an airport. The Applicant does not rely on the use of the term “infrastructure” to justify a project that does not involve making best use of an existing runway. But if a distinction is to be drawn between the terms, it does not have a material bearing on the issues raised by the parties in this case. If an airport makes better use of its airport, or of its capacity or of its infrastructure, the intended consequence would be increased or better use of its runways. Government policy would not do anything other than support this - there is no sustainability, economic or other benefit in existing airport capacity or infrastructure being under used whilst there is such a large-scale un-met need for aviation capacity. There is no dispute in this case that any greater use of Gatwick’s existing infrastructure to support further flights would be consistent with policy.

¹¹⁵ Decision Letter page 17.

¹¹⁶ CAGNE Deadline 1 Submission – Written Representation [[REP1-137](#)] paragraph 44.

additional remote aircraft stands and three additional aircraft stands), “*there is nothing in MBU which suggests that making best use proposals cannot involve operational development of the type proposed in this case.*”¹¹⁷ The Manston Airport decision included an upgrade of a runway, realignment of the parallel taxiway, new stands for multiple air freight aircraft installations, a new high mast lighting for framework and new cargo facilities. There was no suggestion that MBU was not applicable. The Secretary of State was clear that the Government welcomes significant levels of private investment in airport infrastructure (paragraphs 48 and 64-65) and that the MBU policy does not include a cap on any associated increase in ATMs (paragraphs 47 and 71). At Bristol, the project included two extensions to the terminal building, a new walkway and pier, improvements to the A38, a multi-storey car park with 2,150 spaces, changes to the internal road system and enhancements to airside infrastructure including the construction of a new taxiway link and taxiway widening renewable energy generation. The recent DCO proposals at Luton include the extension and remodelling of the existing passenger terminal, along with the construction of a new passenger terminal building and boarding piers, a new dual carriageway and an extension of the Luton Direct Air to Rail Transit with a station serving the new passenger terminal.¹¹⁸

- 3.4.20 Ultimately, CAGNE’s case either ignores that there is a northern runway at Gatwick which is significantly underused (and for which a policy of making best use is ideally suited) or finds it necessary to assert that GAL proposes to remove that northern runway and build a new runway in a different place, which of course would involve a completely different construction project from that applied for.¹¹⁹

“Local level” scale

- 3.4.21 Another misconceived attempt to remove this project from the scope of MBU was the suggestion that its supportive policy does not apply to Gatwick, in particular because it only envisages development applications “on a relatively local level”.¹²⁰ It may be the case as a matter of fact that the majority of MBU applications are relatively small scale. However, CAGNE themselves quote from MBU policy (paragraph 1.27) which concedes that some MBU applications may be of a scale which qualifies them as NSIPs (an increase in capability of 10

¹¹⁷ DL17.

¹¹⁸ The Applicant’s case is developed in Section 3.5 of The Applicant’s Response to Actions - ISH 1: The Case for the Proposed Development [REP1-062] which compares the scale of operational development in this case with that which has been sanctioned in the Stansted, Bristol, Luton and Manston decisions and that which is proposed in the name of MBU in the Luton Rising DCO.

¹¹⁹ Appendix C: Response to CAGNE’s Deadline 3 Submission [REP4-024].

¹²⁰ CAGNE Deadline 1 Submission – Written Representation [REP1-137] paragraph 42.

mppa). The reference at paragraph 1.29 to applications being considered by the "relevant planning authority" confirms how that authority may be a local authority but also the Secretary of State, because the scale of growth may exceed 10 mppa and trigger the requirement for a DCO application. The same point is also acknowledged directly in Beyond the Horizon (at paragraph 1.27) and in the ANPS (at paragraph 1.42).

- 3.4.22 Beyond the obvious point that there is nothing in the policy wording which indicates any form of quantified limitation on the support for "*making best use*" of any existing runway, it is clear from the Inspectors' decision letter in the Stansted case that the inquiry examined modelling assumptions behind the MBU policy (see paragraphs 18-21), which were concluded to be based upon a long-term strategic look at UK aviation and "*should not be viewed as a cap on the development of individual airports.*"
- 3.4.23 In his Manston decision letter,¹²¹ the Secretary of State put the matter beyond doubt as follows: "The MBU policy does not limit the number of MBU airport developments that might be granted and does not include a cap on any associated increase in ATMs as a result of intensifying use at MBU developments".
- 3.4.24 He added that "*neither of the relevant aviation planning policies (the ANPS and the MBU policy) restricts growth at airports beyond Government's preferred Heathrow Northwest Runway option to only those listed in the forecasts or those not listed but captured by the ranges used in forecasting as is the case for smaller airports.*"¹²²
- 3.4.25 It is not necessary to go further, but as is explained below, the Applicant has also demonstrated that the recent modelling undertaken by the Government to inform its Jet Zero Strategy included the NRP as a capacity assumption aligned with MBU policies (Jet Zero Modelling Framework, paragraph 3.18). There is no basis therefore for suggesting that the scale of growth envisaged by this project is inconsistent with general policy support for MBU. In any event, as with the other (misconceived) contentions that the application does not amount to making best use on the grounds of the characteristics of the runway, the Project still demonstrates substantial benefits consistent with the themes of sustainable aviation growth set out above.

¹²¹ DL47.

¹²² DL71.

Sufficient need additional to or different from Heathrow

- 3.4.26 A number of representations assert that paragraph 1.42 of the ANPS provides a test or precondition for the expansion of Gatwick in relation to need.¹²³ Again this involves reading the policy not as it is written but as how others wish it to be read.
- 3.4.27 Paragraph 1.42 begins by referring back to paragraph 1.39, which confirms that the Government is “supportive of airports beyond Heathrow making best use of their existing runways” and makes clear that “any proposals should be judged on their individual merits by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts”. No additional or particular test is imposed to qualify for the general support of government or in the determination of such applications.
- 3.4.28 Paragraph 1.42 confirms that as paragraph 1.39 indicates, “airports wishing to make more intensive use of existing runways will still need to submit an application for planning permission or development consent to the relevant authority, which should be judged on the application’s individual merits”. Again, there is nothing in the policy wording which imposes any form of test before this judgment is reached. The words do not say that any form of need must be shown for an application to be acceptable.
- 3.4.29 The subsequent reference “However, in light of the findings of the Airports Commission on the need for more intensive use of existing infrastructure as described at paragraph 1.6 above, the Government accepts that it may well be possible for existing airports to demonstrate sufficient need for their proposals”, does not purport to state “However” by way of qualifying any support; rather it is intended to be positive and encouraging, consistent with the general support it expresses earlier. It is signalling that government would not argue that there was no need if an application came forward for MBU; and going further by helpfully recognising that even though applications must be determined on their merits, it may well be possible for a need to be demonstrated. The ANPS is therefore telling decision-makers to be aware that there may well be a need; not stating that applicants must demonstrate it as a policy test – the two are very different. No pre-condition or test is being set here as a free-standing criterion which must be demonstrated before consent can be granted. The same applies to the terms

¹²³ The Applicant has responded to that interpretation in its Response to Heathrow Airport Limited Written Representation – Appendix C [[REP3-075](#)] and The Applicant’s Response to CAGNE Written Representation – Appendix B [[REP3-074](#)] and in The Applicant’s Response to the West Sussex Authorities Local Impact Report – Appendix B [[REP3-080](#)]. See too the Applicant’s Response to Deadline 2 Submissions [[REP3-106](#)] and in its response to ExQ1 – Case for the Proposed Development CS.1.20 [[REP3-084](#)].

of MBU itself, which was also published in June 2018, without reference to having to show a need of any form. Notably, the Luton Rising DCO application also claimed the support of MBU policy – with an ATM increase larger than the NRP and the forecast development of long-haul flights – but with no suggestion that it would be disqualified from policy support unless it could show a need different from Heathrow’s (which it did not attempt to do).

- 3.4.30 The signposting in paragraph 1.42 to paragraph 1.6 and the findings of the Airports Commission is to its recognition of an “imperative that the UK continues to grow its domestic and international connectivity,” by increasing airport capacity in the inevitable interim period before any new runway at Heathrow could be developed (and by necessary implication retaining it thereafter). Again, there is nothing here which sets a free-standing policy test, either in general or specific terms relating to Heathrow; rather the emphasis is on the “imperative” need for further, additional, development to come forward. The government was again indicating that, even though applications were to be determined on their merits, it did not want to give any impression that its policy for the new runway there was the end of the need.
- 3.4.31 This is consistent with other decisions reached in relation to MBU, which policy in the ANPS is intended to further. The Secretary of State or Planning Inspectors appointed to make planning decisions in his name have been called upon to apply the MBU policy at Stansted, Manston, Bristol and Luton; and in each case MBU has been applied to support the grant of consent, again without qualification as to its principle or pre-conditions relative to a new runway at Heathrow. The Stansted decision confirmed that “...There is no requirement flowing from national aviation policy for individual planning applications for development at MBU airports, such as Stansted, to demonstrate need for their proposed development or for associated additional flights and passenger movements (para. 17).” The same position was taken in the Manston decision where the Secretary of State found that “the MBU policy does not limit the number of MBU airport developments that might be granted and does not include a cap on any associated increase in ATMs as a result of intensifying use at MBU developments” (paragraph 47). No other decision in which MBU or ANPS policy has been considered refers to or applies a needs test in the manner contended for.
- 3.4.32 The Applicant recognises however that the decision maker will want to assess whether “the expected economic benefits will outweigh the expected environmental and other impacts”, as the Secretary of State did in the Manston

decision. He observed (at paragraph 37), having reviewed all policy including the ANPS, that “the benefits expected from a proposed development would materialise if there is a need for that development.” Need and the form it takes was treated as relevant because a demonstrated need, therefore, would help the applicant to show the benefits that would flow from meeting this need.

- 3.4.33 The Applicant has no difficulty with that approach, or with the proposition that the in-principle support given by policy does not mean on its own that consent ought to be granted. But it does not accept the suggestion from others that in policy terms there is a particular needs test imposed by policy; and it takes issue with their refusal to acknowledge the strength and consistency of the in-principle support that policy provides.
- 3.4.34 It should be emphasised that this debate over the interpretation of the policy can be treated as academic in circumstances where there is a clear needs case for the project; and the evidence before the examination sets out the substantial benefits that would flow from meeting that need through the development and operation of the Project. Even if such a pre-condition did exist, the Applicant’s application would meet it.
- 3.4.35 These issues are addressed further below ¹²⁴ but, in short, the **Needs Case** [\[APP-250\]](#) and the other submitted evidence demonstrates a need now based on two compelling propositions, either one of which is sufficient to demonstrate a need, should a need have to be proven:
- 1) the first is a need now based on documented evidence of excess current demand which cannot be accommodated;
 - 2) the second is an operational need now for the use of the northern runway to bring day to day resilience to an airport which has the busiest daytime single runway in the world.
- 3.4.36 The case for the project is unusual in this respect, compared with that promoted recently for instance at Luton, Stansted or Manston, in that the application does not simply rely on a need becoming apparent through projections of future growth.
- 3.4.37 In any event, neither of the above propositions is actually in dispute.

¹²⁴ See, for example, Section 3 of the Planning Statement [\[APP-245\]](#); Needs Case Technical Appendix [\[REP1-052\]](#); and Appendix A – Policy Response to the Response to Written Representations [\[REP3-073\]](#).

- 3.4.38 The Authorities themselves “recognise that having a second runway available for use by departing aircraft at peak times would improve the resilience of the Gatwick operation in terms of minimising and mitigating the substantial levels of delay experienced by aircraft at the high levels of single runway usage experienced pre-pandemic as set out in Section 7.2 of the Needs Case (APP-250).”¹²⁵
- 3.4.39 Similarly, the Authorities do not dispute that the forecast growth of the Airport exceeds its current operational capacity: “For the avoidance of doubt, the Authorities are not arguing that there is not demand for the Northern Runway”.¹²⁶ There may be ongoing disagreement about the scale of growth forecast in the future baseline or project scenarios, but these are matters of degree and not principle.
- 3.4.40 Heathrow Airport Limited has also confirmed that it “does not object to the principle of growth at Gatwick Airport and recognises the importance of addressing the longstanding significant capacity constraints that affect the UK’s aviation sector and negatively impact the UK’s direct connectivity and potential for economic growth”.¹²⁷
- 3.4.41 In other words, there is generally accepted to be a need for expansion at Gatwick based on current demand and forecast growth, as well as operational resilience. This reflects the consistency between the objectives of this project and national policy principles.
- 3.4.42 As for the Government accepting through the ANPS that existing airports may well be able to demonstrate a need that is additional to or different from the need which is met by the provision of a Northwest Runway at Heathrow, again the Applicant resists the suggestion that this should be treated as a free-standing test or pre-condition for the grant of consent, but in any event the benefits held in prospect by the Project are at least different from any which can be achieved at Heathrow in the absence of a third runway; and the evidence also shows that Heathrow and Gatwick play, and would continue to play, complementary roles.
- 3.4.43 This is explained further below when addressing the question of need, but it should be emphasised in this context that the Applicant takes no issue with the ANPS identifying the need for one new full length runway in the south-east and the Government decision that this should be developed in the form of the North-West runway at Heathrow Airport. It recognises that there continues to be a need

¹²⁵ Deadline 1 Submission - Local Impact Report [REP1-068] para. 6.13.

¹²⁶ In their Post Hearing Submissions from Deadline 1 [REP1-211] e-page 11.

¹²⁷ See The Applicant’s Response to Written Representations - Appendix C Response to Heathrow Airport Limited Written Representation [REP 3-075].

(supported in policy) for that runway. It is not part of its case that the project should replace the important need for expansion of the UK's hub airport, as recognised in the ANPS.¹²⁸ Rather, both projects would help achieve government policy objectives for UK aviation.

- 3.4.44 The project in this case will meet many different needs from those which would be met by that runway, including needs (already accepted by the JLAs) that are specific to Gatwick and its operation.¹²⁹ No party seriously suggests that the airport is not busy to the point where it is showing signs of a lack of resilience, particularly in the peak hours from extreme demand from low cost carriers to utilise the first cycle of the day. The need for additional capacity to relieve that condition is uniquely a Gatwick need.
- 3.4.45 The need for extra capacity also exists to meet documented un-met demand, without supplanting the role of Heathrow in its role of maintaining the UK's hub status. Gatwick has always been and would remain a point-to-point airport.¹³⁰
- 3.4.46 It was the third runway that was determined by the ANPS to be the necessary solution to maintaining the UK's hub status, rather than meeting all aviation need and imposing any policy of restraint on other UK airports. The ANPS itself recognised that even considering the prospect of a new runway at Gatwick, it "*would largely remain a point-to-point airport, attracting very few transfer passengers,*"¹³¹ thereby distinguishing it from what Heathrow could provide. The fact that the Applicant forecasts the loss of long haul traffic to Heathrow if a third runway opens at Heathrow confirms the lack of any threat from Gatwick to Heathrow's status.
- 3.4.47 As set out further below, the JLAs rightly do not suggest that Heathrow's hub status is threatened at all by the NRP.
- 3.4.48 The Applicant returns to this aspect of the evidence later, but as far as the policy itself is concerned, the following further points arise.
- 3.4.49 There is nothing in policy to suggest that any needs and consequent benefits that are claimed by a project must be different in the strict sense of excluding provision for any single new air traffic movement which could in theory be

¹²⁸ See, for example, paragraphs 2.13-4, 2.33, 3.14, 3.18-9, 3.42, 3.71 and 3.73.

¹²⁹ See The Applicant's Response to Deadline 2 Submissions [[REP3-106](#)] and The Applicant's Response to the ExA's Written Questions (ExQ1) - Case for the Proposed Development - Appendices [[REP3-085](#)].

¹³⁰ The Applicant's Response to Heathrow Airport Limited Written Representation addresses this point directly [[REP3-075](#)].

¹³¹ Paragraph 3.19.

accommodated by a new runway at Heathrow. That approach would unreasonably restrict the rationale and function of the “making best use” policy.

- 3.4.50 Similarly, there is nothing in policy to suggest that any airport benefitting from the in-principle support of MBU policy should forego any existing function of serving long haul.
- 3.4.51 Gatwick always has and always will attract long haul traffic. The fact that some of Gatwick’s growth would be long haul is to be supported because of its benefits in international connectivity, and not a reason to argue that such growth must only be met at Heathrow (with the consequence that it will not and should not be met in the event that the third runway is not developed there).
- 3.4.52 It is clear from policy that long haul is not excluded from the support for making best use of existing runways. The APF (paragraph 1.60) identifies that the role of MBU includes developing new routes and services (and (paragraph 1.24) in that context celebrates enhancements, for instance, at Birmingham airport which have added long haul capacity. When confirming the importance of aviation to the UK generally, the ANPS makes it clear that long haul traffic is important: *“2.9 As the UK develops its new trading relationships with the rest of the world, it will be essential that increased airport capacity is delivered, in particular to support development of long haul routes to and from the UK, especially to emerging and developing economies.”* Neither the ANPS nor MBU suggest that support for delivering further capacity through the use of existing runways is contingent upon airports beyond Heathrow having to fundamentally change their role or function within the wider airport sector. This approach is consistent with the Airports Commission’s Final Report at paragraph 16.40, which explains that the purpose of MBU is *“to grow ...domestic and international connectivity”* and then sets out examples of where that has been successfully achieved through the addition and strengthening of long-haul connections (paragraph 16.42).
- 3.4.53 No party appears to be saying that any airport but Gatwick can expand and can attract long haul traffic. York Aviation, for instance, has been happy to promote any prospect of long haul traffic as a virtue of the Luton Airport DCO Application.
- 3.4.54 Policy does not impose any time limit on support for existing airports making best use of their runways either. Nothing in the policy wording says so; and if a need is different from or additional to a third runway at Heathrow, it must follow that it can arise even if the third runway is assumed to come forward, not that it can only arise until the third runway exists. Put another way, if the policy was time limited paragraphs 1.39 and 1.42 (and MBU policy) would have been drafted accordingly but it was not. Support for the principle of making best use of existing

runways is expressed unconditionally, albeit subject to the normal consideration of environmental effects, in all up-to-date aviation policy documents. Paragraph 1.6 of the ANPS does identify an “imperative” need to grow domestic and international connectivity in the period before the provision of a third runway at Heathrow but the policy expression of support in the APF, the ANPS, in MBU (and in FTTF) is not curtailed either until or even if a new runway is constructed at Heathrow. Even where parties argue that the policy was somehow time limited, that limitation is said to be until the development of a third runway at Heathrow – a limitation that is arguably more remote now than it was at the time of designating the ANPS. The proper approach to timing is to recognise that the Government found there was strong evidence of the need to significantly increase capacity in the South East by 2030¹³² but there has been very little incremental capacity created or planned which is capable of delivering such by that time, apart from the NRP. It is not necessary to refer back to the Airports Commission’s findings to corroborate this approach to the policy, but it can be noted there were two parts to the terms of reference for the Commission: to report by 2013 on “*immediate actions to improve the use of existing runway capacity in the next 5 years*” in an Interim Report and, in its Final Report in 2015, to report more comprehensively. The two should not be confused. The full terms of reference included: “*to examine the scale and timing of any requirement for additional capacity to maintain the UK’s position as Europe’s most important aviation hub, and identify and evaluate how any need for additional capacity should be met in the short, medium and long term*” (emphasis added). The Commission’s recommendations in relation to making best use of other airports were not time limited. As the Final Report confirmed on its final page (page 339) “*The need to make best use of existing infrastructure will remain.*” This confirms not only the absence of any timing limit on airports relying on the policy support for making best use of their runways, but also how a need beyond that identified for the new runway at Heathrow was accepted to persist.¹³³

- 3.4.55 Even if there were considered to be some timing¹³⁴ constraint, this could only conceivably relate to the delivery of the new runway at Heathrow, and as is explained further below, this northern runway project would be operational long before a Northwest runway at Heathrow, even if steps towards the design and development of that runway were restarted in the short term.

¹³² ANPS paragraph 2.32

¹³³ See Appendix D - Response to Heathrow Airport’s Deadline 4 Submission [REP5-076] section 1.

¹³⁴ See further in The Applicant’s Response to Written Representations - Appendix E Letters of Support from Tourism Operators and Organisations [REP3-077] section 2.4.

3.4.56 In fact the ANPS emphasises (paragraph 3.74) how “*The needs case has shown the importance of developing more capacity more quickly*”, assuming that the new runway at Heathrow will be provided by 2030 (ANPS paragraphs 1.21 and 2.32). The fact that a new runway at Heathrow has been significantly delayed and still has no clear timetable underscores the support for making best use. The imperative and short-term need for new capacity has only increased as a result of the significant delay in delivering the Northwest runway. As explained further below, that need and urgency support the Project.

3.4.57 Finally, the JLAs themselves have helpfully confirmed as follows:

*“Nor did we suggest that development of the NRP would of itself directly threaten the development of the hub at Heathrow, as proposals for its expansion are brought forward,...[W]e made clear that the more likely outcome is that demand for the NRP will be lower than assessed in the Applicant’s core case demand forecasts”.*¹³⁵

3.4.58 Ultimately therefore, the JLAs do not suggest that any need which can be established in relation to the Project will undermine the hub status of Heathrow. Their point appears to be a different one – relating to demand for the Project itself. These issues are dealt with further below, but in short, the Applicant has never disputed that if R3 was developed, it would take large volumes of traffic including long haul that Gatwick had managed to serve (consistently with policy) before R3 came on stream. There would however remain substantial levels of demand for flights through Gatwick such that on any approach to policy, there is a need for the Project and the benefits which accordingly flow from meeting that need should be accorded significant weight. In this way, the benefits to the UK aviation sector are optimised. Heathrow is not threatened but the NRP enables long haul demand to be served in the short to medium term and potentially the long term if a third runway is not developed at Heathrow.

Jet Zero

Implications of modelling

3.4.59 A further issue that arose in representations was the extent to which the Jet Zero Strategy supports the case for the project.¹³⁶

¹³⁵ JLAs Comments on any further information/ submissions received by Deadline 5 [REP6-099], Appendix IV para. 12.

¹³⁶ The Applicant’s Response to Written Representations - Appendix A Policy Response [REP3-073].

3.4.60 As the Applicant's **Needs Case** [APP-250] explains, the Jet Zero Strategy predicts a growth of 70% in passenger demand between 2018 and 2050. For the purposes of carbon modelling, the Government adopted capacity assumptions that have been updated since MBU to assess whether new airport capacity to meet this demand can come forward consistently with achieving net zero emissions by 2050.

3.4.61 The JZS explains as follows (at paragraph 3.57):

“Our approach to sustainable growth is supported by our analysis (set out in the supporting analytical document) which shows that we can achieve Jet Zero without the Government needing to intervene directly to limit aviation growth. The analysis uses updated airport capacity assumptions consistent with the latest known expansion plans at airports in the UK. The analysis indicates that it is possible for the potential carbon emissions resulting from these expansion schemes to be accommodated within the planned trajectory for achieving net zero emissions by 2050, and consequently that our planning policy frameworks remain compatible with the UK’s climate change obligations” (emphasis added).

As set out above, the supporting document referred to is the Jet Zero Modelling Framework which explains (at paragraph 3.18) that the capacity assumptions in the modelling are aligned with the ANPS and MBU.

3.4.62 Annex D to the Modelling Framework¹³⁷ shows that the modelling incorporated known airport expansion, including the NRP. The assessment assumes a maximum capacity of 386,000 air transport movements per year, which is consistent with the level proposed in the application.

3.4.63 It is clear from the Modelling Framework, from the JZS and, for instance, from the Government’s response to the CCC in October 2023 that:

“DfT analysis shows that, in all modelled scenarios, we can achieve our net zero targets by focusing on new fuels and technologies, rather than capping demand.”

3.4.64 In this context, the Applicant does not claim that JZS and the Modelling Framework provide specific policy support for NRP; nor has the Applicant ever

¹³⁷ Page 50.

suggested that the inclusion of the Project in the modelling prejudices the outcome of any planning application.

- 3.4.65 But the Strategy and the Framework do confirm, first, the government position that the modelling of carbon emissions, at an assumed level of growth that includes the Project, is consistent with its net zero commitments.
- 3.4.66 Those assumptions do not represent any proposals for limits on future capacity growth at specific airports, nor indicate maximum appropriate levels of capacity growth at specific airports for the purpose of planning decision making.¹³⁸ The assumptions are not to be treated as limits on the growth of any airport.
- 3.4.67 As the Government explained in its response to the annual report of the Climate Change Committee, in October 2023: *“DfT analysis [which] shows that, in all modelled scenarios, we can achieve our net zero targets by focusing on new fuels and technology, rather than capping demand, with knock on social and economic benefits.”* Paragraph 3.57 makes clear, therefore, that the Government’s policy objectives for aviation and for carbon are not, therefore, incompatible.
- 3.4.68 Secondly, JZS and the Modelling Framework indicate government’s understanding of the scale of increased capacity that is consistent with MBU policy and the ANPS. The JLAs try to ignore this by arguing that the total volume of airport capacity tested in the modelling exceeded the capacity required to meet underlying demand projected for the UK. But this in no way disturbs the conclusion reached in paragraph 3.18. As the Government concluded its assumptions reflect and align with making best use policy. If the Government had thought that any potential capacity assumptions it might examine were inconsistent with the scope of its own policies, it would have excluded them.
- 3.4.69 The Aviation Environment Federation (“AEF”)¹³⁹ obtained Gatwick-specific information from the DfT relating to its Jet Zero modelling which it claimed to show that it had not actually anticipated forecast movements of the scale proposed by the Project. In so doing it correctly identified the Applicant’s position – that the modelling undertaken for Jet Zero takes account of the airport’s growth and therefore the emissions from the proposed expansion – but then make incorrect inferences from the information they have received, none of which disturbs the arguments advanced above by the Applicant.¹⁴⁰

¹³⁸ Paragraph 3.17.

¹³⁹ AEF Comments on any further information/ submissions received by Deadline 5 [[REP6-119](#)].

¹⁴⁰ See further The Applicant’s Response to Deadline 6 Submissions [[REP7-095](#)] section 2.

- 3.4.70 The references within the Modelling Framework, as set out above, make clear that the effect of the modelled growth at Gatwick and elsewhere (including the full-scale expansion of a three-runway Heathrow) is consistent with the Government's JZS (High Ambition) trajectory and with the outcome modelled for the aviation sector in the Government's Net Zero strategy (i.e. consistent with 'Jet Zero'). It is not known how many scenarios were modelled by DfT, but we now know from the AEF that at least one modelled scenario assumed a throughput at Gatwick of 378,428 ATMs in 2050, or within 98% of the full NRP forecast and capacity. The information validates the Applicant's case that (98% of the full) NRP capacity has been modelled by the Government and found to be consistent with its Jet Zero objectives.
- 3.4.71 That position is not changed by the modelling outcomes obtained by AEF using the growth assumptions in Jet Zero Strategy One Year On (JZSOYO). The Jet Zero Strategy has not changed. As JZSOYO explains:¹⁴¹
- "To generate momentum for reducing emissions in one of the most challenging sectors to decarbonise, we set a CO₂ emissions reduction trajectory in the Jet Zero Strategy. This sees UK aviation emissions peak in 2019, with interim targets of 35.4 MtCO₂e in 2030, 28.4 MtCO₂e in 2040, and 19.3 MtCO₂e in 2050."*
- 3.4.72 JZSOYO reports progress against the same "in sector interim target of 19.3 MtCO₂e in 2050".¹⁴² The High Ambition Scenario is explained¹⁴³ in the same terms as was used in the JZS. Updated modelling is reported to the following effect:
- "The updated High Ambition scenario has 18.7 MtCO₂e residual emissions in 2050 compared to 19.3 MtCO₂e in the original analysis."*
- 3.4.73 In other words, the strategy is unchanged and the sector remains on target.
- 3.4.74 It was following JZSOYO, in March 2024, that the Government reconfirmed in its response to the Environment Audit Committee that Government did not intend to intervene to limit aviation growth, not least because DfT analysis showed that in all modelled scenarios the government could "achieve our net zero targets by focusing on new fuels and technology, rather than capping demand, with knock-

¹⁴¹ Page 10.

¹⁴² Page 10.

¹⁴³ Page 11.

on economic and social benefits”.¹⁴⁴ A principal characteristic of DfT’s modelling in 2023 was the application of lower aviation growth forecasts.

3.4.75 According to the AEF submission, that modelling shows a modelled reduction of Gatwick ATMs to c.70% and a modelled reduction of Gatwick’s GHG to c.80% of that modelled in 2022. Without more information we do not know what the overall outcome of the DfT’s JZSOYO modelling was. It can reasonably be assumed, however, that it showed lower ATM and carbon contributions across the board, as a result of lower growth forecasts. That would cause aviation growth to come in comfortably below the assumed trajectory and overall CO₂e allowance. We already know from the JZS modelling that a more optimistic forecast for Gatwick with (98% of) the NRP fits within the Government’s JZS targets. In the context of GHG therefore, the analysis would have shown Gatwick’s contribution well within the sector trajectory, with no threat to the Government’s carbon objectives.

3.4.76 The original proposition advanced by the Applicant remains good - the strength of policy support is not diminished by or inconsistent with the Government’s commitment to Net Zero.¹⁴⁵

3.5. Conclusion

3.5.1 This Project accords with national policy that has consistently confirmed the importance of aviation to the UK, the government commitment to supporting aviation growth to meet forecast demand and the importance of ensuring an efficient and resilient aviation industry. Government policy is strongly supportive of the growth of the aviation sector in view of its importance to a number of national objectives, including international connectivity and the strength of the national economy.

3.5.2 For well over a decade, the Government has proactively put in place a policy framework aimed at enabling airports to expand their operations to meet the acknowledged and growing shortage of capacity. This Project qualifies for clear in-principle government policy support for airports making best use of their existing runways, in recognition of the long-term capacity problems which particularly face aviation in London and the South East.

3.5.3 That support is not diminished by other national priorities such as the Government’s commitment to achieve Net Zero by 2050. In fact, the

¹⁴⁴ See Written Summary of Oral Submissions ISH6: Climate Change (including Greenhouse Gases) [\[REP4-032\]](#) paragraph 3.1.27.

¹⁴⁵ See the Planning Statement [\[APP-245\]](#) from paragraph 6.2.28.

Government's Jet Zero Strategy makes clear that meeting the twin challenges of supporting the growth of the aviation sector and limiting carbon emissions is of vital importance to the UK's connectivity and growth. The Jet Zero Strategy explains that the Government is committed to meeting that challenge and enabling the recovery of the aviation sector and that the Government remains committed to growth in the sector.

- 3.5.4 This strong, up to date and direct national policy support is a highly significant consideration in the determination of this application, which attracts very significant weight. Detailed aspects of policy are considered further below.

4 Needs and Benefits

4.1. Introduction

4.1.1 The volume of submissions from Interested Parties (and particularly the JLAs) on the question and extent of need is perhaps surprising given the significance of the following considerations which have been apparent from the start of the examination:

- The policy context set out above makes clear that the principle of supporting growth in aviation and to do so in part by making best use of airport capacity is established by the policy itself and there is no requirement to demonstrate a need for individual proposals. The Applicant has shown that its interpretation of this policy principle is consistent with that of Inspectors and the Secretary of State:

“...There is no requirement flowing from national aviation policy for individual planning applications for development at MBU airports, such as Stansted, to demonstrate need for their proposed development or for associated additional flights and passenger movements.” (Stansted decision letter paragraph 17).

“...He also agrees that the MBU policy, which is relevant to this Application, does not require making best use developments to demonstrate a need for their proposals to intensify use of an existing runway or for any associated Air Traffic Movements (“ATMs”).” (Manston decision letter paragraph 37).

- Gatwick is demonstrably ‘full’ now at the busy hours and subject to excess demand over capacity. It has a need now for more capacity, which is not reliant on forecast growth. Growth, however, is forecast and no forecast before the examination suggests that demand will not grow further at Gatwick so that (whatever assumption is made about its future baseline capacity), demand will exceed capacity (and the lower the future baseline capacity is claimed to be, the greater the need for more capacity).
- Gatwick Airport is nationally important infrastructure but, with the busiest daytime runway in the world, Gatwick risks lacking resilience – policy and common sense support the need to bring the northern runway into full operational use as soon as practical.
- Implementation of the NRP would enable Gatwick to make a substantial contribution in the short and medium term to addressing the pressing capacity

issues facing airport capacity in the South East, many years ahead of any other airport project. That contribution would be nationally important.

- 4.1.2 The fundamentals of the needs case for this DCO are compelling.
- 4.1.3 The principles of a general and an airport specific need, therefore, are established and should not need to be debated further. Which is not to say that the Applicant shies away from demonstrating need if challenged and has done so extensively throughout the examination. For all the submissions and debate through examination, the scrutiny that has been applied to this aspect of the Applicant's case has only served to strengthen the evidence of the substantial need for the NRP and the substantial benefits that are held in prospect by the Project, consistent with the fundamental propositions that can be drawn from national policy.
- 4.1.4 It has been a curiosity of this examination, however, that the JLAs, through York Aviation, have raised multiple issues relating to the future ability of Gatwick to attract demand, or to manage the capacity of an airport which the Applicant has operated with conspicuous success for many years. York Aviation has maintained opposition to aspects of the Applicant's forecasting, despite the submission of substantial evidence by the Applicant which clearly and fairly address the concerns that have been raised.
- 4.1.5 As the examination has progressed, York Aviation's tone has changed – away from doubting the airport's capacity to meet its forecasts and towards wishing to assist the examination by questioning the extent of the forecast demand and, in particular, Gatwick's ability to attract it to the airport. Oddly, York's case has focused more on the ability of the airport without the NRP to attract increased airline activity. The consequence of which would be to increase the need for and benefits of the NRP.
- 4.1.6 It is necessary to examine these issues but important to stress from the outset that the Applicant considers that the need for the NRP is completely established and fully supported by the evidence.
- 4.1.7 It is also directly relevant to a decision in this case, however, that at no point has it ever been suggested by the JLAs that the benefits of the development do not substantially exceed its effects (no case has been made out or even attempted to that effect) and (with the exception of a discussion about the noise envelope- which is addressed in Section 10 of these submissions) neither has it been

shown how the scale or pace of growth would practically affect the nature or balance of its environmental effects.

- 4.1.8 It is against this background that these submissions examine the evidence of the need for the NRP and the scale of the benefits that would arise from its implementation.
- 4.1.9 Because of the significance of these issues, the Applicant has set out its case fully in an Appendix to this chapter of the closing submissions. This chapter provides a summary, drawing on the Appendix and on the DCO material where necessary.
- 4.1.10 This chapter of the submissions focuses on aviation related need and benefits arising from Project, including their economic benefits. The Project would generate multiple additional benefits which are explained under a series of topic headings in subsequent chapters and then brought together in chapter 8, which describes the overall planning balance.
- 4.1.11 The remainder of this chapter and the Appendix examine the issues under the following headings:
- Context
 - Benefits
 - Matters Agreed
 - Remaining Issues

4.2. Context

Gatwick Airport

- 4.2.1 Gatwick has the busiest single runway in the world during peak hours of operation.¹⁴⁶ In 2019, the airport served 46.6 million passengers traveling to 219 destinations on 53 different airlines. Gatwick has the most extensive network of all the London airports.¹⁴⁷ Over the decade prior to 2019, Gatwick's passenger numbers grew by over 14 million (from 32.4 million to 46.6 million).
- 4.2.2 Whilst the COVID-19 pandemic led to a dramatic decline in passenger air traffic in 2020 and 2021, recovery is now well progressed. Gatwick recovered to over

¹⁴⁶ See Needs Case [APP-250] para.s 5.3.3-4.

¹⁴⁷ Need Case [APP-250] Figure 4.1.7. Gatwick can be compared to 211 at Heathrow, 185 at Stansted and 139 at Luton.

40 million passengers in 2023¹⁴⁸, and the passenger and airline traffic levels are expected to return to pre-pandemic levels by 2025 before continuing to grow.

4.2.3 Gatwick is able to declare a maximum of 55 scheduled aircraft movements an hour on its main runway. This has grown from 53 an hour in 2012, with 5 hours declared since 2016 . However, its success now means that it is effectively full in the peak hours. Demand for landing and take-off slots, especially in the busy hours of the peak summer period, routinely exceeds the airport's capacity.

4.2.4 The airport is not currently controlled by a limit on the total number of passengers, or the number of ATMs that are permitted each year.

London aviation market

4.2.5 Gatwick operates in the largest passenger aviation market in the world. The London aviation market accounted for over 181 million passengers in 2019¹⁴⁹. It is 30% larger than the second largest market (New York) and 50% larger than the largest fast-emerging markets (e.g. Shanghai). It is the only market large enough to support six airports, with the largest three airports (LHR, LGW, STN) accounting for over 155 million passengers. Only New York also has more than two major airports in operation. Both Heathrow and Gatwick regularly top global charts for having the busiest daytime twin and single runways.

4.2.6 Growth is forecast by the Department for Transport to continue to grow. The latest forecasts were published in March 2023 alongside the publication Jet Zero: one year on.¹⁵⁰ They forecast a growth in the UK aviation market of 147mppa from 2018 to 2050.

4.2.7 Heathrow is by far the largest airport; dominated by long haul traffic, which accounted for over 41 million passengers in 2019 (with short haul and domestic traffic accounting for the remaining 35 million and 5 million respectively). Heathrow captures a sizeable transfer market connecting passengers on predominantly long-haul to long-haul, or short-haul to long-haul itineraries. Pre-Covid, Heathrow reported transfer volumes accounting for 23% of total traffic.

4.2.8 Gatwick is well established as the second largest airport behind Heathrow. By contrast with Heathrow, most of Gatwick's traffic is short haul traffic, accounting for over 34 million passengers in 2019. This traffic substantially exceeds long

¹⁴⁸ CAA Airport Statistics 2023, Table 1 (<https://www.caa.co.uk/data-and-analysis/uk-aviation-market/airports/uk-airport-data/>)

¹⁴⁹ UK CAA / ACI Airport Statistics. Total passenger numbers include transfer passengers

¹⁵⁰ <https://www.gov.uk/government/publications/jet-zero-strategy-one-year-on> - (430m vs 283m: [REP1-052] Needs Case Technical Appendix, Table 20, para 6.3.8)

haul traffic (8.9 million passengers in 2019). In 2019 Gatwick’s share of the combined six London airports passenger demand was 26% across all market segments (domestic, short-haul and long-haul). Whilst Heathrow accounts for over 80% of demand in the long-haul market segment, Gatwick achieved a 17% share in 2019 (with the remaining airports accounting for the final 3%). Details of the long haul performance of the London airports are set out below. Only Heathrow and Gatwick are significant in that sector:

**Table 1: Number of Destinations served direct, 2019
(>60 flights per year, CAA Statistics)**

	LGW	LHR	LTN	STN
Domestic	9	11	7	6
Europe	148	86	130	172
Rest of World	62	114	2	7
Total	219	211	139	185

4.2.9 Several global hub carriers such as Emirates, Qatar Airways and Singapore Airlines serve the wider London catchment by operating from a combination of airports, particularly Heathrow and Gatwick. easyJet is a key short haul carrier in the London market, now accounting for over 30m passengers per year. Between 2005 and 2015, easyJet prioritised their growth at Gatwick, adding 12.3m passengers to reach 17m. By 2019, Gatwick accounted for 63% of easyJet’s London operation, increasing to over 70% in 2022, reflecting recent slot acquisitions from other carriers.

Constraints

4.2.10 In 2012 the Government established the Airports Commission in recognition that there was a looming shortage of airport capacity in London and the South-East – a shortage so severe that it posed risks to the UK economy and to the UK’s hub status. Twelve years later little progress has been made but the projected scale of growth in demand for aviation has materialised and is forecast to continue to grow. Government policy is clear that not increasing airport capacity is not an option and that the challenges posed by the need for aviation growth must be met.

4.2.11 London has limited potential to grow, confined by longstanding and extreme constraints experienced by several of its airports today. Heathrow has been operating at its planning cap of 480k annual ATMs for many years. Annual

movements in 2019 were on par with throughput more than 10 years prior. Growth in passengers has however been achieved as airlines have increased the size of operating aircraft, and achieved higher seat occupancy rates and it served 80.9mppa in 2019. It is beyond dispute, however, that Heathrow is a constrained airport. A third runway at Heathrow is directly supported by the ANPS but there is no evidence that it is or will be promoted in the immediate term and it is not realistic to consider that it might be open before the late 2030s even if it is.

- 4.2.12 Luton reached its planning cap of 18 million passengers in 2019. It secured approval to increase its planning limit by 1 million passengers to 19 million per year. Given the ongoing up-gauging trends and wider London market constraints, Luton is expected to be limited by its planning cap, again, within a few years. Further growth at Luton may be possible as it has submitted a DCO application to increase its passenger cap to 32mppa and recently completed the examination phase. If consent is granted it is understood that throughput could increase to 21.5mppa before 2030, but it would not be until late 2030s when a second terminal is constructed that its throughput would increase to 32mppa.¹⁵¹
- 4.2.13 Stansted is dominated by the short haul market segment, accounting for 26.2 million out of a total 28.1 million passengers in 2019. Stansted does have permission to serve up to 43mppa but its physical constraints and short haul dominance mean that it has retained spare capacity whilst airlines have competed for slots at Gatwick.

Resilience and operational performance

- 4.2.14 In this context, Gatwick may not have any planning limits on passengers or ATMs, but it has been experiencing severe constraints during the peak season for several years. Whilst it has capacity for further growth in annual passengers - as explained below, it is important to recognise that Gatwick's growth at peak times is constrained due to the airport's runway being very highly utilised at busy times, particularly the morning peak period, the summer period and other holiday seasons. At peak times Gatwick's runway is already fully utilised, filling its

¹⁵¹ Needs Case [APP-250] para. 5.2.28. London City has greater restrictions on the way it can operate than other London airports including a prohibition on flying on Saturday from 1300 through to Monday morning and no night flights are permitted. It also has a passenger cap of 6.5 mppa and an air transport movement limit of 111,000. In December 2022 it submitted an application to increase the passenger limit to 9mppa and to allow flying on Saturdays until 1830. In 2021 Stansted gained consent for an increase on its previous passenger cap of 35 million passenger to 43mppa. It is also subject to an annual air transport movement limit of 274,000 movements. Southend has an air transport movement limit of 53,000 movements which is considered equivalent to about 5 million passengers.

declared capacity of 55 movements per hour. Demand for landing and take-off slots, especially in the peak summer period is heavily oversubscribed and routinely exceeds the airport's capacity throughout the day.

- 4.2.15 ACL (Airport Co-ordination Limited), the independent slot co-ordinator for Gatwick has provided supporting evidence documenting the extent and nature of these constraints. Over the last 5 years of data, at initial coordination an average of over 1,000 slot requests a week at Gatwick were not able to be allocated a slot which equates to turning away more than 6m passengers in the summer season (April to September). Over the last decade secondary slot trading has emerged at Gatwick, a situation where airlines often pay a premium to acquire slot capacity from other airlines reflecting the lack of available capacity at a given airport. The first major slot trades occurred at Gatwick in 2011 and the value airlines have placed on these scarce slots has increased over time. Pre-Covid, Gatwick slot pairs were routinely trading at £2-3 million per daily slot pair. Slot trading has only fully developed at Heathrow and Gatwick; other UK airports have seen very limited slot trading activity.¹⁵²
- 4.2.16 During Gatwick's summer peak, first wave departures are at capacity every day of the week, and after the first wave there is little spare capacity on the runway to accommodate any flights that were unable to depart on time due to technical issues or other reasons, without impact on arriving flights or other departing flights.¹⁵³ With 55 movements per hour from a single runway scheduled throughout peak times, the risks of delay are greater at Gatwick than elsewhere. Difficulties in recovering quickly from disruption have disproportionate effects on airlines, passengers and airport staff. In the current single runway configuration the risk of 'go arounds' is heightened due to the very high intensity of use of the main runway and the limited time between movements. A lack of capacity also impacts on the local community if planes run late or adopt holding patterns for longer.¹⁵⁴
- 4.2.17 As the Airports Commission advised the Government in 2015:

"The current approach of forcing ever greater volumes of traffic through the existing infrastructure, if continued, would also have increasingly detrimental effects on the national economy, businesses, and air passengers".¹⁵⁵

¹⁵² See Needs Case Technical Appendix [\[REP1-052\]](#) paragraph 2.7.4.

¹⁵³ The addition of the new rapid exit taxiway and planned single runway performance initiatives provide minimal relief in these peak demand periods when Gatwick cannot address the unsatisfied demand

¹⁵⁴ These matters are explained further in sections 4 and 5 of the Needs Case [\[APP-250\]](#).

¹⁵⁵ See Needs Case [\[APP-250\]](#) para. 7.2.27.

4.2.18 Through the ANPS and Flightpath to the Future, government policy tells us that these characteristics and the inefficiency they bring are inappropriate and symptomatic of an industry that needs more capacity.¹⁵⁶

4.3. Benefits

4.3.1 Section 1.4 of **Appendix B: Detailed Need and Benefits Submission** of this document provides further context and sets out, in particular why Gatwick is well placed to meet demand in the aviation market, and the benefits that flow from that.

Meeting Gatwick's forecast demand

4.3.2 The Applicant's forecasts were prepared using a combined top down and bottom up forecasting methodology. The top down approach adopted at the time of the application confirmed the excess demand and continuing forecast growth around the wider London system, and created the context for more granular, bottom up forecasts which reflect the particular circumstances of Gatwick Airport.

4.3.3 The bottom-up approach is appropriate for a capacity constrained airport such as Gatwick and provides a detailed picture of how the airport and its airlines would respond to a release of capacity, taking account of the known and reasonably forecast pipeline of airline demand, peak capacity, annual runway utilisation, aircraft size and load factors.

4.3.4 This is the most robust method for accurately allocating potential market demand to available capacity in a constrained airport environment. It takes advantage of the detailed market knowledge that is available to Gatwick, in much the same way that this has enabled the airport to grow successfully to date. It considers the key long-term drivers for a constrained airport's performance, capturing trends in the airline and market mix as well the potential future fleet composition and operational performance. This approach is underpinned by strong market intelligence and frequent dialogue the Applicant has with many carriers, including current airlines already serving Gatwick who are seeking to expand their services, and future airline targets. Gatwick has an unusually close relationship with its current airline customers and has bi-lateral agreements in place with most of its airlines (those with whom GAL has bi-lateral agreements account for 89.4% of current passenger throughput). These factors provide a sound basis for understanding the pipeline of demand that Gatwick will serve in the future.¹⁵⁷

¹⁵⁶ ANPS para 2.14-17 and Flightpath to the Future page 26.

¹⁵⁷ See generally the Needs Case [[APP-250](#)] from paragraph 6.2.4 and the Forecast Data Book [[APP-075](#)] section 5.5.

4.3.5 The Applicant’s forecasts are set out in detail in the **Forecast Data Book** [APP-075] and **explained further** in the Needs Case [APP-250] and in the Needs Case Technical Appendix [REP1-052]. The future baseline forecast is also broken down and **explained in the Technical Note** on the Future Baseline [REP1-047].

4.3.6 In a capacity constrained market and where the airport is subject to excess demand, the starting point is an assessment of how much residual capacity there is within the existing airport without the project, in order to be able to forecast how the airport may grow if DCO consent is not granted: this is the Future Baseline forecast.

4.3.7 The components of the forecast are summarised in the Table below:

Table 2: Gatwick Baseline – DCO Assumptions (2014 & 2019 from GAL actuals)¹⁵⁸

	2014	2019	2032	2038	2047
ATM: August (Peak day)*	892	928	950	954	956
ATM: August (avg. day)	851	900	938	942	944
ATM: Annual (avg.)	698	769	859	873	892
Peak vs Aug Avg.	5%	3%	1-2%	1-2%	1-2%
Peak Month Ratio (Aug:Avg.)	1.22	1.17	1.09	1.08	1.06
Seats per ATM	179	192	210	215	224
Load Factor	84%	86.5%	90%	91%	92%
ATMs, Annual (k)	255	313	313	318	326
Passengers, Annual (m)	38.3	46.6	59.4	62.4	67.2

4.3.8 As can be seen, the forecasts assume very little growth in the airport’s busy day capacity. No increase is assumed in the maximum hourly capacity of 55 ATMs per hour. Gatwick is assumed to continue operating at 55 movements per hour, although the number of hours in a given day that it handles this traffic is forecast to increase modestly without increasing the operating window of the day. The average day movements in August is forecast to increase slightly more - over time, the quieter days are forecast to become proportionally busier. This is a well-established trend: in 2008 the busiest day of the peak month was 6% busier than average and by 2019 this ratio had already been halved to under 3%. Under the baseline this ratio is forecast to decline modestly to under 2%.

4.3.9 These forecast changes are called ‘**peak growth**’. Within this is the combination of peak day growth (from 928 in 2019 to 954 daily ATMs in 2038) and intra month

¹⁵⁸ See the corresponding table in Appendix A to the Applicant’s response to Deadline 8 submissions.

spreading (the quieter days outgrow the peak day). They account for an assumption that Gatwick's throughput will grow from 47mppa in 2019 (which is assumed to have recovered to that level in 2025) by **2mppa** in 2047.

- 4.3.10 The second increment of growth is forecast to be achieved by **peak spreading**. This is growth which occurs disproportionately outside the peak periods and is achieved in a number of ways but, for instance, airlines who historically have only operated in the peak period choosing to broaden their season and use their slots for more of the year. The Applicant's forecasts in this respect particularly are questioned by York Aviation and these submissions will return to deal with them in more detail.
- 4.3.11 For present purposes it is relevant to record that the Applicant's peak spreading forecasts assume a decrease in the seasonality of the airport. Gatwick had a well-established pattern for de-peaking in the years leading up to 2019. The change in seasonality ratio between the peak month and the year-round average (1.22 or 22% in 2013, dropped to 1.17 or 17% in 2019) illustrates how Gatwick's airlines were incrementally 'in-filling' the off-peak periods of demand.¹⁵⁹
- 4.3.12 In the peak periods (July-September) ATM demand grew 8% in the period 2013-2019 as airlines filled the additional capacity released by Gatwick as well as increasing utilisation on quieter days. But in the off-peak (November-March) demand grew at nearly twice the rate of summer as movements increased by 15% in the same period.¹⁶⁰ Peaking spreading is therefore a well-established trend for Gatwick Airport driven primarily by a combination of constraints in the peak season as well as the evolving mix of Gatwick Airport's airlines and markets.
- 4.3.13 This is why the forecast increase in annual average ATMs is proportionately larger than the forecast increase in peak season ATMs. The peak spreading assumptions account for growth of **5mppa** by 2047.
- 4.3.14 Next, GAL forecast that the observed trend of **larger aircraft** serving Gatwick will continue into the future. Average aircraft sizes have been growing across the industry and Gatwick Airport is no exception. In the 2010-2019 period the average aircraft size at Gatwick Airport increased from 170 to 192 seats, an increase of 13%, or +22 seats, in under 10 years.¹⁶¹ In the period to 2030 the

¹⁵⁹ In 2019, Gatwick Airport averaged 900 movements per day in August compared to a year round average of 775, August was therefore 17% busier than the year-round average.

¹⁶⁰ See para. 1.51-3 and Figure 1.5 of [\[REP1-047\]](#).

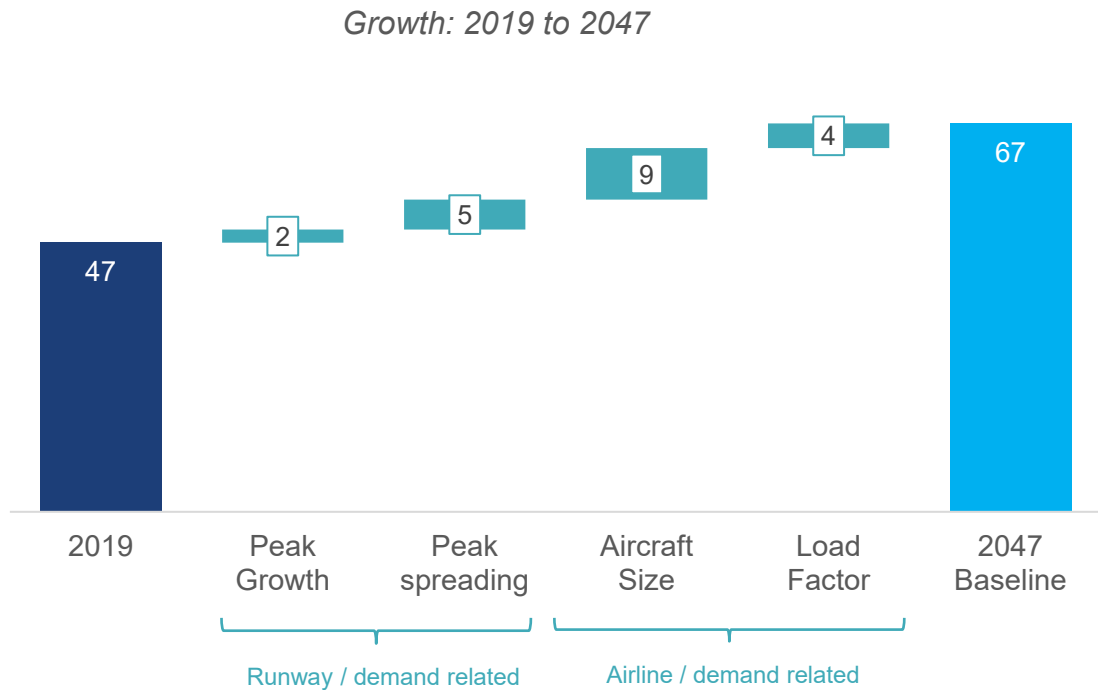
¹⁶¹ See [\[REP1-047\]](#) figure 1.8.

average aircraft size is assumed to increase by 9% or 17 seats to reach 210. Beyond 2030 further growth is assumed with the average seat count reaching 224 in 2047. For context, the growth achieved in the forecasts is at a rate less than half that of the historical trends at the airport (0.6% vs 1.4%).

- 4.3.15 The growth in aircraft size makes a significant contribution to the forecast and accounts for growth of **9mppa** by 2047.
- 4.3.16 Finally, GAL forecasts that observed trends in the **average occupancy** of aircraft will continue to increase, albeit at a reduced level, as demand continues to outstrip capacity. In the 2010-2019 period the average load factor at Gatwick Airport increased from 79% to 86%, an increase of 6.4 percentage points in under 10 years.¹⁶² The growth in load factors was assumed to continue, by 2030 load factors were forecast to be around 90% before growing a further percentage point to 91% by 2040). Over the 2019-2049 period, therefore, a growth of 6.5% points in load factor growth was assumed. To put this into context, this is a comparable level of growth across a 30 year period, to that which was achieved across only 9 years, up to and including 2019.
- 4.3.17 The growth in load factor completes the future baseline forecast and accounts for forecast growth of **4mppa**.
- 4.3.18 The following figures summarises the growth from 2019 to 2047 for Gatwick's annual passengers.

Figure 1.1 Baseline, Passengers (m)

¹⁶² [REP1-047] figure 1.13.



4.3.19 In total, therefore, the Applicant forecasts that Gatwick would achieve throughput of 67.2mppa in 2047 if the NRP project was not consented and implemented. This is the Future Baseline.

4.3.20 An assessment is then made of the additional capacity that would be created by the NRP. The component elements can be summarised as follows:

Table 3: Gatwick NR – DCO Assumptions (2014 & 2019 from GAL actuals)

	2014	2019	2032	2038	2047
ATM: August (Peak day)*	892	928	1,126	1,132	1,134
ATM: August (avg. day)	851	900	1,110	1,117	1,119
ATM: Annual (avg.)	698	769	1,036	1,046	1,057
Peak vs Aug Avg.	5%	3%	1-2%	1-2%	1-2%
Peak Month Ratio (Aug:Avg.)	1.22	1.17	1.07	1.06	1.06
Seats per ATM	179	192	213	218	227
Load Factor	84%	86.5%	90%	91%	92%
ATMs, Annual (k)	255	313	378	382	386
Passengers, Annual (m)	38.3	46.6	72.3	75.6	80.2

- 4.3.21 With the project, modelling demonstrates that Gatwick will be able to handle 69 movements per hour providing operational resilience and capacity benefits for the airport that are considered further below. As today, the forecasts assumed that Gatwick’s future capacity will continue to be fully utilised during peak periods of demand – an assumption supported by the wider top-down modelling. To support the capacity analysis and other workstreams, Gatwick developed design day schedules providing detailed breakdowns of the operations at the airport in future years.¹⁶³
- 4.3.22 The growth from the future baseline to the project scenario results in a further 13 million passengers being handled at Gatwick by 2047. All the growth is accounted for by the increase in runway capacity permitted by the Northern Runway.¹⁶⁴ 2032 is the first year in which the Northern Runway would be operating close to its capacity during the peak months. Whilst further growth is forecast to materialise beyond 2032 it is assumed to be much more modest.¹⁶⁵
- 4.3.23 The Applicant’s ATM and passenger forecasts are set out below;

Table 4: Gatwick DCO Submission Forecasts

		2019	2029	2032	2038	2047
Baseline	Passengers (m)	46.6	57.3	59.4	62.4	67.2
	ATMs (k)	281	311	313	318	326
NR	Passengers (m)	46.6	61.3	72.3	75.6	80.2
	ATMs (k)	281	330	378	382	386

Note: ATMs are commercial passenger movements

- 4.3.24 During discussions with York Aviation on behalf of the JLAs they criticised the absence of a detailed “top down” forecast, which is generally their preferred approach. In the light of York Aviation’s insistence that it would not endorse the outputs of a bottom-up model, the Applicant prepared a wholly new “top-down” model, the results of which were made available in the **Needs Case Technical Appendix** at Deadline 1 [REP1-052]. GAL has consistently made it clear, however, that it does not regard the top down method as appropriate for an airport such as Gatwick and that it strongly prefers its submitted DCO forecasts,

¹⁶³ Forecast Data Book [APP-075] Chapter 9 Annex 7, page 3-6.

¹⁶⁴ At [REP1-056] para. 15.1.40 the Applicant confirmed that assumptions regarding larger aircraft and the rate of aircraft being upgraded are very comparable between the future baseline and project cases.

¹⁶⁵ See Needs Case [APP-250] para. 6.2.12.

which are based on the bottom up method. As that is also an area of contention it is dealt with in more detail later.

4.3.25 The top down approach preferred by York Aviation is a more theoretical approach to forecasting based on modelling, which has the following principal characteristics:

- identification of demand by catchment area and a forecast level of future demand for each segment (absent capacity constraints)
- estimation of current demand allocation validated by current performance of the overall market, informed by CAA survey data (**baseline**). Choice of airport informed by factors including location/travel time, size / scale of an airport’s network.
- projection of future allocation and resulting market shares for airports based on airports competing for the allocation of future demand (**unconstrained allocation**)
- where one airport is over-subscribed demand can be reallocated to other airports (at subsequent demand passes) or lost from the system (**constrained allocation**)
- the iteration of that approach arrives at a **constrained forecast** by airport.

4.3.26 The results were reported in Section 6 of GAL’s **Needs Case Technical Appendix [REP1-052]**. The Future Baseline forecasts were very closely aligned with the DCO forecasts – almost identical in fact (see Figure 45 in Section 6). However, while the NRP forecasts were fairly aligned, there were differences. Growth on runway opening was slower, although the top down forecasts “caught up” with the bottom up forecast by 2038 and were identical through 2040 and 2047, reaching the same ultimate forecast of 80.2mppa in 2047 (see Table 29 in Section 6 of the Needs Case Technical Appendix).

Table 5: Comparison of Top-Down and Bottom-Up Forecasts (passengers, mmpa)

	2029	2030	2032	2035	2038	2044	2047
Bottom up	61.3	65.3	72.3	73.8	75.6	78.7	80.2
Top down	57.1	61.1	65.7	70.8	75.6	78.7	80.2
Variance	-7%	-6%	-9%	-4%	0%	0%	0%

Note: Capacity assumptions aligned in both scenarios

- 4.3.27 The slower growth on runway opening seems particularly counter intuitive to GAL given its immediate knowledge of the pent up airline demand for the NRP.
- 4.3.28 In either modelling approach, however, the capacity would be taken up rapidly, and the expanded airport would be close to capacity by 2038. The forecasts confirm the scale of growth in the London market.
- 4.3.29 GAL also undertook sensitivity tests to assess the effect of assuming that more capacity was made available at Heathrow or Luton in particular. These are reported in the appendices to the **Forecast Data Book [APP-075]** and in the **Needs Case Technical Appendix [REP1-052]** at Section 7. Again, these are the subject of some concern from York Aviation and are dealt with later. The points to note at this stage, however, are:
- whilst full account was taken of consented capacity – for instance at Stansted – in the DCO forecasts, no other schemes meet the criteria for cumulative assessment;
 - GAL recognised that it would be criticised for assuming the development of R3 at Heathrow, as interested parties would be likely to argue that it had suppressed the throughput and impact of the NRP and underestimated environmental effects;
 - additional capacity at Luton or London City was shown to make very little difference to the Gatwick forecasts given the greater market strength and attraction of Gatwick;
 - at Gatwick two major impacts were shown to arise from the development of R3 at Heathrow. Firstly, the opening of LHR R3 would have a significant impact on long haul volumes. Secondly, the lost long-haul demand at Gatwick would in part be back filled by short haul demand reflecting LGW's strong positioning within this market segment. Consequently, LGW and LHR are both forecast to be operating at approximately 90% of their capacity in the 2040s if Heathrow opens R3 in the mid-2030s.
- 4.3.30 The impacts (and benefits) of the NRP would be reduced in those circumstances but benefits would still arise, particularly in meeting peak demand at Gatwick, meeting short haul demand which is less attracted to Heathrow and offering welcome capacity and competition in the London market.
- 4.3.31 In any scenario, the NRP would be open substantially before R3 at Heathrow and would uniquely be able to serve market segments including long haul demand during that period – demand which would otherwise be lost to the UK.

Resilience and operations benefits

- 4.3.32 The Project will offer a number of important resilience and operational benefits:
- increasing both Gatwick’s resilience and, in turn, enhancing the resilience of the London Airports system;
 - enhancing capacity to more closely match demand, allowing greater competition and enabling a more efficient distribution of take-off and landing slots, to the benefit of airlines and passengers;
 - improving day to day operational performance – which will reduce delays and improve on time performance of aircraft operations.¹⁶⁶
- 4.3.33 Whilst it is acknowledged that over time the demand will fill the additional capability created by increasing movements per hour from 55 to 69, having two operational runways, together with enhanced taxiway and holding capacity, inherently generates substantial benefits for Gatwick’s resilience.
- 4.3.34 Those benefits may reduce over time but the “spare” capacity in the short to medium term will make it easier to accommodate typical variations that occur during the day, such as being able to more readily accommodate aircraft that are arriving or departing later than scheduled. Particular instances of how this benefit would be realised include:
- improved capacity and recovery for the critical first wave of daily operations and to recover from backlogs;
 - increased capability of the Northern runway in the event of a disruption leading to closure of the main runway;
 - increased capability of the Northern runway in the event of closure of the main runway due to separation between northern runway and Juliet Taxiway;
 - reduced utilisation of the main runway, de-stressing the main runway operation;
 - improved resilience offered by the proposed Charlie Box hold and reconfigured taxiways; and
 - benefits to the resilience of the London airport system.
- 4.3.35 Further details of each are set out in Section 1.5 of **Appendix B: Detailed Need and Benefits Submission** to this document. Detail is also provided in the **Needs Case [APP-250]** and in the **Capacity and Operations Summary Paper**

¹⁶⁶ See generally section 7 of the Needs Case [APP-250]; and section 5 of the Capacity and Operations Summary Paper [REP1-053].

[\[REP1-053\]](#). The benefits, however, are obvious and compelling and are now substantially agreed:

*“The Authorities recognise that having a second runway available for use by departing aircraft at peak times would improve the resilience of the Gatwick operation in terms of minimising and mitigating the substantial levels of delay experienced by aircraft at the high levels of single runway usage experienced pre-pandemic as set out in Section 7.2 of the Needs Case (APP-250)”.*¹⁶⁷

- 4.3.36 The Project will also offer important benefits to operational performance. The Project will reduce aircraft taxi and holding times, thereby helping to reduce delays, improve on time performance and achieve efficient operations for aircraft on the ground.¹⁶⁸
- 4.3.37 Modelling has been carried out for the years 2029 and 2038 under both westerly and easterly operations, for the busy day in August, when Gatwick would be operating close to its peak. The modelling has also covered future baseline operational performance in 2029 and 2038 without the Project. The model has been calibrated against 2018 performance.
- 4.3.38 The results show that in the main mode of operation, despite the growth in flights to 2038, average departure taxi and runway holding times will reduce substantially with the new Project infrastructure compared to the future baseline and current operation.¹⁶⁹ Arrivals taxi times increase marginally compared to the current operation but this is more than offset by improvements in airborne arrivals holding, so that arrivals performance remains similar to the future baseline in 2038.¹⁷⁰ It should be emphasised of course that these are results from 2038, which show how the airport will operate as demand has increased - the improvements will be even more substantial in the early stages of dual runway operation.
- 4.3.39 These benefits occur every day in typical conditions whilst, when disruption occurs, the resilience benefits of the Project would bring additional benefits, including the ability to more quickly recover from any delay. The results demonstrate the proposed airfield configuration is capable not only of

¹⁶⁷ [\[REP1-068\]](#) para. 6.13.

¹⁶⁸ See the Needs Case [\[APP-250\]](#) section 7.3; Capacity and Operations Summary Paper section 5 [\[REP1-053\]](#) and the Appendix: Airfield Capacity Study section 5 [\[REP1-054\]](#).

¹⁶⁹ Capacity and Operations Summary Paper [\[REP1-053\]](#) Tables 2 and 3.

¹⁷⁰ Cf Tables 2 and 3.

accommodating substantial additional demand but that the enhanced airport would perform better for departures in 2029 and 2038 than it would if the Project was not implemented.

4.3.40 The increase in runway slot capacity created through the Project will offer improved prospects for airlines to receive their desired slot times, as well as adjust their slot times if required, to fit with their slots at the other end of their journey and turn-around time required on the ground at Gatwick. This extra capacity will give airlines the opportunity to plan their schedules to improve on time performance rather than planning based on historic and limited slot availability, which can compromise on time performance.

4.3.41 The importance of ensuring a sufficient supply of slots to meet demand and enable efficient operations is directly recognised by government in Flightpath to the Future, which sets out that:

*“...it is critical that the existing capacity of airports is managed as efficiently as possible. Airport slots are used to manage capacity at eight of the busiest airports in the UK. The airport slot allocation system is key to the successful functioning of these airports, as well as the efficiency and competitiveness of the aviation sector as a whole. The current slot allocation system was devised in the early 1990s, at a point at which demand was growing quickly and the amount of available capacity at certain airports was being rapidly filled. Some airports are now effectively full, and therefore newly available slots at some slot-coordinated airports have become a rarity, creating a barrier to competition and new entrants to the market”.*¹⁷¹

Economic benefits

4.3.42 Gatwick Airport already makes a major contribution to the local and national economies, providing jobs for thousands of local residents both directly on the airport, through the supply chains that serve it, and at the businesses that use it to connect with customers and suppliers around the world. In 2019 (the last year of full operation prior to Covid), the Applicant itself contributed nearly £675 million by Gross Value Added (GVA)¹⁷² to the economy and the airport as a whole (including airlines and their handling agents, retail, catering and hotels) contributed £1.75 billion. Employment on the airport site totalled around 24,100 workers during 2019. By far the largest share was made up of airline employees,

¹⁷¹ Page 26.

¹⁷² GVA is the sub-national contribution to national Gross Domestic Product (GDP), a measure of the size of the economy.

encompassing both ground-based staff as well as cabin crew, pilots, and engineers.¹⁷³

- 4.3.43 The activities on the Gatwick campus directly generated £1.08 billion in taxes for the UK's public finances in 2019. In addition to the estimated £680 million raised through Air Passenger Duty (APD), £228 million was generated in labour taxes, around £50 million in corporation taxes, and a further £122 million in other taxes on products and production.
- 4.3.44 The **Needs Case** [\[APP-250\]](#) summarises the economic benefits of the proposed scheme. It focuses on jobs and GVA, drawing on a number of reports that form part of this application.
- 4.3.45 The local socio-economic impacts are set out in **ES Chapter 17: Socio-Economic** [\[APP-042\]](#) (produced by Lichfields) which includes **ES Appendix 17.9.2: Local Economic Impact Assessment** (produced by Oxera) [\[APP-200\]](#). This considers the total effects of the Project and identifies these effects at different spatial scales where there was considered to be the potential for likely significant effects to arise:
- the Gatwick Diamond, which consists of seven local authority areas;¹⁷⁴
 - a Labour Market Area ("LMA"), which is defined by applying the 75% commuting threshold used by the ONS for defining Travel-to-Work Areas (TTWAs) using local authority boundaries. This represents the wider extent of where the economic and labour market effects of the Project may impact upon receptors, as this is the area from which Gatwick Airport currently draws the majority of its operational workforce and can be expected to do in the future;
 - a Six Authorities Area, which reflects where the widest socio-economic effects of the Project could impact on receptors.
- 4.3.46 A national economic impact assessment was presented in the **Needs Case Appendix 1 – National Economic Impact Assessment** [\[APP-251\]](#) by Oxera. This did not form part of the Environmental Statement because its function was to carry out a cost-benefit analysis of the Project.
- 4.3.47 In addition, the Applicant has commissioned an update of a 2017 report by Oxford Economics: **Needs Case Appendix 2 – The Economic Impact of Gatwick Airport: a report by Oxford Economics** [\[APP-252\]](#). This sets out both local and national economic impacts arising from the project.

¹⁷³ Needs Case [\[APP-250\]](#) section 8.4; Needs Case Appendix 2 [\[APP-252\]](#) para. 1.2.1.

¹⁷⁴ Crawley; Epsom & Ewell; Horsham; Mid Sussex; Mole Valley; Reigate & Banstead; and Tandridge.

4.3.48 The local economic assessment reached the following conclusions:

- **Direct Impacts:** it is estimated that, as a result of the Project, in 2029 employment at Gatwick will increase by 1,000 jobs and GVA will increase by £73 million. This will further increase to 3,200 jobs and £263 million in GVA by 2038, and to 3,100 jobs and £286 million in GVA by 2047. These total effects include those which occur at a progressively higher level in the Gatwick Diamond, labour market area and Six Authorities Area;
- **Indirect impacts:** increase nationally over the same assessment years, culminating in UK benefits of £230 million in 2047 (converted into 2700 jobs), with effects within this national figure again increasing across the same study areas;
- **Induced impacts:** again increase towards an estimate nationally at £286 million in 2047 (translated into 3400 jobs);
- **Catalytic effects:** in the Six Authorities Area are estimated at £168 million (2,500 jobs) in 2029, £532 million (7,600 jobs) in 2032, £538 million (7,200 jobs) in 2038 and £550 million (6,500 jobs) in 2047, a proportion of which would be realised in the Gatwick Diamond and labour market area.

4.3.49 In summary,¹⁷⁵ the Project is expected to have a significant impact on the local economy. By 2029, an additional 4,500 jobs and £310 million in GVA will be created per annum in the Six Authorities area. It is then expected to lead to an additional 14,000 jobs and £1 billion GVA in 2032, 13,700 jobs and £1.05 billion GVA in 2038, and 12,800 jobs and £1.1 billion of GVA in 2047. A significant share of this impact is expected to be generated in close proximity to the airport. In 2038, there are large impacts forecast in the Gatwick Diamond with 6,500 additional jobs and £508 million in GVA. The impact of the Project reduces with increased geographic distance from the airport, but the effects remain substantial. In the rest of the Labour Market area (i.e. the area that is not included in the Gatwick Diamond) it is estimated the Project would generate £230 million in additional GVA and 3,000 jobs, £316 million (4,200 jobs) would be generated in the rest of Six Authorities Area.

4.3.50 **Needs Case Appendix 1 – National Economic Impact Assessment** [[APP-251](#)] by Oxera includes a number of conservative assumptions. There are other benefits and costs that the NPV calculation does not capture and which have not

¹⁷⁵ See section 7 of ES Appendix 17.9.2 Local Economic Impact Assessment [[APP-200](#)] and Figure 8.11.1 of the Needs Case [[APP-250](#)].

been quantitatively assessed. These include the potential impacts on tourism, competition, resilience and freight which have not been allowed for.¹⁷⁶

- 4.3.51 Even with the exclusions from the valuation, the assessment estimates the Project would result in user benefits of £150.1 billion, including a welfare transfer of £139.3 billion from airlines to passengers as a result of reduced profits that the airlines would receive. Wider economic effects have been assessed to include a value for benefits deriving from output increases in imperfectly competitive markets (£13.5 billion), additional APD (£2.5 billion) and marginal external costs (£4 billion), giving a net benefits value of £12 billion. Environmental costs have been valued across a range of £0.6 billion – £2.2 billion, with scheme costs at £2.1 billion. **This gave a NPV of between £20.7 billion – £22.3 billion.** The sensitivity presented at Deadline 8A which took into account updates to the TAG methodology reduced the NPV from £20.6 billion to a still substantial £15.2 billion (**Impact of the DfT TAG November 2023 update on the Applicant’s National Economic Impact Assessment** [[AS-164](#)]).
- 4.3.52 The assessment recognises that the scale of benefits would be reduced if a third runway was constructed at Heathrow, although it reports that expansion at Luton would have relatively little effect on the Gatwick benefits. Even with Heathrow R3 assumed, however, two points should be emphasised:
- The first relates to timing, which as the assessment indicates, influences the effect that any R3 operation would have on this assessment. In circumstances where R3 does not come forward for over another decade, the economic contribution made by the Project by reference to the national assessment would accrue for a substantial period of time before any influence was exerted by Heathrow. This confirms the substantial weight that should be accorded to these benefits.
 - Secondly, as set out above, notwithstanding the results of the national assessment, there are substantial local benefits that would be realised regardless of whether any R3 development is assumed to come forward.
- 4.3.53 Annex A1.4 of the **National Economic Impact Assessment** [[APP-251](#)] considers the effect of slower growth scenarios and also the effect of greater greenhouse gas impacts. The conclusions of the assessment remain the same – the increase in carbon costs do not change the overall conclusions of the

¹⁷⁶ See section 8 and para. 9.2.2 of [[APP-251](#)].

assessment that the Project would result in net benefits to users and the broader UK economy (with a high and positive NPV).

- 4.3.54 The complementary assessment by Oxford Economics (**Needs Case Appendix 2 – The Economic Impact of Gatwick Airport: A report by Oxford Economics** [[APP-252](#)]) considers the “core” direct, indirect and induced impacts of the Project, presented using metrics of GDP and employment.¹⁷⁷
- 4.3.55 It estimated that at a national level, the Project would enable the core economic footprint of the airport to increase by 14,000 jobs as at 2038, with substantial related direct, indirect and induced GVA effects of over £500 million and nearly £400m respectively in both 2038 and 2047. The Project would deliver catalytic benefits resulting in an estimated long-term productivity boost to the productive capacity of the economy of 0.15% in 2038, falling to 0.13% in 2047.¹⁷⁸ A boost of 0.15% would equate to £3.3 billion. At current levels of GDP per worker, that would equate to around **47,000 jobs across the UK economy**.
- 4.3.56 The assessment also considered potential tourism effects, estimating that the Project could contribute an additional c.£2 billion to the UK GDP in 2038 and 2047, and an additional 26,100 and 28,700 jobs respectively in those years.¹⁷⁹ Further trade effects in the form of economic activity facilitated by increased imports were estimated at £2.08 billion and £1.76 billion in 2038 and 2047, respectively; and trade-facilitated employment was estimated to increase by 35,500 and 26,700 jobs in 2038 and 2047 respectively.¹⁸⁰
- 4.3.57 The JLA’s have not challenged the methodology of the Oxford Economics assessment. Their only comment is that the methodology may not be accurate because the JLAs do not accept the Applicant’s underlying forecasting assumptions. However, the forecasting assumptions do not affect the Oxford Economics calculations. The assessment assumes a runway capacity of 13mppa and that there is no displacement from other airports because there is no capacity at other airports in the London system by 2038 (the first assessment year) or 2047 (the second assessment year). The impacts they identify are therefore net additional and take account of displacement even in the sensitivity test with the top-down forecasts set out in the **Needs Case Technical Appendix** [[REP1-052](#)]. Figure 47 of that document shows that unconstrained demand

¹⁷⁷ Paras 2.2.2 – 2.2.3 and Table 4-1 in [APP-252](#). Annex A of the same document describes the methodology generally.

¹⁷⁸ Needs Case [\[APP-250\]](#) paras 8.8.9 – 8.8.14; Table 4-2 of Needs Case Appendix 2 – The Economic Impact of Gatwick Airport – A Report by Oxford Economics [\[APP-252\]](#).

¹⁷⁹ Paras 4.3.5 – 4.3.6 of [APP-252](#).

¹⁸⁰ Paras 4.3.8 – 4.3.9 of [APP-252](#).

exceeds terminal capacity in 2038, the first assessment year in the Oxford Economics assessment. The impacts that Oxford Economics have estimated at local and national levels are therefore additional and not affected by the forecasting challenges made by the JLAs. The Project therefore has the potential to substantially increase the economic contribution that the airport makes to the UK economy. These benefits are significant at a national, regional and local scale.¹⁸¹

4.4. Matters agreed

Agreed matters - Strategic case

- 4.4.1 Although several parties have provided submissions relating to need, the primary case which the Applicant has had to address was advanced by York Aviation on behalf of the JLAs.
- 4.4.2 Their submissions took place on the unusual basis that the Applicant has never understood the JLAs as a group to object in principle to the project. Their case has never been presented that way. As the examination progressed, it became even clearer that the JLAs do not contend that there is no need for the project.
- 4.4.3 As set out above, the JLAs accept that the NRP would bring resilience benefits and reduced delays to the airport.
- 4.4.4 They also have recognised:

“16. We note that improving the resilience of the sector and reducing delays is a part of national aviation policy, as set out by GAL in Section 3 of REP3-079 and accept that Gatwick, with its single runway, was fully used, to the limits of acceptable delay, in 2019 and will be so again the near future. Prima facie, then, there is a capacity argument for the use of the Northern

¹⁸¹ Figure 47 of the Needs Case Technical Appendix reports the outcome using the top down forecasts provided in response to York Aviation; they are not the Applicant's forecasts. It is the Applicant's case that the market is and will continue to be constrained. Those tensions have been apparent for a number of years and are forecast to increase. Beyond the Horizon MBU confirms (at paragraph 1.4) that growth in aviation demand in London has been greater than that forecast by the Airports Commission; but no notable capacity increments have been consented. And growth is forecast to continue. In this context, it is highly material that the latest government forecasts are those used by GAL. They were published in 2023 (the Jet Zero updated forecasts). These show forecast growth in real terms of 1.3% p.a. for the period 2018-2050, with stronger growth to 2040 (1.5%) and lower growth (0.9%) post 2040 ([REP1-052] at Table 19 on page 61). Both GAL and York consider that the slowdown in growth post 2040 may be exaggerated, but equally both recognise that the NRP will be close to capacity before then.

*Runway, subject of course to the environmental impacts of its use being considered acceptable having regard to the benefits”.*¹⁸²

4.4.5 This is a clear recognition of the operational need (and the need generated by demand). In the light of national aviation policies, the significant weight to be attached to the benefits associated with meeting that need should not need to be debated, even if the JLAs refuse to recognise it.¹⁸³ The need to remove capacity constraints and enhance the resilience of airports, given the importance of the aviation sector to the UK economy and international connectivity, is a strong theme of national aviation policy.¹⁸⁴ The Applicant does not need to agree the nature and weight of government policy with the JLAs - the ExA and the Secretary of State will be well aware of that – but it is helpful at least that the JLAs recognise the need. It follows from their expressed concern about delays that they must concede the need exists today.

4.4.6 It is also the case that the authorities recognise that the forecast growth of the Airport exceeds its current operational capacity and that current demand already exceeds peak hour capacity. The parties are not agreed on the scale of growth forecast in the future baseline scenario in particular - with the consequence that the delta between the baseline throughput and what may be achieved with the project would be greater than the Applicant states. That position is predicated of course upon a recognition that the forecast growth of Gatwick is greater than its current capacity, meaning necessarily that there is a need for expansion based on demand and forecast growth.

4.4.7 As the JLAs conceded at Deadline 1:

*“For the avoidance of doubt, the Authorities are not arguing that there is not demand for the Northern Runway but only that it is not possible to validate the level of demand at this stage.”*¹⁸⁵

4.4.8 In so far as the JLAs’ principal dispute is with the scale of growth in the future baseline, they do recognise that, if it is lower, the case for the project is even stronger.¹⁸⁶

¹⁸² [REP4-052]

¹⁸³ [REP4-054] para. 9 represents the extent of the JLA’s response to GAL’s Policy Response set out at [REP3-073] – see GAL’s comments at [REP5-072] paragraph 3.10.6.

¹⁸⁴ See above and in the treatment of the themes of national aviation policy in Appendix A to the Applicant’s Response to Written Representations [REP3-073].

¹⁸⁵ [REP1-211] e-page 11.

¹⁸⁶ [REP4-052] at paragraph 17.

Agreed matters - Capacity

- 4.4.9 Capacity and operations matters are now largely agreed.
- 4.4.10 These are explained in the **Capacity and Operations Summary Paper** [REP1-053] and its **Appendix: Airfield Capacity Study** [REP1-054], which were prepared by Gatwick’s internal Capacity Planning and Airfield Operations teams. Both teams have detailed knowledge of how the airfield operates and play a vital role in the airport’s capacity declaration process which is carried out twice a year. Their extensive experience enables Gatwick to operate as successively as it does.
- 4.4.11 As a result of this work, the ability to continue to sustain current peak hour capacity of 55 movements per hour in the future baseline is not now questioned. Further, it is agreed that in the baseline scenario, Gatwick is assumed to continue operating at 55 movements per hour but with the number of hours in a given day that it handles this traffic increased modestly. To illustrate this, in 2019 the “busy day” had 3 hours scheduled at 55 ATMs per hour, which is forecast to increase to 6 hours in a day.¹⁸⁷
- 4.4.12 Before turning to other agreed issues, the Applicant notes the attempt by York Aviation in the draft Statement of Common Ground to suggest, despite the agreed position on future baseline capacity, that delay levels are ‘relatively high’ and there is no headroom for daily movements to increase.¹⁸⁸ However, York Aviation has accepted that Gatwick can achieve 954 ATMs on a busy day, which is all the Applicant needs for the purposes of catering for its forecast growth. The modelling, which York Aviation accepts, was calibrated to 2018 performance and shows that 931 movements were achieved in 2018 without Gatwick’s new Runway Exit Taxiway (RET), which has added to resilience and performance.
- 4.4.13 Given York’s position, however, questions of delay in the future baseline are revisited later in this chapter.
- 4.4.14 Turning to the Project case, the capability of the Project-expanded airport to accommodate c. 80.2 mppa is now agreed.

“Whereas previously...we had some doubts about the deliverability of the stated hourly capacity of the NRP, the more recent information provided by the Applicant has largely addressed these concerns, pending an

¹⁸⁷ [REP1-054].

¹⁸⁸ Draft SOCG on Operations and Capacity.

*outstanding clarification requested from the Applicant regarding the calibration of the model to ensure that it properly reflects historic levels of delay. Our current view is that it may still be possible for the Applicant's target of 386,000 annual aircraft movements to be delivered with the NRP over the longer term."*¹⁸⁹

- 4.4.15 More recently York Aviation confirmed that they had received the requested information and *"it is now accepted that the claimed hourly movement rate and the modelled total number of aircraft movements on a busy day can be achieved with the NRP"*.¹⁹⁰ Thus in the Project scenario it is agreed that the airfield is capable of consistently delivering 1132 ATM on a busy day by 2038, with a peak runway declaration of 69 ATM per hour. The differences between the parties on whether 80.2 mppa will be achieved in practice from a demand perspective are addressed further below.
- 4.4.16 In addition to the infrastructure changes, there are also performance improvements expected through further measures available to Gatwick: a reduced departure separation (RDS) initiative, improved sequence optimisation (that will reduce the number of times two successive departures need to be sent in similar directions) and time-based separation (a suite of tools that will allow air traffic controllers to improve the consistency of spacing between arriving aircraft). Further details are set out in the **Capacity and Operations Summary Paper Appendix: Airfield Capacity Study** [\[REP1-054\]](#).¹⁹¹ York Aviation agree that the future initiatives "assist in managing the risk of increased delays in poorer weather conditions or when there are other disruptions".
- 4.4.17 Given that the technology for RDS is already in place and testing has commenced, modelling results have been provided both with and without the benefit of RDS, although the other operational enhancements have not been assumed. As a result, the performance outputs from the simulation are likely to illustrate a conservative approach as these future initiatives will enhance performance further than that demonstrated by the modelling results, as explained in the same Study.¹⁹²
- 4.4.18 Following a validation exercise requested by York Aviation, the simulation results for the dual runway operation demonstrate that the Project delivers significant

¹⁸⁹ [\[REP4-049\]](#) para. 32; [\[REP4-052\]](#) para. 44. See too [\[REP5-094\]](#) Appendix III para. 16.

¹⁹⁰ [\[REP7-104\]](#) Appendix B para. 24.

¹⁹¹ See section 4.4.

¹⁹² Section 6.

improved departure performance throughout the day when compared to the baseline and August 2018.¹⁹³ The capability of the Project to deliver its assumed maximum movements is no longer in dispute.¹⁹⁴

Agreed matters - Resilience and operations

- 4.4.19 Agreement has been reached in the wider context of operations that in relation to Aerodrome Certification, including safety, the CAA sees no impediment to the approval of the Project.¹⁹⁵
- 4.4.20 It is also agreed that the Project would add necessary resilience to Gatwick operations.

Agreed matters – forecasting: general

- 4.4.21 As set out above, the Applicant's forecasts are that the airport will reach 67.2 mppa if the Project is not developed and 80.2 mppa if it is.
- 4.4.22 It had been understood by the Applicant that York Aviation had accepted the plausibility of the Applicant's case that Gatwick could achieve 80mppa "*over the longer term*"¹⁹⁶ based on the modelling carried out. They considered that a question remains about the "*timescale*"¹⁹⁷ over which passenger demand at Gatwick will build up (and the implications for managing the impacts of the Project), and - in their alternative forecasts for the purposes of the future baseline sensitivity - their upper figure was 80.2 mppa.
- 4.4.23 For reasons that are set out further below, the Applicant does not consider that any disagreement on the timing of growth matters – if the demand is acknowledged to arise but (on York Aviation's case) over a longer time period, the benefits of the Project as a result of meeting demand for air travel remain substantial and are consistent with clear in-principle national policy support.
- 4.4.24 York also appear to support GAL's top-down forecasts which also show the airport reaching 80.2mppa.

¹⁹³ Section 7: see particularly Tables 13/14 and 15/16.

¹⁹⁴ In so far as York Aviation refer to there being "some risk that levels of delay may have been understated" [REP7-014] para. 24, these are accepted as "marginal". The calibrated model is an accurate reflection of 2018 peak demand performance and the capability of the airfield. Differences between actuals and calibration are indeed marginal and typically outside peak times. When comparing calibrated results to the growth scenarios, in place of 2018 actuals, the conclusions on performance are the same,

¹⁹⁵ See the SoCG between the Applicant and the CAA at [REP3-068].

¹⁹⁶ [REP5-094] Appendix III para. 16.

¹⁹⁷ Ibid.

- 4.4.25 The latest position from York Aviation, as reflected in its response to the Applicant’s future baseline analysis, however, appears to be that the Project would accommodate 75-76 mppa.¹⁹⁸ It appears to have reached this view in a context because it has assumed a future baseline throughput of only 57mppa.¹⁹⁹ Notwithstanding the differences between the parties, there is a clear recognition that the Project would in any view exceed the airport’s baseline capacity and that the NRP would address a recognised need for millions of passengers to travel through Gatwick.

Agreed matters – forecasting: bottom-up and top-down

- 4.4.26 Whilst York Aviation originally expressed concern about the principle of the Applicant using a “bottom-up” forecasting approach, this now needs to be seen in the light of what the Applicant considers is a measure of agreement that the bottom-up approach is the only sensible basis for forecasting, at least in respect of the future baseline. As York Aviation have stated:

*“9. The reason that we have necessarily focussed on the detail of how growth will be attained in the Baseline Case (REP4-022, paragraph 2.19) is because, at a capacity constrained airport, the key question is how airlines will be able to add additional flights within the capacity available rather than it being fundamentally a question of underlying demand. This necessarily relies on a more granular bottom-up assessment of how additional services can be accommodated within the constraints, having regard to the operating patterns of the airlines in different markets”.*²⁰⁰

- 4.4.27 The Applicant takes the view that the same applies to the Project forecasts and that there should be very little between the parties in this issue now. However, to the extent that differences of approach remain, these are addressed below.

Agreed matters – economic benefits

- 4.4.28 The Applicant does not understand the JLAs to dispute the direct, indirect and induced job creation and related GVA figures in the local economic impact assessment, although there is an outstanding issue on catalytic effects which is explained further below. Similarly, there has been no issue taken with the Oxford Economics assessment work, which is as summarised above.

¹⁹⁸ [REP6-099] Appendix IV para. 17.

¹⁹⁹ Ibid.

²⁰⁰ [REP5-094] para. 9.

4.5. Remaining Issues

Remaining issues - Capacity and operations

- 4.5.1 The only outstanding issue on capacity matters is the claim by York Aviation that there are “residual doubts” about the extent to which the full uplift in movements claimed for the Project will be capable of being accommodated in full, on the basis that “*airspace changes under FASI-S (the Government sponsored airspace modernisation programme for the south of the UK) are likely to be required in order to ensure that the uplift in movements with the NRP can be accommodated in the airspace more widely*”.²⁰¹ There is also a related suggestion that under current airspace structures before modernisation, increased use of the Runway 26 MIMFO route as a result of the Project will lead to increased use of the Route 9 WIZAD SID (which acts as a contingency only for 26 MIMFO), and further airport expansion may do the same. This is stated to be material to the application and its environmental effects.²⁰²
- 4.5.2 However, the Project application does not propose or rely on airspace change to operate.
- 4.5.3 Gatwick’s current airspace design includes Standard Instrument Departure (SID) routes and arrival procedures for both the main and northern runways. The Applicant has made it clear that the Project will operate using the existing airspace routeings and infrastructure. NATS, the government-appointed air traffic service provider, has confirmed, no airspace change is required to the London Terminal Control Area (LTMA) route network, associated with Gatwick arrival and departure routes, to enable the Project.²⁰³
- 4.5.4 Any wider future airspace change across the London system (under the auspices of FASI-S) is independent of the Project and subject to a separate process that will consider the effects of that change.
- 4.5.5 As the Applicant has explained in respect of FASI-S²⁰⁴ airspace within the UK is a state asset and responsibility, regulated by the Civil Aviation Authority (CAA) and managed by NATS En Route plc (NERL), which is a subdivision within NATS (formerly National Air Traffic Services).

²⁰¹ See SoCG [REP7-069] para. 1.1.13.

²⁰² See SoCG [REP7-069] at paras 1.1.12 and 1.1.14.

²⁰³ See the view of both the Applicant (Capacity and Operations Summary Paper [REP1-053] para. 4.4) and NATS (see SoCG between Gatwick Airport Limited and NATS (En-Route) Plc [REP5-066] para 2.3.1.1).

²⁰⁴ See Chapter 4 of the ES [APP-029] paras 4.5.1-3; see also The Applicant’s Response to ExQ2 - General and Cross-Topic [REP7-083] at GEN2.9.

- 4.5.6 As part of the UK Airspace Modernisation Strategy (co-sponsored by the Department for Transport and the CAA) and enforced through the Air Traffic Management and Unmanned Aircraft Act 2021, the Future Airspace Strategy Implementation - South (FASI-S) programme is being undertaken to review the airspace over London and South East England, with the aim of addressing existing constraints and allowing for future growth in air transport.
- 4.5.7 This airspace change work is being undertaken by NERL and a number of airports, including Gatwick, acting as change sponsors. It will be developed through a consultation in line with the CAA's airspace change process guidance document (CAP1616). This process for the airspace change around Gatwick Airport below 7,000 feet re-started in May 2021 but it will take several years before the final design is clear. The outcomes of this programme will be determined separately through that process, which must take into account matters including the requirements of the Air Navigation Guidance 2017 in relation to the assessment of noise impact.
- 4.5.8 To give an idea of complexity, at this stage the remaining options are capable of creating 576 option configurations. As a matter of principle, London Gatwick's airspace design options proposed through the airspace modernisation project will enable GAL to support the airspace modernisation strategy objectives, including that "*airspace capacity is not a constraint on growth*".
- 4.5.9 As the Applicant explained at ISH9, in response to comparisons between this application and the Luton Rising DCO application, the Luton DCO is more dependent on the changes associated with FASI-S, whereas the preferential geographical position of London Gatwick to the south of the London airspace means that FASI-South is not needed to facilitate the Project.
- 4.5.10 As York Aviation recognise, the WIZAD SID is not required to achieve the throughput capacity of the Project. WIZAD is not a flight plannable route and was not used in the airfield throughput capacity modelling. In 2023 WIZAD was used for 49 flights, mostly to avoid weather north of the Airport. The Applicant does not need, nor does it have any intention to request, an airspace change to redistribute traffic onto the WIZAD SID.²⁰⁵

²⁰⁵ It does not require, and has no intention of requesting, a change to the Noise Abatement Procedures under Section 78(1) of the Civil Aviation Act 1982 relating to the Route 9/WIZAD SID, including the restriction that the route is not available for flight planning purposes.

- 4.5.11 It should also be emphasised that NERL has made clear in its response to ExQ2,206 that it “*does not believe that the proposed development is likely to result in greater use of the WIZAD SID compared to the baseline case*”.
- 4.5.12 The ES considers a conservative worst-case position nonetheless. The forecast for the increased use of the WIZAD SID assumes that the London Terminal Control Area airspace becomes increasingly congested over time, due to the growth of air traffic across all of the London airports. However, even on that basis, the number of events above Lmax 65dB is assumed to increase from 23.2 to 24.8 as a result of the Project in the noisiest year, 2032 with the noisiest fleet. The addition of 1.6 aircraft noise events above Lmax 65dB over an average 16-hour summer day would not lead to an increased noise effect. The route is not used at night. This all suggests that any concerns are wholly misplaced, notwithstanding the fundamental position that no changes to airspace are required to enable the Project to proceed.

Remaining issues - Forecasting: introduction

- 4.5.13 It is convenient to start with some more conceptual points that have been raised by York Aviation about the use of bottom-up forecasting by the Applicant. As set out above, these should not in truth be described as material issues, because any debate over the modelling approach does not ultimately affect the conclusions to be drawn from overall work that has been carried out, including the top-down modelling which corroborates the results of the bottom-up assessment on which the Applicant continues to rely.²⁰⁷ However to the extent that York Aviation have raised the issue, it is addressed below.
- 4.5.14 A principal characteristic of GAL’s forecasts is that they are informed by a close understanding of the demand from airlines for operation at Gatwick. Gatwick benefits from a commercial team that works closely with existing and prospective airline partners. There is a high degree of visibility about the airlines wishing to operate from Gatwick and the markets they intend to serve. Whilst formal slot allocation requests are made to ACL, Gatwick is in direct contact with its airline customers and fully aware of those who seek representation at the Airport. Appendix 6 of the Forecast Data Book²⁰⁸ summarises a ‘Pipeline Report’ from GAL recounting its knowledge of demand from airlines and also from countries or regions in the world seeking operation at Gatwick. Estimating the pattern of future operation at the airport, therefore, is a highly practical exercise informed by

²⁰⁶ [REP7-112].

²⁰⁷ See section 6 of [REP3-079].

²⁰⁸ [APP-075].

direct knowledge of the characteristics of demand and the trends in those characteristics.

- 4.5.15 GAL has confidence in its approach to forecasting, which replicates how it informs its future business decisions. This confidence is also reflected in its ability to out-perform top-down models:
- DfT forecasts from 2011 forecast that Gatwick would only reach 40 mppa and by 2030. Gatwick in fact passed the 40 mppa mark in 2015;
 - DfT forecasts from 2013 forecast that Gatwick would only reach 45 mppa by 2030. Gatwick in fact passed the 45 mppa mark in 2017;
 - DfT forecasts from 2017 forecast that Gatwick would not pass 45 mppa by 2030 and reach 50 mppa by 2040. Gatwick passed 45 mppa in 2017 and subsequent years pre Covid. With capacity returning and larger aircraft arriving, the Applicant expects to beat this mark within a few years.
- 4.5.16 The Applicant could be forgiven for asking why this experience and expertise should essentially be cast aside when forecasting the growth of its own airport and substituted in favour of theoretical econometric modelling which must of course adopt its own judgments based on broad assumptions.
- 4.5.17 In a market where overall demand exceeds capacity, there can be no realistic doubt that incremental growth will take place at Gatwick as a continuation of existing trends without the operation of the northern runway, whilst a substantial change in the availability of capacity would result in a strong market response. The overhang of demand is such that GAL forecasts a strong and immediate response to the availability of the Project.
- 4.5.18 At times during the examination there has appeared to be a measure of agreement that the bottom-up approach is the only sensible basis for forecasting, at least in respect of the future baseline. As York Aviation have stated:

*“9. The reason that we have necessarily focussed on the detail of how growth will be attained in the Baseline Case (REP4-022, paragraph 2.19) is because, at a capacity constrained airport, the key question is how airlines will be able to add additional flights within the capacity available rather than it being fundamentally a question of underlying demand. This necessarily relies on a more granular bottom-up assessment of how additional services can be accommodated within the constraints, having regard to the operating patterns of the airlines in different markets”.*²⁰⁹

²⁰⁹ [REP5-094] Appendix 3 para. 9.

- 4.5.19 The criticism now only appears to be that longer term forecasts are best approached top-down.²¹⁰ York Aviation recognise, however, that *“a bottom-up forecast, such as presented by GAL in its application documents, is a useful approach over the short term – typically 5 to 10 years maximum – as it can better reflect short term airline decisions as to deploying capacity at an airport”*.²¹¹
- 4.5.20 In circumstances where GAL forecast the NRP capacity will be rapidly taken up on opening, any gap between the parties on the principle of the approach must surely be limited.
- 4.5.21 The top-down approach preferred by York Aviation is, as set out above, a more theoretical approach to forecasting based on macro modelling, which is inevitably more broad brush in its approach. Adopting a purely top-down approach fails to capture Gatwick’s own traffic patterns and the operating characteristics of its key airlines – these factors have been the fundamental drivers of growth in the decade leading up to 2019 and continue today.
- 4.5.22 Two recent DCO examinations confirm GAL’s view.
- At Manston, notwithstanding the evidence of York Aviation for a third party, the Secretary of State preferred the bottom up approach to forecasting. In the case of Manston Airport, of course, the airport was closed at the time of the examination and the applicant there did not have the same benefit as that available to GAL here of direct, up to date and detailed contact on a daily basis with current and prospective airline customers at the airport. The benefit of that knowledge reinforces the benefits of the ‘bottom-up’ approach at Gatwick.
 - At the recent Luton DCO examination York Aviation acted for the applicant and used a bottom up approach to forecast long haul demand:

“In terms of the demand for the services, the long-haul forecast overlay uses a semi “bottom up” approach, which takes account of both the underlying demand in the airport’s catchment area (using CAA survey data for 2019) and also likely realistic frequencies and capacities consistent with the potential route by route demand” (emphasis added)
- 4.5.23 Again, In the circumstances of Luton Rising, where there was no evidence of outstanding demand or airline interest, a top-down approach may be appropriate, complemented by speculative judgments about a step change in the nature of its

²¹⁰ [REP3-117] Appendix B, para. 13.

²¹¹ Ibid.

operations. At Gatwick, however, a bottom-up approach is soundly based and likely to be more representative of the future.

- 4.5.24 For reasons explained further below, however, the difference of opinion about the approach may be academic in this case as the outturn of either approach is comparable in principle and any detailed differences would not impact on the overall judgement of the acceptability of the application proposals.
- 4.5.25 Against that background, more detailed differences on forecasting are addressed below under the following headings:
- Movements in the future baseline
 - Delay and its effect on growth
 - Future baseline assumptions
 - Approach to the effect of other airport growth; and
 - Timing.

Movements in the future baseline

- 4.5.26 York Aviation retain a concern²¹² that to achieve the growth in the number of daily aircraft movements that would enable a future baseline throughput of 67 mppa, the Applicant has assumed an unrealistic 47 additional daily movements in the peak,²¹³ which is said to be impossible within the declared and future planned capacity with the single runway. York Aviation claim that this produces an inconsistency with the capacity assessment (which only simulates a modest increase in aircraft movements on a busy day) and that this “*ultimately drives us to conclude that 67 mppa is not attainable.*”
- 4.5.27 This is a misunderstanding on York’s behalf and a misreading of the evidence. The Applicant’s forecasts for peak growth in the future baseline are more constrained, as shown and explained 4.3.7 above. York’s mistake has been explained several times in the Applicant’s DCO submissions. Details are provided from paragraph 1.8.52 in **Appendix B: Detailed Need and Benefits Submission**.

Future baseline: delay

- 4.5.28 A founding, recurring element of the JLA’s case ²¹⁴ has been the assertion that the Airport is subject to chronic delay which is then said to impact on its

²¹² [REP7-104] at paras 16 and 27.

²¹³ By reference to Annex 6 to the Forecast Databook [APP-075].

²¹⁴ See York Aviation document at Appendix F to [REP1-068].

attractiveness to airlines and in turn cast doubt on the Applicant's forecasts, at least for forecast growth in the future baseline.

- 4.5.29 The Applicant does not accept this characterisation of Gatwick's performance for reasons that are set out above and below, but in any event it does not understand why York Aviation fails to appreciate the implications of this aspect of their case. If Gatwick is demonstrably busy to the point where delays occur and there is a lack of resilience, these are very good reasons to support the project.
- 4.5.30 The Applicant has never disputed that aircraft operating from Gatwick Airport, as with other airports, have been subject to delay, particularly at peak times. It is actively working with airlines, their contractors, air traffic control and other stakeholders to reduce delay across the network and improve punctuality for passengers. However, York Aviation has not adequately examined the reasons for any delays that occur. As will be expected, the Applicant studies these matters very closely. Of the 54% loss of performance stated in summer 2023, its performance monitoring shows that around 7% could be attributed to the airport itself and the Applicant is working with airlines and air traffic providers to improve this. However around 40% of performance loss was attributed to the ground operations of aircraft by the airline itself and its contracted parties. The Applicant is leading efforts with the airlines and others to improve on time performance working (trailing 'smart stands' with the support of airlines to improve aircraft turn performance, for example).
- 4.5.31 Gatwick does acknowledge that pressure on operations at the airport arises on a day to day basis and that its ability to make better use of the main runway is constrained by the need to build resilience into operations to cope with more abnormal events. However, it has a number of projects in progress with the purpose of improving resilience and performance in the single runway operation. These are explained in the **Capacity and Operations Summary Paper** [\[REP1-053\]](#)²¹⁵ and its **Appendix: Airfield Capacity Study** [\[REP1-054\]](#)²¹⁶ and summarised above. The initial performance of the new RET is in line with the benefits assumed in the modelling for the baseline case, improving reliability of performance and giving the equivalent benefit of +1 ATM/H.²¹⁷
- 4.5.32 Gatwick knows its airport and its capacity analysis, allowing for these measures, supports the assumption that the maximum number of declared movements can

²¹⁵ Section 3.3.

²¹⁶ Section 4.4.

²¹⁷ [\[REP4-023\]](#) at [51].

be retained at the current maximum of 55 in an hour.²¹⁸ The baseline forecast does not assume an increase in the 55 per hour maximum declared capacity however, they are assumed to improve the busy day capability (i.e. delivery of the 55 per hour) and reduce the need for recovery periods after the 55 per hour periods, so as to increase airport resilience.²¹⁹ For the avoidance of doubt, however, GAL's detailed simulation modelling has been undertaken firstly without any future operational performance, other than the RET which is already operational, and then with allowance made only for one of its planned enhancements (reduced departure separation or RDS).

- 4.5.33 In summary the modelling shows that current operational practices, aided by Gatwick's new RET enable the small forecast increment in ATMs in the future baseline case, whilst planned operational improvements would further enhance performance. (The modelling also demonstrates that the NRP project generates increased capacity and reduced delay). The results demonstrate overall the achievability of the future baseline demand with enhanced levels of performance compared to August 2018.²²⁰
- 4.5.34 Further detail is provided earlier in this chapter, where the operational benefits of the NRP are explained – and additional detail is provided in **Appendix B: Detailed Need and Benefits Submission** from paragraph 1.7.11 and again from 1.8.52. The Applicant's detailed modelling is not disputed but the significance of the outputs from the modelling should be recognised. In particular:
- York Aviation accept that Gatwick can achieve 954 commercial movements on a busy day (in 2038, and 950 in 2032), which is an increase of just 20 scheduled movements compared to 2018 (934 total scheduled movements) and all that is required in the future baseline for the forecast growth.
 - The Applicant has demonstrated that its modelling calibrates very well against 2018 performance and in fact overstates delay for the reasons set out in Section 6 of [\[REP1-054\]](#).
- 4.5.35 The 2018 operation performance and the modelling shows:
- 934 movements were scheduled in 2018 without the RET (although slightly fewer operated due to cancellations on the day). The growth in traffic at that time shows that demand continued to be very strong then – airlines were not deterred.

²¹⁸ [\[REP3-079\]](#) para. 4.1.13-5. See too [\[REP1-056\]](#) para. 5.1.6-10.

²¹⁹ See [\[REP1-056\]](#) para. 5.1.10.

²²⁰ See in particular the summary Tables 12 to 16 in [\[REP1-054\]](#).

- The RET has significantly boosted resilience and reduced delay.
- Operating times have reduced significantly since 2018 – see Tables T12 and T13 in [\[REP1-054\]](#).
- These tables represent current operational practice but it is accepted that the further operational enhancements planned by GAL will at least add to resilience. Modelling only limited enhancements shows a further improvement in performance in first wave (see Table 14 in [\[REP1-054\]](#)).

4.5.36 York's concern that there may be an issue with delay at Gatwick is not only contradicted by the detailed (and accepted) modelling output, it is also at odds with the documented growth of activity at the airport and the evidenced demand for more slots, including at peak times when the airport is at its busiest. The Applicant is expecting that demand to continue. Further strong growth is evident in 2024 with passengers forecast to increase by circa 7% to nearly 44m. In 2024 30 airlines are increasing their capacity in addition to 10 new airlines entering the airport. Supporting this growth will be the continuation of the new services launched in 2023 and the addition of new services from airlines including Singapore Airlines, Air China, Uzbekistan Airlines, Azerbaijan Airlines, Turkmenistan Airlines and Air Peace;

4.5.37 The Applicant's evidence is that none of the new entrant airlines secured in 2023 and 2024 have raised concerns with respect to the operating environment at the Airport when considering whether to launch services.²²¹

4.5.38 Whilst concern for delay at the airport is a foundation of York's pessimistic approach to the forecast growth, it is not supported by the evidence.

Particular aspects of the future baseline forecasts:

4.5.39 Whilst GAL's forecast for the future baseline – see above at Table 4 – is for growth to 67.2mppa by 2047, York takes a more cautious view, suggesting a ceiling of 57mppa.²²²

4.5.40 The Applicant has responded in detail to York's position at Deadline 9 (**Appendix A to the Applicant's response to Deadline 8 submissions** (Doc Ref 10.77)). Before doing so, it took care to ensure that it had understood the components of York's future baseline estimate and was not misrepresenting that position. The exchange of correspondence to that effect is appended to the Deadline 9 document (Doc Ref 10.77). It confirmed that GAL had properly understood

²²¹ [\[REP3-079\]](#) para. 4.1.16.

²²² [\[REP7-104\]](#) at para. 18.

York's estimate and, for instance, that GAL's submissions at ISH9 on it were soundly based.²²³

4.5.41 The detail is set out in the Deadline 9 submission (Doc Ref 10.77) but in summary, the differences between York's estimate and GAL's forecast break down as follows:

- Peak growth (1.5mppa)
- Peak spreading (5.6mppa)
- Aircraft size (1.6mppa)
- Load factor (1.4mppa)

4.5.42 To understand these further it may be helpful to record that York's position has the following characteristics. GAL's equivalent forecasts were set out earlier at Table 2 but are copied again below, so the comparison can be seen most clearly. The four categories of difference are then summarised in turn further below.

Table 6: Gatwick Baseline - York Low, Assumptions (2014 & 2019 from GAL actual)

	2014	2019	2032	2038	2047
ATM: August (Peak day)*	892	928	c950	c950	c950
ATM: August (avg. day)	851	900	921	921	921
ATM: Annual (avg.)	698	769	793	793	793
Peak vs Aug Avg.	5%	3%	3%	3%	3%
Peak Month Ratio (Aug:Avg.)	1.22	1.17	1.16	1.16	1.16
Seats per ATM	179	192	210	215	218
Load Factor	84%	86%	88%	89%	90%
ATMs, Annual (k)	255	281	290	290	290
Passengers, Annual (m)	38.3	46.6	53.5	55.4	56.8

²²³ See Oral Submissions at ISH9 [REP8-108].

Table 7: Gatwick Baseline – DCO Assumptions (2014 & 2019 from GAL actual)

	2014	2019	2032	2038	2047
ATM: August (Peak day)*	892	928	950	954	956
ATM: August (avg. day)	851	900	938	942	944
ATM: Annual (avg.)	698	769	859	873	892
Peak vs Aug Avg.	5%	3%	1-2%	1-2%	1-2%
Peak Month Ratio (Aug:Avg.)	1.22	1.17	1.09	1.08	1.06
Seats per ATM	179	192	210	215	224
Load Factor	84%	86%	90%	91%	92%
ATMs, Annual (k)	255	281	313	318	326
Passengers, Annual (m)	38.3	46.6	59.4	62.4	67.2

- 4.5.43 On **peak growth**, the parties are closely aligned on busy day capacity and throughput but not on the demand in the busy month (August). York assume that there is no potential at all for further growth into the off-peak hours / days of the peak month.
- 4.5.44 This component of GAL’s forecast is explained earlier and again in its Deadline 9 submission (Appendix A to the Applicant’s response to Deadline 8 submissions). It is supported by established observed trends at the airport and documented evidence of real life examples.
- 4.5.45 Peak spreading accounts for the biggest difference and is addressed further below.
- 4.5.46 On **aircraft size** York assumes smaller aircraft sizes through the forecast, with negligible growth in the last decade of the forecast. However, evidence from recent fleet orders suggests even GAL’s forecasts now look pessimistic and there is strong evidence that York’s assumptions will prove to be underestimates. Continuing constraints on capacity in the London market are only likely to provide greater incentive for airlines to up-gauge.
- 4.5.47 The same applies to **load factors** where recent history shows that GAL’s forecasts are cautious.
- 4.5.48 **Peak spreading** accounts for the largest difference, although it has also been the subject of the greatest amount of evidence from GAL.

4.5.49 That evidence is set out extensively in the Deadline 9 submission (Appendix A to the Applicant's response to Deadline 8 submissions (Doc Ref. 10.77) Examination of York's estimate in Table 6 above shows that York allow for **no increase at all** in the annual average number of ATMs for the 15-year period beyond 2032 and no change in the ratio between the busy month (August) and the annual average, ie no peak spreading.

4.5.50 Since York assume that some demand is added in the peak, it is peak growth they are assuming rather than peak spreading. The fact that the overall airport's seasonality reduces marginally if peak growth is assumed to operate year round is a minor output of the peak growth.

4.5.51 This helpfully clarifies the difference between the parties. At paragraph 16 of [\[REP7-104\]](#), York set out their criticism of GAL's peak spreading assumptions:

"Hence, the only way in which the Applicant could achieve its claimed growth in the Baseline is if airlines are willing to operate a large number of new services only in the off-peak months. This is simply not plausible to the extent required to deliver the claimed level of growth."

4.5.52 GAL finds this position literally incredible. As explained earlier, peak spreading is an established trend at Gatwick. In the peak periods (July-September) ATM demand grew 8% in the period 2013-2019 as airlines filled the additional capacity released by Gatwick as well as increasing utilisation on quieter days. But in the off-peak (November-March) demand grew at nearly twice the rate of summer as movements increased by 15% in the same period.²²⁴ Peaking spreading is therefore a well-established trend for Gatwick Airport driven primarily by a combination of constraints in the peak season as well as the evolving mix of Gatwick Airport's airlines and markets.

4.5.53 The drivers for peak spreading include:

- *Market mix*: a higher share of long-haul traffic will support more year-round operations at Gatwick. The airport will shortly serve 52 long haul destinations and has recently welcomed 10 new long haul carriers. Others are known to want to grow at Gatwick but without viable slots, they are currently unable to do so;
- *Seasonal spread* – many markets are extending their 'summer' season, with airlines now serving extended seasons into spring and autumn;

²²⁴ See para. 1.51-3 and Figure 1.5 of [\[REP1-047\]](#).

- *Slot trades:* airlines that can effectively utilise Gatwick's slots will continue to acquire capacity. This is how growth is achieved without releasing new peak slots. For example, seasonal charter traffic has historically been replaced by year-round operators. There is an established slot market at Gatwick for this very reason – where one operator can make greater use of a slot that is only currently used at peak times, a value differential exists for that slot to be acquired and its use increased;
- *Current trends:* recent entrants to Gatwick (e.g. Air India, Air Mauritius, Singapore Airlines, Lufthansa, JetBlue, Delta, etc.) are all using the runway on an efficient year-round basis.

- 4.5.54 These trends explained above will be encouraged by Gatwick's seasonal charging structure.²²⁵
- 4.5.55 The Applicant has produced detailed evidence of the seasonal pricing it has introduced to incentivise off-peak traffic. Unlike many other airports, Gatwick has moved to seasonalise their charges which means that airlines are incentivised to fly in the off-peak periods. To do this Gatwick does not charge an ATM related fee in the winter months (November – March) and in the summer season the charges are varied with higher charges in place for the peak months (Jul-Aug) and peak hours (e.g. departures in 05:00-08:59 window). When combined with Gatwick's passenger and other related charges, the discount is material. For example, a short haul operator can expect a discount of 39-44% when operating a winter service compared to summer service. These published incentives are available to all airlines that have not negotiated bilateral agreements with the airport.
- 4.5.56 There is an irresistible commercial logic in the market finding opportunities for growth and greater slot utilisation when the market is constrained, as it was in the period 2014-2019 and as it is returning to be.
- 4.5.57 In this context, it is highly material that demand in the UK and London aviation market is forecast to continue to grow. The latest government forecasts are those published in 2023 (the Jet Zero updated forecasts). These show forecast growth in real terms of 1.3% p.a. for the period 2018-2050, with stronger growth to 2040 (1.5%) and lower growth (0.9%) post 2040 ([[REP1-052](#)] at Table 19 on page 61). Both GAL and York consider that the slowdown in growth post 2040 may be exaggerated, but equally both recognise that the NRP will be close to capacity before then.

²²⁵ See [[REP4-037](#)] Action 7.

- 4.5.58 The forecast growth amounts to demand for an additional 147mppa in the UK market between 2018 and 2050. At the same time, there is no consented additional capacity beyond that which is available at Stansted, where spare capacity has not prevented excess demand building at Gatwick. It is unsurprising in these circumstances that GAL forecasts a return to the constrained conditions experienced before the pandemic when increasing, excess demand resulted in peak spreading, larger aircraft size and increased load factors.
- 4.5.59 GAL recognises that these opportunities will reduce over time, which is why the seasonality ratio is forecast to reduce by approximately 8% over the 28 year period between 2019 and 2047, equivalent to an annual average reduction of 0.3%. The annual rate of improvement in seasonality is therefore less than half of the rate achieved prior to the pandemic and in a market which was less constrained than is expected to be the case in the forecast period.²²⁶
- 4.5.60 To assume that there will be no change in performance of the airport outside Gatwick's already constrained busy day in these circumstances, however, is fundamentally unrealistic.
- 4.5.61 GAL considers, therefore, that its future baseline forecasts are fundamentally realistic and closely informed by experience and evidence.

Planned or potential capacity at other airports

- 4.5.62 At various stages of the examination York Aviation has repeated concerns that the Applicant's core forecasting is based on the assumption that no additional airport capacity is consented across the London airport system over the period to 2047.²²⁷ As set out earlier, that is not the case and the Applicant has undertake sensitivity tests to consider the impact of alternative airport developments, even though none are consented.
- 4.5.63 This includes an assessment of the implications of a third runway at Heathrow.²²⁸ The Applicant has acknowledged that R3 would take back a substantial extent of long haul volumes that Gatwick had – to the benefit of the UK - catered for in the interim. Gatwick would still go on to meet a substantial demand for short haul, reflecting its existing strong position in this market segment. Gatwick has not sought to claim long haul traffic at the expense of Heathrow and its associated

²²⁶ See Figure 25 of the Needs Case Technical Appendix [\[REP1-052\]](#) which shows the historic and forecast evolution of the seasonality ratio.

²²⁷ See eg [\[REP5-094\]](#) Appendix III para. 19.

²²⁸ See ES Appendix 4.3.1: Forecast Data Book [\[APP-075\]](#) and Needs Case Technical Appendices [\[APP-251\]](#) and [\[APP-252\]](#) in Section 7.

hub role. The absence of the third runway at Heathrow seriously inhibits Heathrow's ability to attract more long haul traffic and it is helpful to Gatwick (and nationally) that Gatwick is able to secure some of that long haul traffic in the meantime. Nevertheless, with new available capacity at Heathrow, the Applicant recognises that a large proportion of long haul traffic would revert to Heathrow,²²⁹ whilst Gatwick would consolidate as a lower cost, complementary airport playing an important role as part of the wider market offer. The fact that the Applicant forecasts the loss of long haul traffic to Heathrow if a third runway opens at Heathrow confirms the lack of any threat from Gatwick to Heathrow's status.

- 4.5.64 For these reasons, the Project would plainly not attract demand that York Aviation suggest should reasonably go to Heathrow; and in terms of the policy on which the JLAs rely it would for the same reasons meet a need that is additional to or different from that which would be served by a third runway at Heathrow. The fundamental point however is that allowing Gatwick to grow as forecast would comply with government policy that is intended to support airports such as Gatwick making best use of their existing runways.
- 4.5.65 It should also be emphasised that it is the absence of the third runway, rather than the development of the Project at Gatwick which prevents Heathrow meeting its full potential as a hub airport. The Project is not a threat to Heathrow's hub status, or to its third runway project, but the country is not obliged to wait for the third runway before making best use of its existing capacity. To do so would "*negatively impact the UK's direct connectivity and potential for economic growth*".²³⁰
- 4.5.66 In the end York Aviation now accept that the Project would "*not threaten the development of the hub at Heathrow*".²³¹
- 4.5.67 If a third runway was to be developed at Heathrow, the potential to have sufficient capacity, with complementary provision between Heathrow and Gatwick and a genuine choice between airports in the south east more generally should not be regarded as a disadvantage. It is not seriously disputed that the south east suffers a shortage of aviation capacity. Demand has substantially exceeded capacity for more than a decade, particularly at Heathrow and Gatwick and is forecast to grow. What is meant to happen, for instance, to the long haul

²²⁹ It is notable that York Aviation was content to forecast and advocate for long haul point to point traffic at an expanded Luton Airport (where the forecast growth in ATMs was larger than GAL forecast at Gatwick) but now suggests that it is somehow inappropriate at Gatwick.

²³⁰ To quote Heathrow's Written Representation [REP1-192] para. 1.6.

²³¹ [REP6-099] para. 12.

demand that cannot physically be accommodated at Heathrow, or the short haul demand that airlines are patently looking to serve specifically at Gatwick. Is the UK to continue forego that demand and, if so, how can that be said to be desirable or consistent with government policy?

- 4.5.68 However, it cannot be disregarded that there is no active proposal for a third runway at Heathrow. The approach to take in these circumstances was confirmed directly by the Secretary of State in his decision at Manston:

*“97. On the matter of capacity being made available at airports elsewhere, the Secretary of State accepts that there is potential for all existing airports to expand in future to increase capacity. **However, the Secretary of State is of the view that in considering whether there is a demand for the capacity the Development aims to provide, he is not able to attach weight to applications that have yet to come forward. This is because there is no certainty that capacity from such applications will be delivered.***

*102. The Secretary of State notes that the Examining Authority [ER 5.6.45] and the Independent Assessor (IAA section 5.3) consider that there is spare capacity at other airports [ER 5.6.45]. It appears that in concluding this, the Examining Authority and the Independent Assessor are relying in part on aspirational growth plans and the potential for growth at other airports. **Such capacity is not required to be taken into account by policy, and it is not in the Secretary of State’s view otherwise obviously material to the Secretary of State’s decision on this Application for the reasons set out above, principally the lack of any certainty that such potential capacity will ever come forward. To the extent that possible capacity is legally material, the Secretary of State gives no significant weight to it for the same reasons...**”²³²*

Timing – the rate of growth in the Project case

- 4.5.69 As set out above, York’s estimate is that Gatwick traffic would grow more slowly than GAL’s forecast. Again, the parties do not agree – GAL’s position is explained earlier and in more detail in the Appendix but, to what extent does the disagreement matter? As explained further below, the Rule 17 sensitivity exercise was helpful in demonstrating several things, including that a later growth trajectory would largely generate lesser environmental effects, for example, for noise and air quality [\[REP5-081\]](#). No doubt the precise calculation of economic

²³² See too DL125.

benefits would be different (although the assessment set out by GAL in its **Future Baseline Sensitivity Analysis**²³³ forecast a slightly higher net economic benefit for the NRP in the context of York's sensitivity forecasts) but the benefits are substantial, whilst the defined significant adverse effects are relatively slight and the overall case for the Project would not be significantly affected if the growth trajectory was slower.

- 4.5.70 In this context, it is instructive that similar matters were debated at the Stansted planning inquiry, where the Inspectors found as follows:

*“30. It remained unclear throughout the Inquiry, despite extensive evidence, why the speed of growth should matter in considering the appeal. **If it ultimately takes the airport longer than expected to reach anticipated levels of growth, then the corresponding environmental effects would also take longer to materialise or may reduce due to advances in technology that might occur in the meantime.** The likely worst-case scenario assessed in the ES and ESA, and upon which the appeal is being considered, remains just that. Conversely, securing planning permission now would bring benefits associated with providing airline operators, as well as to other prospective investors, with significantly greater certainty regarding their ability to grow at Stansted, secure long-term growth deals and expand route networks, potentially including long haul routes” (emphasis added).*

- 4.5.71 The Applicant respectfully considers that very similar conclusions could be reached in this case.

Remaining issues: economic benefits

Introduction

- 4.5.72 Whilst there are specific issues where the Applicant has not reached common ground with the JLAs, the Applicant nevertheless believes it has demonstrated there are robust economic benefits, including jobs, at the local, regional and national level.

National economic assessment

- 4.5.73 The Applicant has taken a balanced approach to the national economic assessment and demonstrated that the benefits of the Project would be considerable. It has conservatively chosen not to include some elements of

²³³ [REP5-081] at Section 6.

assessment which would increase the scale of the benefits. Impacts that were quantified but excluded from NPV include: (1) trade impacts (£4.0bn - £6.7bn), (2) employment effects (£0.1bn), (3) agglomeration effects (£0.7bn)

- 4.5.74 Whilst the JLAs may challenge some aspects of the assessment, the Applicant is confident that the scale of the benefits would be overwhelmingly positive.
- 4.5.75 The main areas of remaining disagreement with York Aviation regarding the national assessment of economic effects can be summarised as follows:²³⁴
- the robustness of the traffic forecasts and of the resulting scheme benefits, in particular:
 - the use of bottom-up forecasting methodology;
 - displacement;
 - growth at other airports;
 - the air fare savings calculation methodology; and
 - the high share of benefits coming from business passengers.
- 4.5.76 These are addressed below, with more detail set out in **Appendix B: Detailed Need and Benefits Submission** from paragraph 1.9.1.
- 4.5.77 In relation to forecasting and benefits, York Aviation comment on the potential impact of differences relating to the aviation forecasts on the economic case for the Project. In part these relate to the general claim that the Applicant's forecasts are not robust, which is misconceived for the reasons set out above.
- 4.5.78 It is also alleged, first, that the use of the bottom-up forecasts should not have been used to inform the National Economic Assessment and that NPV estimates for a top-down model should be reported. In particular, it is claimed that the Applicant's bottom-up forecasts are inconsistent with the NPV methodology of calculating air fare savings on the basis of reduced "shadow costs".
- 4.5.79 As the Applicant has explained, it is important to place the National Economic Assessment in its proper context. An assessment of the Project NPV was not required; and there are challenges in adopting its methodology (that is rooted in comparing potential public sector interventions in transport) into a single private project for aviation development. The assessment has been prepared on a

²³⁴ See the JLAs' submissions at [\[REP4-052\]](#) para.s 52-3, [\[REP6-099\]](#) para. 27 and [\[REP7-104\]](#) Appendix B para.s 7, 8 and 19.

deliberately cautious basis, choosing not to calculate as part of the NPV a range of quantified benefits that may increase the NPV beyond the stated result.

- 4.5.80 These factors help explain why the Applicant presents the national economic assessment as only one element of a wider economic assessment, including a local economic assessment that demonstrates significant benefits even at a local level, as well as the Oxford Economics work which employs a different methodology but still gives a helpful broad indication of the likely scale of benefits that would be generated by the Project. These other assessments are themselves sufficient to demonstrate that the proposals would be consistent with national policy that recognises the contribution that aviation development makes to the local, regional and national economy.
- 4.5.81 Turning to the need to account for displacement from other airports, the traffic forecasts used in the assessment take into consideration the impact of the Project on all London airports. As a result of the London system approach to modelling fares, estimates incorporate the potential displacement of air traffic from other London airports within the estimated airfares and, consequently, the stated benefits.
- 4.5.82 As for the issue of growth at other airports, different forecast assumptions, including those relating to the performance of other capacity in the London market, would lead to changes in the Project's NPV, if for example excess demand for airport services due to capacity constraints reduces (or there is more displacement from other airports). As the Applicant has explained, however, it should not be assumed that other capacity comes forward, although it has considered different sensitivities.²³⁵ Given its magnitude, R3 would lead to a greater reduction in capacity constraints (therefore shadow costs), and would reduce passenger throughput at Gatwick, particularly long haul passengers. There would be greater effect on the Project's benefits and costs (eg marginal external costs and environmental costs), however this would depend on when R3 opened and any planned phasing of release of additional capacity, which is at present subject to significant uncertainty.
- 4.5.83 Whilst the Project would fill more slowly under a lower demand outlook it is forecast to be operating at its capacity by the late 2030s and even in a R3 scenario, it would still provide capacity (i.e. benefits) in the early period, well before any R3 was operational (now likely to be in the late 2030s). The resilience

²³⁵ See [APP-251] paras A21.1.21-4.

and improved operational performance to the system that would also persist even with R3 in place.

- 4.5.84 The submission includes a sensitivity test with a slower growth scenario with a delay in filling in capacity made available by the Project, which is set out in [\[APP-251\]](#) from paragraph A1.4.5 onwards. This shows the NPV is reduced from £21.6bn to £10.9bn.
- 4.5.85 As set out earlier, the Local Impact Assessment shows that the NRP will contribute to increased economic activity in terms of both employment and GVA.²³⁶
- 4.5.86 The Applicant does not understand the JLAs to take issue with the Oxford Economics Assessment, the conclusions of which are set out above and underscore the potential scale of benefits that would arise. These benefits arise in full when the airport with the Northern Runway Project reaches the additional 13 million passengers per annum at any point when the wider aviation system is constrained (ie when there is unmet demand).
- 4.5.87 York Aviation raise other detailed technical points, relating to the air fare savings calculation methodology,²³⁷ the use of London-level fares,²³⁸ and the use of DfT elasticities in the NPV assessment²³⁹ and the assumed levels of business travel.²⁴⁰
- 4.5.88 These are addressed in turn in **Appendix B: Detailed Need and Benefits Submission** from paragraph 1.9.20, where the robustness of the Applicant's position is explained.
- 4.5.89 NEF have raised issues regarding the national economic assessment, which can be summarised as follows:
- the methodology used to assess the scheme's environmental impacts;
 - the lack of disaggregation of benefits between UK and non-UK residents;
 - the lack of assessment of outbound tourism impacts.
- 4.5.90 Methodological concerns raised by NEF were addressed in [\[REP3-076\]](#), including the update to the TAG guidance. The Applicant has now considered the

²³⁶ The assessment estimates effects that are net of displacement (i.e. we remove people who would be employed anyway in the local area.

²³⁷ [\[REP4-052\]](#) para. 54, first bullet.

²³⁸ Para. 54, second bullet.

²³⁹ Para. 55.

²⁴⁰ Ibid.

implications of that updated guidance, as set out above, and although the revisions (including the approach to inbound aviation emissions) reduce the NPV of the Project, the overall conclusions of the national economic assessment remain the same, as do the other responses in [\[REP3-076\]](#) to a range of matters raised by NEF. The effect of the TAG update is to reduce the NPV from £20.6bn to £15.2bn.²⁴¹

- 4.5.91 As for disaggregating benefits, TAG guidance indicates that costs and benefits should be identified for both UK and non-UK residents and reported separately. However, the same paragraph also states that: “unless this apportionment can be done robustly for all impacts, in order to ensure internal consistency, the analysis should include all impacts on all affected parties, regardless of origin, if proportionate for the appraisal”. In the absence of required detailed information on how airport revenues, wider economic impacts and environmental costs are distributed between UK and non-UK residents, and in order to keep internal consistency, this exercise was - correctly - not undertaken in the assessment.²⁴²
- 4.5.92 In relation to the assessment of outbound tourism impacts, as set out above, the national impact assessment qualitatively evaluates the effect of the Project effect on outbound tourism and its subsequent impact on the national economy; however it is unclear whether the impact of outbound tourism can be quantified as a welfare loss to UK society (as would be relevant for our welfare-based approach). There is insufficient evidence indicating that a UK citizen, who might have otherwise travelled and spent money abroad, would allocate similar expenditure within the local economy if they chose to stay in the UK. However the Project relieves capacity constraints for passengers only by increasing the capacity of services available to them. This implies that those who prefer to travel and spend money abroad instead of staying and spending locally receive higher welfare from spending abroad than spending locally (otherwise they would not have travelled).²⁴³ The Applicant does not consider that any further analysis of tourism impacts is possible using the methodology of that assessment, but notes that some further consideration of tourism effects is contained in the Oxford Economics assessment, as set out above.
- 4.5.93 For all these reasons the Applicant maintains its position that the national economic assessment is a helpful indicator of the potentially significant economic effects that would be generated by the Project. However, it is not the only aspect

²⁴¹ Applicant's Deadline 8A submission: Impact of the DfT TAG November 2023 update.

²⁴² See too [\[REP3-076\]](#) in response to NEF's written representation, paras 3.1.9-3.1.10.

²⁴³ See too [\[REP3-076\]](#) in response to NEF's written representation, section 4.

of the evidence which confirms that conclusion – the local economic assessment reaches the same conclusion albeit at a different scale of effect.

Local impact assessment: catalytic effects

- 4.5.94 The Applicant has been unable to reach agreement with York Aviation on the methodology for the assessment of catalytic effects. At a local and regional level the Applicant estimates these at 7,200 jobs and £538m of GVA.
- 4.5.95 It should be emphasised that this debate does not affect the agreement with the JLAs regarding the direct, indirect and induced jobs as set out in the Local Economic Impact assessment. In 2038 they are assessed as follows: 3,200 direct jobs and £263m of GVA; 2,800 indirect jobs and £212m of GVA; 3,500 induced jobs and £263m of GVA – a total of 9,500 jobs and £739m GVA.
- 4.5.96 The catalytic effects arise from the wider benefits that the government, consumers, employees, and other industries gain from the services the airport provides – the increased flights and capacity that provide vital links connecting UK residents and businesses to destinations and markets around the world.
- 4.5.97 To place the debate about the local assessment of such effects into a wider context, at a national level Oxford Economics has estimated that connectivity benefits will add around 0.15% to the UK’s productivity capacity nationally - approximately £3.3bn in 2022, with an equivalent number of around 47,000 jobs. Its work also identifies 28,700 additional jobs from inbound tourism and 35,500 additional jobs from increased trade, within a total of over 110,000 jobs at a national level (paragraphs 4.4.4 to 4.4.6 of [\[APP-252\]](#)). The JLAs have raised no concerns with the Oxford Economics work.
- 4.5.98 In that context the 7,200 catalytic jobs identified by Oxera would be just over 6% of that figure. As catalytic impacts are location-based (i.e. the closer to the airport the area is located, the larger the expected impact), a 6% share of catalytic impacts being located in the Six Authorities Area represents a modest share, given that they account for over 35% of Gatwick’s passenger numbers.
- 4.5.99 In any event, the Applicant has fully justified the methodology it has followed to assess catalytic effects in its **Explanatory Note on Catalytic Employment** [\[REP7-077\]](#). There the Applicant explains that the approach was adopted in order to address two key analytical issues that arise in local impact assessments - displacement and causality.
- 4.5.100 In discussions with York Aviation, three main points have been raised:

1. York Aviation's preference for an alternative approach to the one taken that specifically factors in the characteristics of an individual airport in an individual area – in this case, Gatwick;
2. concerns that the methodology used by the Applicant is not sufficiently rooted in actual passenger origin data. Therefore, a national elasticity may not hold for any individual airport;
3. concerns that the methodology relies on cross sectional data and assumes the relationship is static over time, and therefore, does not reflect the dynamism of airports.

4.5.101 Whilst York does not have confidence in the robustness of the impacts estimated – it recognises, if anything, that the effect of GAL's approach is that the effects could be understated. The methodological debate is set out in **The Applicant's Response to ISH9 Action Point 38 Updated Position on Catalytic employment** [[AS-163](#)].

4.5.102 The Applicant considers the approach to be conservative, which is confirmed by other approaches to estimating catalytic impacts (such as the Oxford Economics) which are in any event accepted by York Aviation.

4.5.103 The Applicant also notes that NEF has commented on this assessment in its Deadline 8 submission [[REP8-173](#)]. While generally supportive of the approach taken, NEF has identified two issues with the assessment: displacement/spillover impacts are not adequately measured; and catalytic employment impacts rely on new business passengers. Each issue is addressed below.

4.5.104 First, NEF asks for clarification regarding how many lost/displaced jobs the analysis implies in the regions surrounding the Six Authorities – making a reference to the spillover impacts from one region to another presented in Annex 5 of [[APP-200](#)].

4.5.105 In response, the Applicant would clarify that the assessment is undertaken at the county level (i.e. the relevant geographic unit for Gatwick is the West Sussex county) such that, to the extent there is displacement between regions as measured in the analysis, the impact estimates reflect displacement that would occur between the counties constituting the Six Authorities Area (not between the Six Authorities Area and similarly-sized neighbouring areas).

4.5.106 The Applicant reflects the potential displacement within the Six Authorities Area in the analysis by assuming that the estimated employment impact will be

distributed throughout the Six Authorities Area as explained in para. 2.3.3. in [\[REP7-077\]](#). This assumption is conservative as it is expected that the magnitude of impacts at a Six Authorities Area level would be larger than those at the West Sussex level.

- 4.5.107 Second, NEF mentions that there has been no assessment of the scheme's impact on jobs beyond the neighbouring regions – and points out the example of the scheme's potential impact on the tourism sector.
- 4.5.108 The Applicant notes that it has addressed NEF points regarding tourism impacts in **The Applicant's Response to Written Representations – Appendix D Response to New Economics Foundation Written Representation** [\[REP3-076\]](#). Scheme impacts on employment beyond the local area would be relevant for the national economic assessment and, as discussed in paras. 4.1.3-4.1.8, national policy supports outbound tourism and it is unclear whether outbound tourism can be characterised as a welfare loss to UK society more widely. This has been confirmed in other recent airport expansion decisions, including most recently London City Airport.
- 4.5.109 Finally, NEF states that catalytic employment is generated through multiple channels, including in particular business passenger connectivity, and by looking at the relationship between air traffic and total employment, air traffic is only a proxy for business use of air travel.
- 4.5.110 In response, the Applicant would agree that in principle catalytic employment is driven partly by business passenger connectivity. It notes however that in the approach used, the relationship derived is between air traffic and total employment and not between air traffic and specifically catalytic employment. This is important because in this case air traffic is not used as a proxy, but in fact the main driver for the impact the Applicant seeks to measure – that is the impact of airport activity on local employment, which includes direct, indirect, induced, and catalytic employment.
- 4.5.111 None of the challenges raised by NEF therefore affect the weight to be given the local economic assessment.
- 4.5.112 These points are set out more fully in **The Applicant's Response to ISH9 Action Point 38 Updated Position on Catalytic employment** [\[AS-163\]](#).

4.6. Conclusion

4.6.1 Overall, the Applicant retains its view that the local and national assessments that have been prepared in support of the application strongly support the proposition that the Project would deliver very significant economic benefits.

4.6.2 By meeting significant outstanding aviation demand whilst adding critical resilience to nationally significant infrastructure at Gatwick, the NRP would generate a range of national, regional and local benefits which directly respond to national aviation policy and play a significant part in meeting critical national objectives.

5 Future Baseline

5.1. Introduction

5.1.1 Issues relating to the future baseline have arisen in different ways during the examination.

5.1.2 This part of the submissions deals with the future baseline sensitivity exercise that was carried out by the Applicant for Deadline 5 [\[REP5-081\]](#), in response to concerns relating to both forecasting and capacity and operations in the future baseline scenario as assessed by the Applicant as part of its needs case. This is addressed further below.

5.1.3 It is convenient here, however, to address briefly a different query relating to the future baseline that has been raised in the examination: namely whether, given the timescale for completion of the dual runway operations, the 2047 future baseline of 326,000 ATMs was a "fall back" position. This appeared to be linked to a suggestion that the Applicant should assess impacts of all airport growth beyond the 'today' baseline rather than only the Project's contribution to that aggregate growth when compared to the future baseline. This scenario is not considered, nor is it required to be considered, as part of the Project's assessment for reasons set out primarily in **The Applicant's Response to Actions from Issue Specific Hearing 4 – Surface Transport** [\[REP1-065\]](#) (Action Point 1).²⁴⁴

5.1.4 As explained there, the Project has been assessed in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, which require an Environmental Statement to provide information including (at paragraph 3 of Schedule 4 of the Regulations) an outline of the likely evolution of the baseline without implementation of the proposed development. In this context, the Project builds on the growth at the airport that would arise in any event without the implementation of the Project. There is no "either/or" (in the way that a fall-back might be considered). The Project simply adds to and supplements the growth which would otherwise occur. The approach can be illustrated by reference to the assessment years which have been adopted to reflect the nature of the Project, including 2047. In that year, it is necessary to consider the effects of the Project against a baseline and to do this it is necessary to consider the future baseline as at 2047, i.e. what the position at the

²⁴⁴ See also [\[REP4-032\]](#) section 5.

airport would be in 2047 if the Project had not proceeded. It would not be appropriate to compare growth against a fixed airport baseline as at 2019. It is appropriate to include the 2047 future baseline in the assessment, otherwise it introduces artificial scenarios into the assessment which do not account for airport growth happening in a "without Project" scenario.²⁴⁵

5.1.5 This preliminary point aside, it is now necessary to consider the future baseline sensitivity work.

5.2. Future baseline sensitivity

Introduction

5.2.1 Issues have arisen as to exactly what Gatwick's growth without the Project would be, i.e. the scale of the future baseline and whether differences in scale of the future baseline might generate different environmental effects from the Project.

5.2.2 As the Applicant's **Deadline 5 Submission - Response to Rule 17 Letter: Future Baseline Sensitivity Analysis** [[REP5-081](#)] (updated in [[REP7-073](#)]) explains, the ExA asked, in their Rule 17 letter of 9 May 2024, for the JLAs to propose alternative forecasts to be used as a sensitivity analysis. This was submitted by the JLAs at Deadline 4 in their **Rule 17 Response** [[REP4-049](#)]. The alternative forecasts submitted to the ExA were prepared for the JLA by York Aviation. They proposed a range of forecasts and two scenarios to be studied – the York Low Case and the York High Case.

5.2.3 The York Low case proposed a 56.8 mppa future baseline and a 74.8 mppa with-Project case in 2047. The York High case proposed a 60.5 mppa future baseline and an 80.2 mppa with-Project case in 2047. These represented a difference (between the future baseline and with project scenarios) of 18.0 mppa in the York Low case and 19.7 mppa in the York High case, compared with a difference of 13 mppa in GAL's equivalent forecasts set out as part of the DCO Application.

5.2.4 Such headline figures need to be understood in the context of the assumptions that underpin them. It was a characteristic of York Aviation's figures in GAL's view that they substantially suppressed the future baseline, whilst (in the case of the High scenario) they maintained GAL's headline forecast for total Project throughput. The result in both scenarios is a significantly bigger gap or delta between the future baseline and the Project forecasts.

²⁴⁵ See the Stansted decision para. 31. Other queries relating to the development included in the future baseline were considered in [[REP4-036](#)] (Action Point 6).

- 5.2.5 It should be emphasised that the Applicant agreed to carry out this exercise entirely without prejudice to the case set out in its application, which it considers continues to represent a realistic and robust view of how the airport would grow, both in the absence of the Project (the future baseline) and with the benefit of a dual runway operation (the Project case). Its reasons for saying so should be clear from the submissions above.
- 5.2.6 In any event, for the reasons explained by the Applicant in its response, it does not consider either York Aviation sensitivity case to be realistic.²⁴⁶ Having pressed for this sensitivity work to be undertaken, York Aviation now no longer suggests that the High Case should be considered. However, it remains helpful to refer to that High Case, because it helps to confirm why York Aviation should no longer be pursuing the Low Case either.
- 5.2.7 Whilst there were several differences from the Applicant's forecast, perhaps the most striking feature of the York Aviation sensitivities is that they disagreed with the amount of peak spreading forecast by the Applicant in the future baseline. In their High and Low scenarios, they assume no increase in peak spreading in the future baseline. The consequence of assuming no growth from peak spreading is a lower annual passenger throughput in both YA future baseline cases. This assumption was fundamentally misconceived, as the analysis of peak spreading set out above confirms. This on its own should have been recognised as fatally undermining the York Aviation sensitivities.
- 5.2.8 In the with-Project scenarios, York Aviation assumed that the annual ATM numbers will be the same as the Applicant's with-Project forecast of 386k ATMs (York High case) or close (366k - York Low case), whilst simultaneously assuming a significantly reduced level of annual peak spreading compared to that forecast by the Applicant. However the consequence of that needs to be understood.
- 5.2.9 In contrast to its assumptions for the baseline, York Aviation appear to have assumed that every slot added by the Project is perfectly peak spread at a ratio of 1 – that is, every slot is assumed to operate all year round. To achieve their peak spreading assumptions of 1.13 with the Project, whilst holding this ratio (implausibly) at 1.16 in the baseline case, York Aviation had to assume that every movement added by Project is perfectly peak spread at a ratio of 1.00, or in other words all new slots operate every day of the year.

²⁴⁶ [\[REP5-081\]](#).

- 5.2.10 Further, to achieve such a delta over the future baseline, the total annual passenger throughputs could only be achieved by York Aviation assuming a significantly greater level of traffic throughput in the summer months than the Applicant's forecast proposes. In very simple terms, if the increased movements cannot appear in the winter, they must (mathematically) appear in the summer. This resulted in the York Aviation 2047 Project busy day having 81 more movements in their High case (1215 vs 1134) than the Applicant's forecast and 31 more movements in their Low case. If these additional busy day movements are applied through the daytime period following the expected daily demand pattern, this equates to peak runway throughput rates of 74 and 71 movements per hour respectively in the York Aviation High and Low cases, compared to 69 movements per hour in the Applicant's forecast.
- 5.2.11 The Applicant considers that there are three principal reasons for concluding that these levels of busy day rate are unachievable – in not just the High scenario but the Low scenario too – relating to runway capacity, terminal capacity and stand capacity.²⁴⁷
- 5.2.12 Whilst the Applicant concluded that the York Aviation sensitivity forecasts were unrealistic, it nevertheless carried out the requested sensitivity testing, alongside the continuing debate on forecasting that has been addressed above. As explained further below, the most important conclusion to draw from the sensitivity work is the confirmation that the assessment of environmental effects already carried out by the Applicant would not materially change; indeed if the York Aviation claims were correct, they would at least maintain and in all likelihood increase the benefits held in prospect by the Project.

[Applicant's future baseline sensitivity](#)

- 5.2.13 Despite the difficulties with the York Aviation scenarios, the Applicant recognised that the purpose of the Rule 17 request was to undertake a sensitivity test of the application forecasts to check the robustness of its environmental and economic assessments, in circumstances where its future baseline estimates were alleged to be too high. To guard against the flaws in the York parameters rendering that exercise nugatory, the Applicant carried out a further sensitivity test using what it believed to be more credible (albeit still unlikely) assumptions – although again it is important to stress that the Applicant did this on a without prejudice basis and stands by its DCO forecasts, which it considers to be robust.

²⁴⁷ See [\[REP7-073\]](#) at sections 3.6-8.

5.2.14 That sensitivity rejects the York Aviation assumption that there can be no peak spreading in the future base line but moderates the extent of the Applicant's forecast in response to the question: "*what if peak spreading in the future baseline was less than forecast in the DCO?*". For the Project it rejects York's substantial increase in peak season runway throughput but tests a more modest increment on top of the Project case forecasts, to respond to the question, "what if the dual runway operation could achieve some more busy day throughput?". Taken together these adjustments would increase the delta between the future baseline and Project cases from 13 mppa to c.15mppa. It has done so by reducing its forecasts to 60.1 (not 67.2) mppa in the future baseline and 75.3 (not 80.2) mppa with the Project.²⁴⁸

Implications

5.2.15 If the higher delta was promoted by York Aviation to increase the apparent adverse effects of the Project, it did not do so, due to factors which can be summarised as follows:

- 5.2.15.1. The starting position is that relatively few significant environmental effects are identified in the submitted application;
- 5.2.15.2. Effects arising from the physical construction of the project are unaffected by the sensitivity scenarios;
- 5.2.15.3. The ES is concerned with effects arising from the addition of the Project to the airport as it would have been without the Project. The addition of the Project does not significantly change the behaviour of the future baseline case;
- 5.2.15.4. The sensitivity cases do not increase the overall total number of ATMs or passengers at the airport which have already been forecast and assessed in the application. In many topic areas, therefore, the maximum or worst-case impacts have already been assessed;
- 5.2.15.5. Whilst the sensitivities may be designed to open up a bigger delta or change between the future baseline case and the Project case, the scenarios posed by York Aviation assume a slower rate of growth in passengers and ATMs. The submitted application assumes a faster rate of growth such that 2032 is generally assessed in the DCO application to be the worst-case year. With the York Aviation

²⁴⁸ See further [[REP5-071](#)].

scenarios, 2038 comes out as the worst-case year, for instance, for noise and air quality. By 2038, however, impacts are moderated by improvements in air quality and aircraft noise levels;

5.2.15.6. The mitigations and controls proposed in the application are assumed to also be in place for the scenarios – including the noise insulation scheme (which is designed to avoid significant effects on health and the quality of life), the current Night Flights regime, and the proposed Noise Envelope. The proposed Noise Envelope steps down in 2038 and the effect of that would be to constrain (and to confirm as unrealistic) York's 2038 summer season throughput.

- 5.2.16 The ATM cap proposed in the application prevents greater impacts than those assessed here – for instance if York is right about increased summer season throughput and GAL is right about peak spreading in the base case.
- 5.2.17 All of these factors combine to limit the potential for greater effects than those assessed in the application.²⁴⁹ To the extent that the assessment work carried out on the sensitivities reveals some potential for greater effects, these arise particularly for effects which are linked to the change in throughput in the peak day or the peak season and which arise as result of York Aviation's assumptions that more traffic can be achieved in the busy day/busy month/summer season.
- 5.2.18 When examining those changes, however, it is important to remember that there are normally corresponding reductions in effects outside the 92-day summer season (because the overall level of activity has not increased), although these are not generally reported because assessments focus on the worst case. It is striking, overall, that the assessment does not identify significantly different environmental outcomes from those reported in the ES, even if (to take socio-economics as an example) the timing of the effects will differ (such that effects are relatively lower in the early assessment years, but higher in the later years).²⁵⁰
- 5.2.19 Taking that example,²⁵¹ the York Aviation forecasts imply a slower initial increase in employment numbers (i.e. in 2029 and 2032); however, the low scenario projects direct employment above the Applicant's DCO forecasts for 2038 and 2047. Applying the York Aviation figures would suggest a minor beneficial effect compared to the moderate beneficial effect resulting from the original Applicant

²⁴⁹ See generally section 5 of [\[REP5-081\]](#).

²⁵⁰ See para. 5.9.6.

²⁵¹ See the wider analysis at section 5 for the full environmental review.

forecasts in 2029 and 2032 due to slower growth in the York Aviation forecasts. However, for the 2038 and 2047 assessment years the overall impact remains assessed as major beneficial, and the actual employment impacts are higher. Indirect (supply chain) and induced (wage spending) employment is also affected by the alternative scenarios, however, at the Local Study Area (“LSA”) spatial level the only effect in the low scenario would be that in 2032, it would produce a minor beneficial, rather than a moderate beneficial effect.²⁵²

- 5.2.20 Further, the NPV of the proposed scheme would not be significantly impacted by the sensitivity work.²⁵³
- 5.2.21 The incremental operational employment estimates implied by the Applicant’s sensitivity are higher than the original forecasts but lower than the York Aviation sensitivity in overall terms. They are also profiled to increase more rapidly in the earlier assessment years than the York Aviation scenarios (i.e. more in line with the original forecasts). Accordingly, the Applicant’s sensitivity incremental employment increase is higher than the York low scenarios for 2029 and 2032, but this reverses for 2038 and 2047 when the Applicant sensitivity is lower than the York Aviation low scenario. In assessment terms, at the Local Study Area level the effect would be moderate beneficial in 2029 and remains as major beneficial in 2032. For the 2038 and 2047 assessment years the overall impact remains assessed as major beneficial, with the actual employment impacts being higher than the original forecasts. The impacts on indirect and induced employment, and labour availability, would remain the same as the assessment for the original GAL forecasts.
- 5.2.22 York Aviation confirm that the JLAs are in general content with the consideration of environmental effects of adopting its remaining sensitivity²⁵⁴ - as the Applicant confirmed, that exercise “does not identify significantly different environmental outcomes from those reported in the Environmental Statement”.²⁵⁵
- 5.2.23 It suffices to say that the Applicant does not accept these sensitivities. In any event, there is nothing in the JLA position to suggest that any need to adjust mitigation in accordance with the outcome of their sensitivity exercise has the consequence of residual environmental impacts outweighing the substantial benefit that the Project would continue to provide.

²⁵² See further paras. 5.9.6-8.

²⁵³ See para. 6.1.7.

²⁵⁴ [\[REP6-099\]](#) at Appendix IV.

²⁵⁵ [\[REP5-081\]](#) at para. 7.1.8.

5.3. Conclusion

5.3.1 Having been asked to conduct this sensitivity analysis contrary to its case, the Applicant considers that the exercise was helpful in confirming a number of matters that were the subject of debate in relation to the forecasts, as well as capacity and operations issues. The key areas are as follows:

5.3.1.1. The Applicant's forecast for the throughput of the Northern Runway is demonstrably a full forecast, as modelling demonstrates that it cannot be meaningfully exceeded unless assumptions are made about runway capacity and consequential additional airfield and terminal facilities which are not proposed in the application or practical in practice;²⁵⁶

5.3.1.2. The Project is an increment of growth: the Project brings its own growth opportunity, but it does not fundamentally change the behaviour or markets for the existing airlines and existing slots. The scale of growth, therefore, is limited to the extra capacity for new flights which the Project brings. It is not realistic to assume that the character of the incumbent carriers will change significantly; and

5.3.1.3. The assessed delta of c.13mppa is appropriate.

5.3.2 The sensitivity analysis confirms that even if the baseline forecasts as advanced by the Applicant are tempered, the incremental environmental effects of the Project would remain similar; and it would still deliver substantial benefits in accordance with national policy. If anything, the sensitivity analysis confirms, rather than qualifies, the case for the Project.

²⁵⁶ [\[REP5-081\]](#) Section 3.6.

6 Environmentally Managed Growth

6.1. Introduction

6.1.1 Before addressing the assessment of discrete environmental effects, and the measures that are proposed to control them, it is convenient at this stage to consider what emerged as a main theme of the evidence advanced by the JLAs to the examination, as supported by at least some other Interested Parties.

6.1.2 Whilst their submission at Deadline 4 was described as an introduction to what has become known as their “**Environmentally Managed Growth**” (“**EMG**”) proposal [\[REP4-050\]](#), they had made submissions on this matter during the discussion at Agenda item 5 of Issue-Specific Hearing 2 (ISH2), to which the Applicant made a number of substantive submissions orally and in writing: [\[REP1-057\]](#) Section 5.1. The Applicant also made more limited submissions in relation to the potential application of Luton Airport’s Green Controlled Growth (GCG) to greenhouse gas emissions in response to Action Point 8 from Issue-Specific Hearing 6 [\[REP4-036\]](#). In response to the submission of the proposal, the Applicant set out its position in its **Deadline 5 Submission - Appendix B: Response to the JLAs’ Environmentally Managed Growth Framework Proposition** [\[REP5-074\]](#). Although the JLAs affirmed the proposition thereafter ([\[REP5-093\]](#) and [\[REP6-100\]](#)), this did not materially advance the nature of the fundamental dispute on this issue, as confirmed by the Applicant in its **Response to Deadline 5 Submissions - Response to JLA’s EMG Framework Paper** [\[REP6-093\]](#). The JLAs made a further submission at Deadline 7 [\[REP7-102\]](#) in response to the Applicant’s [\[REP6-093\]](#), to which the Applicant responded at Deadline 8 [\[REP8-118\]](#).

6.1.3 The suggestion by the JLAs that, as a result of the Project, Gatwick should be the subject of their suggested EMG-based controls, has been and is strongly resisted by the Applicant. Its reasons for doing so are set out in full in the above noted submissions and summarised below.

6.2. Context: The Applicant’s proposals and policy

6.2.1 The Applicant is proposing comprehensive and effective mitigation in relation to the growth proposed under the Project, in particular:

6.2.1.1. an overall cap of 389,000 aircraft movements ATMs per annum (requirement 19(1) in the draft DCO);

6.2.1.2. a Noise Envelope (requirements 15 and 16);

6.2.1.3. the Carbon Action Plan ("CAP") (requirement 21); and

6.2.1.4. the Surface Access Commitments ("SACs") (requirement 20).

- 6.2.2 No specific control document regarding air quality is proposed as no significant adverse environmental effects have been identified through the assessment and the evidence shows no risk of such effects arising. However, many of the measures listed within the CAP would have air quality benefits too so GAL has committed to producing an Air Quality Action Plan every 5 years to tell the JLAs specifically the measures that it has taken to improve air quality in the previous 5 years, including those listed in the CAP, for the purposes of transparency and the sharing of good practice. This is secured through the Section 106 Agreement, which also includes commitments to enhancing the existing monitoring regime and to programmes of study on that data carried out by RBBC, CBC and GAL, the type of power units to be used at aircraft stands, and a contribution toward an Ultrafine Particles ("UFP") study if the Government decides that national standards are necessary. In recognition of the JLA's own air quality responsibilities, the Applicant has committed to sharing and publishing data and to regular engagement.
- 6.2.3 As the Applicant has submitted, government policy is in favour of sustainable aviation growth and there is no policy or legislative basis which supports a presumption of 'control' over such growth. It is therefore unhelpful to make that the focus of debate. Rather, the fundamental question for this examination is whether Gatwick's mitigation approach is acceptable on its merits. The Applicant rejects any suggestion that it is not. If it is acceptable, no other more stringent regime can be "necessary".
- 6.2.4 The JLAs explain²⁵⁷ that their principal concern is that the Applicant's control and mitigation proposals as drafted provide the Applicant with too much flexibility or are not effective. The Applicant fundamentally disagrees, for reasons that are set out below when dealing with the controls that it proposes to address specific environmental effects.
- 6.2.5 What the JLAs do not explain, however, is why its concerns about these effects cannot be addressed in the normal way.
- 6.2.6 The relevant tests for the imposition of requirements and obligations are well established and are set out in the ANPS:

²⁵⁷ Para. 3 [REP4-050].

“4.9. The Examining Authority should only recommend, and the Secretary of State will only impose, requirements in relation to a development consent, that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects.

4.10 Obligations under section 106 of the Town and Country Planning Act 1990 should only be sought where they are necessary to make the development acceptable in planning terms, (including where necessary to ensure compliance with the Airports NPS), directly related to the proposed development, and fairly and reasonably related in scale and kind to the development.”

- 6.2.7 Any regime of control which is proposed in place of the ‘normal’ approach to requirements and obligations must demonstrate why that approach is not suitable; and why the alternative approach meets all of these tests. The JLAs have not done so. Simply wanting to have control is not a sufficient reason. Various justifications are attempted in different documents submitted by the JLAs, but none establish why the proposed approach is unacceptable and why their preferred approach to control is reasonable or necessary to make the Project development acceptable in planning terms.
- 6.2.8 The JLAs’ *“key concern is that these requirements provide too much flexibility to allow development to proceed with only retrospective checks”*.
- 6.2.9 However, the controls are not retrospective for reasons that are explained below – by way of illustration the Noise Envelope includes forecasting five years into the future each year, and so it is not correct to characterise it as retrospective.
- 6.2.10 It further does not follow that an EMG framework is the solution to their identified concern in any event. Revisions have been made to those documents during the course of the examination to address comments made by the JLAs and others, and the Applicant considers their terms to be comprehensive and sufficient for the reasons explained further below.
- 6.2.11 The further comments of the JLAs are also misconceived:
- 6.2.11.1. *“Other airports have introduced or are looking to introduce EMG Frameworks”*:
- 6.2.11.1.1. the fact that other airports have proposed EMG for their own purposes does not make them necessary in every case;

- 6.2.11.1.2. none have been found so far to be necessary at airports where growth has been consented;
- 6.2.11.1.3. as is explained below, even if the applicant's voluntary proposals at Luton are confirmed it does not by default establish that such controls are necessary in every case, particularly where other proposals advance appropriate controls to address the impacts which have been assessed in relation to those specific proposals.
- 6.2.11.2. (the CAP) *"does not involve any role for local authorities to participate in that process. The Authorities consider this to be remiss"* (compared with the role given to the LAs in the SACs). It is *"clear there needs to be a role for local authorities in that process. While there is a live debate about who should have the final say, given the national and global nature of carbon, it may be reasonable to argue that the Secretary of State should be the final arbiter rather than individual planning authorities. Nonetheless, we strongly assert that the current CAP lacks the necessary enforcement mechanisms to achieve its outcomes"*:
- 6.2.11.2.1. these concerns have no policy support. The ANPS gives a role to local authorities in relation to surface access (see paragraphs 5.12 and 5.18, for example) but not in relation to carbon (see paragraphs 5.69 and 5.76);
- 6.2.11.2.2. the JLAs are wrong to assert that there is 'a live debate' about whether government or local authorities are responsible for meeting carbon commitments in the UK;
- 6.2.11.2.3. establishing a formal enforcement mechanism between the Applicant and government is only likely to either duplicate control which already exists under the Government's Jet Zero strategy or be inconsistent with it.
- 6.2.11.3. *"While it is acknowledged that aviation emissions are regulated by appropriate mechanisms, the Authorities consider the Applicant lacks adequate measures to monitor and control local emissions stemming from construction, surface access transportation, and operational energy usage"; "while the CAP sets out a series of carbon reduction measures, enabling actions and a process to monitor progress for its delivery, there is still an element of uncertainty with its delivery. To overcome some of this uncertainty, the LPA consider the CAP should*

be strengthened by tying its delivery to environmentally sustainable growth”:

- 6.2.11.3.1. carbon emissions (whether “local” or wider) impact on the global environment and on government commitments for the UK to meet its carbon budgets. That is why the government has policies and budgets for each category of emissions;
 - 6.2.11.3.2. the budgets are not disaggregated locally and control is not locally devolved. It cannot reasonably be asserted that government does not have and will not put in place mechanisms to monitor, limit and manage carbon emissions;
 - 6.2.11.3.3. again, the justification appears to be that government will not adhere to its own commitments to limit carbon, for example, from airport operations, notwithstanding the legal obligations on government to do so and the measures it has put in place through the JZS for that purpose. There is no reason to doubt the policy and legislative regime that has been promulgated to achieve this objective.
- 6.2.11.4. *“The JLAs are of the opinion that the concept of designated airport is a historical anomaly whereby state owned airports were designated for control by the Secretary of State”; “The JLAs’ view is that overall there is a lack of adequate legislative control for aviation noise and that aviation noise policy is inadequate to deal with the issues communities face”; “By virtue of the fact that the DCO is reliant on night flight movement limit and quota count restrictions, it is important that they should, in some way, be linked to the DCO...The JLAs believe the concept of designated airports to be outdated and the DCO provides an opportunity for all noise control measures to be contained in a single framework”:*
- 6.2.11.4.1. the JLAs are at least clear. They wish legislation and policy was not as it is and they seek to subvert both by asserting local control over matters which Parliament has legislated should be controlled by government;
 - 6.2.11.4.2. as the APF explains: “For many years, Heathrow, Gatwick and Stansted Airports have been designated for these purposes, and we will continue to maintain their status. These airports remain

strategically important to the UK economy and we therefore consider that it is appropriate for the Government to take decisions on the right balance between noise controls and economic benefits, reconciling the local and national strategic interests”. This, of course, includes government control over night flights at designated airports.

6.2.12 The themes of the JLA position are examined further below.

6.3. Context: Heathrow's EMG and Luton's GCG framework proposals

6.3.1 The JLAs claim²⁵⁸ that other Airports have introduced, or are looking to introduce, environmental management frameworks with the aim of controlling growth if environmental parameters are, or are likely to be, exceeded, in particular Heathrow and Luton. That, of course, is not a reason to do so here.

6.3.2 However, no other airports have introduced or implemented an EMG or GCG framework or any other equivalent framework. It is without operational precedent (and, at the time of writing, without any planning precedent - no airport expansion planning permission granted has provided for, or had imposed upon it, such a framework). Such controls have been volunteered at the local authority-led Luton DCO, but that does not make them necessary.

6.3.3 Each of these proposals also needs to be seen in context.

6.3.4 Heathrow's EMG framework was being developed in the context of their (at the time) anticipated third runway project. Its detail was still being developed in the pre-application phase, before the project was paused in 2020. How its detail would have been developed and indeed if it would have been incorporated into any submitted application is unknown; however it was being proposed explicitly as a substitute for, and instead of, any passenger or ATM cap. Heathrow's extant ATM cap (imposed as part of its T5 permission) had represented a considerable operational constraint, and EMG was developed conceptually to try and avoid that same constraint applying to any future third runway airport.

6.3.5 This is not the position here, as GAL has proposed an ATM cap as part of its DCO to ensure that the overall number of movements made possible by the Project will not be exceeded. A clear distinction can be made between Heathrow's EMG proposal and the NRP on this basis.

²⁵⁸ Para. 4 of [\[REP4-057\]](#).

- 6.3.6 Luton's GCG framework, by comparison, was submitted as part of their DCO application (and is presently before the SoS for determination). It was proposed alongside a passenger cap as part of their application, continuing, but extending, the cap imposed under their extant planning permission. However, no ATM cap was proposed.
- 6.3.7 It is not necessary to comment on the nature or efficacy of Luton's approach, as ultimately that is a matter for that applicant and the determination of that application, but the Applicant notes the context in which it was made. The promoter of that application, and owner of Luton airport, Luton Rising (the trading name of London Luton Airport Limited), is a wholly owned subsidiary of Luton Borough Council. The airport is operated pursuant to a concession agreement by a separate and unconnected private entity – London Luton Airport Operations Limited. The fact that the owner of the airport (and the promoter of the DCO) is also, as the relevant host authority, the body that would ordinarily be the relevant planning authority, was clearly regarded as relevant to considering who was best placed to provide oversight in respect of the implementation or efficacy of mitigation proposed as part of that scheme. Further, the application and its controls were also being designed and promoted in the context of an existing breach of noise controls at the airport (pursuant to the then extant TCPA permission) and which was the subject of a separate planning application to vary such controls. These matters illustrate why the specific forms of control proposed may have been regarded as reasonable for that project, but they do not arise in this case.

6.4. **EMG vs Proposed Controls**

Introduction

- 6.4.1 The criticisms of the proposed mitigation approach are essentially as follows:

"The Authorities' key concern is that these requirements provide too much flexibility to allow development to proceed with only retrospective checks. Of particular concern is the lack of sanction against the Applicant should the continued growth of the airport exceed expected environmental parameters. Any negative environmental consequences would not have been assessed in the Environmental Statement and could permit non-policy compliant development to occur, which would be further exacerbated by allowing the

airport to continue to expand, despite potentially missing key environmental targets".²⁵⁹

- 6.4.2 The key elements of EMG as a suggested solution to these concerns are:
- 6.4.2.1. Limits on key significant environmental effects specific to air noise, air quality, surface access modal share and GHG emissions (excluding, it should be emphasised Scope 3 aviation GHG emissions);
 - 6.4.2.2. A series of processes to be followed if environmental effects reach thresholds defined below such limits;
 - 6.4.2.3. Ongoing monitoring of the actual environmental effects of growth at the airport;
 - 6.4.2.4. Independent oversight of environmental effects associated with the growth of the airport, involving a new independent Environmental Scrutiny Group (ESG) comprised of representatives from neighbouring districts and county councils and other specialist 'interests' supported and advised by technical panels); and
 - 6.4.2.5. A commitment to link growth at the airport to environmental performance.
- 6.4.3 Despite how the JLAs characterise their concerns, there is in fact substantial commonality in the approach sought by their EMG proposals and those advanced by the Applicant already, in particular:
- 6.4.3.1. limits/targets set in relation to key environmental topics (specifically air noise, carbon emissions and surface access mode share);
 - 6.4.3.2. annual monitoring of performance and prescribed escalatory action in circumstances where the trajectory is indicating potential non-achievement/compliance;
 - 6.4.3.3. independent oversight and governance; and
 - 6.4.3.4. in relation to air noise, potential growth limitations in circumstances where limits are forecast to be or are identified to have been breached.
- 6.4.4 These are explained in more detail below when dealing with the relevant controls under the respective environmental topics. But in this context, the substance of the JLA criticism appears to be the absence of (1) a more 'umbrella' framework that

²⁵⁹ Para. 3 of [\[REP4-057\]](#).

incorporates all of the topics (including air quality) and stipulates the JLAs as the 'independent body' tasked with overseeing compliance with the limits; and (2) a more general conditioning of growth at the airport against compliance with the prescribed limits/targets, thereby providing the JLAs with control in respect of such growth. Neither is necessary or reasonable in the context of what is already proposed, as explained below.

- 6.4.5 Before addressing the discrete controls, it should be emphasised that the proposed DCO cap on ATMs places an effective operational constraint on the airport, which would otherwise not exist given the absence of such a cap at present. The cap would ensure that no greater level of air transport movements than assessed in the ES is permitted to come forward pursuant to the DCO. It provides an additional level of assurance/mitigation in respect of carbon and noise impacts in particular, given those topics are most sensitive to ATMs. It is to be noted that the applicant at Luton Airport resisted a cap on ATM movements, arguing that it was “*not necessary or appropriate*” in the context of the EMG-type approach that was promoted there.²⁶⁰ Further, and as noted above, EMG was proposed by Heathrow as a substitute for, and instead of, any passenger or ATM cap.

Air Quality

- 6.4.6 The JLAs acknowledge²⁶¹ that the air quality assessment for the Project²⁶² predicts that there will not be any likely significant effects arising as a result of the Project, nor any exceedances of the air quality objective values. There cannot possibly be a necessity for a restrictive regime of control to be imposed in these circumstances.
- 6.4.7 That assessment was informed by a series of conservative assumptions²⁶³ regarding the rate of the decarbonisation of vehicular traffic, with Government policy (principally through the Transport Decarbonisation Plan) and carbon reduction targets necessitating a transition to cleaner vehicles that will have clear correlative air quality benefits, providing additional assurance to the conclusions of the assessment and the absence of any potential likely significant effects.
- 6.4.8 This context contrasts with that at Heathrow Airport in the period 2018-20 when the concept of EMG was first considered (in relation to their 3rd runway proposal) where air quality already exceeded objective limits in areas local to the airport and

²⁶⁰ In the Luton examination library, see [REP8-036](#) that applicant's response to the commentary from the ExA on the draft DCO and [REP7-056](#) that applicant's response to examination question no.2.5.

²⁶¹ Section 8.1 of their EMG D5 submission [\[REP5-093\]](#).

²⁶² Chapter 13 of the Environmental Statement [\[APP-038\]](#).

²⁶³ Detailed throughout ES Appendix 13.4.1: Air Quality Assessment Methodology [\[APP-158\]](#) and further expanded in Supporting Air Quality Technical Notes to the SoCGs [\[REP1-050\]](#).

there were legitimate reasons to propose a regime of close scrutiny on the incremental effects of growth.

6.4.9 Notwithstanding the very different position forecast at Gatwick, the JLAs state that:²⁶⁴

"Nonetheless, it is proposed that the Framework would monitor and compare predicted pollutant concentrations against actual monitored pollutant concentrations. The Framework would provide a series of thresholds and limits that would be triggered should pollutant concentrations be higher than predicted to protect local residents."

6.4.10 There is no attempt to challenge the Applicant's assessment conclusions, or to justify why such an EMG framework is considered necessary for planning purposes in that context. The introductory line to the section notes – *"the airport is a significant source of pollutant exposure to residents and the Project has the potential to increase the exposure of residents further"*. However, it is obviously the purpose of carrying out the EIA to test and provide assurance against exactly that potential impact. The JLAs' submission appears to render the EIA carried out in respect of AQ redundant in practice, which is not a position supported by law or policy.

6.4.11 The JLAs also contend that notwithstanding the absence of any likely significant effects in the assessment, it is still necessary to have an EMG framework to guard against future legislative changes which may tighten air quality standards and which the Project may be in breach of at that future point.

6.4.12 The Applicant does not regard this as a reasonable argument. It is entitled to assess and mitigate based on the information available and against the legislative requirements which are known today. It cannot be credibly stated that there is a requirement to do more than this and attempt to speculate on future changes to air quality standards and the Project's potential impact against those (blind to any other changes which have occurred to the background receiving environment/receptors and policy context in parallel). Any attempt to subject the Project to unknown future standards would introduce obvious unacceptable uncertainty to the delivery of the Project/operation of the airport, as it would for any development. There is no legislative or policy basis for that position. Indeed, a similar argument was put forward and dismissed in the appeal decision which

²⁶⁴ Section 8.2 of [\[REP5-093\]](#).

granted planning permission for Stansted Airport (APP/C1570/W/20/3256619) where the Inspectors noted (para 142):

*"The Council proposes alternative conditions to deal with noise, air quality and carbon. Its primary case involves a condition, referred to during the Inquiry as 'condition 15', which would impose restrictions based upon the impacts assessed in the ES/ESA, along with future more stringent restrictions (using some interpolated data from the ES/ESA) and a process that would require the Council's reassessment and approval periodically as the airport grows under the planning permission, allowing for a reconsideration against new, as yet unknown, policy and guidance. **In light of the Panel's conclusions on these matters, there is no policy basis for seeking to reassess noise, air quality or carbon emissions in light of any potential change of policy that might occur in the future. Furthermore, it would be likely to seriously undermine the certainty that a planning permission should provide that the development could be fully implemented.** This appeal must be determined now on the basis of current circumstances and the proposed 'condition 15' is not necessary or reasonable"* (emphasis added).

- 6.4.13 In any event, there is inherent conservatism built into the Applicant's assessment of future years which should provide confidence that, even were air quality standards to tighten, the Project would not result in any breach of them. Conservative assumptions for future emissions include background values being frozen at 2030 and conservative aircraft emissions assumed for future cases. Road traffic emissions are anticipated to improve in future years due to changes in fleet composition which will be necessary to meet the trajectory of carbon reductions set out in the Transport Decarbonisation Plan to deliver net zero commitments. In addition, with improved vehicle engine testing and improved emission factors, the risk of underprediction has reduced. Conservative assumptions are detailed within **ES Chapter 13: Air Quality** [\[REP3-018\]](#) and Appendix D and F of the **Supporting Air Quality Technical Notes to the SoCGs** [\[REP1-050\]](#).
- 6.4.14 Monitored concentrations reported within **ES Appendix 13.6.1** [\[APP-159\]](#) demonstrate that concentrations within the vicinity of the airport are below the current air quality objectives for NO₂, PM₁₀ and PM_{2.5} and are already below the future legal target for PM_{2.5} introduced in 2023. Monitored concentrations at the LGW3 monitoring station at Gatwick have been below the updated PM_{2.5} legal standard of 10 µg/m³ to be met by 2040 for the past 5 years. Furthermore, within

Horley Gardens the maximum annual average NO₂ concentration for 2023 was 20 µg/m³, half of the air quality objective of 40 µg/m³, meeting the more stringent WHO global guideline NO₂ value of 20 µg/m³ (which is not currently part of UK legislation or policy).

- 6.4.15 In any case and notwithstanding that there is no assessed potential for any significant effects to arise, the Applicant has still agreed with the JLAs through the Section 106 Agreement that it will produce an Air Quality Action Plan to detail the measures that it has taken to improve air quality, as well as commitments to a continuation of and enhancement to the existing monitoring regime and programmes of study on that data carried out by RBBC, CBC and GAL, the type of power units to be used at aircraft stands and a contribution toward a UFP study if the Government decides that national standards are necessary. In recognition of the JLAs' own air quality responsibilities, the Applicant is proposing to share and publish data and support regular engagement including updates on any changes to air quality thresholds.²⁶⁵ In planning terms, the Applicant's proposals are a more than sufficient response to the air quality assessment. The Applicant has seen no evidence from the JLAs of any adequate policy support or any precedent in their areas where greater commitments than these have been made where there is no prospect of air quality limits being reached.
- 6.4.16 As an alternative to EMG, the JLAs have suggested various elaborations to the Applicant's existing controls in the SAC, CAP and AQAP, all of which essentially provide for a greater level of prescription, control and process. The Applicant has no difficulty in reporting on the measures it is undertaking in those documents, and both the SAC and CAP already provide for this detail within their respective monitoring processes (Commitment 16 of the SAC and paragraph 4.4.2 of the CAP). To the extent the interventions undertaken are not having their desired effect, then their respective reporting/governance processes will make that clear and allow remedial/additional action to be undertaken. In the absence of the individual/micro measures being committed at this point in time (which the Applicant has previously explained is not necessary/appropriate in view of the overarching committed 'outcomes'), then it is not clear what additional detail the JLAs can be said to need/what gap is alleged in the Applicant's existing process.
- 6.4.17 For all these reasons, there is no credible argument to suggest the Project's air quality impacts come close to justifying the imposition of a regime as administratively and operationally complex or burdensome as the EMG framework proposed by the JLAs. Such controls are wholly disproportionate, not necessary

²⁶⁵ Schedule 1 of the Section 106 Agreement (Doc Ref. 10.11 v3).

to make the Project acceptable in planning terms and are plainly not fairly and reasonably related in scale and kind to the development.

Carbon Action Plan

- 6.4.18 The CAP commits the Applicant to a maximum construction emissions limit and to become PAS 2080 certified. It also proposes limits in respect of airport buildings and ground operations (ABAGO) emissions by 2030 (net zero) and 2040 (zero emissions).
- 6.4.19 The CAP obliges the Applicant to submit annual monitoring information to Government in respect of those emissions within its control and, if any compliance issue – including an anticipated issue with achieving compliance - is identified, the Applicant will have to submit an action plan to address this. The government would have at its disposal any measures it thought necessary to control emissions. Rather than impose a constraint on growth within the DCO, this approach recognises the scope for government to intervene in the light of specific policy mechanisms to constrain carbon. This is consistent with the policy context - an acceptance through the JZS that growth can be achieved without constraining capacity and that a range of policy measures can be pursued at a national or sectoral level to meet climate change objectives.
- 6.4.20 There are no specific commitments regarding aviation emissions because the Applicant has a relative lack of control over these emissions and these are for the Government to control through policy including its Jet Zero strategy and legislation.
- 6.4.21 Aviation emissions are not proposed to fall within the scope of the Luton EMG framework - with their omission being explained as follows:²⁶⁶

"It is proposed to exclude Scope 3 aviation GHG emissions from the GCG Limit in the context of the UK Emissions Trading Scheme (UK ETS), launched in January 2021, and the commitment in the Jet Zero Strategy to fully implement the Carbon Offsetting and Reduction Scheme for International Aviation (CORSA) in the UK by 2024... ..Given that an external offsetting mechanism exists in the form of the UK ETS, and that compliance with it is a legal requirement for airlines, it is not believed that provision of this mechanism through the GCG Framework would be appropriate, as the Government has confirmed its position that aviation emissions are best dealt with at a national

²⁶⁶ In Luton's separate 'Green Controlled Growth Explanatory Note' submitted to the examination [REP11-011](#) at paras. 3.4.22-29.

level. In addition, setting a GCG Limit that goes beyond the ambition of the UK ETS may lead to undesirable outcomes both for the airport and the wider environment. Any further reduction in allowable emissions arising from such a Limit would result in fewer aircraft operators using their UK ETS emissions allowances to operate flights to or from the airport. They will however be free to use these allowances to operate to or from other airports. As such, any decreases in GHG emissions from flights operating to or from the airport would simply be offset by equivalent increases elsewhere. This would not help the UK meet its goal of achieving net zero by 2050, nor would it help to address the global effects of climate change. It could also lead to longer surface transport journeys overall as people travel to less convenient airports for flights that might otherwise have been offered at Luton, resulting in greater energy use and therefore GHG emissions."

- 6.4.22 The Applicant agrees with that analysis, and it is for the same reason that Aviation emissions are not proposed to be individually 'controlled' under the Applicant's CAP.
- 6.4.23 It should be emphasised that the JLAs do not propose to include such aviation emissions within the scope of their anticipated EMG framework for the same reason.²⁶⁷
- 6.4.24 The inference to be drawn from this approach is that the JLAs are satisfied this is an impact best managed by the Government at a national level in line with their existing policy commitments under the Jet Zero Strategy – the Applicant agrees with this too. If it is accepted by the JLAs that “*aviation emissions will be controlled by government*”,²⁶⁸ and recognised that government has set out policies (through its Jet Zero strategy) to monitor and control emissions from airport ground operations (with which the Applicant's ABAGO commitments in the CAP are consistent), there cannot conceivably be a case based on reasonableness or necessity for the JLAs to draw up and enforce their own strict trajectory.
- 6.4.25 The JLAs also helpfully acknowledge²⁶⁹ that the Applicant's commitments as part of its CAP are in line with government policy, particularly its commitments in respect of Scope 1 and 2 ABAGO emissions to be net zero by 2030 and then to achieve zero emissions by 2040. The JLAs do not identify any element of the

²⁶⁷ See further the Applicant's response to Action 8 of ISH6 [\[REP4-036\]](#) on the consistency of its position in respect of scope 3 aviation emissions with Luton's GCG framework.

²⁶⁸ Para. 5.3 of [\[REP7-102\]](#).

²⁶⁹ Section 9.1 of [\[REP5-073\]](#).

Applicant's mitigation in the CAP to disclose any gap when considered against government policy.

- 6.4.26 This means that approximately 96% of the GHG emissions associated with the airport under future operations with the Project implemented²⁷⁰ would not be subject to the EMG framework the JLAs are envisaging. Chapter 16 of the ES accounts for 100% of the GHG emissions generated by the NRP and does not find any likelihood of a significant environmental effect. Establishing a complex regime to manage the residual 4% of the emissions could not meet any test of planning necessity.
- 6.4.27 The JLAs proposals also do not propose to incorporate the emissions arising from the construction of the Project, leading to a further reduction in the residual emissions subject to their proposed framework. Their proposed EMG framework purports to focus and control only two emissions areas – ABAGO and surface access transportation.²⁷¹ In this respect, the application is no different in principle from any other major development in the JLAs' area but the JLAs do not promote EMG for those.
- 6.4.28 In respect of ABAGO emissions, it is unclear what benefit the JLAs consider any trajectory that extrapolates intervals between today, 2030 and 2040 would have, to ensure the Applicant's commitments in respect of those latter dates are met. The CAP is in effect from the implementation of the DCO,²⁷² which accordingly triggers the monitoring and reporting process set out within section 4.4 of its terms. This obliges the Applicant to submit a copy of the Monitoring Report to the government each year, demonstrating progress against and compliance with its commitments. The Applicant must produce, publish and submit to the government an action plan in circumstances where the Monitoring Report indicated insufficient progress was being made towards complying with the commitments.²⁷³
- 6.4.29 It cannot be credibly argued that the government, on receiving the annual monitoring information and in the context of delivering its own complementary (and in many ways, co-dependent) Jet Zero strategy, would fail to direct the Applicant to take the necessary steps to comply with its commitments were it necessary to do so. The necessary trajectory is achieved by the escalating decarbonisation to

²⁷⁰ Para 16.12.1 of Chapter 16 of the ES [[APP-041](#)].

²⁷¹ Their purported scope is described in Table 1 in Section 9 of [[REP5-073](#)].

²⁷² Requirement 21 of the draft DCO.

²⁷³ See para. 4.4.6 of the CAP [[REP8-054](#)].

accord with the net zero 2030 and zero emission 2040 commitments, which in turn support the government's wider net zero 2050 target.

- 6.4.30 Further, in the context of any concerns regarding the retrospective effect of monitoring and any limitations on being able to subsequently “correct” a breach – clearly this is not relevant in respect of ABAGO emissions which are, by definition, within GAL's direct control and there would be a number of measures capable of being implemented that could have that corrective effect if necessary (with examples set out under the relevant commitment in the CAP).
- 6.4.31 In respect of surface access emissions, the Applicant has explained how its SACs and particularly the sustainable transport mode share commitments in respect of passenger and staff travel to and from the airport serve to mitigate the surface access emissions that could otherwise result. Whilst the Applicant has comparatively less control over this source of emissions (by comparison to the Scope 1 and 2 ABAGO and construction emissions), it acknowledges the importance of promoting sustainable transport measures and has designed its SACs in this context.
- 6.4.32 The SACs are addressed further below, however the efficacy of the SACs ensures that no additional control or process in respect of surface access emissions is necessary to be repeated in the CAP or any theoretical EMG framework proposal. As with aviation, the Government has express responsibility for surface access emissions and has a plan in place to manage a trajectory towards net zero (the Transport Decarbonisation Plan).
- 6.4.33 The Applicant emphasises that the West Sussex authorities and the Surrey authorities do not find it necessary to impose an EMG-type regime on the GHG emissions of surface access relating to any other land use or development in their counties and have no policy requirement to that effect. The fact that the Luton DCO applicant has chosen to volunteer such an approach for that airport is not a justification for imposing one here.
- 6.4.34 As for governance of the CAP more generally, there is no logical basis on which to suggest a panel made up of local authority representatives is better placed than the Government to assess GAL's compliance with its GHG commitments and determine any additional steps necessary. That process is exactly what is envisaged by the Government's own Jet Zero Strategy already and would, in any event, be needed in respect of the Government's carbon reduction/net zero targets. The Government has taken the responsibility for ensuring the aviation sector decarbonises in line with the UK wide net zero 2050 target. The Jet Zero

Strategy and Transport Decarbonisation Plan set out strategies in this respect, including the monitoring Government undertakes to ensure the emissions reduction is achieved. The Government is self-evidently best placed to ensure GAL's compliance with the CAP commitments. It is plainly not appropriate to in some way overlap or confuse that reporting/enforcement channel by also scoping in local authority regulation.

- 6.4.35 The substance of the later JLA submissions²⁷⁴ is to suggest supplements to the CAP, in the alternative to the EMG framework. The proper inference to be drawn from this approach, the Applicant suggests, is that the JLAs accept (tacitly or otherwise) that the need for an EMG framework in respect of this topic is not supported by the evidence presented in the examination. Again, there is no evidence of the JLAs ever having considered this necessary for any development in their areas or having any policy basis to support their case.

Surface Access mode shares

- 6.4.36 The SACs commit the Applicant to achieve and maintain minimum sustainable travel mode shares for passengers and staff by the third anniversary of the commencement of dual runway operations. They have also been amended to include interim mode share commitments (as explained below). The SACs include both 'headline' commitments and a series of specific measures in support of these.
- 6.4.37 Again, there are annual monitoring processes and, if commitments are not met, or in the reasonable opinion of GAL or the Transport Forum Steering Group (TFSG) the reporting suggests they may not be, GAL will, in consultation with the TFSG prepare an action plan for approval by the TFSG.
- 6.4.38 As with the approach to aviation growth, there is nothing in policy to suggest that constraints in growth are necessary to achieve acceptable controls over transport impacts for airport or any other form of development. In this context, it would be entirely disproportionate for there to be a constraint on growth to be related to adherence to such commitments which are enforceable in their own right.
- 6.4.39 In the event that growth did result in an anticipated failure to meet these commitments as the airport grows, it is more appropriate for Gatwick to identify specific mitigation (most likely in the form of additional sustainable transport measures or to adjust its parking/forecourt pricing) to address any issue and engage with the TFSG in the same collaborative manner that exists and has proven successful to date at the airport under successive Airport Surface Access

²⁷⁴ [\[REP6-093\]](#).

Strategies. There is no evidence to suggest that in the circumstances applicable to Gatwick, the threat of a growth constraint is necessary to ensure GAL's compliance with its commitments. It has a proven track record of achieving its targets in this sector and will continue to do so.

- 6.4.40 The JLAs' position in respect of surface access in the context of EMG proposals is slightly unclear; however, the Applicant understands the position to be that the surface access limits they propose are considered to be a necessary safeguard to overlap with the SACs which the Applicant has committed to through the DCO:

"The SAC is proposed to be secured under Requirement 20 of the DCO, providing an additional level of assurance and security to stakeholders as to the Applicant's commitment to its specified surface access outcomes. It is nonetheless considered that surface access should form part of the Framework to ensure that, as a fallback, growth at the airport can be managed should the surface access commitments not deliver the change in passenger and staff behaviour sufficient to meet the mode share targets".²⁷⁵

- 6.4.41 The Applicant has submitted updates to the SACs which incorporated a number of edits to address concerns raised by the JLAs.²⁷⁶ It is not obvious from reading the JLA's EMG submissions that they have fully understood the extent of the commitments that are made. In so far as the concern may be²⁷⁷ that the SACs only require the Applicant to identify further actions "retrospectively, once monitoring shows the targets have been missed", this fails to identify what the monitoring and compliance process would achieve.

- 6.4.42 The SACs have consistently and specifically provided²⁷⁸ for a monitoring and reporting process, including the following requirements:

6.4.42.1. The Applicant to prepare an Annual Monitoring Report ("AMR") setting out the information prescribed by Commitment 16, with the first AMR required to be produced at prior to the commencement of the Airfield Works (being Works No 1-4 as set out in Schedule 1 of the Development Consent Order (whichever of those works commences first)) (paragraph 6.2.1 of the SACs);

6.4.42.2. The AMR is to be provided to the Transport Forum Steering Group ("TFSG", (consisting of the Applicant, local highway and planning

²⁷⁵ Section 10.3 of [\[REP5-073\]](#).

²⁷⁶ Ss well as related comments from National Highways: see [\[REP3-028\]](#).

²⁷⁷ See sections 10.5 to 10.7 of [\[REP5-073\]](#).

²⁷⁸ Ibid.

authorities, National Highways, Network Rail, and various other transport operators and agencies as well as business and passenger representatives)) prior to publication so that it can provide a response, with both the AMR and the TFSG's response then published on the Applicant's website (paragraph 6.2.2 of the SACs);

- 6.4.42.3. In addition to the AMR, the Applicant will report quarterly to the TFSG, who will also be given access to data collected for the purposes of monitoring except those which are commercially sensitive (paragraph 6.2.3 of the SACs);
- 6.4.42.4. Further, the Applicant will also continue to produce an Action Plan in line with its commitments in the Airport Surface Access Strategy (the ASAS-AP). The ASAS-AP presents Gatwick's plan for achieving the targets set out in its existing ASAS and the Decade of Change and will also support the achievement of the mode share commitments in the SACs. The ASAS-AP will be reviewed with the TFSG quarterly and reported on at the annual meeting of the Gatwick Area Transport Forum (paragraph 6.2.4 of the SACs);
- 6.4.42.5. If the AMR shows that the mode share commitments have not been met or, in the Applicant's or the TFSG's reasonable opinion, suggests they may not be met (having regard to any circumstances beyond the Applicant's control which may be responsible), the Applicant will in consultation with the TFSG prepare an action plan to identify such additional interventions which are considered reasonably necessary to correct such actual or potential non-achievement of the mode share commitments. The action plan shall be subject to approval by the TFSG (such approval not to be unreasonably withheld) and the Applicant will implement the measures in the action plan once approved by the TFSG (paragraph 6.2.6 of the SACs);
- 6.4.42.6. Where the Applicant identifies that circumstances beyond its control has impacted on its ability to achieve its commitments in the SACs, the Applicant will be expected to demonstrate that the circumstances were:
 - a. not permanent in nature;
 - b. outside of the control or influence of the airport operator;
 - and c. directly related to the breach of a Mode share commitment (paragraph 6.2.5 of the SACs);
- 6.4.42.7. If two successive AMRs continue to show that the mode share commitments have not been met or, in the Applicant's or the TFSG's

reasonable opinion, suggests they may not be met (having regard to any circumstances beyond the Applicant's control which may be responsible), the Applicant will prepare a further action plan (the "SAC Mitigation Action Plan") and will provide this to the TFSG within 30 calendar days in order that the TFSG can consider, comment on and approve or reject the SAC Mitigation Action Plan. The TFSG may propose additional or alternative interventions it believes to be necessary to achieve the mode share commitments (the "Proposed Measures") (paragraph 6.2.7 of the SACs);

6.4.42.8. The Applicant must incorporate the Proposed Measures into the SAC Mitigation Action Plan; or provide valid reasons why it does not consider they are necessary to achieve the mode share commitments; or offer suggestions for alternative actions where there is evidence they will achieve or exceed the same goal. The Applicant will implement the measures in the SAC Mitigation Action Plan once approved with the TFSG (paragraph 6.2.7 of the SACs);

6.4.42.9. Where the TFSG does not agree with any reasons put forward by the Applicant for the non-inclusion of the proposed measures, it must give the Applicant its reasons in writing within 30 days of receipt of the Applicant's response. The Applicant must submit the SAC Mitigation Action Plan and the Proposed Measures to the Secretary of State within 30 days of receipt of the TFSG's written reasons (paragraph 6.2.8 of the SACs); and

6.4.42.10. The Secretary of State may approve the SAC Mitigation Action Plan or direct the Applicant to include in a revised SAC Mitigation Action Plan the Proposed Measures or such additional or alternative interventions it considers reasonably necessary to achieve the mode share commitments having had regard to the materials submitted including the representations submitted by the TFSG and any relevant evidence, data or information submitted by the Applicant. The Applicant must implement the measures in the SAC Mitigation Action Plan approved by the Secretary of State unless otherwise agreed with the TFSG (paragraph 6.2.9 of the SACs).

6.4.43 As can be seen from this extensive monitoring, reporting and governance process it is incorrect to state that the Applicant is only obliged to identify further actions "retrospectively" as alleged:

6.4.43.1. The monitoring applies from prior to the commencement of the Airfield Works (being Works No 1-4 as set out in Schedule 1 of the Development Consent Order (whichever of those works commences first)) and so will identify performance against the mode share targets years in advance of their commitment being triggered (noting the interim mode share commitments are set to be achieved by the first anniversary of the commencement of dual runway operations and the mode share commitments set out in Commitments 1-4 are set to be achieved by the third anniversary of commencement of dual runway operations);

6.4.43.2. Regardless of the output of the monitoring, the Applicant is obliged to continue to produce an Action Plan in line with its existing commitments in respect of the ASAS and which will be reviewed quarterly by the TFSG;

6.4.43.3. The TFSG can also direct an action plan to be produced where it considers GAL is not on track to meeting its mode share commitments, with such action plan subject to approval by the TFSG and the Applicant is obliged to implement such approved plan; and

6.4.43.4. This all applies in advance of the safeguard step which allows the TFSG or, where necessary, the SoS, to direct specific action be taken in circumstances where two successive AMRs are considered to show that the Applicant is off-trajectory – before such AMRs continue to show that the mode share commitments have not been met.

6.4.44 The aggregate effect of these 'pre-emptive' monitoring and reporting obligations cannot be credibly stated to mean there is an information gap prior to the mode share commitments in the SAC coming into effect.

6.4.45 There is a clear procedure prescribed for circumstances where the Applicant is "off-track" in terms of compliance with its mode-share targets. There is no need to be prescriptive as to what a non-compliant trajectory means, as the process allows the Applicant and the TFSG to respectively initiate action plan discussions.

6.4.46 Next, the Applicant noted concerns raised regarding the three-year period from commencement of dual runway operations until the mode share commitments (Commitments 1 to 4 in the SACs) have effect. The JLAs' acknowledge that the monitoring and reporting will apply in advance of then, but for completeness it should be emphasised the SACs have been revised at Deadline 9 so that the first AMR is to be produced no later than before the commencement of the Airfield Works (being Works No 1-4 as set out in Schedule 1 of the Development Consent

Order (whichever of those works commences first)), as set out above. Further, the Applicant proposed amendments to the SACs at Deadline 8²⁷⁹ to introduce mode share commitments within one year of the commencement of dual runway operations, in order to formalise the trajectory towards the passenger and staff mode share commitments set out in commitments 1 and 2.

- 6.4.47 Insofar as the JLAs have tried latterly to clarify the intended effect of their EMG framework by saying that it is to only restrict growth in circumstances where the Applicant fell below 5% of its mode share commitments, the relative tolerance in the percentages is not the material factor which informs the Applicant's response to the alleged need for an EMG – rather it is the crudeness and disproportionate nature of a growth restriction as a default consequence which the Applicant does not support.
- 6.4.48 Residual concerns on this aspect of the controls appear to be the common concerns across the topics generally – the make-up of the 'independent body' to whom GAL will report/engage and the absence of a 'growth' control linked to performance.
- 6.4.49 Dealing with the independent body element first, the TFSG's constitution already fulfils the JLA's stated intention of an “Environmental Scrutiny Group” made up of representatives from neighbouring and country councils, as well as individual specialists, all supported by Technical Panels made up of specialist consultants/technical officers.
- 6.4.50 The TFSG's current membership and constitution is set out in the TFSG Terms of Reference (February 2023) submitted to the examination²⁸⁰. Its purpose and scope is supported by Government aviation policy as set out in Department for Transport's (DfT) Aviation Policy Framework (March 2013), and is in operation at the airport to this effect already today.
- 6.4.51 Gatwick has consistently out-performed other major UK airports over the last 10-15 years, seeing considerable growth in the percentage of trips using sustainable modes, where other London airports have experienced lower or little improvement in mode shares. The Applicant's constructive relationship with the TFSG has clearly been a contributing factor to that success. There is in short no evidence to support a proposition that the TFSG would not be able to, or best placed to, oversee the Applicant's performance against its SACs and hold it to account where necessary. It can also be noted that in the highly unlikely circumstances where the

²⁷⁹ [\[REP8-053\]](#)

²⁸⁰ Appendix 3 to the Section 106 Agreement [\[REP2-004\]](#).

Applicant failed to comply with the SACs it would be in breach of the corresponding requirement to the draft DCO, enabling enforcement action to be pursued by the JLAs.

- 6.4.52 Similarly, there is no evidence that supports it is any way necessary or proportionate to condition continued growth at the airport to performance against the SACs. Gatwick's successful performance in increasing public transport mode share has all been achieved without any such condition or planning incentive/restriction – it is a by-product of the Applicant's own commitments and drive to improve sustainable transport to/from the airport, and a product of the collaboration with stakeholders, including the TFSG.
- 6.4.53 In circumstances where the Applicant was off-trajectory to compliance (including on-going compliance after the initial milestone), the appropriate course of action is to agree and then implement the additional steps required to correct that non-compliance. This will necessarily require the consultation and collaboration envisaged by the SACs to ensure the most appropriate and integrated solution is put forward. (This may simply be increasing the parking/forecourt pricing to disincentivise driving to the airport; however, it may also need to be parallel to a new bus or coach route, or staff travel incentive to achieve the joined-up effect desired).
- 6.4.54 Transport interventions often necessarily require sensible coordination between multiple parties to achieve the optimum solution for the user of the network. This is why the TFSG was set up. Were the Applicant's growth to be conditioned to achieving the mode share targets, this could incentivise more unilateral measures to be employed to ensure the trajectory towards compliance is achieved, but which may have a less efficient/effective overall outcome for the transport network and its users (for instance, by relying exclusively on parking/forecourt pricing, at the expense of additional public transport interventions).
- 6.4.55 Whilst the SACs are unique to the Project, the concept of mode share commitments and travel plans is not unusual in infrastructure and development planning. They are often secured as conditions to planning permissions and the Applicant's commitments to produce monitoring reports and action plans are also consistent with that genre of mitigation commitment. In contrast, there is no consented, nor operational, precedent for the constraint the JLAs suggest is necessary. The implication of their position would be that no further growth at the airport would be permitted in circumstances where GAL were 0.1% under their passenger or staff mode share targets, even were the wider network to be

operating without issue. That is an absurd position to promote, and one which has no support in policy.

- 6.4.56 It is understood the JLA's contention is that, if the Applicant were under-performing against its mode share commitments, then it must follow that the transport impacts of airport-related traffic will be greater than those which it has assessed in its application (and that they must necessarily be unacceptable). The Applicant disputes this that is the case for the reasons explained in response to Action Point 1 of **ISH8 on Surface Access Commitments**,²⁸¹ but in any event it does not support a position that operations at the airport must then be curtailed. The Applicant has assessed the likely significant effects of the Project - it is not obliged to guarantee precise traffic levels – and there is no evidence of any harm that would arise if there were an issue with meeting the mode share commitments. The proper response to cater for that eventuality is to take timely measures to address the anticipated problem, not prevent development taking place at all.
- 6.4.57 This proposition applies to any development, but this Project is a nationally significant infrastructure project, and the Government recognises the nationally important economic and other benefits that aviation brings. Automatically preventing further growth, and so losing those benefits, is a disproportionate, blunt tool and would be contrary to the Government's position and damaging to the UK.
- 6.4.58 Rather, what should be required in the event of any non-compliance, and what is proposed, is immediate prescribed and escalatory action, for which the Applicant is held responsible subject to the scrutiny of the TFSG and ultimately the Secretary of State if agreement on the required steps cannot be achieved. The Applicant has deliberately placed no restriction on what the Secretary of State could impose on the Applicant in any mitigation plan were the circumstances to merit such intervention. The Applicant accepts this principle. That discretionary flexibility to respond to the particular circumstances is clearly very different, however from an automatic growth restriction in the manner envisaged by the EMG framework.
- 6.4.59 What the Applicant does not accept is that there should be some form of automatic and simplistic control on growth that effectively bypasses the coherence and detail of arrangements that are designed to allow an effective choice of anticipatory actions to address any emerging concerns. Thus the Applicant has proposed significant specific surface transport mitigation (including the £10million bus and coach services fund, the Rail Enhancement Fund and the Sustainable Transport Fund), but also contingent mitigation in the form of the Transport Mitigation Fund

²⁸¹ [REP6-078].

("TMF") in the event that there are any unforeseen or unintended impacts arising from the Project. The TMF secures an additional pot of £10m to be drawn from, applying the process set out in its corresponding provisions in Schedule 3 of the s106 Agreement. When seen in the context of the aggregate surface access proposals, including significant works to the SRN that will improve the performance of the surrounding local highway, the potency of the SACs is clear.

- 6.4.60 For these reasons, it is not a valid criticism of this Project to suggest that notwithstanding (1) the assessment information which does not identify any significant effects, (2) the controls secured, and the robustness of the process set out, in the SACs, (3) the committed financial obligations and (4) the Applicant's historically favourable performance by comparison to sustainable transport at other UK airports, that any form of corresponding growth control should still nonetheless be required as a 'fall-back' or safeguard.

Noise Envelope

Introduction

- 6.4.61 The Noise Envelope will limit the overall noise of aircraft using the airport, as well as limiting the total area of land experiencing air noise above a set threshold. It will take effect upon commencement of dual runway operations and the daytime and night-time contour area limits are to be subject to periodic reviews. If a contour area limit is shown to have been exceeded - or is forecast to be exceeded - the Applicant must submit a compliance plan to the independent air noise reviewer (proposed to be the CAA) for approval. In the event of consecutive breaches of a noise envelope limit or a forecast exceedance, the Applicant will be prevented from declaring further capacity for commercial ATMs, thereby offering a control on the growth of the airport.
- 6.4.62 By taking the approach of both forecasting noise emissions and reviewing actual noise emissions year on year it will be possible to correlate those, to improve accuracy and robustness of forecasting, and also to ensure any predicted exceedance is identified as early as is reasonably possible to prevent breaches occurring.
- 6.4.63 In this context, the JLAs' comments in [\[REP5-073\]](#) in respect of slot allocation, the declaration of capacity, the position in respect of 'grandfather rights' and on the Noise Envelope proposed by the Applicant, as addressed in more detail below, fundamentally misunderstand the processes which the Applicant has committed to put in place. They seek to portray a situation of the Airport having no control over how it forecasts and releases capacity, and moreover how it responsibly runs its

business. The comments are also blind to the commercial realities of how the Airport will need to be managed so that it continues to operate successfully and without issues of non-compliance, which would give rise to adverse critical business impacts and reputational issues. For obvious reasons the Applicant would not allow those issues to arise, and it has put in place very effective systems and processes to ensure that they do not arise.

- 6.4.64 A detailed summary of the Airport's business planning processes and how that five year future forecasting will be updated and used annually to identify proposed capacity releases and how those will be used for the purpose of future forecasting to ensure the airport remains in compliance with the Noise Envelope contour limits into the future is provided in the **Applicant's Response to Actions - ISH8: Noise [REP6-087]** at Appendix A: Note on how the Applicant will plan to stay in the Noise Envelope and why this will be effective (the "Noise Envelope Note").
- 6.4.65 To assist to illustrate why the criticisms made by the JLAs in relation to the Noise Envelope proposed by the Applicant are not valid, and moreover why the EMG proposals are not necessary and represent an inferior approach to controlling air noise emissions from the use of the Airport, the Applicant sets out below some specific comments raised by the JLAs²⁸² and addresses them directly.

Issues

- 6.4.66 The key allegation in the JLAs' paper in relation to the Noise Envelope proposals is that the Airport has no way of controlling what slots are released, and no oversight which ensures that the Airport cannot declare an amount of capacity which could lead to a breach of the contour limits, which could then not be remedied as 'grandfathered' slots could not be withdrawn.
- 6.4.67 However, as is explained in the Noise Envelope Note, the Airport will be forecasting five years into the future year on year, and this process will start two years before the NRP begins to operate. That forecasting will be aligned with the Airport's business planning, which it is necessary to do to ensure the business can operate successfully with clarity and plan how it is going to operate in the market.
- 6.4.68 In reporting those five-year forecasts year on year, the Applicant will be identifying, for each of those future years, the anticipated air noise emissions associated with the relevant level of declared capacity and the anticipated fleet mix and how that aligns with the applicable noise envelope limit. Monitoring of actual performance year on year will also be undertaken, which has the primary purpose of verifying

²⁸² in Section 4 and Section 7 of the [\[REP5-073\]](#).

the forecasting undertaken in the previous year and informing any margin of error that must be accounted for, to ensure the accuracy and reliability of the future forecasting as a noise control measure. All of that information will be submitted to and independently verified by the CAA, who have the required resource and expertise to undertake this independent reviewer role.

- 6.4.69 If any exceedance is identified in any future year within the annual five-year forecasts the Applicant will be restricted from releasing any further capacity from the Airport in the next season following the identification of the forecasted future breach, and until such time as the measures which ensure that breach does not occur have been approved by the CAA.
- 6.4.70 Examples of timescales for this and why this will be effective to identify and require actions to prevent future breaches before they occur, including where those are identified by the CAA following their review, or indeed confirmed by the Secretary of State following any appeal, are detailed at paragraphs 3.1.9 – 3.1.18 of the Noise Envelope Note.
- 6.4.71 Taking this approach will ensure a situation is avoided where more capacity than can be accommodated within the Noise Envelope contour limits is permitted to be released, and the position that the JLAs seek to advance regarding the level of slots with grandfather rights being more than can be accommodated within the Noise Envelope contour limits will not come to pass.
- 6.4.72 The Applicant also highlights²⁸³ that at no point in the operation of the Airport to date have all slots been taken up through historic rights, meaning there have always been slots available in the slot pool, which adds flexibility to remain within capacity constraints.
- 6.4.73 Where any future breach is forecasted the Applicant will also have multiple tools at its disposal to address those, and the characterisation that all the Applicant is proposing is to limit releases of capacity and to apply an ATM cap to manage air noise emission is not correct. The actions available to the Applicant to manage compliance with the Noise Envelope may include:²⁸⁴

6.4.73.1. Pre-emptive management:

²⁸³ See para. 2.2.6 of the Noise Envelope Note [\[REP6-087\]](#).

²⁸⁴ See para. 2.6.3 of the Noise Envelope Note [\[REP6-087\]](#).

6.4.73.1.1. longer term forecasts (5 years) updated each year and taking account of changing forecast environment in terms of traffic mix, fleet planning and capacity planning;

6.4.73.1.2. altering charging structures to help influence operation of quieter aircraft;

6.4.73.1.3. introducing restrictions on operation of noisier aircraft to stop new capacity being taken by them;

6.4.73.2. Season-ahead controls:

6.4.73.2.1. restricting the amount of capacity released in any season conditional on meeting quota targets;

6.4.73.2.2. introducing a QC quota allocation for airlines to limit the airport to a seasonal QC limit as a proxy for the Noise Envelope;

6.4.73.2.3. applying QC restrictions on any new capacity allocated;

6.4.73.3. In-season controls:

6.4.73.3.1. requiring action from airlines who are forecast to exceed their QC quota to take action to bring it down;

6.4.73.3.2. last resort measures – preventing airlines from operating services which put the airport at risk of exceeding the airport QC quota and as a consequence, the noise envelope, where subject to a QC requirement;

6.4.73.3.3. Improving Operating Procedures - to reduce the noise footprints of aircraft.

6.4.74 There is no need to be prescriptive now regarding what the Applicant must do to ensure compliance with the Noise Envelope – in fact this would amount to an unduly stifling approach which may artificially and unnecessarily limit growth and the economic benefits that would arise from the consent. Rather, the application of the Noise Envelope, the need to comply with the contour limits and the approach to reporting through forecasting and monitoring of actual performance, will be effective to require the Airport to achieve compliance and give them the flexibility to operate their business to do so.

- 6.4.75 The Airport will be actively managing and seeking to maximise its capacity within the environmental limits, and to achieve this it may choose to implement measures that allow it to increase the number of movements whilst limiting noise through the use of specific co-ordination parameters which influence the manner in which slots are available, for example allocating them on the basis that they can only be used by ICAO Chapter 14 Aircraft (a “noise efficient slot”).²⁸⁵ This again is a decision for the Airport to take, to ensure it operates within the applicable environmental limits.
- 6.4.76 The Applicant, for completeness, has addressed the very unlikely circumstances that there is an actual breach caused by the existence of 'grandfather rights' which mean movements need to reduce to achieve compliance. In those circumstances the Applicant would seek to negotiate a voluntary position with the affected airline operator(s) as appropriate.²⁸⁶ Such negotiation would also be undertaken against the backdrop that the Applicant would be in breach of the DCO requirement, and in the event of persistent breach enforcement action may be taken under the Planning Act. An ultimate sanction under such Planning Act 2008 (“the 2008 Act”) enforcement procedures could be the imposition of a court injunction, to prevent continued operations which result in breaches of the Noise Envelope contour limits.
- 6.4.77 The JLAs do not dispute that the 2008 Act regime would apply in circumstances where the Applicant was in breach of a DCO requirement (not only in relation to the Noise Envelope, but the SACs and CAP too). However, they appear to dispute the efficacy of such statutory regime, principally citing issues in relation to the available sanctions (fines/injunctions) and the logistics of bringing the claim, and that their proposed EMG framework should be preferred by comparison.
- 6.4.78 The Applicant makes three short points in response:
- 6.4.78.1. It does not dispute that there would be challenges in relying on the enforcement regime under the 2008 Act to regulate compliance with its commitments under the above-noted requirements. It is for this reason that the Applicant has instead proposed bespoke monitoring, reporting and governance processes under those same requirements, so as to avoid the need to default to the default statutory enforcement provisions. The same arguments the JLAs proffer in respect of their EMG framework by comparison to the 2008 Act process apply equally to the approach set out by the Applicant within its relevant control documents. It is incorrect to

²⁸⁵ See para. 2.2.8 of the Noise Envelope Note [\[REP6-087\]](#).

²⁸⁶ As is explained at para. 2.7.5 of the Noise Envelope Note.

characterise the position as a choice between an EMG framework and the Planning Act 2008 enforcement regime, or indeed to suggest that one would be progressed in exclusion to the other. In circumstances where any enforcement action is pursued, where there is a breach that would in any event require actions to be taken to be remedied in accordance with the Applicant's approach;

6.4.78.2. The Applicant had simply observed in its previous submissions the existence of the Planning Act 2008 enforcement regime as an additional safeguard, which can be relied upon by the JLAs (or others) in circumstances where they identify a breach of a DCO requirement. As primary legislation reflecting Parliament's will, it should be taken as read that those enforcement processes are appropriate to be relied upon in the event of a breach of a DCO requirement. Whilst the individual monitoring, reporting and, where necessary, remedial action processes set out in the individual control documents have been designed to ensure more bespoke process tailored to those individual topics, the presence of the existing statutory regime should provide more general comfort that there is an ultimate sanction in circumstances where the Applicant was considered to be in breach of those processes; and

6.4.78.3. further to the above, like most criminal sanctions the Planning Act 2008 enforcement regime serves as much, if not more, as a deterrent from breaches occurring, as it does to provide a route for remedy to address breaches which have occurred. No responsible business would conduct itself in a manner which would give rise to criminal liability, taking into account the internal corporate and more widely the reputational issues this would give rise to. This is a significant consideration in respect of any enforcement regime and which is fundamental to effectiveness, which is in most cases to provide sufficient deterrent so as to avoid the need for resource to deal with the offence which has occurred.

6.4.79 The Applicant does not consider that there is any realistic possibility of that sanction needing to be relied upon, taking into account the robust forward-looking nature of the controls that are proposed, the need to evidence how compliance will continually be achieved (including any unlikely breach remedied) and the measures to do this year on year, and the early 'shadow' implementation of the Noise Envelope two years prior to operations from the Project commencing.

6.4.80 Accordingly, and contrary to the JLAs' submissions, other additional controls are not required to be secured by the DCO to ensure that growth cannot give rise to

unacceptable environmental noise effects; and it is not correct that there would be a “time lag” which undermines the effectiveness of the Noise Envelope, in particular when actions are to be in place to prevent breaches arising. That may be true of a backwards looking Noise Envelope, such as that proposed by the JLAs, but it is not a flaw of the Applicant's proposals.

6.4.81 The Applicant also rejects the suggestion²⁸⁷ the Noise Envelope is in any way limited in its scope of controls. As has been explained,²⁸⁸ and as is consistent with Noise Envelope planning controls operating (or proposed to operate) at other UK airports, it is not necessary to use a range of metrics to place the appropriate limits on air noise, or to allow those to be reviewed over time, and doing so would not provide clarity and certainty for surrounding communities and other relevant stakeholders. It is convenient here to draw together in the EMG context various suggestions made by the JLAs as to the setting of limits for, and governance of, a Noise Envelope, much of which will also be relevant when considering the Noise Envelope in its own right:

6.4.81.1. *The noise envelope must be responsive so that action can be taken in a timely manner to prevent breaches:* This is not accepted, in that the Applicant has designed the Noise Envelope to ensure it is sufficiently anticipatory and allows flexibility in the measures to address any forecast issues – so that it is not necessary to take responsive measures to correct issues which have already arisen in short timescales in an unplanned manner. This approach in fact highlights why the EMG proposals are not as effective at preventing breaches whilst ensuring growth when compared with the Applicant's Noise Envelope proposal;

6.4.81.2. *The noise envelope should encourage a management system to assure compliance rather than simply report performance:* as has been detailed in the Noise Envelope Note, the Applicant's Noise Envelope incorporates a rigorous system of forecasting, monitoring, reporting and management, aligned with future business planning, to ensure the successful operation of the Airport and the realisation of its capacity and associated benefits with processes to assure this is within the Noise Envelope contour limits. That assurance is further bolstered by the appointment of the CAA as the independent noise reviewer, drawing on

²⁸⁷ Section 7 of the [\[REP5-073\]](#).

²⁸⁸ See the Air Noise Envelope Background Appendix 14.9.5 [\[APP-175\]](#).

their significant expertise to ensure the necessary checks and balances are in place;

- 6.4.81.3. *The use of quieter fleet and operational practices must be incentivised:* The key principles of the policy, when read as a whole, are that within the limits set by the envelope, the benefits of future technological improvements should be shared between the airport and its local communities to achieve a balance between growth and noise reduction. Airlines should be incentivised by noise envelopes to introduce the quietest suitable aircraft as quickly as is reasonably practicable and to adopt the quietest operational practices. The Noise Envelope contour limits have been agreed by the Applicant to be based on the updated central case forecast, which set the fleet forecast trajectory into the future. The limits will also be reviewed over time, to reflect how quieter aircraft are being procured and introduced into the fleet by airlines at Gatwick, and by establishing further limits into the future taking this into account will capture that anticipated level of performance and in turn incentivise it to ensure access can be given to the maximum number of movements over time. In doing so the Noise Envelope will be providing (sharing) further benefit to local communities;
- 6.4.81.4. *The delivery of the noise insulation scheme must be incentivised:* this is not actually relevant to the Noise Envelope, and the delivery of the Noise Insulation Scheme based on the Year 1 Noise Envelope Limits, which cannot be exceeded in the future, is already secured through DCO Requirements;
- 6.4.81.5. *The noise envelope must integrate with the noise insulation scheme and planning policies:* The Noise Insulation Scheme inner zone and outer zone are set taking into account the Noise Envelope contour limits at Year 1, and as such are integrated with this. The Noise Envelope is also policy compliant, as is discussed in more detail in the Noise and Vibration chapter (Chapter 11) of this submission;
- 6.4.81.6. *Appropriate noise metrics must be incorporated into the controls reflecting the effects:* The Airport has carefully considered relevant information regarding which metrics should be used, and it has detailed

why only the primary metrics should be used to set the Noise Envelope contour limits;²⁸⁹

- 6.4.81.7. *Where effects are found to be represented by new metrics the noise envelope needs to have the ability to be updated to incorporate these as controls:* As set out above, the Airport has detailed why the primary metrics should be used to set the Noise Envelope contours, whilst accepting the reporting of secondary metrics. This ensures that the Noise Envelope is simple and able to be easily understood by all stakeholders, which includes communities and the airlines operating from Gatwick Airport. Both need certainty, and the introduction of additional metrics and requirements as operations progress would be entirely inappropriate as a consequence. Nowhere in policy or guidance is such an approach proposed, and the Applicant is not aware of any example of such an approach being taken in a noise envelope for any other airport in the UK;
- 6.4.81.8. *Control over the airport should be on a local basis with appropriate input from the relevant central government bodies:* there is no basis for this in law or policy. Where legal requirements require local authorities to perform a role, such as in accordance with Article 6(3) of Regulation 589/2014, the publication of the forecasting and monitoring reports post scrutiny by the CAA, will ensure they can perform that role. But that is not in any way the same as having the ability to “control the airport”, and in that respect the Airports (Noise-related Operating Restrictions) (England and Wales) Regulations 2018 confirm that the Secretary of State is the competent authority for imposing noise operating restrictions through a DCO, and the exercise of scrutiny over forecasting and monitoring information by the CAA before wider publication of that and the use of their expertise to assist with confirmation of compliance with the Noise Envelope and the appropriate limits to be set over time is entirely lawful and appropriate. The Applicant would also argue it is prudent given their specialist expertise and independent function;
- 6.4.81.9. *The ESG and the Technical Panels need to have appropriate powers for scrutiny and audit of processes and data and have the ability to recover costs associated with all work:* there is no need for an ESG or Technical Panels, and in the Applicant's view this represents the use of resources unnecessarily to address a less efficient approach to noise

²⁸⁹ ES Appendix 14.9.5 Air Noise Envelope Background [\[APP-175\]](#).

control. The CAA is more than capable of performing its role of independently reviewing and verifying the information which is submitted by the Airport in a timely manner which will ensure the most effective and timely visibility of air noise emissions information and demonstrable compliance with the Noise Envelope limits;

6.4.81.10. *The roles of all regulators need to be defined and recognised to provide an effective enforcement model:* there is a clear definition of function in the Noise Envelope and the DCO in relation to the review of the forecasting, monitoring and other information relating to compliance which may be submitted by the Applicant. There are also effective controls in place to address a breach, which will restrict further capacity releases so as to best prevent those arising. There is also no need to think it is necessary to re-write the Planning Act 2008 enforcement processes, as set out above;

6.4.81.11. *An appropriate appeals mechanism must be established:* an appeals mechanism is included in the DCO, which allows matters to be referred to the Secretary of State by the Applicant, as is typical of DCO approval process arrangements;

6.4.81.12. *Information by the Applicant should be produced without delay and published in a manner and form as may be specified by the ESG:* the Noise Envelope information is to be published in a timely manner for all stakeholders to be aware of, with each approved annual monitoring and forecasting report and noise compliance plan required to be published within not more than 14 days following the date on which those are approved.²⁹⁰

6.4.82 Various other points are raised by the JLAs on the envelope itself²⁹¹ which for convenience are addressed here in an EMG context.

6.4.83 First, the Applicant does not agree that the step down in the Noise Envelope contour areas at Year 9 is not appropriate and should be sooner. The level which is set in Year 1 provides the headroom for growth, to a maximum level which is acceptable. To be within the Noise Envelope contour areas the air noise emissions will need to begin a trajectory of reduction well in advance of Year 9, as they cannot instantly reduce from the Year 1 maximum level to the Year 9 level. The approach

²⁹⁰ See DCO requirement 15(4).

²⁹¹ See para.s 7.3-9 of [\[REP5-073\]](#).

allows for growth in the early years, capping a peak of noise, and then incentivises improvements in noise performance to Year 9 (and thereafter).

- 6.4.84 Second, the Applicant has agreed to base the Noise Envelope on the updated central case fleet mix, which is appropriate. This represents the Airport taking on additional risk given the achievement of this rate of fleet mix is heavily dependent on manufacturers and their supply chain being able to meet their delivery schedules to fulfil airline orders in a volatile global environment. But the Applicant has chosen to adopt this more challenging case to incentivise as best as it can and maximise the benefits it is able to share, in response to feedback from various stakeholders. The Noise Envelope contour limits will also be reviewed over time, to reflect how the quieter aircraft are being procured and introduced into the fleet, and by establishing further limits into the future taking this into account will capture that anticipated level of performance and in turn incentivise it to ensure access can be given to the maximum number of movements over time. In doing so the Noise Envelope will be providing (sharing) further benefit to local communities, and contributing to improvements to health and quality of life, in line with policy.
- 6.4.85 Third, there is no need for advance thresholds to be set. Setting limit values at 80% and 90% would also be requiring actions which inhibit growth, which is permitted up to 100% of the limit. There is simply no support in policy or elsewhere for an approach which seeks to limit the Airport in a manner which requires the full extent of growth, whilst staying within environmental limits, not to be achieved. Appropriate and proportionate management action is evidently able to be secured without the need for the proposed artificial limits on growth to ensure limit values are not exceeded, and this is far more effective by reference to future forecasting than looking back at previous years and then mandating approaches to address issues which have arisen and caused operational issues.
- 6.4.86 Lessons can be learned in this context from the Government's approach to carbon. No one doubts the importance of the government's commitments but the JZS emphasises that the government does not support capacity management when other controls and measures are available to achieve its trajectory.
- 6.4.87 Fourth, there is likewise no need to mandate QC budgets for day and night-time linked to the slot allocation process to manage the allocation of slots in line with the anticipated noise impact. QC budgets along with other tools may be used to inform the capacity declaration and slot allocation, but this should not be prescribed, particularly when taking into account how those correlate with actual noise performance (including that they take no account of improved operating

procedures that reduce noise compared to a QC rating) and as a tool are therefore limited in terms of their accuracy.

- 6.4.88 Fifth, the Applicant has also explained why the five-year forecasting approach and the commencement of that two years prior to operations from the Project commencing will be effective to identify predicted breaches before they arise, and to ensure capacity is not released which gives rise to an actual breach. In circumstances where noise operating controls can be aligned with other business planning processes to effectively manage the Airport within its limits, it is remarkable to suggest that no slot should be released for two years post the Project commencing operations to allow analyses of data to inform what may be reasonably be released so as not to exceed a limit.²⁹² It envisages an unreasonable and unrealistic world in which the Applicant invests in the full implementation of the Project and then would be forbidden from using it for at least two years, at the whim of the JLAs. The manner in which the Noise Envelope is proposed to operate alongside business planning, to ensure the contour area limits are not exceeded by the release of capacity, will inherently limit slots that can be allocated in any given year, and indeed will restrict release where there is any forecast breach in the future five-year period.
- 6.4.89 Sixth, the noise insulation scheme has been based on the maximum level of noise that the DCO would permit, and it is not proposed to reduce this as the Noise Envelope contour limits are reviewed over time. In those circumstances there is simply no logic to linking slot release to the delivery of additional noise insulation. The noise insulation that is to be provided has already been shown to be adequate to avoid all significant effects.
- 6.4.90 For all these reasons, none of the points advanced by the JLAs provide any cogent basis for imposing an EMG approach in relation to noise, or indeed the need for any additional controls to be incorporated into the Applicant's mitigation proposals.
- 6.4.91 The JLAs have also effectively conceded their position in any event. They accept that the proposal of the Applicant to start forecasting two years early “would meet many of our concerns,”²⁹³ assuming the “process is rigorous and effective” which it would be as set out above (and in the section of these submissions relating to noise). This position was expressed subject to the appropriate involvement of the

²⁹² At ISH8 the JLAs argued that this was not their proposition, recognising how disproportionate it would be. However, that proposition is set out in terms in [\[REP5-093\]](#) at para. 7.7 and in the appendix at para. 51: “Therefore the mechanism by which the noise envelope would work would be to (have): an initial delay of slot allocation by two years to allow analyses of the data to inform what may be reasonably be released so as not to exceed a limit.”

²⁹³ [\[REP7-102\]](#) para. 7.24.

authorities in the process and broader concerns on the metrics included, but as the Applicant has explained Gatwick's designated status is consistent with government oversight and any separate debate on metrics has no bearing on the more fundamental principle of how controls over noise should be exercised.

6.4.92 For these reasons, there is no aspect of noise control that justifies disturbing the approach advanced by the Applicant.

6.5. Conclusion

6.5.1 Standing back from the detailed points raised on the environmental topics of air quality, carbon, surface access and noise, it appears that two main themes arise: firstly, unsubstantiated concerns with the "*retrospective effect*" of the controls proposed by the Applicant; and secondly, the suggestion that it is somehow only the group of JLAs that can provide effective independent oversight of the second largest airport in the UK.

6.5.2 The concern with the 'retrospective' nature of the mitigation regime put forward is misconceived, for reasons that are set out above. Each of the controls has deliberately provided for the prospective identification of a potential issue in meeting the requirements of the proposed controls. The mechanisms that would be put in place to oversee the Noise Envelope, the SACs and the CAP would function to pre-empt any potential exceedance of the relevant controls where the trajectory of activity indicates that it is necessary to take further action in advance of any exceedance.

6.5.3 In any event, the JLAs have failed to recognise how EMG would suffer from the same criticisms. It is a feature of monitoring that it is necessarily 'backwards' facing, and so will only identify an exceedance of a threshold or limit once it has occurred. That is the case whether or not the monitoring occurs as part of an umbrella framework such as EMG/GCG, or whether it is individually required under the separate, bespoke mitigation approaches proposed by the Applicant under the NRP. The monitoring is an information gathering tool. What is more important is what follows from that information, and what action is required in circumstances where the monitoring indicates action is necessary. The proposals advanced by the Applicant allow that monitoring information to be used as a predictive tool and for any breach of the commitments to be avoided.

6.5.4 As for independent oversight, the Applicant has explained the proposed governance arrangements attaching to each of the individual controls. In effect, the JLAs are challenging the respective legitimacy of the CAA, the TFSG and even

the government itself to carry out their stated functions in those areas; and in so doing they are suggesting the JLAs are better placed as a body to do so. No cogent evidence has been provided to substantiate that assertion, beyond a stated preference of desired control.

- 6.5.5 The height of their case seems to be that there was an independent scrutiny group envisaged by Heathrow on their EMG, and proposed by Luton in their GCG. The different context to those proposals is set out above, but in any event the fact that different airports have proposed different independent groups is not determinative or even persuasive when considered against the particular mechanisms that Gatwick has proposed, based on its own experience of airport management in established and effective relationships with the CAA and the TFSG amongst others. The JLAs have not come close to providing specific detail as to why a further body, beyond what has been proposed, is necessary or appropriate.
- 6.5.6 The JLAs suggest their approach is in accordance with aviation policy²⁹⁴ and appear to rely (based on their assertions at ISH8) on a general statement in MBU that government support for aviation growth under that policy is conditional on *'environmental issues being addressed'*²⁹⁵ and/or that airports *"as part of their planning applications airports will need to demonstrate how they will mitigate local environmental issues"*.²⁹⁶
- 6.5.7 However, as the Applicant has noted,²⁹⁷ nothing in MBU (or any other aviation policy) suggests that *"subject to environmental issues being addressed"* involves a constraint on the growth of an airport. The policies allow for environmental issues to be addressed in exactly the way that the Applicant is proposing in its control documents. It would be a very extreme measure to suggest that one should stop the operation or growth of nationally significant infrastructure in those circumstances, as opposed to dealing with the normal route, which is to provide a specific means to address the issue that has been identified. Nothing in MBU suggests that such measures are intended to be imposed, particularly given the general support for airports making best use of their existing runways; if such extreme measures were intended the policy would have said so. Government's clear opposition to demand management in its Jet Zero Strategy provides a more obvious guide to the appropriate approach.

²⁹⁴ Para. 3.1 of [\[REP7-102\]](#).

²⁹⁵ Para. 1.6 of MBU.

²⁹⁶ Ibid. Para. 1.24.

²⁹⁷ [\[REP6-084\]](#) para 3.2.1.

- 6.5.8 In practice, the JLAs' desire appears to be to control matters which Parliament has decided should be managed by government (with which the JLAs disagree) and to assert that any regime based on current policy may not be sufficient, as that policy may change.
- 6.5.9 Both arguments expose the weakness of the EMG proposition in this case.
- 6.5.10 There is nothing unique about the NRP as a project which supports such a significant departure from the normal approach to planning controls, including in relation to all other consented airport development (both recent and historic). Indeed, the Applicant does not consider there to be any precedent for this approach in any other form of development or infrastructure planning (beyond the emerging, and untested, GCG approach offered unilaterally by Luton Airport). It is not an approach supported in any county or local policy or applied by the JLAs in any other circumstance to any development anywhere in their respective counties.
- 6.5.11 It appears to have been seized upon by the JLAs as a concept purely because it has been proposed by Luton Airport (in the context set out above), or initially conceived (but not promoted) by Heathrow Airport (in its specific context), without any critical analysis having been applied to its actual utility or applicability to the Project in the light of the mitigation proposed by the Applicant. Overall there is no consented or operational precedent for what the JLAs propose. There would need to be a clear and obvious need for such an approach for it to be found necessary and a corresponding deficiency in what the Applicant proposes. Such a departure from all other consented development requires far more than superficial comparison and that case has not been made:
- 6.5.11.1. Air quality: there is no reasonable basis to consider that any EMG-framework type regime could be required in respect of air quality in view of the Applicant's assessment;
 - 6.5.11.2. Carbon: it is plainly disproportionate to consider the creation of such a regime is justified in respect of the circa 4% of airport GHG emissions the JLAs are proposing their framework applies to, and particularly considering the equivalent regime put forward by the Applicant in the CAP;
 - 6.5.11.3. Surface access: no EMG framework is required in the context of surface access at the airport, in view of Gatwick's legacy track record and the already effective functioning of, and working relationship with, the TFSG

that achieves much of the same independent scrutiny for which the JLAs advocate. The Applicant's approach in the SACs builds on, and complements, that existing, successful approach, and significant mitigation, both physical and financial, has been committed to as part of the Project to ensure its success;

6.5.11.4. Noise: the EMG proposals would be less effective than the Noise Envelope which has been proposed by the Applicant, both in terms of controlling noise and reporting the actual and forecasted air noise emissions to stakeholders. The JLAs' submissions do not appear to recognise the way in which the Applicant's proposed Noise Envelope will operate to forecast future air noise emissions from operations every year looking five years ahead, and to address in good time any anticipated breaches should those be predicted. The JLAs have not evidenced why EMG is the only way or a better way to manage a Noise Envelope. There is no need for or demonstrable benefit of local control of airport operations, particularly when dealing with an airport which is designated because of its national importance, where the CAA is better suited to undertaking the independent reviewer role.

6.5.12 The JLAs have failed to advocate as to why any EMG framework would be reasonable or necessary to make the NRP development acceptable in planning terms as required by the relevant policy tests. By contrast, the Applicant has made extensive submissions in this examination as to why its proposed mitigation approach is effective and proportionate to the potential impacts of the Project. Any objections to the contrary by the JLAs have been largely superficial and focussed principally on their unjustified desire to have greater control over the airport's growth. That is a desire which is not supported by policy nor the evidence before this examination. It is a distraction from the more fundamental question of whether Gatwick's mitigation approach is acceptable on its merits. Gatwick resists any suggestion that it is not.

6.5.13 Finally, the Applicant makes clear that it would not accept the risk of incurring the significant capital investment of constructing the development to then find it was unable to commence dual runway operations or subsequently enjoy the growth facilitated by it, because (to take an extreme example) it was 0.1% under a described environmental limit. That is not a credible position to expect a commercial developer or operator to adopt. In respect of the imposition of planning conditions, the Planning Practice Guidance makes clear that conditions should not be imposed where they *"unreasonably impact on the deliverability of a*

development", making clear that "*conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness*" (paragraph 5 under 'use of planning conditions'). The EMG framework proposed by the JLAs fails in respect of this guidance criteria. The level of uncertainty it would introduce to planning the development and subsequent operation of the airport would be unacceptable. The Applicant confirms it would simply choose not to invest in implementing the scheme and instead elect to maintain its current operations/growth under a single runway, where it is not subject to any such restrictions.

6.5.14 The EMG framework should for all these reasons be rejected.

7 Approach to EIA

- 7.1.1 The **Environmental Statement** ([APP-026] to [APP-217]) ("**ES**") was submitted to the Planning Inspectorate on 6 July 2023 as part of the Application for the Project, and sets out the anticipated environmental effects during the construction and operation of the Project.
- 7.1.2 Book 5 comprises the ES that was submitted with the Application. Volume 1 contains the main ES chapters. **Chapter 2: Planning Policy Context** [APP-027] sets out details of the planning policy context taken into account for the assessment for the Project. Information relating to the main alternatives considered during the evolution of the Project is set out in **Chapter 3: Alternatives Considered** [APP-028].
- 7.1.3 The description of the existing airport operations and the way it will evolve in the absence of the Project (the Future Baseline) is provided in **Chapter 4: Existing Site and Operation** [APP-029]. A description of the Project that has been assessed and reported on within the ES is set out in **Chapter 5: Project Description** [REP8-013]. **Chapter 6: Approach to Environmental Assessment** [APP-031] sets out the approach and methodology adopted for the Environmental Impact Assessment (EIA) process.
- 7.1.4 Chapters 7 to 19 of ES Volume 1 contain topic-by-topic environmental information. **ES Chapter 20: Cumulative Effects and Inter-Relationships** [APP-045] sets out the consideration of inter-relationships between topics and potential cumulative effects with other developments. A summary of effects is provided in **Chapter 21: Summary of Effects** [APP-046].
- 7.1.5 Figures and appendices to accompany ES Volume 1 are provided separately in ES Volume 2 and ES Volume 3 respectively. A Non-Technical Summary of the ES is available as a separate summary document [APP-217].
- 7.1.6 Proposed mitigation identified in the ES is secured via the documents detailed in those chapters and summarised in the **Mitigation Route Map** [REP8-020] and the **Register of Environmental Actions and Commitments** [REP8-121].
- 7.1.7 Since ES was submitted in July 2023, there have been updates to a number of the chapters, figures and appendices to reflect Project changes, to provide clarificatory information or to correct errata. A number of additional submissions before and during the Examination have also provided clarificatory and/or

supplementary information (often in response to submissions made by Interested Parties), which have formed part of the ES for the Project. This has included:

7.1.7.1. Three change applications: the **First Change Application** was submitted on 13 February 2024 ([AS-139] to [AS-141]), the **Second Change Application** submitted on 26 June 2024 ([REP6-072] to [REP6-077]), and the **Third Change Application submitted** on 15 July 2024 [REP7-097] and [REP8-102]. All three have been accepted by the ExA and incorporated into the examination of the Project. Each time a change application has been submitted, the Applicant has included in the application report a list of the documents that have been or are to be updated as a result of the change, meaning that the application documents (including the ES) have always remained up to date;

7.1.7.2. An ES Addendum relating to the **Updated Central Case Aircraft Fleet Report** [REP4-004] setting out what the Applicant considers to be the most likely rate of fleet transition; and

7.1.7.3. various other documents that have been submitted during the course of the Examination, such as technical notes, sensitivity analyses and similar, which contain supplementary environmental information.

7.1.8 Following a request from the ExA at Issue Specific Hearing 8, the Applicant prepared a **Consolidated Environmental Statement** [REP8-120] setting out, in a single document, the various amendments made to the ES throughout the Examination. This signposting document contains information about the latest versions of each document that comprises the ES. It also sets out details of any other supplementary documents which are relevant to, and/or assist with the interpretation of, that part of the ES, organised by topic chapter. The Consolidated ES forms the "up to date" version of the ES for the Project, and will be updated at Deadline 10 to incorporate any additional ES documents submitted into the Examination since Deadline 8. The Consolidated ES will be certified by the Secretary of State pursuant to Article 52 of the **Draft Development Consent Order** (Doc Ref. 2.1 v11).

7.1.9 The following chapters of these Closing Submissions set out a narrative for each environmental topic, summarising the key matters raised during the Examination and the responses of the Applicant. Each chapter also confirms the Applicant's case at the end of the Examination on any matters that remain unresolved with Interested Parties and confirm that the Application is considered to be compliant with relevant legislation and policy. The length and detail contained in the

chapters naturally varies, depending on the level of attention and scrutiny each topic received from the ExA and Interested Parties during the Examination.

7.1.10 The chapters also reference the key submissions relating to each environmental topic. The following submissions made during the Examination are also relevant to all of the topics, however, they are only referred to in the chapters below where it is particularly relevant to the submissions, and for brevity are not repeated in each chapter:

7.1.10.1. The **Relevant Representations Report** [\[REP1-048\]](#);

7.1.10.2. The **Applicant's Response to Written Representations (and appendices)** [REP3-072] to [REP3-077];

7.1.10.3. The **Applicant's Response to the Local Impact Reports (and appendices)** [REP3-078] to [REP3-082];

7.1.10.4. The **Applicant's Responses to the ExA's Written Questions (ExQ1) (arranged by topic)** [REP3-083] to [REP3-105]; and

7.1.10.5. The **Applicant's Responses to the ExA's Further Written Questions (ExQ2) (arranged by topic)** [REP7-078] to [REP7-093].

8 Greenhouse Gases

8.1. Introduction

- 8.1.1 The need for the UK to decarbonise in order to address the effects of climate change is well-established in law and policy. The issue is a global one, requiring co-ordinated international action, as reflected in the Paris Agreement. The UK's domestic response has been to impose a legally binding commitment to reduce the net UK carbon account by 100% against the 1990 baseline by 2050 - "net zero". In order to meet this target, there must be changes in all sectors of the economy. The government has made this clear.
- 8.1.2 In the aviation sector, the message from government has been that "*It's not about stopping people doing things: it's about doing the same things differently*".²⁹⁸ Jet Zero recognises that decarbonising aviation will be a challenge, and that the aviation sector will not stop emitting greenhouse gases by 2050, but that meeting net zero is vital for UK connectivity and growth and in fact opens up significant economic opportunities for the sector. This is why the strategy sets a clear goal of net zero with a trajectory to reduce sectoral emissions, supported by multiple policy measures that will be monitored through five-year reviews.²⁹⁹
- 8.1.3 Gatwick understands the role that it must play in this transition. The Applicant has been carbon neutral since 2017.³⁰⁰ Since 2010, it has put sustainability at the heart of everything the airport does, including calculating and reporting greenhouse gas emissions annually. The 2019 performance summary confirmed that the direct emissions from the airport were 54.5% lower than the 1990 baseline. The second Decade of Change, published in 2021, sets out new sustainability targets to 2030 and accelerates the goal of achieving net zero for direct emissions to 2030.
- 8.1.4 Its plans to transition Gatwick vehicles to zero or ultra-low emission by 2030 are already being implemented at the Airport today and capital investment has been secured to ensure that, independently of the Project, the vast majority of its fleet will be electric vehicles. It is installing charging infrastructure to support this transition as and when the capacity is needed and working with third parties at

²⁹⁸ "Decarbonising Transport, A Better, Greener Britain", Department for Transport, June 2024, page 4.

²⁹⁹ See *Jet Zero strategy: delivering net zero aviation by 2050*, Department for Transport, July 2022, page 4.

³⁰⁰ The Applicant's Response to Deadline 5 Submissions - Response to GHG Comments [[REP6-094](#)] at CGG16; see the Carbon Action Plan [[REP8-054](#)] at paragraphs 1.1.3-6.

the airport to deliver charging infrastructure as it is required.³⁰¹ The Applicant is also pursuing a number of SAF-related activities to support the development of a suitable SAF industry, including the exploration of measures to support increased SAF supply.

- 8.1.5 The Applicant is working to help reduce emissions outside the airport, in relation to passenger and staff transport. In order to accelerate the development of a suitable hydrogen industry, Gatwick was a funding partner with West Sussex, Surrey and Kent County Councils for the recent, successful ZEBRA2 grant funding bid from Metrobus. This secured a further £10 million of funding from central Government to add 43 more hydrogen-fuelled buses to the existing fleet of 20 launched in 2023. The Applicant has also been providing financial support to the local bus network serving Gatwick, Crawley and the surrounding area for a quarter of a century, helping to develop the initial Fastway network, supporting service enhancements through its Sustainable Transport Fund and recently part-funding the introduction of hydrogen buses on routes to the airport.³⁰²
- 8.1.6 These are all measures that the airport would carry on independently of the Project, but they illustrate a commitment of the Applicant to play its part in decarbonising the aviation sector which can now be legally secured through the grant of consent for this DCO and the requirement to meet specific outcomes set out in the proposed Carbon Action Plan (“CAP”).³⁰³ As explained further below, these outcomes require the airport to meet exacting commitments for construction emissions as well as “ABAGO” (Airport Buildings, Ground and Operations) emissions that lie within its control. The Applicant has also committed to play its part in helping government fulfil its responsibility to achieve its wider sectoral decarbonisation.
- 8.1.7 Much of the objection to this application has been based on, or at least motivated by, a view that the only proper response to the climate change issues facing the UK must be a halt to airport expansion, and by extension, this Project. However as set out below, it is important to emphasise that this is not the policy response from government and to recognise what policy asks of applicants. The Government is clear that it does not support meeting its carbon obligations through airport capacity management. It states that any increase in carbon

³⁰¹ See also The Applicant's Response to the ExA's Written Questions (ExQ1) - Climate and Greenhouse Gases [[REP3-086](#)] at CC1.8.

³⁰² The Applicant's Response to Deadline 5 Submissions - Response to GHG Comments [[REP6-094](#)] at MV42. GAL has recently announced the creation of the London Gatwick Hydrogen Hub. Airbus, easyJet, Air Products, and London Gatwick will be working together to establish how hydrogen infrastructure – including to fuel new types of aircraft – could be introduced at the airport.

³⁰³ Environmental Statement Appendix 5.4.2 Carbon Action Plan - Version 2 [[REP8-054](#)].

emissions alone is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the project is “so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets”.³⁰⁴ The Applicant has applied that test and it is clear that the Project would meet it, in a context where the government has set out a clear objective for the sector and explained how it will be achieved, as part of its wider statutory obligations to meet net zero.

- 8.1.8 What policy does not do is impose a capacity limit on UK airports in order to achieve climate change objectives; nor does it ration or otherwise prevent air travel to and from the UK on carbon grounds. There is a policy expectation that demand should be met because of its importance to the UK. The government has clearly set limits on emissions under its carbon budgets and its 2050 net zero target, but these are not limits on airport growth; rather they are limits on carbon to which the industry must adapt. For the reasons set out below, this Project will not materially affect the ability of the UK to remain within them.
- 8.1.9 The submissions made by the Applicant on this topic during the examination are contained primarily in the following documents:
- **The Applicant’s Response to Written Representations - Appendix D Response to New Economics Foundation Written Representation** [[REP3-076](#)];
 - **The Applicant’s Response to the ExA’s Written Questions (ExQ1) - Climate and Greenhouse Gases** [[REP3-086](#)];
 - **Supporting Greenhouse Gas Technical Notes** [[REP4-020](#)];
 - **The Applicant’s Response to Deadline 3 Submissions** [[REP4-031](#)];
 - **Written Summary of Oral Submissions ISH6: Climate Change (including Greenhouse Gases)** [[REP4-032](#)];
 - **The Applicant’s Response to Actions ISH6: Climate Change (including Greenhouse Gases)** [[REP4-036](#)];
 - **The Applicant’s Response to Deadline 4 Submissions** [[REP5-072](#)];
 - **Appendix H - Response to CAGNE’s Deadline 4 Submission – Issue Specific Hearing 6 Post -Hearing Submission Version 1** [[REP5-080](#)];
 - **The Applicant’s Response to Deadline 5 Submissions - Response to GHG Comments** [[REP6-094](#)];
 - **The Applicant’s Response to ExQ2 - Climate Change and Greenhouse Gases** [[REP7-079](#)];
 - **The Applicant’s Response to Deadline 6 Submissions** [[REP7-095](#)];

³⁰⁴ ANPS paragraph 5.82; see too NNNPS para. 5.18.

- **Appendix D - Response to Submissions on CC.2.1 (Finch)** [[REP8-119](#)];
- Greenhouse Gas Technical Note in response to Deadline 8 submissions (Doc Ref. 10.79);
- The Applicant's Response to the Rule 17 Letter (d) (Doc Ref. 10.80).

8.1.10 These are referred to as necessary below, when dealing with the following matters:

- (1) Context;
- (2) The Applicant's assessment;
- (3) Outstanding issues.

8.2. Context

8.2.1 The Paris Agreement aims to strengthen the global response to the threat of climate change, including by "*holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels*".³⁰⁵ In December 2020, the UK communicated its Nationally Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change (UNFCCC) in line with Article 4 of the Paris Agreement. In its NDC, the UK commits to reducing economy-wide greenhouse gas emissions by at least 68% by 2030, compared to 1990 levels.

8.2.2 The Climate Change Act 2008 ("the 2008 Act") sets the domestic legal framework for the UK to take action against climate change. It imposes on the Secretary of State for Energy Security and Net Zero³⁰⁶ a statutory duty³⁰⁷ to ensure that the net UK carbon account for the year 2050 is net zero (or, in the language of the legislation, 100% lower than the 1990 baseline). The Secretary of State is also under a duty to set carbon budgets to cap carbon emissions in a series of five-year periods,³⁰⁸ and to ensure that the net United Kingdom carbon account for a budgetary period does not exceed the carbon budget,³⁰⁹ thus ensuring progress towards the 2050 target in the period before that year. Carbon budgets must be set with a view to meeting the target for 2050.³¹⁰

³⁰⁵ Article 2.

³⁰⁶ R(Global Feedback) v Secretary of State for the Environment, Food and Rural Affairs [2023] EWCA Civ 1549 at [71] and [77]-[78].

³⁰⁷ Section 1.

³⁰⁸ Section 4(1)(a).

³⁰⁹ Section 4(1)(b).

³¹⁰ Section 8(2).

- 8.2.3 Before setting carbon budgets, the Secretary of State must take into account the advice of the Climate Change Committee (“CCC”).³¹¹ In setting a budget, he must take into account a number of things, including “*scientific knowledge about climate change*”,³¹² “*technology relevant to climate change*”,³¹³ “*economic circumstances ...*”,³¹⁴ and “*social circumstances ...*”.³¹⁵ He must also prepare proposals and policies for meeting carbon budgets.³¹⁶ After a new carbon budget is set, he must lay before Parliament a report setting out proposals and policies for meeting carbon budgets for the current and future budgetary periods.³¹⁷ He must report to Parliament in an annual statement of emissions “[*in*] *respect of each greenhouse gas*”, setting out the steps taken to calculate the net carbon account for the United Kingdom,³¹⁸ which will show whether or not carbon budgets are being met.
- 8.2.4 Whilst the 2008 Act imposes specific duties on when the Secretary of State must take into account the advice of the CCC,³¹⁹ it contains no obligation to do so when preparing proposals and policies for meeting carbon budgets.³²⁰ It should also be emphasised that the duty to prepare such proposals and policies is a continuing one: the statutory scheme recognises that proposals will evolve over time and will be introduced and developed at different stages. Policies may need to be reconsidered as circumstances change,³²¹ however the duty to meet the carbon budgets and the net zero target remains.
- 8.2.5 The recent history of net zero target is that in June 2019 the Government announced new carbon reduction “*net zero target*” for 2050 (replacing the target for emissions to be 80% lower than 1990 baseline). This was given effect by CCA 2008 (2050 Target Amendment) Order 2019. Budgets are set twelve years in advance to meet the 2050 target. Six budgets have been adopted (the most recent in the Carbon Budget Order 2021). The time periods covering the fourth,

³¹¹ Section 9(1)(a). The Committee on Climate Change, whose function, in part, is to provide advice to the Government on climate change mitigation and adaptation (section 38(1)), is required to report annually to Parliament on the progress made towards meeting the carbon budgets (section 36), and the Secretary of State is required to respond (section 37).

³¹² Section 10(2)(a).

³¹³ Section 10(2)(b).

³¹⁴ Section 10(2)(c).

³¹⁵ Section 10(2)(e).

³¹⁶ Section 13(1).

³¹⁷ Section 14(1).

³¹⁸ Section 16(2).

³¹⁹ Including the setting or amending a target percentage for budgets relative to the 1990 baseline (section 7(1)(a)) and setting carbon budgets (section 9(1)(a)).

³²⁰ R (on the application of Global Feedback) v Secretary of State for the Environment, Food and Rural Affairs [2023] EWCA Civ 1549 at [113]-[114].

³²¹ R (on the application of Friends of the Earth) v Secretary of State for Business, Energy and Industrial Strategy [2022] EWHC 1841 (Admin) at [164]-[165]; see too R (on the application of Global Feedback) v Secretary of State for the Environment, Food and Rural Affairs [2023] EWCA Civ 1549 at [89] and [95].

fifth and sixth budgets are: 2023-2027, 2028-2032 and 2033-2037 respectively. The fourth budget represents 50% reduction on 1990 GHG levels over the 5-year period; 57% is the figure for the fifth budget; and the sixth budget (965 MtCO_{2e}) represents a 78% reduction over the 5 year period.³²² These budgets are considered further below.³²³

EIA

8.2.6 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (“2017 Regulations”) require that an environmental statement accompanying an application for an order granting development consent must include “a description of the likely significant effects of the proposed development on the environment” and in particular “the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions)”³²⁴ and “the cumulation of effects with other existing and/or approved projects”.³²⁵ This description should cover the “direct effects and any indirect, secondary...effects of the development”.³²⁶ The EIA process “must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development” on, among other things “air and climate”.³²⁷ However, the environmental statement must only “include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment”.³²⁸ Similarly, it should contain

³²² The statutory context is further summarised in Bristol Airport Action Network v. SSLUHC [2023] EWHC 171 (Admin) at [41]-[49]; Friends of the Earth v. Heathrow Airport Ltd [2020] UKSC 52 at [39]-[47]; Packham v. Secretary of State for Transport [2021] Env LR 215 at [83]-[85]; R (on the application of Boswell) v. SST [2023] EWHC 1710 (Admin) at [17]-[18]; and R (on the application of Friend of the Earth Ltd and others) v. SSBEIS [2022] EWHC 1841 (Admin) at [1]-[15].

³²³ In relation to international aviation emissions, section 30 of the 2008 Act provides that these do not count as emissions from sources within the UK. However, by section 10 the Secretary of State must take into account estimated amount of reportable emissions from international aviation (and shipping) for the budgetary periods in question. Up until the sixth carbon budget, these emissions were not formally included in budgets, but were instead taken into account, pursuant to section 10, by setting budgets at level which allowed headroom for them i.e. budgets were set lower by the amount of headroom. The figure allowed for aviation emissions known as the “planning assumption”. The sixth carbon budget included emissions in budget figure (following recommendation of CCC), however legislation has not as yet amended the 2008 Act to include international aviation and shipping within the UK’s net zero target: see “Net zero and the UK aviation sector (parliament.uk)” at [35]. The ANPS confirms (para. 5.73) that carbon budgets for have effectively been set at a level which is consistent with meeting the overall 2050 target when international aviation emissions are included. The UK’s share of international aviation emissions is calculated and reported based on quantifying international bunker fuels. The emissions associated with use of these fuels for international aviation (and shipping) are outside the scope of national GHG inventories but are calculated, and reported, separately. It is the view of the CCC that the bunker fuel accounting methodology is sufficiently accurate to support the inclusion of international aviation emissions in the Sixth, and subsequent, carbon budgets: see also The Applicant’s Response to the ExA’s Written Questions (ExQ1) - Climate and Greenhouse Gases [REP3-086] at CC1.2.

³²⁴ See regulation 14(2)(b) and (f) and Schedule 4 para. 5(f) (see also para. 4).

³²⁵ Schedule 4 para. 5(e).

³²⁶ Schedule 4.

³²⁷ See regulation 5(2)(c).

³²⁸ Regulation 14(3)(b).

“a description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment”, but “including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved”.³²⁹

- 8.2.7 The recent Supreme Court of R (on the application of Finch on behalf of the Weald Action Group) v. Surrey County Council [2024] UKSC 20 has considered the scope of likely significant effects of a proposed development in the context of greenhouse gas emissions. This judgment is addressed separately below, however it does not change the conclusions of the assessment of the Project that had been carried out.
- 8.2.8 Nor does it affect (indeed it affirms) previously established principles, in particular that whether an effect is significant is a matter of judgment for the decision-maker, challengeable only on a Wednesbury rationality basis.³³⁰ Similarly, whether a possible effect of a project is likely and capable of assessment is a matter of evaluative judgment.³³¹ The legislation does not prescribe how the significance of greenhouse gas emissions, or cumulative impacts, are to be assessed.³³² Carbon emissions are however understood to occupy a *sui generis* category of cumulative impact assessment in EIA is based on scientific assessment of the behaviour of greenhouse gases.³³³
- 8.2.9 These principles are considered further below as necessary, after the following summary of how the Applicant has assessed the effects of greenhouse gases in this case.

8.3. Applicant’s Assessment

Summary

- 8.3.1 The ES **Chapter 16: Greenhouse Gases** [[REP4-005](#)] has provided an assessment of the Project's impacts on the global atmosphere resulting from the generation of GHG emissions. The assessment adopts the definition of GHGs used in the Kyoto Protocol – that is carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), sulphur

³²⁹ Schedule 4, para. 6.

³³⁰ See R (Goesa) v. Eastleigh BC [2022] EWHC 1221 (Admin) at [100] ; R (on the application of Boswell) v. SST [2023] EWHC 1710 (Admin) at [41]-[46] and [65], [73], [75] and [77], approved in the Court of Appeal [2024] EWCA Civ 145 at [48]-[57]. See now Finch at [58].

³³¹ Finch at [78].

³³² Boswell at [75].

³³³ Boswell at [73].

hexafluoride (SF₆) and nitrogen trifluoride (NF₃). In the assessment, and in these submissions, the term “carbon” is used to refer to these GHG emissions.

8.3.2 The assessment considers carbon emissions from four groups of activities:

- (1) Construction - arising from the extraction, processing and manufacture of construction materials; transportation of these materials; the energy and water used during construction processes; transport and disposal of waste; and transport of construction workers. This category also considers impacts from land use change arising from the Project;
- (2) Airport Buildings and Ground Operations (ABAGO) - energy use for buildings, infrastructure and operations to provide heating, cooling, lighting and power needs; fuels for airside and landside vehicles; electricity transmission and distribution emissions; refrigerant losses; fuels for fire training; water consumption and treatment; and operational waste disposal and treatment;
- (3) Surface Access (Transport) - of passengers, staff and freight accessing the airport;
- (4) Aviation - emissions from air traffic movements, emissions from aircraft on the ground, in the Landing and Take-off (LTO) cycle, in Climb-Cruise-Descent (CCD) stage, and use of aircraft fuel for fire training, Auxiliary Power Unit (APU) operation, and engine testing.

8.3.3 The methodology for the carbon assessment is set out in Section 16.4 of Chapter 16 [\[REP4-006\]](#)³³⁴, with further details provided in **Appendix 16.9.1: Assessment of Construction Greenhouse Gas Emissions** [\[APP-191\]](#); **Appendix 16.9.2: Assessment of Greenhouse Gas Emissions for Airport Buildings and Ground Operations (ABAGO)** [\[APP-192\]](#); **Appendix 16.9.3: Assessment of Surface Access Greenhouse Gas Emissions** [\[APP-193\]](#) and **Appendix 16.9.4: Assessment of Aviation Greenhouse Gas Emissions** [\[APP-194\]](#). Aspects of the methodology and assessment have been considered through the examination in submissions, as identified in particular in the Consolidated Environmental Statement.³³⁵

8.3.4 That methodology - and the approach to the assessment of significance - is consistent with the approach recommended in the Institute of Environmental Management and Assessment (“IEMA”) Guidance, as updated in February 2022.

³³⁴ The submitted Chapter 16 [\[APP-041\]](#) was corrected mainly to address minor errata in the reporting of aviation emissions under the Slow Fleet Transition: see Table 16.9.11. The clean version is at [\[REP4-005\]](#).

³³⁵ [\[REP8-120\]](#).

- 8.3.5 It is worth setting out the main elements of that guidance to place the Applicant's assessment in its proper context.
- 8.3.6 The guidance recognises that all new carbon emissions contribute to a negative environmental impact, but the significance of a project's impacts should be based on its net impact over time beyond the emissions generated beyond any existing development or baseline activity.³³⁶ It takes a different approach to previous guidance, by moving away from a presumption that all net increases in GHG emissions are significant – instead it recognises that *"a key goal of EIA is to inform the decision maker about the relative severity of environmental effects such that they can be weighed in a planning balance. Therefore, it is essential to provide context for the magnitude of carbon emissions reported in the EIA in a way that aids evaluation of these effects by the decision maker"*.³³⁷ It advises accordingly that *"the crux of significance is not whether a project emits GHG emissions, nor even the magnitude of GHG emissions alone, but whether it contributes to reducing GHG emissions relative to a comparable baseline consistent with a trajectory towards net zero by 2050"*.³³⁸
- 8.3.7 As a result, a project that follows a 'business-as-usual' or 'do minimum' approach and is not compatible with the UK's net zero trajectory, or accepted aligned practice, results in a significant adverse effect. However, a project that is compatible with the budgeted 1.5°C trajectory (in terms of rate of emissions reduction) and complies with policy and "good practice" reduction measures to achieve that has a minor adverse effect that is not significant.³³⁹ A project can therefore cause residual emissions but have effects that are not significant - it is alignment with a net zero compliant trajectory that is the priority for differentiating between minor adverse, and major/moderate adverse.
- 8.3.8 The process of contextualising emissions to judge their contribution relative to such a trajectory is recognised to be a matter for the professional judgment of the practitioner.³⁴⁰ The guidance (and the Applicant's assessment) recognise that the starting point for context is the percentage contribution to the government's carbon budget, albeit that it is recognised the contribution of most individual projects to national-level budgets will be small and so this context will have limited value.³⁴¹ It therefore includes a good practice approach as an "example"

³³⁶ Section 6.1. See further paragraphs 5.1.5-7 of Written Summary of Oral Submissions ISH6: Climate Change (including Greenhouse Gases) [REP4-032].

³³⁷ IEMA Guidance, Section 6.2.

³³⁸ Section 6.2, bold text.

³³⁹ Section 6.2.

³⁴⁰ Section 6.2.

³⁴¹ Section 6.2.

of how to contextualise the carbon footprint of a Project, referring to approaches that are sector-based, local, national, policy-related, or based on performance standards. It recognises, however, in respect of local budgets that “effects of GHG emissions are not geographically circumscribed, so a geographic budget below a national budget *“is not very meaningful”* and it is *“unclear”* whether they *“will add up coherently to the UK budget”*.³⁴²

- 8.3.9 The Applicant has taken into account this guidance in developing a contextualised approach across each of the above topics within the assessment.
- 8.3.10 The assessment estimates the emissions on a conservative basis, taking into account commitments within CAP. As explained further below, the CAP provides the framework under which the Applicant will manage and reduce carbon emissions, incorporating a range of assurances across the different emissions activities that are included in the GHG assessment.³⁴³ These include:
- a construction carbon budget of 1.15 MtCO_{2e} for airfield, buildings and highways construction, as well as a significant commitment that the Applicant and its principal contractors will be PAS2080 certified – a whole life carbon management system that embeds behavioural change to deliver carbon reductions across the construction and operation of the Project;³⁴⁴
 - net zero³⁴⁵ for Scope 1 and 2 GHG emissions by 2030; and zero emissions for Scope 1 and 2 by 2040, contributing to the UK’s Jet Zero ambition for *“all airport operations in England to be zero emission by 2040”*;
 - in respect of aviation emissions, the CAP recognises that control over aviation emissions is a matter for which the Government has taken responsibility and which it has committed to enforce. Airports can play their part and the CAP confirms the Applicant’s commitment to do so. It will provide the appropriate infrastructure for sustainable aviation and play its part in advancing and implementing the UK’s Jet Zero Strategy - ensuring that Gatwick Airport is consistently ‘Jet Zero ready’ in accordance with established Government ambitions;

³⁴² Table 1.

³⁴³ The commitments made in both documents are assessed as part of the GHG assessment for the Project as they provide realistic, achievable and “committed goal(s) that (are) secured, e.g. forming part of the description of development, a specific planning condition/requirement, or a legal agreement” in accordance with the relevant IEMA Guidance (section 6.5).

³⁴⁴ This was explained by the Applicant at ISH6 – see section 7 of the Written Summary of Oral Submissions ISH6: Climate Change (including Greenhouse Gases) [REP4-032].

³⁴⁵ Page iii of the CAP [REP8-054] confirms the distinctions between: carbon neutral – “offsetting all residual carbon emissions under Scope 1, Scope 2 and staff business travel”; net zero – “reduce absolute emissions to the greatest extent possible and address any remaining emissions through investment in carbon removal”; and absolute zero – “no greenhouse gas emissions are attributable to an actor’s operations. Under this definition, no offsets or balancing of residual emissions with removals are used.” See too section 4.2.

- Surface Access Commitments (“SACs”) to achieving specified mode splits for lower emission transport for passengers and staff accessing the airport.³⁴⁶

- 8.3.11 The commitments made as part of the Project through the CAP and the SACs align with current Government policy. The construction commitments in the CAP produce a 17% reduction on modelled emissions based on typical industry practices and commit to a range of measures to further embed best carbon practice and encourage further carbon savings. The commitments for ABAGO are aligned with the expectations of the Jet Zero Strategy by committing to Scope 1 and 2 zero emissions by 2040. In relation to aviation emissions, it is recognised that the primary action to reduce emissions from aircraft will arise from government strategy at an industry scale, rather than directly through the influence of individual airport operators. Accordingly, and in line with the expectations of the Jet Zero Strategy, the role for the Applicant will be to actively support the transition to new aircraft technologies. It is this support role to which the CAP properly commits. The SACs replicate or exceed best practice by limiting the use of the car, optimising other modes and investing in public transport and active travel – as well as deploying other measures to reduce car use, such as forecourt and car park charging.
- 8.3.12 The assessment also estimates emissions by (in the case of aviation) making assumptions which are consistent with the sectoral trajectory that is implied by the Government’s Jet Zero High Ambition scenario. Given the Government’s commitment to meet its carbon reduction targets and its declared policy to take action to ensure that the necessary trajectory of downward emissions from aviation (and other sectors) is met, the adoption of this scenario as set out in the Jet Zero Strategy is appropriate.
- 8.3.13 The assessment also makes assumptions relating to surface access emissions that reflect a trajectory that is assumed (and required) by the Government’s Transport Decarbonisation Plan (“TDP”). As with the assumptions relating to Jet Zero, this is consistent with Government policy and also with the approach taken in the most recent decision made by the SoS in relation to airport development – the Manston Airport decision where the Secretary of State made clear:

“149.the SoS is satisfied that Government’s Transport Decarbonisation Plan and the Jet Zero Strategy, which set out a range of non-planning policies and measures that will help accelerate decarbonisation in the aviation sector, will ensure Government’s decarbonisation targets for the sector and the

³⁴⁶ ES Chapter 16 [REP4-005] sections 16.8 and 16.5.

legislated carbon budgets can be met without directly limiting aviation demand.”

- 8.3.14 The assessment goes on to contextualise quantified emissions, against not only UK carbon budgets but also relevant sectoral carbon trajectories:
- (1) ABAGO emissions are contextualised against the CCC Balanced Pathway trajectory for non-domestic buildings;
 - (2) surface access emissions are contextualised against the CCC Balanced Pathway trajectory for UK surface access; and
 - (3) aviation emissions are contextualised against the UK Jet Zero trajectory for national emissions from aviation.
- 8.3.15 Construction emissions are not contextualised against a future trajectory time series as they take place at the start of the Project and do not have significant long-term emissions levels beyond the completion of construction processes.
- 8.3.16 Following this approach to assessment, and dealing initially with construction, ABAGO and surface access emissions, their scales are very small as a proportion of carbon budgets:³⁴⁷
- (1) in relation to ABAGO, a maximum of 0.002% contribution against the fourth carbon budget (airport with project)³⁴⁸ and a maximum of <0.0001% contribution against the fifth and sixth carbon budgets (project only);
 - (2) in relation to surface access, a maximum contribution of 0.094% contribution (airport with project) and 0.014% (project only) against the sixth carbon budget;³⁴⁹ and
 - (3) in relation to construction, a maximum budget contribution of 0.029% against the fourth carbon budget.³⁵⁰
- 8.3.17 When contextualised:
- (1) ABAGO emissions significantly outperform the relevant trajectory;³⁵¹ and
 - (2) surface access emissions align with a decarbonising trajectory to 2050 set out in the CCC Balanced Pathway.³⁵²

³⁴⁷ ES Chapter 16 [REP4-005], tables 16.9.6 and 16.9.8 and 16.9.4.

³⁴⁸ Ibid. Table 16.9.6: the earlier budget period entries for the total future airport emissions relate to the future baseline without the Project.

³⁴⁹ Ibid. Table 16.9.8.

³⁵⁰ Ibid. Table 16.9.4 (no distinction needs to be drawn between whole airport with Project and Project only emissions).

³⁵¹ Ibid. Paragraphs 16.9.40-46 and Diagram 16.9.1.

³⁵² Ibid. See paragraphs 16.9.57-67 and Diagram 16.9.2.

- 8.3.18 It can be seen that these emissions calculations are provided both for the airport with project position and the project-only position. However, having regard to IEMA guidance as set out above and NPS policy (as set out below), the Applicant considers that the better approach is to consider the project-only position as this represents the effect of the project itself, against a baseline that does not need to be consented or therefore considered against policy. However, the airport with project position has been provided to confirm how, even on this basis, emissions sit within well within any contextualisation which considers a sector-based trajectory to net zero.
- 8.3.19 On any analysis, the assessment is right to conclude that the impacts for these aspects are not significant.
- 8.3.20 As for aviation emissions, these account for the largest proportion of carbon emissions generated by the Project. The assessment estimated emissions from aircraft based on modelling of the forecasted flight destinations with expected fleet changes and, as set out above, by applying assumed trends that anticipate future development in the aviation sector, including average annual engine efficiency improvements beyond 2038, SAF uptake (10% by 2030, 22% by 2040 and 50% by 2050) and the forecast uptake in zero emissions aircraft out to 2050, all in line with the Government's own Jet Zero High Ambition scenario.
- 8.3.21 Aviation emissions are also assessed in the context of UK carbon budgets. The net contribution from the Project was calculated at 0.576% of the sixth carbon budget (the airport with project figure was 3.038%).³⁵³ As explained below, this figure has been amended slightly during the examination in response to comments raised by Interested Parties on matters including well-to-tank and waste-related emissions, as well as inbound domestic flight emissions, but not to any material degree.
- 8.3.22 In accordance with the IEMA guidance, contextualisation is also carried out against the Jet Zero High Ambition trajectory, recognising that although Jet Zero emissions are not tied to specific airports, Jet Zero provides the UK policy trajectory to achieve net zero.³⁵⁴ The emissions trajectory for the Project sits well within the trajectory for sector as forecast by Jet Zero.
- 8.3.23 It is important to emphasise that the CAP will enable the Applicant to play its role in helping the Government to make good on its commitment to Jet Zero, as reflected in the assumptions within the assessment of aviation emissions. As

³⁵³ Ibid. Table 16.9.11.

³⁵⁴ Ibid. Paragraphs 16.9.69-16.6.76 and Diagram 16.9.3.

explained below, the CAP imposes reporting requirements on the Applicant which will put Government in the position to take whatever action it considers necessary to ensure that Gatwick and the wider aviation sector progress to the net zero objective.

- 8.3.24 When the aggregate emissions from all assessed sources are considered, the ES concluded that, the highest contribution of the Project to any carbon budget would be 0.604% (project only) to the sixth budget³⁵⁵ and, in accordance with the IEMA guidance, a minor adverse and not significant impact. It confirmed that for decision-making purposes (reflecting the guidance contained in the ANPS) the Project was not so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets.³⁵⁶
- 8.3.25 Even where the contribution for whole airport with the project was considered (3.136% against the 2050 budget), the conclusion remained the same, reflecting the scale of Gatwick as the UK's second largest airport and aviation as a hard-to-mitigate sector, albeit one where Jet Zero has made a commitment to substantially reduce emissions. To be clear, however, it is the effect of the Project which should form the basis of any judgment of acceptability.
- 8.3.26 The above figures have been amended immaterially during the examination as explained below (to 0.655% and 3.445%), however these conclusions still apply.
- 8.3.27 Before dealing with relevant policy in the ANPS and NNNPS, it is convenient to address some other features of the assessment work.

Cumulative assessment

- 8.3.28 The carbon assessment does not consider the cumulative effects of the Project with other specific projects, either on a geographical or sectoral basis. This approach is consistent with the IEMA Guidance, which confirms that *“as GHG emission impacts and resulting effects are global rather than affecting one localised area, the approach to cumulative effects assessment for GHGs differs from that for many EIA topics where only projects within a geographically bounded study area of, for example, 10km would be included”*. Effects of carbon emissions *“from specific cumulative projects therefore in general should not be individually assessed, as there is no basis for selecting any particular (or more than one) cumulative project that has GHG emissions for assessment over any*

³⁵⁵ Ibid. Table 16.9.3.

³⁵⁶ Ibid. Paragraphs 16.9.96-7.

other”.³⁵⁷ As ES Chapter 16 [REP4-006] notes,³⁵⁸ it is precisely for this reason that the strategic approach adopted by the UK, and other, governments is to develop a set of increasingly stringent carbon budgets at a national scale to manage and monitor progression towards the UK’s 2050 net zero carbon target. Where the impacts of carbon emissions do not have a geographical limit, there is a logical coherence to an approach which does not undertake a comparison of combined emissions of several schemes against the national target.³⁵⁹ The comparison of each emissions category to those budgets and to a sector-based net zero trajectory, effectively provides this cumulative assessment. There is no need, therefore, to conduct some form of bespoke sectoral cumulative assessment of specific schemes when assessing this Project, whether on a geographical or sectoral basis.³⁶⁰

- 8.3.29 However, contextualising the largest source of emissions - aviation – against the Jet Zero Strategy is in effect a cumulative sectoral assessment for the aviation sector in the UK. No other individual would be able to undertake a cumulative assessment of aviation emissions and future emissions that would better the analysis undertaken by UK Government to inform the Jet Zero Strategy.
- 8.3.30 That overall responsibility for cumulative assessment and its consequence for meeting the Government’s carbon commitments is the responsibility of government, rather than applicants was made clear most recently in the National Networks NPS, as follows:

“5.38 ...The Secretary of State for Energy Security and Net Zero regularly assesses whether the UK has sufficient policies and proposals overall to meet the UK carbon budgets, with a view to meeting the net zero target, in line with the duties under section 13 of the Climate Change Act 2008. It would not be feasible or sensible for such an assessment to be done at the time of taking individual development decisions, and there is no legal requirement to do so.”

³⁵⁷ IEMA Guidance, Section 5.3.

³⁵⁸ Paragraph 16.4.68 and section 16.10.

³⁵⁹ See Boswell at [81], [72]-[73].

³⁶⁰ See too the redetermined A38 Derby Junctions DCO at [133]; the M64 to M6 Link Road DCO decision at [45]-[47]; the M25 Junction 10 decision at [124]. In the Bristol case an issue which was considered at inquiry but not challenged was that the impact of all airport development should be assessed before permission was granted in the present case (see [27] of the judgment)(i.e. a sectoral cumulative assessment). However, the Panel concluded that "only the Government could fully consider the cumulative impact of individual proposals across the country. To expect an individual appellant to do so would be unreasonable" [IR 194].

Approach to contextualisation

- 8.3.31 It is now well-established that in EIA an assessment of significance of carbon emissions is appropriately carried out against UK national carbon budgets. Following the general principle that the approach to assessing significance is a matter for the decision-maker, including the basis on which cumulative assessment is undertaken, that decision-maker may use the benchmarks he considers appropriate to judge significance.³⁶¹ On this basis it is permissible for a decision maker to look at the scale of carbon emissions relative to a national target, even if it is recognised that this contribution may be small.³⁶²
- 8.3.32 The Applicant does not consider it necessary or appropriate to go further in its approach to contextualisation than it has, in particular to judge the Project against some form of local measure. This reflects the well-understood position that carbon emissions do not involve specific environmental impacts linked to specific receptors.³⁶³
- 8.3.33 In setting carbon budgets Parliament has not imposed any legal duty upon local authorities to attain any particular targets whether carbon budgets or for net zero by 2050. There are no legal duties which require particular geographical areas (or sectors)³⁶⁴ within the UK to achieve particular reductions in carbon emissions by particular dates. In any event, an environmental statement is required to include such information as is reasonably required to assess the environmental effects of the development and which the applicant can reasonably be required to compile having regard to current knowledge.³⁶⁵ In the absence of a local or regional baseline produced by Government, there is no reasonable basis upon which can assess the carbon emissions impact of the Project at a local or regional level.
- 8.3.34 The Secretary of State has previously rejected claims that impacts should be assessed against local carbon targets, including at the Bristol Airport case,³⁶⁶

³⁶¹ See Goesa at [122].

³⁶² See Boswell at [65]-[69] and [85]-[89]. The approach to assessing against national carbon budgets alone has been accepted as appropriate in multiple roads decisions: M25 Junction 10 Order (granted development consent on 12 May 2022) at [113]; M54 to M6 Link Road (development consent granted 21 April 2022) at [35] and the A417 Missing Link development (consent granted 16 November 2022) at [49]-[50].

³⁶³ See Goesa at [121] where Holgate J noted at [107] that the claimant “rightly...made no complaints about the ultimate decision in this case not to compare GHG emissions from the project with any local measure based in Eastleigh”.

³⁶⁴ See R (Transport Action Network) v Secretary of State for Transport [2021] EWHC 2095 (Admin) at [127].

³⁶⁵ See, for example, R. (Khan) v London Borough of Sutton [2014] EWHC 3663 (Admin) and Preston New Road Action Group v Secretary of State for Communities and Local Government [2018] Env. L.R. 18.

³⁶⁶ See the Bristol Panel decision at [188], where the Panel discounted the alleged extent of impact on a carbon budget calculated for North Somerset Council in determining the significance of the climate change impact of the proposal. A challenge to this aspect of the decision was dismissed by the High Court: “[T]he Panel did not act irrationally in giving the

and in multiple roads DCO decisions, including those where it had been suggested that emissions should be judged against a Local Transport Plan.³⁶⁷

8.3.35 The IEMA guidance acknowledges that local contextualisation may take place, but is careful to point out the significant drawbacks, not least that it is “not very meaningful” at a level below the national budget.

8.3.36 There is no justification, therefore, for requiring an assessment of significance to be conducted on local or restricted geographical basis.

8.3.37 Contextualisation is considered further below in the context of the issue of inbound emissions as raised during the examination.

Non-CO₂ emissions

8.3.38 ES **Chapter 16** [REP4-006] specifically acknowledges how non-CO₂ effects, such as contrails and cirrus clouds, are short term and reversible effects, but contribute to changes in climate. It does not however attempt to quantify them.³⁶⁸

8.3.39 It explains that that the issue of Radiative Forcing (RF) and non-CO₂ impacts³⁶⁹ from aviation are recognised in corporate reporting guidance in the UK and are discussed in the Jet Zero Strategy. The Jet Zero Strategy explicitly addresses non-CO₂ emissions impacts noting the importance of the issue, but recognises the limitations that exist around quantifying and assessing impact. It notes that a key element of the aviation strategy – use of sustainable aviation fuels – is likely to reduce some impacts associated with soot particles. JZS further commits UK Government to develop an appropriate regime to quantify and understand non-CO₂ impacts and potential mitigation and then, to develop and implement policies to reduce these impacts.

8.3.40 The substantial uncertainty in assessing the climate change effects of non-CO₂ emissions has also been recognised by the CCC in its Sixth Budget Report,³⁷⁰

issue of local carbon budgets no weight, on the ground that such budgets have no basis either in law or in policy”: Bristol Airport Action Network v. SSLUHC [2023] EWHC 171(Admin) at [171].

³⁶⁷ See also the M54 to M6 Link Road DCO Decision Letter [45]-[47]; the A47-A11 Thickthorn Junction DCO Decision Letter (where the applicant had been invited to provide an assessment against carbon targets in the Local Transport Plan adopted by Norfolk County Council in 2022: see [109]-[110]); see also the redetermined Stonehenge DCO Decision Letter at [160] and [163].

³⁶⁸ Paragraphs 16.4.12-14.

³⁶⁹ More accurately described as non-Kyoto greenhouse gas emissions

³⁷⁰ *The Sixth Carbon Budget - Climate Change Committee*, December 2020, Box 8.6.

the UK government in Aviation 2050³⁷¹ and in the Stansted³⁷² and Bristol airport³⁷³ decisions.

- 8.3.41 The ES therefore recognises the likelihood of these emissions contributing to changes in climate, but given that there remains no well-established methodology for quantifying non-CO₂ emissions impacts, and there is uncertainty on how to identify the magnitude of their impact, the assessment does not attempt to quantify non-GHG and RF effects of emissions at altitude. Providing a comparative set of figures alongside the CO₂ emissions would be incompatible with an assessment against national CO₂ targets, and the generalised approach to providing CO₂ equivalent estimates to reflect the combined impact of different GHGs is not transferrable to non-CO₂ emissions.
- 8.3.42 The CAP [REP8-054] pledges to monitoring the development of government policy in this area and reflect such policy in mitigating non-carbon effects accordingly in future updates to the CAP.³⁷⁴
- 8.3.43 These effects are considered further below.

Policy

No policy of capacity restraint

- 8.3.44 The submissions on policy above have already set out a critically important proposition that underlies the consideration of carbon emissions arising from the Project: the Government has made it clear that there is no policy of capacity restraint at UK airports in order to meet its net zero commitment.
- 8.3.45 The Jet Zero Strategy recognises that aviation is expected to become one of the largest emitting sectors by 2050 but is clear that aviation has a critical role to play in boosting trade, tourism and travel. It is clear that the Government supports growth in the aviation sector but is also committed to meeting its binding carbon reduction targets:

“Meeting this challenge is vital for UK connectivity and growth. The Government recognises the aviation sector’s role in making us one of the world’s best-connected and most successful trading nations. We are committed to enabling the recovery of the sector to support our levelling up

³⁷¹ Paragraph 3.594; “large scientific uncertainties remain”.

³⁷² Paragraph 96: “they are not yet fully understood, with significant uncertainties remaining over their effects and how they should be accounted for and mitigated. There is currently no specific Government policy regarding how they should be dealt with and uncertainty remains over what any future policy response might be”.

³⁷³ Paragraph 204: “there is considerable uncertainty as to their effect and longevity”.

³⁷⁴ Paragraph 4.3.3.

agenda through regional connectivity and to strengthen ties within the Union, as well our connectivity globally. We need solutions that reduce the sector's emissions whilst delivering economic benefits across the UK." (Executive Summary, page 7) [emphasis added].

8.3.46 The Strategy includes a five-year delivery plan that sets out actions required to achieve next zero by 2050. Jet Zero introduces a GHG emissions reduction trajectory that would see emissions peak in 2019 and a "High ambition" trajectory of emissions falling to 35.4 MtCO_{2e} in 2030, 28.4 MtCO_{2e} in 2040, and 19.3 MtCO_{2e} in 2050.

8.3.47 The Strategy confirms that:

- (1) it remains committed to growth in the aviation sector and working with industry to ensure a sustainable recovery from the pandemic – the Government refers to its strategic framework for the future of aviation - Flightpath to the Future – where it is clear that the Government will continue to be supportive of airport growth where it is justified;
- (2) the existing policy frameworks for airport planning provide a robust and balanced framework for airports to grow sustainably within its strict environmental criteria. Expansion of any airport in England must meet its climate change obligations to be able to proceed;³⁷⁵ however
- (3) it can achieve Jet Zero without needing to intervene directly to limit aviation growth with knock-on economic and social benefits:

*"Our approach to sustainable growth is supported by our analysis (set out in the supporting analytical document) which shows that **we can achieve Jet Zero without the Government needing to intervene directly to limit aviation growth. The analysis uses updated airport capacity assumptions consistent with the latest known expansion plans at airports in the UK. The analysis indicates that it is possible for the potential carbon emissions resulting from these expansion schemes to be accommodated within the planned trajectory for achieving net zero emissions by 2050, and consequently that our planning policy frameworks remain compatible with the UK's climate change obligations**"³⁷⁶ [emphasis added].*

³⁷⁵ Jet Zero Strategy, paragraph 3.56.

³⁷⁶ Ibid, paragraph 3.57.

8.3.48 The position in relation to aviation demand management is confirmed when addressing the high volume of responses to consultation about measures to control aviation growth:

“We will continue to support sustainable airport growth. Through both our consultations, we received a high volume of responses about the desire for demand management measures to reduce aviation emissions. Our approach for decarbonising aviation will focus on the rapid development of technologies: on operational improvements in the near term, use of SAF, adoption of ZEF in the longer term and continued use of markets and removal measures. Our analysis shows that the sector can achieve Jet Zero without the Government needing to intervene directly to limit aviation growth, with knock-on economic and social benefits. The Government’s position on demand management is described in further detail in the Government response to the consultations which has been published alongside this Strategy”³⁷⁷ [emphasis added].

8.3.49 In that Response, the government explained that it had received many responses suggesting that a necessary approach was to introduce demand management – to limit new capacity. However, the Response made clear that the Government did not consider that necessary:

“3.1 Whilst we did not consult on any direct demand management measures through either the Jet Zero consultation or further technical consultation, this theme was raised regularly by respondents to every question posed.

3.2 The aviation sector is important for the whole of the UK economy in terms of connectivity, direct economic activity, trade, investment and jobs. Before COVID-19, it facilitated £95.2 billion of UK’s non-EU trade exports; contributed at least £22 billion directly to GDP; and directly provided at least 230,000 jobs across all regions of the country.

3.3. The Government remains committed to growth in the aviation sector where it is justified and to working with industry to ensure a sustainable recovery from the pandemic. Our analysis set out in the Jet Zero Strategy shows that the aviation sector can achieve Jet Zero without government needing to intervene directly to limit

³⁷⁷ Ibid, page 10.

aviation growth, with scenarios that can achieve our net zero targets by focusing on new fuels and technology, with knock-on economic and social benefits, without limiting demand. Our 'high ambition' scenario has residual emissions of 19.3 MtCO₂e in 2050 compared to 23 MtCO₂e residual emissions in the CCC's Balanced Pathway. We recognise that to achieve this trajectory we will need to see significant investment in, and uptake of, new technologies and operational processes and government is committed to working with the sector to ensure we achieve our aims.

*3.4 Furthermore, **airport growth has a key role to play in boosting our global connectivity and levelling up in the UK.** The Government is, and remains, supportive of airport expansion where it can be delivered within our environmental obligations. **Our existing policy frameworks for airport planning - the ANPS and MBU - provide a robust and balanced framework for airports to grow sustainably within our strict environmental criteria. We do not, therefore, consider restrictions on airport growth to be a necessary measure**" [emphasis added].*

8.3.50 Similarly in its Response to the annual report of the Climate Change Committee, in October 2023, the Government explained that:

*"DfT analysis shows that, **in all modelled scenarios, we can achieve our net zero targets by focusing on new fuels and technology, rather than capping demand, with knock on social and economic benefits.**" [emphasis added]*

Net zero aviation: clear goal with multiple solutions

8.3.51 Accordingly, the Strategy commits to ambitious action to reduce in-sector aviation emissions. It confirms that it will use its High Ambition scenario to monitor the progress of the aviation sector,³⁷⁸ and sets out policies for a range of areas including systems efficiencies, sustainable aviation fuel, zero emissions flights, markets and removals, influencing consumers and addressing non-CO₂ emissions. It encourages the aviation industry to achieve carbon net zero through innovation, which itself provides huge economic opportunities. The means by which industry will be incentivised includes through the operation of the UK ETS,

³⁷⁸ *Jet Zero Strategy*, paragraph 3.58.

the Renewable Transport Fuels Obligation and the Sustainable Aviation Fuels Mandate.³⁷⁹

8.3.52 It commits to a 5-year delivery plan³⁸⁰ and to monitoring and enforcement.

- (1) *“We will review progress against our emissions reduction trajectory annually (first annual review in 2025 due to the current uncertain impacts of COVID-19), and against the KPIs and our overall approach every five years (first five year review in 2027)”*,³⁸¹
- (2) *“The Government recognises the importance of a clear and consistent approach in relation to the assessment of a development’s impacts in the process, and **will keep under review whether further guidance is needed to assist airport planning decision-making, with particular reference to environmental impacts**”*³⁸² [emphasis added].

8.3.53 Monitoring therefore forms a critical component of the Jet Zero Strategy. The Strategy expresses confidence that Jet Zero can be achieved but also makes clear that the Government will work actively to ensure that its commitments are met:

*“**We will monitor progress against our trajectory on an annual basis, followed by a major review of our Strategy every five years. We recognise that many of the technologies needed to decarbonise the sector are at an early stage of development and therefore, we have committed to reviewing our Strategy every five years and will use these reviews to take stock of how emerging technologies are developing, whether they are developing at the pace required and if they are being adopted by the sector. If we find that the sector is not meeting the emissions reductions trajectory, we will consider what further measures may be needed to ensure that the sector maximises in-sector reductions to meet the UK’s overall 2050 net zero target**”*³⁸³ [emphasis added].

8.3.54 It is clear, therefore, that Jet Zero:

- (1) confirms the policy of government that it does not see its support for the aviation sector or airport expansion as incompatible with meeting carbon targets;

³⁷⁹ Ibid, Section 3.

³⁸⁰ Ibid, Section 4.

³⁸¹ Ibid, page 59.

³⁸² Ibid, paragraph 3.63.

³⁸³ Ibid, page 10.

- (2) confirms the government has committed to its destination - a policy of net zero in the aviation sector;
- (3) but recognises that there are several pathways it can take, requiring a range of measures across different market segments, which will need to be reviewed; and therefore
- (4) provides for successive iterations of its delivery policies to ensure progress is made.

8.3.55 This commitment, to both the destination and the process, was reiterated in Jet Zero – One Year On. Because of the recognised uncertainties inherent in the pathway to Jet Zero, the government considered it helpful to report on progress against the JZS. This update restates the government's confidence that net zero will be achieved by 2050 and that aviation will play its part, whilst noting the uncertainty on matters like the deliverability of sustainable aviation fuel ("SAF"). Its focus on monitoring is patent, confirming how government will implement adjustments to its strategy as necessary. It is a helpful restatement that the Jet Zero policy can be achieved consistent with government policies for aviation:

"The UK has already made huge progress in decarbonising its economy and decoupling emissions from economic growth. Between 1990 and 2021, UK territorial emissions were cut by 48%, whilst the economy grew by 65%..."³⁸⁴

It is in this context that aviation decarbonisation must take place, as we continue to transition to a sustainable future in which we maintain the benefits of air travel...

In order to respond quickly to emerging trends and ensure transparency of information, through the Jet Zero Strategy we committed to publishing more timely aviation emissions data from 2023....³⁸⁵

To further our monitoring and to effectively track progress against our Jet Zero targets, we plan to produce a comprehensive monitoring and evaluation framework...³⁸⁶

8.3.56 The government remains committed to achieving net zero aviation by 2050, whilst being flexible over the pathway to achieve it. *"We continue to use our*

³⁸⁴ *Jet Zero strategy: one year on*, July 2023, page 9.

³⁸⁵ *Ibid*, page 12.

³⁸⁶ *Ibid*, page 12.

*strategic framework – a clear goal, **with multiple solutions** – to deliver on Jet Zero*³⁸⁷ [emphasis added].

ANPS and NNNPS

- 8.3.57 Paragraph 5.82 of the ANPS confirms that “*Any increase in carbon emissions alone is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the project is so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets*”. Paragraph 5.18 of the NNNPS is to similar effect, after confirming³⁸⁸ that “*the impact of road development on aggregate levels of emissions is likely to be very small*”.³⁸⁹ The same principles are carried through into the NNNPS 2024, although it is not in effect for the purposes of this application.
- 8.3.58 The acceptability of any increase and therefore any impact is a matter of judgment for the decision-maker.³⁹⁰ Here the Applicant understands the use of the word “targets” to be a reference to the national, statutory targets in the Climate Change Act 2008 (however, the Applicant has contextualised the Project emissions by reference to JZS, as a sectoral benchmark in any event).
- 8.3.59 It is clear from the percentage contributions set out above that the proper judgment is to conclude that the effects of the Project satisfy this test. Although the Applicant is clear that the appropriate percentages are those from the project alone, as these provide the “*increase in emissions resulting from the project*”, even the whole airport figures do not demonstrate that there would be a material effect on the ability of government to meet its targets.
- 8.3.60 That conclusion is consistent with the assessment which lies behind the Jet Zero Strategy, which identifies how the modelling which supports the Jet Zero Strategy takes account of potential capacity enhancements at UK airports, including this Project at Gatwick.³⁹¹ It is also consistent with the contextualisation of the Project

³⁸⁷ Ibid, page 14.

³⁸⁸ NNNPS 2015, paragraph 5.16.

³⁸⁹ The NNNPS 2024 states (para. 5.41) that “*government has determined that a net increase in operational carbon emissions is not, of itself, reason to prohibit the consenting of national network projects or to impose more restrictions on them in the planning policy framework.*” It goes on to confirm that “*approval of schemes with residual carbon emissions is allowable and can be consistent with meeting net zero*” but states that “*where the increase in carbon emissions resulting from the proposed scheme are so significant that it would have a material impact on the ability of government to achieve its statutory carbon budgets, the Secretary of State should refuse consent*” (para. 5.42). Compliance with the ANPS and NNNPS 2015 would therefore be consistent with compliance with NNNPS 2024 in this respect.

³⁹⁰ See *Goesa* at [122].

³⁹¹ The Applicant’s assessment also identifies worst case impacts in accordance with ANPS para. 5.77: see ES Chapter 16 [REP4-005], paragraph 16.9.12.

emissions against the Jet Zero trajectory, which demonstrates that the Project is not inconsistent with that trajectory.³⁹²

- 8.3.61 Given that the Project is not so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets, the increase in carbon emissions that is predicted cannot be a reason for refusing development consent on its own. The matter should not, therefore, be afforded significant weight in the planning balance.
- 8.3.62 Before considering the outstanding issues in dispute, it is appropriate at this stage to confirm some other policy-related matters.

MBU and carbon

- 8.3.63 Although it has not been raised as an issue by Interested Parties, it is appropriate to confirm that there is nothing in the MBU policy that restricts support for growth at airports beyond Heathrow on carbon grounds. The Manston decision confirmed as follows:

*“The Secretary of State would point out that neither of the relevant aviation planning policies (the ANPS and the MBU policy) restricts growth at airports beyond Government’s preferred Heathrow Northwest Runway option to only those listed in the forecasts or those not listed but captured by the ranges used in forecasting as is the case for smaller airports”.*³⁹³

- 8.3.64 MBU was published before the adoption of net zero and the sixth carbon budget. However, Government has re-stated MBU as up-to-date policy³⁹⁴ since the adoption of net zero and the Sixth Carbon Budget. It remains current Government policy and continues to have full effect in planning decisions. As the Stansted decision confirmed:

“Although UK statutory obligations under the CCA have been amended since the publication of MBU to bring all greenhouse gas emissions to net zero by 2050, with an additional target of a 78% reduction in carbon emissions by 2035 set to be introduced, MBU remains Government policy. Given all of the foregoing and bearing in mind that there are a range of wider options that the Government might employ to meet these new

³⁹² See further the analysis in the policy section of these submissions.

³⁹³ Manston Airport DCO Decision Letter, paragraph 71.

³⁹⁴ As explained in Appendix H - Response to CAGNE’s Deadline 4 Submission – Issue Specific Hearing 6 Post -Hearing Submission Version 1 [REP5-080], not all of MBU is intended to be policy – the policy itself is clearly headed as such (see the heading above the section beginning with paragraph 1.25) and distinguished as policy, and it is clear from the structure and headings of the document that parts are explanatory and not policy. However there is nothing to suggest that these other parts of MBU are irrelevant or that any distinction is to be drawn between different parts of the MBU in a manner which has any material bearing on the determination of the application.

obligations and that aviation is just one sector contributing to greenhouse gas emissions to be considered, there is also good reason to conclude that the proposed development would not jeopardise UK obligations to reach net zero by 2050 or to achieve the planned 2035 intermediate target” [emphasis added].³⁹⁵

Achieving Jet Zero

8.3.65 When reaching a view on whether the carbon emissions associated with the Project are acceptable, the Secretary of State can legitimately conclude that Jet Zero will be capable of meeting its stated objectives. In the Manston DCO decision, the Secretary of State concluded as follows:

“149. However, the Secretary of State is satisfied that Government’s Transport Decarbonisation Plan and the Jet Zero Strategy, which set out a range of non-planning policies and measures that will help accelerate decarbonisation in the aviation sector, will ensure Government’s decarbonisation targets for the sector and the legislated carbon budgets can be met without directly limiting aviation demand. For this reason, he does not accept the Examining Authority’s view that carbon emissions is a matter that should be afforded moderate weight against the Development in the planning balance, and considers that it should instead be given neutral weight at the most”.

8.3.66 In R (on the application of Dawes) v SoS for Transport [2023] EWHC 2352 (Admin), a challenge to that decision, the Court recognised³⁹⁶ that Jet Zero (and the Transport Decarbonisation Plan) were forms of policy intended to reinforce the requirement of the 2008 Act to meet the binding net zero target. It dismissed a ground of claim that relying on them was in error because Jet Zero had been based upon a number of general, aspirational and untested proposals and assumptions which did not provide any form of robust basis for decision making.³⁹⁷

8.3.67 It was held as follows in relation to this ground of claim:

“104. The approach of the defendant in respect of the sixth carbon budget is in my view clearly but succinctly set out in paragraph 149 of the decision. The defendant relied upon the new policies, and in particular DTP and JZS, as measures that would accelerate decarbonisation in the aviation sector and

³⁹⁵ Manston Airport DCO Decision Letter, paragraph 94. See also the Bristol Airport Panel decision which recorded submissions made at inquiry that MBU should be afforded limited or no weight as it pre-dated the adoption of the 2050 target. This was rejected by the Panel there because government had confirmed during inquiry that MBU remained up-to-date policy [106]-[107].

³⁹⁶ Paragraph [59]

³⁹⁷ Paragraph [96].

ensure carbon budgets were met without directly limiting aviation demand. The defendant thus relied directly upon those new policies to reach his conclusion that this was an issue to which neutral weight should be afforded. In my view, as a matter of law, that was a permissible approach. The defendant was entitled to rely upon his own policies, which had not been the subject of any successful legal challenge, to deliver the outcome for which they were designed, namely achieving the carbon budgets which had been and were to be legislated without impacting upon aviation demand.

105. The defendant relied upon those policies, and in particular the JZS, in the context for which they had been designed. That context starts with the legislative architecture of the 2008 Act and the provisions set out above designed to ensure that its aims are achieved. The context also included policies identified by the defendant to support the achievement of the objectives in the 2008 Act without precluding, for instance, further airport expansion. The policies, and in particular JZS, are multifaceted, and include (consistently with the legal architecture) the reliance upon other legislative measures such as the UK Emissions Trading Scheme and CORSIA, along with the complimentary measures which have been described above in the extracts from the document. In my judgment it was not legally inappropriate or incorrect for the defendant to rely upon his own policies designed to enable achievement of carbon budgets by the aviation sector to reach the conclusion that in the light of those new policies the question of greenhouse gas emissions and climate change could properly be regarded as neutral in the overall planning balance”.³⁹⁸

8.3.68 Similarly in the Luton decision the Panel, as endorsed by Secretary of State³⁹⁹ concluded:

“15.72 JZS acknowledges that decarbonising aviation will not be straightforward with multiple solutions at different stages of technological and commercial readiness, but acknowledges there are multiple possible pathways to realise its goal. It is also a long-term approach. Approaches to reducing aviation emissions were explored at the inquiry, but it is clear that ultimately this a matter which is to be addressed at national and international level. However, irrespective of the parties’ positions on JZS and MBU, the NPPF is clear that the decision on this proposal should assume that the

³⁹⁸ This judgment was appealed, unsuccessfully, on other grounds: [2024] EWCA Civ 560.

³⁹⁹ Decision Letter and Inspectors’ Report on application 21/00031/VARCON by London Luton Airport Operations Limited.

pollution control regimes within them and under the auspices of the CCA will operate effectively...

15.96 Given current national policy, the approach of APF and MBU, strategies such as JZS, the measures already in place, along with the potential for further measures in the future, the Panel's conclusion is that the aviation emissions that would arise from the proposal are not so significant that they would have a material impact on the Government's ability to meet its climate change targets and budgets".⁴⁰⁰

8.3.69 The Stansted decision concluded in similar terms.⁴⁰¹

The Climate Change Act 2008 regime

8.3.70 There is no reason to doubt that action will be taken to enable the UK to comply with its statutory duties under the 2008 Act.

8.3.71 In the Bristol decision, the Panel concluded as follows:

"212. There is in principle support at the national level for the increased use of runways and other existing facilities, subject addressing environmental issues...

213. It is self-evident that any increase in CO2 emissions in one location will have consequences elsewhere and that this could make the duty of the SoS under the CCA more difficult. But in this case the comparative magnitude of the increase is limited and it has to be assumed that the SoS will comply with the legal duty under the CCA.

214. There are a number of current options and potential future approaches to assist in the achievement of this target. The main current options have been discussed above. It is true that there are problems and uncertainties associated with some approaches but, overall, there are a number of alternatives which may be used at the national level to address climate change. Additionally, the response to the climate change problem needs to be considered across a wide range of activities.

215. On the other hand, there is no policy which seeks to limit airport expansion or impose capacity limits – which would be the effect of dismissing the appeal in this case. This is not supported by national policy.

⁴⁰⁰ See *Bushell v Secretary of State* [1981] AC 75 at [98].

⁴⁰¹ See Stansted Airport Decision Letter, paragraphs [24]-[25].

*216. Given current national policy, the approach of APF and MBU, the measures already in place, along with the potential for further measures in the future, the conclusion must be that the aviation emissions are not so significant that they would have a material impact on the Government's ability to meet its climate change target and budgets. Ground based emissions can be addressed by the CCCAP and other measures, and the two development plan policies summarised above are not considered to directly address aviation emissions. **Overall, this matter must be regarded as neutral in the planning balance**" [emphasis added].*

8.3.72 The Inspectors also concluded as follows:

"161. The evidence suggests that the Government is not on track to meet the 4th and 5th carbon budgets – with significant reductions needed in relatively short periods. This largely uncontested position is shown in the CCC report. However, we are not yet in the period of either budget and the suggestion that the Government is off track at this time means little in relation to the budget periods which have not yet started....

*162. There are three important points to make in relation to the carbon budgets and the way in which they operate. Firstly, **although the approach to Net Zero and the carbon budget is a material consideration, the CCA places an obligation on the SoS, not local decision makers, to prepare policies and proposals with a view to meeting the carbon budgets**. Secondly, as advised in the NPPF,⁴⁰² there is an assumption that controls which are in place will work. Finally, and consequent on the previous points, NSC's position that grant of permission in this case would breach the CCA and be unlawful is not accepted. That does not mean that these matters are not material considerations, but the CCA duty rests elsewhere....⁴⁰³*

170. But the judgement in this case must be taken in the light of the (agreed) scale of emissions, the fact that aviation emissions are within the traded sector, and that in any event UK ETS/CORSIA are only two of the measures available to address aviation carbon emissions in the light of the legal duty to ensure that carbon budgets are not breached" [emphasis added].

⁴⁰² See in a DCO context the ANPS, at paragraphs 4.53-5.

⁴⁰³ The Panel had earlier found that "it is clear that carbon emissions are addressed under other regimes. These include the CCA, carbon budgets and the UK Emissions Trading Scheme (UK ETS) and Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA)": [154]-[155].

- 8.3.73 The Court rejected a challenge to the findings (in paragraph 162), on the basis that the “primary reason” for these conclusions “*was that the CCA places an obligation on the Secretary of State...to prepare policies and proposals with a view to meeting the carbon budgets*”. There was nothing impermissible in the Panel applying the policy principle that controls could be assumed to work, where it had addressed the claims made in respect of the forthcoming budgets, and had also addressed an argument that the UK ETS/CORSIA regimes should not be accorded weight because they were time limited.⁴⁰⁴
- 8.3.74 The simple policy-related point is that the control of carbon emissions regime is operated by government within the context of a legal duty to meet net zero target and carbon budgets. That regime means that, in an uncertain future, measures will have to evolve and be the subject of continuing review over time to ensure that this duty is met. The emissions generated by this Project are consistent with the policy tests in the ANPS and the NNNPS in any event, as set out above, but there is no good reason for any suggestion that the regime for controlling GHG emissions will not operate effectively.

Paris Agreement

- 8.3.75 The IEMA Guidance includes, with reference to contextualisation, the need to consider the net zero trajectory in line with the Paris Agreement’s 1.5°C trajectory:

“The UK has set a legally binding GHG reduction target for 2050 with interim five-yearly carbon budgets which define a trajectory towards net zero. The 2050 target (and interim budgets set to date) are, according to the CCC, compatible with the required magnitude and rate of GHG emissions reductions required in the UK to meet the goals of the Paris Agreement, thereby limiting severe adverse effects.”

- 8.3.76 The CCC stated in the Sixth Carbon Budget report⁴⁰⁵ that it was not necessary to revise the (then) legislated Fourth and Fifth carbon budgets on the basis that the setting of an appropriate level of the Sixth Carbon Budget (for the period 2033-37) would require the UK to cut emissions in line with the 2030 NDC to remain on

⁴⁰⁴ See [151] of the judgment, referring to [169] of the decision: “As a matter of fact, there is currently an offsetting gap beginning in the next decade, and this cannot be ignored. But equally, given the international and national context it is not unreasonable to assume that something will come forward to fill the space. Whether that is a refreshment of UK ETS/CORSIA or other measures remains to be seen”.

⁴⁰⁵ The Sixth Carbon Budget - Climate Change Committee, December 2020, page 433. See also section 3 of The Applicant’s Response to Actions ISH6: Climate Change (including Greenhouse Gases) [REP4-036].

track. The Sixth Carbon Budget, therefore, re-established the trajectory for emissions levels required within the UK to remain on track for Net Zero in 2050.

8.3.77 On this basis the Applicant considers that the Project, which will not materially affect the ability of the UK to meet its carbon budgets and net zero target, will similarly not have any such impact on the ability of the UK to meet its obligations under the Paris Agreement. For the avoidance of doubt however it has compared the Project emissions against the UK NDC and the conclusion remains the carbon emissions arising from the Project would not be significant.⁴⁰⁶ The Applicant notes that there are in any event other policy mechanisms available outside of those applicable to this Project which will enable the UK to meet these obligations.

8.3.78 In this context, it is now necessary to address the main outstanding issues.

8.4. Outstanding issues

Introduction: matters not in dispute

8.4.1 Although there are several issues that were raised by Interested Parties and remain unresolved, none of these, as the Applicant understands them, dispute the actual calculations of the emissions that have been carried out, or therefore the calculations relating to the contribution made by the Project, following the methodology that has been adopted by the Applicant. Although some issues remain in relation to contextualisation, the Applicant does not understand there to be any dispute with the presentation of the contextualisation it has chosen to adopt across construction, ABAGO, surface access or aviation emissions as shown in the ES. These are helpful starting points for the application of the policy test.

8.4.2 There is no suggestion that any alternative approach to cumulative assessment is required. Initial concerns over the carbon assessment considering a whole life carbon approach⁴⁰⁷ and well-to-tank emissions⁴⁰⁸ have been addressed through further work which has explained how the assessment has followed whole life carbon principles⁴⁰⁹ and updated the assessment to make an appropriate

⁴⁰⁶ See the Applicant's Greenhouse Gas Technical Note in response to Deadline 8 submissions (Doc Ref. 10.79).

⁴⁰⁷ See the Applicant's Response to Deadline 4 Submissions [REP5-072], page 249 and the Applicant's Response to the Local Impact Reports [REP3-078] pages 7, 91, and 193.

⁴⁰⁸ See the Applicant's Response to the Local Impact Reports [REP3-078] pages 9 and 196. The Applicant notes the requirement for a whole life carbon assessment in the NNNPS 2024 (see para.s 5.31 – 5.35).

⁴⁰⁹ Appendix A of Supporting Greenhouse Gas Technical Notes [REP4-020]; and also the Applicant's Greenhouse Gas Technical Note in response to Deadline 8 submissions (Doc Ref. 10.79).

allowance for well-to-tank emissions,⁴¹⁰ waste-related emissions,⁴¹¹ and domestic inbound emissions.⁴¹² However for the avoidance of doubt these matters are addressed further below. Queries relating to the use of emission offsetting have also been addressed.⁴¹³ So too have requests to confirm the provision of sufficient charging infrastructure to support the anticipated uptake of electrical vehicles, by way of an additional commitment in the SACs to produce a strategy for the provision of charging infrastructure for electric vehicles used to access the airport.⁴¹⁴ This will supplement the potential measures included in the CAP to reduce ABAGO emissions in ground operation vehicles.⁴¹⁵

- 8.4.3 In ISH6 the Applicant queried whether, if the figures produced in the ES were appropriate calculations of the contribution the Project will make to the UK carbon budgets, the JLAs would consider these figures to be in breach of the policy tests.⁴¹⁶ Whilst it is understood that some individual authorities have raised concerns over the level of emissions that they consider the Project would produce, as matters stand it remains unclear if (or if so how) the JLAs are claiming that the Project would conflict with policy. The Applicant does not consider that they do.

Updated carbon assessment and contextualisation

- 8.4.4 As set out above, as the examination has progressed the Applicant has sought to address a number of contentions that the carbon assessment ought to be revised in order to reflect emissions sources that have not been adequately considered.

⁴¹⁰ Appendix B of Supporting Greenhouse Gas Technical Notes [\[REP4-020\]](#); and also the Applicant's Greenhouse Gas Technical Note in response to Deadline 8 submissions (Doc Ref. 10.79).

⁴¹¹ [\[REP8-119\]](#) paragraphs 1.1.20-3; and see also the Applicant's Greenhouse Gas Technical Note in response to Deadline 8 submissions (Doc Ref. 10.79)

⁴¹² [\[REP8-119\]](#) para. 1.1.4-12; and see also the Applicant's Greenhouse Gas Technical Note in response to Deadline 8 submissions (Doc Ref. 10.79)

⁴¹³ See The Applicant's Response to Deadline 5 Submissions - Response to GHG Comments [\[REP6-094\]](#), which explains that, GAL has been carbon neutral since 2017. Carbon neutrality is recognised through the ACI Airport Carbon Accreditation scheme (ACA) with offsets bought covering Scope 1 and Scope 2 GHG emissions (as well as business travel). GAL is currently accredited at Level 4+ of ACA and is committed to maintaining this. To maintain ACA accreditation, GAL can only purchase offsets that are aligned to schemes recognised by the ACA. Further details are set out in the ACA Offsetting Guidance. As GAL transitions from carbon neutral to net zero status, absolute carbon reductions are being achieved. Consequently, residual emissions, and the amount of offsets required, are reducing. For net zero only removal offsets are allowed. GAL is in the process of transitioning from reduction to removal offsets. For 2023, GAL bought 25% removal offsets and 75% reduction offsets. Currently GAL buys offsets annually in arrears from the voluntary carbon market. GAL is investigating developing a local removal offsetting project which would, ideally, provide all offsets from 2030. Any local offsetting scheme will have to be accredited by an ACA recognised scheme. Further information was given in GAL's response to Action Point 13 following ISH6 in The Applicant's Response to Actions ISH6: Climate Change (including Greenhouse Gases) [\[REP4-036\]](#).

⁴¹⁴ As introduced in Environmental Statement Appendix 5.4.1: Surface Access Commitments – Version 2 [\[REP3-028\]](#) (Commitment 12A). See also The Applicant's Response to Deadline 5 Submissions - Response to GHG Comments [\[REP6-094\]](#), Ref. 21.

⁴¹⁵ See, for example, AB7-13 in [\[REP8-054\]](#).

⁴¹⁶ Paragraph 6.1.6 of Written Summary of Oral Submissions ISH6: Climate Change (including Greenhouse Gases) [\[REP4-032\]](#).

These have related primarily to issues concerning the approach to inbound flight emissions (in particular domestic flights),⁴¹⁷ well-to-tank emissions associated with fuel extraction and manufacture⁴¹⁸ and additional carbon emissions from waste incineration.⁴¹⁹ In response to requests at Deadline 8 that the updates be reflected in revisions to relevant tables within ES **Chapter 16: Greenhouse Gases** [REP4-005] as summarised above, the Applicant has done so, in **Greenhouse Gas Technical Note in response to Deadline 8 submissions** (Doc Ref. 10.79). These include revised contributions of future with-Project emissions to carbon budgets, concluding that the Project would contribute 0.03%, 0.055% and 0.655% to the fourth, fifth and sixth budgets respectively. It is in this context that the main outstanding issues can be considered.

Main issues

- 8.4.5 The issues raised by the JLAs and other Interested Parties have been addressed but largely remained unresolved through the course of the examination. There is a degree of overlap between submissions of CAGNE, AEF and NEF (and to some extent others including GACC and Gatwick Obviously Not).
- 8.4.6 The main issue raised by the JLAs, however, does not go to the substance of the Applicant's assessment or of the Applicant's conclusions about environmental effects or policy compliance. It relates to the imposition of what has been referred to as Green Controlled Growth ("GCG") or Environmentally Managed Growth ("EMG"),⁴²⁰ albeit that this has been advanced as a more general control on the growth of Gatwick and for that reason is mainly considered separately. So too are issues relating to the assessment of the future baseline.⁴²¹
- 8.4.7 The following issues are considered in turn below:
- (1) Approach to Climate Change Committee advice;⁴²²
 - (2) Need for demand management;⁴²³
 - (3) Reliance on Jet Zero and risks or uncertainty relating to the achievement of the strategy;⁴²⁴

⁴¹⁷ [REP8-119] paragraphs 1.1.4-12.

⁴¹⁸ Supporting Greenhouse Gas Technical Notes [REP4-020] and [REP7-079].

⁴¹⁹ [REP8-119].

⁴²⁰ As addressed primarily in the Applicant's Response to Deadline 4 Submissions [REP5-072] and the Applicant's Deadline 5 Submission - Appendix B: Response to the JLAs' Environmentally Managed Growth Framework Proposition [REP5-074].

⁴²¹ See, for example, The Applicant's Response to Written Representations [REP3-072] pages 128 and 132.

⁴²² Relevant Representations Report [REP1-048] pages 19, 109, 111 and 492; [REP3-072] page 303; [REP5-072] page 7.

⁴²³ [REP3-072] pages 60, 70 and 154.

⁴²⁴ [REP1-048] pages 14, 330, 491 and 493; [REP3-072] pages 16, 17, 20 and 156.

- (4) Absence of modelling of non-CO₂ emissions;⁴²⁵
- (5) The Finch case and downstream effects of enabling flights;⁴²⁶
- (6) Approach to inbound emissions;⁴²⁷
- (7) Approach to whole-life carbon and well-to-tank emissions;⁴²⁸
- (8) Localised contextualisation;⁴²⁹
- (9) Extent of commitment to controlling emissions⁴³⁰, in particular binding emissions caps;⁴³¹
- (10) Reliance on carbon trading and offsetting schemes (CORSIA and UK ETS) as mitigation;⁴³²
- (11) Significance of emissions⁴³³ for the purposes of national policy.

Approach to Climate Change Committee advice

- 8.4.8 A number of representations have referred to the recommendation of the CCC in its Annual Progress Report 2023 in respect of airport expansion.
- 8.4.9 The Applicant notes that the recommendations in 2023 were very similar to those made in 2022, in stating that:
- “No airport expansions should proceed until a UK-wide capacity management framework is in place to annually assess and, if required, control sector GHG emissions and non-CO₂ effects”.*
- 8.4.10 However, there is no dispute that the role of the CCC is advisory only and the Government is plainly not under any obligation to accept the advice that is given. The CCC does not make policy – that is for government.
- 8.4.11 What the Government has explained, through JZS and JZS: One Year On, is that it does not consider that any capacity constraint is necessary. Instead, it is closely monitoring performance to ensure that the trajectory is met, such that no demand management by way of prohibiting increases in capacity is required. Ultimately, the Government is aiming to achieve the same end objective as the CCC, but it has its own strategy for how to reach that end objective.

⁴²⁵ [REP1-048] pages 21, 114 and 494; [REP3-072] page 19; [REP3-078] page 257.

⁴²⁶ [REP3-072] pages 121 and 128; [REP5-072] page 266.

⁴²⁷ [REP1-048] page 329.

⁴²⁸ See Supporting Greenhouse Gas Technical Notes [REP4-020].

⁴²⁹ See, for example, Appendix H - Response to CAGNE's Deadline 4 Submission – Issue Specific Hearing 6 Post -Hearing Submission Version 1 [REP5-080].

⁴³⁰ [REP1-048] page 495.

⁴³¹ [REP1-048] pages 14, 16, 23 and 25; [REP3-072] pages 22 and 53; [REP3-078] pages 93 and 193.

⁴³² [REP1-048] page 113; [REP3-072] page 18.

⁴³³ [REP1-048] page 112; [REP3-072] pages 15, 34, 70, 95, 132 and 140; [REP5-072] page 280.

8.4.12 JZS sets out a strategy based on a range of non-planning mechanisms and technological measures to meet carbon budgets. For example, the Government has set a higher ambition for SAF than the CCC; and its modelling is different. But in respect of a 'UK-wide management framework', that is exactly what the Government is operating through the JZS and other policies. The Government's actions are consistent with the concern expressed by CCC to ensure that carbon reduction targets are met and it is clear that the Government is committed to deliver that outcome. It has stated a general commitment to review the strategies in the JZS, so is not ruling in or ruling out any potential measures it might take, but it is that process of constant monitoring and review that will deliver the commitment, not a policy now to restrict aviation capacity.

Need for demand management

8.4.13 In a similar vein, some representations have submitted that the only effective way of addressing climate change issues is to prevent further airport capacity being created by way of this Project.

8.4.14 This suggestion can be dealt with briefly. As the policy analysis set out above demonstrates, it is no part of national policy to impose an in-principle prohibition on the creation of further airport capacity; and this has been confirmed most recently through Jet Zero and Jet Zero One Year On.

8.4.15 Policy is instead supportive of existing airports making best use of their existing runways subject to environmental issues being properly addressed, which will include circumstances where a Project generates emissions that are not so significant as to materially affect the ability of the UK to meet its carbon reduction targets including its budgets. That policy requirement is satisfied in this case.

Reliance on Jet Zero and risks or uncertainty relating to the achievement of the strategy

8.4.16 Several representations also raised concerns about placing reliance on Jet Zero to enable the conclusion that emissions resulting from the Project would be acceptable, in particular due to the uncertainties and risks associated with the measures it adopts to conclude that net zero in the aviation sector can be achieved.

8.4.17 Various risks were alleged, including the following: that the government's High Ambition trajectory for aviation includes modelling assumptions – on alternative fuels and more efficient aircraft – that are more optimistic than previous forecasts, thereby confirming the general uncertainty in the ability to reduce

aviation emissions;⁴³⁴ that the measures required to achieve targets in JZS are uncertain and partly beyond government control (such as commercialisation of more efficient aircraft, and the ability to ensure that CORSIA becomes more rigorous after it ends in 2035); that carbon charging may need to respond to a lack of progress and thereby constrain demand; that the government is still considering its approach to CORSIA⁴³⁵; that questions remain about uptake of SAF, including issues such as feedstock sourcing and difficulties in developing a SAF industry;⁴³⁶ and that carbon capture technology is unproven;⁴³⁷ and that policies required to increase probability of delivery have not been designed and there is a risk that future emissions reduction technologies do not scale up.⁴³⁸ Reliance is also placed on the CCC advice which is said to question⁴³⁹ the “science-based” matters on which JZ relies, with the result that less weight should be given to the JZ. It is also contended that the recent judgment in Friends of the Earth and others v. SSESNZ [2024] EWHC 995 (Admin) on the Carbon Budget Delivery Plan suggests that less weight should be accorded to JZ.⁴⁴⁰

- 8.4.18 There are two introductory points to be made. The first is that despite these claims, it has also been contended that the JZ trajectory should actually be steeper⁴⁴¹ and therefore more ambitious, implying not that there are risks to delivery but that the government is capable of doing more, and sooner, to achieve its net zero emissions for the aviation sector. The Applicant acknowledges that the government will take the steps that it considers necessary to achieve net zero across the sector and, as is explained below, the CAP provides for that possibility.
- 8.4.19 The second is that there has been no suggestion that the determination of this application is the appropriate forum to review, challenge or develop government

⁴³⁴ [REP1-048] page 17.

⁴³⁵ [REP1-048] page 18.

⁴³⁶ [REP1-048] page 18; [REP3-072] page 18 and 292.

⁴³⁷ [REP1-048] page 331.

⁴³⁸ [REP1-048] page 330.

⁴³⁹ [RR-0556].

⁴⁴⁰ See [REP4-093] and Appendix H - Response to CAGNE's Deadline 4 Submission – Issue Specific Hearing 6 Post - Hearing Submission Version 1 [REP5-080].

⁴⁴¹ AEF: see [REP1-048] page 25.

policy on aviation.⁴⁴² The NNNPS 2024 reflects this broad position⁴⁴³ in advising⁴⁴⁴ that “*The Secretary of State for Energy Security and Net Zero regularly assesses whether the UK has sufficient policies and proposals overall to meet the UK carbon budgets, with a view to meeting the net zero target, in line with the duties under section 13 of the Climate Change Act 2008. It would not be feasible or sensible for such an assessment to be done at the time of taking individual development decisions, and there is no legal requirement to do so*”.

- 8.4.20 Representations which contend that less weight should be given to government policy on the approach to achieving net zero appeared, by reason of differing views being expressed by the CCC, or identified risks associated with the measures identified within JZ, may in effect be intending to challenge that policy, but in any event they fail to recognise how JZS itself understands the need for monitoring and review over time to achieve what should not be in dispute – the need to decarbonise aviation to help achieve net zero.
- 8.4.21 The fundamental point which applies to all of the concerns raised is that Government published JZS fully aware both of the need to reduce aviation emissions to help meet its legal obligations in 2008 Act and the need to ensure that its strategy to reduce emissions remains constantly monitored and reviewed, in order to address uncertainties and any risks to progress.
- 8.4.22 JZS in fact states that:

“3.58 Our economy-wide Net Zero Strategy considers that, even if there was no step-up in ambition on aviation decarbonisation (e.g. through our “continuation of current trends” scenario), we would still be able to achieve net zero by 2050. However, this is not the approach we are taking: instead we are committing to ambitious action to reduce in-sector aviation emissions. Our “High ambition” scenario, which we will use to monitor the sector’s progress, has 19.3 MtCO₂e residual emissions in 2050, compared to 23 MtCO₂e in the Climate Change Committee’s (CCC) Balanced Net Zero Pathway.”

⁴⁴² As Appendix H - Response to CAGNE’s Deadline 4 Submission – Issue Specific Hearing 6 Post -Hearing Submission Version 1 [REP5-080] explains, the naming of Jet Zero as strategy to achieve net zero in the aviation sector should have any bearing on its relevance or weight. Whilst named as a strategy, it plainly sets out a commitment to the UK aviation sector reaching net zero by 2050 along with a series of principles and policy measures (within which there are set out five-year delivery plan policies) to achieve that overall commitment. Within the strategy the five-year delivery plan is explained by reference to a series of policy commitments. As the JZS explains, it commits the government to monitoring progress against a trajectory which is consistent with Net Zero, to developing initiatives and interventions to secure that trajectory and to intervention with further measures if that trajectory is not being met.

⁴⁴³ See too See Bushell v Secretary of State [1981] AC 75 at [98].

⁴⁴⁴ Paragraph 5.38.

- 8.4.23 JZS concludes, therefore, that net zero could be achieved even without heightening ambition on decarbonisation (which itself places any allegations of risk in perspective), but nonetheless commits to mitigating the effects of aviation emissions so that the statutory obligation to reach net zero can be fulfilled. This requires action at an industry scale. And as summarised above, JZS confirms⁴⁴⁵ that: “As a responsible government, we will need to regularly review the sector’s progress and adapt our approach depending on progress made. We will monitor progress against our emissions reduction trajectory annually from 2025 and review the overall trajectory as part of the five-year review process (starting in 2027)”.
- 8.4.24 Two recent government announcements confirm these commitments. In its Response to the Environmental Audit Committee (24 March 2024), the government:
- (1) In response to recommendation 14 that it should consider whether demand management measures have a role to play if its review of evidence suggests that other decarbonisation policies are not working, said: “*The Jet Zero Strategy sets out details on how the aviation sector can achieve net zero without government intervening directly to limit aviation growth. DfT analysis shows that in all modelled scenarios we can achieve our net zero targets by focusing on new fuels and technology, rather than capping demand, with knock-on economic and social benefits. If we find that the sector is not meeting the emissions reductions trajectory, we will consider what further measures may be needed to ensure that the sector maximises in-sector reductions to meet the UK’s overall 2050 net zero target*”;⁴⁴⁶
 - (2) in response to recommendation 2, confirmed that it will legislate for the inclusion of international aviation and shipping emissions in the 6th Carbon Budget at the earliest opportunity;
 - (3) in response to recommendation 6, restated that it keeps assumptions in the Jet Zero Strategy under close review and will consider whether further action is required to meet the trajectory, including through its first major review in 2027. The Response also highlights the scale of investment being made by Government in relevant aviation initiatives;
 - (4) in response to recommendation 6, confirms government investment in advanced fuels and that it will introduce a SAF mandate from 2025;

⁴⁴⁵ *Jet Zero Strategy*, Paragraph 1.14.

⁴⁴⁶ Government Response to the report of the House of Commons Environment Audit Committee on “Net zero and the UK aviation sector”, 20 March 2024: Appendix a Written Summary of Oral Submissions ISH6: Climate Change (including Greenhouse Gases) [[REP4-032](#)].

(5) in response to recommendation 10, explains the progress being made in relation to zero emission routes and hydrogen technology.

8.4.25 It commented as follows in relation to SAF:

"The UK will introduce a SAF mandate from 2025, requiring at least 10% of UK aviation fuel to be SAF by 2030. Fuel suppliers will receive awards, (in the form of tradable certificates) for the SAF they supply, proportionate to the GHG savings of their fuel. The mandate will introduce strict sustainability criteria to ensure SAF delivers genuine GHG emission savings. Fuels eligible for award include waste and residue derived biofuels, recycled carbon fuels and power to liquid fuels. Fuel producers will need to evidence the lifecycle emissions of their fuels to receive awards and fuels will need to deliver minimum GHG savings over fossil kerosene. The Government is supporting a UK industry through our £135 million Advanced Fuels Fund (AFF) which is supporting 13 first-of-a-kind projects to reach commercial scale by overcoming perceived technological and construction risks. This has set us on the path to achieve our shared ambition of having 5 plants under construction by 2025".⁴⁴⁷

8.4.26 In Supporting the Transition to Jet Zero: Creating the UK SAF Mandate (25 April 2024), the Government announced a commitment to legislate that by 2030 10% of all jet fuel for flights taking off from the UK should be SAF. In doing so, it explained: *"This is part of our approach to ensuring that rationing of flights through 'demand management' is ruled out."*⁴⁴⁸ The announcement also confirmed the Government's determination to manage fuel prices and minimise the impact on ticket fares for passengers. The document shows that the announcement was welcomed both by airport operators and by Airlines UK. The new government has recently confirmed this commitment to SAF in a Written Statement to Parliament "Sustainable aviation fuel initiatives" on 22 July 2024.⁴⁴⁹

8.4.27 The Government is already taking action therefore and there is no reason to suggest that this will not continue. Concerns that Interested Parties have with risks to JZS are also recognised by the Government (not only in JZS but MBU).⁴⁵⁰ There is uncertainty, for example, in SAF or in the delivery of hydrogen fuel solutions, but this is recognised and the JZS position is clear, that there are a

⁴⁴⁷ See [REP3-036] at CC1.11.

⁴⁴⁸ Government's announcement on 25 April 2024 in relation to Sustainable Aviation Fuel (SAF): Appendix B of Written Summary of Oral Submissions ISH6: Climate Change (including Greenhouse Gases) [REP4-032].

⁴⁴⁹ [Sustainable aviation fuel initiatives - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/sustainable-aviation-fuel-initiatives), July 2024.

⁴⁵⁰ *Beyond the horizon: The future of UK aviation. Making best use of existing runways*, June 2018. See paragraphs 1.14 and 1.20.

number of alternative measures and steps that can be taken, so that the aviation sector does not compromise the commitment to meet the legal obligations. The fact that the JZS relies on science-based matters is obviously true, and the Government is aware of that. JZS recognises accordingly there is a degree of uncertainty in the measures it sets out, but makes the commitment that measures comprising the JZS be reviewed and updated so that the Government can fulfil its emissions reduction obligations.

- 8.4.28 As for concerns relating to CORSIA, this is an existing mechanism to manage international aviation which currently extends to 2035, and from 2032 will be reviewed to consider its form beyond the existing 2035 timetable. JZS commits the UK Government to work closely with other states to maintain and strengthen CORSIA, and continues to support this as documented in JZS: One Year On. There is no reason to consider that such a mechanism will not continue.
- 8.4.29 These illustrations confirm how JZS is not a static document and as a reflection of this JZS: One Year On refers to the constant monitoring and modelling that is required to ensure that the strategies are being met. The JZS also states that, even if its targets are not met because aviation does not step up and meet its High Ambition scenario, net zero 2050 will still be achieved.⁴⁵¹ Whilst it is clearly not the plan or expectation to not meet targets, the recognised need for review in the light of evolving technology and uncertainty reflects government's understanding of the need to meet both its climate change objectives and economic objectives, with aviation being critically important to the latter.
- 8.4.30 Government also recognises that transport is a difficult sector to decarbonise and that the overall carbon commitments will need to be managed across the economy. The approach taken in the JZS is complemented by NNNPS 2024, which confirms that the Transport Decarbonisation Plan demonstrates how the Government will deliver transport's contribution to emissions reductions in line with net zero,⁴⁵² noting that it is the duty of the Secretary of State to meet these targets and that the Secretary of State regularly assesses whether the UK is going to meet these targets.⁴⁵³
- 8.4.31 Any suggestion that the recent challenge to the Carbon Budget Delivery Plan should somehow undermine any reliance on Jet Zero is misplaced. The judgment in Friends of the Earth was specific to that case and should not affect reliance on JZS. The arguments before the Court related to the way in which risk material

⁴⁵¹ *Jet Zero Strategy*, paragraph 3.58.

⁴⁵² NNNPS 2024, paragraph 2.24.

⁴⁵³ *Ibid*, paragraph 5.38.

specific to the delivery of individual proposals/policies in the context of the achievement of the carbon budgets the 2050 net zero target was presented to and interpreted by the SoS, and the extent to which it was sufficient for him to take a lawful decision specifically under the duty in section 13 of the 2008 Act. The SoS had acted on the understanding that not all of the policies and proposals listed would be delivered in full; however, this was not held to be a reasonable interpretation of the advice that was put forward to him. On the basis that he had made his decision on a mistaken assumption, the decision was unlawful as it was made based on a misunderstanding of the true position. The Court went on to find that in the context of that duty, further information was required as part of the submission to the SoS in order to allow him to judge whether proposals would miss their targets or by how much.

- 8.4.32 In reaching these findings, the focus of the judgment was on the decision-making process pursuant to the duty on the Secretary of State under section 13, not on the merits or efficacy of individual policy commitments themselves. In the context of aviation, nothing in the judgment can be taken to undermine the Jet Zero commitment for the sector to play its part in achieving net zero, or the acknowledgement within the strategy that government will carry out monitoring and review of its overall strategic approach to decarbonising aviation in line with the latest technological developments, evidence of progress against the emissions reduction trajectory, and performance indicators for each policy measure every five years. This was not the subject or focus of the litigation or judgment, and it is inaccurate to suggest otherwise. The claim that little or no weight can be given to Jet Zero as a result of the judgment is without merit.⁴⁵⁴ If anything the judgment, rather than undermining government policy to achieve net zero, confirmed that it is for government to make the difficult evaluative and predictive judgments that arise in this field. It also reinforces how the Government is under a continuing obligation to prepare proposals and policies which will enable the UK to meet its net zero duty under the 2008 Act, and the confidence that can be placed in it being held to judicial scrutiny and enforcement in circumstances where it fails in his duties. This is confirmed by the outcome of the judgment which requires the government to submit a further report to Parliament within a year which addresses the specific issues that arose in that case.
- 8.4.33 The broader claims relating to the risks of JZ not meeting its stated aims in fact miss an important point about where risk should in truth be seen to lie.

⁴⁵⁴ See also Appendix H - Response to CAGNE's Deadline 4 Submission – Issue Specific Hearing 6 Post -Hearing Submission Version 1 [[REP5-080](#)].

Government policies are made and published precisely so we can rely on them, so that companies can invest and take action in contemplation of government decision making. If there is a risk that the JZS will not be achieved, the risk lies with the Applicant, not the climate, because government is committed to net zero. The CAP, as explained below, provides for the Applicant to report its emissions to government which can respond by taking whatever action it considers appropriate across the sector to achieve its stated ambitions. Ultimately, consenting to airport expansion such as this Project is not the same as government committing to all of the flights in all circumstances between now and 2050. Airports, Gatwick included, have to invest in readiness for significant changes in the industry. If JZS is not successful, it is the airport operators such as the Applicant who will carry the risk of further government intervention in order that its climate change objectives can be met, whether this be the most extreme step of flights not being made available or some other control if that provides necessary. There is nothing in the grant of this consent that would prevent government between now and 2050 exercising the control over aviation emissions that it considers necessary.

- 8.4.34 For now, however, the Manston Airport decision is a recent example of where the Secretary of State had been entitled to rely on JZS to reach a view that CO₂ emissions should be afforded neutral weight in decision making.⁴⁵⁵ A similar conclusion is justified here. JZS should be treated as up-to-date evidence of the Government's commitments and that it has a strategy in place to meet them. It is appropriate that the Government's stated and legal commitments and the evidence of its strategy and actions to meet them should be given significant weight; and no good reasons have been given to doubt either the objective for aviation to decarbonise to assist with the progress to net zero, or the continually reviewed process which government has committed to follow to achieve it. There is no doubt that the issue of carbon emissions resulting from the Project is material, but they should be considered in the context of the Government's commitment in the JZS to decarbonise the aviation industry, as well as the wider legal duties under the 2008 Act to reach net zero with which the government must comply. Any suggestion that very little weight can be placed on the JZS is misplaced.

Non-CO₂ emissions

- 8.4.35 As summarised above, paragraphs 16.4.12 to 16.4.14 of ES **Chapter 16: Greenhouse Gases** [\[REP4-005\]](#) set out the primary rationale for not including

⁴⁵⁵ Manston Airport DCO Decision Letter, paragraph 149.

non-CO₂ emissions in the assessment of impact. The ES notes the recognised likely effects but also uncertainty on the mechanisms and effects of these emissions on atmospheric warming, explaining why it would not be reasonable to try and model these effects within the assessment.

- 8.4.36 Representations have proposed the use of a multiplier to estimate these impacts.
- 8.4.37 A multiplier is included within the UK Government Greenhouse Gas Conversion Factors for Company Reporting.⁴⁵⁶ These conversion factors have been developed as part of the National Atmospheric Emissions Inventory (NAEI) to support the UK Greenhouse Gas Inventory. The Methodology Paper supporting the Company Reporting provides further information on non-CO₂ impacts and radiative forcing.
- 8.4.38 However, it notes the current uncertainty over the magnitude of these and refers to the indicative use of a multiplier. It states that the approach used to develop CO₂-equivalent metrics (used as the standard approach for reporting emissions of the Kyoto basket of greenhouse gases) is not directly applicable to short-lived climate pollutants (which is used in reference to non-CO₂ emissions such as water vapour, contrails, NO_x etc). It adds that “a multiplier is not a straightforward CO₂ equivalent metric” and that they do not “reflect accurately the different relative contributions of emissions to climate change over time, or reflect the potential trade-offs between the warming and cooling effects of different emissions.”⁴⁵⁷ It is suggested use of a 1.7 multiplier must be seen in the context of the significant and acknowledged uncertainties in this area.
- 8.4.39 The Applicant has always acknowledged the potential effects and risks arising from non- CO₂. However the Government’s multiplier is for companies to use when considering their own travel emissions. It does not represent the actual impact of non- CO₂ emissions because the science behind how to calculate and assess these is unclear, and furthermore there is no agreed scientific consensus. Rather than using a multiplier that is known to be inaccurate, the quantification of non- CO₂ has therefore been properly excluded from the Environmental Statement. Presenting a value for the impact of these serves little purpose beyond further highlighting that aviation-related emissions are more material than those from other emissions sources within the GHG assessment.
- 8.4.40 Further, a modified emissions estimate cannot be contextualised as directed by IEMA guidance. There is no recognised benchmark against which to compare

⁴⁵⁶ See [\[REP4-036\]](#) paragraph 14.1.3.

⁴⁵⁷ *Ibid*, paragraph 14.1.4.

the impact of non- CO₂ emissions. They are not reflected within the Nationally Determined Contributions declared in line with the 2015 Paris Agreement; nor are they included within UK carbon budgets, nor the Jet Zero trajectory.

8.4.41 The 2017 Regulations recognise that an environmental statement should only contain the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment,⁴⁵⁸ and they recognise⁴⁵⁹ that there may be difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the relevant environmental information. The Applicant does not seek to diminish recognition that non- CO₂ emissions have, however the uncertainties relating to their assessment mean that modelling is not part of the information that is reasonably required in the environmental statement.

8.4.42 This uncertainty is in fact recognised by the Government. The Jet Zero Strategy accepts⁴⁶⁰ that “the uncertainties are real” and that more research is necessary. It does however report that: “The research and analysis carried out thus far suggests that many of the measures to improve efficiencies, rollout of SAF, and the acceleration of zero emission flight are expected to also have a positive impact on reducing non-CO₂ impacts”.⁴⁶¹ The JZS commits the Government to take a leading role in that research and states:

*“We will work closely with atmospheric scientists, other researchers, industry and internationally to better understand the science and potential mitigations of non-CO₂ impacts from aviation. Furthermore, we will carefully consider any need for additional research and development activity on non-CO₂, including working with UK Research and Innovation (UKRI). We are also committed to working through ICAO to lead research into the non-CO₂ impacts of international aviation and their mitigation. As the evidence base develops we will support the consideration of appropriate international measures to address non-CO₂ impacts alongside reducing CO₂ emissions”.*⁴⁶²

⁴⁵⁸ Regulation 14(3)(b).

⁴⁵⁹ Schedule 4 para. 6.

⁴⁶⁰ *Jet Zero Strategy*, paragraph 3.64.

⁴⁶¹ *Ibid*, paragraph 3.66.

⁴⁶² *Ibid*, paragraph 3.68.

8.4.43 An update is provided in Jet Zero Strategy: One Year On⁴⁶³ which also reports that the Government's next steps include the following:

“Undertake further work on how non-CO2 impacts could be monitored and included in the UK ETS, in line with our aim to price aviation’s non-CO2 climate impact once scientific understanding and consensus permit.”

8.4.44 It is clear therefore that government recognises the uncertainties in this field and that policies will be developed and put in place to address non- CO₂ impacts alongside reducing GHG emissions. The Applicant recognises that knowledge will develop and has committed within the CAP to monitor and respond to emerging policy relating to non- CO₂ emissions as this comes forward.

8.4.45 In the Bristol case, claimant argued that there had been an unlawful failure to include CO₂ emissions in the EIA, and inadequate reasons given for the stance taken by the Panel. The Panel had concluded:

“204. Along with CO2 emissions, non-CO2 effects have the potential to bring about climate change. These effects, such as contrails and cirrus clouds, appear (as far as is known) to be short term in duration. However, there is considerable uncertainty as to their effect and longevity.

205. As recognised by the CCC there is considerable uncertainty in assessing these emissions, and the ESA recognised this point and did not seek to quantify their effect. It has been suggested that a multiplier might take account of non-CO2 effects but this has yet to emerge and there is no policy as to how they should be dealt with.

206. The criticism of BAL’s position is the allegation that non-CO2 effects have been ignored and that it is unreasonable to ignore the effects due to measurement issues.

207. However, the draft Carbon and Climate Change Action Plan (CCCAP) (below) provides that such emissions should not be ignored in future selection of GHG reduction measures. Given the extent of scientific uncertainty, and

⁴⁶³ Jet Zero Strategy: One Year On, page 33.

given the intention of the CCCAP to consider the effects further, it would be unreasonable to weigh this matter in the balance against the proposal.”

8.4.46 As the judgment recorded, the reference to the multiplier was that contained in the 2019 version of the Greenhouse Gas Conversion Factors for Company Reporting. That document also recommended a multiplier, but again noted that the value the multiplier was subject to significant uncertainty. The judgment also identified how, by reference to CCC advice, evidence to the inquiry had concluded that *“the CCC had advised that non-CO2 effects ‘should not be accounted for in the UK’s carbon budgets, because it is challenging to aggregate their effects accurately’”*.⁴⁶⁴

8.4.47 Both claims were rejected:

“202...However much the claimant may seek to invoke the BEIS 1.9 multiplier, there is very far from being any scientific consensus that it is a relevant tool in determining non-CO2 emissions from aviation, other than in the context of company reporting. Professor Anderson’s evidence to the Panel was to that effect.

203. The CCC’s attitude to non-CO2 emissions is, plainly, of high relevance, given that the CCC is concerned with the discharge of the Secretary of State’s obligations under the CCA. As I have already explained, the Panel properly concluded that the relevance of aviation emissions to the Panel’s decision was whether the implementation of BAL’s proposals for expansion “would materially affect the ability of the United Kingdom to meet its carbon budgets and the target of net-zero GHG emissions by 2050”: DL149.

204. Given the CCC’s view that non-CO2 effects should not be included within the net-zero target, it is difficult to see how the Panel could make use of the BEIS 1.9 multiplier in order to answer that central question. In any event, the issue for this court is whether the Panel was entitled, in the exercise of its planning judgment, to refuse to make use of the multiplier. Plainly, it was”.

8.4.48 The EIA was not defective either. It had specifically addressed *“consideration of non-CO2 aviation emissions”* and noted that the state of scientific knowledge of non-CO₂ effects is too uncertain for accurate measurement at this stage, such that non-CO₂ effects for aviation were not currently included in any domestic or international legislation or emission targets, including the Paris Agreement.⁴⁶⁵

⁴⁶⁴ [190]-[196].

⁴⁶⁵ At [216].

The judgment identified how the EIA regime recognises that there may be limits on current knowledge and methods of assessment (regulation 18)(4)(b)) and that forecasting methods or evidence should include “*details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved*” (Schedule 4, paragraph 6).

- 8.4.49 Overall, the approach taken in this case is properly to recognise that there is the prospect of further non-CO₂ effects, but that the state of scientific knowledge of non-CO₂ effects is too uncertain for sufficiently accurate measurement at this stage and that there is no reasonable way in which the Applicant could be expected to include them in the assessment.

Downstream effects of enabling flights

- 8.4.50 Representations have referred to the Finch litigation which culminated in the Supreme Court judgment that was given during the examination, on 20 June 2024. The implications of that judgment have been considered by the Applicant in successive submissions as representations have responded to the judgment: see **The Applicant's Response to ExQ2 - Climate Change and Greenhouse Gases** [REP7-079], **Appendix D - Response to Submissions on CC.2.1 (Finch)** [REP8-119] and the **Greenhouse Gas Technical Note in response to Deadline 8 submissions** (Doc Ref. 10.79). These submissions are not repeated here but the main issues raised have been addressed as follows.
- 8.4.51 An important starting point is to recognise that Finch concerned a project where it was common ground that the “*downstream*” emissions resulting from the eventual combustion of oil that had been refined following extraction were “*inevitable*”; and this allowed the Court to find that the strictest potential test of causation (the “*necessary and sufficient*” test) was satisfied.³ It was also common ground that the emissions could be measured using an established methodology and that “*this was not a difficult task*”.⁴ Although the Court identified principles to be applied in determining whether EIA needs to consider the effects of a project, the project in question had particular features which should not be assumed to apply in other cases, including this Project.
- 8.4.52 It is also important to recognise that the judgment recognised that there are limits on what any EIA can be expected to assess. If an effect is to be considered an effect of the project, there must be a causative link between the project and the effect in question. The judgment does not identify which of the alternative approaches to identifying that link should be followed in EIA cases (save that it

appears to apply a “*necessary and sufficient*” test when considering the example of commodity manufacture), but it does go on to identify principles which on any approach to the causation principle must circumscribe what an EIA does. In particular, there are the following important principles to apply: (1) if there is insufficient evidence available to find a conclusion that an effect is likely, that effect does not need be assessed. Here insufficiency includes circumstances where a possible future occurrence is a matter of speculation or conjecture (and even if a possible effect is likely, the adequacy of evidence must also govern the nature and extent of the assessment);⁵ (2) an additional reason not to assess effects is that they would not be significant.⁶

- 8.4.53 In this case the implications of Finch have been raised in some representations by referring in an unspecified way to downstream emissions.⁷ Other representations refer to the case directly, or implicitly, in representations raising issues which include: (1) the relationship between indirect economic effects as assessed by the Applicant and the assessment of carbon effects; (2) the related but more specific claim that the Applicant should assess carbon emissions resulting from inbound flights if it is relying on benefits from inbound tourism; (3) the particular claim that the Applicant should include in its carbon assessment well-to-tank emissions relating to the creation of aircraft fuel used in flights to and from the Project.
- 8.4.54 Inbound flights and well-to-tank emissions are covered discretely below, but in the case of economic effects, any suggestion that the EIA in this case identifies economic effects which generate carbon effects that can all be identified and assessed is misplaced, and far removed from a case which proceeded on the agreed basis that extracted oil would inevitably be burned. In short, there will be direct economic effects that produce carbon effects which can be assessed through the consideration of ABAGO-related emissions. But in relation to indirect, induced and economic effects, these will involve a wide range of activities which may be assessed financially but in relation to which potential carbon emissions are beyond any coherent or realistic assessment in connection with the Project. Firms in the supply chain, for example, may carry out additional services such as maintenance or take on new staff to do so, but this will not necessarily have any causally identifiable effect on the carbon emissions associated with their activity; and the carbon associated with a new job or investment in new premises is practically impossible to estimate, as the employer may not increase its floorspace or opening hours and may be able to employ more staff within their existing footprint. Other effects including those related to tourism effects are similarly beyond reasonable assessment from a carbon perspective because

there are innumerable decisions to be taken on how that activity may arise which affect whether or how carbon is generated. The Applicant does not consider it necessary to assess downstream carbon emissions further. But in any event, as explained in **The Applicant's Response to ExQ2 - Climate Change and Greenhouse Gases** [REP7-079] and the **Greenhouse Gas Technical Note in response to Deadline 8 submissions** (Doc Ref. 10.79), the Applicant does not envisage that any (unreliable) attempt to assess emissions resulting from economic activity (beyond the previously assessed emissions within the carbon assessment) would lead to a conclusion of any significant effect, or change the conclusions of the assessment.

- 8.4.55 The Applicant has also considered whether the Finch judgment has any other implications for the assessment carried out in the ES. **ES Chapter 6: Approach to Environmental Assessment** [APP-031] explains the overall approach to the environmental assessment undertaken and recognises the scope for indirect effects to arise “which are not a direct result of the Project, often produced away from the Project site or as a result of a complex pathway”,⁵⁸ which is consistent with the approach taken in Finch.⁵⁹ The potential for cumulative, inter-related and transboundary effects was also addressed.⁶⁰ Where relevant both direct and indirect effects of the Project were addressed in the respective ES chapters. After reviewing the judgment, the Applicant does not consider that Finch requires the assessment of any effects which have not already been addressed in the ES or any other information as produced through this examination.

Approach to inbound emissions

- 8.4.56 As the Applicant explained at earlier stages of the examination,⁴⁶⁶ the assessment in the ES⁴⁶⁷ considered the emissions resulting from outbound aircraft (both domestic and international). In a national context this was considered appropriate as it avoids double counting when considering the impact of flights between UK airports. The UK Emissions Inventory calculates the impacts arising from domestic aviation through use of Civil Aviation Authority (CAA) data on aircraft movements and modelling journey modes (taxi, take-off, CCD, descent etc). As noted in the aviation methodology for inventory reporting, considering only outward flights allows for compatibility between estimated GHG emissions and records on aviation fuel used within the UK. In an international context the consideration of only departing aircraft allows for contextualisation

⁴⁶⁶ Written Summary of Oral Submissions ISH6: Climate Change (including Greenhouse Gases) [REP4-032]. See also [REP8-119] paragraphs 1.1.4-19.

⁴⁶⁷ Chapter 16 [REP4-005], paragraph 16.4.6.

against the UK greenhouse gas inventory, against the emissions within scope of the UK carbon budgets, and against the Jet Zero trajectory, all of which align with the approach within the UK emissions inventory approach based on modelling 'bunker fuel' consumption of jet fuel. On this basis, the Applicant considered that assessing outbound flights was the only approach the Applicant can use to contextualise the emissions against the UK carbon budget, as it is consistent with the methodology used to calculate and set the budgets and contextualise significance in a UK EIA context.

- 8.4.57 The Applicant has however given further consideration to carbon emissions arising from domestic inbound flights, having regard to such emissions falling within the scope of UK carbon budgets. Domestic emissions are extremely small and will reduce substantially over time as a result of the Jet Zero strategy and have no material bearing on the overall assessment of emissions, as explained in **Appendix D - Response to Submissions on CC.2.1 (Finch)** [\[REP8-119\]](#) and reflected in the updated aggregate emissions summarised above and set out in the Applicant's **Greenhouse Gas Technical Note in response to Deadline 8 submissions** (Doc Ref. 10.79).
- 8.4.58 As for emissions from inbound international flights, it is technically feasible to estimate these, however the Applicant does not consider these would not provide a meaningful quantification for comparison and contextualisation in a UK context: see **The Applicant's Response to Deadline 6 Submissions** [\[REP7-095\]](#)⁴⁶⁸, **Appendix D - Response to Submissions on CC.2.1 (Finch)** [\[REP8-119\]](#)⁴⁶⁹ and **Greenhouse Gas Technical Note in response to Deadline 8 submissions** (Doc Ref. 10.79). The Applicant has, however, provided figures for total aviation emissions, recognising that in EIA terms there is (as [Finch](#) confirmed) no geographical limitation on where emissions may arise for assessment, but equally that a reason not to assess carbon emissions could be that they are reasonably judged not to be significant.
- 8.4.59 Its approach to these figures is set out in **The Applicant's Response to Deadline 6 Submissions** [\[REP7-095\]](#) and **Appendix D - Response to Submissions on CC.2.1 (Finch)** [\[REP8-119\]](#), but in summary total Project emissions, doubled to include inbound flights, would amount to just 0.13% of 2050 global international aviation emissions, contextualised against a scenario in the International Civil Aviation Organization (ICAO) 2022 report on the Long Term Aspirational Goals for international civil aviation emissions, which covers

⁴⁶⁸ Paragraphs 1.1.13-6.

⁴⁶⁹ Paragraphs 39-46.

similar 'levers' as the JZS. Even allowing for how aviation emissions will reduce over time to 2050, the proportion is plainly insignificant. Claims that the total aviation emissions, including all international aviation emissions, should be contextualised against the UK carbon budgets are inconsistent with the IEMA guidance and misplaced. Other suggestions that the 0.13% figure is significant are also misconceived.⁴⁷⁰

- 8.4.60 In so far as it is argued that the assessment of inbound emissions is necessary to avoid an inconsistency of approach with reliance on tourism benefits, this approach assesses inbound emissions appropriately. There is no incompatibility between taking into account economic effects, in so far as they can properly be assessed in the EIA or accorded weight more generally as recognised in national policy, and then considering carbon impacts, but only to the extent that it is necessary to do so under the EIA regime.

Whole life carbon and well-to-tank emissions

- 8.4.61 The issue of well-to-tank emissions arose originally in conjunction with comments from Interested Parties that the carbon assessment should adopt a 'whole life carbon' approach. The applicant responded to this issue in Appendix A of **Supporting Greenhouse Gas Technical Notes** [\[REP4-020\]](#), having regard to relevant policy (including the NNNPS) and guidance to clarify the approach taken in the ES.
- 8.4.62 The ES applied whole life carbon accounting guidance issued by RICS to inform the quantification of activity and the selection of carbon factors. It has also applied the modular approach to identifying different forms of emission-generating activity, which was reviewed following ISH6 to verify the exclusion of "B2-5" emissions relating to maintenance, repair, replacement and refurbishment. This confirmed that the assessment has followed the principle of whole life assessment and has sought to align with the detailed methodology within RICS guidance to the extent that Project information allows.
- 8.4.63 Within the CAP the Applicant has made the significant commitment to become certified under PAS2080. This process, and the maintenance of certification, requires the Applicant to carry out a full life carbon assessment of each project within the wider Project as it is brought forward. The requirements set out within PAS2080 will require a substantially more detailed and comprehensive approach to the consideration of whole life carbon, and importantly decision-making in areas including procurement. This will provide an effective mechanism for

⁴⁷⁰ See the Applicant's Greenhouse Gas Technical Note in response to Deadline 8 submissions (Doc Ref. 10.79).

mitigation of whole life carbon emissions throughout the design and delivery of the Project.⁴⁷¹

8.4.64 As for well-to-tank emissions specifically, these were omitted from the quantification of carbon emissions presented in the ES. This was considered appropriate for several reasons:

- (1) the exclusion of these emissions sought to avoid inconsistency in the reporting of GHG emissions across the four emissions topics (Construction, ABAGO, Surface Access and Aviation). Due to the extent to which aviation well-to-tank emissions (as set out below) fall outside the scope of contextualisation exercises it was considered reasonable to exclude these. Following this principle, for consistency, well-to-tank emissions were then omitted from other assessment;
- (2) comparison was made with guidance on the evaluation of emissions associated with road traffic as provided within the Design Manual for Roads and Bridges (DMRB), which does not include for the estimation of WTT within the calculation of emissions impacts;
- (3) beyond contextualisation against the UK carbon budgets, other sectoral contextualisation's (against Jet Zero, and against CCC trajectories), exclude well-to-tank emissions;
- (4) carbon assessment methodologies are not fully consistent. RICS guidance indicates that a compliant footprint should include well-to-tank emissions, but elsewhere specifies that 'User' emissions for infrastructure projects are optional. IEMA indicates user emissions should be included, but makes no reference to well-to-tank;
- (5) a review of methodologies from other airport applications concluded that well-to-tank emissions were frequently excluded, or included only for some aspects of assessment (e.g. construction). This was considered sub-optimal in that it would lead to inconsistency in the reporting methodology for the Project ES.

8.4.65 However, in response to submissions from interested parties the Applicant has quantified well-to-tank emissions for construction, ABAGO, surface access and

⁴⁷¹ See further paragraph 1.7.11 of Supporting Greenhouse Gas Technical Notes [\[REP4-020\]](#). See also the Construction Carbon Management Strategy [\[REP3-107\]](#) which sets out Gatwick's plan to deliver on its PAS 2080 commitment and to ensure that all construction and supply chain partners are fully aware of the commitments.

aviation, as explained in Appendix A of **Supporting Greenhouse Gas Technical Notes** [\[REP4-020\]](#).

- 8.4.66 The mechanism whereby these are included in the assessment is challenging, however. Well-to-tank emissions sit outside the contextualisation exercises for ABAGO, surface access, and aviation as they are not included within the trajectories have been used to contextualise these. At a national level they are predominantly reported under industrial and freight transport sector trajectories. They can be included within the contextualisation of the carbon budgets at a national level. In contrast the majority of well-to-tank emissions for aviation fall outside the scope of the UK carbon budgets - as the majority of jet fuel is manufactured outside the UK and is imported.
- 8.4.67 Appendix B of **Supporting Greenhouse Gas Technical Notes** [\[REP4-020\]](#) therefore added well-to-tank emissions for UK-produced aviation fuel to those for construction, ABAGO and surface access. The effect on total carbon emissions for the Project was not significant (7.55%)⁴⁷², resulting in only marginal changes to the contribution of the Project (or the whole airport with the Project) to the carbon budgets, as set out above.
- 8.4.68 If inbound flights emissions are included in the calculation of aviation emissions, and in simple terms the same well-to-tank emissions are ascribed to those flights, this addition would make no material difference to the contextualisation against global aviation emissions under the relevant ICAO scenario. Aviation emissions with WTT emissions would be insignificant.

Localised contextualisation

- 8.4.69 Some representations continue to suggest that the emissions from the Project should be contextualised at a local level.
- 8.4.70 However, the Applicant does not understand the JLAs or any other party to have produced any methodology, let alone any assessment, during the examination indicating how this might be achieved or what its result could be.
- 8.4.71 Some Interested Parties make general assertions that the carbon emissions generated by the Project would not be consistent with local policies or declarations of climate emergencies (including Horsham declaring a climate emergency in June 2023 and agreeing a Climate Action Plan in 2024).⁴⁷³ Reference has been made to the Lewes District Council Corporate Plan which

⁴⁷² Table 2.

⁴⁷³ [\[REP3-072\]](#) pages 22 and 62.

restated an intention to be a net zero council;⁴⁷⁴ Kent County Council refer to setting targets relating to climate change and says that no development should disbenefit these.⁴⁷⁵ Sevenoaks District Council refer broadly to the Project making the district's work on tackling emissions more difficult.⁴⁷⁶ Nothing in the material before the examination gives any indication as to how any local budget could meaningfully be applied to the emissions of an airport such as Gatwick that is designated for its strategic importance at a national level, or how therefore the Project would conflict with policy reasonably applied.

- 8.4.72 However, for the reasons summarised above it is not necessary for any such comparison to be conducted in this case.
- 8.4.73 As the IEMA Guidance notes,⁴⁷⁷ “...it is essential to provide context for the magnitude of GHG emissions reported in the EIA in a way that aids evaluation of these effects by the decision maker”. The contribution of an individual project must be established through the “*professional judgment of an appropriately qualified practitioner.*” As set out above, Table 1 in the guidance presents a range of potential contextualisation sources, because not all will be applicable to all forms of Project. It also identifies the clear limitations with local budgets, in particular that a geographical budget below a national budget prescribed by law is not meaningful given that carbon emissions are not geographically circumscribed; and it is unclear whether emerging local budgets will add up coherently to the UK budget in any event. There is nothing in law which sets a local budget and national policy does not require an assessment of carbon budgets at a local level.
- 8.4.74 The Applicant remains of the view that contextualisation for a project of this type and scale can be carried out by examining the percentage contribution to the UK's national carbon budgets, as has been carried out within ES **Chapter 16: Greenhouse Gases** [\[REP4-005\]](#) at Table 16.9.13.
- 8.4.75 The Applicant also notes a suggestion that contextualisation should be against the (non-local) CCC's net zero pathway.⁴⁷⁸ However this would not be appropriate, for aviation in particular, given that government has set out its policy in Jet Zero and this can therefore be used as an appropriate contextualisation.

⁴⁷⁴ [\[REP1-048\]](#) page 298.

⁴⁷⁵ [\[REP3-078\]](#) page 256.

⁴⁷⁶ [\[REP3-078\]](#) page 265.

⁴⁷⁷ IEMA Guidance, page 24.

⁴⁷⁸ The Applicant's Response to Deadline 5 Submissions - Response to GHG Comments [\[REP6-094\]](#), at 10.1.2.

8.4.76 In relation specifically to local declarations of climate a climate emergency, the Applicant addressed these issues in its **Response to Actions ISH6: Climate Change (including Greenhouse Gases)** [REP4-036] at Action 9. In so far as the authorities' declarations impact on their local policies, that response demonstrated that the Applicant has set itself more demanding carbon targets than the authorities consider it necessary to impose on themselves or on other development in their areas.

Commitment to controlling emissions, in particular binding emissions caps

8.4.77 Some representations maintain generalised objection to the extent of commitments in the CAP, however the main outstanding area of dispute relates to the wider question of whether the growth of the airport should be controlled by way of environmentally managed growth. This is addressed separately below.

8.4.78 With specific reference to the CAP, however, the JLAs requested greater involvement in its monitoring and enforcement procedures, particularly in comparison with the SACs, and raised some concerns regarding its lack of "teeth".

8.4.79 These concerns are misconceived.

8.4.80 First, there is no automatic assumption that controls which are relevant for the purposes of the SACs should be carried across uncritically to the CAP. The SACs have been drafted to include more local contribution because the impacts are felt more at a local level (as they are to the local transport network). The CAP has a different conceptual basis, in that the impacts of GHG emissions are global albeit that legislation and policy has provided for emissions to be considered on a national basis. It is therefore entirely coherent for the local authorities to have a lesser role in enforcement of the CAP as compared to the SAC.

8.4.81 Second, the CAP commitments are clear and enforceable.

8.4.82 The CAP properly commits to specific climate mitigation 'outcomes' at the Airport, for construction, ABAGO and aviation, within which are identified a toolkit range of direct and enabling measures that the Applicant can deploy in order to achieve those outcomes most effectively (34 in the case of ABAGO, 15 for aviation, 31 for construction). These have been included to provide examples of activities which the Applicant could draw from to ensure the outcomes are achieved, but are purposely not prescriptive to allow flexibility to ensure that the most effective combination of them (or others not included) are implemented, based on the circumstances and knowledge that exist at that future point in time,

acknowledging the fast-evolving technological and regulatory landscape and the long-term nature of the CAP.⁴⁷⁹ The separate commitments in the SACs, in particular those relating to mode share, will also offer improvements to emissions by helping to control access by car and incentivise travel by non-car modes.

- 8.4.83 Whilst in this developing field there is no certainty that the enabling measures would facilitate a reduction (for instance in ABAGO-specific carbon emissions), the purpose of the toolkit approach is to ensure that the Applicant is not reliant on any one of those measures having such effect, and will take such steps and utilise whichever combination of measures as is necessary to achieve the committed outcome. Although it is not possible to identify at this stage what the reductions may be from any particular measure, it is reasonable to expect that this range of measures will be capable of supporting the Applicant to achieve its overall commitment, in addition to the direct measures which the Applicant has already been able to identify.⁴⁸⁰
- 8.4.84 It should also be recognised that the primary action to reduce emissions from aircraft in particular will arise from government strategy at a sectoral scale, rather than directly through the influence of individual airport operators. The role for the Applicant will be to actively support the transition. Whilst the Applicant (nor anyone else) cannot at this stage be certain that technologies such as hydrogen fuel will be fully developed by 2050, the Jet Zero Strategy does not rely on this specific alternative fuel development alone and so a failure of that technological development would simply mean alternative measures or steps must be taken to ensure the aviation sector does not compromise its wider national Net Zero targets. That would be something for the Government to manage on a national or sectoral basis, rather than falling on any one individual airport or, by extension, this Project.
- 8.4.85 In recognition of the need to keep its operations under review in this context, the CAP requires the Applicant to publish annual monitoring reports,⁴⁸¹ with independent accreditation of its contents. If that report shows that the Applicant is failing in its CAP commitments, or that insufficient progress is being made towards complying with them, the Applicant must prepare an action plan to detail the additional interventions it proposes to implement to ensure future compliance, why that intervention will be effective and what the timescale for its implementation will be. A copy of the action plan must be submitted to

⁴⁷⁹ [REP8-054], see paragraph 1.3.2.

⁴⁸⁰ Ibid, see Table 3.2.

⁴⁸¹ Ibid, see section 4.4.

government⁴⁸² and published within 3 months - allowing local authorities (or indeed any member of the public) to make representations to government if they feel this is necessary.⁴⁸³ The government is therefore notified of progress being made and if it considers that this is insufficient, there is no limitation placed on the scope or effect of their potential response.

- 8.4.86 In circumstances where the Government considered the Applicant had not adequately addressed/incorporated any relevant updates from Government aviation and climate change policy through the review exercise, it is envisaged that it would notify the Applicant and direct such updates as necessary consistent with the Government's general obligations and responsibility to ensure the decarbonisation of the aviation sector in line with the Jet Zero Strategy and its legally binding net zero targets. A failure to comply with the outcomes committed in the CAP would represent an impediment to the Government's implementation of its Jet Zero Strategy and other carbon reduction commitments. These would be matters for enforcement by Government through the governance arrangements under the Jet Zero Strategy. The CAP therefore applies the same process which would need to occur in practice in the absence of the Project to ensure the Applicant plays its part in helping the Government achieve the Jet Zero strategy. It is not necessary or appropriate to impose a more prescriptive process than that set out in the CAP.
- 8.4.87 The Applicant has also committed to review the CAP at least every five years to consider whether there have been any changes to government policy that are so material as to require an update to the CAP and its specific commitments.⁴⁸⁴ The implementation of, and compliance with, the CAP, including in particular the review process described above, is secured through Requirement 21 of the draft DCO.
- 8.4.88 There is, therefore, an enforcement mechanism in the CAP that will enable the Secretary of State as the responsible authority to hold it to account, so there can be confidence that the outcomes set out in the CAP will be achieved. The CAP is transparent in its approach to an overarching commitment, which is to be achieved by drawing from a range of measures or tools. This is not dissimilar to

⁴⁸² For clarity, the Applicant currently envisages reporting to the department within DfT responsible for managing delivery of the Jet Zero Strategy; however, the CAP purposely uses a wider descriptor of 'Government' in acknowledgement that department roles/titles may change in the coming years.

⁴⁸³ [REP8-054], paragraph 4.4.1-9. At the request of the ExA, the Applicant has also amended the CAP to provide for copies of the AMR and any Action Plan to be submitted to Crawley BC at the same time as the government:

⁴⁸⁴ Ibid, paragraph 4.4.11. By way of example, it is anticipated that the initial review will include consideration of any finalised Government policy on the meaning of 'airport operations', following a Government call for evidence held in spring 2023. Where necessary, the definition of 'Airport Buildings and Ground Operations' (ABAGO) within the CAP (which informs certain of the commitments) would be updated to reflect that confirmed policy.

the way in which the government is implementing the JZS and it recognises that technologies and opportunities will change. This same logic should be extended to the CAP. What both documents do is commit to their stated outcomes. No stronger commitment could be given or is necessary.

Reliance on carbon trading and offsetting schemes (CORSIA and UK ETS) as mitigation

- 8.4.89 Some representations have questioned whether CORSIA and the UK ETS should be relied upon as mitigation.
- 8.4.90 It should be understood that the modelling of aviation carbon emissions does not discount emissions on the basis of trading or offsetting. The forecasts of likely levels of passengers and ATMs is based on the market effect on pricing of aviation travel carbon impacts – as a mechanism to constrain demand. The scale of CORSIA and ETS regimes is represented within the Jet Zero Strategy, but it is integrated into our assessment at the forecasting level – prior to determining the level of demand expected at Gatwick in future years. Emissions are then modelled as set out in the ES – using the same assumptions as the Jet Zero strategy for efficiency improvement, SAF uptake, and zero emissions aircraft. No further offsetting is included here.
- 8.4.91 In so far as these representations make the general point that CORSIA and the ETS cannot be relied as mechanisms to control aviation emissions, this is misconceived. The UK ETS means that emissions from international aviation within the EEA139 are capped; they cannot exceed that cap. CORSIA is an existing mechanism to manage international aviation on a similar basis which currently extends to 2035, and from 2032 will be reviewed to consider its form beyond the existing 2035 timetable. JZS commits the UK Government to work closely with other states to maintain and strengthen CORSIA, and continues to support this as documented in JZS: One Year On. There is no reason to consider that such a mechanism will not continue and it appropriate to proceed on the basis that it will operate in a similar form to present, with similar objectives. For the purposes of considering the policy test, including the “ability” of the government to meet its carbon budgets, it is important to view these regimes as sitting within the existing government strategy to meet Jet Zero in the aviation sector, which itself has been set out within the broader legal obligation to meet net zero by 2050. The government will still be required to comply with its statutory duties in relation to any roll forward, or replacement, of the current CORSIA scheme.

Significance of emissions for the purposes of national policy⁴⁸⁵

- 8.4.92 A number of Interested Parties made the broad claim that the emissions resulting from the Project will be so significant as to materially affect the ability of the government to meet its carbon budgets and net zero target.⁴⁸⁶
- 8.4.93 This is ultimately a matter of judgment for the Secretary of State, but for the reasons set out above the Applicant strongly disagrees. The policy test is met and there is no basis for carbon emissions to weigh negatively and materially against approval.

⁴⁸⁵ Compliance with planning policy for Greenhouse Gas emissions is set out at section 8.7 of the Planning Statement [APP-245]; compliance against specific policies of both the ANPS and the NNNPS is set out in Appendix C to the Planning Statement [APP-248].

⁴⁸⁶ In so far as there has been any attempt to devise an alternative assessment of what the total emissions would be, the GACC figures (as considered by the Applicant in [REP5-072] paragraphs 3.5.66-87 set out to define upper and lower bounds on the likely trajectory for GHG emissions based on the calculation in the PEIR (as an upper boundary) which largely excludes the effect of the Jet Zero strategy, and through GACC's estimation of a lower boundary reflecting the implementation of Jet Zero. It estimates that these would lead to Gatwick Airport being responsible for between 4.2% and 5.5% of the UK carbon budget in 2038. This work, however: (1) relies on the quantification of aviation impacts in PEIR, which is self-evidently dated by comparison to the information presented in the ES as part of the DCO application; (2) modifies their upper/lower bounds through the inclusion of inbound flights, and through the use of a multiplier to reflect non-CO₂ emissions. The rationale for their exclusion from the assessment has been justified above. Inbound emissions have been calculated as set out above but it is not appropriate to include them in any UK-related assessment of significance; (3) presents the whole airport emissions as the primary test for assessing the Project, prior to then attributing non-CO₂ impacts and arriving flights in addition to this. The airport has scope to grow in the absence of Project, and the impact of any increased operations under current consents are not consequences of the Project; (4) presents an estimation of total airport impacts against the CCC Balanced Pathway scenario, which does not have any formal status beyond advice to the UK Government on the setting of a carbon budget that extends only until 2037. The approach to contextualisation is a matter of judgment and it is appropriate in an aviation context to adopt the Jet Zero Strategy given it represents a committed UK government position and represents "up-to-date policy" as referred to in the IEMA guidance.⁴⁸⁶ The conclusion that the Project equates to 4.4%-5.9% of the 6th UK carbon budget, therefore, relies on a series of calculation steps that the Applicant considers to be flawed and not appropriate for the assessment. The figures produced by the Applicant are to be preferred and for the reasons set out above demonstrate clearly that the Project would comply with policy.

9 Climate Change

9.1. Climate Change Resilience Assessment and In-Combination Climate Change Impacts Assessment

9.1.1 The Climate Change topic and its two assessments present the findings of the Environmental Impact Assessment concerning the potential effects of current and future climate change on the proposal to make best use of Gatwick's existing runways and infrastructure (the Project).

9.1.2 The Climate Change Resilience Assessment and In-Combination Climate Change Impacts Assessment are reported in **Chapter 15: Climate Change** of the ES [\[APP-040\]](#). Compliance with relevant legislation and policy is outlined in section 15.2 of **Chapter 15** [\[APP-040\]](#) and section 8.8 of the **Planning Statement** [\[APP-245\]](#).

9.1.3 The assessments of Climate Change Resilience (CCR) (the resilience of the design, construction and operation of the Project to projected future climate change impacts) and In-Combination Climate Change Impacts (ICCI) (the combined effects of the Project and its potential climate change impacts on the receiving environment and community) during construction and operation of the Project presented in **Chapter 15** [\[APP-040\]](#) have been undertaken in line with the latest policy and guidance, including the Institute of Environmental Management and Assessment (IEMA's) Environmental Impact Assessment Guide to: Climate Change Resilience and Adaptation (IEMA, 2020). Full details on the approach and methodology are presented in Section 15.8 CCR Assessment and Section 15.9 ICCI Assessment in **Chapter 15** [\[APP-040\]](#) of the ES.

9.1.4 The full list of relevant documents is presented below for convenience:

- **Environmental Statement – Chapter 15: Climate Change** [\[APP-040\]](#);
- **Environmental Statement – Climate Change Figures** [\[APP-050\]](#);
- **Environmental Statement - Appendix 15.2.1 Summary of Local Planning Policy - Climate Change** [\[APP-181\]](#);
- **Environmental Statement - Appendix 15.3.1 Summary of Stakeholder Scoping Responses - Climate Change** [\[APP-182\]](#);
- **Environmental Statement - Appendix 15.3.2 Summary of Stakeholder PEIR Response - Climate Change** [\[APP-183\]](#);
- **Environmental Statement - Appendix 15.4.1 Climate Change Resilience Definitions** [\[APP-184\]](#);

- **Environmental Statement - Appendix 15.5.1 Sensitivity Analysis - Climate Extremes** [[APP-185](#)];
- **Environmental Statement - Appendix 15.5.2 Urban Heat Island Assessment** [[APP-186](#)];
- **Environmental Statement - Appendix 15.8.1 Climate Change Resilience Assessment** [[APP-187](#)];
- **Environmental Statement - Appendix 15.9.1 In-combination Climate Change Impacts Assessment** [[APP-188](#)];
- **Supporting Climate Change Technical Notes to Statements of Common Ground** [[REP4-039](#)];
- **Environmental Statement Appendix 5.2.3: Mitigation Route Map** [[REP8-020](#)];
- **Environmental Statement Appendix 5.3.2 Code of Construction Practice** [[REP8-024](#)];
- **Environmental Statement Appendix 5.3.2: Code of Construction Practice Annex 1 - Water Management Plan** [[REP8-026](#)];
- **Environmental Statement Appendix 5.3.2: Code of Construction Practice Annex 4 – Soil Management Strategy** [[APP-086](#)];
- **Environmental Statement Appendix 5.3.2: Code of Construction Practice Annex 9 – Construction Dust Management Strategy** [[REP8-046](#)];
- **Environmental Statement Appendix 19.8.1: Public Rights of Way Management Strategy** [[REP8-088](#)];
- **Design and Access Statement Appendix 1 – Design Principles (Doc Ref. 7.3 v7)**;
- **Environmental Statement Appendix 5.4.2: Carbon Action Plan** [[REP8-054](#)];
- **Environmental Statement Appendix 8.8.1: Outline Landscape and Ecology Management Plan – Part 1 (Doc Ref. 5.3 v8)**;
- **Environmental Statement Appendix 11.9.6: Flood Risk Assessment (Doc Ref. 5.3 v4)**;
- **Environmental Statement Appendix 11.9.6: Flood Risk Assessment – Annex 6** [[REP5-027](#)];
- **Environmental Statement Appendix 11.9.6: Flood Risk Assessment – Annexes 1-2** [[REP8-080](#)];
- **Environmental Statement Appendix 14.9.10: Noise Insulation Scheme (Doc Ref. 5.3 v4)**;
- **Environmental Statement – Chapter 17: Socioeconomics** [[APP-042](#)];
- **Environmental Statement – Chapter 19: Agricultural Land Use and Recreation** [[APP-044](#)];

- **Draft DCO** (Doc Ref. 2.1 v11);
- Statement of Common Grounds between Gatwick Airport and Crawley Borough Council (Doc Ref. 10.1.1 v3);
- Statement of Common Grounds between Gatwick Airport and West Sussex County Council (Doc Ref. 10.1.10 v3);
- Statement of Common Grounds between Gatwick Airport and Reigate and Banstead Borough Council (Doc Ref. 10.1.7 v3); and
- Statement of Common Grounds between Gatwick Airport and Surrey County Council (Doc Ref. 10.1.8 v3).

Construction

- 9.1.5 The CCR and ICCI assessments outlined in **ES Chapter 15** [[APP-040](#)] show that, taking into account the mitigation measures incorporated into the design of and construction methods for the Project, no significant effects are likely to occur with respect to climate change during the construction of the Project.

Operation

- 9.1.6 The CCR and ICCI assessments outlined in **Chapter 15** [[APP-040](#)] of the ES show that, taking into account the mitigation measures incorporated into the design of and operation of the Project, no significant effects are likely to occur with respect to climate change during the operation of the Project.

9.2. Climate Change Mitigation

- 9.2.1 Embedded mitigation measures and good practice in relation to avoiding and reducing effects relating to Climate Change are described in Sections 15.8 for CCR and 15.9 for ICCI of **ES Chapter 15** [[APP-040](#)], summarised in the Mitigation Route Map [[REP8-020](#)], and secured through the relevant control documents or under existing legislation.

Construction

- 9.2.2 All construction mitigation measures outlined are included in the **Code of Construction Practice (CoCP)** [[REP8-024](#)]. GAL and its contractors will be required to comply with the construction management systems and measures outlined in the CoCP in accordance with requirement 7 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11), together with other relevant legislation and byelaws relating to their construction activities relevant at the time when construction commences.

- 9.2.3 Prior to construction and as part of the CoCP measures, GAL will consider the risk of adverse weather events during the construction period and will implement measures considered necessary to appropriately manage adverse weather events, including training for staff. An array of potential adaptation options exist that could be adopted to mitigate the varying climate change risks during the construction of the Project, including overheating, flooding, and adverse weather events such as storms, snow, ice, cold, and heatwave related drought.
- 9.2.4 The full list of embedded mitigation measures for the CCR Assessment can be found in Table 15.8.4 of **ES Chapter 15** [APP-040]. A range of measures to ensure that the Project is resilient to the potential effects arising from climate change are secured either in control documents through requirements in the **Draft DCO** (Doc Ref. 2.1 v11) or under existing legislation. This includes adverse weather event measures which will be implemented during the Project's construction under the **CoCP** [REP8-024] and measures to mitigate impacts on the water environment in the **CoCP Annex 1 – Water Management Plan** [REP8-026], together with adherence to Gatwick's Airside Adverse Weather Plan required by the UK Civil Aviation Authority (UK Regulation (EU) 139/2014).
- 9.2.5 The full list of mitigation measures for the ICCI Assessment can be found in Table 15.9.1 of **ES Chapter 15** [APP-040]. In addition to the measures explained above in relation to the CCR assessment, further measures mitigating the potential for in-combination climate impacts during construction of the Project are secured in additional control documents through the **Draft DCO** (Doc Ref. 2.1 v11). This includes:
- Measures for reducing climate impacts on ground conditions and the historic environment during construction itself; vegetation retention and management to minimise impacts on the character of surrounding landscapes and townscapes; implementation of measures to ensure appropriate storage and handling of materials and products during flood events, in the **CoCP** [REP8-024], as secured through requirement 7 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11);
 - Soil management measures including conserving resources, avoiding damage and maintaining drainage with climate change in **ES Appendix 5.3.2: CoCP Annex 4 – Soil Management Strategy** [APP-086], as secured through requirement 29 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11);
 - Measures to reduce erosion from overuse and adverse weather events to public paths, and for path diversions during construction in: **ES Appendix 19.8.2: Public Rights of Way Management Strategy** [REP8-088], as

secured through requirement 22 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11); and

- Dust management measures to control dust and other emissions during construction and mitigate their impacts during increasing dry and windy conditions in: **ES Appendix 5.3.2 CoCP Annex 9 – Construction Dust Management Strategy** [[REP8-046](#)], as secured through requirement 27 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11);

9.2.6 No future monitoring is proposed with regard to CCR during the construction period of the Project as the existing and embedded mitigation identified are considered to be sufficient.

9.2.7 No future monitoring is proposed with regard to ICCI during the construction period of the Project on the basis that no new significant effects were identified, and on the basis of the mitigation measures set out above.

Operation

9.2.8 Climate change related risks will not be increased during the operation of the Project as compared to the current baseline, as climate resilience measures will be considered throughout detailed design. The detailed design process for the Project must have regard to principles relating to climate change resilience as outlined in the **Design Principles** (Doc Ref. 7.3 v7), contained in Appendix 1 of the Design and Access Statement. The detailed design of the authorised development must be carried out in accordance with the **Design Principles** as specified under Requirements 4, 5, 6 and 10 of the **Draft DCO** (Doc Ref. 2.1 v11).

9.2.9 The full list of mitigation measures for the CCR Assessment can be found in Table 15.8.4 of **ES Chapter 15** [[APP-040](#)]. A range of measures to ensure that the Project is resilient to the impacts of climate change during its operation are secured through existing legislation or in the following control documents through the **Draft DCO** (Doc Ref. 2.1 v11):

- Design Principles for heating, cooling and water stress in the **Design and Access Statement - Appendix 1: Design Principles** (Doc Ref. 7.3 v7)
- Measures to explore low carbon heating, cooling and energy use are included in the Carbon Action plan in **ES Appendix 5.4.2: Carbon Action Plan** [[REP8-054](#)], as secured through Requirement 21 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11);
- Climate resilient landscape and ecology measures in **ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan** (Doc Ref. 5.3 v8), as

secured through requirement 8 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11);

- Measures to ensure no adverse impact on flood risk under a changing climate in Annex 6 Flood Resilience Statement, contained in **ES Appendix 11.9.6: Flood Risk Assessment** [[REP5-027](#)] as secured through requirement 24 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11);
- Measures to ensure no adverse impact from surface drainage from flood risk under a changing climate in Annex 2 Surface Access Highways Surface Water Drainage Strategy, contained in **ES Appendix 11.9.6: Flood Risk Assessment** [[REP8-080](#)] as secured through requirements 6(2)(c) and 11(2) in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11); and
- Resilience during adverse weather events throughout operation in Gatwick's Airside Adverse Weather Plan secured through continuation, adherence and enhancement for climate change of existing legislation, as required by the UK Civil Aviation Authority (UK Regulation (EU) 139/2014).

9.2.10 The full list of mitigation measures for ICCI Assessment can be found in Table 15.9.1 of **Chapter 15** [[APP-040](#)]. A range of measures to avoid and mitigate potential in-combination climate impacts during the operation of the Project are secured in the following documents:

- Planting woodland, tree, scrub, shrub, wetland, amenity and grassland with consideration of climate change; building long term landscape resilience; creation of new high value habitats; re-alignment of the River Mole to improve flow and capacity; provision of compensatory flood storage areas at Museum Field and existing Car Park X; and enhancement of existing green infrastructure which will also increase the resilience of the landscape and townscape, in **ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan** (Doc Ref. 5.3 v8), as secured through Requirement 8 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11);
- Provision of new airfield syphons and new noise bund syphons; additional attenuation storage within the existing airfield surface water drainage network; and a new pumping station to ensure runoff from new impermeable area is controlled to greenfield runoff rates, in and as secured through the **Design and Access Statement - Appendix 1: Design Principles** (Doc Ref. 7.3 v7);
- Highways improvements drainage design to limit discharges to watercourses, in Annex 2 Surface Access Highways Surface Water Drainage Strategy – **ES Appendix 11.9.6: Flood Risk Assessment** [[REP8-080](#)] as secured through Requirements 6(2)(c) and 11(2) in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11);

- Gatwick Noise Insulation Scheme for qualifying offsite residential dwellings providing a climate resilience co-benefit due to the ventilators allowing residents to keep windows closed especially during warmer weather, in **ES Appendix 14.9.10: Noise Insulation Scheme** (Doc Ref. 5.3 v4) as secured through Requirement 18 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11);
- Provision of replacement existing public open space to enhance conditions and reduce negative effects of adverse weather events on public behaviour and use patterns, as secured through the requirement to prepare for approval by Crawley Borough Council an open space delivery plan pursuant to Article 40 **Draft DCO** (Doc Ref. 2.1 v11);
- Development of a new water treatment works (Work No. 43 in the **Draft DCO** (Doc Ref. 2.1 v11), comprising of a constructed wetland system using reed beds with Forced Bed Aeration (FBA) technology, to treat the de-icer contaminated waters, increase the capacity of the long-term storage lagoons and reduce the extent of the impacts of flooding under a changing climate in Annex 6 Flood Resilience Statement – **ES Appendix 11.9.6: Flood Risk Assessment** [[REP5-027](#)], as secured through Requirement 24 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11); and
- Measures to reduce the extent of the impacts of flooding from surface drainage from flood risk under a changing climate in: Annex 2 Surface Access Highways Surface Water Drainage Strategy – **ES Appendix 11.9.6: Flood Risk Assessment** – [[REP8-080](#)] as secured through Requirements 6(2)(c) and 11(2) in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11).

9.2.11 Future monitoring of CCR risks during the operation period of the Project will be undertaken as part of Climate Adaptation Risk Assessment reporting to the Government under the Adaptation Reporting Power (ARP) of the Climate Change Act 2008⁴⁸⁷.

9.2.12 Future monitoring of ICCI risks during the operation period of the Project will be done as part of Climate Adaptation Risk Assessment reporting to the Government under the Adaptation Reporting Power (ARP) of the Climate Change Act 2008⁴⁸⁸.

9.3. Consideration of Climate Change matters during Examination

9.3.1 No specific questions were raised during the Issue Specific Hearings that related to the CCR and ICCI assessments. In addition to this, no questions directly on

⁴⁸⁷ Climate Change Act 2008 (2050 Target Amendment) Order 2019/1056.

⁴⁸⁸ Ibid.

Climate Change (as opposed to the Greenhouse Gases assessment) were raised by the Examining Authority (ExA) during the Examination. However, the following matters relevant to the Climate Change assessment were raised over the course of the Examination.

Overheating issues related to the Noise Insulation Scheme

- 9.3.2 In the ExA's **Further Written Questions (ExQ2)** [\[PD-021\]](#), a climate change related health and well-being question was raised (ExQ2 HW.2.12) in relation to the Noise Insulation Scheme, which sought clarification on how the scheme proposes to address overheating issues. As detailed in the Applicant's **Response to the Examining Authority's Written Questions (ExQ2) – Health and Wellbeing** [\[REP7-084\]](#), the potential for internal rooms to overheat as a result of noise insulation measures is reduced due to the ventilation measures provided within the acoustic package for properties where overheating is a concern. The ventilators provide both passive and active fresh air supply and allow residents to keep windows closed especially during warmer weather, but do not to completely negate the need to open windows in certain circumstances. The Applicant's approach to reducing overheating set out in the **Noise Insulation Scheme** [\[REP8-086\]](#). It provides for thermal insulation to loft spaces and acoustic ventilators to provide at least 170 m³/h of fresh air which would allow for at least two air changes per hour for the vast majority of rooms treated.

Wildfire and fog, Climate impact statements and Adverse weather plan

- 9.3.3 Matters raised during the Examination by four Local Planning Authorities (Crawley Borough Council, West Sussex County Council, Reigate and Banstead Borough Council, Surrey County Council) covered the following themes, and the Applicant's responses were as follows:
- Wildfire and fog – The CCR assessment did not identify any high or very high risks (considered significant in EIA terms) for wildfire during construction or operation. Therefore, no further mitigation is required. This was set out in the **Supporting Climate Change Technical Notes to Statements of Common Ground, Appendix A – Climate Change Technical Note – Wildfire and Fog** [\[REP4-039\]](#);
 - Climate Impact Statements – GAL has provided more clarification about climate impact statements in the Supporting Climate Change Technical Notes to Statements of Common Ground, Appendix B – Climate Change Technical Note – Climate Impact Statements [\[REP4-039\]](#); and

- Adverse Weather Plan – A review of GAL’s Adverse Weather Plan against good practice documents is set out in the Supporting Climate Change Technical Notes to Statements of Common Ground, Appendix C – Climate Change Technical Note – Adverse Weather Plan Review [[REP4-039](#)].

9.3.4 Upon publishing of the Technical Notes, the issues raised by the Local Authorities were agreed in the **Deadline 5 Statements of Common Ground between Gatwick Airport and Crawley Borough Council** [[REP5-037](#)], **West Sussex County Council** [[REP5-055](#)], **Reigate and Banstead Borough Council** [[REP5-049](#)], and **Surrey County Council** [[REP5-051](#)].

CAGNE

9.3.5 Communities Against Gatwick Noise Emissions (CAGNE) raised concerns about increased rainfall as result of climate change and how this will affect flooding in the area (**Deadline 1 Submission - Written Representation – Appendix 13: CAGNE Flooding and Sewage Report** [[REP1-150](#)]). The **Applicant’s Response to Written Representations** [[REP3-072](#)] responded to CAGNE’s submission to explain that the Project is not expected to increase future flood risk as demonstrated by **ES Appendix 11.9.6: Flood Risk Assessment** [[AS-078](#)] which takes into account relevant climate change allowances as agreed with the Environment Agency, and the embedded mitigation as set out in Table 11.8.1 of **ES Chapter 11: Water Environment** [[APP-036](#)] and Tables 15.8.4 and 15.9.1 of **ES Chapter 15: Climate Change** [[APP-040](#)].

National Highways

9.3.6 Climate Change matters raised by National Highways related to the Urban Heat Island (UHI) Assessment, the lack of consideration for ongoing impact of maintaining any of the proposed highways improvement works, and concerns around drainage and flood resilience. For the latter two matters agreement has not been reached in the Statement of Common Ground.

9.3.7 Regarding climate change and maintenance, it is the Applicant’s position that GAL would be required to meet National Highways standards during detailed design/construction and as part of any renewals and therefore a climate change risk assessment of highways improvement works during construction and operation is not deemed needed nor applicable at this stage (point 2.4.3.1 in the **Statement of Common Ground Between Gatwick Airport Limited and National Highways** (Doc Ref. 10.1.14)).

- 9.3.8 Regarding drainage and fluvial flood resilience, it is the Applicant's final position that clarification has been given on how the holistic fluvial mitigation strategy was developed and therefore why the airside has been designed for the 1 per cent Annual Exceedance Probability (AEP) event (or 1 in 100 year) plus 20 percent climate change allowance, whilst the surface access works have been designed for the 1 per cent Annual Exceedance Probability (AEP) event (or 1 in 100 year) plus 40 percent climate change allowance, due to its longer design life. For more details, please see the **Flood Risk Assessment** (Doc Ref. 5.2 v4) and the Applicant's latest position set out against point 2.4.4.1 in the **Statement of Common Ground Between Gatwick Airport Limited and National Highways** (Doc Ref. 10.1.14).
- 9.3.9 In accordance with Environment Agency Guidance, a Credible Maximum Scenario (CMS) has been applied to test the sensitivity of the Project to a more extreme change in peak river flow due to climate change of plus 40 per cent on the 1 per cent (1 in 100) AEP event. The CMS analysis demonstrates that with the incorporation of the mitigation measures secured by the Project it would not increase flood risk to other parties.
- 9.4. **Topic conclusion**
- 9.4.1 The Project has been developed in accordance with the relevant legislation and policy for both the CCR and ICCI assessments, as set out in **ES Chapter 15 [APP-040]**.⁴⁸⁹
- 9.4.2 It is the Applicant's position that nothing has changed in that respect since the application was submitted. The majority of matters raised by Interested Parties have been resolved during the course of the Examination.
- 9.4.3 There are currently two outstanding matters between National Highways and the Applicant where agreement has not been reached in the Statement of Common Ground. For these matters the Applicant's position in July 2024 remains up to date.

⁴⁸⁹ Compliance with policy is addressed in Section 8.8 of the Planning Statement [APP-245] and in Appendix C to the Planning Statement [APP-248], which considers the detailed policy requirements of both the ANPS and the NNNPS.

10 Socio-economics

10.1. Socio-Economics Assessment

Introduction

- 10.1.1 The main aspects of the socio-economic assessment that are relevant to the assessment of needs and benefits has been set out in Chapter 4 of this document. The purpose of this section is to address further residual matters that are relevant to the assessment of housing and labour market socio-economic effects within the Environmental Statement.
- 10.1.2 The Socio-economics related assessments are reported in:
- **Environmental Statement Chapter 17 Socio-Economic** [[APP-042](#)];
 - **Environmental Statement Appendix 17.3.1 Summary of PEIR Responses for Socio-Economics** [[APP-196](#)];
 - **Environmental Statement Appendix 17.6.1 Socio-Economic Data Tables** [[APP-197](#)];
 - **Environmental Statement Appendix 17.9.1 Gatwick Construction Workforce Distribution Technical Note** [[APP-199](#)];
 - **Environmental Statement Appendix 17.9.2 Local Economic Impact Assessment** [[APP-200](#)];
 - **Environmental Statement Appendix 17.9.3 Assessment of Population and Housing Effects** [[APP-201](#)];
 - **ISH3: Action Point 5 in The Applicant's Response to Actions – ISHs 2-5** [[REP2-005](#)];
 - **The Applicant's Response to the Local Impact Reports – Appendix D – Construction Labour Market and Accommodation Impacts** [[REP3-082](#)];
 - The Applicant's Response to ISH9 Action Point 36 – Confirm whether an estimate of the number of asylum seekers has been considered within the assessment [[AS-162](#)]; and
 - Appendix 5 and Appendix 6 of the **Section 106 Agreement** (Doc Ref 10.11).
- 10.1.3 Compliance with relevant legislation and policy is outlined in:
- **Environmental Statement Appendix 17.2.1 Summary of Local Plan Policies – Socio-Economics** [[APP-195](#)];
 - Sections 5.5, 8.3 and 8.19 of the **Planning Statement** [[APP-245](#)]; and
 - **Planning Statement Appendix E - Policy Compliance Tables** [[REP3-055](#)].

- 10.1.4 There is currently no UK legislation or guidance that specifies the detailed content required to prepare socio-economic assessments, or that provides defined standards or thresholds for assessing the significance of socio-economic effects. The ANPS provides general guidance on the approach to considering the socio-economic effects of the Project, and this has informed the methodology that has been applied. The NNNPS provides similar guidance.
- 10.1.5 On this basis, the methodology was based on accepted industry practice, a review of socio-economic assessments for other relevant projects including other airport or significant infrastructure schemes, and feedback received by PINS and local authorities during the scoping and consultation process.
- 10.1.6 Paragraph 4.4 of the ANPS states, *“when weighing its adverse impacts against its benefits, the Examining Authority and the Secretary of State will take into account: Its potential benefits, including the facilitation of economic development (including job creation)”*.
- 10.1.7 Paragraph 4.5 then states that, *“economic benefits and adverse impacts should be considered at national, regional and local levels”* and that, *“The Secretary of State will also have regard to the manner in which such benefits are secured, and the level of confidence in their delivery.”*
- 10.1.8 A summary of the assessment for the construction and operation phases of the Project is provided below. The assessment was carried at different spatial scales:
- The Local Study Area (LSA)
 - The Functional Economic Market Area (FEMA)
 - The Labour Market Area (LMA)
 - The Six Authorities Area (SAA)
- 10.1.9 A limited number of national impacts are set out in the ES chapter with the main national economic assessment being summarised in the **Needs Case** [\[APP-250\]](#), **Needs Case Appendix 1 – National Economic Impact Assessment** [\[APP-251\]](#) and **Needs Case Appendix 2 – The Economic Impact of Gatwick Airport – A Report by Oxford Economics** [\[APP-252\]](#).

Impacts

- 10.1.10 The socio-economic assessment identifies overwhelmingly positive impacts.
- 10.1.11 The economic benefits are set out comprehensively in Section 8 of **Needs Case** [\[APP-250\]](#). There are benefits at the national, regional and local levels arising from increase capacity, greater choice for passengers, increased frequency for

airlines and their passengers, lower airfares, better connectivity, more jobs and more economic activity (Gross Domestic Product (GDP) / Gross Value Added (GVA)).

10.1.12 The Applicant's case is that the benefits in terms of economic development, including jobs, at national, regional and local levels are significant and significantly greater than the adverse effects. Whilst there has been some challenge to the scale of the benefits, there is no evidence in front of the Examination that they are outweighed by adverse impacts.

10.1.13 Those benefits include:

- Jobs
- GVA /GDP
- Trade
- Tourism
- User benefits

10.1.14 It is common ground between the Applicant and the Joint Local Authorities (JLAs) that the Direct, Indirect and Induced jobs as set out in **ES Appendix 17.9.2 Local Economic Impact Assessment** [[APP-200](#)] are agreed. In 2038 they are:

- 3,200 Direct jobs and £263 million of GVA
- 2,800 Indirect jobs and £212 million of GVA
- 3,500 Induced jobs and £263 million of GVA
- Total of 9,500 jobs and £739 million of GVA

10.1.15 At a local level the most relevant assessment level is the Labour Market Area. For this area, the equivalent figures are:

- 2,250 Direct jobs and £169 million of GVA
- 1,000 Indirect jobs and £77 million of GVA
- 1,200 Induced jobs and £88 million of GVA
- Total of 4,450 jobs and £334 million of GVA

10.1.16 The national level economic benefits have been assessed in line with DfT's Transport Appraisal Guidance (TAG) as shown in **Needs Case Appendix 1 – National Economic Impact Assessment** [[APP-251](#)].

10.1.17 Oxford Economics has also assessed the national level benefits by updating earlier work done for the Applicant as shown in **Needs Case Appendix 2 – The**

Economic Impact of Gatwick Airport – A Report by Oxford Economics [\[APP-252\]](#).

- 10.1.18 The two methodologies differ but they both demonstrate significant positive benefits of the Project. Further detail on each is set out in the Needs and Benefits section.
- 10.1.19 The main difference between the two assessments is that the TAG assessment in [\[APP-251\]](#) is sensitive to regional and national aviation demand forecasts whilst the assessment conducted by Oxford Economics in [\[APP-252\]](#) assumes that the national economic benefits of the Project are entirely net additional whenever the London aviation system is capacity constrained. The Joint Local Authorities (JLAs) have raised challenges about the underlying forecasts on which the economic impact assessments are based – in particular about the extent of excess demand elsewhere and when the northern runway will reach full capacity.
- 10.1.20 In response to these concerns, the Applicant generated alternative forecasts as a sensitivity test. These show slower growth in overall demand but even on this basis by 2038 the system is constrained (i.e. demand exceed terminal capacity across London) even with the Northern Runway (which is at its capacity of 13mppa). In reality, the London airport system is already under capacity and forecast to be subject to continuing growth in demand.
- 10.1.21 The assessments set out in [\[APP-252\]](#) and [\[APP-042\]](#) include a “Design Year” assessment in 2038. In that year the Northern Runway is operating at its full capacity of 13mppa and there is no spare capacity elsewhere in the London system in both the Applicant’s original forecasts (on which the application is based) and in the sensitivity test set out in Figure 47 of **Needs Case Technical Appendix** [\[REP1-052\]](#). The benefits identified in both documents therefore reflect the additional economic impact of the scheme at local and national level.
- 10.1.22 If, as is asserted by the JLAs, it took longer for the Northern Runway to reach its capacity and/or for the system to become constrained again, the scale of benefits would be the same but would just occur later. This applies to both the impacts identified in the ES chapter at local/regional level and by Oxford Economics at all levels.
- 10.1.23 If, as also asserted by the JLA’s that the Northern Runway’s capacity would be greater than 13mppa then the accompanying economic benefits would also be

greater (to a similar proportion). Again, this applies to both the impacts identified in the ES chapter at local/regional level and by Oxford Economics at all levels.

- 10.1.24 **Environmental Statement Chapter 17 Socio-Economic** [\[APP-042\]](#) presents the assessment of range of effects including on employment, the labour market, population and housing, disruption to businesses and residents, impacts on community infrastructure and community cohesion. The assessment clearly shows there are significant benefits, which are discussed below.

Construction

- 10.1.25 The effects of the project are summarised in Table 17.13.1 of [\[APP-042\]](#). These are split into different phases, including three phases of construction:

- Initial Construction Period: 2024-2029
- First Full Year of Opening: Construction 2030 to 2032
- Interim Assessment Year: Construction 2033 to 2038

- 10.1.26 The only significant effects that were identified were **Moderate Beneficial** impacts on “Construction Business and Activity” related to direct employment at the LSA, FEMA and LMA scales (but not the SAA) during two phases – the “Initial Construction Period 2024-2029” and the “First Full Year of Opening: Construction 2030 to 2032.” During the third phase, “Interim Assessment Year: Construction 2033 to 2038” no significant impacts were identified.

- 10.1.27 No significant adverse effects were identified.

Operation

- 10.1.28 The effects of the operational stage of the project are also summarised in Table 17.13.1 of [\[APP-042\]](#). The operational stage of the project is split into four phases:

- First Full Year of Opening: Operation 2029
- Interim Assessment Year: 2032 – Operation
- Design Year: 2038
- The Long-term Forecast Year: 2047

- 10.1.29 The only significant effects that were identified were either **Major Beneficial** or **Moderate Beneficial** at different operational phases and at several receptors. These are shown in the table below:

Table - 1: Significant effects during the operational stage

Phase	Receptor	Description of Impact	Study Areas	Significance of effect
First Full Year of Opening: Operation 2029	Business and commercial activity	Indirect, induced and catalytic employment	FEMA LMA	Moderate beneficial
Interim Assessment Year: 2032 – Operation Design Year: 2038	Business and commercial activity	Direct employment	LSA	Major beneficial
		Indirect, induced and catalytic employment	FEMA LSA LMA	Moderate beneficial
The Long-term Forecast Year: 2047	Labour Market	Availability of labour	FEMA LSA	Moderate beneficial

10.1.30 No significant adverse effects were identified.

10.2. Socio-Economic mitigation

10.2.1 As no significant adverse impacts were identified at both the construction and operational stages, there is no specific Socio-Economic mitigation identified as necessary within [\[APP-042\]](#).

10.2.2 However, in response to new data being submitted by the JLAs during the Examination, the Applicant has agreed to provide a contingent Homelessness Prevention Fund that has been agreed in the Section 106 Agreement. Further detail is set out below.

10.2.3 There would be significant benefits from the Project in the form of:

- Aviation benefits – more routes and connectivity, more choice, lower fares, direct economic activity – jobs and GDP
- Local jobs – most jobs would naturally go to the local residents
- More tourism
- Inward investment

- 10.2.4 **Environmental Statement Chapter 17 Socio-Economic** [\[APP-042\]](#) recognises that the proposed Employment Skills and Business Strategy (ESBS) and accompanying ESBS Fund will help enhance these benefits and increase the significance of the impacts through support for local businesses and residents.
- 10.2.5 The ESBS would enhance these benefits by maximising economic benefits for communities and businesses by creating conditions for suitable employment, skills development, career progression and enhancements to the productivity and growth of businesses.
- 10.2.6 The ESBS sets out how the Applicant will maximise economic benefits for communities and businesses generated by the proposal to make best use of Gatwick's existing runways and infrastructure. The approach is to create the conditions for:
- sustainable employment, skills development and career progression for communities; and
 - enhancements to the productivity and growth of businesses.
- 10.2.7 It aims to:
- Harness the excitement and motivational potential of the Project to inspire the next generation of talent and more experienced people alike to confidently invest their careers and futures with Gatwick Airport and other employers within the Labour Market Area;
 - Cultivate and promote conditions whereby people from all backgrounds can reach their full potential and share in the benefits of a healthy economy;
 - Drive up growth and productivity across the business base through the expansion of capacity and enterprise acumen of Small to Medium Sized and Micro businesses; and
 - Create a dynamic, connected and innovative business environment that is the destination of choice for technology field leaders and established business sectors alike.
- 10.2.8 The ESBS envisages project activity across six core themes, which are:
- Inspire and Motivate;
 - Construction;
 - Employment and Skills (non-construction);
 - Adding Value through Procurement;
 - Innovation; and
 - Regional Promotion.

- 10.2.9 The actions proposed would enhance the beneficial employment and labour market impacts of the Project that are expected to result from both the construction and operational periods. In addition, they would open up a wider range of opportunities than those that would be derived exclusively from the Project. These include harnessing Gatwick's innovation and regional promotion expertise and potential to contribute to advances in technology and the health of the regional economy, as well as employment and skills development opportunities that arise in the day-to-day operations of the Airport.
- 10.2.10 The Applicant has proposed an ESBS Fund of £20 million to support the implementation and delivery of these enhanced benefits. This is secured through the Section 106 Agreement. The implementation will be through ESBS Implementation Plans which will be approved by a new ESBS Steering Group formed of local authorities and relevant stakeholders. The ESBS Implementation Plans will be in general accordance with the ESBS (Appendix 5 to the **Section 106 Agreement** (Doc Ref 10.11)) and the Draft ESBS Implementation Plan which includes draft thematic plans (Appendix 6 to the **Section 106 Agreement** (Doc Ref 10.11)).

10.3. Consideration of Socio-Economic matters during Examination

- 10.3.1 During Examination issues were raised during ongoing stakeholder engagement and submissions, and in the Examining Authority's Written Questions (ExQ).
- 10.3.2 During Examination the following issues were raised by the JLAs:
- a. The methodology of the assessment
 - a. Spatial scales
 - b. Thresholds for magnitude and sensitivity
 - c. Age of data used for the socio-economic assessments
 - b. The findings in terms of the impacts, specifically
 - a. The scale of catalytic jobs
 - b. Potential adverse impacts on the labour market (in both construction and operational phases)
 - c. Potential adverse impacts on the housing market (in both construction and operational phases)
 - c. The need for mitigation
 - d. The operation of the ESBS, including
 - a. How it is secured
 - b. The need for more detail

- c. Justification for the size of the fund
- e. Gatwick Community Fund
 - a. Justification for the size of the fund
 - b. Deduction of the Hardship Fund from the Gatwick Community Fund
 - c. Administration of the fund

10.3.3 Concern over labour market and housing issues were also raised by local stakeholders including CAGNE and Charlwood Parish Council.

10.3.4 The New Economics Foundation also raised concerns about the assessment of catalytic jobs.

Issues addressed

10.3.5 The Applicant has addressed and agreed all the issues raised by the JLAs, with the exception of the estimate of catalytic impacts which remain not agreed.

The methodology of the assessment

10.3.6 The Applicant maintains that the assessment has been done in line with guidance and with the ANPS requirement to assess impacts at the national, regional and local levels. There is no requirement to assess impacts at the local authority level specifically and in line with Planning Practice Guidance (PPG) (SE.2.12 in **The Applicant's Response to ExQ2 – Socio-economic Effects [REP7-091]**), the local assessment in the ES is based on functional market areas. Similarly, issues around the magnitude and sensitivity of receptors are based on professional judgment. In terms of data, the Applicant has provided additional data that became available after submission and it is now common ground that this is adequate.

10.3.7 The JLAs have confirmed that the assessment is adequate and whilst it does not have some information they would have liked (principally an assessment of significance at the local authority district level), they are content that any impacts that might arise at that level can be addressed through the ESBS and the Homelessness Prevention Fund (**Joint Position Statement between GAL and the JLAs** (Doc Ref. 10.82), Issue 2.19.3.4 of the **Statement of Common Ground Between Gatwick Airport Limited and Crawley Borough Council Vesion 3** (Doc Ref 10.1.1)).

10.3.8 The JLAs have asserted that because of the absence of an impact assessment at local authority district level there is a risk of impacts at that level that have not been assessed and that this should be weighed in the planning balance against

the benefits of the scheme. This was raised at ISH9 and included in their post-hearing submission [\[REP8-167\]](#) at item 5.1.

- 10.3.9 The Applicant does not agree with the JLAs that there are potential negative impacts that have not been assessed or that these temper the weight that should be given to positive impacts.
- 10.3.10 There is no evidence of an adverse impact at any scale.
- 10.3.11 The JLAs are implying that creating jobs will have an adverse effect. This has no basis in fact or in policy where the ANPS is clear (at paragraph 4.4) that job creation is a positive.
- 10.3.12 The Applicant's assessment methodology is robust and the economic benefits of the scheme are as reported and there are no adverse economic impacts against which they need to be weighed.

Impacts

- 10.3.13 It is common ground between the Applicant and the JLAs that:
- the Applicant's estimates of Direct, Indirect and Induced jobs are robust and that these are a benefit
 - there are no adverse impacts on the labour market (ie not a shortage of workers) – but there are skills constraints that the ESBS can address
 - if there are adverse effects in terms of homelessness arising from non-home based (NHB) workers occupying temporary housing during the construction phase, the Homelessness Prevention Fund can adequately deal with them (see next section)
 - the absence of a local authority level assessment is not a legal deficiency
 - Census 2021 data provides a reasonable estimate of the Private Rented Sector (PRS) stock
 - Housing impacts during the operational phase will not require mitigation
 - The worst-case scenario regarding employment benefits has been adequately addressed.
- 10.3.14 The only substantive matter not agreed is the scale of catalytic jobs. This is a relatively small part of the socio-economic assessment and the benefits identified. The Applicant is confident that its assessment is robust and accurate and that the methodological challenges raised by the JLAs do not undermine the confidence in the findings. This is set out more fully in the Applicant's Deadline

8A submission (**The Applicant's Response to ISH9 Action Point 38 Updated Position on Catalytic Employment Benefits** [[AS-163](#)]).

The need for mitigation

- 10.3.15 The ES chapter identifies no significant adverse impacts requiring mitigation.
- 10.3.16 As set out above, the ESBS was proposed as an enhancement measure to ensure benefits are targeted locally and enhanced across the area around the airport.
- 10.3.17 The JLAs had stated that it was required as mitigation, however, it is now common ground that there is no shortage of workers but there may be skills constraints that the ESBS can help address. The Applicant remains of the view that this is an enhancement measure to be weighed in the wider planning balance rather than mitigation per se.
- 10.3.18 Further detail on what has been agreed with respect to the ESBS is set out in the following section.
- 10.3.19 The Applicant's assessment does not identify housing impacts requiring mitigation.
- 10.3.20 However, since the Examination opened, the JLAs have provided additional information on housing market constraints, including the direct cost to Crawley BC of homelessness that have led to it declaring an emergency.
- 10.3.21 The Applicant acknowledges that the JLAs are concerned that there is some uncertainty in the data and a risk of direct costs accruing during the construction phase to the JLAs as a result of their statutory homelessness duties.
- 10.3.22 The Applicant has therefore agreed to a contingency fund (the Homelessness Prevention Fund in the amount of £1 million), to be drawn down only in the event of evidence of project-related impacts on the housing market and homelessness in particular that might otherwise lead to increase costs for the JLAs.
- 10.3.23 The Applicant remains confident in its assessment and thinks impacts are unlikely, but recognises the change in circumstance with respect to homelessness that has occurred since the submission and so the proposed Fund provides a safety net that should impacts arise, the JLAs would have access to funding to avoid incurring additional costs.
- 10.3.24 It is common ground between the Applicant and the JLAs that the proposed ESBS and Homelessness Contingency Fund can address the issues about which

the JLAs are concerned (**Joint Position Statement between the GAL and the JLAs** (Doc Ref. 10.82), Issue 2.19.3.4 of the **Statement of Common Ground Between Gatwick Airport Limited and Crawley Borough Council Version 3** (Doc Ref 10.1.1)).

The operation of the ESBS

- 10.3.25 The JLAs were supportive of the submitted ESBS but wanted more detail to understand what was proposed and how it would be secured (Para 18.33 of the **Local Impact Report [REP1-068]**).
- 10.3.26 The Applicant always intended the ESBS to be refined and delivered in partnership and has undertaken significant engagement with the JLAs and other stakeholders to understand local priorities and current activities that could link to delivery of the ESBS.
- 10.3.27 Through workshops with partners the Applicant has developed the ESBS (Appendix 5 to the **Section 106 Agreement** (Doc Ref 10.11)) and a Draft Implementation Plan (Appendix 6 to the **Section 106 Agreement** (Doc Ref 10.11)) which includes a number of draft thematic plans. The ESBS includes detail about how the ESBS Implementation Plan is intended to operate and what information it must include, it also includes information about the role and scope of the ESBS Steering Group and how the ESBS Fund will be portioned throughout the delivery of the Project. It also describes the activities that the Applicant will deliver of its own accord and will fund directly i.e. not funded by the ESBS Fund.
- 10.3.28 This Draft Implementation Plan sets out what will be included in the ESBS Implementation Plan as well as the activities that may be delivered in the first phase of implementation to deliver the objectives and themes. Further it includes indicative values for how the ESBS Fund may be allocated across the themes for the first phase of implementation.
- 10.3.29 The Applicant will continue to develop the Draft Implementation Plan with local partners and the ESBS Steering Group will approve the first ESBS Implementation Plan prior to Commencement of the Project. The programme for further approvals of ESBS Implementation Plans is included within Schedule 5 of the **Section 106 Agreement** (Doc Ref 10.11) as well as within the ESBS itself.
- 10.3.30 As demonstrated in the Joint Position Statement Between GAL and the JLAs (Doc Ref. 10.82) the JLAs agree with the level of detail provided about proposed activities at this stage as well as the form, structure and operation proposed for

the delivery of the ESBS and the scale and use of the ESBS Fund. The Applicant is grateful for the input provided by the JLAs from their experience in this area and looks forward to working with the JLAs through the ESBS Steering Group to maximise the delivery of these benefits.

London Gatwick Community Fund

- 10.3.31 The provision of the London Gatwick Community Fund has been secured through the Section 106 Agreement. The purpose of this fund is to mitigate the intangible and residual impacts of the NRP and Gatwick Airport so as to improve the quality of life of those impacted by the operation of Gatwick Airport including the advancement, provision and/or relief of their economic, environmental, social, health, educational, employment and financial circumstances.
- 10.3.32 The size of the London Gatwick Community Fund has been set up to be proportionate to the number of passengers to have travelled through Gatwick Airport in the preceding year. Up to 50 million passengers a contribution of up to £250,000 will be made to the fund. Above 50 million passengers the contribution will be £350,000 plus 2p per passenger over 50 million. In addition, any fines received from breaching noise limits will also be added to the fund. Further detail about the calculation of the value of the fund is provided in Appendix 1 to the **Section 106 Explanatory Memorandum** (Doc Ref. 10.54).
- 10.3.33 The fund will be administered through the existing Community Foundations operating in Sussex, Surrey and Kent. To achieve this, the total fund will comprise three distinct funds with governance through a decision-making panel comprising representatives of GAL, the Community Foundations and the relevant county authority. Funding will be distributed within the areas of benefit, aligned to those communities most impacted by airport or operations, as follows:
- Kent – Crawley, Horsham, Mid Sussex and Wealden
 - Surrey – Reigate & Banstead, Tandridge and Mole Valley
 - Sussex – Tonbridge & Malling, Tunbridge Wells and Sevenoaks
- 10.3.34 It has also been agreed through the Section 106 Agreement that the Applicant will provide a separate Hardship Fund to mitigate against any severe and inequitable health outcomes; and this was also refined during the course of the examination (Section 2.9 of **The Applicant's Written Summary of Oral Submissions ISH9 – Socio-Economics [REP8-109]**). This relates to individuals with exceptional vulnerability, present at a time and location of large project change and whose needs are not met by other mitigation. The value of this fund would be between £25,000 and £50,000 per year between Commencement and

2047 with the details set out in Schedule 7 of the **Section 106 Agreement** (Doc Ref 10.11).

10.3.35 The London Gatwick Community Fund reflects a significant amount of money being made available to the local community. The Applicant has worked closely with the Community Foundations to agree the most effective mechanisms and has taken the JLA's helpful comments on board on ensuring that the fund is accessible and particularly in relation to accessibility to hard to reach communities. The Applicant's experience of operating a fund of this nature to date has been exceptionally positive and has strengthened relationships between the airport and the local communities as well as delivering significant benefits to the local area and the Applicant is looking forward to seeing the applications brought forward by local groups which are able to be funded as a result of this fund.

10.3.36 The **Joint Position Statement between GAL and the JLAs** (Doc Ref. 8.2) sets out the agreement on the form and scale of the London Gatwick Community Fund which has been reached between Applicant and the JLAs. This is again a positive marker of the relationship between the parties.

10.4. Topic conclusion

10.4.1 The Applicant is confident that the concerns raised by the JLAs and third parties have been addressed. As a result, it is the Applicant's position that nothing has materially changed during the Examination which alters the assessment in accordance with relevant policy.

10.4.2 The socio-economic assessment shows that there are 'Moderate Beneficial' impacts during the construction phase and 'Major Beneficial' and 'Moderate Beneficial' impacts during the operational phase of the Project.

10.4.3 It is clear that there will be significant benefits from the Project in the form of aviation benefits (more routes and connectivity, more choice, lower fares, jobs and GDP/GVA), local jobs, more tourism and inward investment.

10.4.4 It is common ground between the Applicant and the Joint Local Authorities (JLAs) that the Direct, Indirect and Induced jobs as set out in the **ES Appendix 17.9.2 Local Economic Impact Assessment** [\[APP-200\]](#) are agreed. In 2038 they are:

- 3,200 Direct jobs and £263 million of GVA
- 2,800 Indirect jobs and £212 million of GVA

- 3,500 Induced jobs and £263 million of GVA
- Total of 9,500 jobs and £739 million of GVA

10.4.5 At a local level the most relevant assessment level is the Labour Market Area. For this area, the equivalent figures are:

- 2,250 Direct jobs and £169 million of GVA
- 1,000 Indirect jobs and £77 million of GVA
- 1,200 Induced jobs and £88 million of GVA
- Total of 4,450 jobs and £334 million of GVA

10.4.6 The ESBS and the accompanying ESBS Fund in the amount of £20 million would enhance these benefits by maximising economic opportunities for communities and businesses by creating conditions for suitable employment, skills development, career progression and enhancements to the productivity and growth of businesses.

10.4.7 The Homelessness Prevention Fund in the amount of £1 million would be available to mitigate any adverse effects of the NRP during the construction phase on the housing market and homelessness in particular that might otherwise lead to increases costs for the JLAs.

10.4.8 The London Gatwick Community Fund (value proportionate to the number of passengers to have travelled through Gatwick Airport in the preceding year) would be available to mitigate the intangible and residual impacts of the NRP and Gatwick Airport so as to improve the quality of life of those impacted by the operation of Gatwick Airport including the advancement, provision and/or relief of their economic, environmental, social, health, educational, employment and financial circumstances.

10.4.9 A separate Hardship Fund (£25,000 to £50,000 per year between Commencement and 2047) would be available to mitigate against any severe and inequitable health outcomes for individuals with exceptional vulnerability, present at a time and location of large project change and whose needs are not met by other mitigation.

11 Noise

11.1. Noise Assessment

- 11.1.1 The Applicant has undertaken a comprehensive assessment of likely noise related effects associated with the Project, which has been subject to updates as the examination has progressed in response to feedback received from the ExA and stakeholders and in light of more recent assessment becoming available. Having undertaken this level of assessment, the Applicant has defined a range of mitigation measures, to meet and exceed compliance with the relevant planning policy.
- 11.1.2 To inform the assessment the Applicant has undertaken extensive engagement with interested parties through formalised processes, to ensure the necessary input from and understanding of the view of stakeholders, including local authorities and groups which represent elements of the surrounding communities. This engagement has helped to shape the Applicant's proposals for noise related mitigation.
- 11.1.3 For convenience, the documents submitted by the Applicant as part of the Application and during the course of the examination which are of most relevance to understanding the matter of noise in connection with the Project proposals are as follows:

Environmental Statement

- **Environmental Statement - Chapter 14 Noise and Vibration** [[APP-039](#)];
- **Environmental Statement - Noise and Vibration Figures - Part 1** [[APP-063](#)];
- **Environmental Statement - Noise and Vibration Figures - Part 2** [[APP-064](#)];
- **Environmental Statement - Noise and Vibration Figures - Part 3** [[APP-065](#)];
- **Environmental Statement - Appendix 14.9.1 Construction Noise Modelling** [[APP-171](#)];
- **Environmental Statement - Appendix 14.9.2 Air Noise Modelling** [[APP-172](#)];
- **Environmental Statement - Appendix 14.9.3 Ground Noise Modelling** [[APP-173](#)];
- **Environmental Statement - Appendix 14.9.4 Road Traffic Noise Modelling** [[APP-174](#)];
- **Environmental Statement - Appendix 14.9.5 Air Noise Envelope Background** [[APP-175](#)];
- **Environmental Statement - Appendix 14.9.6 Ground Noise Baseline Report** [[APP-176](#)];

- **Environmental Statement - Appendix 14.9.7 The Noise Envelope** (Doc Ref. 5.3);
- **Environmental Statement - Appendix 14.9.8 Noise Envelope Group Output Report** [[APP-178](#)];
- **Environmental Statement - Appendix 14.9.9 Report on Engagement on the Noise Envelope** [[AS-023](#)];
- **Supporting Noise and Vibration Technical Notes to Statements of Common Ground** [[REP6-065](#)];
- **Environmental Statement - Appendix 14.9.10 Noise Insulation Scheme** (Doc Ref. 5.3), incorporating **ES Appendix 14.9.10 Noise Insulation Scheme Update Note** [[REP2-031](#)]; and
- **Environmental Statement Addendum – Updated Central Case Aircraft Fleet Report** [[REP8-011](#)].

Other Examination Submissions

- **Written Summary of Oral Submissions from Issue Specific Hearing 5: Aviation Noise** [[REP1-060](#)];
- **The Applicant's Response to Actions - ISH 5: Aviation Noise** [[REP1-066](#)];
- **The Applicant's Response to Written Representations** [[REP3-072](#)];
- **The Applicant's Response to the Local Impact Reports** [[REP3-078](#)];
- **The Applicant's Response to the ExA's Written Questions (ExQ1) - Noise and Vibration** [[REP3-101](#)];
- **The Applicant's Response to Deadline 2 Submissions** [[REP3-106](#)];
- **The Applicant's Response to Deadline 3 Submissions** [[REP4-031](#)];
- **Appendix G - Response to the JLAs' Comments at Deadline 4 on the Noise and Vibration Technical Notes** [[REP5-079](#)];
- **Supporting Noise Technical Notes to Statements of Common Ground** [[REP6-065](#)];
- **The Applicant's Written Summary of Oral Submissions - ISH8: Noise** [[REP6-081](#)];
- **The Applicant's Response to Actions ISH8 – Noise** [[REP6-087](#)], including Appendix A: Note on how the Applicant will plan to stay in the Envelope and why this will be effective;
- **The Applicant's Response to Deadline 5 Submissions - Fleet Mix Assumptions** [[REP6-092](#)];
- **The Applicant's Response to ExQ2 - Noise and Vibration** [[REP7-089](#)];
- **The Applicant's Response to Deadline 6 Submissions** [[REP7-095](#)];
- **The Applicant's Response to Deadline 7 Submissions** [[REP8-115](#)];
- **Deadline 9 submission, The Applicant's Response to the ExA Proposed schedule of changes to the DCO** (Doc Ref. 10.72);

- Deadline 9 submission, **ES Appendix 14.9.7 The Noise Envelope** (Version 5) (Doc Ref. 5.3); and
- Deadline 9 submission, **ES Appendix 14.9.10 Noise Insulation Scheme** (Version 4) (Doc Ref. 5.3).

11.1.4 These documents will be of direct relevance to the assessment of the acceptability of noise related effects associated with the Project, and they will be referred to throughout these submissions.

11.1.5 To provide context before moving to consider the assessment of noise related effects in connection with the Project and the mitigations which are proposed to be secured to address those, key planning policies of relevance to noise are discussed below.

11.2. Noise Planning Policy and Guidance

11.2.1 A full account of the planning policy of relevance to the consideration of noise and vibration effects in relation to the Project is provided for at section 8.6 of the **Planning Statement** [[APP-245](#)] and at Section 14.2 of **ES Chapter 14: Noise and Vibration** [[APP-039](#)]. Provided below is a summary of key policies, which are of particular pertinence to the assessment of noise and vibration related effects that should inform a decision in this case.

11.2.2 The Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England (2018) (the "ANPS"), in addition to providing the primary basis for decision making on development consent applications for a Northwest Runway at Heathrow Airport, sets out planning policy in relation to applications for any airport nationally significant infrastructure project in the South East of England. Its policies are important and relevant.

11.2.3 In addition to the ANPS, relevant policy in relation to noise and aviation is found in the Aviation Policy Framework (2013) (the "APF"), the Noise Policy Statement for England (2010) ("NPSE") and the Overarching Aviation Noise Policy Statement (2023). Also of relevance is the Government's strategic framework for the aviation sector – Flightpath to the Future (2022).

11.2.4 Whilst aviation noise policy is therefore drawn from a number of policy sources issued over time, there is a clear theme running through policy in respect of the negative impacts of noise (on health, amenity, quality of life and productivity) and the positive impacts of flights for the economy, which is that the Government

wishes to strike a fair balance between those⁴⁹⁰. It is necessary for the Secretary of State to determine whether an appropriate balance has been struck by an application, and moreover whether the Application is acceptable having regard to its noise impacts, other environmental impacts, and the need for and benefits of the Project.

11.2.5 Specifically in respect of decision it is also noted at paragraph 5.67 and 5.68 of the ANPS that;

5.67 The proposed development must be undertaken in accordance with statutory obligations for noise. Due regard must have been given to national policy on aviation noise, and the relevant sections of the Noise Policy Statement for England, the National Planning Policy Framework, and the Government's associated planning guidance on noise.

5.68 Development consent should not be granted unless the Secretary of State is satisfied that the proposals will meet the following aims for the effective management and control of noise, within the context of Government policy on sustainable development:

- *Avoid significant adverse impacts on health and quality of life from noise;*
- *Mitigate and minimise adverse impacts on health and quality of life from noise; and*
- *Where possible, contribute to improvements to health and quality of life.*

11.2.6 As such, in addition to considering noise related impacts of the project as part of the planning balance, it is also necessary for the Secretary of State to consider and satisfy themselves of the above matters. In this context, the reference to government policy on sustainable development is important – as explained further below.

11.2.7 With regard to the Noise Policy Statement for England, which is directly referenced in paragraph 5.67 of the ANPS, it should be noted that the criteria at paragraph 5.68 of the ANPS directly reflect the aims which support the long terms vision for noise policy which it sets out. To assist in understanding how the tests at paragraph 5.68 are to be applied, the NPSE also details what the aims of the NPSE mean, including the definition of several phrases within the ANPS.

⁴⁹⁰ Paragraph 5.47 of the ANPS; Paragraph 3.3 of the APF; first paragraph of the Overarching Aviation Noise Policy Statement "The government's overall policy on aviation noise is to balance the economic and consumer benefits of aviation against their social and health implications in line with the International Civil Aviation Organisation's Balanced Approach to Aircraft Noise Management"

- 11.2.8 Paragraphs 2.19 – 2.22 of the NPSE sets out what constitutes "significant adverse" and "adverse" for the purposes of the NPSE aims. It defines this by reference to the LOAEL (the Lowest Observed Adverse Effect Level), being "the level above which adverse effects on health and quality of life can be detected", and the SOAEL (the Significant Observed Adverse Effect Level), being "the level above which significant adverse effects on health and quality of life occur". Paragraph 2.23 – 2.25 of the NPSE provide an explanation of what each of the aims require.
- 11.2.9 The NPSE also emphasises how all planning decisions relating to noise must take into account wider objectives, as follows:
- "2.7 the application of the NPSE should enable noise to be considered alongside other relevant issues and not to be considered in isolation. In the past, the wider benefits of a particular policy, development or other activity may not have been given adequate weight when assessing the noise implications..."*
- "2.10 The guiding principles of Government policy on sustainable development, (paragraph 1.8), should be used to assist in its implementation..."*
- "2.17 ...Sustainable development is a core principle underpinning all government policy. For the UK Government the goal of sustainable development is being pursued in an integrated way through a sustainable, innovative and productive economy that delivers high levels of employment and a just society that promotes social inclusion, sustainable communities and personal wellbeing."*
- "2.18 There is a need to integrate consideration of the economic and social benefit of the activity or policy under examination with proper consideration of the adverse environmental effects, including the impact of noise on health and quality of life. This should avoid noise being treated in isolation in any particular situation, i.e. not focussing solely on the noise impact without taking into account other related factors"."*
- "2.23 The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development (paragraph 1.8)."*
- "2.24 The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur."*

- 11.2.10 In applying the NPSE (and by extension the ANPS which contains the same aims), therefore, it is important to recognise that paragraph 5.68 of the ANPS does not just set a noise test. It requires that noise effects are not considered in isolation and that a more balanced approach is necessary, taking account of a wide range of other considerations.
- 11.2.11 Paragraph 1.8 of the NPSE referred to above provides that "[t]he vision and aims of NPSE should be interpreted by having regard to the set of shared UK principles that underpin the Government's sustainable development strategy", and then goes on to detail the 'guiding principles of sustainable development' as follows:
- **Ensuring a Strong Healthy and Just Society** – Meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion and inclusion, and creating equal opportunity for all.
 - **Using Sound Science Responsibly** – Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.
 - **Living Within Environmental Limits** – Respecting the limits of the planet's environment, resources and biodiversity – to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for future generations.
 - **Achieving a Sustainable Economy** – Building a strong, stable and sustainable economy which provides prosperity and opportunities for all, and in which environmental and social costs fall on those who impose them (polluter pays), and efficient resource use is incentivised.
 - **Promoting Good Governance** – Actively promoting effective, participative systems of governance in all levels of society – engaging people's creativity, energy and diversity.
- 11.2.12 In other words, all these objectives of sustainable development, including the importance of sustainable economic growth, provide relevant context within which the policies set out in ANPS paragraph 5.68 are to be applied.
- 11.2.13 It should be noted that both the NPSE and paragraph 5.68 of the ANPS draw a distinction, between adverse effects, which are to be minimised and significant adverse effects on health and quality of life, which are to be avoided, within the context of sustainable development.

- 11.2.14 Since 2014 noise policy has been interpreted by, variously, the local planning authorities, public inquiry inspectors, the Mayor of London and the Secretary of State for Transport, in the following applications for new airport infrastructure:
- Birmingham International Airport Runway Extension, 2014;
 - London City Airport Development Plan, 2015-2016;
 - Cranford Agreement Secretary of State's Decision, February 2017 (DCLG, 2017);
 - Stansted Airport Planning Appeal Decision, May 2021;
 - Bristol Airport Planning Appeal Decision, February 2022; and
 - Manston Airport Development Secretary of State's Decision, August 2022.
- 11.2.15 These cases confirm, for example, that the first aim of the NPSE (and the ANPS) of avoiding significant adverse effects on health and quality of life means avoiding impacts above SOAEL. In the Cranford case, the inspector noted 'the parties do not differ about the SOAEL for aircraft noise: it is 63 dB LAeq, 16 hour (or its equivalent if other metrics are considered). Noise impacts at that level require to be avoided.'
- 11.2.16 In the Cranford case, the Inspector also noted:
- 'the Examining Authority's Report and the Secretaries of States' decision on the Thames Tideway Tunnel (TTT) Development Consent Order application confirms that the aims of the NPSE are satisfied by the provision of acoustic insulation at the level of SOAEL (whatever that is determined to be in the particular case), and by other mitigation measures below that level.'*
- 11.2.17 Hence, the provision of noise insulation above a SOAEL of Leq 16 hr 63 dB is taken as satisfying the first aim of the NPSE to 'Avoid significant adverse impacts on health and quality of life'.
- 11.2.18 The Cranford case Inspector also noted:
- 'In consequence, I do not equate the 'significant adverse effects' identified in the ES with those that the NPSE seeks to avoid.'*
- 11.2.19 Hence, impacts identified as significant in this ES, but below SOAEL, whilst minimised through mitigation, do not need to be 'avoided' for policy compliance to be achieved, or require noise insulation.
- 11.2.20 In this context, it is also important to note that, as set out in the APF and detailed above, policy on noise does not require noise from an airport project to reduce from the baseline position, but rather requires aviation noise to be limited and where possible to be reduced. were there any doubt about this, it has been

settled in the Government's most recent expression of aviation noise policy, the Overarching Aviation Noise Policy Statement, which confirms:

"The government's overall policy on aviation noise is to balance the economic and consumer benefits of aviation against their social and health implications in line with the International Civil Aviation Organisation's Balanced Approach to Aircraft Noise Management..."

Consultation responses had general support for focus on the total adverse effects, although some respondents highlighted the potential ambiguity of "limit, and where possible, reduce", with some suggestions that policy should be to reduce aviation noise.

We consider that "limit, and where possible reduce" remains appropriate wording. An overall reduction in total adverse effects is desirable, but in the context of sustainable growth an increase in total adverse effects may be offset by an increase in economic and consumer benefits. In circumstances where there is an increase in total adverse effects, "limit" would mean to mitigate and minimise adverse effects, in line with the Noise Policy Statement for England." (emphasis added)

- 11.2.21 A further element of aviation noise related policy, which appears in both the APF and the ANPS, is the need to share the benefits of noise reduction between industry and local communities.
- 11.2.22 Within the APF it is identified that *"The Government's overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry"*⁴⁹¹, and it is further identified that this overall policy is *"consistent with the Government's Noise Policy, as set out in the Noise Policy Statement for England (NPSE) which aims to avoid significant adverse impacts on health and quality of life"*⁴⁹².
- 11.2.23 The ANPS identifies (in the context of policy on noise envelopes which is discussed further below) that *"The benefits of future technological improvements should be shared between the applicant and its local communities, hence helping to achieve a balance between growth and noise reduction."*

⁴⁹¹ Paragraph 3.12 of the APF.

⁴⁹² Para 3.13 of the APF.

11.3. Noise Envelope Policy and Guidance

11.3.1 The concept of a Noise Envelope was first introduced in the APF, in the context of the recognition by the Government of the ICAO Assembly's 'balanced approach' to aircraft noise management, which is given effect in the UK by the Retained Regulation (EU) No 598/2014 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach.

11.3.2 The APF when discussing the role of industry in respect of measures to reduce and mitigate noise identifies that "The Government expects airports to make particular efforts to mitigate noise where changes are planned which will adversely impact the noise environment..." which will "be particularly relevant in the case of proposals for new airport capacity". Paragraph 3.28 of the APF then states " In these cases, it would be appropriate to consider new and innovative approaches such as noise envelopes...".

11.3.3 Paragraph 3.29 of the APF continues:

"The Government wishes to pursue the concept of noise envelopes as a means of giving certainty to local communities about the levels of noise which can be expected in the future and to give developers certainty on how they can use their airports. Following any such recommendations made by the Airports Commission, in the case of any new national hub airport capacity or any other airport development which is a nationally significant infrastructure project, the Government is likely to develop a National Policy Statement (NPS) to set out the national need for such a project. The Government would determine principles for the noise envelope in the NPS having regard to the following: The Government's overall noise policy. Within the limits set by the envelope, the benefits of future technological improvements should be shared between the airport and its local communities to achieve a balance between growth and noise reduction."

11.3.4 The ANPS then builds on the policy position in the ANPS, specifically in respect of the proposals for a North West runway at Heathrow Airport, at paragraph 5.60:

"5.60 The applicant should put forward plans for a noise envelope. Such an envelope should be tailored to local priorities and include clear noise performance targets. As such, the design of the envelope should be defined in consultation with local communities and relevant stakeholders, and take account of any independent guidance such as from the Independent Commission on Civil Aviation Noise. The benefits of future technological improvements should be shared between the applicant and its local communities, hence helping to achieve a balance between growth and noise reduction. Suitable review periods

should be set in consultation with the parties mentioned above to ensure the noise envelope's framework remains relevant."

- 11.3.5 Whilst this policy is not of direct relevance to the Application, the Applicant has had specific regard to this policy in developing the noise envelope which is proposed to apply to the Airport when the Project is operational.
- 11.3.6 Also of relevance to the consideration of noise envelopes is the CAA research document CAP 1129: Noise Envelopes (2013), which provides a helpful review of issues regarding noise envelopes, whilst not providing any policy or guidance in relation to them.
- 11.4. **Project Assessment – Approach and Scope of Likely Significant Effects (Before Application of Project Mitigation)**
- 11.4.1 The noise assessment considers the following sources and their potential impacts on noise-sensitive receptors:
- construction noise and vibration – noise and vibration from temporary construction of the Project, including the use of construction compounds;
 - air noise – noise from aircraft in the air or departing or arriving (including reverse thrust) on a runway;
 - ground noise – noise generated from airport activities at ground level including aircraft taxiing and traffic within the airport boundary; and
 - road traffic noise – noise from road traffic vehicles outside the airport on the public highway.
- 11.4.2 Air noise has been a key focus of the examination, and in light of this, air noise is considered first below, followed by ground noise so as to explain all noise directly associated with aircraft at the airport. Subsequent to this is a summary of the assessment conclusions in relation to construction noise and vibration and road traffic noise.
- Approach to Assessment of Air Noise**
- 11.4.3 The explanation of the approach to modelling air noise and of how significant air noise effects are identified is provided at paragraph 14.4.46 to 14.4.80 of **ES Chapter 14** [[APP-039](#)]. The below is a summary of information contained therein, for ease of reference.
- 11.4.4 Air noise has been modelled using the CAA's ANCON v2.4 model, as used to produce Gatwick's noise exposure contours annually, and validated for Gatwick on an annual basis.

- 11.4.5 Key features of this model were taken forward into the modelling of future noise levels such as aircraft routes, profiles and runway modal split. An important feature of the ANCON model is that it is validated through measurement every year by ERCD using aircraft speed, height and noise data from the Noise and Track Keeping (NTK) system. In December 2020 there were 20 NTK monitors at Gatwick providing this information. ERCD used 165,000 noise measurements from these monitors to validate the 2019 Gatwick ANCON model. ERCD has been producing noise contours for Gatwick airport using the ANCON model since 1988 including annual contours every year. Up until 2015 the contours were produced for the DfT, and since then they have been produced for GAL. ERCD has a team who maintain the model and calibrate it for Gatwick Airport using thousands of data points every year. ANCON is used on other UK airports as well as for international studies, and is considered the most accurate tool available to model noise from Gatwick Airport.
- 11.4.6 The summer season contours for 2019 form the baseline, and air traffic has been modelled for the four operational forecast years: 2029, 2032, 2038 and 2047.
- 11.4.7 The primary noise metrics used to assess air noise, in accordance with CAP 1616, are Leq 16 hour 51 to 72 dB and Leq night 8 hour 45 to 66 dB, and these are used to quantify impacts in terms of the areas and population within the various 3 dB noise contour bands.
- 11.4.8 In addition, various secondary noise and other metrics have been used to provide further information from which to understand the likely noise environment with the project, which include:
- N65 day 20, 50, 100, 200, 500;
 - N60 night 10, 20, 50, 100⁴⁹³;
 - Overflight (<7,000 feet) >48.5 degrees to the horizontal⁴⁹⁴ (see Section 3 of **ES Appendix 14.9.2: Air Noise Modelling** [[APP-172](#)]).
- 11.4.9 These noise metrics relate to the 92 day summer period from 16 June to 15 September, as used conventionally in the UK because it represents the busiest, and hence noisiest, season, and thus assess the worst case effects of the Project during its busiest period.
- 11.4.10 In addition, annual average L_{den} and L_{night} noise contours have been produced to illustrate the changes in noise levels averaged over the whole year.

⁴⁹³ See paragraph 4.14.51 of the ES Chapter 14 [[APP-039](#)] for further information.

⁴⁹⁴ As defined in CAP 1498 Definition of Overflight (CAA 2017)

- 11.4.11 To illustrate the areas that will be more regularly overflowed by aircraft departing from the Northern Runway, an analysis of the areas overflowed by the most common rapid climbing aircraft, the A319, has also been undertaken for the main runway and the northern runway, using the mean departure profile for this aircraft (see **ES Figure 14.9.30** [[APP-065](#)]).
- 11.4.12 Lmax 60dB contours have been provided to show the changes in noise from individual aircraft taking off on the northern runway compared to the main runway.
- 11.4.13 In addition to noise contours, more detail has been provided on the noise changes to be expected at a selection of seven specific locations, chosen at community facilities which represent the communities most affected.
- 11.4.14 At these seven community representative locations, the changes in noise to be expected as a result of the Project have been described in terms of changes in day and night noise levels (Leq, 16 hour day and Leq, 8 hour night), and in terms of numbers of aircraft above the day Lmax 65 dB and night Lmax 60 dB levels, for easterly and westerly operations.
- 11.4.15 In addition to assessing impacts on residential properties and the seven community representative locations, air noise has been modelled and assessed at schools, hospitals, community buildings and places of worship.
- 11.4.16 A physiological sleep disturbance assessment has been undertaken to estimate the number of additional awakenings that would be produced by the Project. The assessment draws on modelling of Lmax levels for individual aircraft at postcode locations on an average summer night, and applies a dose/response relationship to estimate additional awakenings. Section 7 of **ES Appendix 14.9.2: Air Noise Modelling** [[APP-172](#)] provides the full details of the assessment.

Flight Routing

- 11.4.17 Flight paths to and from the main runway would remain unchanged. Only departures would routinely use the northern runway, flying straight ahead until they turn onto the relevant Standard Instrument Departure (“SID”) Route within the Noise Preferential Route (“NPR”), generally 5-16km from the end of the runway.⁴⁹⁵ These flight paths would be 210m north of the equivalent flight paths

⁴⁹⁵ London Gatwick’s current airspace design includes Standard Instrument Departures (SID) and arrival procedures for both the 26L/08R (main) and 26R/08L (northern) runways. Departure route separation requirements along with the optimisation of the departing aircraft sequence are described comprehensively in Capacity and Operations Summary Paper [[REP1-053](#)] with the supporting model data captured in Capacity and Operations Summary Paper Appendix: Airfield Capacity Study [[REP1-054](#)].

from the main runway, so areas to the north of the existing runway centreline, up to about 5-16km from the runway ends to the east and west depending on departure route taken, would experience more aircraft closer to them.

- 11.4.18 As the Project does not propose nor require the routings of aircraft to or from the airport to be changed, the noise modelling assumes aircraft would fly along already used flight paths. A flight path that has been of particular interest to some stakeholders is known as WIZAD. It has been assumed in the assessment that there will be a small increase in the number of departures in future years using the WIZAD Standard Instrument Departure (SID) route and that this will occur irrespective of the Project. The WIZAD route is however not a route used for route planning purposes,⁴⁹⁶ but a tactical offload route that an aircraft may be allocated by air traffic control as an alternative to a SID, particularly if it were impacted by adverse weather conditions. It is to be distinguished from SIDs which are used for route planning purposes. The increased use of the WIZAD SID in the future baseline and with the project cases is explained fully in **The Applicant's Response to the ExA's Written Questions (ExQ1) – Landscape, Townscape and Visual Resources** [REP3-097]⁴⁹⁷. Under both the baseline and with Project scenarios, the use of the WIZAD SID would be based on the current airspace route structure and operated in accordance with any existing restrictions or requirements. The noise assessment indicates as a worst case that use of the WIZAD route will increase to around 32 movements per day in the future baseline by 2032, and that the Project will increase this to around 39 movements per day⁴⁹⁸. The worst-case potential growth in use of WIZAD in the baseline or Project cases does not meet the threshold for an Airspace Change as defined by CAP 1616⁴⁹⁹.
- 11.4.19 The assessment of the use of the WIZAD SID is discussed further below, and it is mentioned here as it has been raised by others and to confirm the approach to assessment aircraft routings for the Project.

The UK Aeronautical Information Publication (AIP) sets out the route rules pursuant to a series of restrictions set by the Secretary of State using powers conferred by Section 78 of the Civil Aviation Act 1982. Flight plans filed in the UK are co-ordinated by the Network Management Operations Centre (NMOC) at Eurocontrol, in Brussels. Approved flight plans are returned to the relevant air traffic service providers for the departure airport at which point (prior to departure) the aircraft is issued with a published SID routing. In very specific circumstances, normally detailed in air traffic services procedures, air traffic control are authorised to use an alternative SID than the one assigned to the approved flight plan. The WIZAD SID is one such alternative SID routing that an aircraft may be allocated as an alternative to a SID, particularly if it were impacted by adverse weather conditions.

⁴⁹⁷ At LV.1.6.

⁴⁹⁸ As explained at ES Chapter 14 Noise and Vibration [APP-039], Paragraph 14.6.39 and Table 14.7.1.

⁴⁹⁹ See further Appendix B: Response to York Aviation - Capacity and Operations [REP4-023] at Reference 57.

11.4.20 To illustrate how the numbers of flight experienced will change, the numbers of overflights have been mapped up to 35 miles from the airport using the CAA's suggested methodology for overflights in CAP1616. The method is described in **ES Appendix 14.9.2** [APP-172] and counts all aircraft up to a height of 7,000ft. The mapping is provided for all overflights from all airports, in the 2019 baseline, the 2032 baseline and 2032 with Project. As well as mapping of the results, the change in the numbers of overflights expected at nine locations that are representative of important landscapes have been assessed individually. These ten locations were chosen by the landscape and visual assessment team to represent the more sensitive landscapes in the areas and are shown on each of the overflight figures.

Air Noise Criteria

11.4.21 In order to follow the approach required in the NPSE, and to ensure a clear conclusion on compliance with the aims of the NPSE and the criteria at paragraph 5.68 of the ANPS, it is necessary to define the LOAEL and SOAEL for aircraft noise.

LOAEL

11.4.22 When developing LOAELs for the assessment of the Project, the Applicant has considered a range of information, but adopted a LOAEL in line with the position adopted by government in its Consultation Response on UK Airspace Policy: A Framework for Balanced Decisions on the Design and Use of Airspace, (October 2017), wherein the Government defined aircraft noise LOAEL as the summer season Leq 16 hr 51dB for day and Leq 8 hr 45dB for night.

11.4.23 The 2017 Airspace Policy Consultation Response provided further explanation of the rationale of setting the aviation day and night LOAELs at 51dBALeq16hr and 45dBALeq 8hr and noted:

“2.72 These metrics will ensure that the total adverse effects on people can be assessed and airspace options compared. They will also ensure airspace decisions are consistent with the objectives of the overall policy to avoid significant adverse impacts and minimise adverse impacts”.

11.4.24 The Applicant does not consider that there is any sound evidence to suggest that different LOAELs should be adopted to those identified by Government. The Government's choice of LOAEL acknowledges, as GAL did in the ES⁵⁰⁰, that below the LOAEL, some people may be highly annoyed by aircraft noise. However, provided an applicant assesses the effects above these LOAELs, it will

⁵⁰⁰ ES Chapter 14 [APP-039], paragraph 14.2.52.

have assessed the total adverse effect in accordance with policy. To choose a different LOAEL would be inconsistent with the government's judgement but also with its stated intention to bring consistency to aviation related planning.

SOAEL

- 11.4.25 The Applicant has defined SOAELs by reference to government expectations of compensation and noise insulation schemes, specified in the APF, and having regard to a number of recent applications for airport development⁵⁰¹.
- 11.4.26 For daytime, the SOAEL is set at Leq, 16 hour 63 dB. This represents the exposure level at which the most recent UK annoyance survey (CAA, 2014) indicates that 23% of the population would be highly annoyed. Further information regarding the daytime level, including precedent of other Projects which have adopted the same value, is detailed at paragraphs 14.2.54 – 14.2.60 of **ES Chapter 14** [[APP-039](#)].
- 11.4.27 The SOAEL value for the night period is taken from the interim target of the WHO Night Noise Guidelines 2009 at Leq, 8 hour 55 dB. This is described in those guidelines as the level above which "*Adverse health effects occur frequently, a sizeable proportion of the population is highly annoyed and sleep-disturbed*".
- 11.4.28 The LOAEL and SOAEL assessment criteria relate to all residential properties based on the assumption that they have similar uses, constructions and hence sensitivity.
- 11.4.29 Non-residential noise sensitive receptors including schools, hospitals, places of worship and community buildings are in all cases already exposed to aircraft noise. For these receptors the effects of the Project are considered with reference to the extent of change in their noise environment that is expected from the Project above a cautious threshold of Leq 16 hr 50 dB.

UAEL

- 11.4.30 The Applicant has not undertaken an assessment of an 'Unacceptable Adverse Effect Level' (a "**UAEL**") for the Project, nor has there been any assessment of a precautionary UAEL. It has been suggested in submissions made by third parties that the Applicant should have done so, and the potential to assess a UAEL was also a matter discussed at ISH5 on Noise.
- 11.4.31 There is no reference to UAELs within the NPSE, the APF or the ANPS. With specific regard to the other matters which paragraph 5.67 of the ANPS which

⁵⁰¹ The APF indicates that airport operators would be expected as a minimum to offer financial assistance towards acoustic insulation to residential properties which experience an increase in noise of 3dB or more which leaves them exposed to levels of noise of 63 dB LAeq,16h or more: para. 3.39.

requires the Applicant to give due regard to the NPPF and associated planning guidance on noise, there is no reference to UAELs in the NPPF, and there is within the noise hierarchy table referred to in the noise related planning practice guidance⁵⁰². This identifies the outcome of a UAEL as "*Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.*", and that this level of effect must be prevented from occurring.

- 11.4.32 The suggested UAEL levels for assessment during the examination are Leq, 16 hour 69 dB and Leq, 8 hour 63 dB, which are the precautionary UAELs used in the Luton Airport Expansion DCO Application. The context for this level is that the APF advises airport operators to provide assistance with relocation at a level of Leq 16 hr 69dB. The Luton ES therefore notes that "69 dB LAeq,16h may therefore be considered a 'precautionary UAEL' for daytime noise (because this is the threshold for assisting with the costs of moving rather than mandatory acquisition of homes that would be expected to be required at a high level of noise exposure where the actual UAEL is reached)". The ES also refers to a "precautionary UAEL" of Leq 8 hr 63dB for night-time, noting that "the night-time UAEL is informed by the approach adopted in the Bristol Airport Application to increase airport capacity". The Bristol Airport expansion project ES provides no justification for this value, however.
- 11.4.33 Those levels are less than the UAELs used in Heathrow Airport Third Runway PEIR of Leq, 16 hour 71 dB and Leq, 8 hour 66 dB. The UAELs derived in the Heathrow PEIR are appropriate actual UAEL values rather than the "precautionary" UAELs referred to in the Luton expansion project ES, if UAEL values are to be considered. Of the projects referred to in recent years, only Heathrow has had to explore noise levels above the precautionary UAEL because the other airports did not have properties in this noise zone.⁵⁰³
- 11.4.34 In the case of each precautionary UAEL, acknowledged to be below the actual UAEL, the Luton ES notes that no houses are above this noise level. That project could therefore take a precautionary approach rather than deriving the actual UAEL as was done at Heathrow, and this was not challenged during examination. The same is true for both the Bristol and Stansted expansion projects, where there was no population within the higher noise contours⁵⁰⁴.

⁵⁰² https://assets.publishing.service.gov.uk/media/5d39a87ce5274a4010e33fef/noise_exposure_hierarchy.pdf

⁵⁰³ See further at The Applicant's Response to Deadline 6 Submissions [REP7-095] section 3.1, responding to CAGNE's Deadline 6 submission [REP6-122].

⁵⁰⁴ See The Applicant's Response to Deadline 6 Submissions [REP7-095] at para. 3.1.5.

- 11.4.35 Whilst the effects reported in the Environmental Statement are not assessed against a UAEL, or a precautionary UAEL, noise modelling for the Project shows zero population counts for air noise contours at the values adopted by Heathrow. If the precautionary UAEL levels are considered, the Applicant's forecasts in show there are approximately 35 properties which are subject to this level of noise with the Project prior to the application of mitigation. All of these 35 properties would be offered the Inner Zone noise insulation scheme that would reduce internal noise levels to below the acceptable internal levels used in setting the external UAELs referred to above. The Applicant has also adopted a threshold noise level of Leq 16 hr 66 dB for the requirement to offer homes relocation assistance (discussed further below in relation to the Noise Insulation Scheme), which is 3dB lower than the level of Leq 16 hr 69dB referred to in the APF.
- 11.4.36 Accordingly, whilst the Applicant has not undertaken an assessment of the UAEL within the Environmental Statement, the ExA and the Secretary of State can have confidence that internal noise levels for the 35 residential properties will be reduced below the equivalent UAEL levels used on other projects and that home relocation assistance will also be provided, which is an appropriate response by the Applicant to satisfy the requirements of policy.

Significance of Effects

- 11.4.37 Whilst the above sets out what the LOAEL and SOAEL are for the purpose of assessing the Project in planning terms, paragraphs 14.4.71 – 14.4.70 of the **ES Chapter 14** [\[APP-039\]](#) detail how the evaluation of significant air noise effects has been undertaken. Whilst not a replacement for reading those paragraphs in full, in summary the following noise effect ratings have been used to describe the significance of the predicted air noise effect.
- Negligible: Below LOAEL. Or above LOAEL with a negligible noise change (<1 dB).
 - Minor: Below SOAEL but above LOAEL with low noise changes (1-2 dB).
 - Moderate: Below SOAEL but above LOAEL with noise changes of medium or above (>3 dB).
 - Major: Above SOAEL.
 - Substantial: Above SOAEL by a margin, affecting high population size.
- 11.4.38 The ES classifies effects Moderate, Major and Substantial effects as significant in EIA terms.

Fleet Transition

- 11.4.39 A further matter of particular relevance to the assessment of air noise (and ground noise) is the assumptions made regarding the rate of fleet transition at the airport to better noise performing aircraft, both in terms of the level of improvements that will be achieved by better performing aircraft which replace worse performing aircraft, and the rate at which those better performing aircraft enter the fleet.
- 11.4.40 The Applicant's position on fleet transition is fully explained in the **ES Addendum – Updated Central Case Aircraft Fleet Report** [[REP8-011](#)] and **The Applicant's Response to Deadline 5 Submissions - Fleet Mix Assumptions** [[REP6-092](#)], and this is not repeated here. However, it is considered to be helpful to briefly explain the different assumptions made and the assessments undertaken of air noise from the airport based on those, drawing on information contained at section 2 to the **ES Addendum – Updated Central Case Aircraft Fleet Report** [[REP8-011](#)].
- 11.4.41 The **ES** [APP-026 to APP-217] submitted with the Application considered two airline fleet forecasts: the “Central Case” fleet and the “Slow Fleet Transition” (“SFT”) fleet for the purposes of EIA. The Central Case fleet has a higher composition of “next-generation aircraft” – aircraft types which have started to enter service within the last 5 – 10 years. These types are quieter and more fuel efficient than the current generation of aircraft types which make up the majority of current airline fleets, and which started to enter service from the mid-to-late 1990s.
- 11.4.42 The ‘Central Case’ was considered to be the most likely rate of fleet transition. However, there was uncertainty that it would be achieved following the Covid-19 pandemic, particularly given the effects of the global pandemic and the financial impact on airlines. The SFT fleet forecast took into account uncertainties which may be caused by global and industry events and showed a delay of about five years to the rate of fleet transition (hence resulting in higher noise levels than the Central Case).
- 11.4.43 The Applicant commissioned further forecasting and noise assessment work during Summer 2023 to review the evolving commercial situation post-Covid 19 and to provide for a contemporaneous view of the degree to which fleet transition might progress in the next few years. That work was expected to show fleet transition within the range assessed by the Central Case fleet and SFT case assessment cases. The updated forecasts were then subject to further analysis in early 2024. These forecasts did show fleet transition within the range assessed

by the Central Case fleet and SFT case assessment cases, and this was used to produce an 'Updated Central Case' ("UCC").

- 11.4.44 The UCC is now considered by the Applicant to represent the most likely rate of fleet transition. Whilst this is the case, it is nonetheless still the case that the SFT case remains valid, and in the Applicant's view continues to reasonably represent the potential for global and market events to slow the rate of fleet transition.
- 11.4.45 For the purposes of assessing noise impacts, and as will be discussed further below, the UCC has been used as the basis for setting the contour area limits within **The Noise Envelope** (Doc Ref. 5.3). It is therefore assumed to be achieved by virtue of its achievement being a requirement, and accordingly the assessment of residual air noise (and ground noise) impacts is explained in this statement on the basis of the UCC fleet assessment, unless otherwise stated. The full results for air noise (and ground noise) impacts for the Central Case and the SFT case are nonetheless contained within **ES Chapter 14: Noise and Vibration** [[APP-039](#)].

Air Noise Effects (including Tranquility)

- 11.4.46 At the outset and to provide context it is important to note that the general zone of influence of Gatwick is relatively small. As quantified by the LOAEL, it can be measured as approximately 28,000 (28,000 night, 24,000 day) people, as at 2019. This is a small population compared with other airports, such as Luton (68,000 night, 41,000 day), and Heathrow (1.1 million day, 940,000 night, as at 2017). Objectively, this makes Gatwick a noise efficient airport.

Residential Receptors

- 11.4.47 Drawing from information contained within Chapter 3 of the **ES Addendum - Updated Central Case Aircraft Fleet Report** [[REP8-011](#)], in the noisiest year, which for the purposes of assessment is predicted to be 2032, the population within the daytime LOAEL Leq, 16 hour day 51 dB contour is predicted to rise as a result of the Project by 3,000. For the majority of those affected (75% for daytime and 98% for night-time), the noise changes would be less than 1 dB and negligible. In addition, approximately 3,300 living to the south of the airport would see noise levels reduce, with 2,500 of these being negligible (<1dB) and about 800 low (1-3dB).
- 11.4.48 In 2032, the population within the SOAEL Leq, 16 hour day 63 dB contour is predicted to rise from approximately 400 – 500 in the baseline to approximately

600 in the UCC. Approximately ten properties would be removed from the SOAEL Leq, 16 hour day 63 dB zone to the south of the airport⁵⁰⁵.

- 11.4.49 To the west of the western end of the northern runway approximately 40 properties on Ifield Road and near Russ Hill have been identified as experiencing daytime noise increases above 3 dB, above the daytime SOAEL. A further approximately 40 properties are predicted to have daytime noise increases of greater than 1 dB above SOAEL, in Russ Hill and Partridge Lane to the West and on Balcombe Road and Peeks Brook Lane to the East. These are all which are major adverse significant effects prior to the application of Project mitigation. The total number of properties with major adverse significant effects before consideration of mitigation is approximately 80, or approximately 210 people⁵⁰⁶.
- 11.4.50 **ES Figure 14.9.2** [\[APP-064\]](#) shows the daytime Leq 16 hour noise contours in 2032 (the noisiest year), with and without the Project. After 2032, the effect of the aircraft fleet transitioning to quieter types is identified to outweigh the effect of increasing ATMs, and from this point it is assessed that noise from the airport will reduce.
- 11.4.51 Noise changes at night would be lower than during the day because the Government imposed night quota restrictions (discussed further below) cap aircraft numbers in the 23:30-06:00 hours period. In 2032, the population within the SOAEL Leq, 8 hour night 55 dB contour is predicted to rise from 1,000 to 1,100 with the Project, are **major adverse significant effects** prior to the application of Project mitigation, but to also remain below the population in 2019 when it was approximately 1,250⁵⁰⁷.
- 11.4.52 The vast majority (98%) of the population within the LOAEL Leq, 8 hour night 45 dB contour are predicted to experience increases in noise level of less than 1 dB at night as a result of the Project in 2032 compared to the 2032 baseline. This is a negligible increase, likely to give rise to negligible effects. Approximately 30 properties are expected to have noise increase of greater than 1dB above SOAEL and are likely to experience major adverse (significant) effects. However, these residential properties are a sub-set of the 80 properties that are predicted to experience major adverse effects due to daytime noise, as discussed above and in the ES, and they would be eligible for full noise insulation under the Noise Insulation Scheme Inner Zone, which is discussed further below⁵⁰⁸.

⁵⁰⁵ See paragraph 3.2.21 of **ES Addendum - Updated Central Case Aircraft Fleet Report** [\[REP8-011\]](#)

⁵⁰⁶ See paragraph 3.2.23 of **ES Addendum - Updated Central Case Aircraft Fleet Report** [\[REP8-011\]](#)

⁵⁰⁷ See paragraph 3.2.29 of **ES Addendum - Updated Central Case Aircraft Fleet Report** [\[REP8-011\]](#)

⁵⁰⁸ See paragraph 3.2.31 of **ES Addendum - Updated Central Case Aircraft Fleet Report** [\[REP8-011\]](#)

11.4.53 In the summer season the additional aircraft movements provided by the Project will be about 19% during the 16 hour day (0700-2300 hours) and about 10 % during the 8 hour night (2300-0700 hours (see ES Table 14.7.1). These increases in flight numbers are small by comparison to some airport expansion projects, such as proposed at Luton where in 2036 increases of 39% during the day and 48% during the night are forecast. As a result, predicted adverse effects are notably small, both on their own and particularly when considered relative to other airports which are often mentioned as comparators. For example, the predicted increase in the population within the LOAEL during the day for the Project is 3,000 (2032) compared to 10,700 (in 2039) at Luton. The predicted increase in the population within the LOAEL during the night for the Project is 3,100 (2032) compared to 19,500 (in 2039) at Luton.

Community Representative Locations

11.4.54 As discussed at paragraph 11.4.13 of this statement, at the seven community representative locations the analysis used a range of primary and secondary noise metrics, to provide further information as to how the noise environment would change:

- Ruser Primary School – in the centre of the village with a population of approximately 1,400, located 5 km to the west of the airport on the 2032 with Project Leq, 16 hour day 51 dB contour;
- Charlwood Village Infant School – in the north of the village with a population of approximately 2,400, located 1 km to the north west of the airport near the 2032 with Project Leq, 16 hour day 54 dB contour;
- Lingfield Primary School – near the centre of the village with a population of approximately 4,400, located 10 km to the east of the airport under the approach flight path and close to the eastern boundary of the 2032 with Project Leq, 16 hour day 57 dB contour;
- Chiddingstone Church of England School – in the centre of the village of population approximately 1,300, located 22 km to the east of the airport near the 2032 with Project Leq, 16 hour day 51 dB contour;
- Capel Pre School – in the east side of the village with a population of approximately 1,200, located 7.5 km to the west of the airport near the 2032 with Project Leq, 16 hour day 54 dB contour;
- Willow Tree Pre-school, Ifield – on the north side of Ifield which is the northern district of Crawley, located 1.3 km to the south of the airport outside the 2032 with Project Leq, 16 hour day 51 dB contour;

- Barnfield Care Home, Horley – within the residential area of Horley, located 600 m to the north of the airport just outside the 2032 with Project Leq, 16 hour day 51 dB contour.

11.4.55 These seven locations represent approximately half of the population within the 2032 Leq, 16 hour day 51 dB contour with the Project and paragraphs 14.152 to 14.9.158 provide a discussion of changes in noise that can be expected in these areas using the range of supplementary noise metrics to give a fuller picture of how the noise environment will be affected.

Non-residential Noise Sensitive Receptors

11.4.56 As noted at paragraph 11.4.29 above, non-residential noise sensitive receptors are also assessed using the threshold of Leq 16 hr 50 dB for assessment purposes. There are 49 such receptors identified to be within this contour, which are comprised of 21 schools, 1 hospital, 17 places of worship, 7 community buildings and 2 heritage assets, as detailed within **ES Appendix 14.9.2: Air Noise Modelling** [\[APP-172\]](#) at Tables 4.3.1 – 4.3.2.

11.4.57 In 2032, the year of greatest noise impacts, at 42 of these buildings (excluding the heritage assets) noise levels are predicted to either decrease or increase by less than Leq 16 hr 1 dB, i.e. a negligible change, as a result of the Project compared to the 2032 baseline. The 6 predicted noise increases above 1 dB are between 1.0 and 1.4dB.

11.4.58 There are also two places of worship (ref 48 St Michael's and All saints in Lowfield Heath and ref 15 Gurjar Hindu Union in Ifield) where the Project is predicted to reduce Leq, 16 hour daytime noise levels by up to 1.2dB (see **ES Chapter 14** [\[APP-039\]](#), paragraphs 14.9.159 to 14.9.161 which give details and **ES Appendix 14.9.2** [\[APP-172\]](#) which gives predicted noise levels).

11.4.59 The predicted increases and decreases may or may not result in increases or decreases in total noise levels at these buildings, depending on the level of noise from other ambient noise sources, in particular road traffic. In all cases the changes in aircraft noise are low and would result in negligible or minor effects, which would not be significant in ES terms. A noise insulation scheme has been included for any school adversely affected, which is discussed further below. It was not necessary to repeat this analysis for the Updated Central Case because with this fleet noise levels are slightly lower to effects will remain insignificant.

Sleep Disturbance

11.4.60 A physiological sleep disturbance study has been undertaken using current guidance and cautious assumptions including that windows are partly open. It

concludes that, even in the area of greatest noise increase beyond the west end of the Northern Runway, there would be no more than one additional 'awakening' per summer night per person as a result of the Project in the population in that area overall. An 'awakening' in this study means a change of sleep state, not waking up, and an average healthy person awakens about 20 times a night for various reasons not connected with noise. The effect of aircraft noise from the Project is an increase of 0.6% on underlying awakenings in the community, over the whole study area of 34,000 people.

- 11.4.61 This is a statistical result, and does not predict the effects of individuals, but it does indicate that even at the worst affected locations, where noise levels will increase the most as a result of the Project, there is likely to be less than one additional awakening per summer night per person as a result of the Project, in the population in that area overall. The noise insulation scheme would allow windows to remain closed to mitigate this.

Overlights and Tranquility

- 11.4.62 **ES Figure 14.9.30** [\[APP-064\]](#) shows the areas (in red) that would be routinely overflowed by A319 departures from the northern runway but which are not overflowed by departures from the main runway. The area to be newly routinely overflowed to the east crosses the A23 and mainly sparsely populated areas, apart from the area south of Smallfield which includes approximately 100 houses. The area to be newly routinely overflowed to the west crosses mainly sparsely populated areas, apart from approximately 10 properties on the Ifield Road and scattered properties beyond. West of the Route 4 turn the area crosses the village of Wallis Wood but in this area an A319 has typically reached a height of at least 4,500 feet. **ES Figure 14.9.30** [\[APP-065\]](#) also shows the areas to the south (in blue) that are overflowed by aircraft on the main runway but not the northern runway. For this area the movement of flights from the main runway to the northern runway in itself would lessen overflights.
- 11.4.63 **ES Figures 14.6.7 to 14.6.9** [\[APP-063\]](#) show a baseline modelling of overflights in 2019, including an indication of all flights within 35 miles of Gatwick below 7,000 feet above ground level. **ES Figure 14.6.18** [\[APP-063\]](#) shows baseline modelling of overflights which includes the worst case assumed growth on the WIZAD Standard Instrument (Route 9) to accommodate 8% of departures in the baseline in 2032. **ES Figure 14.9.31** [\[APP-065\]](#), by comparison to **ES Figure 14.6.18** [\[APP-063\]](#), illustrates an increase in the number of Gatwick flights by 20% on the 2032 baseline while keeping all other baseline parameters (non-Gatwick flights and their airspace routings) the same.

11.4.64 These results are taken into account further when assessing effects on tranquillity, particularly in designated landscapes (see the section on Landscape, Townscape and Visual Resources) and effects on heritage assets (see the section on Historic Environment). For the purposes of considering air noise effects on tranquillity:

- The change in the numbers of overflights expected at nine locations that are representative of important landscapes have been assessed individually, with changes anticipated to be between 8% and 20%.
- As a worst-case example, in 2019 at Hever Castle there were 308 Gatwick overflights each 24 hour day on average within the 92 day summer period. There was one overflight from other airports, giving 309 in total. In 2032 this is forecast to increase to 325.1 in the baseline and to 389.9 with the Project, giving a 20% increase due to the Project. This is because Hever is directly aligned with the easterly arrivals runway centreline so is overflown by most arrivals from the east, and is also overflown by departures to the east.
- Temple of the Winds, Blackdown is located to the west under a Gatwick departure route but some 35 km from the airport by which time Gatwick flights are partly dispersed. On an average summer day in 2019 it had 4 overflights from Gatwick and 6 by aircraft from other airports including Heathrow, on average, giving a total of 10 overflights per day. In 2032 this is forecast to be 10.0 in the baseline and to be 10.8 with the Project, giving an 8% increase due to the Project. Witley and Milford Commons, Petworth House, and Ditchling Beacon would see similarly small changes as a result of the Project.
- Wakehurst Place sees the largest increase in overflights in the baseline case between 2019 and the 2032 due to the increased use of the WIZAD Westerly departure route, albeit this is expected in the base case. The increase due to the Project in 2032 versus the 2032 baseline is 20%.

11.4.65 As for effects on heritage assets, consultation with Historic England confirmed that changes in noise levels should be used to scope the assets that could potentially be affected by noise. Historic England agreed⁵⁰⁹ with the Applicant's assessment that the three most affected noise-sensitive heritage assets -viz. the Grade II listed Church of St John the Baptist, Capel (NH LE 1378150); the Grade II listed Quaker Meeting House with attached cottage at Capel (NH LE 1028737); and the relocated Grade II listed Lowfield Heath Windmill, Charlwood

⁵⁰⁹ See the Statement of Common Ground between GAL and Historic England [[REP1-035](#)], Row 2.13.3.7.

(NHLE1298883) - would not experience a worsened aircraft noise impact based upon the Applicant's assessment. This would be the case also in regard to the Grade II* listed Church of St Michael and All Angels at Lowfield Heath (NHLE 1187081). On the basis of the assessment Historic England agreed that there would be no permanent significant harmful impacts to high-graded designated heritage assets from increased aircraft noise would result for the scheme proposals.

- 11.4.66 With specific regard to the modelled increase of flights using the WIZAD route within the assessment, which is a matter the JLA have expressed concern in respect of, the use of WIZAD will involve a small number of Gatwick's departures more regularly crossing the landscape south of the airport, and these may be audible, and visible (subject to cloud cover on the day). The noise levels in the future baseline and with the Project in this area are well below LOAEL and not significant. The frequency of aircraft movements and general orientation of flights are illustrated in the flight density plots in the **ES Landscape, Townscape and Visual Resources Figures** [REP8-016]⁵¹⁰.
- 11.4.67 The ES assesses effects on the perception of tranquillity within the High Weald National Landscape as a result of an increase in the number of overflying aircraft up to 7,000 ft above local ground level compared to the future baseline situation in 2032. People generally experience a relatively high level of tranquillity in nationally designated landscapes of high scenic quality. Overflying aircraft at less than 7,000 feet above local ground level currently form a regular visible or audible feature that forms a slightly discordant aspect when experiencing the landscape. The special qualities that people living within and visiting the High Weald National Landscape experience, including distant scenic views and the landscape's relative tranquillity and dark skies, whilst affected to some extent as a result of an increase in the number of overflying aircraft, would still be positive qualities that would continue to be experienced.
- 11.4.68 Concerns about changes in overflights have been addressed through the noise and overflight modelling and assessment as set out above, in order to allow for impact of noise (amongst other factors) on the perception of tranquillity for receptors within designated landscapes to be assessed. **ES Chapter 8: Landscape, Townscape and Visual Resources** [APP-033] concludes that an increase of up to 20% in overflights compared to the future baseline situation in 2032 would result in minor adverse effects on perception of tranquillity, which is

⁵¹⁰ The baseline flights in 2019 for Gatwick alone, and with all overflights are shown in ES Figures 8.6.4 and 8.6.5 [REP8-016]. The 2032 future baseline and assessment cases for the Project and the Project with all overflights are shown respectively in ES Figures 8.6.6, 8.6.7 and 8.6.8 [REP8-016].

not significant. This issue is considered further in the section dealing with landscape and townscape matters.⁵¹¹

Approach to the Assessment of Ground Noise

- 11.4.69 The explanation of the approach to modelling ground noise and of how significant ground noise effects are identified is provided at paragraph 14.4.81 to 14.4.97 of **ES Chapter 14** [APP-039]. The below is a summary of information contained therein, for ease of reference in connection with this statement.
- 11.4.70 The assessment of aircraft ground noise has been carried out by comparing the predicted noise levels against benchmark criteria for the LOAEL and SOAEL, defined for the night-time and daytime hours separately, and by comparing the predicted change in noise levels arising at receptors the airport against the baseline noise levels.
- 11.4.71 The primary metric used for assessment is the LAeq as defined over the 16 hour daytime period (07:00-23:00) and the 8 hour night-time period (23:00-07:00) and predicted for an average day over the 92 day summer period.
- 11.4.72 A secondary metric that is used to assess ground noise is the Lmax, which is used to assess the peak level of noise that could be expected from ground noise rather than the inherent (logarithmic) average value that is represented by the primary LAeq metric. The secondary Lmax metric is calculated separately for a number of individual noise sources including aircraft taxiing, engine ground runs, and EAT usage since the peak levels are experienced as individual events.
- 11.4.73 Ground noise from aircraft taxiing and within the airfield has been modelled across 12 Assessment Areas covering 3,176 properties using a model calibrated with measurements made on the airfield in spring 2019 and baseline measurements made at 13 representative receptors across 12 assessment areas. The increase in numbers of aircraft and the addition of taxiways closer to neighbouring properties to the north has the potential to lead to noise increases, and mitigation has been incorporated (discussed further below).
- 11.4.74 Modelling has also been undertaken of 31 new fixed plant locations for the 43 nearest noise assessment locations (detailed at Table 5.1.1 within **ES Appendix 14.9.3: Ground Noise Modelling** [APP-173]) to understand the potential for effects from the operation of such plant.

⁵¹¹ The Applicant notes however that CAP1616 on airspace change advises that the overflight of densely populated areas should be avoided where possible (p. 99), suggesting that it will not always be possible to avoid overflights in designated areas.

Ground Noise Criteria

- 11.4.75 The LOAELs and SOAELs for ground noise (LAeq) are the same as for air noise.
- 11.4.76 Leq 16 hr day and Leq 8 hr night noise levels are the primary metrics used to judge the significance of ground noise effects. Lmax levels have also been used to assist in determining significance of effects for particular intermittent noise sources such as Engine Ground Running and use of EATs. Lmax levels are calculated for these activities separately and then the number of noise events are looked at as a whole. Lmax levels above the following benchmark thresholds are considered:
- during the night-time (23:00-07:00 hours) Lmax 60 dB; and
 - during the daytime (07:00-23:00 hours) Lmax 65 dB

Significance of Effect

- 11.4.77 As for air noise, the assessment of significance is based primarily on the predicted levels and changes in the primary noise metrics, and the secondary noise metric Lmax is used to provide more detail on the changes that would arise, including changes in the number of noise events. Paragraphs 14.4.86 to 14.4.97 of the **ES Chapter 14** [[APP-039](#)] detail how evaluation of significant ground noise effects has been undertaken.
- 11.4.78 The significance criteria applied are the same as those for air noise. The changes are initially considered as changes in predicted ground noise alone. However, where the overall measured baseline across all sources is high, other sources, primarily road traffic noise, may lessen the effect of changing ground noise and the resulting change in overall noise levels may be lower than the predicted changes in ground noise. Therefore, where high overall noise levels have been measured, the likely effect of other sources of ambient noise has been taken into account in the assessment of significance of the change in ground noise via the application of professional judgment.

Ground Noise Effects

Aircraft Operations

- 11.4.79 The results of a worst case assessment, located at Appendix B – Ground Noise Fleet Assessment of **Supporting Noise and Vibration Technical Notes to Statements of Common Ground** [[REP3-071](#)], show predicted ground noise effects would not be significant (negligible or minor) at seven the representative receptor areas studied, with significant moderate adverse effects at 30 properties in the Charlwood, Charlwood Road, Bonnetts Lane, Lowfield Heath and Rowley Farm areas that would qualify for noise insulation.

11.4.80 Moreover, and as is explained in the **ES Addendum – Updated Central Case Aircraft Fleet Report** [\[REP8-011\]](#) at section 3.3, the ES submitted with the Application assessed ground noise using the Central Case fleet. The assessment for the SFT case is similar, more so than for air noise, for several reasons explained in the **Supporting Noise and Vibration Technical Notes to Statements of Common Ground** [\[REP3-071\]](#), Appendix B - Ground Noise Fleet Assessment. The Updated Central Case fleet would show similar results, and since mitigation for ground noise impacts is secured for the worst SFT case (discussed further below), there can be full confidence that adequate mitigation is already secured for the Updated Central Case fleet to mitigate ground noise effects in accordance with policy guidance.

Fixed Noise Sources

- 11.4.81 The majority of the Project's new buildings and facilities that could be sources of noise will be operational by 2029, although some, including the autonomous vehicle stations will come into operation in the following years.
- 11.4.82 The detailed design of the new facilities will take place following the grant of development consent, so the approach that has been adopted for the assessment is to identify the new noise sources that will be introduced as part of the proposal and derive suitable noise limits for each of the 12 assessment areas (as detailed at section 5.1 of **ES Appendix 14.9.3: Ground Noise Modelling** [\[APP-173\]](#) and shown as highlighted areas in **ES Figure 14.4.2** [\[APP-063\]](#)).
- 11.4.83 Results are provided in **ES Appendix 14.9.3: Ground Noise Modelling** [\[APP-173\]](#) which show that the fixed ground noise sources are all a minimum of 200m from the nearest assessment location. It is considered that given the relatively large separation distances, meeting the derived noise limits will be readily achievable through good acoustic design and no significant effects are expected. The approach to ensuring that the derived noise limits for fixed noise plant are achieved is addressed in the discussion on mitigation below.

Construction Noise and Vibration

- 11.4.84 The explanation of the approach to modelling construction related noise and vibration (excluding construction traffic related noise – which is addressed below in relation to road noise) and of how significant construction noise and vibration effects are identified is provided at paragraph 14.4.33 to 14.4.45 of the **ES Chapter 14** [\[APP-039\]](#). A summary of the assessment undertaken, and the conclusion of that assessment is provided below.

Construction Noise

- 11.4.85 Construction noise has been assessed using BS5228-1:2009+A1:2014 (Code of practice for noise and vibration control on construction and open sites – noise) (BSI, 2014a). The metric used for construction noise assessment is the LAeq. For daytime, the widely used threshold of 75 dB LAeq (category C) being exceeded has been taken to be the SOAEL for construction noise. The full LOAEL and SOAEL assessment metrics for residential receptors are detailed at Table 14.4.4 of the **ES Chapter 14** [APP-039]. The significance criteria are contained at paragraph 14.4.41 of the same document.
- 11.4.86 Various measures have been designed into the Project to reduce the potential for impacts on sensitive receptors affected by construction noise (and vibration). These are discussed further in Section 4 below where the full suite of construction noise and vibration mitigation measures are addressed including the use of Section 61 prior applications to the local authority to ensure suitable measures are adopted.
- 11.4.87 Construction noise has been modelled based on a series of worst-case assumptions, within 24 periods across the assumed 15 year construction programme from 2024 to 2038. In the period from 2024 to 2029 all the runway and taxiways and some airfield facilities will be built and in 2028 and 2029 part of the highways improvements will be built. The majority of the heavy engineering work required at night will be within this period.
- 11.4.88 170 areas of construction work across the airfield and highways areas have been modelled, each with construction activities occurring at the relevant times within the construction programme. In order to not under-estimate the possible effect of concurrent works, all works programmed within any of these 24 periods have been modelled concurrently, in one of 24 noise models. Accordingly, the assessment presents an overly worst case because not all work assumed within a given period (e.g. 12 months) will occur at the same time. Construction noise impacts are reported across the 12 Receptor Areas that together cover the land around the perimeter of airport and highways scheme, as for ground noise, shown in **ES Figure 14.4.2** [APP-063]. Noise levels have been modelled at all buildings across these areas and the numbers of receptors impacted above LOAEL and SOAEL levels at day and night are reported in **ES Appendix 14.9.1: Construction Noise Modelling** [APP-171]. As reported at paragraphs 14.9.59 – 14.9.63 of the **ES Chapter 14** [APP-039], with the application of embedded and additional mitigation, secured in the **ES Appendix 5.3.2: Code of Construction Practice** (Doc Ref. 5.3) and discussed further below, approximately 37 properties could experience moderate adverse significant effects during daytime construction as a consequence of experiencing noise levels above LOAEL but

below SOAEL, with no properties identified as likely to require noise insulation for daytime noise. For night-time construction, this assessment identified approximately ten residential properties where noise levels could be above SOAEL and noise insulation could be required to avoid significant adverse effects, which reduced those effects to a level of minor adverse (not significant).

Construction Vibration

- 11.4.89 The LOAELs and SOAELs for construction vibration at residential receptors from the DMRB are summarised in Table 14.4.5 off the **ES Chapter 14** [\[APP-039\]](#). DMRB also advises that construction vibration shall constitute a likely significant effect where it is determined that the SOAEL value will occur for a duration exceeding:
- 10 or more days or nights in any 15 consecutive days or nights; or
 - a total number of days exceeding 40 in any 6 consecutive months.
- 11.4.90 BS 5228-2 also advises that at levels above 10 mm/s PPV vibration are likely to be intolerable for any more than a very brief exposure to this level.
- 11.4.91 These criteria are used to identify whether there would be significant vibration effects in connection with the Project.
- 11.4.92 The construction methods have been reviewed and the main source of potentially significant levels of ground vibration identified is sheet piling. There will be bored piling which creates lower levels of vibration and it is not required within 50 m of any noise sensitive receptors. Sheet piling will be required at various locations around the airfield to stabilise ground and form foundations and in connection with the highway works. The closest area of sheet piling to noise sensitive receptors outside the airport will be from the highways works.
- 11.4.93 The closest areas of piling to residential noise sensitive receptors are on the A23 Brighton Road Bridge approximately 50 m from properties on Longbridge Road, and on the South Terminal Roundabout eastbound slip road approximately 60 m from the nearest office building and dwellings to the north of the Balcombe Road Bridge.
- 11.4.94 It is anticipated that sheet piling will be carried out by vibratory techniques, rather than methods requiring piles being impacted. Vibration from this form of vibratory piling may be at levels that are perceptible at some receptors on occasions, and not significant minor adverse effects are predicted.

Road Noise

- 11.4.95 The explanation of the approach to modelling ground noise and of how significant road noise effects are identified is provided at paragraph 14.4.98 to 14.4.115 of

ES Chapter 14 [\[APP-039\]](#). A summary of the assessment undertaken and the conclusion of that assessment is provided below.

Construction Traffic

- 11.4.96 A construction traffic noise assessment was undertaken in accordance with the Design Manual for Roads and Bridges ("**DMRB**") methodology which considered all road links with a potential increase of basic noise level of 1 dB in both day and night time periods for three scenarios where the greatest changes in traffic noise during construction are expected.
- 11.4.97 For the Peak Airfield Construction scenario, no significant road traffic noise effects in terms of the DMRB assessment criteria were found during daytime or night-time (see **ES Appendix 14.9.4: Road Traffic Noise Modelling** [\[APP-174\]](#)). Whilst some roads were predicted to experience noise changes of greater than 1 dB, no increases of greater than 3 dB were predicted on roads within 50 m of noise sensitive receptors.
- 11.4.98 For the Highway Construction main traffic management stage scenario, on the vast majority of road links no significant traffic noise changes in terms of the DMRB assessment criteria were found during daytime or night-time. During daytime, the road link located on the South Terminal Roundabout southbound into the south airport terminal was calculated as a high magnitude increase but given the traffic flow of the road link is lower than several of the adjacent links on the A23 and surrounding roads on the South Terminal Roundabout, it is unlikely there would be any significant change in total noise at the closest noise sensitive receptors that are offices. Decreases in basic noise levels on road links were also found which include moderate reductions in noise changes on road links on the A217 eastbound towards the Longbridge roundabout which is equivalent to a significant beneficial effect. No significant effect in terms of DMRB was found during night-time.
- 11.4.99 For the Highways Construction traffic management on Airport Way westbound scenario, the road link located on the South Terminal Roundabout southbound into the south airport terminal was also calculated to have a major magnitude noise increase. However, similarly to the main traffic management period scenario, the traffic flow of the road link is lower than several of the adjacent links on the A23 and surrounding roads on the South Terminal Roundabout, and is, therefore, unlikely to be any significant change in total noise at the closest noise sensitive receptor.
- 11.4.100 Accordingly, no significant effects associated with noise from construction traffic were predicted.

Highways Scheme Road Traffic Noise

11.4.101 A detailed noise model has also been used to predict noise levels from the operation of the highway scheme and to compare them to the do-minimum in 2032 and 2047 as required by the DMRB methodology.

2032

11.4.102 2032 is assessed as the first year of operation for the highway improvements which is the opening year for the DMRB detailed noise assessment.

11.4.103 Comparing the traffic noise levels with the Project in 2032 to the future baseline scenario in 2032 shows predicted reductions in noise at all of the residential receptors.

11.4.104 In the Riverside Garden Park during the day noise levels would be reduced slightly in the southern part (NSR12) and increased slightly (by less than 1 dB) in the north (NSRs 10 and 11 are reported in **ES Appendix 14.9.4: Road Traffic Noise Modelling** [\[APP-174\]](#)). In the Riverside Garden Park during the night, noise levels would be reduced slightly at all three modelled locations. This is a result of the noise mitigation that has been incorporated into the highway design (discussed further below). Overall, with the inclusion of the noise mitigation described in Section 14.8 of **ES Chapter 14** [\[APP-039\]](#) and further below, the road modifications are predicted to have no change or a negligible effect in most cases with some receptors experiencing a low adverse or low beneficial impact in the 2032 assessment year. Basic Noise Levels (BNL) were calculated for roads on the network away from the highway elements of the Project that would not be subject to physical works. The results of these predictions identified that noise changes would be small on most roads. A road link on Charlwood Road and Ifield Avenue in the Langley Green area is predicted to experience a short-term change in noise level of 1.1 dB. Approximately 30 dwellings in the front row of properties lie within 50 m of the road experience a short-term change in noise. However, no road links were calculated to have a change in noise attributing to a moderate magnitude or greater impact (ie >3 dB) so there are therefore no significant impacts predicted.

11.4.105 Locations that would experience potentially significant noise increases from the Project include:

- Premier Inn London Gatwick Airport hotel Longbridge Way;
- Premier Inn London Gatwick Airport North Terminal; and
- Gatwick Airport Police Station, Perimeter Road North.

11.4.106 All of the receptors are non-residential and have been designed to take into account existing noise levels including ventilation systems and thermal and noise

insulation. Therefore, they are likely to be less sensitive to traffic noise and significant effects are not expected.

2047

- 11.4.107 The DMRB assessment method requires long term (up to 2047) impacts to be assessed as well as short term impacts, in order to assess the overall significance.
- 11.4.108 Comparing the predicted traffic noise levels from the Project in 2047 to the baseline scenario in 2032, reductions are predicted at all of the residential receptors and in the south side of Riverside Garden Park during daytime and night-time. Changes as a result of non-Project traffic increases have also been predicted for these years, and the predicted increases were found not to have a significant influence on the results, so that these predicted noise reductions were shown to be as a result of the Project.
- 11.4.109 Overall, with the inclusion of the noise barriers described in Section 14.8 of **ES Chapter 14** [\[APP-039\]](#) and discussed further below, the road modifications are expected to result in a negligible impact. An assessment of the numbers of properties affected by the different noise changes has also been undertaken and all effects due to the Project are of negligible significance in all areas in the long term. Receptors in areas identified in the Interim Assessment Year to have some minor significant positive and negative impacts were predicted to not be impacted in the long term.
- 11.4.110 Basic Noise Levels (i.e. noise levels at 10 m from the carriageway) were calculated for roads elsewhere on the network that are not subject to physical works from the Project. The BNLs were also calculated for 2047 (the situation 15 years after opening with the Project), therefore enabling an assessment of potential long-term effects of the Project in the wider area, as required by the DMRB. The change in BNL between 2032 and 2047 without the Project was also calculated to enable the (long-term) effect of non-Project traffic growth in the area to be taken into account when indirect noise effects of the Project on the wider road network are assessed. The results of these predictions identified that noise changes in the long-term would be small on most roads, with no noise changes greater than 3 dB predicted.
- 11.4.111 Overall, the traffic noise effects are predicted to be mainly negligible with some minor adverse and negative effects. The full results of the assessment of road traffic noise are contained within **ES Appendix 14.9.4 Road Traffic Noise Modelling** [\[APP-174\]](#).

Combined Effects

- 11.4.112 The ES⁵¹² addresses the potential for cumulative impacts. There are no reliable means of quantitatively assessing the overall noise effect resulting from different noise sources, so the overall effect of noise from combined sources is discussed qualitatively.
- 11.4.113 Ground noise is quite different in character, being more continuous, usually made up of multiple overlapping sources and of course propagating and arriving at a receptor at ground level. It is assessed differently in the context of other ambient noise including road traffic noise. This means that although the LOAELs and SOAELs for air and ground noise are numerically the same, they are assessed and mitigated separately and the noise levels should not be added together and treated as one.
- 11.4.114 The qualitative assessment provided takes account of four main factors, as follows:
- whether the effects from the different sources would be likely to occur at the same time, or the same time of day – this is unlikely in some areas, because for easterly and westerly operating modes taxiing patterns will vary ground noise levels differently to air noise;
 - the duration of any combined effects – additive effects would vary across easterly/westerly operating modes, between day and night, and from day to day;
 - whether the effects on individual receptors are likely to be on the same façade of the property – in some cases air noise from above will have greatest effects on facades to the rear of properties away from ground level noise sources such as ground noise and road traffic noise; and
 - whether one effect dominates or whether effects might be additive – all but one of the approximately 80 properties identified as significantly affected by air noise, in Ifield Road, Russ Hill, Balcombe Road and Peeks Brook Lane are not significantly affected by ground noise. The exception is Westfield Place, a residential property on Lowfield Heath Road south of Charlwood. This is because air noise is at its highest to the east and west of the airport under the flight paths, and its effects can be several km from the airport, whereas ground noise affects properties close to the airport boundary, and there are no noise sensitive properties located in the area overflown very close to the airport boundary to the east and west ends of the airport primarily for safety reasons.

⁵¹² Section 14.11 of the Noise and Vibration Chapter [APP-039]

11.4.115 Therefore, the addition of noise from air and ground noise will in many areas not add to significant effects.

11.4.116 The ES acknowledges⁵¹³ that there is the potential for ground noise and air noise impacts to combine at receptors in the vicinity of the airport where ground noise impacts are predicted. However, all these properties would be included within the NIS which would be designed to mitigate effects. As noted above air and ground noise levels cannot be added together for assessment, so a modelling approach for predicting combined effects of air and ground noise is not feasible and instead the Applicant proposes a monitoring solution to address mitigation through noise insulation. If necessary, ground noise will be monitored through measurement after opening, and the cumulative noise levels from ground noise and air noise will be considered in assessing eligibility for the Inner Zone of the Noise Insulation Zone (discussed further below). In this way cumulative air and ground noise levels will be mitigated if they arise⁵¹⁴.

11.5. Existing and Proposed Project Mitigation

Existing Legislative Regime and Controls

Existing Legislation relevant to noise emissions from Gatwick Airport

The Civil Aviation Act 1982

11.5.1 The Civil Aviation Act 1982 consolidated enactments relating to civil aviation and remains the primary source of civil aviation legislation. That Act confirms the functions of the Secretary of State in respect of civil aviation, provides for the constitution of the Civil Aviation Authority, and confirms their functions.

11.5.2 Section 80 of the Act provides the Secretary of State with the power to designate aerodromes in Great Britain for the purpose of regulating noise and vibration from aircraft using those airports, including by setting noise controls. Heathrow, Gatwick, and Stansted airports have been designated to avoid, limit or mitigate the effect of noise from aircraft since 1971.

11.5.3 Section 78 of the Act provides the basis upon which the Secretary of State may regulate to direct aircraft operators using designated airports, or the designated airport operators themselves, to adopt procedures which limit noise and vibration. This includes that:

the SoS may publish notices imposing duties on aircraft operators to secure that, after the aircraft takes off or, as the case may be, before it lands at the

⁵¹³ Paragraph 14.11.5 of the Noise and Vibration Chapter [APP-039]

⁵¹⁴ The approach has been further explained in Response to the Examining Authority's Written Questions (ExQ1) – Noise and Vibration [REP3-101] at NV1.5 and NV1.15.

aerodrome, such requirements as are specified in the notice are complied with in relation to the aircraft, being requirements appearing to the Secretary of State to be appropriate for the purpose of limiting or of mitigating the effect of noise and vibration connected with the taking off or landing of aircraft at the aerodrome.

Such requirements can be seen in the Aeronautical Information Publication (AIP) for Gatwick Airport, which includes Noise Abatement Procedures that must be adhered to (AD2.21), which relate to the manner in which aircraft must be operated when departing and arriving to the Airport at different times of the day and night and in different climactic conditions (discussed further below).

- 11.5.4 The Secretary of State may also, if he considers it appropriate for the purpose of avoiding, limiting or mitigating the effect of noise and vibration connected with the taking-off or landing of aircraft at a designated aerodrome, prohibit aircraft from taking off or landing, or limit the number of occasions on which they may take off or land, at the aerodrome during certain periods.
- 11.5.5 It is by virtue of this Section 78(3) of the Act that the night flight movement limit and quota count restrictions on Gatwick Airport, and the other designated airports, are effected (discussed further below).
- 11.5.6 Gatwick is a designated airport, such that the Secretary of State has assumed responsibility for the present noise control regime in place and has done so having regard to the strategic importance of Gatwick to the UK Economy and the need to strike the right balance between noise controls and economic benefits, reconciling the local and national strategic interests.

[The Environmental Noise \(England\) Regulations 2006](#)

- 11.5.7 The Environmental Noise (England) Regulations 2006 transpose the Environmental Noise Directive into domestic law for England. These Regulations apply to environmental noise, mainly from transport. The regulations require regular noise mapping and action planning for road, rail and aviation noise and noise in large urban areas (agglomerations).
- 11.5.8 They also require the Applicant to produce Noise Action Plans based on the maps for noise in agglomerations. The Action Plans identify Important Areas (areas exposed to the highest levels of noise) and suggests ways the relevant authorities can reduce these. Major airports and those which affect agglomerations are also required to produce and publish their own Noise Action Plans separately.
- 11.5.9 By virtue of Regulation 18, the competent authority for major airports in connection with the production of a noise action plan is the airport operator.

- 11.5.10 In accordance with Regulation 19, the competent authority must draw up an action plan for places near the airport and submit that action plan to the secretary of state on a five-year basis, and also where a major development occurs affecting the existing noise situation at the airport. The opening of the Northern Runway would be such a major development, and it is therefore the case that the Noise Action Plan for Gatwick Airport would be reviewed and revised prior to opening (and it is intended that this will align with the five yearly reviews of the proposed noise envelope).
- 11.5.11 Regulation 15 details what a noise action plan must do, which is that it must:
- aim to prevent and reduce environmental noise where necessary and particularly where exposure levels can induce harmful effects on human health;
 - aim to preserve environmental noise quality where it is good;
 - be designed to manage noise issues and effects, including noise reduction if necessary;
 - aim to protect quiet areas in first round agglomerations and agglomerations against an increase in noise;
 - address priorities which must be identified by having regard to the relevant criteria;
 - apply in particular to the most important areas as established by strategic noise maps adopted pursuant to regulation 23;
 - meet other minimum requirements detailed in Schedule 4 to the Regulations, which links back to requirements of Annex V of the Directive.

[Regulation \(EU\) 598/2014](#)

- 11.5.12 Regulation 598/2014 relates to the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions, within a Balanced Approach.
- 11.5.13 This legislation is of particular relevance to the introduction of the noise envelope in connection with the Northern Runway Project.
- 11.5.14 Article 6 provides that the competent authorities shall ensure that the noise situation at airports for which they are responsible is assessed on a regular basis, in accordance with the relevant environmental noise regulations. The

relevant regulations are the Environmental Noise (England) Regulations 2006, previously discussed.

- 11.5.15 Article 6 also identifies the process which is to be followed where new operating restrictions are proposed to be introduced in relation to an airport, including what the competent authority must ensure is done.
- 11.5.16 How the requirements of Article 6 have been considered and addressed in relation to the proposed noise envelope is addressed at Annex 1 to the Air Noise Envelope Background Document (**ES Appendix 14.9.5 [APP-175]**), including how the Balanced Approach has been followed.

The Balanced Approach

- 11.5.17 The 'Balanced Approach' is the process developed by the International Civil Aviation Organization under which the range of available measures, namely:
- the reduction of aircraft noise at source;
 - land-use planning and management;
 - noise abatement operational procedures; and
 - operating restrictions,
- is considered in a consistent way with a view to addressing the noise problem in the most cost-effective way on an airport-by-airport basis.
- 11.5.18 In accordance with Article 8, before introducing an operating restriction:
- the competent authorities shall give . . . six months' notice, ending at least two months prior to the determination of the slot coordination parameters for the airport concerned for the relevant scheduling period to:
 - the relevant authority if that authority is not the competent authority; and
 - the relevant interested parties,
 - the competent authority shall also issue a written report with its notification in accordance with the requirements specified in Article 5, explaining the reasons for introducing the operating restriction, the noise abatement objective established for the airport, the measures that were considered to meet that objective, and the evaluation of the likely cost-effectiveness of the various measures considered.

The Airports (Noise-related Operating Restrictions) (England and Wales) Regulations 2018

- 11.5.19 The Airports (Noise-related Operating Restrictions) (England and Wales) Regulations 2018 identify who the competent authority is for the purpose of Regulation 598/2014, in connection with:
- Operating restrictions in connection with a planning permission to be issued or modified under the 1990 Act – the Local Planning Authority;

- For the 2008 Planning Act, for the follow up and monitoring of operating restrictions imposed by, or provided for in, an order granting development consent – it is the Local Planning Authority, except where the Secretary of State has by notice directed that the Secretary of State is to be the competent authority.
- Any case not covered by the above, including the imposition of restriction in an order granting development – the Secretary of State.

[Airport Slot Allocation Regulations 2006](#)

- 11.5.20 Gatwick is a slot coordinated Airport under of the Airport Slot Allocation Regulations 2006. It has insufficient capacity to meet actual or planned airline operations and the Regulations provide for Rules to ensure, where airport capacity is scarce, that available landing and take-off slots are used efficiently and distributed in a neutral, non-discriminatory and transparent way. Slot Allocation can also, therefore, be relevant to aviation noise management.
- 11.5.21 Article 8(5) of the Slot Regulation enables additional rules and guidelines for the coordination of airports to be established by the air transport industry or the Coordination Committee to deal with specific scheduling problems and issues, provided such rules:
- do not affect the independence of the Coordinator;
 - comply with Community law;
 - improve the efficient use of the airport.
- 11.5.22 At Airport level, these Local Rules agreed between the independent slot coordinator, the Airlines and the Airport further provide for locally agreed direct and indirect scheduling controls on the operation. They provide for practical measures to maintain it within Government noise and movements limits and they must be adhered to by airlines to whom the slots at the airport are allocated.
- 11.5.23 The Local Rules currently in place at Gatwick are⁵¹⁵:
- Local Rule 1 – The Coordination Committee at Gatwick has agreed a local rule to deal with the allocation and distribution of Night Movements and Night Noise Quota to comply with limitations on night operations set by the UK Government.
 - Local Rule 3 – This deals with the procedures for urgent or time-critical operations.
 - Local Rule 4 – This provides for sanctions for late hand-back of slots.
 - Local Rule 5 – This deals with the allocation of ad-hoc slots.
 - Local Rule 6 – This deals with secondary criteria for Initial Coordination.

⁵¹⁵

[Airport info details | Airport Coordination Limited \(acl-uk.org\)](#)

Air Noise Controls

- 11.5.24 Item 6 of the **Applicant's response to the Procedural Decision** issued on 1 December 2023 [[AS-115](#)] summarises the existing noise controls for Gatwick Airport.
- 11.5.25 For ease of reference, the existing controls in relation to air noise which are imposed by other statutory regimes and which it is assumed will continue to apply to the operation of the airport in the future are further summarised below:
- 11.5.26 Noise controls for Gatwick Airport are detailed in the UK Aeronautical Information Publication (AIP) (AIS EGKK⁵¹⁶). The most relevant sections are UK AIP sections:
- AD2.20 for Airport Regulations;
 - AD2.21 Noise Abatement Procedures;
 - AD2.22 Flight Procedures; and
 - the Noise Preferential Routes.
- 11.5.27 These include controls for both departing and arriving flights. Of particular note are:
- Between the hours of 23:30 (local) and 06:00 (local), inbound aircraft, whether or not making use of the ILS (instrument landing system) localiser and irrespective of weight or type of approach, shall not join the centre-line below 3,000 ft (Gatwick QNH1) closer than 10 nm (nautical miles) from touchdown;
 - Before landing at the aerodrome the aircraft shall maintain as high an altitude as practicable and shall not fly over the congested areas of Crawley, East Grinstead, Horley and Horsham at an altitude of less than 3,000 ft (Gatwick QNH) nor over the congested area of Lingfield at an altitude of less than 2,000 ft (Gatwick QNH);
 - After take-off the aircraft shall be operated in such a way that it is at a height of not less than 1,000 ft above aerodrome level at 6.5 km from the start of roll as measured along the departure track of that aircraft (UK AIP EGKK 2.21); and
 - After taking off the aircraft shall avoid flying over the congested areas of Horley and Crawley.
- 11.5.28 Under the Environmental Noise (England) Regulations 2006, the Applicant is required to provide Strategic Noise Mapping and Noise Action Plans every five years (in 2024, 2029, 2034, etc.) and whenever a major development occurs affecting the existing noise situation – which would include the Project.

⁵¹⁶ <https://nats-uk.ead-it.com/cms-nats/opencms/en/Publications/AIP/Current-AIRAC/html/eAIP/EG-AD-2.EGKK-en-GB.html>

- 11.5.29 Noise Action Plans have to be developed in the context of the existing regulatory background and must include a description and assessment of the existing framework of control relating to noise from the airport. They are designed to manage noise issues and effects, including noise reduction if necessary, in order to meet government policy to limit and where possible reduce the number of people significantly affected by aircraft noise over time.
- 11.5.30 Gatwick Airport's comprehensive noise management system, as reported in the Noise Action Plan. The system follows the ICAO balanced approach that consists of four main elements:
- noise at source;
 - land use planning;
 - operating procedures; and
 - operating restrictions.
- 11.5.31 In addition, stakeholder engagement in relation to the Noise Action Plan focuses on communication strategies and enhancing information for public access, as well as ensuring various non-acoustic factors are considered. The Applicant has involved its local community in the development of the Noise Action Plan and continues community involvement through the ongoing review of actions, and acceptance of feedback through our various public groups. The nature of this engagement is consistent with guidance from Defra.
- 11.5.32 The Applicant also operates the Noise Management Board, which has been in place since 2017 and is unique in the country. It provides an important forum within which to discuss noise related to airport operations, challenging the Applicant to find new ways to reduce noise impact, over and above common practice and pressing a workplan to explore the issues that matter to community noise groups.
- 11.5.33 A full summary of the noise management system is provided at Section 3 of **ES Appendix 14.9.2 Air Noise Modelling** [\[APP-172\]](#).
- 11.5.34 GAL operates a system of aircraft landing charges that are based on each aircraft's noise levels measured under ICAO certification processes. Each type of aircraft is placed into one of five noise categories according to the margin by which it is quieter than the ICAO Chapter 3 Standard. The current landing charges for the summer season are given in Table 3.2.1 of **ES Appendix 14.9.2 Air Noise Modelling** [\[APP-172\]](#). Winter season charges are lower. Higher landing charges are used to incentivise airlines to fly quieter aircraft. Land use planning is largely the responsibility of relevant local planning authorities. Gatwick Airport works with local authorities and provides noise exposure

information to assist them. A range of noise controls relating directly to aircraft operations are set out in statutory notices and are published in the Gatwick Aerodrome Aeronautical Information Publication (AIP) (as referred to above) and elsewhere as appropriate. Night restrictions are in place at Gatwick, set by the DfT that limit the type of aircraft, number of flights and provide a total noise Quota Count during the 6.5 hour night period from 23:30 to 06:00 in the summer and winter seasons as follows:

- Summer Movements Limit 11,200
- Summer Quota Points 5,150
- Winter Movements Limit 3,250
- Winter Quota Points 1,785

- 11.5.35 The underlying principle of the night restrictions has been to balance the need to protect local communities from excessive aircraft noise at night – which the Government recognises is the least acceptable aspect of aircraft operations – with permitting the operation of services that provide benefits to the aviation industry and the wider economy.
- 11.5.36 The night restrictions are reviewed every five years. In March 2023 DfT consulted on the objective for the Night Flight Restrictions including the metric used for the 6.5 hour night period covered. It launched the current consultation on 22 February 2024, explaining the results of consulting on the noise objective of the restrictions, the options considered, and the government’s proposals. The proposal is to leave the restrictions at Gatwick unchanged from October 2025 to October 2028, for two main reasons: first, because the aviation industry is not yet fully recovered from the COVID-19 Pandemic, and secondly because of a major study into the effects of aircraft noise at night that is in progress (the Aircraft Noise Night Effects (ANNE) study).
- 11.5.37 As matters stand, therefore, government has decided not to change the current regime, including not extending the night quota period beyond the current 6.5 hours period. The current Night Flight Restrictions represent the government’s current view on the appropriate balance between the benefits and effects of night flights at Gatwick. The Project forecasts and proposals are consistent with this. More fundamentally, the consultation process confirms that government has established and will maintain a separate regime for the control of night noise, outside this DCO process.

- 11.5.38 This means there are already existing binding controls on Gatwick, including those regarding flights in the night period. This effectively prevents any increase in noise for the night quota period covered by these restrictions.
- 11.5.39 For the avoidance of doubt and as discussed throughout the examination, the ANPS provides at paragraphs 4.53 and 4.54 as follows in relation to the effect and approach to be taken to existing pollution control and other environmental protection regimes:
- "4.53 *Issues relating to discharges or emissions from a proposed project which affect air quality, water quality, land quality or the marine environment, **or which include noise, may be subject to separate regulation under the pollution control framework or other consenting and licensing regimes**. Relevant permissions will need to be obtained for any activities within the development that are regulated under those regimes before the activities can be operated.*
- 4.54 *In deciding an application, the Secretary of State should focus on whether the development is an acceptable use of the land, and on the impacts of that use, rather than the control of processes, emissions or discharges themselves. **The Secretary of State should assess the potential impacts of processes, emissions or discharges to inform decision making, but should work on the assumption that, in terms of the control and enforcement, the relevant pollution control regime will be properly applied and enforced. Decisions under the Planning Act 2008 should complement but not duplicate those taken under the relevant pollution control regime.**" (our emphasis).*
- 11.5.40 Noting the above, and despite the continued requests of some Interested Parties during the course of the Examination, particularly in relation to the night restrictions, it should be assumed that the relevant pollution control regime will be properly applied and enforced (and therefore be effective), and it is neither necessary nor appropriate to duplicate existing controls in relation to noise within a DCO. To seek to duplicate such controls would be contrary to planning policy and would fail a test of necessity. Moreover, the Applicant submits that this would give rise to a very real risk of inconsistency in the future should decisions be taken to amend the existing controls, and this could create unnecessary legal issues which the consent would be required to be extricated from.
- 11.5.41 The Applicant also notes the comments of the JLAs within the **Joint Local Authorities Response to the Applicant's Deadline 6 Submissions** [\[REP7-103\]](#)⁵¹⁷ regarding the DfT consultation on Night flight restrictions: Heathrow,

⁵¹⁷ Paragraphs 15.38 – 15.40

Gatwick and Stansted airports from October 2025 and in relation to Stansted Airport, where it has identified a planning condition imposed in relation to that airport following planning permission, granted in June 2021, for the airport to serve up to 43 million passengers per year may allow for Government night controls to be removed in the future. removed.

- 11.5.42 In this regard the Applicant notes that, despite having the opportunity to do so, DfT has made no indication of an approach at Gatwick Airport where night restrictions would be imposed other than through the existing process, and the Applicant would also note that despite the JLAs suggestion otherwise they have never had responsibility for night noise controls at Gatwick Airport. The Government has taken responsibility for imposing some form of night flight restrictions at Gatwick since 1971, in light of the contribution Gatwick plays to the UK economy and the importance to the UK of maintaining freight connectivity, and the need for the Government to decide how best to balance any adverse health implications from night flights against the economic benefit night flights bring to the UK economy. It evidently remains the (only) appropriate body to make decisions with regard to those restrictions, including what they shall be, and how they are to be imposed.

Ground Noise Controls

- 11.5.43 Ground noise at Gatwick Airport is currently mitigated through operating procedures and a sizeable noise bund running around the northern perimeter of the airport, up to 12m high in places, and the serpentine wall noise barrier that can be seen around the eastern apron area between the north and south terminals. There are no sections of apron or main taxing routes along the south side of the airfield. The main housing area is to the north, well screened by the noise bund and beyond Povey Cross Road. To the immediate east and west under the flight paths there is no housing, presumably for safety reasons. To the south there is mainly airport and commercial property with scattered housing on the far side of the Charlwood Road. To the northwest there is a single property and scattered properties before the village of Charlwood 700m from the nearest taxiway.

Project Controls

- 11.5.44 The mitigations which are to be secured in connection with the project, and how those are secured, is summarised in a single location within Appendix 5.3.2 to the ES – **Mitigation Route Map** [[REP8-020](#)], including the mitigations relating to noise and vibration effects. A summary of those measures, including where relevant discussion on how those measure have evolved through the

examination of the Application having regard to comments from the ExA and feedback received from Interested Parties is provided below.

Construction Noise

- 11.5.45 The measures which are to be implemented to mitigate and minimise adverse effects from construction noise and vibration are contained within **ES Appendix 5.3.2: Code of Construction Practice** (Doc Ref. 5.3 v6) (the "CoCP"). In summary those measures include:
- 11.5.46 The **CoCP** (Doc Ref. 5.3 v6) places various requirements on the contractor to minimise and monitor noise and vibration, including using the best practicable means (BPM)) as defined by the Control of Pollution Act 1974 (CoPA) and Environmental Protection Act 1990 (EPA) to reduce noise onsite. The **CoCP** (Doc Ref. 5.3 v6) also requires the contractor to apply to the local authority to carry out the works under Section 61 of the Control of Pollution Act, which will require the contractor to demonstrate the proposed methods of working adopt the BPM to minimise noise and vibration to obtain the relevant consents from the local authority. In this way, the local authority will have direct oversight of construction noise and vibration and to enforce the terms of the Section 61 Consents which are obtained.
- 11.5.47 Noting the above, construction works will be undertaken in accordance with best practicable means (BPM, which will be applied during construction activities to minimise noise (including vibration) at neighbouring residential properties and other sensitive receptors, including local businesses and quiet areas designated by the local authority. The approach to BPM is more particularly described at paragraph 5.9.4 to 5.9.9 of the **CoCP** (Doc Ref. 5.3 v6).
- 11.5.48 Noise insulation will be offered for qualifying buildings, where the SOAEL thresholds detailed at paragraph 5.9.11 and the criteria detailed at Table 5.1 of the **CoCP** (Doc Ref. 5.3 v6) are exceeded. Whilst provision for temporary rehousing is also identified, which would be as a last resort, it is not anticipated based on the assessment that the thresholds and criteria to qualify for this will be exceeded and that any temporary rehousing will be required.
- 11.5.49 Qualification for noise insulation and, where appropriate, temporary re-housing will be confirmed as part of seeking prior consent from the relevant planning authority under Section 61 of the CoPA. Qualifying buildings will be identified so that noise insulation can be installed, or if necessary, any temporary re-housing provided, before the start of the works predicted to exceed noise insulation or temporary re-housing criteria.

- 11.5.50 In order to protect the residents of Westfield Place on Charlwood Road from noise, this property will be provided with permanent noise insulation as part of the Noise Insulation Scheme Inner Zone package of measures. The noise insulation will be installed prior to the partial removal of the noise bund adjacent to the western end of the airfield. Further information in this regard is provided at paragraph 5.9.15 of the **CoCP** (Doc Ref. 5.3 v6).
- 11.5.51 Noise monitoring will also be undertaken to confirm the BPM to reduce noise impacts are being adopted in areas where adverse noise impacts are predicted once works begin. Actions will be required to be taken to further reduce noise where monitoring identifies compliance with the relevant Section 61 consent is not being achieved.
- 11.5.52 Specific provision has also been made in respect of the Holiday Inn hotel located to the west of the A217 north of Longbridge Roundabout, where noise modelling has predicted likely levels of construction noise from the works, and identified the potential for disturbance to hotel guests including cabin crew sleeping in very limited instances, due to the clearance of trees and vegetation within the hotel grounds which for which it is unlikely adequate mitigation can be provided. A Holiday Inn Noise Monitoring Framework (**CoCP Annex 10** [[REP8-048](#)]) is required to be complied with. This will ensure adequate notification of any works which are predicted to exceed a defined trigger level, and that where such effects are predicted after the application of BPM the duration of the works which cause the exceedance will be minimised and the programme for them fixed. Moreover, if there is any unexpected exceedance of the trigger level this will be required to be investigated and actions taken.
- 11.5.53 The approach to monitoring is more fully detailed at paragraphs 5.9.17 – 5.9.21 of the **CoCP** (Doc Ref. 5.3 v6).

Air Noise

- 11.5.54 Mitigation in respect of air noise impacts has arguably received the most scrutiny and been the subject of most discussion in relation to noise and vibration through the Examination of the Application. It is noted that the ExA has sought to put forward its own proposals for both a noise envelope and for how a noise insulation scheme could operate [[EV20-001](#)]. The ExA suggestions will be addressed later in this submission, and in the first instance this section explains the Applicant's proposals for a noise envelope and a noise insulation scheme, including how those would operate and have evolved over the course of the examination, and why they will be effective to ensure all of the tests provided for at paragraph 5.68 of the ANPS will be met where they are confirmed by the Secretary of State in any DCO which is granted.

The Noise Envelope

Engagement on the Noise Envelope Proposals

- 11.5.55 The process followed to arrive at **The Noise Envelope** (Doc Ref. 5.3) is explained in the ES and in particular:
- **ES Appendix 14.3.1 Summary of Stakeholder Scoping Responses – Noise and Vibration** [[APP-169](#)];
 - **ES Appendix 14.3.2 Summary of PEIR and Updated PEIR Responses – Noise and Vibration** [[APP-170](#)];
 - **ES Appendix 14.9.5 Air Noise Envelope Background** [[APP-175](#)], Annex 1 references to consultation under UK Regulation 598;
 - **ES Appendix 14.9.8 The Noise Envelope Group Output Report** [[APP-178](#)]; and
 - **ES Appendix 14.9.9 Report on Engagement on the Noise Envelope** [[AS-023](#)].
- 11.5.56 The Applicant undertook extensive and thorough consultation on the proposals for a noise envelope in connection with the Project prior to the submission of the Application. as is evidenced when reading the above referred to documents. With regard to that process and is evident from information contained within those documents.
- 11.5.57 In September 2019 the Applicant submitted a Scoping Report to PINS outlining the Project proposal and the methodology proposed to assess its environmental impacts, and in September 2021 the Applicant published a Preliminary Environmental Impact Report (PEIR) for public consultation. This is included consultation with the parties identified under Article 6(d) of Regulation 598.
- 11.5.58 Specific aviation stakeholders written to included BAR, Airlines UK, ACL, NATS, Eurocontrol, the main airports in the South East of England, and over 60 airlines using Gatwick. They were clearly advised that the Project included proposals which may constitute new noise 'operating restrictions' as defined under Regulation 598/2014 and that the consultation documents included information on these and formed part of the engagement being undertaken by GAL to reflect the consultation requirements of Regulation 598/2014.
- 11.5.59 In addition to (inter alia) detailing a preliminary view on the likely levels of aircraft noise associated with the Project, the PEIR provided an outline of the noise envelope and sought views on how it should be developed. An outline was deliberately provided so that the details on procedures were able to be influenced by and developed through the consultation process. It was however considered to be essential to propose noise limits to consult upon, in order to enable

discussions on whether those limits were appropriate and adequate to share the benefits as per policy.

- 11.5.60 There were 5,941 comments on the PEIR which were relevant to the **Consultation Report** [\[APP-218\]](#) heading 13b – Managing and mitigating effects: Noise Envelope. Of these, 9% supported the Noise Envelope proposal, 4% opposed it in principle and 87% made suggestions to improve the Noise Envelope proposal. 1,000 comments specifically referred to the Noise Envelope. Several organisations made multiple comments. All comments were considered in developing the Noise Envelope.
- 11.5.61 Following analysis of the consultation responses received during the Autumn 2021 consultation, the Applicant formed a Noise Envelope Group (“NEG”) in May 2022 to seek further views on the noise envelope and to help inform the development of the Noise Envelope proposal. Terms of reference were produced, and two sub-groups were established; the Local sub-group and the Aviation sub-group, to facilitate discussions with local communities, local authorities, and aviation stakeholders. Both subgroups were independently chaired.
- 11.5.62 The NEGs Local Sub-Group included persons representing Crawley, Reigate, Mole Valley, Mid Sussex and Horsham Council as well as Community Noise Groups and individuals representing Local Residents.
- 11.5.63 The NEGs Aviation Sub-Group included the CAA, Airlines based at Gatwick, as well as the independent Chairman of the Noise Management Board (NMB) Noise Delivery Group and the independent chairman of the NMB’s Noise Community Forum. The NMB’s technical advisors also contributed.
- 11.5.64 The **Report on Engagement on the Noise Envelope** [\[AS-023\]](#) provides details of the twelve Noise Envelope Group meetings held between May 2022 and October 2022, the material presented and opinions expressed. It also includes the material prepared by the Applicant for the NEG meetings, including material prepared by community noise groups and letters, and email correspondence between the Group members.
- 11.5.65 The NEG meetings were structured around four themes drawn from the PEIR consultation responses and CAP 1129 as follows:
- Developing the Noise Envelope – policy, guidance, PEIR consultation response;
 - Options – including metrics;

- Operating the Noise Envelope – monitoring, reporting, actions GAL can take; and
- Enforcement – periodic review, enforcement generally.

11.5.66 The form and detail of the Noise Envelope was discussed via the NEG meetings and in the Noise Topic Working Groups during 2022 and January 2023. Some of the suggestions put forward by local authorities were taken up and discussed in **ES Appendix 14.9.5 Air Noise Envelope Background** [[APP-175](#)], including the choice of noise metrics and noise levels, model accuracy, and review processes. In the Theme 2 meetings, metrics to set limits were discussed; so too were where the limits should be set in view of the policy objective to share the benefits of future technology with the community. The Applicant notes that the local authorities were present, but did not offer (and have not since offered), any methodology to assess sharing of benefits⁵¹⁸.

11.5.67 In framing the consultation process as it did, the Applicant provided a sound foundation on which to take forward the process, which resulted in a fully developed noise envelope that lays out details of the range of noise data that is to be reported and the process to be followed. The Applicant took the themes identified in that engagement process as well as topics recognised in CAP 1129 and used those to create the framework through which the NEG worked.

The proposed Noise Envelope

11.5.68 The Noise Envelope as originally proposed is described in detail in **ES Appendix 14.9.7: The Noise Envelope** [[APP-177](#)]. The version as now proposed is [[REP8-085](#)] as amended to Version 4 at Deadline 9 (Doc Ref. 5.3).

11.5.69 The preferred option after considering consultation was to adopt primary metrics to set the applicable noise limits, the Leq, 16 hour day 51 dB contour area (the area enclosed by the 92-day summer season average mode noise contour) and the Leq, 8 hour night 45 dB contour area (the area enclosed by the 92-day summer season average mode noise contour), which will apply in relation to the entirety of Gatwick Airport. This allows for clear reporting and understanding by communities of the level of air noise permissible from Gatwick following the first operation of the Project, and in the Applicant's view provides significant clarity and certainty to local communities about the levels of noise which can be expected in the future.

11.5.70 In addition to the primary metrics, nine secondary metrics have been adopted to provide a fuller picture of how noise exposure will change (one supplementary metric, the Airport Fleet Average Aircraft Noise Lmax dB, was proposed by a

⁵¹⁸ See the Applicant's Response to Deadline 4 submissions [[REP5-072](#)]

community group during consultation, and will be used to monitor the year-on-year trends in the aircraft fleet noise levels). This will not erode the certainty provided by the use of the primary metrics as the limits, but it will provide further context from which to understand the noise environment relating to the operation of the Airport with the Project.

- 11.5.71 The version of the Noise Envelope now proposed [[REP8-085](#)] as amended to version 4 at Deadline 9 (Doc Ref. 5.3) has adopted contour areas for the first 14 years which are now based on the Updated Central Case (UCC), which as noted above at paragraph 3.52 is now considered by the Applicant to represent the most likely rate of fleet transition. As a consequence of adopting the UCC as opposed to the Slow Transition Fleet case (as consulted on in the PEIR), including a defined step down after the 9th year of operation of the Project, the extent to which the benefits of noise reduction from technological improvements are shared between the aviation industry and local communities increases in the communities' favour.
- 11.5.72 Calculated in accordance with the approach adopted in the Bristol Airport Planning Appeal Decision,⁵¹⁹ benefits sharing is increased from that considered in the PEIR, in 2032 and 2038 as follows:
- the daytime benefit share % to the community would:
 - in 2032, rise from -15% (PEIR) to 31% (UCC); and
 - in 2038, rise from 50% (PEIR) to 58% (UCC);
 - the nighttime benefit share to the community would:
 - in 2032, rise from 13% (PEIR) to 50% (UCC); and
 - in 2038, rise from 66% (PEIR) to 69% (UCC).
- 11.5.73 As mentioned above, one of the factors considered through the consultation process was the setting of noise contour limits in view of the policy objective to share the benefits of future technology with the community.
- 11.5.74 Overall, the change made to the noise envelope limits to reflect the Updated Central Case fleet would therefore increase the share of the benefits going to the community. The sharing of benefits with the community is also greater in 2038 than 2032 because in the early years there is anticipated to be a greater increase

⁵¹⁹ As explained in eg [AS-023] and [APP-178].

in the number of ATM's, which would be expected of any airport expansion project.

- 11.5.75 It is also important to note that following the adoption of the UCC, the noise envelope would ensure that the day and night Leq air noise contours do not exceed the equivalent contour areas with one runway in 2019 in any year of operation.

Reductions to and periodic review of the noise envelope contour area limits

- 11.5.76 As is detailed at paragraph 6.1 of the **Noise Envelope** [REP8-085] as amended to version 4 at Deadline 9, the noise envelope sets noise limits for an initial period after opening which is then stepped down.
- 11.5.77 An initial noise envelope limit will apply from when operations from the Project commence. This will apply until the first step down, which will occur nine years after the opening of the Project or by the end of the year when annual commercial ATMs reach 382,000 (whichever is the sooner). Whilst that may on a first consideration appear a considerable amount of time before a step down occurs, this is because in the first instance the Airport needs to release growth from the expansion which the Project permits, and because the Airport will know that it needs to achieve the stepped down position by year 9, and so must be on a trajectory to achieve this through reducing noise whilst growing and managing growth accordingly.
- 11.5.78 The second noise envelope period, detailed at paragraph 6.1.9 of the **Noise Envelope** [REP8-085] as amended to version 4 at Deadline 9 (Doc Ref. 5.3) would apply for the period of five years. At the end of that further five year period a further noise envelope would apply, which will be determined by virtue of a review of the noise envelope contour limits following (1) the end of the ninth year of the operation of the NRP; or (2) the end of the year when annual commercial ATMs reach 382,000 (whichever is the sooner). The review process is explained at paragraph 6.2 of the Noise Envelope.
- 11.5.79 Provisions are also necessarily made for extraordinary reviews of the noise envelope limits, which are to be the subject of approval by the Secretary of State only, and which are fully detailed at paragraphs 6.4 to 6.7 of the **Noise Envelope** (Doc Ref. 5.3).

Compliance

- 11.5.80 Throughout the development of the noise envelope and through the course of the examination of the Application there has also been careful consideration and scrutiny of how the noise envelope will be monitored, and how it will be effective

to ensure that breaches of the noise envelope limits over time are not permitted to be exceeded.

- 11.5.81 The Applicant has given particularly careful consideration of this, and has devised an approach whereby both actual noise performance and forecast noise performance for a future 5 year period based on the airport's best view on anticipated rate of growth and fleet transition at the airport are evidenced and verified, to ensure it can be known that the Airport is not in breach of an applicable limit, and is not forecast to be in breach of an applicable limit in the future.
- 11.5.82 The **Noise Envelope** [REP8-085], as amended to version 4 at Deadline 9 (Doc Ref. 5.3), describes the monitoring compliance process at paragraph 7. In addition, a detailed summary of the approach proposed by the Applicant to the monitoring of the noise envelope, and moreover of how this will ensure compliance through the continuing annual need to evidence this, is provided at Appendix A: Note on how the Applicant will plan to stay in the Envelope and why this will be effective [REP6-087]. The Applicant highlights this as a critical document to understand the rationale for the Applicant's approach to the noise envelope, and why it is confident that this will ensure breaches of the noise envelope contour limits will not occur.
- 11.5.83 Moreover, Appendix A: Note on how the Applicant will plan to stay in the Envelope and why this will be effective [REP6-087] also provides a summary of how the slot co-ordination and allocation process align with the Noise Envelope process, and details the measures which the Applicant could adopt to address any breach of a forecast or actual breach of the noise envelope.
- 11.5.84 It is also important to note that the Noise Envelope proposed by the Applicant has significant teeth for in the event of non-compliance, by providing (at paragraph 7.3.1 of the **Noise Envelope** (Doc Ref. 5.3) and Requirement 15 to the **DCO** (Doc Ref. 2.1)) that the Applicant shall not be permitted to declare any further capacity for additional air traffic movements from the airport where:
- an actual breach of the same relevant noise envelope limit has been exceeded during the previous 24 months of the operation of the airport, or the CAA is not reasonably satisfied that it has not been exceeded; or
 - a noise envelope limit is forecast to be exceeded, or the CAA is not reasonably satisfied that a noise envelope limit is not forecast to be exceeded in the future.
- 11.5.85 In those circumstances the Applicant would not be permitted to declare any further capacity at the airport until such time as an annual monitoring and

forecasting report (AMFR) has been approved which confirms compliance with the noise envelope limits identified to have been exceeded or which was forecast to not be complied with, including where relevant when taking account of the measures proposed within a compliance plan to address any such exceedance. As such, in circumstances where a breach is identified or it not satisfactorily evidenced that a breach has not occurred or is not forecast to occur in the future, the Applicant will not be able to declare any additional capacity at the airport.

- 11.5.86 It should also be noted that the Applicant has held extensive discussions with the Civil Aviation Authority, who are proposed as the entity which would have responsibility for independently verifying the annual monitoring and forecasting reports (AMFR) in relation to the noise envelope, in relation to ensuring that there is the least possible opportunity for capacity to be declared from the airport in the event that the airport is in actual or forecast non-compliance.
- 11.5.87 This has resulted in the agreement of the following revisions to the **Noise Envelope** [\[REP8-085\]](#) as amended to version 4 at Deadline 9 (Doc Ref. 5.3) which the Applicant agrees better ensure breaches will not be able to arise, and that capacity will not be declared in circumstances where it properly should not be able to be:
- 11.5.88 Revising the provisions in relation to an appeal of a non-approval of an AMFR, so that the capacity declarations restrictions will bite in relevant circumstances whilst an appeal is pursued;
- 11.5.89 Provision of the actual contours for the previous year earlier, once those are available from ERCD who will undertake the process to verify the previous year's performance and to produce the forecast contours and supporting secondary metrics, to ensure it can be known with confidence whether the airport was compliant in the previous summer season before declaring additional capacity for the next summer season; and
- 11.5.90 Revising the evidential test for the CAA, such that if they are not reasonably satisfied that a breach has not or is not forecast to occur, this will be sufficient for capacity declaration restrictions to take effect.
- 11.5.91 And finally with regard to compliance, the Applicant also wishes to address the role of the CAA, why they are the most appropriate party to perform the role of "independent air noise reviewer" and why the Applicant is clear in its position that the host local authorities should not have responsibility for this role.
- 11.5.92 In summary, the CAA has significant experience and expertise considering aircraft fleets and their noise impacts, in addition to having a comprehensive

understand of the regulation of UK airspace. It also has significant experience of considering noise in connection with Gatwick Airport, as well as other UK airports.

- 11.5.93 In addition, as a statutorily established public corporation of the Department for Transport, the CAA is a public body who performs its role in the best interests of the public. It is entirely independent of the Applicant, and it is considered that the CAA will best be capable of performing the role of independent noise reviewer in a fair and neutral manner, which provides assurance, confidence and transparency to all relevant persons to that process, including (inter alia) the local authorities, local communities and the Applicant.
- 11.5.94 Moreover, as detailed in submissions during the Examination, the Applicant notes paragraph 5.66 of the Airports National Policy Statement which confirms that the CAA is an appropriate body to secure the noise mitigation measures.
- 11.5.95 The Applicant also identifies, including as is more particularly addressed in section 6 of this document which responds directly in relation to the JLAs proposals for an Environmentally Managed Growth Framework, that the JLAs do not have the necessary expertise to perform this role, and to resource them to perform this role would be an unnecessary use of resources providing no benefit to the AMFR verification process.
- 11.5.96 The Applicant is therefore entirely satisfied with the appropriateness of the CAA performing the role of independent noise reviewer, including that this is an approach which ensures compliance with policy.
- 11.5.97 It is noted in addition that there has also been suggestion by the Joint Local Authorities that the Airports (Noise-related Operating Restrictions) (England and Wales) Regulations 2018 require them to be the approving authority for the purpose of the requirements in the **DCO** (Doc Ref. 2.1) relating to the **Noise Envelope** (Doc Ref. 5.3). As has been explained in **The Applicant's Written Summary of Oral Submissions ISH 8: Noise** [\[REP6-081\]](#), the Airports (Noise-related Operating Restrictions) (England and Wales) Regulations 2018 identify who the competent authority is for the purpose of Regulation 598/2014. It is acknowledged that Regulation 4(1) of those regulations identifies that "the relevant local planning authority is the competent authority for the purposes of Article 6(3) of the 2014 Regulation (follow up and monitoring of operating restrictions) in relation to any operating restriction imposed by, or provided for in, an order granting development consent under section 114 of the Planning Act 2008, however it is disagreed with that this means the local planning authority must be the approving person for the purposes of the relevant DCO requirement.

- 11.5.98 Rather, this provides that the local planning authority shall "*follow up and monitor the implementation of the operating restrictions and take action as appropriate*⁵²⁰" in the context of that regulation, which the local planning authority will be able to do in this instance by utilising the AMFRs once they have been verified by the CAA, as the appropriate expert body to undertake that role.
- 11.5.99 There is not anything in law which requires a local planning authority to be responsible for the scrutiny of the noise envelope, and providing for the CAA to be the independent noise reviewer does not remove or relieve the local authority from its position under Regulation 598/2014. Noting all of the above in respect of the proposal for the **Noise Envelope** (Doc Ref. 5.3), and that the Applicant set the noise envelope contour limits against the UCC and that they will be reviewed from this starting position in due course when periodic reviews are required, the Applicant is satisfied that the **Noise Envelope** (Doc Ref. 5.3) both mitigates and minimises adverse effects on health and quality of life from noise, and will also contribute to improvements to health and quality of life through capturing anticipated technological improvements in aircraft performance and ensuring those are reflected in the future fleet flying from Gatwick Airport.
- 11.5.100 Moreover, as detailed in submissions during the Examination, the Applicant notes paragraph 5.66 of the Airports National Policy Statement which confirms that the CAA is an appropriate body to secure the noise mitigation measures⁵²¹.
- 11.5.101 Accordingly, the Applicant identifies that the Noise Envelope demonstrably complies with relevant policy contained in the APF and the ANPS.

The Noise Insulation Scheme

- 11.5.102 The Applicant already operates voluntarily a Noise Insulation Scheme ("NIS"). The current NIS is based on a future Leq, 16 hour 60dB contour forecast in 2014, with 15 km extensions from under the runway centrelines⁵²², and adjusted to accommodate various residential areas. There are about 2,000 homes within this area of which about 1,120 have taken up the scheme as at November 2022. Within this zone residents are entitled to £4,300 towards acoustic glazing and doors. Under the existing Noise Action Plan commitments GAL has recently reviewed the scheme, which resulted in increasing offer to this amount within the same zone.
- 11.5.103 The Applicant also noted that government had been consulting on noise insulation schemes as part of its future aviation policy. In Aviation 2050 — the

⁵²⁰ Article 6(3) of Regulation (EU) No 598/2014 of the European Parliament and of the Council

⁵²¹ The Applicant's Response to Deadline 7 Submissions Appendix C: Response to the JLA's EMG Framework Paper – paragraph 3.1.16

⁵²² The extent of the scheme is shown as the red line in ES Figure 14.8.1 [APP-063].

future of UK aviation (December 2018) it proposed a number of measures including the extension of the noise insulation policy threshold beyond the current 63dB LAeq 16hr contour to 60dB LAeq 16hr. The Applicant also considered other major airports' proposed NIS schemes, noting particularly how several other airports provide for logical tiers of NIS grants, with a more generous NIS scheme for people living in areas of higher noise.

11.5.104 Since publication of the ES in July 2023 and the submission of the Application, the Applicant has continued to receive feedback on the NIS proposed for the Project, including from local authorities through the Noise Topic Working Group, and has further developed details of how the schemes will be implemented and of the sums to be offered, to ensure they are up to date and adequate to provide the required levels of mitigation.

11.5.105 Revision 1 to the NIS was submitted at Deadline 4 on 15 May 2024. This addressed comments and questions from the Examination Authority, and stakeholder representations made, including the response provided by GAL on 26th March at Deadline 2 in **ES Appendix 14.9.10 Noise Insulation Scheme Update Note** [[REP2-031](#)]. The main changes included:

- Details on administering the scheme
- Increases in the funding amounts
- Further details of the acoustic package offered including acoustic ventilator air flow details to address overheating
- Clarification on eligibility for the Home Relocation Assistance Scheme
- Additional detail to the Schools Insulation Scheme to include Nurseries and to give details of survey processes.

11.5.106 Revision 2 to the **NIS** was submitted at Deadline 8 on 7 August 2024 [[REP8-086](#)]. The main revisions relate to:

11.5.107 Revisions to the qualifying noise contours to reflect the Updated Central Case fleet noise contours which define the contours within the Noise Envelope (**ES Appendix 14.9.7 The Noise Envelope - Version 3** [[REP6-056](#)]).

11.5.108 Further details of additions to the acoustic package offered to address overheating.

11.5.109 Further clarification on the properties which are eligible for the noise insulation scheme due to ground noise, including adding these to Figure 1 to the NIS.

- 11.5.110 Refinement of the delivery programme, to ensure all significant adverse effects are avoided before the operation of the Project commences and that all noise insulation is required to be delivered in advance of the peak year of air traffic from a noise perspective, thereby mitigating and minimising adverse impacts on health and quality of life from noise.
- 11.5.111 Revision 3 to the **NIS** (Doc Ref. 5.3) is submitted at Deadline 9 to reflect revisions having had regard to the Examining Authority's suggested amendments to the DCO including on programme and relevant design standards.
- 11.5.112 The largest Leq contour area with the Project is expected to occur around three years after the commencement of dual runway operations, in about 2032. The forecast 2032 Leq contour area is therefore used to set the geographical boundary. It is based on the assumed UCC, which ensures that it is in alignment with the contour areas used for the **Noise Envelope** [REP8-085] as amended at Deadline 9 which will serve the role of limiting the area of air noise exposure in connection with the operation of Gatwick Airport.
- 11.5.113 The Applicant's proposed Noise Insulation Scheme is split into four zones, which will receive different levels of noise insulation relative to the impact it has been identified they are likely to experience with the Project and with all other mitigation applied. These are as follows:
- 11.5.114 The Inner Zone - Leq 8 hr night 55dB, which also fully encloses the Leq 16 hr 63dB daytime contour;
- Outer Zone 1 - Leq 16 hr 60 to 63 dB;
 - Outer Zone 2 - Leq 16 hr 57 to 60 dB; and
 - Outer Zone 3 - Leq 16 hr 54 to 57 dB
- 11.5.115 The outer boundary of the proposed Outer Zone, at Leq 16 hr 54 dB, goes significantly further than what emerging Government policy proposes should be required for a standard airport NIS.
- 11.5.116 Figure 1 to the **Noise Insulation Scheme** (Doc Ref. 5.3) shows the proposed Inner and Outer Zones. An interactive map of the proposed scheme is available on the air noise viewer⁵²³.
- 11.5.117 The different packages of noise insulation measures that would be offered within the Inner Zone and the Outer Zone, and the level of funding that would be available to provide those measures in the Inner Zone and in each of the Outer

⁵²³ <https://www.gatwickairport.com/business-community/futureplans/northern-runway/>.

Zones described above is detailed at section 4.2 and paragraphs 4.3.9 – 4.3.13 of the **Noise Insulation Scheme** (Doc Ref. 5.3).

- 11.5.118 There are approximately 400 properties within the NIS Inner Zone, where the provision of the levels of noise insulation proposed would avoid significant adverse noise impacts indoors for these properties, including sleep disturbance at all times and disturbance to noise sensitive activities during the day such as working, reading etc. Eligible properties for the Inner Zone will be visited by a qualified surveyor to discuss and assess details of the insulation package appropriate for the property and the owner's requirements.
- 11.5.119 The appropriate package of measures will be developed and installed with the Applicant funding up to £26,000 to be paid to the contractor by not later than the first operation of the Project (subject to access etc.). This limit will be reviewed where in individual cases the independent surveyor identifies that the appropriate standard of works set out above would exceed this amount, subject to any additional independent survey required by GAL to verify the previous survey undertaken and the works which are required.
- 11.5.120 Noise insulation cannot reduce noise levels outside; so some increased disturbance in outside activities is likely, which is expected to result in moderate adverse significant effects in the areas with significant increase in noise from the Project as described above, ie about 80 properties. These figures remain very low however in the context of the growth that would be achieved under the application and the noise controls that would otherwise be applied through the DCO to mitigate those effects as well as the existing range of controls imposed by virtue of Gatwick Airports designated status that will continue to apply.
- 11.5.121 There are approximately 100 properties within Outer Zone 1, and a package of measures would also be delivered to those properties by not later than routine use of the northern runway commencing (assuming reasonable access etc), to the same timescale as the delivery of noise insulation to properties within the Inner Zone. This is identified by the Applicant to be appropriate due to the sound level of the upper range for Outer Zone 1, and possible to achieve because the number of properties within the Outer Zone 1 is low.
- 11.5.122 There are approximately 700 properties in Outer Zone 2 and 2,700 properties in Outer Zone 3. The noise insulation measures for those properties will mitigate and minimise adverse impacts on health and quality of life from noise, subject to those measures being installed before the peak worst case impacts arise, which are predicted to be in 2032. To ensure the measures are installed before the peak impacts are predicted to arise, the Applicant has committed in the Noise Insulation Scheme Document and in Requirement 18 of the DCO within not more

than 2 years and 3 years (respectively) of routine use of the northern runway commencing (assuming reasonable access etc). Further detail in this respect is provided at Section 4 of the Noise Insulation Scheme.

[Schools Insulation Scheme](#)

- 11.5.123 Also within the Noise Insulation Scheme, detailed at section 5 therein, is the Applicant's proposed schools insulation scheme, which proposed for all schools with noise sensitive teaching spaces within the forecast 2032 Leq 16 hr 51 dB noise contour. The schools scheme will apply only to classrooms used for teaching, including within nurseries or pre-schools, for rooms where formal teaching requiring low ambient noise conditions is undertaken. It will also be limited to schools where noise levels are forecast to increase as a result of the Project within the 2032 Leq 16 hr 51 dB noise contour.
- 11.5.124 There is no financial limit imposed on the noise insulation for schools, which is because it is harder to make a reasonable assumption that can be applied across all schools and the spaces within those which could be eligible for noise insulation measures. In circumstances where surveys identify that teaching areas are currently compromised by noise intrusion and aircraft noise is identified to be contributing to the exceedance of the preferred noise standards the need for remedial measures to be considered would be established. In these cases, measures to improve the internal noise environment would be identified where practicable. In many cases this is likely to involve improving ventilation to allow windows to remain closed in warmer weather, or it could include upgrading the acoustic performance of glazing and would not normally include air conditioning or cooling.

[Home Relocation Assistance Scheme](#)

- 11.5.125 The Applicant has also proposed a home relocation assistance scheme to offer homeowners, the option to move from the areas most affected by the highest noise levels from the Project. This would apply in respect of properties within the Leq 16 hr 66 dB standard mode noise contour with the Northern Runway in operation (as modelled based on actual operations the previous summer).
- 11.5.126 The noise forecasts undertaken by the Applicant indicate about 100 homes in this noise zone in the noisiest year, and it is noted that 75 of these homes have already (2019) been above this noise level. Eligible applicants would receive a payment covering reasonable moving costs, estate agent fees up to 1% of the sale price, and stamp duty, up to a total maximum of £40,000. The scheme would be limited to one claim per property. More details of the proposed home relocation assistance scheme are detailed at section 7 of the Noise Insulation Scheme.

Ground Noise

11.5.127 The proposed mitigation measures in respect of ground noise impacts which are designed into the Project, are described at paragraph 14.8.26 of **ES Chapter 14 [APP-039]**. This identifies that mitigation is included as part of the Project on the airport boundary, where practicable to do so, as a combination of new earthwork bunding and acoustic barriers. These would be provided to the west of the airfield where changes in the taxiway infrastructure would be affected as a result of the Project. Additionally, very large buildings, such as the Boeing Hangar and new buildings proposed would themselves act as noise barriers. A more detailed summary of each of the measures to be provided is as follows:

- Earthworks, bunding at least 8 metres in height situated at the western end of northern runway, which replaces replace functionality of the existing bund that would be removed as part of the design of the Project
- Noise barriers 10 metres in height adjoining the bund installed at the western end of the northern runway and running for approximately 500 metres to the north of the relocated Juliet taxiway and around the boundary of the relocated fire training ground (as shown at Figure 5.2.1g of **ES Project Description Figures [REP8-018]**), which is necessary to replace functionality of existing bund that would be removed as part of the design and to improve on the functionality where possible.
- The Museum Field Bund, which is comprised of landscape bunding around the flood pond has been designed to provide additional ground noise screening.
- Fixed Plant has been assessed and will be designed to avoid noise from fixed sources creating noise impacts at receptors outside the airfield.

11.5.128 **Supporting Noise and Vibration Technical Notes to Statements of Common Ground [REP6-066]**, Appendix E - Ground Noise Engine Ground Runs in Supporting Noise and Vibration gives details of engine ground running noise controls, which includes in respect of:

- When engine ground runs are permissible in accordance with directives on "Procedures for Aircraft Engine Testing", which limits testing to daytime hours unless in an emergency, and which will continue to apply to the Project, at paragraph 2.3 of Appendix E;
- The location of where engine ground runs will take place as part of the Project, detailed on Figure 5.2.1a of **ES Project Description Figures [REP8-018]** and discussed at paragraph 2.5 of Appendix E;

- The complaints process that is followed by the Applicant in relation to the current operation of the airport, and which they will continue to operate once the project is operational, at paragraph 2.4 of Appendix E.

- 11.5.129 Appendix E also talks to the current Section 106 Agreement between the Applicant, West Sussex County Council and Crawley Borough Council, dated 24th May 2022, which includes obligations relating to limiting the number of engine ground run (EGR) tests. The Applicant is committed to continue to be bound by planning obligations relating to aircraft engine testing, and has negotiated provisions at Schedule 2 to the **Section 106 Agreement** (Doc Ref. 10.11) for the Project which requires actions to be taken if ground run engine tests exceed a specified number of occurrences over a specified period of time, and which where identified to be necessary, may result in the submission of an Aircraft Engine Testing Mitigation Plan, which where approved by the Councils must thereafter be complied with. It is not anticipated that the levels of engine ground run tests stated in the relevant planning obligation will be exceeded, but it should be noted that the Applicant remains committed to these obligations to provide assurance that issues associated with potential high occurrences of testing would need to be managed and mitigated.
- 11.5.130 In addition to the above, the NIS scheme discussed above in relation to air noise effects will also be effective to mitigate significant ground noise effects. The term 'air noise' is usually associated with noise from aircraft in the sky, but, as noted in ES paragraph 14.1.1 it includes noise from aircraft departing or arriving (including reverse thrust) on a runway, and as such is to this extent covered by the air noise NIS. The main source of ground noise is aircraft taxiing to and from the runway. At paragraph 4.1.4 of the NIS it is identified that the Inner Zone will be based on the predicted Leq 16 hr 63dB daytime and Leq 8 hr night 55dB summer air noise contours for 2032. At paragraph 4.1.5 it is further identified that "for ground noise, the same qualifying noise levels would apply and the majority of properties qualifying would qualify due to air noise. There are additional properties that qualify due to predicted levels of ground noise outside the Air Noise Inner zone, as shown on Figure 1. These comprise 8 properties on Charlwood Road to the north of the airport, and 4 properties on Poles Lane and 7 properties at Rowley Farm to the south of the airport."
- 11.5.131 Moreover, whilst the above properties have been identified to experience noise levels that would place them within the Inner Zone if it was air noise and thus mitigation is to be provided to them from the outset as part of the rollout of the Inner Zone scheme, which is secured by Requirement 18 to the DCO, paragraph 4.3.10 to the NIS further commits that "*In addition, eligibility due to ground noise may also be established on the basis of measurements of levels of ground noise*

carried out after the Project is operating. The areas where this is possible are mainly to the north and to the south of the airport where the Inner Zone runs close to or inside the airfield. Where ground noise is assessed through measurement after opening, the cumulative noise levels from ground noise and air noise will be considered in assessing eligibility for the Inner Zone NIS". This commitment and the need to provide an enhanced noise insulation package to any properties which meet the eligibility requirements is proposed to be secured at Requirement 18(8) to the DCO.

11.5.132 The above is a clear summary of the measures which are proposed to mitigate ground noise effects in relation to the Project. All of those measures are very clearly secured by the **DCO** (Doc Ref. 2.1 v11), the related control documents and within the **Section 106 Agreement** (Doc Ref. 10.11). There has been a suggestion from the JLAs that there is a need for a new requirement to be included in the DCO which would secure a ground noise management plan, but as the Applicant has identified throughout the Examination and most recently at Deadline 8, there is no need for a ground noise mitigation plan to further detail the ground noise mitigations which are already secured.

Road Traffic Noise

11.5.133 As detailed at paragraph 5.9.16 of the **CoCP** (Doc Ref. 5.3) in relation to construction traffic noise, construction traffic routes will be identified that avoid routing construction HGVs through villages and past noise sensitive receptors (NSRs) on minor roads.

11.5.134 A number of measures have also been designed into the Project to reduce the potential for impacts from road traffic noise, which are listed in Table 14.8.4 of **ES Chapter 14** [[APP-039](#)] and which comprise:

- Alignment changes through optioneering of the road scheme design;
- A new right turn onto the A23 from the North Terminal Roundabout removes the current need for traffic wishing to turn right instead having to turn left up to the Longbridge roundabout, around it, and back down the A23, thus reducing traffic flows on this section of the A23;
- 1 metre noise barrier along the North Terminal Roundabout flyover elevated section (facing Riverside Garden Park);
- 1 metre noise barrier along the South Terminal Roundabout flyover elevated section, north side; and
- Traffic management and speed reductions.

11.5.135 There has before and during the examination been discussion in relation to whether an additional noise barrier should be provided adjacent to the Riverside Garden Park. As is explained at paragraph 14.8.29 of **ES Chapter 14** [[APP-039](#)],

detailed analysis using the outputs of the Strategic Traffic model for the Project scheme concluded that the package of mitigation measures summarised above was sufficient and a noise barrier along the park side was not required. Accordingly, this noise barrier, which had previously been discussed in the PEIR, is not included as part of the Project. **Supporting Noise and Vibration Technical Notes to Statements of Common Ground** [[REP3-071](#)], Appendix C - Traffic Noise Barrier Options Selection Report provides a full account of the noise barrier options considered, the resulting noise levels in the Riverside Garden Park area and the consultation undertaken, to reach this conclusion.

11.6. Comments on ExA mitigation Proposals

11.6.1 On 14th August 2024 the Examining Authority published its proposed amendments to the DCO Requirements. Four of these related to noise as follows:

- Requirement 1 Interpretation
- Requirement 15 Air noise envelope
- Requirement 16 Air noise envelope reviews
- Requirement 18 Noise insulation scheme
- Requirement 32 Western noise mitigation bund

11.6.2 The Applicant's full response to these is provided in **The Applicant's Response to the ExA's Proposed Schedule of Changes to the Draft DCO** (Doc Ref. 10.72)], and is summarised as follows.

Noise Insulation Scheme

11.6.3 The Applicant's proposed Noise Insulation Scheme relates to residential properties, schools and nurseries. The ExA proposed to include other community buildings. All such buildings have been assessed in the ES and in all cases the changes in noise are low and would result in negligible or minor effects, which would not be significant. There is therefore no need for mitigation at these properties as no persons at these properties would experience significant increased disturbance or adverse effects on health and quality of life as a result of the Project, and the Applicant therefore does not propose to offer noise insulation for libraries, places of worship, or community facilities. The Applicant acknowledges that other projects have offered noise insulation schemes for community buildings, but because the noise increases of this Project are negligible or minor, mitigation is not required in this case. Each application must be considered on the basis of its own impacts, rather than applying an approach from another project with different impacts where such mitigation is necessary.

- 11.6.4 The ExA proposes that the Noise Insulation Scheme Outer Zone should cover air noise, ground noise and the two combined. The Applicant's response points out that 'air noise' in fact includes noise generated by aircraft on the runway which creates the highest levels of noise experienced in communities around the airport perimeter. As such this noise is included in the noise contours used to define the Inner and Outer Zones of the NIS which mitigates it above levels of Leq 16 hr 54dB. Ground noise is from the remaining sources, predominantly aircraft taxing but also from aircraft on stands and engine tests which occur about once every three days. The assessment (contained in Appendix B of **Supporting Noise Technical Notes to Statements of Common Ground [REP6-066]**) shows only 16 properties are significantly impacted by this ground noise that are not already in the NIS Inner Zone, so they have been added to it to ensure all significant effects of the Project are mitigated.
- 11.6.5 The response also explains the scope for additional ground noise effects is limited not just because levels are well mitigated by the airports substantial noise bunds and serpentine wall, but also because road traffic noise in much of the surrounding area is too high for ground noise to be obtrusive so as to warrant mitigation. The Applicant also points out there is no methodology for combining these noise sources. The Applicant's position is that there is no justification in extending the Outer Zone for lower levels of ground noise which the ES has demonstrated will not give rise to significant noise effects.
- 11.6.6 However, should the Secretary of State consider it necessary to have a ground noise insulation scheme for noise levels above LAeq, 16 hr 54 dB despite the lack of impacts in this case, the Applicant would develop such a scheme accounting for ambient noise so the scheme is not applied to areas where ground noise is not significant compared to road traffic or other ambient noise. The response provided in **The Applicant's Response to the ExA's Proposed Schedule of Changes to the Draft DCO** (Doc Ref. 10.72) gives key features of such a scheme.
- 11.6.7 The ExA proposed Requirement refers to a noise insulation standard of LAeq, 8 hr 48 dB at night to determine eligibility. The Applicant can find no guidance in policy to support this suggestion. The Applicant has noted that the proposed noise insulation scheme Outer Zone boundary set at Leq 16 hr 54dB in fact roughly coincides with the Leq 8 hr 48 dB boundary, although interested parties have shown the area to the east where the latter is slightly larger. This is far less so in the west. The Applicant notes the Luton Airport expansion project proposes 5 NIS zones, which include a zone set to at the night-time SOAEL, Leq 8 hr 55dB, which is the same as the Applicant's Inner Zone boundary. The Luton project does not set a noise insulation scheme specific to night noise below this

level despite creating significant greater night noise effects. Given the lack of any basis for the proposed Leq 8 hr 48 dB boundary, the Applicant does not propose to amend the NIS to adopt this level.

- 11.6.8 The ExA's proposes that the noise insulation scheme offers are approved by the local planning authority. The Applicant has made sure the eligibility criteria for the NIS are clear and that the package of measures offered in the different zones is clear. To reach this position the Applicant has worked with local authorities and other stakeholders, to develop a scheme that is fully specified and ready to implement. The Applicant sees no additional contribution from the planning authority will be needed. The Applicant will share the list of eligible properties with planning authority, as suggested, but not for approval.
- 11.6.9 The ExA propose the scheme is fully implemented before opening. The Applicant does not believe this is possible nor necessary, for the reasons explained in the response. Instead, the Applicant has laid out a detailed implementation programme within the NIS to ensure the scheme is fully implemented before the predicted noise effects arise.

Noise Envelope

- 11.6.10 The ExA's proposal is similar to that made within Annex B to the agenda of ISH9 but has now converted the 0.5dB reductions into 10% area reductions, initially from 2019 to 2029 and then 5 yearly to 2049. Therefore, the response the Applicant provided at Deadline 8 (contained in Appendix A of **The Applicant's Response to Annex B of the ISH9** [[REP8-106](#)]) equally applies to the full response provided in **The Applicant's Response to the ExA's Proposed Schedule of Changes to the Draft DCO** (Doc Ref. 10.72). The Applicant's proposal in contrast shows no increase in contour areas from in any year with the Project and a 10% reduction by 2038.
- 11.6.11 The analysis provided in the Applicant's response shows in order to comply with the ExA's proposed limits the airport's growth would be restricted broadly to that forecast in the future baseline up to about 2038 and after that would require aircraft numbers to be reduced. Noise contour areas with the project would substantially exceed the proposed limits and would be unworkable. This is confirmed by the **Legal Partnership Authorities' Deadline 8 Submission - Response to Actions raised by the ExA at Issue Specific Hearing 9** [[REP8-168](#)]. The Applicant shows the ExA's proposal would give all the benefits of future technology reducing aircraft noise to the communities and share none with the airport. As such the proposal is at odds with government policy to share the benefits.

- 11.6.12 The Applicant has shown there is no basis for the proposed noise limits and they cannot be drawn from the references referred to. The limits are in fact directly at odds with the key reference document relied upon in purported justification for suggesting the limits, the ICAO Global Trends paper from 2022. That paper shows contour areas globally going up not down. It has also been misconstrued - the ICAO long term trend tells us that hypothetically, if the fleet at Gatwick were to be fully replaced every year, then if there and if there was no growth and no change in any other aspect such as aircraft size, operating procedures etc, then Leq noise levels may reduce by 0.2dB each year, or about 1dB every 5 years. However, aircraft have life spans of 20-25 years, so and the rate of fleet replacement is obviously not 100% a year, but around 4-5%. Thus, the benefit of new technology reducing Leq noise levels will gradually filter in depending on the rate of fleet transition. The suggested limits therefore have no basis in the ICAO paper.
- 11.6.13 The proposed limits would require a dramatic increase in the rate of turnover in the fleet to quieter aircraft which the ExA appear to consider is possible. However no evidence is provided to support that view and the Applicant concludes from its understanding of the airlines in operation at Gatwick that such a whole scale rapid change in fleet is not possible. The Applicant believes the proposed noise limits would constitute an operating restriction and engage Regulation 598 requirements.
- 11.6.14 Furthermore, the proposed limits are novel and untested at any airport and are entirely disproportionate to the scale of the noise impact predicted in the ES.
- 11.6.15 The Applicant's noise envelope limits have been developed through an extensive consultation process, to achieve a stated objective, and have been reduced during the examination to increase the extent of sharing with the local community. The Applicant is clear that its proposal meets policy requirements, as discussed elsewhere. The ExA's proposed noise envelope limits are at odds with policy, would be unworkable, and are not reasonable.
- 11.6.16 The Applicant therefore maintains its firm position that its currently submitted noise envelope requirement and proposals should stand instead of the ExA's proposed amendment.
- 11.6.17 The ExA also made suggestions on the process to implement the Noise Envelope. The Applicant's Noise Envelope proposal sets out details of how the annual noise monitoring and forecasting will be carried out, which meet the suggested requirement. The Applicant's process already provides for this, but in a more structured manner, which has been carefully formulated knowing the processes required, and has been agreed following discussion with the CAA.

Whilst the Applicant therefore accepts the principle of this proposal, it identifies that its process in Requirement 15 already provides for this in a more effective manner, and this wording will not be included in the **Draft DCO** (Doc Ref. 2.1) submitted by the Applicant at Deadline 9.

11.7. Comments on mitigation proposals of and outstanding issues raised by Interested parties

11.7.1 This section now turns to outstanding areas of disagreement, dealing first with issues relating to the noise assessment, before addressing those which remain in relation to **The Noise Envelope** (Doc Ref. 5.3) and then the **NIS** (Doc Ref. 5.3).

LOAEL

11.7.2 The approach to the setting of the LOAEL has been raised during the examination⁵²⁴, in part through a query by the ExA about whether it would be possible to model for the different assessment years at noise levels below those used for the purposes of the ES - down to LAeq 16 hr 45 dB and LAeq 8 hr 39dB, ie 6dB below LOAEL.

11.7.3 This would go beyond government guidance, not be required by policy, and would be at variance with practice in other DCOs by modelling aircraft noise levels below the LOAELs of LAeq 16 hr 51dB and LAeq 8 hr night 45dB. It would not be possible in any reasonable timescale in any event. These conclusions can be explained as follows⁵²⁵.

11.7.4 First, as regards the potential for modelling, the identified contours are 6dB below those in the current ANCON model (discussed above at paragraph 3.5 and 3.6). ERCD has advised that the current model does not cover the extended area over which the lower noise contours would lie and in its current form is not fit for this purpose.

11.7.5 To model to levels 6dB lower the aircraft tracks and profiles would need to be extended to cover the much larger area. This may include the approach stacks making the modelling complex. The model could be developed to do this, but it would be a sizeable task taking months. Further, to be used with any confidence that model would then need validation through analysis of Noise and Track Keeping data from monitors that would need to be located under the extended arrivals and departure tracks, which would also take some time to arrange. There is also real uncertainty as to whether it is possible to measure these lower noise levels from aircraft, at the higher altitudes they are at in this wider area, above

⁵²⁴ See e.g. The Applicant's Relevant Representations Report [REP1-048], page 554.

⁵²⁵ See the Applicant's response to NV1.5 in The Applicant's Response to the ExA's Written questions (ExQ1) – Noise and Vibration [REP3-101].

ambient noise (see ERCD Report 1006, Measurement and Modelling of Aircraft Noise at Low Levels, 2019).

- 11.7.6 Ground noise could be modelled down to LAeq 16 hr 45 dB and LAeq 8 hr 39dB, i.e. 6dB below LOAEL, although the uncertainty in the predicted levels would be greater. The noise levels requested to be modelled are in all cases below the measured baseline levels (see **ES Chapter 14: Noise and Vibration** [[APP-039](#)], Table 14.6.4; during the day 3 to 22dB and during the night by 5 to 22dB). Since ground noise is assessed relative to ambient noise as well as in terms of noise change, there would be no noise effects at these lower ground noise levels.
- 11.7.7 Second, modelling these noise levels would also not show new effects from the Project. The purpose of the ES assessment accompanying the DCO Application is to assess the likely significant effects of the Project. As set out above, Significant effects from air noise arise where a noise change of >3dB arises between LOAEL and SOAEL or >1dB arise above SOAEL using LAeq 16 hr and LAeq 8 hr noise levels.
- 11.7.8 The noise modelling provided (see **ES Figure 14.9.5** [[APP-064](#)]) shows that at the daytime LOAEL, LAeq 16 hr 51dB, noise increases are generally 0-1dB and are 1-2 dB in the areas around Route 4 and Route 3 to the north and immediately north of the airport boundary. No changes of >3dB would occur outside the daytime LOAEL, so modelling noise levels below LOAEL would not reveal any new significant effects. Similarly for night-time the noise modelling provided (see ES Figure 14.9.10) shows that at the night-time LOAEL, LAeq 8 hr 45dB, noise increases are generally 0-1dB and are 1-2 dB immediately north of the airport boundary. No changes of >3dB would occur outside the night-time LOAEL, so modelling noise levels below LOAEL would not reveal any new significant effects.
- 11.7.9 Third, at such low levels air noise effects would be lessened by ambient noise from road traffic.
- 11.7.10 In the year 2000 the government commissioned the Building Research Establishment (BRE) to carry out a major survey of ambient noise levels around the country. The National Noise Incidence Study 2000 data indicates that 99% of the population of England and Wales were living in dwellings exposed to daytime noise levels above 45 dB LAeq,16 hour day and 98% of the population of England and Wales were living in dwellings exposed to night-time noise levels above 39 dB LAeq,8 hour night. The predominant source of ambient noise is road traffic, with rail and air traffic making much smaller contributions. Although this noise exposure data may be out of date and has been superseded by more recent strategic noise mapping studies, it nonetheless indicates that the noise levels down to the identified contour levels are lower than those experienced by

the vast majority of the UK population. It therefore is likely that in locations experiencing these levels of aircraft noise, the effects of noise overall would be caused by other noise sources.

- 11.7.11 Fourth, in so far as Interested Parties have referred to the World Health Organisation guidance (which suggests to similar effect that, to prevent any effects of noise on health, noise levels should be no higher than Lden 45 dB and LNight 40dB), the following points arise.
- 11.7.12 The WHO Environmental Noise Guidelines do not set policy standards for the UK. The setting of those values has taken no account of the cost of achieving those values nor of the economic and social benefits of the source. In setting any limits in policy or standards, the Environmental Noise Guidelines state that cost, feasibility and preferences must be taken into account (page 29). further the WHO Environmental Noise Guidelines note that “cultural differences around what is considered annoying are significant, even within Europe” and so the guidelines state that data and exposure-response curves derived in a local context should be applied whenever possible to assess the specific relationship between noise and annoyance in a given situation (page 109). The WHO systematic review did not include the UK’s Study or Noise Annoyance (SONA, 2014) because it was published just after the WHO research literature review commenced. The UK government has studied dose response curves in the UK in the SONA study, so as recommended by the WHO these should be used to assess the specific relationship between aircraft noise and annoyance in the UK.
- 11.7.13 Fifth, modelling to these lower noise levels would not be consistent with policy.
- 11.7.14 As set out above, the DfT consultation response on UK Airspace Policy: A framework for balanced decisions on the design and use of airspace included guidance on assessing aircraft noise, stating that “we will set a LOAEL at 51 dB LAeq 16 hr for daytime, and based on feedback and further discussion with CAA are making one minor change to the LOAEL night metric to be 45dB LAeq 8hr rather than Lnight to be consistent with the daytime metric”. These metrics were adopted to “ensure that the total adverse effects on people can be assessed” and that “airspace decisions are consistent with the objectives of the overall policy to avoid significant adverse impacts and minimise adverse impacts.” The ES provides an assessment of aircraft noise and recommends mitigation measures to minimise aircraft noise above the LOAELs stated that response. The Applicant notes the LOAELs used for the Northern Runway noise assessment are consistent with those used by Applicants for other airport seeking consent to expand, and others have not been required to model and assess lower noise levels.

11.7.15 The Applicant has also noted that the methodologies for the assessment were consulted upon following publication of the Scoping Report in September 2019 and again following the PEIR in Autumn 2021, and have also been steered by Noise Topic Working Group meetings (comprising local authorities and the technical advisors) throughout the preparation of the Environmental Statement. The CAP1616 requires noise levels above LOAEL to be modelled and assessed. It also suggests supplementary noise metrics such as N60, N65 and Lmax can be used, as well as overflights.⁵²⁶ The ES has used these noise metrics in the assessment to further illustrate noise changes from the Project.

UAEL

11.7.16 The approach to and need to assess a UAEL in connection with the Project has been addressed above at paragraphs 11.4.30 to 11.4.36. In summary, whilst the Applicant has not undertaken an assessment of the UAEL within the Environmental Statement for the reasons explained in those paragraphs, the ExA and the Secretary of State can have confidence that internal noise levels for the 35 residential properties which would be above the UAEL levels used on other projects will be reduced below the equivalent internal UAEL levels, and that home relocation assistance will also be provided, which is an appropriate response by the Applicant to satisfy the requirements of policy. With regard to the confidence that the Secretary of State that the mitigation approach is appropriate, the Applicant also notes that the APF requires airport operators to provide assistance with relocation at a level of Leq 16 hr 69dB. The Applicant has adopted a more generous offer using a threshold noise level of Leq 16 hr 66 dB, above which home owners would be offered the Home Relocation Assistance Scheme. The ExA has also asked how the Applicant would modify the Noise Insulation Scheme or the Home Relocation Assistance Scheme if the UAELs adopted for the Bristol and Luton expansion project are adopted. The Applicant's proposed mitigation for properties above these levels, which is to offer noise insulation and home relocations assistance, is consistent with the APF, and so there would be no need for any modification.⁵²⁷

Night Flights

11.7.17 The Government position in respect of the control of night flights and restrictions in this respect is addressed above at paragraphs 11.5.35 to 11.5.37.

⁵²⁶ See CAP1616i paras 5.17 and 5.31.

⁵²⁷ See The Applicant's Response to ExQ2 – Noise and Vibration [[REP7-089](#)] in response to ExQ1 NV2.1.

- 11.7.18 Several Interested Parties have requested that further controls be imposed on any DCO, including a prohibition on night flights for the full 8-hour period between 2300 and 0700⁵²⁸.
- 11.7.19 It should be emphasised at the outset that under the DCO the Northern Runway would not be used at night between 2300 and 0600 unless required to facilitate maintenance or other work as currently is the case⁵²⁹.
- 11.7.20 The aircraft noise assessment assumes the night restrictions imposed by the DfT will continue to limit aircraft movements and noise in the 2330 to 0600 hours period. In the noisiest year, 2032, the Project would increase the numbers of flights in the average summer 8 hour night period 2300 to 0700 by only 12, from 125 to 137. As a result, with technological improvements reducing aircraft noise, the total number of people affected by noise at night with the Project will be less than in the 2019 baseline.⁵³⁰ The noise effects within that night-time period would in any event be controlled by way of the Noise Envelope and where necessary the Noise Insulation Scheme. There is no substantive basis for further control.
- 11.7.21 Similarly, it should not be suggested that there is anything in paragraph 5.62 of the ANPS to justify one. It states that “the Government also expects a ban on scheduled night flights for a period of six and a half hours, between the hours of 11pm and 7am, to be implemented....”. Paragraph 5.57 of the ANPS makes clear that the policy which follows applies to the Heathrow Northwest Runway scheme. The then night ban policy was never implemented anyway. In forming that policy government may have felt this control was appropriate for an airport where the night-time LOAEL covered 1.1 million people (in 2017) and would increase substantially with the third runway, whereas at Gatwick the night-time LOAEL with the Project is forecast to cover 28,000 people, with the Project only increasing by 3,100.
- 11.7.22 In any event, there is no justification for this DCO to be employed as the device for controlling the night flight regime when this is already part of the controls that will continue to be operated independently of the DCO by the Secretary of State, as is already addressed above. The night flight movement limit and quota count restrictions imposed pursuant to that status by the Secretary of State will continue to operate as the Secretary State sees fit to apply them. As they are secured by a separate legislative regime, they do not need to be secured in the DCO; and it would not be appropriate to fetter in any DCO the process that the Secretary of State will follow to review these controls. It is reasonable to assume

⁵²⁸ See for example the Applicant’s Relevant Representations Report [\[REP1-048\]](#), pages 98, 191.

⁵²⁹ See Requirement 19(2) of the Draft DCO (Doc Ref. 2.1)

⁵³⁰ See ES Addendum – Updated Central Case Aircraft Fleet Report [\[REP8-011\]](#) at para. 3.2.29.

that the government will continue to review the controls that it imposes on designated airports periodically to ensure they are suitable; and should the noise designated airport regime end for any unexpected reason the government would legislate to ensure what is considered to be suitable controls remained in place.

- 11.7.23 The JLAs may contend that the designated airports “*have some of the weakest controls in the country but as they are the largest they have the greatest impacts on the population*”.⁵³¹ This is clearly not the case for Heathrow or Gatwick Airport, which have led the way in areas of research into noise management measures, as summarised for Gatwick in **ES Appendix 14.9.2: Air Noise Modelling** [APP-172]. Even if it were the case, however, it would be a consequence of deliberate national policy, as the APF explains at paragraph 3.10:
- 11.7.24 *“For many years, Heathrow, Gatwick and Stansted Airports have been designated for these purposes, and we will continue to maintain their status. These airports remain strategically important to the UK economy and we therefore consider that it is appropriate for the Government to take decisions on the right balance between noise controls and economic benefits, reconciling the local and national strategic interests. The future of these airports is also under consideration as part of the work of the Airports Commission and it would not be appropriate to change their regulatory status at this time.”*
- 11.7.25 The Applicant submits that it should not be for this examination to usurp that position.
- 11.7.26 As noted above, at paragraphs 11.5.39 to 11.5.40, it should be assumed that the relevant pollution control regime will be properly applied and enforced (and therefore be effective), and it is neither necessary or appropriate to duplicate existing controls in relation to noise within a DCO. There is no good reason not to apply this assumption in this case. Whilst designation does not preclude securing additional controls through a DCO, there is simply no requirement to do so in the case of night-time controls as this would introduce duplication given the continuation of the current noise designated status regime, or any other regime that would undoubtedly be promulgated.

Noise Envelope – Compliance

- 11.7.27 The main issue that has been raised in relation to the noise envelope relates to compliance, in particular due to the effect of declaring capacity such that a breach of the noise limits cannot be prevented. The means by which this issue is

⁵³¹ JLAs’ Deadline 6 submission [REP6-099] para. 6.9.

alleged to arise is through slot allocations that are made to respect historic slot rights.

- 11.7.28 Issues relating to compliance with **The Noise Envelope** (Doc Ref. 5.3), including (1) the careful consideration and scrutiny by the Applicant and the CAA to how the noise envelope will be monitored, and how it will be effective to ensure that breaches of the noise envelope limits over time are not permitted to be exceeded, and (2) how it has been ensured that it can be known that the Airport is not in breach of an applicable limit, and is not forecast to be in breach of an applicable limit in the future, when declaring future capacity and the position in respect of "historic rights", is addressed above, particularly at paragraph 11.5.83 to 11.5.86.
- 11.7.29 As noted in those paragraphs, the Applicant has provided a detailed summary of the approach proposed by the Applicant to the monitoring of the noise envelope, and moreover of how this will ensure compliance through the continuing annual need to evidence this, at Appendix A: Note on how the Applicant will plan to stay in the Envelope and why this will be effective [REP6-087]. The Applicant again highlights this as critical document to understand the rationale for the Applicant's approach to the noise envelope, and why it is confident that this will ensure breaches of the noise envelope contour limits will not occur.
- 11.7.30 The Applicant also notes the JLAs position in respect of EMG, and most recently how the Applicant's secured commitment to commence the AMFR process two years in advance of operations commencing from the Northern Runway has addressed many of their concerns regarding the effectiveness of the noise control regime, including the effectiveness of the Noise Envelope approach. This is discussed in summary further below, and also in section 6 of this document which provides the Applicant's position on the JLA proposed Environmentally Managed Growth Framework.

Noise Envelope – Oversight

- 11.7.31 Another compliance-related issue which has been raised in the examination is the local authority role in enforcement of the noise envelope.
- 11.7.32 The Applicant has already addressed its position on the CAA being the appropriate person to have oversight and to be responsible for verification of the AMFR's and reviews of the noise envelope limits, at paragraphs 11.5.91 to 11.5.101, and why this approach is compliant with existing roles which legislation requires of the JLAs in relation to the follow up and monitoring of operating restrictions for the purpose of Regulation 598/2014.

11.7.33 In summary the Applicant is entirely satisfied with the appropriateness of the CAA performing the role of independent noise reviewer, including that this is an approach which ensures compliance with policy, for the reasons priorly set out. Noting that the JLAs do not have the necessary expertise to perform this role, and to resource them to perform this role would be an unnecessary use of resources providing no benefit to the AMFR verification process, the Applicant does not consider it would be appropriate for the JLAs to have oversight of the Noise Envelope.

Restrictions for noise in the winter

11.7.34 As noted at paragraph 11.4.9 above, the noise metrics used for assessment relate to the 92 day summer period from 16 June to 15 September, as used conventionally in the UK because it represents the busiest, and hence noisiest, season, and thus assess the worst case effects of the Project during its busiest period.

11.7.35 It has been suggested that the noise envelope restrictions should also apply to the winter period⁵³². This is neither necessary nor appropriate. There is not a realistic prospect of Gatwick being busier outside of the summer period than within it, or any evidence to indicate that Gatwick Airport becoming busier over the whole year would lead to higher levels of community annoyance. The primary noise metric applied to the 92-day period remains the most appropriate. Use of that period also follows the historic approach assumed by policy, including the Department for Transport's definition of LOAEL, which is reflected in how other airports assess noise⁵³³.

11.7.36 The annual cap of 389,000 aircraft movements per annum⁵³⁴ covers the winter as well as the summer period. With this cap in place, together with all other relevant noise mitigations, and taking into account the summer season peak for air traffic, it is not necessary for there to be any further restrictions to limit noise emissions from air traffic in the winter season.

Noise Envelope – Metrics

11.7.37 Some Interested Parties have queried the use of the Leq metric⁵³⁵ (Leq 16 hour day and Leq 8 hour night). The use of this metric for the noise limits within the Noise Envelope was discussed in detail within the Noise Envelope Group consultation in Summer 2022. The **Report on Engagement on the Noise Envelope** [[AS-023](#)] includes the presentation made by the Applicant on 23 June

⁵³² See for example the Applicant's Relevant Representations Report [[REP1-048](#)], page 556.

⁵³³ See para. 2.1.20 of The Applicant's Written Summary of Oral Submissions – ISH 8: Noise [[REP6-081](#)].

⁵³⁴ Requirement 19(1) of the Draft DCO (Doc Ref. 2.1)

⁵³⁵ See for example the Applicant's Relevant Representations Report [[REP1-048](#)], page 555.

2023⁵³⁶, as well as a summary of the timeline⁵³⁷ of a study carried out by the Applicant with the Noise Management Board Community Noise Groups, seeking their views on noise metrics and reviewing the options available.

- 11.7.38 The options considered for the noise envelope and the reasons why the two metrics, Leq 16 hour day and Leq 8 hour night, where chosen are reported in **Air Noise Envelope Background [APP-175]**⁵³⁸. The rationale for the Leq metric is as follows.
- 11.7.39 The choice of noise contour metric should reflect the impact. Summer season Leq 16 hour day or Leq 8 hour night contours are the most common contours used in the UK because their relationships to annoyance and sleep disturbance in this country are well understood. Noise event metrics such as Lmax are less effective, because, taking no allowance for numbers of noise events or their duration, they are not good indicators of health effects when used in isolation, and provide no control on the numbers of events. Other noise metrics that accumulate noise events during the day or night are available, such as N60 and N65, but their relationship with health effects is less well understood than the Leq metrics.
- 11.7.40 The Applicant has been producing N65 and N60 contours in its annual noise contour reports since 2019 and community and local authority stakeholders were in favour of these metrics in addition to Leq. However, CAP 1506 Survey of Noise Attitudes (SONA) 2014: Aircraft Noise and Annoyance⁵³⁹ provides the latest CAA analysis of the results of the major social survey on noise annoyance from aircraft noise in the UK carried out in 2014. The summary provides the following conclusions on the relative merits on Leq 16 hr, Lden and N65 relating to community noise annoyance:

“Is LAeq,16h still the most appropriate indicator to use to estimate the annoyance arising from aircraft noise?”

8.7 The study compared reported mean annoyance scores against average summer-day noise exposure defined using four different noise indicators: LAeq,16h, Lden, N70 and N65.

8.8 Evidence was found that mean annoyance score correlated well with average summer day noise exposure, LAeq,16h (r2=0.87). There was no evidence found

⁵³⁶ pp. 134 to 159.

⁵³⁷ pp. 148.

⁵³⁸ Section 2.

⁵³⁹ Second Edition, July 2021.

to suggest that any of the other indicators Lden, N70 or N65 ($r^2=0.66-0.73$) correlated better with annoyance than LAeq,16h.

Having said this, the study recognises that residents can struggle to understand the concept of a time-averaged metric such as LAeq,16h and Lden and the fact that it is measured and reported on a logarithmic scale where a change of 3 dB represents a doubling or halving of noise energy. 08.10 There is, therefore merit in considering greater use of 'Number Above' metrics as supplemental indicators to help portray noise exposure, but recognising that evidence-based decisions should continue to use LAeq,16h. In this context N65 is preferred over N70 as noise events in many areas are already beginning to occur at levels less than 70 dB LASmax and are forecast to reduce over time”.

- 11.7.41 Using the areas of Leq 16 hour day or Leq 8 hour night contours is the most reliable noise contour option, backed by government policy, CAA guidance and supporting research. In order to give certainty on future both day and night noise, Leq 16 hour day and Leq 8 hour night contours would be needed, and they are proposed.
- 11.7.42 The use of further metrics beyond Leq, such as frequency of overflights, has also been suggested. Other metrics were also debated through consultation on the Noise Envelope.
- 11.7.43 CAP 1129 states as follows in Chapter 3 under the heading Combining Parameters:
- “For a noise envelope to be effective, it should be simple and easily understood by all stakeholders. Therefore, the introduction of separate criteria for different time periods and/or seasons must be on the condition that there is a clear and justifiable need for it”.*
- 11.7.44 Whilst Interested Parties expressed a desire for further metrics, there is a sound rationale, therefore, for limiting them. Different metrics are most appropriately employed to limit the various time varying aspects of noise and the impacts it may have on affected communities - in particular during the night when residents are more sensitive to noise than during the day, and during the summer as opposed to during other seasons. The Noise Envelope therefore uses two metrics, one for daytime noise and one for night-time noise.
- 11.7.45 Further justification is provided by CAP 1731 Aviation Strategy: Noise Forecast and Analyses, 2019, which provides a review of suitable noise metrics for health impacts and noise limits around UK airports:

- It analyses the correlation between 13 different noise metrics, including ATMs average summer day and night, QC average summer day and night, Area 54 dB Leq 16 hr and Area 48dB Leq 8 hr, Population exposed > 54 dB Leq 16 hr and > 48dB Leq 8 hr, Population exposed to N60, N65 and N70 >10 events, No people highly sleep disturbed, No. people highly annoyed;
- For annoyance, the metrics that correlate closest to the number of people highly annoyed are population exposed > 54 dB Leq 16 hr (correlation 0.94) and Area 54 dB Leq 16 hr (correlation 0.70);
- For sleep disturbance, the metrics that correlate closest to the number of people highly sleep disturbed are population exposed > 58 dB Leq 8 hr (correlation 0.62) and Area 48 dB Leq 8 hr (correlation 0.49).

11.7.46 There is therefore a clearly justified basis for approach taken by the Noise Envelope to adopt Leq 16 hr for daytime noise, and the area of the 51 dB LOAEL, as well as Leq 8 hr for night-time noise, and the area of the 45 dB LOAEL, as summarised above. Other secondary noise metrics can be used to provide more detail on the noise experienced, but not with limits.

11.7.47 CAP1616i Environmental Assessment Requirements and Guidance for Airspace Change Proposals⁵⁴⁰ defines two categories of metrics for describing aircraft noise: Primary Noise Metrics - Leq, 16 hour day and Leq, 8 hour night; and Secondary Noise Metrics - N65 day and N60 night. It also defines overflights as a Secondary Non-Noise Metric, but since this metric does not quantity or relate directly to noise levels it is not proposed for the Noise Envelope.

11.7.48 The Noise Envelope proposal therefore provides for the annual reporting of N65 day and N60 night contour areas, along with seven other metrics selected following consultation with stakeholders.

11.7.49 There is no need to go any further. Given that the Project is not proposing new routes, populations within Leq 16 hr 51dB contours generally correlate with Leq 16 hr 51dB contour areas. Similarly for night-time populations within Leq 8 hr 45dB contours generally correlate with Leq 8 hr 45dB contour areas. If limits were to be set on N65 and N60 contour areas, Leq, 16 hr 63dB and Leq, 8 hr 55dB contour areas, and populations within Leq 16 hr 51dB and Leq 8 hr 45dB contours, these would add substantial complexity to the noise envelope. In any event this is simply not necessary because limits on the primary metrics Leq 16 hr 51dB and Leq 8 hr 45dB contour areas would serve to adequately and clearly limit the noise impacts of the airport.

⁵⁴⁰ First edition, effective January 2024.

11.7.50 Drawing these points together, there is clear support within CAP 1129 to keep metrics simple. Reflecting the approach taken more generally to planning conditions, separate criteria for different time periods and/or seasons should only be where there is a clear need for it. The Leq metrics applied to day and night have a clear rationale and capture the primary noise effects of the Project. Limits are not necessary for any secondary metrics, which can instead be monitored and reported.

Noise Envelope – Sharing the Benefits

11.7.51 A number of Interested Parties contended, at least in the early stages of the examination⁵⁴¹, suggested that the proposed envelope did not do enough to share the benefit of growth with the community.

11.7.52 This concern is unwarranted on the evidence.

11.7.53 Sharing the benefits was discussed in various NEG meetings. The Applicant presented its estimates of sharing the benefits on 23 June 2022⁵⁴² using the methodology referred to above, as drawn from the Bristol Airport appeal decision. Policy gives no method for assessing the degree of sharing nor the extent that should be shared, and in that case permission was granted in circumstances where 77% of the potential noise benefit was to be taken by ATM growth.

11.7.54 As originally but in particular as now proposed, the Project substantially outperforms that proposal, as set out above - including day- and night-time shares of the benefit to the community of 58% and 69% respectively by 2038. It clearly shows how the Noise Envelope would share the benefits appropriately between local communities and industry, as is required by policy.

Noise Envelope – Certainty

11.7.55 It has also been argued that the Noise Envelope does not provide sufficient certainty, largely it appears⁵⁴³ because limits are not set beyond the second noise envelope period. This concern is again misplaced.

11.7.56 The Applicant has discussed the approach to the noise envelope contour area limits above at paragraphs 11.5.76 to 11.5.79.

11.7.57 The Applicant does not dispute that the provision of certainty is a critical principle in the development of a noise envelope – that applies to both local communities

⁵⁴¹ See for example The Applicant's Response to Written Representations [[REP3-072](#)] page 52 and the Applicant's Relevant Representations Report [[REP1-048](#)] pages 191 and 555.

⁵⁴² See pp. 164 -175 of ES Appendix 14.9.9 Report on Engagement on the Noise Envelope [[AS-023](#)].

⁵⁴³ See The Applicant's Relevant Representations Report [[REP1-048](#)], page 97.

and airport operators. This is clear from the policy context set out above, including the APF and CAP1129.

- 11.7.58 CAP 1129 also recognises, however that time horizon that enables predictions of noise aircraft levels to be made is “limited by information provided by aircraft manufacturers”. It would therefore be “unfair to set envelope criteria to be applied at a future time for which we cannot make sufficiently accurate predictions” (page 41). The paper therefore suggests reviews of envelopes to be reviewed, based on up-to-date information rather than longer term forecasts. Reviews should be sufficiently frequent to avoid the restriction appearing to be fossilised but not so regular that the process provides no certainty for the developer (page 44).
- 11.7.59 Applying these principles to the proposed Noise Envelope, it explicitly provides for defined limits over the first two defined noise envelope periods, giving noise contours that must be adhered to for the first 14 years of operation (unless annual ATMs reach 382,000 before the end of the first nine years). This plainly provides substantial certainty to both the airport and communities regarding the application of noise limits, including the step down that will occur during the second noise envelope period. The third and successive five-year periods will have fixed limits following the review process that is summarised above, subject to the sensible provision for extraordinary reviews. This too provides certainty in the process, by establishing consistent timescales over which controls will operate. It is necessary however to recognise that beyond a time period of 14 years, the interests of certainty do not require the ossification of a limit that may no longer be relevant, having regard to the reliability of forecasting over a longer timescale as well as the rate of fleet transition and the introduction of future aircraft technologies (e.g. those which optimise performance to minimise carbon emissions). A review process that makes informed and up-to-date judgments relating to subsequent five-year periods, subject to the approval of the CAA, gives sufficient certainty over the long run. The Applicant has acknowledged the Stansted decision, at which provided for an initial contour and then step-down at 2032 (or 43 mppa if sooner), but no further review. However, the Applicant is prepared to take the further step of allowing what it regards as the inevitability of fleet transition to offer the prospect of improved contours beyond those which can most robustly defined now.

Noise Insulation Scheme – Single Scheme

- 11.7.60 It has been suggested during the examination that a single noise insulation scheme, starting at Leq 54 dB, may achieve greater consistency with ANPS paragraph 5.68.

11.7.61 Noting this approach has been proposed by the ExA their suggested amendments to the DCO, the Applicant has responded fully on this issue in its response to those proposed amendments. In summary the Noise Insulation Scheme proposed by the Applicant includes an Inner Zone (above SOAEL) for air noise and ground noise, which meets the policy requirement to avoid significant effects on health and quality of life, i.e. above SOAEL. It is considered important to have this zone distinguished so that a full package of noise insulation can be offered with a commensurate budget. It is now common practice at UK airports to have different zones to meet this policy requirement.

Noise Insulation Scheme – Single Mode Contour

11.7.62 The JLAs have proposed the use of a single mode contour, which the Applicant does not accept.⁵⁴⁴

11.7.63 The potential for a single mode contour has been discussed in the TWG⁵⁴⁵ and the Applicant does not consider its use appropriate for the following reasons.

11.7.64 First, Leq 16 hr and Leq 8 hour are defined as average modal split by the Department for Transport when defining LOAEL. This is because long term noise effects such as annoyance and sleep disturbance are not determined by either noise levels on westerly operating days or by noise levels on easterly operating days, but by the combination of both as experienced in the relevant proportions over the long term.

11.7.65 Second, there is CAA guidance that the best correlation to noise annoyance is average mode rather than single mode. CAP 1506: Survey of Noise Attitudes 2014: Aircraft Noise and Annoyance⁵⁴⁶ concludes that:

“Practically, this means that single-mode contours are unsuitable for decision making, but that they may be helpful for portraying exposure and changes to exposure. Of the average-day modes, the existing 92-day summer average mode was found to correlate better than shorter average modes. There was therefore no evidence found to support a change from the current practice of basing LAeq,16h on an average summer day”⁵⁴⁷.

⁵⁴⁴ See the Applicant’s Written summary of Oral Submissions from ISH8: Noise [REP6-081], section 2.2.

⁵⁴⁵ The Applicant responded to a technical note issued on behalf of the local authorities on 6 January 2023 in relation to noise metrics. The response was circulated to the local authorities on 3 February 2023 as part of papers for Noise TWG 4 of 8 February 2023. The issue is addressed directly on p. 374 of ES Appendix 14.9.9: Report on Engagement on the Noise Envelope [AS-023].

⁵⁴⁶ Second Edition, July 2021.

⁵⁴⁷ Paragraph 8.11

- 11.7.66 Third, it would be unfair to apply a single mode contour because people in the zone 30% of the time at one end of the runway and people in the zone 70% of the time at the other end would be offered the exact same thing. Other airports, including Luton, base their noise insulation schemes on average mode contours.
- 11.7.67 The JLAs have repeatedly referred to Heathrow, seeming to imply that Heathrow airport has a noise insulation scheme based on single mode Leq noise contours.⁵⁴⁸
- 11.7.68 If a comparison is being made it is inapposite. Whilst Heathrow may have produced single mode contours in the past, the Applicant is not aware of an existing noise insulation scheme at Heathrow that is based on Leq single mode noise contours. Heathrow's Noise Insulation policy has just been the subject of consultation and review through its Noise Action Plan. The Scheme does not use single mode contours and is less generous than that proposed by the Applicant - 63dB is adopted as the threshold for qualification. The Applicant also notes Heathrow is a very different airport, with very much higher volumes of traffic creating noise impacts much further from the airport than at Gatwick and affecting a great many more people.⁵⁴⁹

Noise Insulation Scheme – Awakenings

- 11.7.69 The JLAs also suggest that the noise insulation scheme should be extended to the extent of one additional aircraft noise induced awakening⁵⁵⁰ per night (as an average across the 92 summer night), where “additional” refers to all aircraft noise from the airport, rather than additional due to the Project. This suggests one awakening due to aircraft noise is sufficiently significant to warrant noise insulation, and although the JLAs do not say how many people would need to be exposed to this, the Applicant assumes this to apply to a single awakening of any individual in any single property. As detailed at section 4.5 of the Applicant's Response to Deadline 7 Submissions [REP8-115], The Applicant's position on the significance of one additional awakening remains that it is not significant on an individual and does not warrant noise insulation, always remembering that awakenings are a change in sleep state typically occurring 20 times a night in a healthy individual, the majority of which go unnoticed. The awakenings study is

⁵⁴⁸ See the Applicant's Response to Deadline 4 submissions [REP5-072] at NV1.9.

⁵⁴⁹ In so far as the JLAs have also referred to the Luton Airport DCO as a recent case. The proposed noise insulation scheme in that case is also based on average mode Leq noise contours and not single mode contours, for the reasons the applicant has already explained.

⁵⁵⁰ Where the term “awakening” means a change of sleep state, not waking up, and an average healthy person awakens about 20 times a night for various reasons not connected with noise (see ES Chapter 14, paragraph 14.13.24 [APP-039]).

fully reported in **ES Appendix 14.9.2** [[APP-172](#)]. This is also summarised at paragraphs 11.4.60 and 11.4.61 above.

- 11.7.70 The study concludes that, even in the area of greatest noise increase beyond the west end of the Northern Runway, there would be no more than one additional ‘awakening’ per summer night per person as a result of the Project in the population in that area overall.
- 11.7.71 Even though it is currently unclear how many additional noise-induced awakenings are acceptable, in a context where an average healthy person awakens about 20 times a night for various reasons not connected with noise, an increase of less than one awakening per night in the busy summer season as a result of the Project seems likely to have a small health effect.
- 11.7.72 The JLAs’ suggestion needs to be viewed against these findings. It amounts to offering noise insulation to avoid the number of awakenings in a single average healthy person rising from 20 to 21 per night, i.e. rising by 5%. This however is not a significant health effect that requires further mitigation.

Noise Insulation Scheme – Internal Environment

- 11.7.73 A further issue that has been raised during the course of the examination by multiple Interested Parties is potential overheating in properties covered by the NIS, and in particular a request for air conditioning or heat pumps.
- 11.7.74 The Applicant is proposing measures to assist the internal environment to remain acceptable in hot weather by providing acoustic ventilators which provide ventilation whilst windows are closed. The NIS has been revised to specify the minimum air change performance at 170m³ /hr, which would allow for at least two air changes per hour to be provided for the vast majority of rooms treated. The acoustic ventilators should allow windows to remain closed more often in warmer weather, but are not expected to completely negate the need to open windows in certain circumstances. Experience at other airports is that one acoustic ventilator at this air throughput is sufficient.
- 11.7.75 In order to provide further reassurance that overheating can be avoided, the Applicant is prepared to also offer thermal insulation to roof spaces above noise sensitive rooms and window blinds, if not already in place, and this has been added to the NIS.
- 11.7.76 The Applicant does, however, not consider the proper solution to be air conditioning or heat pumps, as it is not appropriate to offer an energy-consuming solution, in the context of policy that seeks to avoid or minimise noise effects

within the context of Government policy on sustainable development. No other airport does so.

- 11.7.77 The Applicant cannot guarantee to avoid overheating at all properties – the properties already exist as constructed and cannot be rebuilt by the Applicant to ensure good thermal insulation and ventilation. However, the steps taken will provide an acceptable quality of internal accommodation.

Noise Insulation – Local Authority Involvement

- 11.7.78 In so far as their role regarding the enforcement of the NIS is concerned,⁵⁵¹ Paragraph 4.3.1 of the **Noise Insulation Scheme** as updated at Deadline 9 (Doc Ref. 5.3) and Requirement 18(1) of the **Draft DCO** (Doc Ref. 2.1) require the Applicant to submit to each relevant planning authority details of how the noise insulation scheme is to be promoted and administered including to persons who are considered to be vulnerable to noise related effects to ensure equitable access to the noise insulation scheme. The noise contours identifying premises as eligible are those contained in **ES Appendix 14.9.10: Noise Insulation Scheme** [REP8-086] and available on the on line air noise viewer.⁵⁵²
- 11.7.79 The scheme has otherwise been designed in consultation with the local planning authorities through the TWG and the examination. The views of the local planning authorities have been taken into account and responded to as appropriate in developing the scheme. It is not agreed that it is necessary for local planning or other authorities to be provided with roles in implementing the noise insulation scheme beyond those already proposed, which incur the need for resource requirements for the relevant authorities and inevitably increased costs for an undertaker, where this is not proven to be necessary for the mitigation to be effective.

Noise Insulation – Overflights

- 11.7.80 The Applicant has addressed its position on overflights, including at paragraph 11.4.68. As set out, an increase of up to 20% in overflights compared to the future baseline situation in 2032 would result in minor adverse effects on perception of tranquillity, which is not significant. Concerns about changes in overflights⁵⁵³ have therefore been addressed through the noise assessment, in

⁵⁵¹ See the response of the Applicant's Response to ExQ2, namely the response to ExQ2 NV.2.4 [REP7-089]

⁵⁵² www.gatwickairport.com/business-community/future-plans/northern-runway/.

⁵⁵³ See for example The Applicant's Response to Written Representations [REP3-072] page 192 and the Applicant's Relevant Representations Report [REP1-048] page 246.

order to allow for impact of noise (amongst other factors) on the perception of tranquillity for receptors within designated landscapes to be assessed.

Ground Noise Assessment Approach

- 11.7.81 It is worth dealing briefly here with a methodological issue raised in respect of the assessment of ground noise. Criticism has been levelled at the assessment taking ambient noise into consideration, and CAGNE in particular take the position that ambient noise should not be considered.⁵⁵⁴
- 11.7.82 The Applicant's position is that ambient noise (i.e. noise from other sources) should be taken into account in assessing ground noise for an airport where it is relevant, and it is at Gatwick because of nearby major roads which form part of and will continue to form part of the noise environment.
- 11.7.83 In so far as CAGNE seek to draw support from the ES prepared for the Stansted expansion project, the assessment there was prepared by Cole Jarman, the company that has since become Suono (consultants to CAGNE), who clearly considered it necessary to consider ambient noise levels in the assessment at that airport, as the Applicant does at Gatwick.
- 11.7.84 **The Supporting Noise and Vibration Technical Notes to Statements of Common Ground** [REP3-071] Appendix B assessed ground noise for the worst-case Slower Transition Fleet and identifies those properties where noise mitigation at sources is not sufficient and noise insulation would be required. The Applicant has taken a precautionary approach to mitigation for ground noise and include these properties in the **Noise Insulation Scheme** [REP8-086], rather than remodel ground noise for the Updated Central Case for which ground noise levels may be slightly lower.

Environmentally Managed Growth

- 11.7.85 With regard to the proposals by the JLAs for Environmentally Managed Growth, which is the main proposal put forward by the JLAs as an alternative approach to mitigating noise impacts, these proposals are comprehensively addressed in section 6 of this document. The Applicant therefore does not repeat those submission here.
- 11.7.86 The Applicant would however like to take the opportunity to again draw the Secretary of State's attention to the acknowledgement by the JLAs (at Appendix A to **The Applicant's Response to ISH8 Actions – Noise** [REP6-087]) that the early commencement of the AMFR process within **The Noise Envelope** (Doc

⁵⁵⁴ See the Applicant's Response to Deadline 6 Submission [REP7-095] at para.s 3.1.7-8.

Ref. 5.3) and Requirement 15 of the **DCO** (Doc Ref. 2.1) addresses many of the JLAs concerns regarding the effectiveness of the noise control regime.

- 11.7.87 What then appears to be the key remaining issue in terms of the approach to the Noise Envelope is in respect of the use of a noise Quota Count (“QC”) as the means to budget movements to avoid a breach of the noise envelope limits. In that respect, as the Applicant has explained in its **Response to Deadline 7 Submissions – Response to the JLAs’ EMG Framework Paper** [REP6-093] that whilst QC is a rather blunt forecast of noise levels, which has significant limitations in its correlation to actual noise performance (i.e. noise levels in affected communities), and so would result in an artificial and unnecessary constraint on movements from the airport where applied in isolation by virtue of its limited correlation to actual noise performance, it may be one of a range of potential noise management measures that could be adopted in order to inform forecasting and to ensure that the Applicant is complying with the Noise Envelope contour limits. In that respect, QC would be used alongside the noise forecasts to inform the anticipated noise levels from the proposed fleet and the release of capacity. The Applicant does therefore consider it has shown how it would be utilising QC as part of a more sophisticated approach to releasing growth from the airport within the applicable environmental limits.
- 11.7.88 In the Applicant's view there is therefore very little between them and the JLAs in this respect, and the Noise Envelope as proposed by the Applicant in being likely to utilise QC in any event to assist planning and forecasting alongside other tools is evidently a better proposal than EMG, which provides a better level of oversight and control.

Other Issues

- 11.7.89 Specific or technical points on ground noise, noise during construction, or other matters raised by individual parties are addressed in other submissions made by the Applicant during the examination.⁵⁵⁵

11.8. Planning Policy Compliance Assessment

- 11.8.1 As is noted in the **Planning Statement** [APP-245], the Applicant fully recognises that noise effects relating to the Project are a key concern to the communities

⁵⁵⁵ See for example the Applicant's Relevant Representations Report [REP1-048] pages 550, 560-4; The Applicant's Response to Written Representations [REP3-072] pages. 2, 12, 52-3, 67, 76-82, 106, 114, 116, 124, 137, 142-3, 167, 170, 184, 186, 188, 191-195, 204,208, 212, 214, 223-5, 229, 251, 254, 261, 274-6, 280, 297-9, 300-302, 306, , 321-3, 329; The Applicant's Response to Local Impacts Reports [REP3-078] pages 75-90, 178-192 and 248-53; and the Applicant's Response to Deadline 4 submissions [REP5-072] NV1.1-2, 1.5, 1.8 and 1.15.

that will be affected by them. And that they will want to have certainty that the effects of noise are avoided and mitigated as is required by Government policy.

- 11.8.2 Moreover, as it is expected can be seen from this section of this document, the Applicant has taken the assessment of noise very seriously through conducting thorough and extensive modelling which considers all the main sources of noise emissions from the airport, ground operations, construction and surface transport. The assessment has been carried out in accordance with all relevant guidance and Government's policy.
- 11.8.3 The policy requirements set out in the ANPS and NNNPS for noise assessment have been fulfilled. Additionally, the assessment has considered how, and made allowances for new technology and quieter aircraft so that noise exposure in the future can be properly planned for.
- 11.8.4 As detailed above at paragraph 11.4.46, it is important to note that the general zone of influence of Gatwick is relatively small. As quantified by the LOAEL, it can be measured as approximately 28,000 (28,000 night, 24,000 day) people, as at 2019. This is a small population compared with other airports, such as Luton (68,000 night, 41,000 day), and Heathrow (1.1 million day, 940,000 night, as at 2017). Objectively, this makes Gatwick a noise efficient airport. It is in this context that the impacts of the Project must be viewed.
- 11.8.5 In EIA terms, the Project will result in the following effects which are 'significant' following the application of existing and proposed mitigation.⁶³
- 37 properties are predicted to experience a short term moderate adverse effects during the daytime as a consequence of construction noise.
 - 80 properties are predicted to experience permanent moderate adverse effects during the daytime as a consequence of air noise; and
 - 30 properties are predicted to experience permanent moderate adverse effects during the daytime as a consequence of ground noise.
- 11.8.6 There are no predicted noise related significant effects during the night time following the application of the existing and proposed mitigation.
- 11.8.7 The Applicant already has a strong track record in noise mitigation and reduction and has proposed mitigation measures in this case which meet and exceed the expectations of government policy. Without wishing to understate the importance of the above impacts, the extent of impacts which are significant in the context of EIA assessment is relatively small.
- 11.8.8 The policy tests in the ANPS are met – significant adverse effects on health and quality of life are avoided through a noise insulation policy which exceeds

government policy and which would help to establish best practice in the industry. Noise effects below SOAEL are mitigated and minimised through a comprehensive range of noise management measures, including a noise insulation policy which extends as far as 54dB Leq.⁵⁵⁶

- 11.8.9 In the context of aviation noise, government policy on noise does not require noise from an airport project to reduce from the baseline position, but rather requires aviation noise to be limited and where possible to reduce, recognising that in the context of sustainable growth an increase in total adverse effects may be offset by an increase in economic and consumer benefits.. The consideration of the overall planning balance in this case, points overwhelmingly in favour of the grant of consent.
- 11.8.10 In particular, the Applicant's Noise Envelope proposal strikes an appropriate balance between growth and noise reduction and complies with policy and relevant guidance in all respects, in particular in respect of how it was prepared through stakeholder engagement, how its clear use of contours based on primary Leq 16hr and Leq 8 hr night metrics provides certainty to communities, and how it provides for future reviews to be undertaken so as to ensure it remains relevant and to capture and share the benefits of technological improvements in the industry.

⁵⁵⁶ Compliance with policy is addressed in Section 8.6 of the Planning Statement [[APP-245](#)] and in Appendix C to the Planning Statement [[APP-248](#)], which considers the detailed policy requirements of both the ANPS and the NNNPS.

12 Traffic and Transport

12.1. Traffic and Transport Assessment

Introduction

12.1.1 The submissions made by the Applicant on this topic during the examination are contained primarily in the following documents:

- **Car Parking Strategy** [\[REP1-051\]](#);
- **Written Summary of Oral Submissions from ISH4: Surface Transport** [\[REP1-059\]](#);
- **The Applicant's Response to Actions from ISH2: Control Documents / DCO** [\[REP1-063\]](#);
- **The Applicant's Response to Actions from ISH4: Surface Transport** [\[REP1-065\]](#);
- **The Applicant's Response to Actions – ISHs 2-5** [\[REP7-071\]](#);
- **The Applicant's Response to Deadline 2 Submissions** [\[REP3-106\]](#);
- **Environmental Statement Appendix 5.4.1: Surface Access Commitments – National Highways Commentary of Surface Access Commitments Response Table** [\[REP3-030\]](#);
- **The Applicant's Response to the ExA's Written Questions (ExQ1) – Traffic and Transport** [\[REP3-104\]](#);
- **The Applicant's Response to Deadline 3 Submissions** [\[REP4-031\]](#);
- **Written Summary of Oral Submissions ISH7: Other Environmental Matters** [\[REP4-033\]](#);
- **Environmental Appraisal of the Impact of the Post-Covid 19 Traffic Data for the Environmental Statement** [\[REP5-068\]](#);
- **The Applicant's Response to Deadline 4 Submissions** [\[REP5-072\]](#);
- **Response to Rule 17 Letter – Car Parking Version 2** [\[REP6-067\]](#) (clean) [\[REP6-068\]](#) (tracked);
- **The Applicant's Written Summary of Oral Submissions ISH8 – Surface Access Commitments** [\[REP6-078\]](#);
- **The Applicant's Written Summary of Oral Submissions ISH8 – Car Parking** [\[REP6-079\]](#);
- **The Applicant's Written Summary of Oral Submissions ISH8 – Draft DCO** [\[REP6-083\]](#);
- **The Applicant's Response to Actions ISH8 – Surface Access** [\[REP6-084\]](#);
- **The Applicant's Response to Actions ISH8 – Car Parking** [\[REP6-085\]](#);

- **The Applicant's Response to ExQ2 – Traffic and Transport** [\[REP7-092\]](#)
- **The Applicant's Written Summary of Oral Submissions ISH9 - Mitigation** [\[REP8-106\]](#);
- **Appendix A to The Applicant's Written Summary of Oral Submissions ISH9 - Mitigation** [\[REP8-107\]](#);
- **The Applicant's Response to Actions ISH9 - Mitigation** [\[REP8-111\]](#);
- **Response to Rule 17 Letter – Parking** [\[REP8-114\]](#);
- **The Applicant's Response to Deadline 7 Submissions** [\[REP8-115\]](#);
- **Environmental Statement Appendix 5.4.1 Surface Access Commitments – Version 6** (Doc Ref. 5.3 v6); and
- Various Statements of Common Ground with local authorities and other interested parties, including Network Rail and National Highways.

12.1.2 These are referred to as necessary below, when dealing with the Applicant's assessment and any matters that are still outstanding.

12.1.3 The overall assessment of the Project's traffic and transport impacts is set out in **ES Chapter 12: Traffic and Transport**⁵⁵⁷ (ES Chapter 12) and the **Transport Assessment**⁵⁵⁸ (the TA) for the Project.

12.1.4 During the pre-examination period the ExA made a procedural decision on 24 October 2023⁵⁵⁹, which requested further information on:

- the implications of updated DfT guidance issued in May 2023, in relation to transport modelling and post-COVID conditions; and
- the implications of updated guidance issued by the Institute of Environmental Management (IEMA) in 2023 (*'Environmental Assessment of Traffic and Movement'*).

12.1.5 The Applicant responded to the first point in **Accounting for Covid-19 in Transport Modelling**⁵⁶⁰, which concluded that updated modelling to reflect the new guidance, including verification against 2023 observed data, showed traffic flows no greater than (and in many locations less than) those produced by the core modelling for the Application. Consequently it was not expected that new or different significant effects would arise from the Project if assessed in this context.

12.1.6 The Applicant responded to the second point in its **Technical Note: Impact of Latest IEMA Guidance (2023) on the Assessment of Effects Related to**

⁵⁵⁷ [\[REP3-016\]](#).

⁵⁵⁸ [\[REP3-058\]](#).

⁵⁵⁹ [\[PD-006\]](#).

⁵⁶⁰ [\[AS-121\]](#) and [\[AS-122\]](#).

Traffic and Transport⁵⁶¹. The technical note concluded that the new guidance would not lead to any new or different significant effects related to traffic and transport being identified, compared to the assessment in ES Chapter 12.

12.1.7 During the Examination period the following matters were raised by the ExA:

- Rule 17 request on 8 April 2024 (item R17a.3) in relation to car parking⁵⁶²;
- Rule 17 request on 9 May 2024 (item R17b.1) in relation to sensitivity analysis for an alternative future baseline⁵⁶³;
- The ExA's Further Written Questions in relation to traffic and transport⁵⁶⁴;
- Rule 17 request on 15 July 2024 in relation to car parking⁵⁶⁵;
- Rule 17 request on 14 August 2024.⁵⁶⁶

12.1.8 The Applicant responded to item R17a.3 (8 April 2024) in its **Response to Rule 17 Letter - Car Parking**⁵⁶⁷, providing further information on passenger and staff parking demand, supply and mode share by year.

12.1.9 As a result of the timetable provided in response to item R17b.1 (9 May 2024), the Applicant submitted **Response to Rule 17 letter - Future Baseline Sensitivity Analysis**⁵⁶⁸. Section 5.10 of that document addressed the traffic and transport implications of the alternative future baseline scenarios. It concluded that the three alternative scenarios considered would not lead to new or different significant environmental effects compared to those presented in ES Chapter 12.

12.1.10 The Applicant responded to the ExA's Further Written Questions in its **Response to ExQ2 - Traffic and Transport**⁵⁶⁹.

12.1.11 The Applicant responded to the Rule 17 request of 15 July 2024 in its **Response to Rule 17 Letter – Parking**⁵⁷⁰.

12.1.12 The Applicant responded to the Rule 17 request of 14 August 2024 in its **Response to the Rule 17 letter (d)** (Doc ref. 10.80).

12.1.13 Additionally, during the examination the Applicant submitted **Environmental Appraisal of the Post-Covid 19 Traffic Data for the ES**⁵⁷¹, which considered

⁵⁶¹ [\[AS-119\]](#).

⁵⁶² [\[PD-013\]](#).

⁵⁶³ [\[PD-018\]](#).

⁵⁶⁴ [\[PD-021\]](#).

⁵⁶⁵ [\[PD-025\]](#).

⁵⁶⁶ [\[PD-027\]](#).

⁵⁶⁷ Originally [\[REP4-019\]](#); subsequently corrected and resubmitted as [\[REP6-067\]](#).

⁵⁶⁸ [\[REP7-073\]](#).

⁵⁶⁹ [\[REP7-092\]](#).

⁵⁷⁰ [\[REP8-114\]](#).

⁵⁷¹ [\[REP5-068\]](#).

the implications of the post-COVID modelling that had been presented in **Accounting for Covid-19 in Transport Modelling**⁵⁷². This environmental appraisal concluded that using the post-COVID traffic data would not lead to new or different significant effects compared to those identified in ES Chapter 12.

- 12.1.14 During the examination, other Interested Parties raised matters related to the Applicant's Surface Access Commitments and the need for 'environmentally managed growth'. The former have been responded to in successive updates of **ES Appendix 5.4.1: Surface Access Commitments – Version 6** (Doc Ref. 5.3 v6). The issue of environmentally managed growth is addressed in Chapter 6 these Closing Submissions.

The Applicant's Assessment

Introduction

- 12.1.15 The assessment of environmental effects related to traffic and transport is reported in ES Chapter 12⁵⁷³. It draws on the technical assessment of transport network performance contained in the TA⁵⁷⁴ and its associated annexes⁵⁷⁵.
- 12.1.16 Relevant legislation and policy (and the Project's compliance with it) are set out in section 12.2 of ES Chapter 12 and in sections 6 and 8.4 of the **Planning Statement**⁵⁷⁶.
- 12.1.17 The methodology for the assessment is described in section 12.4 of ES Chapter 12. The extent and nature of the assessment was defined in accordance with the *Guidelines for the Environmental Assessment of Road Traffic* (1993) originally produced by the Institute of Environmental Assessment, now IEMA.
- 12.1.18 A key element of the guidance in the IEMA Guidelines is the "Rule 1" and "Rule 2" approach for effects related to traffic. This is used to screen out road links where the change in the volume of traffic is less than $\pm 30\%$, or less than $\pm 10\%$ where there is a sensitive receptor, as being unlikely to experience significant environmental effects.
- 12.1.19 The methodology for the technical assessment of transport network performance is described in Chapter 5 of the TA.

⁵⁷² [AS-121].

⁵⁷³ [REP3-016].

⁵⁷⁴ [REP3-058].

⁵⁷⁵ [APP-259], [APP-260], [APP261], [APP-262] and [REP3-060].

⁵⁷⁶ [APP-245].

12.1.20 Three transport models were used to determine the impacts of the Project on the operation of the transport network and the related environmental effects. The models are:

- A strategic transport model (known as the “GHOST” model), which determines transport demand and mode choice and assigns this demand to the rail, bus and highway networks. Further details are provided in TA Annex B: *Strategic Transport Modelling Report*⁵⁷⁷.
- A VISSIM microsimulation model, which covers the operation of the highway network in the vicinity of the Airport. Further details are provided in TA Annex C: *VISSIM Forecasting Report*⁵⁷⁸.
- A LEGION pedestrian simulation model, which was used to assess the operation of Gatwick Airport station. Further details are provided in TA Annex D: *Station and Shuttle Legion Modelling Report*⁵⁷⁹.

12.1.21 The strategic transport model covers a substantial geographic area around the Airport and is used to determine the expected mode share of journeys to and from the Airport. It also provides the forecast change in use of rail and bus services and the forecast change in highway network performance across the whole of the study area. *Transport Analysis Guidance* (TAG) issued by the Department for Transport (DfT) forms the basis for the approach to traffic modelling.

12.1.22 The strategic transport model is based on a busy June day. This represents a period when Airport-related demand is amongst the busiest in the year, but being outside the summer school holiday period, background traffic unrelated to the Airport is also higher than would be expected in August. This approach represents a realistic worst case for the purposes of the assessment. The Applicant provided a technical commentary on the use of June as the basis for modelling in Appendix B of **The Applicant's Response to Actions - ISHs 2-5**⁵⁸⁰ and the Applicant confirmed its approach in its response to the Rule 17 request of 15 July 2024 in its **Response to Rule 17 Letter – Parking**⁵⁸¹.

12.1.23 Passenger trip generation has been derived from the air passenger forecasts contained in **ES Appendix 4.3.1: Forecast Data Book**⁵⁸², taking account of seasonal profiles and arrival and departure behaviour to derive estimates of

⁵⁷⁷ [APP-260].

⁵⁷⁸ [APP-261].

⁵⁷⁹ [APP-262].

⁵⁸⁰ [REP7-071]

⁵⁸¹ [REP8-114]

⁵⁸² [APP-075].

landside passenger movements. Staff trip generation has been derived from existing movement patterns and the anticipated change in total staff numbers. In so far as the JLA's aviation consultants have suggested that the full scale of forecast growth may not be achieved, the Applicant's assessment (which considers the totality of generated trips from the airport and its acceptability on the road and transport networks) would be a worst case assessment.

- 12.1.24 The assessment takes account of the commitments and interventions set out in **ES Appendix 5.4.1: Surface Access Commitments – Version 6** (Doc Ref. 5.3 v6). The choice of transport mode used by both passengers and staff is determined in the strategic transport model.
- 12.1.25 The VISSIM microsimulation model draws information from the strategic model and provides a detailed assessment of road network operation in the area around the Airport, including the area covered by the highway works that form part of the Project.
- 12.1.26 The Legion pedestrian simulation model was used to assess the operation of the station concourse, vertical circulation and platforms taking account of the growth in rail passenger numbers expected in future years.

12.2. Traffic and transport mitigation

- 12.2.1 Mitigation measures related to traffic and transport are described in section 5.2 of **ES Chapter 5: Project Description**⁵⁸³ and in **ES Appendix 5.2.3: Mitigation Route Map**⁵⁸⁴.

Construction mitigation

- 12.2.2 The Project proposes a **Code of Construction Practice**⁵⁸⁵, which will be a certified document under Schedule 14 of the **Draft DCO** (Doc Ref. 2.1 v11). Compliance with this document is secured by Requirement 7 in the **Draft DCO** (Doc Ref. 2.1 v11).
- 12.2.3 The **Code of Construction Practice** includes an **Outline Construction Traffic Management Plan**⁵⁸⁶, which provides measures to manage the movements of construction traffic and minimise the impacts of that traffic on the highway network and surrounding communities. The preparation and approval of a

⁵⁸³ [\[REP8-013\]](#) paragraphs 5.2.115 to 5.2.160.

⁵⁸⁴ [\[REP8-020\]](#).

⁵⁸⁵ [\[REP8-024\]](#).

⁵⁸⁶ [\[REP7-026\]](#).

detailed Construction Traffic Management Plan is secured by Requirement 12 in the **Draft DCO** (Doc Ref. 2.1 v11).

- 12.2.4 The **Code of Construction Practice** also includes an **Outline Construction Workforce Travel Plan**⁵⁸⁷, which contains measures to manage construction worker movements and encourage workers to use sustainable travel modes, to reduce impacts on the surrounding area. The preparation and approval of a detailed Construction Workforce Travel Plan is secured by Requirement 13 in the **Draft DCO** (Doc Ref. 2.1 v11).

Operational mitigation

- 12.2.5 The Project includes highway works in the vicinity of the Airport on the M23 Spur, Airport Way, A23 London Road and at North and South Terminal roundabouts. The delivery of these works is secured by Requirements 5 and 6 of the **Draft DCO** (Doc Ref. 2.1 v11).
- 12.2.6 The works comprise:
- Amendments to the M23 Gatwick Spur including replacement of the Balcombe Road underbridge and reclassification of the Spur as an all-purpose trunk road (A-road);
 - Grade-separation of and improvements to South Terminal roundabout including provision of a new east-west flyover;
 - Amendments to Airport Way including carriageway widening and the widening of the bridge over the railway;
 - Amendments to North Terminal roundabout including a new north-westbound flyover from Airport Way to the A23 London Road;
 - Amendments to the A23 London Road including a new signal junction providing access to and from North Terminal roundabout and carriageway widening, including widening of the bridge over the River Mole; and
 - Amendments to Longbridge roundabout to increase lane widths and improve operation.
- 12.2.7 The Project also includes improvements to active travel infrastructure in the vicinity of the Airport. These form part of the highway works and are secured as such. They include:
- Improved circulating and crossing facilities at Longbridge roundabout;

⁵⁸⁷ [\[REP7-024\]](#).

- A shared use path from the A23 Brighton Road alongside the A23 London Road to the new signal junction for North Terminal with a connection into Riverside Garden Park;
- Signalised pedestrian crossing facilities at the new signal junction for North Terminal on the A23 London Road;
- A segregated pedestrian and cycle path between Longbridge roundabout and North Terminal roundabout;
- A new signalised crossing on Longbridge Way and footpath to the A23 London Road;
- A new shared use path connecting North and South Terminals; and
- Improvements to the footway on Balcombe Road under the M23 Spur bridge and a new pedestrian link between Balcombe Road and South Terminal.
- Improvements to the footway on Balcombe Road under the M23 Spur bridge and a new pedestrian link between Balcombe Road and South Terminal.

The Surface Access Commitments

12.2.8 The Project includes the commitments to surface access outcomes and interventions that are set out in **ES Appendix 5.4.1: Surface Access Commitments – Version 6** (Doc Ref. 5.3 v6) (the SACs). This will be a certified document under Schedule 14 of the **Draft DCO** (Doc Ref. 2.1 v11). Compliance with the SACs (Doc Ref. 2.1 v11) is secured by Requirement 20 in the **Draft DCO** (Doc Ref. 2.1 v11).

12.2.9 The commitments include (by way of summary):

- Achieving specific mode share outcomes by the first anniversary of dual runway operations commencing (the “Interim mode share commitments”);
- Achieving specific mode share outcomes by the third anniversary of dual runway operations commencing.
- A Bus and Coach Services Fund to support new regional coach or bus services and for enhanced local bus services;
- Funding to support local authorities in monitoring and providing parking controls in surrounding streets and/or in enforcement action against unauthorised off-Airport passenger car parking ;
- An obligation to assess the need for additional parking over and above that required to replace capacity lost as a result of construction in connection with the Project and provide sufficient but no more additional on-Airport public car parking spaces than necessary to achieve a combined on and off airport supply that is consistent with the mode share commitments;

- Using parking and forecourt charges at the Airport to influence passenger travel choices to achieve the mode share commitments;
- Maintaining parking for staff at or below 6,090 spaces and introducing measures to increase active travel and public transport use by staff;
- Introducing measures to discourage single-occupancy private vehicle use by staff and implementing incentives for active travel and increasing discounts for staff using public transport;
- Introducing a strategy for providing charging infrastructure for electric vehicles used to access the Airport (both passenger and staff) to facilitate the use of ultra-low and zero emission vehicles for those journeys that are made by car.
- Maintaining the existing Sustainable Transport Fund (STF) arrangements to support measures to achieve the mode share commitments;
- A Transport Mitigation Fund (TMF) to support further interventions, particularly in the event of unforeseen impacts directly related to the Project;
- A Rail Enhancement Fund (REF) for initiatives aimed at improving or enhancing the rail network or rail services, working with Network Rail (NR) and operators, together with a rail monitoring and enhancement plan; and
- Comprehensive monitoring and formal reporting on an annual basis.

12.2.10 Schedule 3 of the **Section 106 agreement** (Doc Ref. 10.11) also contains provisions related to surface access. These include arrangements for the Gatwick Area Transport Forum, Transport Forum Steering Group (TFSG) and the TMF and its associated Decision Group. It also makes provision for restrictions on use of the Povey Cross access to the Airport and detailed provision in respect of off airport-parking support contributions (to assist with the relevant authorities control and enforcement in respect of unauthorised off-airport car parking).

DCO Requirements

12.2.11 Requirement 37 provides a cap on car parking provision by the undertaker within the Order limits. The proposed car parking cap of 53,260 represents the current parking provision of 40,320 passenger spaces, 6,090 staff spaces, 5,750 spaces assumed as part of the future baseline (2,500 spaces (robotics) + 3,250 spaces (MSCP7)), and the 1,100 additional spaces to accommodate the Project growth. Any further parking provision beyond 53,260 car parking spaces within the Order limits would need to be agreed in writing by CBC as the cap acts as a restriction on the exercise of the Applicant's permitted development rights to bring forward any additional parking spaces in exceedance of the cap.

12.2.12 Requirement 33 provides that the 'North and South Terminal roundabouts BAU improvement scheme' must be completed prior to the earlier of (a) the commencement of dual runway operations, (b) the commencement of either the South Terminal Junction improvements or North Terminal Junction improvements or (c) the third anniversary of the commencement of the authorised development, unless otherwise agreed with National Highways.

12.2.13 The 'North and South Terminal roundabouts BAU improvement scheme' is a scheme of highway improvement works that does not form part of the development authorised by the Order but which is relevant to the Applicant's transport modelling. This requirement secures the delivery of these works in accordance with timing that accords with that modelling. The 'North and South Terminal roundabouts BAU improvement scheme plans' are referenced in requirement 33 to provide clarity as to the extent of works to which the requirement refers and must be completed prior to the earlier of commencement of dual runway operations, the South or North Terminal Junction improvements or the third anniversary of the commencement of the authorised development. This requirement was requested by National Highways and its wording has been agreed with National Highways.

Traffic and transport effects during construction

12.2.14 The assessment of environmental effects during construction of the Project is reported in **ES Chapter 12: Traffic and Transport**⁵⁸⁸ and considers two construction scenarios:

- the initial construction period, which represents the period during which airfield works are being undertaken prior to the commencement of dual runway operations (ES Chapter 12 paragraphs 12.9.2 to 12.9.26); and
- the highway construction period, which represents the period during which the Project highway works are being constructed, following the commencement of dual runway operations (ES Chapter 12 paragraphs 12.9.67 to 12.9.98).

12.2.15 The construction assessment considers the following environmental effects:

- severance;
- driver delay;
- pedestrian and cyclist delay;
- pedestrian and cyclist amenity;
- accidents and safety;

⁵⁸⁸ [\[REP3-016\]](#).

- hazardous loads;
- rail crowding; and
- railway station crowding.

12.2.16 The assessment of the initial and highway construction periods determined that there would be no significant effects related to traffic and transport. No additional mitigation would be required.

Traffic and transport effects during operation

12.2.17 The assessment of environmental effects during operation of the Project is reported in **ES Chapter 12: Traffic and Transport**⁵⁸⁹ and considers three scenarios:

- the first year of opening (2029), representing the first year of dual runway operations: 57.3 million passengers per annum (mppa) in the future baseline and 61.3 mppa with the Project (ES Chapter 12 paragraphs 12.9.27 to 12.9.66);
- an interim assessment year (2032), representing the point three years after dual runway operations commence and when the Project highway works are complete: 59.4 mppa in the future baseline and 72.3 mppa with the Project (ES Chapter 12 paragraphs 12.9.99 to 12.9.146); and
- the design year (2047), representing the point 15 years after completion of the Project highway works: 67.2 mppa in the future baseline and 80.2 mppa with the Project (ES Chapter 12 paragraphs 12.9.147 to 12.9.200).

12.2.18 The operational assessment considers the following environmental effects:

- severance;
- driver delay;
- pedestrian and cyclist delay;
- pedestrian and cyclist amenity;
- accidents and safety;
- hazardous loads;
- rail crowding; and
- railway station crowding.

12.2.19 For each of the three assessment scenarios the assessment determined that there would be no significant effects related to traffic and transport. No additional mitigation would be required.

⁵⁸⁹ [REP3-016].

12.2.20 On the basis of the mitigation described above and the package of measures agreement has been reached with National Highways and Network Rail as described further below.

National Highways

12.2.21 NH and the Applicant have reached agreement on a Framework Agreement, the content of which together with the amendments to **ES Appendix 5.4.1: Surface Access Commitments – Version 6** (Doc Ref. 5.3 v6) and **ES Appendix 5.3.2: CoCP Annex 3 – Outline Construction Traffic Management Plan** (Doc Ref. 5.3 v4), mean that – subject to the discrete matters set out in the signed **Statement of Common Ground submitted by the Applicant at Deadline 9** (Doc ref. 10.1.14), NH has confirmed it is content to withdraw its fundamental objections for the Project.

Network Rail

12.2.22 In respect of rail, NR raised concerns in relation to rail network capacity, rail crowding modelling and station capacity. To address those concerns, the Applicant has proposed a suite of measures which are secured in Commitments 14A and 14B of the SACs (Doc Ref. 5.3 v6) comprising of (by way of summary):

- a separate £10million Rail Enhancement Fund to support interventions that address impacts on the railway network that are directly related to the Project;
- specific measures identified in Network Rail's PADSS which the Applicant is committing to carrying out (with agreement from Network Rail and/or the station operator where applicable);
- an obligation on the Applicant to prepare a rail monitoring and enhancement plan and submit such plan for approval to Network Rail (in consultation with the relevant rail operators); and
- an obligation on the Applicant to enter into an agreement with Network Rail which gives effect to the principles set out in Commitment 14.

12.2.23 On this basis, Network Rail has confirmed in the signed **Joint Statement between the Applicant and Network Rail** submitted at Deadline 9 (Doc ref. 10.84), that the measures secured in the SACs (Doc Ref. 5.3 v6) are adequate to enable a reconciliation of the matters set out in section 2 of its Written Representations⁵⁹⁰ in the future and has confirmed it will be in a position to

⁵⁹⁰ [\[REP1-090\]](#).

withdraw its representations pending completion of a legal agreement (which is expected imminently).

12.3. Consideration of Traffic and Transport matters during Examination

12.3.1 The following matters relevant to the Traffic and Traffic assessment were raised over the course of the Examination and are considered in turn below:

- Modelling;
- Construction;
- Mitigation;
- Surface Access Commitments;
- Car parking;
- Bus / coach services;
- Rail services;
- Active travel.

12.3.2 In addition to the above issues, several Interested Parties have raised points that are location-specific i.e. they relate to a particular junction / bus route etc. It is not practicable to report on every such point in these closing submissions, however the Applicant's response can be found in the Statement of Common Ground (SoCG) with the relevant Interested Party.

Modelling

12.3.3 The modelling that supports the assessment of the Project has been undertaken in accordance with industry guidance (including the DfT's TAG) and the strategic transport model covers a large area, allowing impacts of the Project in that area to be identified. In addition to the information provided in the Application, the Applicant has undertaken further strategic modelling for post-Covid conditions⁵⁹¹.

Modelling - general

12.3.4 On the scope of the modelling undertaken, Horsham DC contended that the Applicant *"has placed too narrow a focus on the immediate vicinity of the Airport and existing capacity issues across the wider transport network could be exacerbated, and new issues caused, by the Project without sufficient mitigation"*⁵⁹². That contention is unfounded. The transport modelling covers a large area that includes all roads in neighbouring Districts, as indicated in Diagram 12.4.2 of ES Chapter 12. A magnitude of impact assessment was

⁵⁹¹ Accounting for Covid-19 in Transport Modelling [AS-121], Post Covid VISSIM Sensitivity Tests for 2032 and 2047 [REP3-108] and Environmental Appraisal of the Post-Covid 19 Traffic Data for the ES [REP5-068].

⁵⁹² SoCG with Horsham District Council (Doc ref. 10.1.3) item 2.21.2.1.

undertaken to understand the impact of the Project on junctions and links within the modelled area. Table 12.4.6 of ES Chapter 12⁵⁹³ shows that junctions which have a Volume over Capacity (V/C) ratio at or above 95% in the Application scenario are identified as experiencing a “medium” or “high” magnitude of impact if the Project results in a change in V/C ratio of two percentage points or more.

- 12.3.5 Table 12.4.6 of ES Chapter 12 is also relevant to Surrey CC’s concern⁵⁹⁴ that high levels of background traffic shown on the strategic road network (SRN) in the future baseline would lead to additional traffic travelling on the local road network once demand from the Project is added, but that by implication the assessment should identify more impacts on the local road network. The Applicant confirms that the methodology in Table 12.4.6 of ES Chapter 12 has been applied across the modelled network consistently and notes that SCC has not disagreed with that approach.
- 12.3.6 As regards modelling inputs, Horsham DC contended that development at Land West of Ifield and a third runway at Heathrow should have been included in the core modelling scenario. The transport modelling follows DfT’s TAG advice relating to the treatment of growth, future developments and future infrastructure schemes. The core scenarios include specific developments that are considered “near certain” or “more than likely” against the criteria set out in TAG. The approach taken to considering future development at Land West of Ifield is described in **TA Annex B: Strategic Transport Modelling Report**⁵⁹⁵. This development is not sufficiently certain to be included in the core scenarios for the assessment of the Project, but has been included in a separate cumulative scenario which is described in Section 14 of **TA Annex B (Strategic Transport Modelling Report)** and in Section 12.11 of ES Chapter 12. The assessment of the cumulative scenario indicates that the majority of effects would not be significant; at a small number of locations it suggests that, without further mitigation by the respective scheme promoters, a moderate adverse effect would arise. On the basis that mitigation is identified and implemented as part of bringing permissions forward for those developments, the residual effects would not be significant.
- 12.3.7 As to the potential third runway at Heathrow, paragraphs 8.1.4 to 8.1.6 of the TA⁵⁹⁶ describe the approach taken (the runway is not included in the assessment of the Project). This approach provides a conservative assessment from a traffic

⁵⁹³ [\[REP3-016\]](#).

⁵⁹⁴ SoCG with Surrey County Council (Doc ref. 10.1.8) item 2.20.1.1.

⁵⁹⁵ [\[APP-260\]](#) Sections 9.4 and 14.

⁵⁹⁶ [\[REP3-058\]](#).

and transport perspective, as explained in paragraphs 12.11.112 to 12.11.114 of ES Chapter 12. The surface access narrative for the Heathrow third runway is predicated on “no more traffic”, which is to say that total car traffic to the Airport would be maintained at broadly existing levels. If Heathrow's third runway were to come forward, traffic levels at Gatwick would be likely to decline in the period immediately following the opening of the third runway, meaning that the impacts of the Project, such as traffic and therefore associated noise and emissions would be lower than are reported in the DCO Application. However, by 2047, there would be little difference between demand at Gatwick Airport with or without the Heathrow third runway and accordingly the outcomes reported in the DCO Application for this scenario would be unchanged irrespective of development at Heathrow. By not including the Heathrow third runway, the assessment is therefore conservative.

- 12.3.8 SCC contended⁵⁹⁷ that “[t]he public transport model validation over-estimates public transport demand in Greater London and the South East and does so significantly for the county of Surrey”. The Applicant has since provided additional information and discussed this matter further with SCC.
- 12.3.9 SCC also contended⁵⁹⁸ that “[t]he lack of interaction between the highway and public transport models may mean that future year bus and coach travel will not reflect delays associated with traffic growth over time and that may result in over-estimated demand for these modes”. The Applicant has noted that, whilst there is no direct interaction between the highway and public transport model in terms of bus speeds, bus speeds have been revised in the future year scenarios based on road traffic forecasts⁵⁹⁹. This process is detailed in section 7.12 of **TA Annex B: Strategic Transport Modelling Report**⁶⁰⁰.
- 12.3.10 SCC also contended⁶⁰¹ that “[a] key concern of bus passengers is bus journey reliability as opposed to just journey time. Therefore, as traffic increases in the area, the reliability of buses is likely to be negatively affected...”. The Applicant has since provided additional information and discussed this matter further with SCC, identifying that the concerns relating to bus mode share were not material and that even adjusting for interaction effects between the models, the impact on bus mode share was minimal. The Applicant is committed to supporting bus

⁵⁹⁷ SoCG with Surrey County Council (Doc ref. 10.1.8) item 2.20.1.3.

⁵⁹⁸ SoCG with Surrey County Council (Doc ref. 10.1.8) item 2.20.2.5.

⁵⁹⁹ This process is detailed in section 7.12 of TA Annex B: Strategic Transport Modelling Report [[APP-260](#)].

⁶⁰⁰ [[APP-260](#)].

⁶⁰¹ SoCG with Surrey County Council (Doc ref. 10.1.8) item 2.20.4.3.

access to the airport and any specific impacts to buses not identified in the Application could be mitigated through the TMF (see further below).

- 12.3.11 On all three matters above, SCC has confirmed in the SoCG⁶⁰² that it now considers them *“of small consequence in isolation”* and that it agrees that *“the modelling tools provide a reasonable forecast of the future impacts of the [Project]”* subject to a preference for an Environmentally Managed Growth Framework being adopted or otherwise further amendments to the SACs (Doc Ref. 5.3 v6) and Requirement 20 of the **Draft DCO** (Doc Ref. 2.1 v11).

VISSIM modelling

- 12.3.12 SCC considered that the extent of the VISSIM model should be larger⁶⁰³ and was concerned that it included only one junction in SCC’s network (Longbridge Roundabout). The Applicant has since undertaken an exercise to create an extended version of the VISSIM model and compare its performance with the model used for the assessment in the Application. This was discussed and information was shared with SCC in late July. SCC subsequently note that the Applicant *“has extended the VISSIM model to cover the junctions requested. However, SCC notes that only the results from the 2016 base and 2032 future baseline are provided. While the extended results corroborate the results of the original smaller model for these scenarios, the results of the “with project” scenarios have not been provided”*. The Applicant’s position is that since the extended VISSIM model performs comparably with the Application version of the model in the baseline situations it is reasonable to assume that it would also do so in the with Project case. The effect of the Project on the wider local road network is addressed in any event by use of the strategic transport model and therefore it is not necessary to undertake further assessment using an extended VISSIM model.

Rail modelling assumptions

- 12.3.13 Network Rail has fully participated in the examination phase for the Project and engaged constructively with the Applicant to seek to address its concerns throughout the duration of the examination. The Applicant has included a suite of measures which are secured in Commitments 14A and 14B of the SACs (Doc Ref. 5.3 v6) which reflect the agreed position reached between Network Rail and the Applicant to address NR’s concerns in relation to rail network capacity, rail crowding modelling and station capacity. Pending completion of an agreement to

⁶⁰² SoCG with Surrey County Council (Doc ref. 10.1.8) Section 2.20.

⁶⁰³ SoCG with Surrey County Council (Doc ref. 10.1.8) item 2.20.2.2.

secure the SACs (Doc Ref. 5.3 v6) in the form submitted by the Applicant at Deadline 9 (which is expected imminently), NR will be in position to confirm the withdrawal of its written representations in respect of impacts on the rail network.

Sensitivity testing

- 12.3.14 KCC requested⁶⁰⁴ sensitivity testing of the implications of a continuation of “*the flat public transport mode share of around 45% for air passengers prior to the pandemic*”. The Applicant addressed sensitivity testing in its **Response to the Examining Authority’s Questions (ExQ1) – Traffic and Transport**⁶⁰⁵, in its answer to question TT.1.13. During the development of model forecasts and through discussions with key stakeholders including NH, SCC and WSCC, some sensitivity analysis was undertaken to help understand specific topics in more detail and to help build confidence in the forecasting process, assumptions and outputs. As an example, through discussions with NH, a test that explored a 10% increase in airport traffic was undertaken to understand the sensitivity of the model in terms of performance of the network, particularly at M23 J9; and the resilience of the proposed highway works to traffic flows greater than those forecast through the core modelling process.
- 12.3.15 The Applicant has also undertaken sensitivity testing for post-Covid travel behaviour, following guidance issued by the DfT in an updated version of TAG Unit M4⁶⁰⁶. Post-Covid sensitivity tests have also been undertaken using the VISSIM model, to address requests from NH⁶⁰⁷. Further information is provided in response to TT.2.10 in **The Applicant’s Response to ExQ2 – Traffic and Transport**⁶⁰⁸. KCC has acknowledged⁶⁰⁹ that the ‘10% sensitivity test’ can act as a proxy for its requested ‘Lower Public Transport Mode Share’ test and that it provides further insight into the likely outcomes of the test KCC had originally requested.

Construction

- 12.3.16 Through continued engagement with NH and the Local Highway Authorities, the Applicant has committed to an approach whereby the detailed Construction Traffic Management Plan (CTMP) and Construction Workforce Travel Plan

⁶⁰⁴ In its Deadline 4 submission [[REP4-055](#)].

⁶⁰⁵ [[REP3-104](#)].

⁶⁰⁶ These sensitivity tests for the strategic model are reported in Accounting for Covid-19 in Transport Modelling [[AS-121](#)].

⁶⁰⁷ Reported in Post-Covid VISSIM Sensitivity Tests for 2032 and 2047 [[REP3-108](#)].

⁶⁰⁸ [[REP7-092](#)].

⁶⁰⁹ Kent County Council Comments on Responses to ExQ2 [[REP8-128](#)].

(CWTP) will be developed during the detailed design and pre-construction stage, in consultation with those bodies.

- 12.3.17 Requirement 12 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11) provides that no part of the authorised development is to commence until a detailed CTMP has been approved by Crawley BC (in consultation with WSCC, SCC and NH on matters related to their functions). This detailed CTMP must be substantially in accordance with the **Outline CTMP**⁶¹⁰. The detailed CTMP will confirm the routing for construction traffic and access points to the construction compounds (as described in paragraph 5.7.3 of the **Code of Construction Practice**⁶¹¹).
- 12.3.18 SCC has expressed various concerns⁶¹² about the construction of the Project, particularly in relation to the impact on Longbridge Roundabout and Balcombe Road in terms of extent and duration of work. In relation to traffic management arrangements, programme, routes for construction traffic and temporary layouts for construction vehicles, SCC is now content that the detailed CTMP and CWTP will need to be agreed with SCC in due course.
- 12.3.19 SCC remains concerned⁶¹³ that separate entrances to the South Terminal compound are proposed for HGVs (from the roundabout) and private vehicles (from Balcombe Road). However, the **Outline CTMP** clarifies that all construction vehicle access to the compound will be through the South Terminal roundabout⁶¹⁴, save that additionally, a separate access route from Balcombe Road is planned specifically for constructing the compound, which includes building the ramps and connections to the South Terminal roundabout. This access will also facilitate the Balcombe Road Bridge replacement and the associated embankment widening works. The access from Balcombe Road will remain for pedestrian and cycle access only outside of these periods it will not be open to construction workforce privately owned vehicles or the public. It is therefore anticipated that all Project construction vehicles (including private vehicles) will use the temporary compound entrance at the South Terminal roundabout.. The Applicant in consultation with its contractors (when appointed) will produce detailed temporary layout proposals for the entrances to the South Terminal temporary construction compound and obtain approval from the relevant highway authority.

⁶¹⁰ [\[REP7-026\]](#).

⁶¹¹ [\[REP8-024\]](#).

⁶¹² SoCG with Surrey County Council (Doc ref. 10.1.8) item 2.20.4.4.

⁶¹³ SoCG with Surrey County Council (Doc ref. 10.1.8) item 2.5.1.4 and 2.20.5.1.

⁶¹⁴ The proposed construction methodology and construction vehicle routes are detailed in ES Appendix 5.3.1. Buildability Report Part B [\[APP-080\]](#) and [\[APP-081\]](#)], and the Outline Construction Traffic Management Plan [\[REP7-026\]](#).

- 12.3.20 WSCC⁶¹⁵ and CBC⁶¹⁶ raised a concern about how contingency construction routes might be used. An updated **Outline CTMP**⁶¹⁷ was submitted to the examination at Deadline 7. Paragraph 6.3.1 sets out that the contingency route may be used as an alternative access *"in the event that the primary access is impaired."* This is different to when the Applicant can use local roads. Section 6.4 of the **Outline CTMP** sets out when the local roads (restricted access) may be used, noting that specific local roads will be identified in relevant CTMP(s) subject to approval by CBC under **Draft DCO** Requirement 12. The CTMP issued post-DCO for review and approval by the relevant local authorities will include the following additional information: (i) construction traffic routes to be used during the Project's construction; (ii) access and egress points to construction compounds and works areas; (iii) confirmation of the conditions when contingency routes will be used as part of the construction traffic routes; (iv) the criteria for when local roads will need to be used e.g for local suppliers, emergency situations and when construction is on the local road.
- 12.3.21 CBC also contends that the **Outline CWTP**⁶¹⁸ lacks detail and firm commitments in respect of positive measures to influence travel behaviour. The CWTP issued for approval by the relevant local authorities will set out the detail of arrangements and measures to be put in place to encourage workforce to use public transport, car sharing, cycling and walking. The Applicant will develop these measures alongside the contractors (which have yet to be appointed). Therefore the exact measures proposed cannot be confirmed at this point in time but the authority's position is completely protected. The CWTP(s), which will detail these measures, are to be approved by CBC, as secured by Requirement 13 of the **Draft DCO** (Doc Ref. 2.1 v11).

Mitigation

- 12.3.22 Horsham DC⁶¹⁹ contends that insufficient mitigation is proposed to address potential impacts on the transport network in its area, although it notes the provision of the TMF as part of the SACs (Doc Ref. 5.3 v6). The contention is not accepted. The assessment undertaken does not show significant adverse effects (such as to require mitigation) in Horsham district. As indicated in Diagrams 12.3.1 and 12.3.2 in the TA, the Airport is well located in relation to the strategic highway network and 69% to 75% of airport traffic is forecast to use the M23

⁶¹⁵ SoCG with West Sussex County Council (Doc ref. 10.1.10) item 2.5.1.4.

⁶¹⁶ SoCG with Crawley Borough Council (Doc ref. 10.1.1) item 2.2.4.8 and 2.5.1.2.

⁶¹⁷ [\[REP7-026\]](#).

⁶¹⁸ [\[REP7-024\]](#).

⁶¹⁹ SoCG with Horsham District Council (Doc ref. 10.1.3) item 2.21.4.3.

Spur. A small proportion (4% to 5%) is expected to be travelling southwest towards (or from) Horsham. Journey times through Horsham district have been assessed and the Project is not expected to have a significant impact. Junctions with medium and high magnitudes of impact have been reviewed in Chapter 12 of the TA⁶²⁰ and no junctions experiencing this level of impact are identified in Horsham district.

Surface Access Commitments

- 12.3.23 At Deadline 8 the Applicant submitted a revised SACs document (now further updated by Version 6 at Deadline 9 (Doc Ref. 5.3 v6) which introduced interim mode share commitments (Commitments 1A and 2A) to be achieved by the first anniversary of commencement of dual runway operations (paragraph 4.3.1). These amendments address concerns raised by several Interested Parties as to whether the mode share commitments that form part of the SACs (Doc Ref. 5.3 v6) are achievable. The interim commitments mirror the framing of Commitments 1 and 2 (set out in paragraph 4.2 of the SACs (Doc Ref. 5.3 v6)) but reflect a trajectory towards the air passenger and airport staff mode shares (respectively) set out in those commitments at the time of commencement of dual runway operations. This is intended to ensure clarity on the trajectory and the Applicant's performance against those mode share targets and the interventions being implemented. In circumstances where the Applicant was not 'on track', then the TFSG will have early sight of such non-compliance in accordance with the reporting and engagement obligations pursuant to Commitment 16 and as outlined above, and can direct remedial action, in advance of the subsequent mode share commitments being triggered.
- 12.3.24 It is important to note that the mode share commitments are the result of the interventions tested in the strategic transport model⁶²¹ - i.e. the interventions set out in the SACs (Doc Ref. 5.3 v6) have been tested in the strategic transport modelling to show how the mode share commitments will be achieved. The mode shares reported in Tables 8.6.2 and 8.6.3 of the TA⁶²² are the results from the strategic transport modelling work for a busy summer day, as described in paragraph 8.6.5 of the TA. The mode share commitments are annualised (paragraphs 4.2.1 and 4.3.1 of the SACs (Doc Ref. 5.3 v6)) and as set out in paragraph 8.6.7 of the TA, the annual average mode shares are estimated to be

⁶²⁰ [REP3-058].

⁶²¹ See Chapter 7 of the Transport Assessment [REP3-058].

⁶²² [REP3-058].

higher than the busy summer day. Seasonal variation of the data is described in Section 8.1 of the TA.

- 12.3.25 The mode share commitments have, therefore, deliberately been set so as to ensure delivery of the core surface access outcomes set out in ES Chapter 12⁶²³ and in the TA⁶²⁴. As paragraph 7.1.3 of the SACs (Doc Ref. 5.3 v6) explains, the SACs document is intended to mirror and secure the outcomes shown in the TA. The mode share commitments are then supplemented by the aspirational mode share targets set out at paragraph 7.1.3 of the SACs (Doc Ref. 5.3 v6), which although they are not commitments under the SACs (Doc Ref. 5.3 v6), indicate the Applicant's longer-term goals.
- 12.3.26 Several Interested Parties argue that setting out the mode share commitments in the SACs (Doc Ref. 5.3 v6) as percentages “*masks trends in absolute numbers and permits significant increases in car trips to and from the airport*”. The commitments are expressed as percentages because this is the convention for mode shares. The commitments will result in an increase in the number of people using sustainable transport modes. Whilst the Applicant's forecasts also anticipate an increase in vehicular traffic, the proposed highway works are designed to address this in the immediate vicinity of the Airport. The assessment shows that the Project as proposed would not generate significant adverse effects related to traffic and transport nor lead to a need for highway improvements at other locations; therefore no further mitigation is required.
- 12.3.27 The SACs (Doc Ref. 5.3 v6) set out the bus and coach services identified and included in the modelling work. The routes identified are based on the likely catchments to maximise the potential of achieving the mode share commitments. The bus and coach service enhancements were developed iteratively within the modelling with consideration of services that would be most likely to make greatest difference to mode shares. Whilst the additional bus/coach services will not be delivered by the Applicant, the feasibility of the additional routes has been informed by the modelling and delivery of the requisite additional provision will follow a similar approach to that which the Applicant has previously successfully used with operators to provide funding and implement improvements. The five-year minimum duration of financial support for new or enhanced bus/coach services must be understood in the context of the Applicant also being committed to achieve the mode share commitments by the third anniversary of the commencement of dual runway operations and on an annual basis thereafter

⁶²³ [REP3-016].

⁶²⁴ [REP3-058].

(Commitments 1 to 4 within the SACs (Doc Ref. 5.3 v6)), and the achievement of the interim commitments as described above. The Applicant will, therefore, continue to provide reasonable financial support beyond the five-year period where that is required in order to achieve the mode share commitments.

- 12.3.28 Several Interested Parties contend that additional bus/coach routes or improvements should be funded⁶²⁵. Such funding is not specifically identified in the SACs (Doc Ref. 5.3 v6) because this is unnecessary either to mitigate the effects of the Project or to achieve the mode share commitments. The Applicant will continue to engage with local bus operators on the potential to increase services in the early morning, late evening and weekends as part of the regular liaison that occurs under the current ASAS and has committed to consult with East Sussex County Council (in addition to consulting with other local authorities through the TFSG) in respect of the service provision it has highlighted through the examination (as set out in ESCC's Comments on any further information/submissions received by Deadline 7⁶²⁶).
- 12.3.29 The Applicant has provided⁶²⁷ details of indicative services based on modelling of mode shares and the opportunity to establish increased public transport accessibility where there is currently relatively low public transport coverage but significant airport demand. It is important to recognise that these services are proposals based on current information and the Applicant will review these further, in advance of agreeing a service specification with potential operators and relevant authorities. The provision of funding for services should use the most relevant and up-to-date information on which to base the most appropriate mitigation. It will therefore be appropriate to consider negotiation with operators, both existing and potential new entrants to the market, over the 24 months prior to commencing operation, using contemporary data sources and operating costs. This approach will allow the most appropriate service specification given the conditions pertaining at that point in time. The Applicant has agreed to engage with local authorities through the TFSG on the specification of routes for which funding will be provided and would welcome the opportunity to discuss ways in which multiple funding streams could be combined to achieve the best outcome. This is very similar to the way a number of new bus services have been negotiated and secured at the airport in recent years.

⁶²⁵ For additional detail, see the SoCG with CBC (Doc ref. 10.1.1) at item 2.20.4.4; the SoCG with ESCC (Doc ref. 10.1.2) at item 2.20.4.1, 2.20.4.4 and 2.20.4.5; and the SoCG with HDC (Doc ref. 10.1.3) at 2.21.4.2.

⁶²⁶ [\[REP8-125\]](#).

⁶²⁷ See Table 19 within the Applicant's Response to Deadline 4 Submissions [\[REP5-072\]](#).

- 12.3.30 Several Interested Parties raise the absence in the SACs (Doc Ref. 5.3 v6) of any bus priority measures⁶²⁸. The modelling and assessment work does not show such measures to be necessary and therefore they have not been included in the SACs (Doc Ref. 5.3 v6). The provision of additional dedicated bus/coach infrastructure in the form of further carriageway or junction widening to accommodate additional dedicated bus lanes would result in impacts to existing site features, impacts to other users, potential safety challenges and deliver only limited further benefits for journey time improvements. However, both the SACs (Doc Ref. 5.3 v6) and the **Section 106 Agreement** (Doc Ref. 10.11) contain provision for any local and regional stakeholder from local authorities, transport operators, agencies, or representative bodies to propose additional transport measures and interventions for funding from the TMF for the purpose of addressing unforeseen impacts arising as result of the Project.
- 12.3.31 CBC additionally suggests that “*better locations for and improvements to local bus stops at the airport*” should be considered⁶²⁹. Design details for reconfiguration of Gatwick’s internal forecourt roads including the associated bus infrastructure are to be developed at the detailed design stage.
- 12.3.32 Turning from bus/coach services to rail services, Commitment 14A “Rail Enhancement Fund” (REF) has been introduced into the SACs (Doc Ref. 5.3 v6) together with Commitment 14B which requires GAL to prepare a rail monitoring and enhancement plan and submit such plan for approval to Network Rail (in consultation with the relevant rail operators).
- 12.3.33 Commitment 14A identifies a number of specific rail-related measures that the Applicant must carry out and also requires the Applicant to make available up to £10 million (from the commencement of dual runway operations until the fifteenth anniversary of completion of the national highway works) to support *inter alia* delivery of the mode share commitments. Commitment 14B sets out the details of what the rail monitoring and enhancement plan must include and requires the airport to be operated in accordance with the approved plan unless otherwise agreed in writing with Network Rail (in consultation with the relevant rail operators). It is intended that the approved rail monitoring and enhancement plan will assist in informing the initiatives and measures to be funded under the Rail Enhancement Fund (REF).

⁶²⁸ For additional detail, see the SoCG with SCC (Doc ref. 10.1.8) item 2.20.4.3; the SoCG with WSCC (Doc ref. 10.1.10) item 2.20.4.7; SoCG with CBC (Doc ref. 10.1.1) item 2.20.4.4; and the SoCG with HDC (Doc ref. 10.1.3) item 2.21.4.7.

⁶²⁹ SoCG with Crawley Borough Council (Doc ref. 10.1.1) item 2.20.4.8.

- 12.3.34 The REF will provide funding to initiatives and measures aimed at improving the reliability of the rail network and enhancing the network and its services, thus supporting increased use of sustainable transport by passengers and airport staff and achievement of the mode share commitments. The measures and funding required pursuant to Commitment 14A will work alongside the other commitments to facilitate achievement of the mode share commitments and the STF and the TMF could also be used to contribute to rail interventions if required.
- 12.3.35 As regards active travel and the SACs (Doc Ref. 5.3 v6), Commitment 4 is that at least 15% of airport staff journeys to and from the airport that originate or conclude within 8km of the airport will be made by active modes by the third anniversary of dual runway operations commencing. The physical improvements that are proposed as part of the Project form part of the Applicant's approach to achieving this specific mode share commitment. As part of the ASAS that will be developed to support delivery of the mode share commitments in the SACs (Doc Ref. 5.3 v6) in due course, the Applicant will continue to engage with local authorities on the need for and provision of active travel infrastructure and related measures. The Applicant will deliver additional active travel interventions as and when necessary to support achieving the mode share commitments and has ringfenced funds from the STF (in Commitment 13(7) and (8)) for specific works for Surrey County Council and West Sussex County Council to deliver (as set out in the SACs Version 6 submitted at Deadline 9 (Doc Ref. 5.3 v6)).
- 12.3.36 Commitment 14 of the SACs (Doc Ref. 5.3 v6) requires the Applicant to set aside the TMF to support further interventions. The TMF is to be in the sum of £10 million⁶³⁰. It should be noted that the TMF will be available in addition to the STF. The latter is a fund to be used by the Applicant towards the delivery of the SACs (Doc Ref. 5.3 v6). It is calculated as a levy on the number of available air passenger car parking spaces and the number of staff parking permits issued each year; there is also a financial contribution from forecourt charges and red route contraventions. The TMF, in contrast, is provided to give assurance that resource will be available for further interventions as a result of airport-related growth, or to provide mitigation of an unforeseen or unintended impact from the Project.
- 12.3.37 CBC has welcomed continuation of the STF but expressed concern *“if there were to be a proportionate reduction in [the Applicant’s] financial contribution to sustainable transport”*⁶³¹. No such proportionate reduction is anticipated: the

⁶³⁰ See the Section 106 Agreement (Doc Ref. 10.11).

⁶³¹ SoCG with Crawley Borough Council (Doc ref. 10.1.1) item 2.20.4.12

proposals for car parking reduce the number of parking spaces per million passengers per annum (supporting the approach to encouraging sustainable transport) but envisage an increase in the total number of passenger parking spaces (on which a tariff is levied to fund the STF), through committed projects in the future baseline and the proposed 1,100 increase in car parking spaces as part of the Project. Therefore, the annual value of the STF is expected to increase, not reduce. CBC also queried whether monies from Red Route infringements would continue to contribute to the STF. Commitment 13(3)(d) of the SACs (Doc Ref. 5.3 v6) provides that 100% of the funds generated through fines for Red Route Contraventions (a road traffic offence for which the Applicant, as highway authority, has authority to enforce a fine) will be paid into the STF.

- 12.3.38 Several Interested Parties query what steps would be taken if the mode share commitments were not met. This is addressed in detail in Section 5 of the Applicant's **Response to Deadline 5 Submissions – Response to JLAs' EMG Framework Paper** and in Chapter 6 of these Closing Submissions.

Car parking

- 12.3.39 The Applicant has included Requirement 37 in the **Draft DCO** (Doc Ref. 2.1 v11) which sets an overall cap on the number of car parking spaces provided by the undertaker within the Order limits as set out in in **Appendix B of The Applicant's Response to Rule 17 Letter – Parking** [[REP8-114](#)]. The number of 53,260 car park spaces represents the existing parking provision, the number of parking spaces assumed as part of the future baseline and the 1,100 additional spaces to accommodate the NRP growth. As set out in the Applicant's **Response to the ExA's Proposed Schedule of Changes to the Draft DCO** (Doc ref. 10.72), the Applicant has included a definition of "Car Parking Spaces" in the **Draft DCO** (Doc Ref. 2.1 v11) so that it is clear that all passenger and employee car parking products provided by the undertaker are captured, including self-park, block-park, valet parking, staff parking and any other parking types used by airport passengers and staff within the Order limits.
- 12.3.40 As paragraph 5.2.8 of the SACs (Doc Ref. 5.3 v6) explains, as part of its "business as usual" operations, the Applicant proposes to provide up to 5,750 additional car parking spaces, making a total of approximately 52,160 spaces available for staff and passenger parking. The Project contains proposals for up to a further 1,100 car parking spaces, bringing the total to 53,260 spaces. The Applicant will provide these spaces over a period of time as demand requires in accordance with Commitment 8A (discussed below). Annual estimates of both passenger and staff parking demand and capacity are set out in Tables 1 and 2

of **Response to Rule 17 Letter – Car Parking Version 2**⁶³², reflecting the timing of car parking provision in the context of the programmed construction at the airport.

- 12.3.41 Commitment 8 of the SACs (Doc Ref. 5.3 v6) requires the Applicant to provide funding to support effective parking controls and/or monitoring on surrounding streets and to support local authorities in their enforcement actions against unauthorised off-airport passenger car parking. This funding is secured in the **Section 106 Agreement** (Doc Ref. 10.11) by way of parking contributions paid to CBC, WSCC, and SCC for the purposes of off-airport traffic management and/or parking control and enforcement with the intention of limiting unauthorised parking, deterring rat running and maintaining traffic flow.
- 12.3.42 As requested by the JLAs, Commitment 8A requires the Applicant to provide *“sufficient but no more additional on-Airport public car parking spaces than necessary to achieve a combined on and off airport supply that is consistent with the mode share commitments”*. Commitments 9 and 10 require the Applicant to use parking charges and forecourt charges to influence air passenger travel choices (to the extent necessary to achieve the mode share commitments). Through Commitment 11, the Applicant commits to maintaining the number of staff parking spaces at or below current levels (6,090 spaces). Although some staff car parking may be lost as a result of construction, the Applicant will replace this through reallocation of space in other car parks, to the extent necessary to provide capacity for staff parking in the context of progress towards the mode share commitments set out in the SACs (Doc Ref. 5.3 v6).
- 12.3.43 The additional 1,100 spaces proposed represents less than an extra 3% of parking capacity against an increase in airport passenger demand of around 19%. It is clear from the relative level of growth that achieving this limited expansion of car parking is largely due to a continued reduction in car parking mode share as part of the Applicant’s commitments to sustainable travel and efficient use of on-airport spaces operated by the Applicant.
- 12.3.44 Horsham DC and Mid Sussex DC describe the *“absence”* of an ASAS as *“disappointing”*⁶³³. As is explained in the Applicant’s **Car Parking Strategy**⁶³⁴, the Applicant publishes an ASAS normally every 4-5 years and updates the related action plan for sustainable access every year, in consultation with the TFSG. The current ASAS was published in 2022. Rather than produce a draft

⁶³² [REP6-067].

⁶³³ See the SoCG with HDC (Doc ref. 10.1.3) at item 2.21.4.9 and the SoCG with MSDC (Doc ref. 10.1.5) at item 2.20.4.4.

⁶³⁴ [REP1-051] at paragraph 2.4.5 and paragraph 2.4.8 ff.

ASAS for the Project the Applicant has presented and committed to the SACs (Doc Ref. 5.3 v6). It will produce a new ASAS in line with existing policy requirements and will subsequently update the ASAS regularly over the assessment period following commencement of dual runway operations. The ASAS will become the means through which the SACs are delivered but it will not replace or limit those commitments relied upon for the DCO, which will remain in full force and effect.

12.3.45 SCC, CBC and Horsham DC⁶³⁵ continue to contend that the Applicant should not include the 2,500 passenger car parking spaces that are proposed for provision through robotic parking in its future baseline. This point is addressed in detail in the Applicant's **Response to Actions – ISH8 Car Parking**⁶³⁶ and **Response to Rule 17 Letter – Parking**⁶³⁷. The planned and phased introduction of robotics technology to increase parking capacity by 2,500 spaces is a future baseline project, irrespective of the (Northern Runway) Project.

12.3.46 Holiday Extras Ltd have questioned the Applicant's approach to on-airport car parking spaces that are not operated by the Applicant and contend there is an over-provision of car parking spaces associated with the Project⁶³⁸. The Applicant's approach is as follows:

- An estimate of spaces not held by the airport operator but located within the airport boundary is included in the annual Gatwick Parking Survey (undertaken by CBC) that was used as the basis for modelling as part of the TA. The Applicant has explained why it has relied on the Gatwick Parking Survey data in **The Applicant's Written Summary of Oral Submissions – ISH 8 Car Parking**.⁶³⁹ All of the car trips to and from these spaces are also included in the model as they have been captured in the extensive data collection supporting the model development. These car trips exist in the base transport model and are subject to growth in accordance with the forecast methodology. They are considered as airport related trips within the trip matrices. The authorised on-airport spaces provided by others are located close to airport-operated car parks and are therefore accessed in the same way.

⁶³⁵ See the SoCG with SCC (Doc ref. 10.1.8) at item 2.20.1.2; the SoCG with CBC (Doc ref. 10.1.1) at item 2.20.1.1; and the SoCG with MSDC (Doc ref. 10.1.5) at item 2.21.1.4.

⁶³⁶ [REP6-085] See paragraph 2.3.8 ff. See also the Applicant's Response to Actions – ISHs 2-5 [REP7-071] at Section 4.6.

⁶³⁷ [REP8-114].

⁶³⁸ See Comments on any further information/ submissions received by Deadline 7 [REP8-156] paragraphs 3.08-3.12.

⁶³⁹ [REP6-079], at paragraphs 3.1.12-15.

- However, the Applicant confirms that in the context of the **Car Parking Strategy** for the Project⁶⁴⁰, “on-airport” parking spaces refers to Applicant operated on-airport spaces only and “off-airport” parking spaces refers to non-Applicant operated parking spaces counted in the annual Gatwick Parking Survey (whether they are located within the airport boundary, or not).
- The Applicant has set out its reasons for this distinction in its **Response to Rule 17 Letter - Car Parking**⁶⁴¹ and its **Response to Deadline 2 Submissions**⁶⁴². The Applicant-operated on-airport spaces are the only spaces that the Applicant can control directly so as to influence demand in order to meet mode share commitments and contribute to sustainable travel. In contrast, non-Applicant operated parking spaces (both those located inside the airport boundary and those located outside of it) are considered alongside other off-airport spaces; they are assumed to have a fixed location, quantity and capacity that does not change within the future baseline or with the Project.
- For clarity, the parking capacity provided by non-Applicant operated parking spaces is included in the estimate of off-airport parking as counted annually by CBC and is therefore included in the assessment of parking need. All of the trips to and from non-Applicant operated parking spaces have been modelled as part of the TA (as airport-related trips derived from observed data) for both Future Baseline and With Project scenarios and the SACs (Doc. Ref. 5.3) clarify that these trips count towards the mode share commitments. The Applicant has assumed that the capacity of those parking spaces will remain constant. The Applicant does not agree with the methodology underpinning Holiday Extras' calculations which differs from the approach taken above, and therefore does not consider that there is any over-estimate of the number of new parking spaces required.

12.3.47 The Applicant also confirms that in monitoring travel behaviour for the purposes of the Annual Monitoring Report required by the SACs (Doc Ref. 5.3 v6), it will use CAA data on travel mode, from surveys undertaken in terminals, which covers all passenger journeys irrespective of whether they travel by public transport, park in a GAL-controlled car park or park elsewhere. The Applicant will supplement this with information from its own car parks and, where available, from other parking facilities.

⁶⁴⁰ [\[REP1-051\]](#).

⁶⁴¹ [\[REP6-067\]](#).

⁶⁴² [\[REP3-106\]](#) Table 38.

Bus / coach services

- 12.3.48 Commitment 7A of the SACs (Doc Ref. 5.3 v6) requires the Applicant to invest a minimum of £10 million to support the introduction or operation (including expansion or enhancement) of the bus / coach services referred to in Commitments 5 to 7 of the SACs (Doc Ref. 5.3 v6) (the “Bus and Coach Services Fund”).
- 12.3.49 ESCC contends that additional bus / coach service improvements should be provided between the airport and East Sussex. The detail of ESCC’s position and the Applicant’s response is set out in the corresponding SoCG.⁶⁴³ The funding for bus network enhancements is focussed on the routes identified in the SACs (Doc Ref. 5.3 v6) but the Applicant is not precluded from using funding to provide alternative routes or service changes that provide equivalent accessibility, or to provide additional routes if funding permits, in pursuit of achieving the mode share commitments in the SACs (Doc Ref. 5.3 v6). The Applicant has amended the SACs (Doc Ref. 5.3 v6) submitted at Deadline 9 as described under the Surface Access Commitments section above so that there is express consideration of the service provision requested by ESCC in GALs consideration of the optimum routes to achieve the mode share commitments.
- 12.3.50 KCC has expressed a concern⁶⁴⁴ in relation to existing and proposed kerb space provision for air passenger coaches at the airport’s two terminals, questioning whether the forecast increases in supply can be accommodated. KCC’s concern is premised on its understanding that the Applicant’s 55% public transport mode share commitment assumes a fifteen-fold increase in air passenger coach services for Kent. However, the number of committed daily coach services for Kent increases from 36 per direction in the future baseline, to 131 per direction with Project (i.e. not fifteen-fold)⁶⁴⁵. KCC has now clarified that the reference to a fifteen-fold increase is meant to refer to the number of forecast daily coach passengers to and from Kent identified in **TA Annex B: Strategic Transport Modelling Report**⁶⁴⁶ rather than to the number of services. Furthermore, it is in the Applicant’s best interest to have a forecourt that can operate efficiently to reduce congestion and journey time delay for buses and coaches; and deliver a high quality passenger experience. The Applicant already operates a coach park to provide a waiting area for coaches and drivers in order to reduce dwell time at

⁶⁴³ Statement of Common Ground between Gatwick Airport and East Sussex County Council (Doc ref. 10.1.2) at 2.20.4.1.

⁶⁴⁴ Statement of Common Ground between Gatwick Airport and Kent County Council (Doc ref. 10.1.4) item 2.20.4.1

⁶⁴⁵ See Table 178 of Annex B to the TA [\[APP-260\]](#) and Table 33 of the Applicant’s Response to Deadline 4 submission [\[REP5-072\]](#).

⁶⁴⁶ [\[APP-260\]](#).

bus and coach stops (the coach park is not used by passengers). Optimisation of capacity within the forecourt is within the Applicant's control, and would be undertaken in consultation with bus and coach operators and other users and relevant parties as appropriate. This would include, amongst other potential measures, amending the allocation of kerb space for coach drop off/pick up. KCC has also said that its public transport team *"would like to be made aware of all Kent-Gatwick coach planning initiatives, so they can consider and advise on any wider strategic impacts and hopefully contribute positively to the route planning process"*⁶⁴⁷. Commitments 5(3) and 6(3) within the SACs (Doc Ref. 5.3 v6) require the Applicant to consult the TFSG on the details of the routes and operational timetables. KCC is a member of the TFSG.

- 12.3.51 In response to the JLAs' concerns regarding the provision of financial support for bus and coach services, the Applicant included the JLAs requested amendment in the SACs submitted at Deadline 8 (now updated by Version 6 at Deadline 9 (Doc Ref. 5.3 v6)) to clarify that GAL will fund additional regional, express and local bus and coach services or increased frequency or hours of operation of services or such other measures as required in order to meet the SACs (Doc Ref. 5.3 v6).

Rail services

- 12.3.52 The Applicant has reached agreement with NR on the drafting of Commitments 14A and 14B of the SACs (Doc Ref. 5.3 v6) which secure a suite of measures (including the Rail Enhancement Fund and the Rail monitoring and enhancement plan). Pending completion of a legal agreement to secure the SACs (Doc Ref. 5.3 v6) in the form submitted by the Applicant at Deadline 9 (which is expected imminently), NR will be in position to confirm the withdrawal of its written representations in respect of impacts on the rail network.

Active travel

- 12.3.53 SCC maintains its position that additional active travel infrastructure should be provided⁶⁴⁸ but the Applicant considers that its proposals are sufficient to improve the local active travel network and support the SACs (Doc Ref. 5.3 v6). Members of the TFSG may also propose additional active travel measures for funding from the STF under the provisions of the **Section 106 Agreement** (Doc Ref. 10.11) if necessary. As noted above, the Applicant has secured additional investment (a minimum of £1 million) in the SACs (Doc Ref. 5.3 v6) for SCC and

⁶⁴⁷ SoCG with Kent County Council (Doc ref. 10.1.4) item 2.20.4.1.

⁶⁴⁸ SoCG with Surrey County Council (Doc ref. 10.1.8) item 2.20.4.4.

WSSC to carry out works for additional active travel infrastructure outwith the DCO boundary and within the vicinity of the Airport.

12.4. Topic conclusion

- 12.4.1 The traffic and transport assessment in **ES Chapter 12: Traffic and Transport**⁶⁴⁹ and related documents has been used to determine compliance with relevant legislation and planning policy. This is reported in section 8.4 of the **Planning Statement**⁶⁵⁰.
- 12.4.2 The assessment has been undertaken in accordance with relevant guidance, including consideration of updated guidance issued after the Application material was completed.
- 12.4.3 The Project would provide a number of surface access improvements, including improvements to active travel infrastructure and highway works on the M23 Spur, Airport Way and A23 London Road and at South Terminal roundabout, North Terminal roundabout and Longbridge Roundabout (the delivery of which is secured in Requirements 5 and 6 of the **Draft DCO** (Doc Ref. 2.1 v11)). Those works are described in more detail in Chapter 2 of the **Transport Assessment**⁶⁵¹.
- 12.4.4 The active travel infrastructure will generally be delivered as part of the package of highway works. The active travel improvements will enhance pedestrian and cycle connections between the surrounding area and the Airport by providing new routes (Balcombe Road to South Terminal link) or enhancing existing infrastructure by providing shared use and segregated pedestrian and cycle paths. Crossing facilities at Longbridge roundabout will be improved, benefitting all active travel users at this location. A connection into Riverside Garden Park for active travel users and a new signal-controlled pedestrian crossing facility will be incorporated into the revised highway layout on A23 London Road at North Terminal.
- 12.4.5 The highway works will create increased capacity in the corridor connecting the M23 to the Airport and Longbridge roundabout. In particular, they will create a flyover at South Terminal Roundabout for through traffic and a westbound flyover at North Terminal Roundabout, which in both cases will remove through traffic

⁶⁴⁹ [REP3-016].

⁶⁵⁰ Policy compliance is addressed in Section 8.4 of the Planning Statement [APP-245], whilst the Project is also considered against the detailed paragraph by paragraph requirements of the ANPS and the NNNPS in Appendix C of the Planning Statement [APP-248].

⁶⁵¹ [REP3-058].

from the roundabouts and thus improve the operation of those junctions. A new signal junction on the A23 London Road at North Terminal will allow traffic approaching North Terminal from the west to access the terminal without the need to travel via South Terminal Roundabout; traffic leaving North Terminal for the A23 London Road south of the Airport will no longer need to U-turn at Longbridge roundabout. Strategic and microsimulation (VISSIM) modelling work for the future baseline and with Project scenarios. Chapters 12 and 13 of the **Transport Assessment**⁶⁵², **Transport Assessment Annex B - Strategic Transport Modelling Report**⁶⁵³ and **Transport Assessment Annex C - VISSIM Forecasting Report**⁶⁵⁴ show that without the Project, the network would operate close to capacity in several locations. The analysis clearly indicates that the highway network would operate considerably better overall with the Project and associated highway works than it would in the equivalent future year without the Project. Congestion would be reduced at Longbridge Roundabout and at North and South Terminals and conditions on the Gatwick Spur would also be much improved.

12.4.6 In parallel with the highway works and active travel infrastructure provision, the Project includes commitments in **ES Appendix 5.4.1: Surface Access Commitments – Version 6** (Doc Ref. 5.3 v6) which will be a certified document, compliance with which is secured by Requirement 20 in the **Draft DCO** (Doc Ref. 2.1 v11). The SACs (Doc Ref. 5.3 v6) will support increased use of active travel by passengers and staff, together with other interventions to increase public transport use. The measures and interventions incorporated within the SACs (Doc Ref. 5.3 v6) include:

- Interim mode share commitments to be achieved by the first anniversary of the commencement of dual runway operations;
- Mode share commitments to be achieved by the third anniversary of the commencement of dual runway operations and on an annual basis thereafter;
- New and enhanced regional express bus and coach services;
- Enhanced local bus services;
- A Bus and Coach Services Fund Bus (minimum of £10 million) to support the enhanced bus and coach services;
- Investment in active travel improvements to be carried out by SCC and WSCC (minimum of £1 million);

⁶⁵² [\[REP3-058\]](#).

⁶⁵³ [\[APP-260\]](#).

⁶⁵⁴ [\[APP-261\]](#).

- Funding to support local authorities in enforcement actions against unauthorised off-airport passenger car parking, monitoring and parking controls (financial contributions secured in Schedule 3 of the **Section 106 Agreement** (Doc Ref. 10.11));
- Sustainable Transport Fund (STF) to create a funding stream for initiatives aimed at increasing the use of sustainable transport modes and achieving the mode share commitments;
- Transport Mitigation Fund (TMF) (£10 million) secured in Schedule 3 of the **Section 106 Agreement** (Doc Ref. 10.11) to provide mitigation of an unforeseen or unintended impact from the Project;
- Rail Enhancement Fund (REF) (£10 million) to provide funding to initiatives and measures that are aimed at mitigating the impact of the Project on the rail network, improving reliability of the rail network, or enhancing the rail network or rail services, in support of increasing the use of sustainable transport by passengers and staff travelling to and from the airport and in delivering the mode share commitments in connection with the Project;
- Specific measures to mitigate queuing and manage passenger demand at Gatwick Railway Station;
- A rail monitoring and enhancement plan; and
- Comprehensive monitoring and reporting obligations.

12.4.7 The Project is therefore providing clear and deliverable surface access proposals that will increase the proportion of journeys made to and from the Airport by sustainable modes, in accordance with paragraph 5.5 of the ANPS. The Project is not expected to give rise to any significant traffic or transport effects with these measures in place.

12.4.8 The Project will deliver measures to improve accessibility for active travel modes, promote sustainable travel and reduce community severance in the vicinity of the Airport, in accordance with paragraph 5.14 of the ANPS and paragraphs 5.215 and 5.216 of the NNNPS. The highway network with the Project shows improved performance when compared to the equivalent future baseline case.

13 Air Quality

13.1. Air Quality assessment

13.1.1 The Project's air quality assessment is reported in **ES Chapter 13: Air Quality** [\[REP3-018\]](#). Compliance with relevant legislation and policy is outlined in Section 13.2 of **ES Chapter 13: Air Quality** [\[REP3-018\]](#) and in Section 8.5 of the **Planning Statement** [\[APP-245\]](#).

13.1.2 The assessment undertaken for the ES for construction and operation concludes that no significant air quality effects are predicted. The following sections provide a summary of construction and operational phase assessments, mitigation measures and air quality matters considered in the examination.

13.1.3 The relevant Environmental Statement Documents are set out as follows:

- **Environmental Statement – Chapter 13 Air Quality** [\[REP3-018\]](#);
- **Environmental Statement – Air Quality Figures** [\[APP-066\]](#); [\[REP1-018\]](#); [\[APP-068\]](#); [\[APP-069\]](#); [\[APP-070\]](#);
- **Air Quality Appendix 13.2.1 Summary of Local Planning Policy** [\[APP-155\]](#);
- **Air Quality Appendix 13.3.1 Summary of Stakeholder Scoping Responses** [\[APP-156\]](#);
- **Air Quality Appendix 13.3.2 Summary of Stakeholder Consultation Responses** [\[APP-157\]](#);
- **Air Quality Appendix 13.4.1 Air Quality Assessment Methodology** [\[APP-158\]](#);
- **Air Quality Appendix 13.6.1 Air Quality Data and Model Verification** [\[APP-159\]](#);
- **Air Quality Appendix 13.6.2 Air Quality Receptors** [\[APP-160\]](#);
- **Air Quality Appendix 13.8.1 Air Quality Construction Period Mitigation** [\[APP-161\]](#);
- **Air Quality Appendix 13.9.1 Air Quality Results Tables and Figures – Parts 1-6** [\[APP-162\]](#), [\[APP-163\]](#), [\[APP-164\]](#), [\[APP-165\]](#), [\[APP-166\]](#), [\[APP-167\]](#); and
- **Air Quality Appendix 13.9.2 Air Quality Sensitivity Tests** [\[APP-168\]](#).

13.1.4 The Applicant has also made submissions relating to air quality, including in relation to points raised by the ExA and by other Interested Parties, during the examination, in the following documents: for convenience, the relevant documents in the examination are set out as follows:

- **Supporting Air Quality Technical Notes to Statements of Common Ground** [[REP1-050](#)];
- **The Applicant's Response to the ExA's Written Questions (ExQ1) - Air Quality** [[REP3-083](#)];
- **Written Summary of Oral Submissions ISH7: Other Environmental Matters** [[REP4-033](#)];
- **The Applicant's Response to Actions ISH7: Other Environmental Matters** [[REP4-037](#)];
- **Appendix A - Response to West Sussex Joint Local Authorities** [[REP5-073](#)];
- **Environmental Appraisal of the Impact of the Post-Covid 19 Traffic Data for the Environmental Statement** [[REP5-068](#)];
- **Response to Rule 17 Letter - Future Baseline Sensitivity Analysis** [[REP5-081](#)];
- **The Applicant's Response to Deadline 4 Submissions submitted at Deadline 6** [[REP6-090](#)];
- **The Applicant's Response to Actions ISH8 - Draft DCO** [[REP6-089](#)];
- **The Applicant's Response to Deadline 6 Submissions** [[REP6-090](#)];
- **The Applicant's Written Summary of Oral Submissions ISH9 - Mitigation** [[REP8-106](#)];
- **The Applicant's Response to Actions ISH9 - Mitigation** [[REP8-111](#)];
- **The Applicant's Response to Deadline 7 Submissions** [[REP8-115](#)];
- **The Applicant's Response to Deadline 7 Submissions Appendix C Response to the JLAs' EMG Framework Paper** [[REP8-118](#)];
- **Environmental Statement Appendix 5.3.2 Code of Construction Practice - Annex 9 - Construction Dust Management Strategy** [[REP8-046](#)];
- **Odour Monitoring and Management Plan (Doc Ref. 10.57 v3); and**
- **Section 106 Agreement (Doc Ref. 10.11 v3) - Air Quality Action Plan.**

Construction

- 13.1.5 The effects from demolition and construction of the Project have been assessed using the qualitative approach described in the latest guidance by the Institute of Air Quality Management (IAQM)⁶⁵⁵ at the time of the ES submission. With the Application of mitigation measures set out for high risk sites, the effects of construction on dust soiling and human health would be negligible and impacts would therefore be not significant in line with the IAQM Guidance.

⁶⁵⁵ Institute of Air Quality Management (IAQM) (2014) Guidance on the assessment of dust from demolition and construction.

- 13.1.6 Construction Dust Management Plans (CDMPs) will be prepared in accordance with the **Construction Dust Management Strategy (CDMS) (ES Appendix 5.3.2: Code of Construction Practice Annex 9 [REP8-046])**.
- 13.1.7 There will be off-site vehicle movements associated with the Project. Impacts from changes have been predicted using Atmospheric Dispersion Modelling Software (ADMS-Airport). The two construction scenarios that represent activities that will take place over the construction periods of Airfield activity (2024-2029) and Highways activity (2029-2032) have been assessed against a future baseline without the operation of the northern runway. The highways scenario represents a period during which there is overlap with the operation of the Project. This scenario is cumulative, assessing the contribution from both construction and operational activities happening together to represent a worst-case assessment.
- 13.1.8 The assessment of the Project's construction concludes no significant air quality effects.

Operation

- 13.1.9 A review of sources and emissions associated with the existing airport and the Project's operation has been carried out and assessed using ADMS-Airport dispersion model. The air quality assessment considers all related sources (road vehicles, aircraft and airport sources) for future years 2029, 2032, 2038 and 2047 following the methodology agreed with the local authorities. A robust assessment presenting reasonable worst case effects has been provided in line with best practice guidance and available data.
- 13.1.10 Conservative assumptions have been built into the air quality assessment to reduce uncertainty in any future scenario such as background values being frozen at 2030, no improvements in aircraft emissions being accounted for and conservative assumptions in the methodologies used. A sensitivity test with the conservative assumption that there are no improvements in emissions beyond 2030 has been provided within Appendix F of the **Supporting Air Quality Technical Notes to the SoCGs [REP1-050]**. Appendix F also details how the Transport Decarbonisation Plan would result in reduced emissions compared to those assessed in the ES.
- 13.1.11 Extensive model verification was carried out across the large model domain, comparing model results with 247 real world monitoring locations [APP-159]. The verification gives confidence in the results being robust, with the methodology meeting guidance on performance set by Defra and agreed with the JLAs.

- 13.1.12 The significance of effects has been calculated using the approach described in the IAQM / Environmental Protection UK (EPUK) guidance.⁶⁵⁶
- 13.1.13 The modelled concentrations at human receptors showed that the changes as a result of the Project are predicted to be not significant for all assessment scenarios. Results are presented in **ES Chapter 13: Air Quality** [[REP3-018](#)] and corresponding appendices.
- 13.1.14 Modelled outputs at ecological receptors were passed to project ecologists to determine significance and evaluated in **ES Chapter 9: Ecology and Nature Conservation** [[APP-034](#)]. Modelled outputs at Habitats Regulation Assessment (HRA) sites were passed to ecologists and reported in **ES Appendix 9.9.1: Habitat Regulations Assessment Report** [[REP3-043](#), [REP3-045](#)]. Additional assessment details were provided to Natural England and agreement has been reached on the method used and the conclusions of the assessment for both HRA and nationally designated sites [[REP5-062](#)].
- 13.1.15 A compliance risk assessment was undertaken using the modelling results from the local air quality assessment in accordance with the Design Manual for Roads and Bridges (DMRB) LA 106 Air Quality guidance⁶⁵⁷. The results show that the Project is not predicted to impact compliance with the air quality limit values on the road network. Agreement has been reached on the method used with National Highways (see the **Statement of Common Ground between Gatwick Airport Limited and National Highways** (Doc Ref 10.1.14 v3)).
- 13.1.16 In accordance with IAQM guidance⁶⁵⁸, an assessment of odour under operational scenarios has been undertaken using a multi-tool approach. Overall, the effect of odour is considered to be not significant. The proposed approach to odour reporting and management are provided in the **Odour Monitoring and Management Plan** (Doc Ref. 10.57 v3).
- 13.2. **Air Quality mitigation**
- 13.2.1 The assessment concludes that the impact of the Project would be not significant, therefore no further mitigation is required. Section 13.9 of **ES Chapter 13: Air Quality** [[REP3-018](#)] sets out the proposed measures included, with the aim of reducing the airport's contribution to local air quality regardless of significance. These are summarised in the **Mitigation Route Map** [[REP8-020](#)].

⁶⁵⁶ Institute of Air Quality Management and Environmental Protection UK (IAQM and EPUK) (2017) Land-use Planning & Development Control: Planning for Air Quality. v1.2.

⁶⁵⁷ Highways England (2019) Design Manual for Roads and Bridges Sustainability and Environment Appraisal LA 105 Air quality.

⁶⁵⁸ Institute of Air Quality Management (IAQM) (2018) Guidance on the assessment of odour for planning – version 1.1.

13.2.2 The following sections provide a summary of air quality mitigation related to construction and operation.

Construction

13.2.3 Construction phase mitigation for the Project includes measures to mitigate and monitor dust and emissions, detailed in the **Code of Construction Practice** (CoCP) (Doc Ref. 5.3 v6) (DCO Requirement 7) and the **CDMS (ES Appendix 5.3.2: CoCP Annex 9 [REP8-046])** (DCO Requirement 27). Mitigation measures for high-risk activities as set out in the IAQM best practice guidance are considered during all periods of work to minimise dust soiling and human health effects. With the application of these mitigation measures, all effects can be reduced to a negligible level.

13.2.4 Construction Dust Management Plans (CDMPs) will be prepared and submitted for approval by the relevant planning authority prior to the commencement of construction works. CDMPs will be substantially in accordance with the CDMS (**ES Appendix 5.3.2: CoCP Annex 9 [REP8-046]**) which sets out how CDMPs will be produced and the proposed methodology.

13.2.5 It is not anticipated that any odorous materials will be excavated or used during the construction period. Large amounts of putrescible waste are not present on the Project site that would give rise to significant odour issues. Where any potential sources of odour are identified during the works, suitable mitigation would be implemented by the **CoCP** (Doc Ref. 5.3 v6).

13.2.6 The **CoCP** (Doc Ref. 5.3 v6) sets out commitments in relation to Non-Road Mobile Machinery (NRMM) which align with the Greater London Authority NRMM requirements.

Operation

13.2.7 No significant impacts are predicted as a result of the Project, therefore no Project related mitigation is required. The control documents include the **Carbon Action Plan [REP8-054]** and the **Surface Access Commitments [REP8-052]** secured by Requirement 20 and 21 of the Draft DCO.

13.2.8 Under the Section 106 Agreement (Doc Ref. 10.11 v3) the Applicant commits to the type of power to be provided at aircraft stands and a number of monitoring and reporting measures. To support the understanding of air pollution effects in the local area, as well as committing to its own air quality monitoring regime and programmes of study, the Applicant is committing to funding the continuation of

current monitoring at RBBC monitoring locations, managed by RBBC and an additional monitor managed by CBC as well as providing for the equipment at both the RBBC and CBC monitoring locations to be repaired and/or replaced. This monitoring will provide an improved spatial and temporal collection of monitoring data. The Applicant's own monitoring is proposed at additional monitoring sites including another DEFRA equivalent reference monitor and indicative monitoring equipment. The monitoring data will be used to compare against national standards, provide data to understand the sources of emissions and allow investigation of any changes in concentrations in future. The Applicant has also committed to a contribution toward a study of UFPs if national standards at airports are promulgated.

- 13.2.9 Under the **Section 106 Agreement** (Doc Ref. 10.11 v3), the Applicant has committed to produce an Air Quality Action Plan every 5 years that is in general accordance with the draft AQAP (Appendix 2 to the Section 106 Agreement) to report on the actions taken by the Applicant in the preceding five years to minimise any air quality impacts. Following the conclusions of the assessment, the Applicant considers it would be completely inappropriate for it to be required to commit to forward looking mitigation measures.

13.3. Consideration of Air Quality matters during Examination

- 13.3.1 The following sections set out by topic; the air quality matters considered in the examination.

Technical matters

- 13.3.2 The Applicant engaged with local authority stakeholders and their appointed air quality experts through topic working groups to discuss air quality technical matters and gain agreement on the method of assessment and technical details.
- 13.3.3 To provide answers to the JLAs questions and support reviews of the air quality assessment, the Applicant provided **Supporting Air Quality Technical Notes** at Deadline 1 [[REP1-050](#)]. The seven detailed technical appendices looked to resolve information requests from the local authorities and include detailed information on assessment scenarios, air quality emissions uncertainty and results from emissions sensitivity tests. The Applicant provided model files and detailed results outputs to the air quality technical working group (TWG) to present transparency of the methodology.
- 13.3.4 The JLAs raised further air quality technical matters in response to the supporting technical notes and model files [[REP3-117](#), [REP3-133](#)], for which the Applicant

prepared a document to respond to technical clarifications [REP5-073]. Following a TWG on 5 July 2024, the local authorities agreed the results of the air quality assessment and key technical points, including assessment scenarios and model verification (Doc Ref. 10.83). There were some outstanding technical queries, which relate to provision of data; however, these would not change the assessment conclusions.

- 13.3.5 Further to the technical matters set out above, the JLAs requested a modelling assessment of 2047 [REP3-078], this matter is marked as not agreed at the end of the Examination. **ES Chapter 13: Air Quality** [REP3-018] provides an assessment of 2047 in line with ANPS requirements, with an emissions inventory including aircraft and road vehicle emissions (Table 13.10.8). Section 3 of **Appendix D of the Supporting Air Quality Technical Notes to the SoCGs** [REP1-050] sets out further details regarding the 2047 assessment to demonstrate that the 2047 year is not at risk of resulting in a significant impact to air quality. The results of the detailed modelling for scenarios 2032 and 2038 showed no significant impacts with conservative assumptions applied. The conservative assumptions together with national efforts to reduce emissions, demonstrate that further improvements in air quality are expected compared to those predicted and justify why detailed modelling is not considered necessary for 2047.
- 13.3.6 CBC sought the provision of detailed monitoring requirements in relation to construction traffic, with a position that detailed restrictions for contingency should be provided for routes through Crawley's AQMA and J10 of the M23. The Applicant sets out monitoring requirements in section 10 of the **oCWTP** [REP7-024] and in section 6.6 of the **oCTMP** [REP7-026], including certainty in relation to J10 and the AQMA. Further detail will be provided in the CTMP and CWTP submitted to CBC for approval under DCO Requirements 12 and 13.

Air Quality Action Plan

- 13.3.7 The JLAs sought the provision of an AQAP within the Local Impact Report (LIR) to collate all the proposed air quality mitigation measures together [REP3-078]. The Applicant provided a draft **AQAP** at Appendix 5 of the Section 106 Agreement (Doc Ref. 10.11 v3) which reports on measures and monitoring related to air quality and odour. The Applicant responded to the AQAP review undertaken by AECOM on behalf of the JLAs [REP4-053] at Deadline 6 [REP6-090].

- 13.3.8 A further review on the AQAP was provided at Deadline 7 [\[REP7-103\]](#), matters which were marked not agreed at the end of the examination relate to the SAC measures, their effectiveness, monitoring and enforcement. The Applicant provided a separate response on these items at **Appendix C Response to the JLAs' EMG Framework Paper** [\[REP8-118\]](#) and more generally in relation to the JLAs' commentary on the need for an EMG framework in respect of Air Quality at Chapter 6 (paragraphs 6.2.2 and 6.4.6 to 6.4.17) of these submissions above.
- 13.3.9 In addition, the JLAs requested that the AQAP addresses air quality effects in line with the Sussex Guidance, to provide an estimated cost for the measures proposed [\[REP3-078\]](#). Table 13.4.1 of **ES Chapter 13: Air Quality** [\[REP3-018\]](#) considers Sussex Guidance.
- 13.3.10 The Applicant does not agree that mitigation is required, this is consistent with national policy and EIA requirements. Nonetheless, the Applicant has committed to an AQAP in the **Section 106 Agreement** (Doc Ref. 10.11 v3) which will provide prescribed information to the Councils every 5 years. The Applicant's position on the Sussex Guidance is set out in Statements of Common Ground between the Applicant and local authorities.

Operational Monitoring

- 13.3.11 Throughout the examination, there have been ongoing discussions between the Applicant and local authorities regarding the operational monitoring funding set out in Schedule 1 of the **Section 106 Agreement** (Doc Ref. 10.11 v3). Agreement has been reached with the JLAs on the provisions in relation to monitoring air quality. The **Section 106 Agreement** (Doc Ref. 10.11 v3) includes the continuation of current monitoring and additional monitoring at several proposed sites and provides an improved monitoring position increasing the spatial and temporal collection of monitoring data to allow detailed assessment of ambient air quality.

Ultrafine Particles (UFP)

- 13.3.12 The JLAs requested a commitment from the Applicant to fund ultrafine particulate (UFP) monitoring in full [\[REP3-078\]](#) from Project opening.
- 13.3.13 Reigate and Banstead Borough Council and Tandridge District Council expressed concerns that the air quality assessment fails to assess the change in exposure to UFPs (Doc Ref 10.1.7, 10.1.9 v3). **ES Chapter 18: Health and Wellbeing** [\[APP-043\]](#) provides an appropriate assessment of UFP, including as clarified in Action Point 17 of the **Deadline 4 Submission - The Applicant's**

Response to Actions ISH7: Other Environmental Matters [[REP4-037](#)]. The UKHSA, who have responsibility for environmental hazards and community safety, have confirmed in their relevant representation [RR-4687] that they are satisfied, and the proposed development should not result in any significant adverse impact on public health.

- 13.3.14 The Applicant and the JLAs have agreed provisions in relation to UFPs in the **Section 106 Agreement** (Doc Ref. 10.11 v3). The Applicant has committed to a financial contribution to the RBBC for a UFP study if national standards are promulgated and has committed to participate the same study.

Odour

- 13.3.15 The Applicant received submissions from the JLAs on odour, which sought the provision of a operational odour management and monitoring plan [[REP3-078](#), [REP4-053](#)].
- 13.3.16 **ES Chapter 13: Air Quality** [[REP3-018](#)] concludes the residual effect of odour due to the Proposed Development was not significant. To address stakeholder concerns the Applicant provided an **Odour Monitoring and Management Plan** (OMMP) (Doc Ref. 10.57 v3). The OMMP to monitoring odour issues in the event that complaints are received by the airport, along with actions to be taken.
- 13.3.17 The OMMP was updated to address the Examining Authorities and JLAs request to set out how action is secured in response to complaints of odour impact, as described in **The Applicant's Response to Actions ISH9 – Mitigation** [[REP8-111](#)] and a new DCO Requirement was added to secure the plan.
- 13.3.18 The JLAs position is that the OMMP should also include a two stage study, similar to the approach adopted by the airport in 2019. The Applicant's position is set out within Paragraphs 3.1.67 to 3.1.74 of **The Applicant's Written Summary of Oral Submissions ISH9 – Mitigation** [[REP8-106](#)].

Construction Dust Management

- 13.3.19 The JLAs sought the provision of a Dust Management Plan within the LIR [[REP3-078](#)]. The Applicant provided a CDMS and received comments from the JLAs at Deadline 4 [[REP4-053](#)].
- 13.3.20 Comments were discussed at the July TWG and a revised CDMS was provided at Deadline 8 (**ES Appendix 5.3.2: CoCP Annex 9** [[REP8-046](#)]), secured by DCO Requirement 27. The JLAs have provided further comments, which will be incorporated into a revised CDMS at Deadline 10.

13.4. Topic conclusion

- 13.4.1 An air quality assessment is reported in **ES Chapter 13: Air Quality** [\[REP3-018\]](#) and corresponding appendices.
- 13.4.2 The assessment concluded that no likely significant effects on air quality and odour are predicted. The Project will not result in any new exceedances of the national air quality standards or delay compliance in any zone or agglomeration.
- 13.4.3 **ES Chapter 13: Air Quality** [\[REP3-018\]](#) has been used to determine compliance with relevant planning policy, including ANPS and NNNPS. Table 13.2.4 summarises how air quality requirements of ANPS have been met. This is reported in Section 8.5 of the **Planning Statement** [\[APP-245\]](#) and in **Planning Statement Appendix C – Planning Policy Compliance Table** [\[APP-248\]](#).
- 13.4.4 Construction phase mitigation includes measures to mitigate and monitor dust and emissions, detailed in the **CoCP** (Doc Ref. 5.3 v6) and the **CDMS (ES Appendix 5.3.2: CoCP Annex 9** [\[REP8-046\]](#)).
- 13.4.5 To support the understanding of air pollution effects in the local area, the Project is committing to extending the local air quality monitoring network. In addition to the continuation of current air quality monitoring at existing locations, the Project commits to additional monitoring sites including another DEFRA reference monitor and indicative monitoring equipment. The updated monitoring will provide an improved spatial and temporal collection of data and facilitate an increased understanding of emissions sources.
- 13.4.6 The draft AQAP at Appendix 5 of the **Section 106 Agreement** (Doc Ref. 10.11 v3) details the commitments to a continuation of and enhancements to the existing monitoring regime and measures which will provide air quality improvements committed to under relevant control documents. The control documents include the **Carbon Action Plan** [\[REP8-054\]](#) and the **Surface Access Commitments** [\[REP8-052\]](#) secured by Requirement 20 and 21 of the Draft DCO.
- 13.4.7 It is the Applicant's position that nothing has materially changed during the Examination which fundamentally alters that assessment of policy accordance or assessment conclusions (no significant effects to receptors or compliance) in **ES Chapter 13: Air Quality** [\[REP3-018\]](#).

14 Ecology and Nature Conservation

14.1. Ecology and Nature Conservation assessment

Approach to Ecology

- 14.1.1 Ecology and the need to deliver ecological benefit has been central to the Project. The consideration of ecological issues at a landscape scale has therefore been key to how the Applicant have addressed potential effects and any necessary mitigation and driven how ecology has been incorporated into the Project.
- 14.1.2 The Applicant recognises that the area covered by the Order Limits represents a significant component of the landscape between Horley to the north and Crawley to the south. Because Gatwick is such an important component, the Project provides the opportunity to consider ecology at a much larger scale than would normally be possible.
- 14.1.3 The Applicant has been awarded the Wildlife Trust's Biodiversity Benchmark every year since 2014, recognising the work the airport undertakes with respect to ecology and biodiversity. The requirements for the Benchmark include having systems in place to ensure that that the landholdings under the management of the organisation are maintained and enhanced for biodiversity. It requires the organisation to undertake appropriate surveys and have plans and targets for habitat and species recovery and to make annual progress in achieving these.
- 14.1.4 The Project has been designed to build on this award-winning approach, and includes a comprehensive, coherent ecology strategy for the Gatwick site as a whole (set out in section 6 of **ES Appendix 8.8.1 Outline Landscape and Ecology Management Plan** (oLEMP) [[REP8-058](#), [REP8-060](#), [REP8-062](#)]). It is designed to enhance and expand the existing biodiversity areas, the North West Zone along the River Mole, in particular, which will be expanded into the Museum Field Environmental Mitigation Area to the north of the river, and Land East of the Railway, along the Gatwick Stream. It will improve connectivity along the various water courses present while also creating new areas of wildlife habitat along those river corridors (Longbridge Roundabout and Carpark B, for example). It incorporates both the Gatwick Woods and River Mole Biodiversity Opportunity Areas (BOAs), ensuring that the aims of these areas are included within the overall strategy.

- 14.1.5 The strategy is designed to ensure that the Project enables a cohesive, connected ecology to be developed across the airport as a whole, taking advantage of the scale of the Project to deliver landscape-scale benefits.

Ecology and Nature Conservation assessment

- 14.1.6 The Ecology and Nature Conservation assessment is reported in **ES Chapter 9 [APP-034]** and associated appendices. It sets out the assessment of impacts on ecology receptors including designated nature conservation sites, habitats and protected/notable flora and fauna as a result of the construction and operation of the Project.
- 14.1.7 It considers impacts including habitat loss/fragmentation, disturbance through lighting and noise, along with habitat degradation as a result of changes in air quality and hydrological conditions (including water quality) within the Zone of Influence (Zoi). The Zoi for the Project is defined in section 9.4 of **ES Chapter 9 [APP-034]**.
- 14.1.8 Compliance with relevant legislation and policy is outlined in section 9.2 of **ES Chapter 9 [APP-034]** and **ES Appendix 9.2.1 Summary of Legislation – Ecology and Nature [APP-118]** and **ES Appendix 9.2.2 Summary of Local Planning Policy – Ecology and Nature Conservation [APP-119]**. It is further described in section 8.9 of the **Planning Statement [APP-245]**.
- 14.1.9 The ecological baseline for the site is summarised in section 9.6 of **ES Chapter 9 [APP-034]**. It was established using a detailed desk review of existing studies and data sets (reported in **ES Appendix 9.6.1 Ecological Desk Study [APP-123]**), including records of protected and/notable species acquired from local record centres and GAL's own site records. The desk review gathered information relating to statutory and non-statutory nature conservation sites, priority habitats and species, and legally protected and controlled species.
- 14.1.10 The desk-based information was used to inform the requirement for site surveys, which determined the ecological value of the Project site and its potential to support legally protected and/or notable habitats and species. Surveys were completed between 2019 and 2023 and are reported in **ES Appendix 9.6.2 Ecology Survey Report [APP-125, APP-124, APP-126, APP-127, APP-128, APP-129, APP-130]**, **ES Appendix 9.6.3 Bat Trapping and Radio Tracking Surveys [APP-131, APP-132]** and **ES Appendix 9.6.4 Badger Survey [APP-133]**. All survey types, methods and extents were agreed with stakeholders via working groups for the Project.

- 14.1.11 The assessment methodology used both the importance of the ecological feature and the magnitude of impact to determine the significance of effect. The methodology is set out in section 9.4.83 *et seq.* of **ES Chapter 9** [\[APP-034\]](#) and is in line with Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal (CIEEM 2022) and follows that described in **ES Chapter 6 Approach to Assessment** [\[APP-031\]](#). If impacts were considered likely, the assessment has identified measures to avoid or reduce potentially significant adverse effects. Working with the Project team, such measures were incorporated during the design process, wherever possible.
- 14.1.12 Further assessment of the Project with regards to European Sites is detailed within the **ES Appendix 9.9.1 Habitats Regulations Assessment Report** (HRAR) [\[REP3-044, REP3-045\]](#).
- 14.1.13 The effects of the Project on ecology receptors during construction are mitigated and controlled via the **ES Appendix 5.3.2 Code of Construction Practice** (CoCP), [\[REP8-024\]](#) and associated annexes along with any necessary protected species licences.
- 14.1.14 The creation and management of new habitats that will form part of the Project will be in accordance with the principles set out in the **oLEMP** [\[REP8-058, REP8-060, REP8-062\]](#). Each area of the Project will be required to submit a LEMP to the relevant authority for approval pursuant to DCO Requirement 8 that is substantially in accordance with the principles set out in the oLEMP.

Construction

- 14.1.15 The construction phases of the Project give rise to temporary significant effects on species and habitats within the study area. These effects are not permanent, however, and by 2047, following adequate time for replacement habitats to have become established, these reduce to being no longer significant.
- 14.1.16 The main impact identified during the construction phase of the Project was habitat loss during site preparation works, in particular the loss of woodland during site enabling works along the A23. The effect of the loss of woodland was considered to be of moderate adverse significance for the duration of the period of construction and initial operation (up to 2038). Beyond this, the maturing replacement habitat will reduce effects to minor adverse so that by 2047 they are no longer significant.
- 14.1.17 The loss of the woodland during the construction and initial operation phase was also considered to have a corresponding moderate adverse significant effect on

the local common bat species assemblage, invertebrate assemblage and breeding bird assemblage, reduced to not-significant minor adverse as the replacement planting matured (by 2038).

- 14.1.18 The new habitats would be created and managed in accordance with the principles set out in the **oLEMP** [REP8-058, [REP8-060](#), [REP8-062](#)]. Replacement of woodland along the A23 corridor on a like for like basis is not possible as the habitats to be created are required to be designed according to Design Manual for Roads and Bridges (DMRB) standards which prevents woodland planting in proximity to a carriageway for safety reasons. However, the loss of area would be mitigated through enhanced management compared to the current baseline, as per sections 5.2 and 11.3 and Annex 1 of the oLEMP leading to enhanced ecological condition, as per the target conditions **set out in, section 4 of ES Appendix 9.9.2 Biodiversity Net Gain (BNG) Statement** [[REP8-076](#)]. The habitat design has been undertaken to ensure that a coherent ecology is created that provides breeding, foraging, watering and commuting opportunities for wildlife. This will ensure that habitats to be created will be of an overall higher quality than those lost and more ecologically cohesive.
- 14.1.19 For a range of other receptors, the loss of habitat was considered to have a non-significant short to medium term minor adverse effect. These included grasslands, non-priority ponds, marshy grasslands and watercourses (the diversion of the River Mole). With the embedded design measures, control measures set out within **CoCP**, [REP8-024], and long-term **management** and enhancement as set out in the oLEMP [REP8-058, REP8-060, [REP8-062](#)], the potential impacts were considered to be negligible in the long term.
- 14.1.20 The impact of the River Mole diversion was considered to be a moderate (significant) beneficial effect in the long term as a result of the increased length of river corridor and improved flow characteristics.
- 14.1.21 Temporary minor adverse residual effects are predicted for several species on site (great crested newt, reptiles, badger, rare bat species assemblage and hedgehog) during the construction phases, as a result of habitat loss, killing/injury and temporary disturbance through noise and lighting. However, with mitigation in place, including through control measures set out within the **CoCP** [REP8-024], protected **species licences** (where necessary) and the oLEMP [REP8-058, REP8-060, [REP8-062](#)], these effects are not predicted to be significant in the long term with the new habitat creation associated with the Project leading to minor beneficial effects for most species considered.

- 14.1.22 Draft Protected Species Licenses have been submitted to Natural England for great crested newts and badger which set out in principle how Gatwick will mitigate effects to these protected species during construction phases. On the basis of these, Natural England has issued Letters of No Impediment to the Applicant which are included within the Deadline 9 submission.
- 14.1.23 As set out in the **HRAR** [REP3-044, [REP3-045](#)], no likely significant effects were identified on any European designated site during the construction phase of the Project. This conclusion was agreed with Natural England at section 2.8.3.3 in the **Statement of Common Ground (SoCG)** with the Applicant (Doc Ref. 10.1.15 v4).

Operation

- 14.1.24 Operational effects on ecology receptors due to the Project are limited to those relating to air quality, and other indirect effects such as pollution, disturbance and collision risk.
- 14.1.25 Discharge of surface water from the Project will continue to be regulated by the Environment Agency to ensure that water quality is the same as current permits. As such, no change to the status of water courses was predicted.
- 14.1.26 Habitat location and design was incorporated to ensure that there was no increased collision risk for either birds or bats as a result of the Project. In particular, the Museum Field Environmental Mitigation Area is located to the north west of the existing airport, alongside the River Mole and associated existing woodland. This location would help ensure that both bats and birds had improved flightlines taking them away from the operational airport area, including the runways.
- 14.1.27 Impacts from operational lighting and associated disturbance would be controlled via appropriate design, secured through DCO Requirement 4 (see **Design and Access Statement Appendix 1 – Design Principles** [[REP8-091](#)]).
- 14.1.28 As set out in the **HRAR** [REP3-044, [REP3-045](#)], no likely significant effects were identified on both the Mens SAC and Ebernoe Common SAC during the operational phase of the Project from any pathway. This conclusion was agreed with Natural England at section 2.8.3.1 in the **SoCG** with the Applicant (Doc Ref. 10.1.15 v4).
- 14.1.29 Operational emissions from aircraft and from vehicles travelling to and from the Airport via surface access routes during the construction and operational phases,

were assessed in **ES Chapter 9** [[APP-034](#)] and **ES Appendix 9.9.1 HRAR** [[REP3-043](#) [REP3-045](#)]. The assessment of effects from changes to air quality followed guidance published by Natural England and the National Highways Design Manual for Roads and Bridges.

- 14.1.30 Any designated site within 5km (statutory sites), 2km (non-statutory sites) or 200m of the Affected Road Network (ARN) was included in the assessment for consideration effects due to pollutant emissions. Sites of International and National Importance for consideration within the assessment were agreed with Natural England. Five European sites, 13 SSSI and over 150 areas of Ancient Woodland were considered by the assessment.
- 14.1.31 At all sites, the increase in nitrogen oxides (NO_x), ammonia (NH₃) and nitrogen deposition (accounting for both NO_x and NH₃) were calculated, based on the modelled change in traffic flows (the Average Annual Daily Traffic, AADT).
- 14.1.32 Screening of potential effects was then based on whether the change with the Project compared to the baseline exceeded 1% of the critical load/level. The magnitude of the change in AADT was also considered; where it was very small (<30), effects were also screened out. This approach to assessment was agreed with Natural England in the **SoCG** (Doc Ref. 10.1.15 v4).
- 14.1.33 The assessment identified some minor increases in pollutant immediately adjacent to roads, however, not so that any significant effects would result. Hence, no significant effects were identified on any area of ancient woodland, with all effects of minor adverse or less.
- 14.1.34 The assessment of air quality effects on SSSIs was initially queried by Natural England. Following additional work undertaken by the Applicant during the Examination (presented in **10.4 Supporting Air Quality Technical Notes to SoCGs** [[REP1-050](#)]), a conclusion of no significant effect on any SSSI within the Zol was reached, a conclusion subsequently supported by Natural England in their **SoCG** (section 2.8.2.1 *et seq.* (Doc Ref. 10.1.15 v4)).
- 14.1.35 The assessment of effects on European sites from changes to air quality concluded no likely significant effect on one site considered (Mole Gap to Reigate Escarpment Special Area of Conservation, SAC), either alone or in combination. The remaining four sites were screened in for Appropriate Assessment; Ashdown Forest SAC/Special Protection Area (SPA), Thames Basin Heaths SPA and Thursley, Ash and Pirbright and Chobham SAC. Following detailed analysis of the potential for effects against the relevant

Conservation Objectives for the sites, a conclusion of no adverse effect on integrity at any of the sites was reached. This conclusion was supported by Natural England in their **SoCG** (section 2.8.3.1 *et seq.* (Doc Ref. 10.1.15 v4)) and set out in the **Report on the Implications for European Sites (RIES)** provided by the Examining Authority [[PD-026](#)].

14.1.36 The Biodiversity Net Gain (BNG) that the Project is predicted to deliver as a result of the habitat creation and enhancement is set out **ES Appendix 9.9.2 BNG Statement** [[REP8-076](#)]. This means the Project is predicted to deliver circa 20% habitat gain, 17% watercourse gain and at least 10% hedgerow gain. Since this is based on the worst-case vegetation removal (as set out in Table 9.7.1 Maximum Design Scenarios in **ES Chapter 9** [[APP-034](#)]), this is considered to be the minimum that the Project will deliver. The measures necessary to deliver this BNG with respect to both habitat creation and management are set out within the **oLEMP** [[REP8-058](#), [REP8-060](#), [REP8-062](#)]. As set out in section 8 of the oLEMP, each individual LEMP submitted to the relevant authority for approval pursuant to DCO Requirement 8 must include an explanation of how the plan contributes to the achievement of the total BNG across the Project. The delivery of the habitat creation proposed will ensure that the Project provides significant enhancement for biodiversity compared to the current situation.

14.2. Ecology and Nature Conservation mitigation

14.2.1 Mitigation measures proposed in relation to Ecology are described in section 9.8 of **ES Chapter 9** [[APP-034](#)] and in the **Mitigation Route Map** [[REP8-020](#)]. Monitoring is summarised in Table 9.8.1 along with section 9 of **ES Chapter 9** [[APP-034](#)].

14.2.2 Further details of mitigation and monitoring measures relating to Ecology are located in the following documents:

- **CoCP** [[REP8-024](#)]. This document and associated annexes set out the mitigation and control measures necessary to protect ecology receptors during construction and is secured by DCO Requirement 7. It also provides details of the Ecology Clerk of Works (ECoW) and their role. It is supported by:
 - Annex 6 **Outline Vegetation and Arboricultural Method Statement** [[REP8-030](#), [REP8-032](#), [REP8-034](#), [REP8-036](#), [REP8-038](#), [REP8-040](#)] (including the Preliminary Vegetation Removal and Protection Plans and the Preliminary Tree Removal and Protection Plans) (specifically secured by DCO Requirement 28);

- Annex 8 **Outline Invasive and Non-Native Species Management Strategy** [[REP8-044](#)]; and
- Annex 11 **Outline Reptile Mitigation Strategy** [[REP8-049](#)].
- **oLEMP** [[REP8-058](#), [REP8-060](#), [REP8-062](#)]. This document describes the requirements for the establishment, management and monitoring of proposed landscape and ecology areas that form part of the Project secured by DCO Requirement 8.
- **ES Appendix 9.9.2 BNG Statement** [[REP8-076](#)]. This document sets out the Project's approach to the delivery of BNG, including target condition of habitats to be created. Under DCO Requirement 8 each LEMP must include an explanation of how the plan contributes to the achievement of the total BNG across the Project.
- **List of other consents and licences** [[REP8-092](#)].

14.2.3 Mitigation measures committed to by the Applicant relating to ecology include:

- The Project has been designed to avoid designated sites, including all areas of woodland (including ancient woodland) and other sensitive habitats. This is secured through the scheme design shown on the approved plans secured under the **draft DCO**.
- Areas of retained woodland, trees, scrub, and hedgerows that are shown on the **Preliminary Vegetation Removal and Protection Plans** and the **Preliminary Tree Removal and Protection Plans** (set out in the oAVMS [[REP8-030](#), [REP8-032](#), [REP8-034](#), [REP8-036](#), [REP8-038](#), [REP8-040](#)]) will be protected. Detailed AVMS' that are substantially in accordance with the oAVMS [[REP8-030](#), [REP8-032](#), [REP8-034](#), [REP8-036](#), [REP8-038](#), [REP8-040](#)] (including the appended plans) are secured via DCO Requirement 28.
- Altering pre-construction survey locations (e.g. archaeology and ground conditions) where practicable to avoid damage to features of high value and watching briefs to ensure such features are not impacted upon. Secured via the **CoCP** [[REP8-024](#)] (DCO Requirement 7) and **ES Appendix 7.8.1: Written Scheme of Investigation for Post Consent Archaeological Investigations – Surrey** [[REP7-044](#)] and **ES Appendix 7.8.2: Written Scheme of Investigation for Post Consent Archaeological Investigations and Historic Building Recording – West Sussex** [[AS-157](#)] (DCO Requirement 14).
- Appropriate storage of material and fuels and the management of runoff to avoid the pollution of designated sites and priority habitats. Secured via **CoCP** [[REP8-024](#)] (DCO Requirement 7) and existing legislative regimes.

- Suitable timing of required vegetation clearance to reduce impacts to breeding birds and the translocation of reptiles and amphibians to alternative areas of suitable habitat (where required). Secured via **CoCP** [REP8-024] (DCO Requirement 7), which includes Annex 11 Outline Reptile Mitigation Strategy [REP8-049] and existing legislative regimes (including great crested newt licence).
- The creation of artificial badger sett (if required) and measures to ensure that no badgers or otters (if present within the wider river corridors) are harmed during construction. Secured via **CoCP** [REP8-024] (DCO Requirement 7) and existing legislative regimes (badger licence).
- The creation of new areas of woodland, tree, shrub, scrub, grassland and wetland within the Project site and replacement of species-poor hedgerow with native species-rich hedgerow. Secured via **oLEMP** [REP8-058, REP8-060, REP8-062] (DCO Requirement 8).
- Permanent lighting associated with the Project would be designed to avoid disturbance to areas of value for bats and additional bat roost features would be provided. Secured via **Design and Access Statement Appendix 1 – Design Principles** [REP8-091] (DCO Requirements 4, 5 and 6).
- The River Mole would be realigned to provide a more natural river profile and temporary land take would be restored to existing or greater ecological value. Secured via **oLEMP** [REP8-058, REP8-060, REP8-062] (DCO Requirement 8).
- The creation of new habitats for great crested newts, grass snake, bats, breeding birds, aquatic and terrestrial invertebrates within the Project site. Secured via **oLEMP** [REP8-058, REP8-060, REP8-062] (DCO Requirement 8).
- Maintenance of grassland and associated habitats at Gatwick under the current regime to ensure avoidance of bat and bird collision risks. Secured via **oLEMP** [REP8-058, REP8-060, REP8-062] (DCO Requirement 8).
- As bats are a highly transient species and roost locations can change frequently, all trees would be subject to pre-construction surveys to determine if they were being used by bats. Regardless of the findings, bat boxes would be installed on retained trees prior to vegetation clearance commencing to ensure there was no reduction in the availability of roost features. Secured via **CoCP** [REP8-024] (DCO Requirement 7) and **oLEMP** [REP8-058, REP8-060, REP8-062] (DCO Requirement 8).
- A contribution to Gatwick Greenspace Partnership and towards and Landscape and Ecology Delivery Contribution under the Section 106 Agreement.

- 14.2.4 The Applicant would also undertake monitoring for great crested newts and badgers to determine the success of the mitigation measures identified above and identify if remedial measures are required (secured via commitments in protected species licences). In addition, as set out in section 11.19.4 of the **oLEMP** [[REP8-058](#), [REP8-060](#), [REP8-062](#)], habitats will also be monitored to ensure that the target ecological condition of various habitats created around the Project site are achieved (see enhancement below).
- 14.2.5 As set out in section 13.1, the Project includes the delivery of a comprehensive and coherent ecology strategy that builds on the Applicant's award-winning approach to ecology and takes advantage of the strategic importance of the airport at a landscape scale.
- 14.2.6 The strategy includes new, high-value habitats comprising a mixture of wet and dry neutral grasslands along the new channel of the River Mole, within the Museum Field Environmental Mitigation Area and within newly-created mitigation areas.
- 14.2.7 The Museum Field Environmental Mitigation Area also includes the creation of an earth bund in the south and east of Museum Field to provide a mosaic of habitats comprising scrub, grassland and bare or poorly vegetated ground to provide a matrix of habitats suitable for a variety of invertebrates. An overview of the change in habitats due to the Project is set out in **10.45 Note on Project-wide Habitat Loss and Replacement** [[REP8-098](#)].
- 14.2.8 The combination of new habitat creation means that, overall, the Project delivers circa 20% habitat gain, 16% watercourse gain and at least 10% hedgerow gain, as set out in **ES Appendix 9.9.2 BNG Statement** [[REP8-076](#)].
- 14.3. **Consideration of Ecology and Nature Conservation matters during Examination**
- 14.3.1 During Examination, the following issues were raised:
- Landscape scale approach to ecology**
- 14.3.2 The Joint Sussex Local Authorities asserted (section 9.9 in their **Local Impact Report** [[REP1-068](#)]) that a landscape-scale approach should be adopted with respect to ecology impact assessment. This issue was explored further at **Issue Specific Hearing (ISH) 8**, Item 7.1 [[EV17-001](#)].
- 14.3.3 The **Applicant's written summary of oral submissions at ISH8** [[REP6-082](#)] sets out the Applicant's position that the application had undertaken an assessment at a landscape scale, in accordance with a clear ecological strategy.

Examples given include the approach to assessment of effects on European sites out to 30km. Also, that early in the design evolution, the area of Riverside Garden Park where the Gatwick Stream runs parallel to the A23 was identified as a key potential landscape-scale effect– it represents the only corridor of green space that has not been urbanised between Horley to the north and Crawley to the south (over 10km). Studies were therefore planned and carried out at a landscape scale to enhance its important role in connectivity and to address the question of its use by ecology receptors, bats, in particular, where a combination of large-scale radio tracking and other methods were used to study bat movements in the area and how this was linked to the wider landscape [[APP-131](#), [APP-132](#)]. The ecologists worked very closely with the project engineers with respect to how this area was incorporated into the Project. This included rejecting some early designs for the road improvements on the basis that they would sever this corridor. The final outline design therefore retained a viable green corridor through this constrained area of the road corridor (at least 10m of mature vegetation plus the stream itself).

- 14.3.4 The Applicant has also put mitigations in place to ensure that all lighting is sensitively designed, as per the requirements in the **CoCP** (section 4.9 [[REP8-024](#)]). In addition, as set out in section 13.1, the approach taken to ecology more broadly focused at a landscape scale.
- 14.3.5 The Project includes a landscape-scale ecology strategy, set out at section 6 of the **oLEMP** [[REP8-058](#), [REP8-060](#), [REP8-062](#)], drawing together the various water courses and terrestrial habitats into a coherent and cohesive ecology for the site that recognises the airport's strategic position in the landscape and ensures that the Project delivers a significant net gain for biodiversity (**as set out in ES Appendix 9.9.2 BNG Statement** [[REP8-076](#)]).
- 14.3.6 Further the Applicant has committed to a contribution towards the Gatwick Greenspace Partnership and towards a Landscape and Ecology Delivery Contribution under the Section 106 Agreement. The Landscape and Ecology Delivery Contribution is specifically to support Local Nature Recovery Strategies.

Clarity with respect to habitat loss/gain (in particular woodland) and request for an Ecology Enhancement Fund

- 14.3.7 The Joint Local Authorities requested additional details of habitat loss/gain, in particular woodland, and the provision of an Ecology Enhancement Fund to ensure the Project delivered landscape-scale mitigation/enhancement (section 9.92 in their **Local Impact Report** [[REP1-068](#)]).

- 14.3.8 During the Examination, the Applicant produced a **Note on the Project-wide Habitat Loss and Replacement** [\[REP8-098\]](#) to provide Interested Parties with a single point of reference, describing the loss/replacement balance for all habitat types including woodland.
- 14.3.9 As an operational airport, Gatwick is required to comply with the UK Regulation (EU)139/2014 Implementing Rule ADR.OPS.B.020 Wildlife strike hazard reduction, and extensive CAA guidance is provided within CAP772 Wildlife Hazard Management at Aerodromes. This means that the habitat creation, woodland in particular, needs to have strict regard to the potential for increasing bird strike. The need to comply with these safeguarding requirements along with the design requirements for highways with respect to the proximity of woodland to roads, set out by National Highways in the DMRB meant that the Project had a net loss of circa 3ha of woodland, and did not meet the BNG Trading Rules with respect to habitat replacement.
- 14.3.10 However, although there is a net loss of area of woodland as a result of the Project, there is an overall net gain in the number of trees, as set out in Appendix J of **ES Appendix 8.10.1 – Tree Survey Report and Arboricultural Impact Assessment** ([\[REP8-064\]](#) to [\[REP8-075\]](#)). The majority of woodland to be lost comprises highways planting from when the A23 was constructed circa 35 years ago. It is in poor ecological condition and, as set out in table 4.2.1 of **ES Appendix 9.9.2 BNG Statement** [\[REP8-076\]](#), will be replaced by woodland with a target condition of moderate – i.e. an improvement in the overall ecological condition compared to the baseline. In addition, the woodland replanting along the road will be supplemented by scrub and wildflower grassland planting, expanding the diversity of habitats present.
- 14.3.11 As such, while there is a net loss in area, this is mitigated through an overall enhancement to the ecological condition of the woodland being replanted. The Applicant's position on BNG trading, given the operational safeguarding requirements, was accepted by Natural England at 2.8.4.3 of the **SoCG** with the Applicant [\[REP6-061\]](#).
- 14.3.12 In relation to tree numbers, the Applicant has committed to a Tree Balance Statement under DCO Requirement 39. Further the Applicant has committed to contributions towards the Gatwick Greenspace Partnership and a specific Landscape and Ecology Delivery Contribution under the Section 106 Agreement to contribute to enhancements in the local area.

Surveys for bat tree roosts

- 14.3.13 A number of Interested Parties (including National Highways (via the **SoCG** process – section 2.8.1.2 [\[REP5-059\]](#)) and the Joint Surrey Councils (in their **Local Impact Report** – section 7 [\[REP1-097\]](#)) raised the issue of bat surveys in trees and the need to undertake these prior to determination.
- 14.3.14 The Applicant has committed to detailed pre-commencement surveys of trees to be removed with respect to their potential to support roosting bats in accordance with paragraph 5.4.18 of **ES Appendix 5.3.2 CoCP** [\[REP8-024\]](#). As set out in Table 9.8.1 of **ES Chapter 9** [\[APP-034\]](#), mitigation for the loss of any roost would be determined post survey, depending on the type of roost located. Given the surveys completed to support the application (set out in **ES Appendix 9.6.2 Ecology Survey Report** [\[APP-125, APP-124, APP-126, APP-127, APP-128, APP-129, APP-130\]](#), **ES Appendix 9.6.3 Bat Trapping and Radio Tracking Surveys** [\[APP-131, APP-132\]](#)), it is anticipated that any roosts that are located in trees will be of low conservation status (such as day roosts for commoner species). Mitigation for the loss of such roosts can be accommodated within areas of retained woodland.
- 14.3.15 In response to requests for additional surveys at this stage, GAL have brought forward the programme of surveys to determine bat roosts in trees to be removed. A report has therefore been provided [\[REP8-104\]](#) with details of all surveys completed up until Deadline 8 within the Order limits of trees that are shown for removal in **ES Appendix 8.10.1 Tree Survey Report and Arboricultural Impact Assessment (AIA)** [\[REP8-064, REP8-066, REP8-068, REP8-070, REP8-072, REP8-074\]](#) and **ES Appendix 5.3.2 CoCP Annex 6: Outline Arboricultural and Vegetation Method Statement** (Doc Ref 5.3 v6) based on the worst case assessment with respect to their bat roost potential.
- 14.3.16 To date (Deadline 8), no bats have been identified using any tree on site to be felled. The completion of such surveys at this stage and the commitment to undertake, as necessary, pre-commencement will ensure that the Project accounts for bats that may be roosting in trees and mitigates any potential effects.

Invasive Non-Native Species (INNS)

- 14.3.17 In the **Written Questions** EN.1.4 [\[PD-012\]](#) the ExA requested further details as to whether there was overlap of areas of known INNS presence with construction activities and whether a spread pathways analysis had been undertaken. The

presence of INNS was also raised by the Environment Agency in the SoCG process [REP5-057].

- 14.3.18 The request to provide detailed consideration of INNS within the Project during construction was responded to through the provision of **ES Appendix 5.3.2 CoCP Annex 8 Outline Invasive and Non-Native Species Management Strategy** [REP8-044]. With respect to management of INNS during operation, at Deadline 2, the Applicant updated the oLEMP to include a specific objective with respect to Biosecurity (section 2) and details of the process of INNS management (section 7), to follow The Great Britain Invasive Non-Native Species Strategy 2023 to 2030 (DEFRA 2023). This position with respect to INNS has been agreed with the Environment Agency via the **SoCG** (section 2.8.4.1 *et seq.*) [REP5-057]. The inclusion of the INNS strategies at both construction and operational phases will ensure that the Project, and airport overall, continue to contribute to the management and eradication of INNS.
- 14.3.19 INNS Management is secured in relation to construction through the CoCP (DCO Requirement 7) and in relation to operation through the oLEMP (DCO Requirement 8).

Biodiversity Net Gain

- 14.3.20 In the **Written Questions** EN.1.5 and EN.1.6 [PD-012], the ExA requested further information with respect to the delivery of BNG as part of the Project.
- 14.3.21 The Applicant set out the approach to BNG within **ES Appendix 9.9.2** [APP-136]. This was updated through the Examination with the final position set out at Deadline 8 [REP8-076].
- 14.3.22 The position adopted with respect to both methodology and conclusions was agreed with Natural England via the **SoCG** (sections 2.8.4.1, 2.8.4.2, 2.8.4.3) (Doc Ref. 10.1.15 v4), reiterated by Natural England in their response to **Further Written Questions** EN.2.1 [REP7-116].
- 14.3.23 The Project will deliver a minimum of 19.64% habitat gain, 16.31% in watercourse gain and 10.83% in hedgerow gain. This gain is secured since the measures which contribute to the conclusions in **ES Appendix 9.9.2 BNG Statement** [REP8-076] are incorporated into ES Appendix 8.8.1 oLEMP [REP8-058, REP8-060, [REP8-062](#)] such that they are reflected in the Landscape and Ecology Management Plans submitted pursuant to Requirement 8 of the dDCO (Doc Ref. 2.1 v11) by virtue of the requirement that such plans must be substantially in accordance with the oLEMP.

14.3.24 The Project therefore achieves a substantial net gain in all three categories of BNG through a combination of new and enhanced habitats framed within a landscape-scale ecology strategy (as set out in section 13.1).

Biodiversity Opportunity Areas (BOAs)

14.3.25 At **ISH8**, Item 7.1 [EV17-001] and in the [Written Questions EN.2.2 \[PD-021\]](#), the ExA queried how the Applicant had accounted for BOAs and at what distance from the Order limits the Applicant had considered ecological enhancement.

14.3.26 The aims of the BOAs that are located within the Project site (Gatwick Woods and River Mole BOAs) have both been incorporated into the ecology strategy for the Project, as set out in section 6 of the **oLEMP** [[REP8-058](#), [REP8-060](#), [REP8-062](#)].

14.3.27 The delivery of woodland in and around Pentagon Field furthers the aims of Gatwick Woods is to increase the area of woodland within the BOA whilst the increase in the length of the River Mole to facilitate flood storage and associated wet/marshy grassland will further the aim of the River Mole BOA.

14.3.28 Details were summarised in the **Applicant's Written Summary of Oral Submissions - ISH8 – Ecology** [[REP6-082](#)]. The Applicant set out in response to **ExQ2 EN.2.2** [[REP7-082](#)] that the incorporation of ecological enhancement was considered at an early stage of the Project development. It focused on areas that were appropriate and possible and led to the incorporation of several areas outwith the existing airport boundaries including Brook Farm and land at Longbridge Roundabout. Once identified, these areas were incorporated into the Order limits.

14.3.29 As such, although there was no specific distance from the airport at which the Applicant had considered ecological enhancement, the Applicant had incorporated extensive land off-airport into the Order limits for the purposes of ecological enhancement.

Bats and noise

14.3.30 Horsham District Council queried the potential for impacts from noise on bats in their **Local Impact Report** (section 9.71 [[REP1-068](#)]) which the ExA then asked in their **Written Questions EN.2.9** [[PD-021](#)].

14.3.31 In response, the Applicant submitted a detailed technical note (at Deadline 5 [[REP5-069](#)]) into the Examination setting out a combined response from the Project's Ecologists and Acousticians. This described the hearing capabilities of

bats and the frequency ranges of aircraft noise, showing that there is little overlap with the key frequencies bats call at. Also, given the distance of the off-site woodlands, ground noise was considered to have attenuated to background at the woodlands.

14.4. Topic conclusion

- 14.4.1 The Ecology assessment reported in **Chapter 9 of the ES [APP-034]**, associated appendices and detailed updates submitted into Examination provide a comprehensive assessment of the potential effects of the Project on ecology receptors. The size and location of the Project has enabled the Applicant to consider ecology at a landscape-scale and to bring forward an ambitious ecology strategy commensurate with this. The contributions committed to through the oLEMP reflecting the Applicant's own delivery in addition to the financial contributions committed to Gatwick Greenspace Partnership and the Landscape and Ecology Delivery Contributions will provide significant enhancements to the ecological environment.
- 14.4.2 **Chapter 9 of the ES [APP-034]** has been used to determine compliance with relevant planning policy.⁶⁵⁹
- 14.4.3 The Project has been designed, as far as possible, to avoid effects on biodiversity through option identification, appraisal, selection, and refinement, for example, by removing ancient woodland from the Order limits and through the design process for the highways improvement works. Mitigation measures have been designed into the Project for the purpose of minimising effects related to ecological receptors while extensive enhancement has been provided, to be implemented through a comprehensive and ecologically coherent ecology strategy.
- 14.4.4 The delivery of the ecology strategy means the Project will provide a minimum of 19.64% habitat gain, 16.31% in watercourse gain and 10.83% in hedgerow gain through the extensive landscaping and habitat creation proposals and the management of retained and proposed habitat areas in accordance with national and local planning policy.

⁶⁵⁹ Policy compliance is addressed in Section 8.9 of the Planning Statement [APP-245], whilst the Project is also considered against the detailed paragraph by paragraph requirements of the ANPS and the NNNPS in Appendix C of the Planning Statement [APP-248].

15 Health and Wellbeing

15.1. Health and Wellbeing assessment

- 15.1.1 **ES Chapter 18: Health and Wellbeing** [\[APP-043\]](#) presents the EIA findings concerning potential effects of the Project on Human Health and comprises a full Health Impact Assessment (HIA). Compliance with relevant legislation and policy is outlined in Section 18.2 of **ES Chapter 18: Health and Wellbeing** [\[APP-043\]](#) and in Section 8.19 of the **Planning Statement** [\[APP-245\]](#).
- 15.1.2 The relevant legislative and policy requirements in relation to assessment of human health have been met. The assessment concludes that the Project will not result in any significant adverse effects to public health. This is a conclusion with which the statutory health stakeholders, the UK Health Security Agency and Office for Health Improvement and Disparities agree [\[RR-4687\]](#).
- 15.1.3 **ES Chapter 18: Health and Wellbeing** [\[APP-043\]](#) section 18.4 sets out the methodology for the assessment which follows guidance and good practice for assessing population health effects, including for vulnerable groups. This includes the Institute of Environmental Management and Assessment (IEMA) guidance on Guide to Determining Significance for Human Health in Environmental Impact Assessment (IEMA, 2022).
- 15.1.4 Section 18.4 sets out the study areas, including the site-specific area of the 9 wards around the Airport; the health local study area of adjacent districts and boroughs (Crawley, Reigate and Banstead, Tandridge, Mid Sussex, Horsham and Mole Valley); and the six authorities wider area (East Sussex, West Sussex, Surrey, Kent, Brighton and Hove and the London Borough of Croydon). Regional and national study areas are also defined.
- 15.1.5 **ES Chapter 18: Health and Wellbeing** [\[APP-043\]](#) section 18.5 sets out a health baseline for the affected populations. Additional ward level public health indicator data is set out in **ES Appendix 18.5.2 Health and Wellbeing Baseline Data Tables** [\[APP-207\]](#). Reports such as the relevant Health and Wellbeing Strategies and Joint Strategic Needs Assessments have provided additional context on local health circumstances, inequalities and public health priorities as shown in **ES Appendix 18.5.1: Health Baseline Trends, Priorities and Vulnerable Groups** [\[APP-206\]](#). The baseline and local health priorities identify the presence of vulnerable groups and the sensitivity of the affected populations have accordingly been scored at the highest level of sensitivity.

- 15.1.6 The assessment of each determinant of health has regard to the scientific literature, baseline conditions, local health priorities, consultation responses, policy requirements and regulatory standards. Regard has also been had to World Health Organization (WHO) advisory guidelines.
- 15.1.7 The health assessment is informed by the findings of other relevant ES chapters and extends these assessments to determine the public health implications of the Project.
- 15.1.8 The health assessment has informed and been informed by the mitigation measures set out in those other assessments.
- 15.1.9 The submissions made by the Applicant on this topic during the examination are referred to in the sections below.

Construction

- 15.1.10 Section 18.8 of **ES Chapter 18: Health and Wellbeing** [\[APP-043\]](#) sets out the assessment of the Project's construction effects in relation to the following determinants of health which includes air quality; noise exposure; transport nature and flow rate; lifestyle factors; socio-economic factors; exposure to light; water quality, flood risk and ground conditions; local healthcare capacity; and understanding of risk (risk perception).
- 15.1.11 The health assessment identifies that the significance of the population health effects would be up to minor adverse (not significant) for Project construction effects related to air quality, noise, transport, lifestyle factors, light, water quality, flood risk, ground conditions, healthcare capacity and public understanding of risks. Some minor beneficial (not significant) effects are also anticipated in relation to active travel route enhancements and construction employment.
- 15.1.12 No new or materially different significant population health effects are expected due to cumulative projects or in combination effects.

Operation

- 15.1.13 **ES Chapter 18: Health and Wellbeing** [\[APP-043\]](#) section 18.8 also sets out the assessment of operation effects. The scope of determinants of health and the underlying qualitative IEMA methodology applied for construction is the same as for operation.
- 15.1.14 For operational air quality and noise effects, the qualitative health assessment has been supplemented with a quantitative analysis. The quantitative methods,

based on a WHO and Public Health England approach, are set out in **ES Appendix 18.4.1 Methods Statement for Health and Wellbeing** [\[APP-205\]](#) and the results set out in **ES Appendix 18.8.1 Quantitative Health Assessment Results** [\[APP-208\]](#). The quantitative analysis provides pragmatic estimates of changes in selected health outcomes to identify the scale of change associated with the Project changes. This validates the professional judgments reached as to the magnitude of health effect.

- 15.1.15 The assessments have had regard to non-threshold air quality effects, including for ultra-fine particles. The health assessment of noise effects has had regard to both effects above the Significant Observed Adverse Effect Level (SOAEL) and effects between the Lowest Observed Adverse Effect Level (LOAEL) and SOAEL. This approach ensures that the public health effects of small change in air quality and noise across large population have been appropriately taken into account. The health assessment identifies that the significance of the population health effects would be up to minor adverse (not significant) during the Project's operation. The conclusion reflects the view that exposures remain within acceptable levels for health protection, including for vulnerable groups. The health assessment has considered relevant mitigations in relation to vulnerable groups, including in the **ES Appendix 14.9.10: Noise Insulation Scheme** (Doc Ref 5.3 v4), which are secured within the DCO.
- 15.1.16 For transport effects, the HIA notes the benefits of the highway improvements but also acknowledges the disruption and disturbance effects, including at the fringe of Riverside Garden Park and for some public rights of way. Such effects have been reviewed in the context of local public health priorities around open space and active travel. Appropriate mitigation has been secured in relation to new opens spaces, route enhancements and temporary diversions. The assessment concludes that the significance of the population health effects would be up to minor adverse (not significant).
- 15.1.17 For other operational effects (Exposure to Light; Water Quality, Flood Risk and Ground Conditions; Local Healthcare Capacity; and Understanding of Risk (Risk Perception) the conclusion is also that the significance of the population health effects would be up to minor adverse (not significant).
- 15.1.18 The operational employment associated with the Project are expected to give rise to at least moderate beneficial (significant) population health benefits, a conclusion that reflects the secured measures within the Project's Employment Skills and Business Strategy (ESBS) (secured in Section 106 Agreement

Appendix 6) [\[REP3-069\]](#) that enhance opportunities for vulnerable groups to access these opportunities, including monitoring.

15.2. Health and Wellbeing mitigation

15.2.1 **ES Chapter 18: Health and Wellbeing** [\[APP-043\]](#) Table 18.7.1 sets out mitigation and enhancement measures for both construction and operation of the Project. Measures listed include:

- During construction, managing the healthcare needs of construction workers. The health measures are integrated into the **Code of Construction Practice**, which is secured in the DCO Requirement 7.
- During operation, managing the healthcare needs of airport passengers and visitors by supporting the NHS and ambulance service with routine service planning and making appropriate provision of first responders at the airport. These measures are secured in the Section 106 agreement Schedule 7.
- During construction and operation, promoting health equity through benefits to local vulnerable groups through the ESBS. The health measures, including monitoring, are integrated into the ESBS, which is secured in Appendix 6 to the Section 106 Agreement.
- During operation, promoting health equity by supporting the uptake of the Noise Insulation Scheme (NIS) for local vulnerable groups, secured in the DCO Requirement 18.
- A contribution toward a study on ultrafine particles secured in the Section 106 agreement Schedule 1, section 7.

15.2.2 **ES Chapter 18: Health and Wellbeing** [\[APP-043\]](#) paragraph 18.11.22 also sets out mitigation in relation to supporting individuals with exceptional vulnerability during construction and operation. Accordingly, a Hardship Scheme is secured in the Section 106 agreement Schedule 7. The Hardship Scheme provides appropriate mitigation for those very rare instances when a person of exceptional vulnerability is present at a place and time of large project change and the Project's other mitigation measures are either not applicable or not intended to address this level of sensitivity.

15.3. Consideration of Health and Wellbeing matters during Examination

15.3.1 During the course of the Examination, a number of health-related issues have been discussed and clarified. This includes the clarification that, as well as meeting the EIA Human Health requirements, **ES Chapter 18: Health and Wellbeing** [\[APP-043\]](#) is also a comprehensive HIA. Associated discussions has

confirmed that organisations representing hard to reach groups were included in the Project's pre-application consultations; that vulnerable groups responded to the consultations; and that the views of vulnerable groups were taken into account. All these matters have been confirmed by the Applicant through Examination submissions, including **The Applicant's Response to Actions - ISHs 2-5** [[REP2-005](#)].

- 15.3.2 Whilst requested by the Local Authorities, it would not be proportionate to have a series of individual standalone health impact assessments, one for each local authority, as an alternative to the **ES Chapter 18: Health and Wellbeing** [[APP-043](#)] assessment. The Applicant has explained that the HIA sets out its study areas and the Local Authorities can identify relevant effects accordingly [[REP7-084](#)].
- 15.3.3 The matter of ultra fine particles was also raised during the Examination and the public health position explained as being supportive of a contribution towards proportionate monitoring, but that current epidemiology does not indicate large effects sizes or clear causation that would indicate the potential for significant population health effects due to the Project [[REP4-037](#)]. The role of sustainable and alternative aviation fuels as a general trend likely to reduce UFP emission levels in the future was noted in **ES Chapter 18: Health and Wellbeing** [[APP-043](#)] paragraph 18.8.85 and **The Applicant's Response to Actions ISH7: Other Environmental Matters** [[REP4-037](#)] paragraph 17.2.13.
- 15.3.4 Health service impacts of the Project were explored including the protocol around construction worker access to healthcare. The Applicant confirmed that the provision of occupational healthcare is secured within the CoCP under Requirement 7 of the **Draft DCO** (Doc Ref. 2.1 v11). The sharing of data with healthcare services to support their routine strategic service planning and the provision of first responders at the airport to deliver effective initial care and triage were also noted by the Applicant as appropriate mitigation [[REP7-084](#)], which is secured in Section 106 Schedule 7.
- 15.3.5 The provision of a Hardship Fund, secured through the Section 106 agreement, to mitigate against any severe and inequitable health outcomes was also refined during the course of the examination [[REP8-109](#)]. This relates to individuals with exceptional vulnerability, present at a time and location of large project change and whose needs are not met by other mitigation.

15.4. Topic conclusion

- 15.4.1 No significant adverse population health effects are anticipated as a result of the Project, including for vulnerable groups and health inequalities. Whilst there have been some refinement of mitigations and discussions of evidence sources and methods in response to matters raised by Local Authorities and their public health teams during Examination, it has not been suggested that the UKHSA and OHID were incorrect in reaching their conclusion that the Project should not result in any significant adverse effects to public health [[RR-4687](#)].
- 15.4.2 Beneficial effects of the Project for public health are expected to be significant and of particular benefit to vulnerable groups in local communities.
- 15.4.3 A best practice assessment has been delivered in line with IEMA and HIA guidance. This meets the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and ANPS Paragraph 4.72 and NNNPS Paragraph 4.81 in relation to setting out an assessment of likely significant effects. Measures to maximise health benefits and mitigate adverse effects are included and secured as required by the ANPS paragraph 1.37. Cumulative health effects are discussed as required by ANPS Paragraph 4.73 and NNNPS Paragraph 4.82.

16 Design

16.1. Introduction

- 16.1.1 Chapter 4 of the ANPS and the NNNPS include criteria for ‘good design’ in airport projects and national network infrastructure. Notably, both the ANPS (paragraph 4.29) and the NNNPS (paragraph 4.27) direct that design should be an integral consideration from the outset of a proposal. Both NPSs (ANPS paragraph 4.33 and NNNPS paragraph 4.29) explain that in achieving good design, a scheme design should consider, as far as possible, functionality, fitness for purpose, sustainability, cost and include the scheme’s contribution to the quality of the area in which it would be located.
- 16.1.2 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for new development in England, which may be important and relevant to applications for development consent. The NPPF (Chapter 12) advocates good design in order to achieve well-designed and beautiful places.
- 16.1.3 The Crawley Borough Local Plan 2015-2030, Reigate and Banstead Local Plan: Core Strategy (2014), Reigate and Banstead Local Plan: Development Management Plan (2019), Mole Valley Core Strategy 2009 and Tandridge Local Plan Part 2: Detailed Policies 2014-2029 set out local policies for their respective areas and include design-related local policies.
- 16.1.4 Alongside the above policy documents, the National Infrastructure Commission Design Group has published guidance on embedding good design at every stage of a project. Beyond the Horizon: The future of UK aviation – Making best use of existing runways advocates the importance of airports making best use of existing runways, which is important in considering the approach to a scheme’s design.

16.2. The Applicant's approach to achieving good design

- 16.2.1 In accordance with paragraph 4.29 of the ANPS (paragraph 4.29) and paragraph 4.27 of the NNNPS (paragraph 4.27), design has been an integral consideration from the outset of the proposal and in all aspects of the Project’s components. From the outset, the Applicant appointed a highly qualified and experienced design and technical team to inform the Project proposal and its design development to ensure good design is achieved.
- 16.2.2 In the early stages of the Project and as set out in **ES Chapter 3: Alternatives Considered** [[APP-028](#)], the team assessed the layout and design of each

Project component, considering the feasibility and potential impacts of each of the component options, including the ability to achieve good design.

- 16.2.3 The specialist team then carried out the Environmental Impact Assessment to inform the design development process, in line with the ANPS (paragraph 4.31) and NNNPS (paragraph 4.28) by applying the mitigation hierarchy to avoid, mitigate or at the last resort, compensate for identified adverse impacts of the development, as well as mitigating any existing adverse impacts wherever possible. Further detail on this process is set out in **ES Chapter 6: Approach to Environmental Assessment** [[APP-031](#)].
- 16.2.4 The scheme design further evolved through the Project's consultation stages, incorporating feedback received from both the Autumn 2021 and Summer 2022 consultations. Design changes adopted as a result of this feedback are set out in the **Consultation Report** [APP-218 to APP-244] and Section 4.3 of the **Design and Access Statement (Volume 1)** (DAS) [[AS-154](#)].
- 16.2.5 To bring together the scheme and provide a consistent and coherent approach to the design, the team set out a series of Design Principles (led by the Architecture Team) to inform the detailed design stage informed by the necessary design-related mitigation measures identified through the EIA process and the Applicant's aspiration to achieve good design. Throughout this Examination process, the team has subsequently refined and further strengthened the content of the Design Principles and the associated design processes, with further detail provided in Section 15.3.
- 16.2.6 Throughout the Project's design stages, the design team has considered how to ensure good design is achieved, mitigating any adverse impacts wherever possible, and informed by robust contextual analysis and assessment of the site and its surrounding area.
- 16.2.7 The **DAS** [AS-154 to AS-156, [REP7-059](#) and [REP7-061](#)] sets out the design approach that has been taken throughout the Project stages and the accompanying analysis. The DAS explains how the design process, underpinned by a detailed understanding of the site and its surroundings, has evolved through the establishment of the Project requirements; the optioneering process and masterplan evolution; consultation stages; the EIA process; through to ongoing design development and review.
- 16.2.8 In applying the mitigation hierarchy, the design team has prioritised the avoidance of adverse impacts where practicable. Where this could not be

achieved, mitigation measures and plans have been developed and are described in the ES Chapters and secured through relevant control documents (described further in Chapter 25 of these Closing Submissions). This approach has ensured that good design is achieved through minimising adverse environmental impacts.

- 16.2.9 Due to the long-term nature of the Project, the rapidly changing nature of aviation, the evolving role of technology and the current stage of the scheme design, the Applicant has sought to build flexibility into the design by undertaking the EIA process following a ‘Rochdale’ Envelope’ approach. Any assumptions regarding maximum design scenarios are identified in each ES Chapter and the maximum extent and area of each Project component is shown on the **Works Plans** [\[REP7-018\]](#) and (where relevant) **Parameter Plans** [\[REP7-020\]](#) and therefore secured by virtue of article 6 (limits of works) of the **Draft DCO** (Doc Ref. 2.1).
- 16.2.10 The **DAS (Volumes 2 to 4)** [\[REP7-059, AS-155 and REP7-061\]](#) describes and illustrates the scheme masterplan and all its components, arranged in different ‘zones’ to form the airport and the Project boundary (and which correspond to the zones in the **Outline Landscape and Ecology Statement** (Doc Ref. 5.3)). The zones were defined by the design team at the scheme evolution stages recognising the different characteristics and typologies within the airport and its surroundings, and considering how these different characteristics relate to the different Project components. The different characteristics and constraints of each zone are described in the **DAS** alongside the proposed Project components and supporting illustrative material.
- 16.2.11 The **DAS (Volume 5)** [\[AS-156\]](#) describes the site-wide design guidelines, informed by a review of national guidance and local planning policy on achieving good design (as described above) and design considerations for the Project components, e.g. lighting, noise, climate change and the waste hierarchy. This leads into a series of design guidelines for the proposed Project components taking these factors into account, together with considerations of functionality, fitness for purpose, durability, adaptability, resilience, sustainability and cost in line with the ANPS (paragraphs 4.32 to 4.33) and NNNPS (paragraph 4.29).
- 16.2.12 The **Design Principles** (Doc Ref. 7.3) reflect the design commitments adopted within the **DAS** and its analysis, which will be maintained and developed as part of the future detailed design process under DCO Requirements 4, 5, 6 and 10. It provides a comprehensive set of design principles across a range of design and technical topics, informed by the design team’s analysis, EIA work and the

Applicant's own design commitments for the Project. The **Design Principles** have been drafted to provide specific and detailed commitments where necessary as a result of the EIA outcomes or GAL's own Project aspirations, and the need to ensure an appropriate level of flexibility for the future design process. As such, it is appropriate that some principles are very specific whilst others are intended to shape the future design instead.

16.2.13 The **Design Principles** are also structured to provide both Project-Wide and detailed (site-specific) principles.

16.2.13.1. The Project-Wide Design Principles respond to the site characteristics and its context to ensure the Project's integration into its surroundings, informed by the Project's vision and objectives, analysis and assessment work contained in the **Environmental Statement (ES)** and the **DAS**. The matters covered in the Project-Wide principles include design quality, landscaping, built-form, noise, resources and waste, and lighting and amenity.

16.2.13.2. The Detailed Design Principles provide bespoke design requirements for specific works areas in the Project informed by the **ES** and the zonal and site specific analysis and initial design work contained in the **DAS**.

16.2.14 Collectively, the Project-Wide and Detailed Design Principles provide a comprehensive suite of design measures to be considered and reflected in the layout, siting, scale and external appearance of the detailed design of each part of the Project. The **Design Principles** cover all environmental aspects (such as the water environment, landscape and visual impacts, recreational provisions and the historic environment) in order to limit or minimise any environmental impacts, as well as setting out design considerations covering materiality, sustainability, operational efficiency, accessibility, adaptability and functionality.

16.2.15 The Design Principles are secured under the **Draft DCO** (Doc Ref. 2.1), specifically Requirements 4 (detailed design), 5 (local highway works – detailed design), 6 (national highway works) and 10 (surface and foul water drainage), and will operate alongside a suite of other control documents that capture the Project's operational design-related commitments, including the **oLEMP** (Doc Ref. 5.3), **Public Rights of Way Management Strategy** (Doc Ref. 5.3) and **Book 4 – Plans and Drawings**.

16.3. Matters raised during the Examination regarding good design

16.3.1 Throughout the Examination process, the Applicant has responded to design-related feedback from Interested Parties and made corresponding updates to control documents and the process of future design approvals. Most notably:

16.3.1.1. The Applicant has revised the description of the Work Nos. in Schedule 1 of the **Draft DCO** throughout the Examination process, where specific feedback has been received from Interested Parties. The context of the changes made is explained below, but does not seek to summarise the content of the changes given the extent of changes made by the Applicant in response to Interested Parties:

- At Deadline 3 in response to the ExQ1 DCO.1.39 and in response to the **Environment Agency's Written Representation** [[REP1-072](#)].
- At Deadline 5 in response to the JLA's **Comments on Responses to ExQ1 – Development Consent Order and Control Documents** [[REP4-062](#)].
- At Deadline 6 to reflect the accepted Project Change 4.
- At Deadline 7 in response to the Local Authorities and Environment Agency comments, explained in the Applicant's **Response on Design Matters** [[REP7-096](#)].
- At Deadline 8 in response to the Local Authorities comments, explained in **The Applicant's Response to D7 Submissions on the Draft Development Consent Order** [[REP8-116](#)].
- At Deadline 9 in response to the ExA's Proposed Schedule of Changes to the Draft DCO, explained in **The Applicant's Response to the ExA's Proposed Schedule of Changes to the Draft DCO** (Doc Ref. 10.72).

16.3.1.2. The Applicant has revised the drafting of Requirements 4, 5, 6 and 10 which dictate the detailed design process, in response to feedback from Interested Parties and the ExA. The provisions in these Requirements now include:

- All works must be carried out in accordance with the Design Principles (Doc Ref. 7.3) under Reqs 4(3), 4(7)(a), 5(2)(a), 6(2)(a) and 10(3).
- CBC must be consulted on the detailed design for all works (other than highway works and listed works) under Req 4(1).
- CBC / MVDC approval is required for the detailed design of all listed works (i.e. those works listed in Schedule 12 of the **Draft DCO**) under Req 4(4).
- For all consultations and approvals under Requirements 4 and 10, a 'compliance statement' needs to be submitted explaining how each part of the

authorised development will be constructed in accordance with the Design Principles under Reqs 4(2)(a), 4(5)(c), 10(2)(a) and 10(5)(c).

- For all approvals under Requirement 4, the submitted details must also include details of layout, siting, scale, external appearance and levels; schedule of external materials and finishes; details of any associated structures; access arrangements; operational lighting scheme; details of any construction and sustainability measures; and a 'Design Review Statement' (where relevant) under Req 4(5).
- Detailed design of the local highway works is subject to prior approval by the local highway authorities under Req 5(1).
- Detailed design of the national highway works is subject to prior approval by National Highways under Req 6 and Part 3 of Schedule 9.
- For all approvals under Requirement 10, the submitted details must also include details of layout, siting, scale, external appearance and levels; details of any associated structures; details of any construction and sustainability measure; and a 'Design Review Statement' (where relevant) under Req 10(5).
- Article 6 (limits of works) secures the Works Plans and Parameter Plans, and thereby the maximum parameters of the Rochdale Envelope under the EIA process.

16.3.1.3. The Applicant has significantly changed its proposed approach to Schedule 12 of the **Draft DCO** in respect of the detailed design approval and consultation process in response to the Joint Legal Authorities, namely removing the approach to "excepted development" to instead specify those works where detailed design approval is justified, with the detailed design for all other works being subject to consultation. The change in the Applicant's approach was explained in the **Note on Excepted Development and the Airport Development Principle** [[REP4-030](#)], which was made in response to the JLAs comments. Since this change in approach at Deadline 4, the Applicant has also inserted additional works into Schedule 12 (therefore to be subject to design approval) in response to feedback from Interested Parties and the ExA, as explained in the Applicant's **Response on Design Matters** [[REP7-096](#)] at Deadline 7 and the Applicant's **Response to the ExA's Proposed Schedule of Changes to the draft DCO** (Doc Ref. 10.72) at Deadline 9.

16.3.1.4. The Applicant has inserted a new Schedule (Schedule 13) into the **Draft DCO** in response to the Joint Local Authorities, specifying the informative maximum parameter heights across the Project to assist the reader alongside the **Parameter Plans**. This change was made at

Deadline 5 to address comments from the JLAs on the Applicant's response to ExQ1 DCO.1.2, explained in **The Applicant's Response to Deadline 4 Submissions** [\[REP5-072\]](#). The Schedule was introduced in order that the height parameters are visible on the face of the DCO, but with the **Parameter Plans** [\[REP7-020\]](#) still providing the determinative control given the specificity of some parameters that cannot be distilled into a tabular form. Since the Applicant introduced Schedule 13 at Deadline 5, the Applicant has made revisions to the Schedule in response to feedback from Interested Parties and the ExA, as explained in the Applicant's **Response on Design Matters** [\[REP7-096\]](#) at Deadline 7 and the Applicant's **Response to the ExA's Proposed Schedule of Changes to the draft DCO** (Doc Ref. 10.72) at Deadline 9.

- 16.3.1.5. During the Examination process, the Applicant has revisited the **Works Plans** and **Parameter Plans** where specific feedback has been received from Interested Parties or in response to the ExA's Questions. For instance, the Applicant specified particular areas of sub-works on the **Works Plans** [\[REP3-011\]](#) at Deadline 3 in response to the ExQ1 DCO.1.39 and explained in the Applicant's response [\[REP3-089\]](#). The Applicant carried out a similar exercise again at Deadline 5 in response to the West Sussex Local Authorities, in that it specified particular sub-works where requested and able to be provided based on the level of design detail, and explained in **The Applicant's Response to Deadline 4 Submissions** [\[REP5-072\]](#).
- 16.3.1.6. The Applicant has also prepared and submitted **Informative Sub-Works Plans** [\[REP7-021\]](#) at Deadline 7 to provide additional contextual information on the anticipated location of works described in Schedule 1 of the **Draft DCO** in response to the **Legal Partnership Authorities' Deadline 6 submission** [\[REP6-110\]](#) and to assist in their understanding of specific sub-works where queries had been made. The role and purpose of the **Informative Sub-Works Plans** was explained in the Applicant's **Response on Design Matters** [\[REP7-096\]](#) submitted at the same Deadline.
- 16.3.1.7. Throughout the Examination, the Applicant has revised the **Design Principles** where specific feedback has been received from Interested Parties or in response to the ExA's Questions, with updates made at Deadlines 2, 3, 5, 7, 8 and 9. The Applicant considers that the changes made to the **Design Principles** have been extensive and positively

responded to the feedback received. This is self-evidenced by the original Design Principles (in the **DAS Volume 5** [APP-257]) covering circa 10 (A3) pages compared the Deadline 9 version now covering 47 (A4) pages, excluding the introduction of Annex A on the Design Adviser (discussed below). The context of the changes made to the Design Principles at each deadline is provided below, but does not seek to summarise the changes made due to the extent of changes made by the Applicant in response to IPs and / or the ExA. Instead, the tracked changed versions are referenced below.

- At Deadline 2, the Applicant introduced additional **Design Principles** [REP2-038] to reflect the accepted Project Changes 1 to 3.
- At Deadline 3, the Applicant made various updates to the **Design Principles** [REP3-057] in response to submissions from Interested Parties, as explained in **The Applicant's Response to Deadline 2 Submissions** [REP3-106], and in response to the **ExA's First Written Questions** (such as ExQ1 DCO.1.57). At part of this update, the Applicant restructured the Design Principles to provide coherence between the Design Principles and the relevant Works Nos. under Schedule 1 of the **Draft DCO**.
- At Deadline 5, the Applicant made further updates to the **Design Principles** [REP5-032] in response to submissions from Interested Parties, explained in **The Applicant's Response to Deadline 4 Submissions** [REP5-072].
- At Deadline 7, the Applicant made further updates to the **Design Principles** [REP7-064] in response to submissions from Interested Parties, explained in the Applicant's **Response on Design Matters** [REP7-096], and in response to the **ExA's Second Written Questions** (such as ExQ2 GEN.2.7).
- At Deadline 8, the Applicant submitted revised **Design Principles** [REP8-091] to reflect the accepted Project Change 4 and in response to submissions from Interested Parties, explained in **The Applicant's Response to Deadline 7 Submissions** [REP8-115].
- At Deadline 9, the Applicant has submitted further revisions to the **Design Principles** (Doc Ref. 7.3) in response to Interested Parties, explained in **The Applicant Response to Deadline 8 Submissions** (Doc Ref. 10.77).

16.3.1.8. In reviewing the various updates to the Design Principles, it is important to recognise the iterative nature of the comments received from the Local Authorities on the Design Principles during the Examination process which generated various iterations of the Design Principles as a result. This was despite the Applicant's continual requests (e.g. in [REP5-072], [REP6-080] and [REP7-096]) for all of the Authorities' comments on

the Design Principles in order that the Applicant could comprehensively consider and respond, and for such feedback to be made more specific to the wording within the Design Principles. This issue is also applicable to the Works Plans, Parameter Plans and the wording of Schedule 1, in that the Authorities provided new comments on this material at various different deadlines. Despite this approach taken by the Local Authorities, the Applicant has sought to positively respond to feedback received from the Local Authorities, particularly where this has been clear and specific to the Applicant's proposed wording or plans.

- 16.3.1.9. In response to **ExQ1** GEN.1.21 [\[REP3-091\]](#), the Applicant confirmed that GAL takes a number of important steps to ensure good design including having its Chief Technical Officer, with responsibility for overseeing design matters, sitting on GAL's Executive Management Board as well as appointing designers / contractors with a proven track record of developing and implementing airport developments. The Applicant can also call on its majority shareholder who own / manage nearly 70 airports worldwide to bring in design experience and also innovation into the detailed design review process.
- 16.3.1.10. Notwithstanding these existing measures, the Applicant introduced the role of an independent Design Adviser and review process at Deadline 5, contained in **Annex A** of the **Design Principles** (Doc Ref. 7.3), and with the specific responsibility to review and assess identified elements of the Project alongside other stakeholders. After speaking to various organisations with experience of design reviews, the Applicant provided a CV of Mr Paul Finch OBE, who the Applicant had approached to become its independent Design Adviser. Mr Finch is a highly regarded architect with a vast amount of experience in undertaking independent design reviews including schemes such as at the London 2012 Olympics. The role and remit of the Design Adviser is clearly explained in **Annex A** of the **Design Principles** (Doc Ref. 7.3) and it is unclear why the JLAs consider this approach will not secure high quality design outcomes (if that remains their position as at Deadline 9). There is no detail to explain how the JLAs arrived at this conclusion and during initial discussions with the JLAs it was clear that they had no previous experience of working with a design adviser or a design panel and could give no information of who they might want to see take on this role.

- 16.3.2 However, in addressing feedback from Interested Parties to the introduction of the design review process, the Applicant has further expanded the remit of the Design Adviser to include additional Project components including elements such as Car Parks X and Y which are considered more prominent in terms of their proximity towards the boundary of the airport, the proposed office, hotel and car park on the Car Park 'H' site which is visible when approaching the South Terminal and the pedestrian footbridge over the River Mole.
- 16.3.3 The Applicant considers that it has positively and comprehensively taken account of specific feedback received from Interested Parties on the design-related commitments within the application. The Applicant does not consider it necessary that the local authorities should be able to seek further design amendments through the approval process in Schedule 12 (see para 15.11 in [\[REP8-126\]](#)) that have already gone through the independent design review process. Local Authority views should be positively fed into the design review process and will be taken into account by the independent design adviser. The local authorities should therefore not use the approval process to simply ignore the findings of the design adviser and seek further amendments.
- 16.3.4 The Applicant also strongly disagrees with the JLAs' general observation that, outside the DCO, as regards a consultation under Part 8 of the General Permitted Development Order (GPDO) (rather than a planning application) the Local Authority cannot object to the design of what is being proposed ([\[REP8-126\]](#) para 15.12). The Applicant has always taken into account the comments provided by CBC in relation to a GPDO consultation. The simple position is that it is very rare that any specific comments have been provided on design aspects by the planning authority, given that CBC itself acknowledges (in committee style reports that are written to accompany a response on a GPDO consultation) that airport buildings sit within the context of numerous existing and large-scale airport buildings and their visual appearance is seen in this context. GAL is not aware of any developments at the airport which the local authorities think are poorly designed or do not think are appropriate. The Applicant is confident that the existing approach it takes to the built form, including the use of experienced airport designers and architects, the application of design principles, and the level of scrutiny from its own internal processes (and groups including the airlines and passenger advisory group part of GATCOM) supports the approach it has taken to design review, consultation and approval in the **Draft DCO** (Doc Ref. 2.1 v11) and **Annex A** to the **Design Principles** (Doc Ref. 7.3).

16.4. Topic conclusion

- 16.4.1 Achieving good design has been an integral consideration of the Project from the outset, across all of the Project's components. The design of the Project has been informed by a comprehensive and integrated process from inception and option analysis, through consultation and EIA stages and into a suite of design-related commitments.
- 16.4.2 The Design Principles, alongside other control documents (as explained above), will ensure that the commitments in the application are carried forward through the detailed design stage and that good design is achieved. The Design Principles have been strengthened during the Examination process through feedback from Interested Parties and the ExA's in its written questions. The Applicant has also responded positively to feedback from Interested Parties and the ExA on the detailed design approval and consultation processes, which now includes a review by an independent Design Adviser for key Project components.
- 16.4.3 The Applicant considers that the Project design appropriately balances the importance of its visual appearance and its contribution to the quality of the area with functionality, fitness for purpose, sustainability, cost, durability, adaptability and resilience as advocated in the ANPS and NNNPS.⁶⁶⁰

⁶⁶⁰ Policy compliance is addressed in Section 7.7 of the Planning Statement [[APP-245](#)], whilst the Project is also considered against the detailed paragraph by paragraph requirements of the ANPS and the NNNPS in Appendix C of the Planning Statement [[APP-248](#)].

17 Landscape and Townscape

17.1. Landscape and Townscape assessment

17.1.1 The Landscape, Townscape and Visual Impact Assessment (LTVIA) is reported **Environmental Statement Chapter 8: Landscape, Townscape and Visual Resources** [[APP-033](#)].

17.1.2 Compliance with relevant legislation and policy is outlined in section 8.2 of Chapter 8 and Section 8.15 of the **Planning Statement** [[APP-245](#)]. The LTVIA during construction and operation of the Project presented in Chapter 8 has been undertaken in line with the latest policy and guidance. The assessment considered the potential impacts of the Project on the landscape and townscape character, visual amenity, and the perception of tranquillity within nationally designated landscapes.

17.1.3 The full list of relevant documents forming the Application are presented below for convenience:

- **Environmental Statement – Landscape, Townscape and Visual Resources Figures** [[REP8-015](#), [REP8-016](#), [REP8-017](#)]
- **Environmental Statement – Appendix 8.2.1: Summary of Local Planning Policy Landscape, Townscape and Visual Resources** [[APP-107](#)]
- **Environmental Statement – Appendix 8.3.1: Summary of Stakeholder Scoping Responses - Landscape, Townscape and Visual Resources** [[APP-108](#)]
- **Environmental Statement – Appendix 8.4.1: Landscape, Townscape and Visual Resources Methodology** [[APP-109](#)]
- **Environmental Statement – Appendix 8.6.1: County Landscape Character Assessments** [[APP-110](#)]
- **Environmental Statement – Appendix 8.6.2: Additional Candidate Viewpoint Photography** [[APP-111](#)]
- **Environmental Statement – Appendix 8.6.3: CPRE Tranquillity Mapping** [[APP-112](#)]
- **Environmental Statement – Appendix 8.8.1: Outline Landscape and Ecology Management Plan** [[REP8-058](#), [REP8-059](#), [REP8-060](#), [REP8-061](#), [REP8-062](#)]
- **Environmental Statement – Appendix 8.9.1: Summary of Effects at Representative Viewpoints** [[APP-117](#)].

17.1.4 Further submissions made during the examination period include the following;

- **ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment (AIA)** [[REP8-064](#), [REP8-066](#), [REP8-068](#), [REP8-070](#), [REP8-072](#)].
- **ES Appendix 5.3.2: CoCP (refer specifically to Annex 6: Outline Arboricultural and Vegetation Method Statement (oAVMS))** [[REP8-030](#), [REP8-031](#), [REP8-032](#), [REP8-033](#), [REP8-034](#), [REP8-035](#), [REP8-036](#), [REP8-037](#), [REP8-038](#), [REP8-039](#), [REP8-040](#), [REP8-041](#)]
- **Note on Project Wide Habitat Loss and Replacement** [[REP8-098](#)].

17.1.5 In addition, during the examination assessment has been undertaken with regard to changes to the Project which have been introduced by the Applicant. These changes are set out in **Change Application Report** [[AS-139](#)] (for Project Changes 1-3), **Second Change Application Report** [[REP6-072](#)] (for Project Change 4) and **Third Change Application Report** [[REP7-097](#)] (for Project Changes 5). In each case the assessment found that the Project Changes would not result in any new or materially different likely significant effects on Landscape, Townscape and Visual Resources.

Construction

- 17.1.6 The assessment methodology in relation to landscape, townscape and visual effects during the construction phase is set out in **ES Appendix 8.4.1 Landscape, Townscape and Visual Impact Assessment Methodology** [[APP-109](#)]. The LTVIA considers effects during each of the four construction phases based on maximum design scenarios.
- 17.1.7 The LTVIA considers construction effects associated with each assessment phase and makes judgements based on the likely worst case scenario in each of the assessment phases in section 8.9 of **ES Chapter 8** [[APP-033](#)].
- 17.1.8 The assessment phases considered in the LTVIA are:
- Initial construction period: 2024-2029. Temporary significant effects on the Mole Valley Open Weald character area and significant visual effects on occupiers of the Hilton Hotel.
 - Interim assessment period: 2030-2032 (ongoing construction activities and the operational activities and growth in the first three years from runway opening). Temporary significant effects on the Mole Valley Open Weald character area and significant visual effects on occupiers of the Hilton Hotel, users of Riverside Garden Park and

Church Meadows Horely and occupiers of residential property at Horley.

- 2033-2038 (ongoing construction activities and the operational activities). Temporary significant visual effects on occupiers of residential property at Horely.
- Design year: 2038-2047 (final construction activities, operational activities and maturing landscape mitigation proposals). No significant construction effects on landscape character or visual receptors.

17.1.9 The presence of mature hedgerows and woodlands within and around Gatwick Airport provide attractive and effective buffers to the surrounding landscape and townscapes and a high level of screening for visual receptors, minimising the potential for effects. The construction works associated with the redevelopment of the largely urban character of the airport within the Project site would result in the temporary introduction of some discordant elements within the airport. The surface access improvements for Longbridge Roundabout on the edge of Horley would result in relatively small and focussed temporary significant effects on the character of the urban fringes of Mole Valley Open Weald. Users of public open space at Riverside Garden Park and Church Meadows and occupiers of some residential properties would gain open, near views of construction activities for surface access improvements resulting in temporary significant effects. Occupiers of the Hilton Hotel would gain near open views of car park H redevelopment activities resulting in temporary significant adverse effects.

Operation

- 17.1.10 The assessment methodology in relation to landscape, townscape and visual effects during the operational phase is set out in **ES Appendix 8.4.1 Landscape, Townscape and Visual Impact Assessment Methodology** [APP-109]. The LTVIA considers effects during each of the four operational phases based on maximum design scenarios.
- 17.1.11 The LTVIA considers operational effects in section 8.9 of **ES Chapter 8** [APP-033] at year 1 following completion of construction activities when development is operational and at the design year for the purposes of landscape-based mitigation, 15 years beyond the end of construction activities. The design year of 2047 has been selected to allow for the establishment of mitigation planting implemented in earlier phases.

- 17.1.12 The LTVIA considers operational effects and increases in overflying aircraft associated with each assessment phase and makes judgements based on the likely worst case scenario in each of the assessment phases.
- 17.1.13 No long term significant adverse operational effects have been identified for landscape, townscape or visual receptors.
- 17.1.14 The new buildings and infrastructure of the Project within the Gatwick urban townscape character area would result in an intensification of the established development at the airport and an appropriate response to existing character. The surface access improvements for Longbridge Roundabout on the edge of Horley would initially result in significant effects on the character of the urban fringes of the Mole Valley Open Weald where necessary vegetation removal is planned and before replacement landscape mitigation planting has sufficiently matured. Users of public open space at Riverside Garden Park and Church Meadows and occupiers of some residential properties would gain open, near views of completed surface access improvements resulting initially in significant visual effects before the extensive scheme of linear landscape planting and areas of new replacement open space has matured.
- 17.1.15 Long term beneficial effects would occur in this area where a diverse range of native habitats and locally characteristic landscape features would be created.

17.2. Landscape, Townscape and Visual mitigation

- 17.2.1 Embedded mitigation measures proposed in relation to landscape, townscape and visual impacts are described in Section 8.8 of **Chapter 8 of the ES** [[APP-033](#)], in the **Mitigation Route Map** [[REP8-020](#)] and in **ES Appendix 8.8.1 Outline Landscape and Ecology Management Plan** [[REP8-058](#), [REP8-059](#), [REP8-060](#), [REP8-061](#), [REP8-062](#)], and secured through the relevant control documents or under existing legislation.

Construction

- 17.2.2 Construction mitigation measures are set out in Table 8.8.1 of **ES Chapter 8** [[APP-033](#)].
- 17.2.3 Construction mitigation measures outlined are included in the **Code of Construction Practice (CoCP)** [[REP8-024](#)]. GAL and its contractors will be required to comply with the construction management systems and measures outlined in the CoCP in accordance with requirement 7 in Schedule 2 to the **Draft**

DCO [[REP8-005](#)], together with other relevant legislation and byelaws relating to their construction activities relevant at the time when construction commences.

- 17.2.4 **ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment (AIA)** [[REP8-064](#), [REP8-066](#), [REP8-068](#), [REP8-070](#), [REP8-072](#)] identifies trees and vegetation for retention or removal, provides an assessment of quality and a worse case assessment of arboricultural impact based on the preliminary Project design. Works would be carried out in accordance with this document.
- 17.2.5 Measures for vegetation retention and management to minimise impacts on the character of surrounding landscapes and townscapes and visual receptors; implementation of measures to ensure appropriate storage and handling of soil materials, in the **CoCP** [[REP8-024](#)], as secured through requirement 7 in Schedule 2 to the **Draft DCO** [[REP8-005](#)].
- 17.2.6 Good practice measures to protect landscape and visual amenity are set out in **ES Appendix 5.3.2: CoCP** (refer specifically to **Annex 6: oAVMS** [[REP8-030](#), [REP8-031](#), [REP8-032](#), [REP8-033](#), [REP8-034](#), [REP8-035](#), [REP8-036](#), [REP8-037](#), [REP8-038](#), [REP8-039](#), [REP8-040](#), [REP8-041](#)] for trees and vegetation for retention or removal and protection measures during construction).
- 17.2.7 No future monitoring is proposed with regard to landscape, townscape and visual resources during the construction period of the Project as the existing and embedded mitigation identified are considered to be sufficient.

Operation

- 17.2.8 Operation mitigation measures are set out in Table 8.8.1 of **ES Chapter 8** [[APP-033](#)];
- Vegetation retention strategy
 - Proposed public open space, green space and footpaths
 - Proposed landscape planting
 - Proposed earth shaping
 - Proposed fences, walls and barriers
 - Proposed hard landscaping
 - Proposed lighting
- 17.2.9 Additionally:
- Approximately 2ha of replacement public open space is proposed at Car Park B and Longbridge Roundabout and forms an integral part of the Project to

replace existing public open space that would be lost to development of the surface access improvements at Riverside Garden Park and Church Meadows Horley.

- Provision of approximately 20ha of publicly accessible green space is proposed at land east of Museum Field and land at Brook Farm to the west of the airport as part of the Museum Field Environmental Mitigation Area.

17.2.10 The Design and Access Statement the indicative (DAS) sets out the indicative master plan for the Project. The townscape and visual impact of new buildings and, where feasible, airfield infrastructure would be minimised through careful siting and good design based on guidance and indicative proposals within the (DAS). Section 2.6 of the DAS includes an analysis of landscape character and visual resources. The accompanying **Design Principles** (Doc Ref. 7.3 v7) to the DAS Appendix 1 include 10 project-wide design principles for soft and hard landscape proposals. Alongside the project-wide design principles, 17 site-specific design principles are included for individual works within the Project. The detailed design must be prepared in accordance with the Design Principles, as secured under Requirements 4, 5 and 6 of the **Draft DCO** (Doc Ref. 2.1 v11). The oLEMP includes indicative and illustrative landscape proposals which align with and expand on the Design Principles set out within the DAS. Landscape and ecological typologies for each zone are defined through a description of characteristics and features which inform the overarching strategy, objectives and principles for the landscape and ecological design process.

17.2.11 An **Outline Landscape and Ecology Management Plan** has been prepared (ES Appendix 8.8.1) [[REP8-058](#), [REP8-059](#), [REP8-060](#), [REP8-061](#), [REP8-062](#)] that sets out the overarching strategy for landscape and ecological proposals for the Project and the measures for the management and enhancement of existing and proposed vegetation and habitats. The key objectives of the oLEMP are;

- Landscape Integration to provide an appropriate setting for the new developments within the airport, responding to adjacent urban and rural land uses and the existing character of the airport.
- Retention of green infrastructure assets wherever possible. Integration with and expansion of the existing green infrastructure network within and around the airport

17.2.12 Enhancing, restoring and reintroducing characteristic landscape elements which have been lost or degraded.

- 17.2.13 The oLEMP describes the eight existing landscape and ecological zones which coincide with the zones within the DCO boundary and the shared landscape typologies, ecological and built features and elements that make these distinctive and inform the landscape and ecological mitigation proposals. The report describes how the Project will be developed appropriately within these zones, the integrated approach to landscape and ecological proposals that will be delivered as part of this and the ongoing management and maintenance operations required. The illustrative landscape proposals within the oLEMP provide extensive opportunities to deliver a scheme which extends and enhances green infrastructure and open space, increases biodiversity and enhances the experience of people within the airport and local communities.
- 17.2.14 The design of the proposed development has evolved to avoid impacting on ancient woodland at Horleyland Wood and to retain mature woodland/hedgerow vegetation, where possible, within the project site.
- 17.2.15 The design of the surface access improvements has progressed from the outset with the intent to reduce environmental impacts, notably removal of vegetation within the highways corridor and impacts on land within Riverside Garden Park. The preliminary scheme is extremely space efficient and manages to stay largely within the existing road corridor.
- 17.2.16 The replacement open space and new publicly accessible green space has been designed to avoid or minimise landscape and visual effects and to reinstate or enhance landscape infrastructure. These areas provide extensive native woodland, scrub and grassland communities which offer usable amenity space for the public, diverse ecological habitats and linkages between urban and rural spaces. The surface access improvements enable the restoration of screen planting as a buffer to neighbouring green space and settlements.

17.3. Consideration of Landscape, Townscape and Visual matters during Examination

17.3.1 During Examination the following issues were raised:

- Construction/contractor compounds;
- Construction and operational phases at Pentagon Field;
- Landscaping proposals for Car Park X, Y and Purple Parking;
- An assessment of the visual effects of the Proposed Development upon the living conditions of residents on the residential edges of Horley;
- Proposed surface access improvement mitigation and the likely extent of vegetation loss;

- Compliance with Crawley Borough Council's Policy CH6;
- The likely use of Noise Preferential Route 9 (WIZAD) and the effects on the High Weald National Landscape and tranquillity;
- Effects of the Proposed Development on the proposed extension to the Surrey Hills National Landscape; and
- More detailed visualisations/ photomontages.

Construction/contractor compounds

- 17.3.2 The **ExA's First Written Questions (ExQ1)** [[PD-012](#)] requested that the Applicant provide further details on proposed construction/ contractor compounds and their visibility in question LV.1.1.
- 17.3.3 In response, the Applicant provided further details at Deadline 3 in the **Response to ExA's Written Questions** [[REP3-097](#), [REP3-098](#)] of construction/ contractor compounds, likely lighting details, site cabins, stockpile heights, landscape design concepts and visual receptors likely to be affected. Additional detail about the design and layout of construction compounds was added to the Code of Construction Practice (DCO Requirement 7) such that this is considered satisfied.

Construction and operational phases at Pentagon Field

- 17.3.4 The **ExA's First Written Questions (ExQ1)** [[PD-012](#)] requested that the Applicant provide further information on the proposed use of Pentagon Field during construction and operation in question LV.1.2.
- 17.3.5 In response the Applicant provided further details in the **Deadline 3 Response to ExA's Written Questions** [[REP3-097](#), [REP3-098](#)] of the spoil deposition activities, likely effects on visual receptors which would not be significant and submitted **ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment** [[REP1-026](#), [REP1-027](#), [REP1-028](#), [REP1-029](#)] to demonstrate proposed tree loss. A scheme of landscape mitigation was included within the **oLEMP** [[REP2-025](#)] at Figure 1.2.18 and Typical Planting Schedules for the 15m wide native woodland belt at Annex 3 of the oLEMP.
- 17.3.6 The Applicant has added reference to the spoil deposition works at Pentagon Field to Schedule 13 of the **Draft DCO** (Doc Ref. 2.1 v11) and has noted in a footnote to the schedule that these maximum heights are provided in the Design Principles rather than the Parameter Plans. The Applicant has made this change in the Draft DCO.

Landscaping proposals for Car Park X, Y and Purple Parking

- 17.3.7 The **ExA's First Written Questions (ExQ1)** [[PD-012](#)] requested that the Applicant provide further details on landscaping proposals for Car Park X, Y and Purple Parking in question LV.1.3.
- 17.3.8 In response the Applicant referenced in the **Deadline 3 Response to ExA's Written Questions** [[REP3-097](#)] the indicative plans and diagrams of car parks within the DAS and the accompanying Design Principles (Doc Ref. 7.3 v7) document which sets out project-wide landscape design principles and site-specific design principles for individual works including Car Park X (DBF9), Car Park Y (DBF20, DDP10 and DLP14) and for surface, multi-storey and decked car parking (DBF7 to DBF11). Landscape proposals have not been designed at this stage, however general principles of perimeter planting in the form of linear belts of native trees, shrubs and hedgerows to screen and soften development are included in the oLEMP. All elements of the authorised development are subject to design control, with no exceptions. This is achieved through Requirement 4. The Applicant submitted **ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment** [[REP1-026](#), [REP1-027](#), [REP1-028](#), [REP1-029](#)] which included details of trees within car park areas alongside removals plans based on preliminary design work.
- 17.3.9 The Design Principles are secured by DCO Requirement 4 and the landscaping of the car parks is controlled by the **oAVMS** (DCO Requirement 28) and **oLEMP** (DCO Requirement 8). Therefore the Applicant considers that the landscaping proposals for the car parks have been secured.

An assessment of the visual effects of the Proposed Development upon the living conditions of residents on the residential edges of Horley

- 17.3.10 The **ExA's First Written Questions (ExQ1)** [[PD-012](#)] requested that the Applicant provide an assessment of the visual effects of the Proposed Development upon the living conditions of residents on the residential edges of Horley in question LV.1.4.
- 17.3.11 In response the Applicant considered within the **Deadline 3 Response to ExA's Written Questions** [[REP3-097](#)] effects on the residential visual amenity of residents, in accordance with Landscape Institute Technical Guidance Note 2/19 Residential Visual Amenity Assessment (RVAA) 2019, for occupiers of 74 Longbridge Road, Horley. It is considered that the level of impact and nature and duration of the change in view is not sufficient to reach the Residential Visual Amenity Threshold.

17.3.12 The Applicant has demonstrated that the Project would not be overwhelming or over bearing due to its scale and would not be overly intrusive due to its proximity. There would be no change to the effects described within the ES. The Applicant therefore considers that this concern has been addressed.

Proposed surface access improvement mitigation and the likely extent of vegetation loss

- 17.3.13 The **ExA's First Written Questions (ExQ1)** [[PD-012](#)] requested that the Applicant respond regarding the loss of vegetation as a result of the highways works and provide further details of proposed surface access improvement mitigation, including details on the likely extent of vegetation loss along the A23 during construction works and the time likely for effective screen planting to take place in question LV.1.5. The **Joint West Sussex LIR** [[REP1-068](#)] and **Joint Surrey LIR** [[REP1-097](#)] also raised concerns regarding the significant loss of existing vegetation as a result of the highway works associated with the Proposed Development detailed within the oLEMP. The **ExA's Second Written Questions (ExQ2)** [[PD-021](#)] requested more detailed information showing the likely extent of vegetation loss along the A23.
- 17.3.14 In response the Applicant submitted at Deadline 1 **ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment** [[REP1-026](#), [REP1-027](#), [REP1-028](#), [REP1-029](#)] which identified and assessed individual trees, groups of trees and woodland associated with proposed development areas within the Project. The Applicant also submitted at Deadline 1 **ES Appendix 5.3.2: CoCP Annex 6: Outline Arboricultural Method Statement (oAMS)** [[REP1-023](#), [REP1-024](#), [REP1-025](#)] which identified tree removal and protection plans and locations of protective fencing based on maximum parameters of proposed development.
- 17.3.15 A **Note on Project Wide Habitat Loss and Replacement** [[REP8-098](#)] was provided to form a single point of reference with respect to the types of habitat (including vegetation) that are anticipated to change as a result of the Project. The replacement woodland, scrub and tree planting proposed within the surface access improvements would in time reinstate, to a large extent, the character of the road corridor. Significant effects are limited to the 5 year construction period and when the improvements are initially complete, as described in **ES Chapter 8** [[APP-033](#)].
- 17.3.16 The Applicant has assessed a reasonable worst-case scenario for the loss of trees and vegetation as a result of the surface access works.

The application of CBC's Policy CH6

- 17.3.17 Crawley Borough Council has maintained that their Local CH6 Policy should apply to the Project in the Statement of Common Ground at item 2.14.4.2 (Doc ef. 10.1.1 v3)
- 17.3.18 In response, further tree survey work was undertaken by the Applicant to inform a detailed assessment of tree loss and replacement in accordance with policy CH6 following further submissions from the Joint Local Authorities and Crawley Borough Council. Version 2 of **ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment** [[REP3-037](#), [REP3-039](#), [REP3-041](#)] was submitted at Deadline 3 and included a detailed tree analysis within Appendix J: Tree Loss and Replanting Calculation Methodology.
- 17.3.19 At this point in the Examination the AIA identified that there would be a shortfall of replacement trees within CBC. Following discussions with the local JLAs and the Gatwick Airport safeguarding team, the Applicant committed to additional tree planting at the Museum Field Environmental Mitigation Area, increasing tree replanting numbers sufficiently to exceed the CH6 policy requirement, as identified in Version 3 of the AIA. Further minor edits were made to a Version 4 of the AIA to address comments raised at Deadline 6 by **Joint Local Authorities** [[REP7-103](#)] **Joint Surrey Councils** [[REP7-105](#)] and **West Sussex Joint Local Authorities** [[REP7-120](#)] The AIA [[REP8-064](#), [REP8-066](#), [REP8-068](#), [REP8-070](#), [REP8-072](#), [REP8-074](#)] includes an analysis of tree removals and replacements in accordance with Crawley Borough Council Local plan policy CH6, albeit all such assessments have been undertaken on a worst case basis as greater tree and vegetation retention is anticipated at the detailed stage of design.
- 17.3.20 The assessment demonstrates that there would be 8,014 more trees planted than is required by the CH6 policy, as a result of the Project.
- 17.3.21 Version 5 of **ES Appendix 5.3.2: CoCP Annex 6: Outline Arboricultural and Vegetation Method Statement (oAVMS)** [[REP8-030](#) [REP8-031](#) [REP8-032](#) [REP8-033](#) [REP8-034](#) [REP8-035](#) [REP8-036](#) [REP8-037](#) [REP8-038](#) [REP8-039](#) [REP8-040](#) [REP8-041](#)] includes vegetation by habitat type that would be removed and retained in addition to trees for retention or removal and protection measures during construction.
- 17.3.22 The Applicant has committed to provide a Tree Balance Statement under a new DCO Requirement submitted at Deadline 8 to confirm compliance with CBC Policy CH6 on or before the ninth anniversary of the commencement of dual

runway operations, in order to take account of tree losses and tree replacements provided as part of the Project.

- 17.3.23 Whilst the exercise undertaken by the Applicant to establish vegetation loss and replacement has focused on a quantitative approach, given the nature of CBC's Policy CH6, a qualitative enhancement of the green infrastructure of the borough is anticipated as a result of the landscape principles, objectives and proposals defined within the oLEMP.

The likely use of Noise Preferential Route 9 (WIZAD) and the effects on the High Weald National Landscape and tranquillity

- 17.3.24 The **ExA's First Written Questions (ExQ1)** [\[PD-012\]](#) requested that the Applicant provide further details on the likely use of Noise Preferential Route 9 (WIZAD) under the baseline and the Proposed Development and effects on the High Weald National Landscape and tranquillity in questions LV.1.6 and LV.1.7. The **ExA's Second Written Questions (ExQ2)** [\[PD-021\]](#) requested further information and assessment of how the increased use of the WIZAD route could affect landscape assets.
- 17.3.25 In response the Applicant at Deadline 3 **Response to ExA's Written Questions** [\[REP3-097\]](#) confirmed that no new flight paths are proposed as part of the Project. The use of WIZAD will involve a small number of Gatwick's departures more regularly crossing the landscape south of the airport, and these may be audible, and visible. The frequency of aircraft movements and general orientation of flights are illustrated in the flight density plots in the ES Landscape, Townscape and Visual Resources Figures. **ES Chapter 8** [\[APP-033\]](#) assesses effects on the perception of tranquillity within the High Weald National Landscape as a result of an increase in the number of overflying aircraft compared to the future baseline situation in 2032. As a worst case, use of the WIZAD route will increase to around 32 movements per day in the future baseline by 2032, and the Project will increase this to around 39 movements per day. The special qualities that people living within and visiting the High Weald National Landscape experience, whilst affected to some extent as a result of an increase in the number of overflying aircraft, would still be positive qualities that would continue to be experienced.
- 17.3.26 The Applicant reiterated their position within their Deadline 7 **Response to ExA's Written Questions** [\[REP7-087\]](#).

Effects of the Proposed Development on the proposed extension to the Surrey Hills National Landscape

- 17.3.27 The **ExA's First Written Questions (ExQ1)** [PD-012] requested that the Applicant provide details of any effects of the Proposed Development on the proposed extension to the Surrey Hills National Landscape in question LV.1.8.
- 17.3.28 In response the Applicant at Deadline 3 **Response to ExA's Written Questions** [REP3-097] referred to heat mapping for the location and number of proposed overflights in ES Figure 8.6.7 [REP2-007] to make a judgement that an increase in overflights of up to 20% compared to the future baseline situation would not result in a significant effect on the perception of tranquillity. The Applicant provided further analysis within their Deadline 7 **Response to ExA's Written Questions** [REP7-087]. It is considered that at this stage limited weight should be attributed to the potential extension to the National Landscape.
- 17.3.29 The Applicant updated the overflight heat maps **ES Figures 8.6.3 to 8.6.7 in ES Chapter 8** [REP8-015, REP8-016, REP8-017] to identify the 15 Surrey Hills National Landscape Evaluation Areas for the proposed extension to the landscape designation. No areas of landscape would experience an increase in overflights of more than 20%, the maximum increase identified in ES Chapter 8 therefore the assessment remains valid. Effects on the perception of tranquillity within Landscape Evaluation Areas during the day and at night are not considered to be significant. Further clarification of the Applicant's position regarding the use of WIZAD is included at ExQ2 GEN 2.9 and provides context to ExQ2 LV.2.1. The Applicant's Response to the Rule 17 Letter (d) includes at reference R17d.8 the issue of the potential effects to National Landscapes as a result of an increase in overflying aircraft. Relevant guidance is provided to the CAA in the DfT's Air Navigation Guidance 2017 '*Guidance to the CAA on its environmental objectives when carrying out its air navigation functions, and to the CAA and wider industry on airspace and noise management*'. The guidance recognises at '3.32 *Given the finite amount of airspace available, it will not always be possible to avoid overflying National Parks or AONB, and there are no legislative requirements to do so as this would be impractical*'. The guidance also states, with regard to reducing the number of people in the UK adversely affected by aircraft noise, at 3.32 '*one of the key principles involved in airspace design will require avoiding over-flight of more densely populated areas below 7,000 feet*'.

More detailed visualisations/ photomontages

- 17.3.30 The ExA asked the Applicant to consider whether more detailed visualisations/ photomontages would be useful for certain sensitive viewpoints where visual effects would be most pronounced in **ExA's Further Written Questions (ExQ2) LV.2.3, [PD-021]**.
- 17.3.31 In response the Applicant in its **Response to ExA's Written Questions [REP7-087]** at Deadline 6 provided visualisations at eight key views within the surface access improvements corridor to illustrate vegetation loss and replacement and landscape and visual impacts in **Note on Project Wide Habitat Loss and Replacement [REP6-071]** updated at Deadline 8 **[REP8-098]**. The visualisations are based on site photography to show the existing situation with Photoshop visualisations to demonstrate landscape proposals at Year 1 and Year 10. The visualisations were prepared to the specifications set out by Reigate and Banstead Borough Council following a meeting on 14th May 2024 and support the conclusions regarding landscape, townscape and visual effects within section 9 of **ES Chapter 8 [APP-033]**.

Matters not agreed at the end of Examination

- The lack of design detail for Car Parks X and Y and the inadequate control of visual impacts, due to the limited level of detail in the Project documents.
- The level of assessment of impacts on tranquillity within the High Weald National Landscape and the likely use of Noise Preferential Route 9 (WIZAD)
- The surface access improvements and the mitigation/compensation planting in accordance with CBC Policy CH6

The lack of design detail for Car Parks X and Y and the inadequate control of visual impacts, due to the limited level of detail in the Project documents

- 17.3.32 Item number 2.14.3.4 of the **Statement of Common Ground between the Applicant and Crawley Borough Council** (Doc Ref. 10.1.1 v3) discusses the lack of design detail for Car Parks X and Y and the loss of vegetation. Item number 2.14.4.6 of the **Statement of Common Ground between the Applicant and Crawley Borough Council** states that controls are considered inadequate to control visual impacts, due to the limited level of detail in the Project documents and item number 2.14.3.1 of the **Statement of Common Ground between the Applicant and Crawley Borough Council** states that the

level of detail during and post construction for Pentagon Field is considered inadequate.

- 17.3.33 The Applicant can confirm that they have made extensive submissions about why it considers the **Design Principles** (Doc Ref. 7.3 v7) to be appropriate and proportionate to secure good quality design outcomes, as its detail is developed post consent. All elements of the authorised development are subject to design control, with no exceptions. This is achieved collectively through requirements 4 to 6 of the draft DCO, which provide, at a minimum, that development must be in accordance with the **Design Principles**, which are a certified document. Article 6 (limits of works) regulates the lateral extent of works by reference to the **Works Plans** (Doc Ref. 4.5) and, where relevant their maximum height by reference to the **Parameter Plans** (Doc Ref. 4.7).
- 17.3.34 The Project-wide Design Principles ensure that the detailed design process will seek to retain existing vegetation where possible (Design Principles L1 and L4) and will consider the function and value of the landscape proposals within the overall landscape and ecological context. The likely outcome of the detailed design, as a result of the Design Principles, would on balance, provide an improvement in the value and attractiveness of the area, a greater sense of place and accessibility, an increase in biodiversity and opportunities to improve the health and wellbeing of the local community.
- The level of assessment of impacts on tranquillity within the High Weald National Landscape and the likely use of Noise Preferential Route 9 (WIZAD)**
- 17.3.35 Item number 2.15.3.1 of the **Statement of Common Ground between the Applicant and Horsham District Council** (Doc Ref. 10.1.3 v3) queries whether the impacts on tranquillity within the High Weald National Landscape have been fully assessed.
- 17.3.36 The council considers that the Applicant's assessment underplays the impact on tranquillity within Nationally designated landscapes and that a more intensive use of WIZAD has not been robustly assessed as discussed in item number 2.14.2.1 and 2.14.3.1 of the **Statement of Common Ground between the Applicant and Mid Sussex District Council** (Doc Ref. 10.1.5 v3).
- 17.3.37 In terms of the impact on tranquillity within Nationally designated landscapes and a more intensive use of WIZAD the Applicant has stated that the use of WIZAD will involve a small number of Gatwick departures crossing the landscape, including the High Weald National Landscape, to the south of the airport. The frequency of aircraft movements and general orientation of flights, including use

of WIZAD route have been tested by the Applicant on a worst case basis, and are illustrated in the flight density plots in the ES Landscape, Townscape and Visual Resources Figures. The Applicant therefore considers that **ES Chapter 8 [APP-033]** accurately assesses effects on the perception of tranquillity within the High Weald National Landscape as a result of an increase in the number of overflying aircraft compared to the future baseline situation in 2032. No significant effects on the National Landscape or the perception of tranquillity experienced within it would occur.

- 17.3.38 The Applicant's Response to the Rule 17 Letter (d) includes at reference R17d.8 the issue of the potential effects to National Landscapes as a result of an increase in overflying aircraft.

The surface access improvements and the mitigation/compensation planting in accordance with CBC Policy CH6

- 17.3.39 The council consider the extensive tree removals associated with the surface access improvements and the mitigation/compensation planting in accordance with CBC Policy CH6 will lead to a prolonged period of interim harm to landscape and visual receptors as discussed in item number 2.14.3.2 of the **Statement of Common Ground between the Applicant and Surrey County Council** (Doc Ref. 10.1.8 v3).
- 17.3.40 In terms of the tree removals associated with the surface access improvements and the replacement planting in accordance with CBC Policy CH6 the Applicant considers that the landscape proposals, in terms of extent, value and purpose appropriately mitigate effects on visual receptors and in time enhance the interface of the airport and neighbouring settlements. The design of the surface access improvements has progressed with the intent to reduce environmental impacts, notably removal of vegetation within the highways corridor. The preliminary scheme is space efficient and manages to stay largely within the existing road corridor, significantly reducing the potential for encroachment into Riverside Garden Park.
- 17.3.41 The surface access improvements landscape proposals in Figures 1.2.4 to 1.2.15 of the oLEMP comprise an extensive scheme of species rich, native woodland, scrub, tree and grassland communities to enhance the road corridor and integrate and extend adjoining public open space and green infrastructure. Reinstatement of scrub and tree planting has been carefully designed in accordance with guidelines by National Highways (DMRB LD117 Landscape Design). The Applicant's position is supported by National Highways in that NH's

Deadline 5 Submission containing its **Updated PADSS** [\[REP5-103\]](#) refers to landscape designs in the oLEMP and information in the oAVMS and states that this *'is considered a fair approach to the future detail design of the scheme. The future engagements are also welcomed'*. The Applicant has submitted an updated version of the oLEMP at Deadline 9 taking account of the ExA's suggested change. Compliance with CBC local plan policy CH6: Tree Planting and Replacement Standards will be demonstrated by a Tree Balance Statement under DCO Requirement 39.

17.3.42 It is important to recognise, however, that the purpose of the multiplier in Policy CH6 is directly to address this type of issue. Policy CH3 explains that the purpose of the policy is to ensure high quality design and CH6 itself recognises that the loss of established trees can have an impact which is adequately compensated at a ratio of 1 to 1. Accordingly, the policy explains; *'In terms of biodiversity, the older the tree the richer the wildlife that it supports. To ensure that adequate compensation is delivered the diameter measurement is used as a basis for the number of replacement trees that would achieve a similar canopy cover. The policy ensures that the green character and appearance of the borough is maintained'*. CBC should recognise that compliance with its policy means that sufficient compensation is achieved, through the ratio of new planting, particularly where that planting is designed to achieve greater biodiversity and design quality than the trees and vegetation being lost.

17.4. Topic conclusion

17.4.1 The landscape, townscape and visual resources assessment in **Chapter 8 of the ES** [\[APP-033\]](#) has been used to determine compliance with relevant planning policy. This is reported in **Planning Statement** [\[APP-245\]](#) at Section 8.15 and **Appendix C – Planning Policy Compliance Tables** [\[APP-248\]](#), which consider the detailed policy requirements of both the ANPS and the NNNPS.

17.4.2 Paragraph 5.214 of the ANPS states the requirement for landscape and visual impacts, including tranquillity, to be assessed as part of the EIA. **Chapter 8 of the ES** [\[APP-033\]](#) considered likely effects of the Proposed Development on the elements that make up the landscape/townscape, the specific aesthetic or perceptual qualities and character of the landscape/townscape and changes in views or visual amenity. The Project is located outside the South Downs National Park and the AONBs. As such, there is no direct impact on the National Park or AONBs as a result of the Project. ES Chapter 8: Landscape, Townscape and Visual Resources [\[APP-033\]](#) considered potential impacts on the South Downs National Park and the AONBs by reference to a Tranquillity Assessment. Natural

England have agreed in the **Statement of Common Ground Between Gatwick Airport Limited and Natural England** (Doc Ref. 10.1.15 v4), that the increase in overflights in the National Park and AONBs is negligible and will not require any mitigation measures (row 2.14.3.1).

- 17.4.3 The Applicant considers that having regard to the nature of the Project and its implications for the National Park as demonstrated through the assessment of effects on tranquillity summarised above, there are no reasonable additional measures that could be sought in accordance with paragraphs 4.9 and 4.10 of the ANPS to further the statutory purposes. The same conclusion applies to impacts on perceived tranquillity of the AONBs which are assessed in similar terms within **ES Chapter 8 [APP-033]** of the ES. As a result, the Secretary of State can grant the application for the DCO on a basis which is consistent with the duties in section 11(1A) of the 1949 Countryside Act and section 85 of the Countryside and Rights of Way 2000 Act.
- 17.4.4 The Project will result in both adverse and beneficial impacts on landscape/townscape and visual receptors. However, the Proposed Development has been carefully designed to avoid or minimise harm to the landscape/townscape and incorporate appropriate mitigation measures, where possible. The preliminary Project design seeks to minimise environmental impacts and protect and enhance, in the long term, the character and quality of the landscape and townscape environment. Two new areas of urban green space will be created at Car Park B on the eastern end of Riverside Garden Park, and north of Longbridge roundabout, adjacent to Church Meadows. These well designed spaces will include extensive native woodland, scrub and grassland communities which offer usable amenity space for the public, diverse ecological habitats and linkages between urban and rural spaces, in accordance with the Design Principles.
- 17.4.5 The Applicant has undertaken extensive work during the Examination to specifically address CBC Local Plan policy CH6 regarding tree removal and replacement calculations and the provision of landscape and ecological mitigation within the Project. The AIA and oAVMS documents provide details of trees and vegetation to be lost and trees and vegetation to be retained and protection methods based on preliminary designs, as a worst case scenario. Further detail would be provided during the detailed design stage to confirm tree loss. An AVMS would be submitted to CBC for approval as secured through Requirement 28 of the dDCO. The assessment within the AIA demonstrates that tree replacements included within the preliminary landscape proposals of the

oLEMP would be in accordance with CBC policy CH6 and therefore meet the policy objectives to achieve high quality design. The Applicant has committed to provide a Tree Balance Statement under a new DCO Requirement submitted at Deadline 8 to confirm compliance with CBC Policy CH6.

- 17.4.6 With regard to the High Weald and Surrey Hills National Landscapes, the Applicant considers that the Proposed Development has been designed sensitively and with regard to various factors, including the distance between the Project site and the National Landscape, the siting and scale of proposed built form and the context of existing airport infrastructure and surrounding settlements and built form. The Proposed Development would not compromise the purposes of the designation of nationally designated landscapes as set out in **ES Chapter 8** [[APP-033](#)]. The impact on the perception of tranquillity within nationally designated landscapes as a result of an increase in overflights has also been assessed in **ES Chapter 8** and also demonstrates compliance with national and local policies and does not conflict with landscapes relevant special qualities.
- 17.4.7 Matters raised during Examination in relation to landscape, townscape and visual impacts are outlined above including a response and explanation of the matters not agreed.
- 17.4.8 Having regard to the landscape and visual impact matters in relation to this application for development consent, the Proposed Development accords with all relevant planning policy and legislation. A scheme of high quality will be secured through the post consent, detailed design process based on appropriate Design Principles. All elements of the authorised development are subject to design control, with no exceptions. The landscape and ecological proposals set out within the oLEMP will deliver landscape scale benefits for Gatwick Airport and the surrounding townscape and landscape fringes.

18 Historic Environment

18.1. Historic Environment assessment

- 18.1.1 The assessment of impacts and effects on the Historic Environment is set out **ES Chapter 7: Historic Environment** [[APP-032](#)]. Compliance with relevant legislation and policy is outlined in Section 7.2 of Chapter 7 and in **ES Appendix 7.6.1: Historic Environment Baseline Report** [[APP-101](#)], as well as in Section

8.14 of the **Planning Statement** [[APP-245](#)] and in **Planning Statement Appendix E: Local Policy Compliance Tables** [[REP3-055](#)].

- 18.1.2 The Applicant followed the methodology set out in Design Manual for Roads and Bridges (DMRB) LA 106 (Geology and Soils) and LA 104 Environmental Assessment and Monitoring. Collection of baseline data was undertaken in accordance with relevant guidance produced by the Chartered Institute for Archaeologists. Assessment of impacts of air noise on designated heritage assets was undertaken in line with specific guidance published by English Heritage (now Historic England).
- 18.1.3 The Applicant has assessed the impacts and effects on the Historic Environment as a result of the construction and operation of the Project. This includes impacts and effects on buried archaeological remains and deposits of potential geoarchaeological importance, impacts and effects on built heritage assets, and impacts and effects on the character of the historic landscape. The ES and supporting Appendices provide a robust assessment of such impacts and effects.
- 18.1.4 A summary of the outcomes for construction and operation of the Project is provided below.

Construction

- 18.1.5 The construction of the Project would result in effects of up to major adverse significance in respect of impacts on buried archaeological remains at three locations (Museum Field, the Water Treatment Works south of the Crawley Sewage Treatment Works, and the northern part of Car Park B). Effects of up to moderate adverse significance would occur as a result of impacts on deposits of potential geoarchaeological significance at another location (Car Park X). In each case the effects would be offset by a programme of archaeological or geoarchaeological investigation carried out ahead of or during construction.
- 18.1.6 A temporary effect of moderate adverse significance would occur as a result of change within the setting of the Church Road (Horley) Conservation Area during the highways improvement works at Longbridge Roundabout, although this would reduce over time as a result of the Project's planting proposals.
- 18.1.7 Effects of minor adverse or negligible significance would occur as a result of impacts on buried archaeological remains at several other locations.
- 18.1.8 There would be short-term effects of minor adverse or negligible significance to the Grade I listed Church of St Bartholomew (Horley) and the

Grade II* listed Church of St Michael and All Angels (Lowfield Heath) as a result of construction noise.

- 18.1.9 There would be an effect of minor adverse significance in respect of the demolition of the former air traffic control tower at the northern end of Control Tower Road. This was built as part of the 1956-58 expansion of Gatwick Airport and was in use until a replacement tower was opened in 1984. The effects would be offset by a programme of historic building recording carried out ahead of demolition.
- 18.1.10 An effect of minor adverse significance would occur as a result of the changes to the character of the historic landscape at the Museum Field Environmental Mitigation Area, and an effect of negligible significance would occur as a result of the changes to the character of the historic landscape in the area during the highways improvement works at Longbridge Roundabout.

Operation

- 18.1.11 There would be effects of minor adverse significance in respect of the Grade I listed Church of St Nicholas (Charlwood), the Grade II* listed The Manor House (Charlwood) and the Grade II* listed Providence Chapel (Charlwood) as a result of an increase in ground noise. There would also be negligible adverse effects in respect of the Charlwood Conservation Area and several Grade II listed buildings at Charlwood as a result of an increase in ground noise due to the Project.

18.2. Historic Environment mitigation

- 18.2.1 Mitigation measures proposed in relation to the Historic Environment are set out in Section 7.8 of **Chapter 7: Historic Environment** [[APP-032](#)] and summarised in the Mitigation Route Map [[REP8-020](#)].
- 18.2.2 The proposed programmes of further archaeological investigation and historic building recording are set out in **ES Appendix 7.8.1: WSI for post-consent archaeological investigations – Surrey Version 3.0** [[REP7-044](#)] and **ES Appendix 7.8.2: WSI for post-consent archaeological investigations and historic building recording – West Sussex Version 5.0** (Doc Ref. 5.3 v5). This approach is secured via Requirement 14 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11).

18.3. Consideration of Historic Environment matters during Examination

18.3.1 During Examination the following issues were raised during ongoing stakeholder engagement and submissions, and in the **Examining Authority's Written Questions (ExQ1)** [[PD-012](#)].

1. Concern was raised regarding air noise and ground noise impacts on designated heritage assets additional to those which had been identified by the Applicant [ExQ1: HE1.4, HE1.9 and HE1.11].
2. Concerns were raised regarding the extent of the proposed programme of post-consent archaeological investigations.
3. Concern was raised regarding the assessed impact of the proposed construction and operation of the decked Car Park X on the significance of the Grade II* listed Charlwood House [ExQ1: HE1.2].
4. Concern was raised regarding the potential impacts of the proposed North Terminal Long Stay Decked Car Park on the significance of the Grade II* listed Charlwood Park Farmhouse [ExQ1: HE1.3].
5. Further information and clarification was requested relating to the potential impacts of the Project on the Church Road (Horley) Conservation Area and the Grade I listed Church of St Bartholomew (Horley) [ExQ1: HE1.5].
6. A question was raised regarding the application of the proposed **Noise Insulation Scheme** (Doc Ref. 5.3 v4) in respect of listed buildings [ExQ1: HE1.7].
7. Further information was requested relating to the assessed impact on the character of the historic landscape as a result of the raising of ground levels within Pentagon Field [ExQ1: HE1.8].

18.3.2 The Applicant responded to these matters in **The Applicant's Response to the Examining Authorities Written Questions – Historic Environment** [[REP3-095](#)] as follows:

1. The methodology for identifying and assessing noise sensitive assets uses the criteria established for the assessment of impacts arising from air noise change within the approved methodology identified in paragraph 5.194 of the ANPS. The use and general application of this methodology has been agreed with Historic England – this is noted in section 2.13.4.3 of the **Statement of**

Common Ground between Gatwick Airport Limited and Historic England
[\[REP1-035\]](#).

2. A report regarding the historic development of the Airport was submitted at Deadline 6 – **The Historical Development of Gatwick Airport including a Review of the Extent of Past Ground Disturbance** [\[REP6-070\]](#). Following a review of that document by consultees, a meeting was held and subsequently correspondence was exchanged. The Written Scheme of Investigation for West Sussex was then updated to take account of the agreed position **ES Appendix 7.8.2: WSI for post-consent archaeological investigations and historic building recording – West Sussex Version 5.0** (Doc Ref. 5.3 v5). One point regarding this topic remains as not agreed. The Joint Local Authorities consider that a staged programme of archaeological work should be undertaken within the area proposed for new hotel offices and multi-storey Car Park H (Work No. 28), with an initial low level of trial trenching to assess survivability of archaeological remains and then wider if there is good survival. In response to requests for clarification from West Sussex County Council’s consultant, the Applicant provided confidential information showing that there was a grid of buried electrical services and drainage over the entire area of the car park. The Applicant does not agree based on the available evidence that it is necessary to undertake archaeological investigation in this area.
3. For Car Park X, the removal of existing boundary trees and hedgerows will be limited to what is necessary to widen the entrance to the new car park and will be accompanied by replanting with native hedgerow and trees to screen views from Charlwood House. These aspects to be reflected in the detailed design of Car Park X are secured through the **oLEMP** (Doc Ref 5.3 v8) and the **Design Principles** (Doc Ref 7.3 v7), also including design measures on the layout of the car park and to control external lighting in order to limit visibility to Charlwood House. It should be noted that the Applicant has put forward these additional design requirements in response to the Local Authorities and has also included Car Park X as part of the independent Design Adviser’s remit (contained in Annex A of the **Design Principles** (Doc Ref 7.3 v7)), again in response to the Local Authorities. Historic England, in their capacity as principal statutory consultee in respect of works affecting Grade II* listed buildings, has accepted the Applicant’s assessment of impacts on the Grade II* listed Charlwood House as accurate. This is noted within section 2.13.3.5 of the agreed **Statement of Common Ground between Gatwick Airport Limited and Historic England** [\[REP1-035\]](#).

4. **ES Chapter 7: Historic Environment** [[APP-032](#)] (paragraph 7.9.80) has assessed the effects to Charlwood Park Farmhouse and has concluded that no part of the decked car park would be visible in views from and across Charlwood Park Farmhouse, therefore the magnitude of impact would be no change. The indicative design information for the Car Park is contained within the **Design & Access Statement - Volume 3** [[REP7-060](#)] at section 5.6.7 and Figure 24 in that section. Historic England, in their capacity as principal statutory consultee in respect of works affecting Grade II* listed buildings, has accepted the Applicant's assessment of impacts on the Grade II* listed Charlwood House as accurate. This is noted within section 2.13.3.5 of the agreed **Statement of Common Ground between Gatwick Airport Limited and Historic England** [[REP1-035](#)].
5. The assessment of effects regarding the Church Road (Horley) Conservation Area is set out in paragraphs 7.9.96 and 7.9.107 – 7.9.110 of **ES Chapter 7: Historic Environment** [[APP-032](#)]. Temporary effects during construction may be up to moderate adverse in significance. The establishment, design and use of the environmental mitigation area at Longbridge Roundabout, however, would slightly enhance the significance of the Church Road (Horley) Conservation Area. This would be a result of increased landscaping, public access and the creation (on the west side of the river) of an area for informal recreational use, and also through the provision of information boards on the west side of the River Mole in this location that will describe the historical features of the area. Additional planting along the south-eastern edge of the Conservation Area would also help over time in screening out views of buildings and other elements associated with the Airport. The overarching vision for landscape proposals at Longbridge Roundabout is set out within the **oLEMP** (Doc Ref 5.3 v8) in which Figure 1.2.3 provides a sketch landscape concept of land including Church Meadows and the replacement public open space west of the River Mole connected by a new footbridge. The **oLEMP** (Doc Ref 5.3 v8) and the **Design Principles** (Doc Ref 7.3 v7) contain design measures to ensure that the detailed design of the replacement open spaces optimises its contribution to the Church Road (Horley) Conservation Area, including views from and across the conservation area.
6. Details regarding the application of the proposed Noise Insulation Scheme in respect of listed buildings are set out in **ES Appendix 14.9.10 Noise Insulation Scheme Version 3.0**. Paragraph 4.3.17 in the tracked change version of this document submitted at Deadline 8 [[REP8-087](#)] shows how this has been adjusted during Examination to provide additional clarity.

7. The assessed impact on the character of the historic landscape at Pentagon Field is set out in **ES Chapter 7: Historic Environment** [APP-032]. The field, in common with the surrounding landscape, has been subject to historic field boundary removal in the past, as confirmed by historic mapping. No existing field boundaries or other historic features would need to be removed. The assessed level of impact is no change. The Applicant's position is that, given the existing variation of levels across the site from east to west, the proposed grading and seeding of the deposited material, and the provision of a 15 m woodland belt to the eastern perimeter (at the boundary with Balcombe Road), the placement of spoil would not change the character of the historic landscape in this area.

18.4. Topic conclusion

- 18.4.1 Compliance with relevant legislation and policy is reported in **ES Chapter 7: Historic Environment** [APP-032] and in Section 8.14 of the **Planning Statement** [APP-245]. **Appendix C of the Planning Statement** [APP-248] considers the Project against the detailed policy requirements of both the ANPS and the NNNPS.
- 18.4.2 The level of information presented within **ES Chapter 7: Historic Environment** [APP-032] and the supporting appendices, along with the additional information presented in **The Historical Development of Gatwick Airport including a Review of the Extent of Past Ground Disturbance** [REP6-070], is in accordance with the relevant policy requirements.
- 18.4.3 The assessment presented within **ES Chapter 7: Historic Environment** [APP-032] found that there is the potential for significant adverse effects as a result of impacts on buried archaeological remains during construction. Appropriate mitigation measures may be undertaken where possible. Where it is not possible to apply such mitigation measures, the effects would be offset through a programme of further archaeological investigation.
- 18.4.4 The assessment presented within **ES Chapter 7: Historic Environment** [APP-032] also identified a minor beneficial effect on the Church Road (Horley) Conservation Area as a result of increased public access and the provision of information boards.
- 18.4.5 During the Examination, no issues were raised which resulted in amendments to the assessment of the impacts and effects of the Project on the historic environment or its compliance with relevant policy. Additional detail has been

provided in relevant control documents in respect of the Historic Environment in response to Interested Parties. During the Examination, the Applicant reached full agreement with Historic England on all outstanding matters, as is evidenced in the signed **Statement of Common Ground between Gatwick Airport Limited and Historic England** [[REP1-035](#)].

19 Water Environment

19.1. Water Environment assessment

19.1.1 The assessment of the Project's effects on all aspects of the water environment is reported in **Environmental Statement Chapter 11: Water Environment** [APP-036] which covers potential effects on surface water (geomorphology and water quality), groundwater, flood risk and water infrastructure (wastewater and water supply). The ES chapter is supported by a **Water Framework Directive Regulations Compliance Assessment** [APP-143] and a **Flood Risk Assessment (FRA)** (Doc Ref. 5.3 v4).

19.1.2 The assessment is supported by a number of documents:

- **Environmental Statement – Appendix 5.3.2 Code of Construction Practice Annex 1 – Water Management Plan** [REP8-026];
- **Environmental Statement – Chapter 11 Water Environment** [APP-036];
- **Environmental Statement – Water Environment Figures** [APP-057];
- **Environmental Statement – Appendix 11.9.1 Geomorphology Assessment** [REP5-023]
- **Environmental Statement – Appendix 11.9.2 Water Framework Directive Compliance Assessment** [APP-143];
- **Environmental Statement – Appendix 11.9.3 Water Quality HEWRAT Assessment** [REP8-078];
- **Environmental Statement – Appendix 11.9.4 Water Quality De-Icer Impact Assessment** [APP-145];
- **Environmental Statement – Appendix 11.9.5 Groundwater Assessment** [APP-147];
- **Environmental Statement – Appendix 11.9.6 Flood Risk Assessment (Doc Ref 5.3 v4);**
- **Environmental Statement – Appendix 11.9.6 Flood Risk Assessment Annexes 1-2** [REP8-080];
- **Environmental Statement – Appendix 11.9.6 Flood Risk Assessment Annexes 3-6 (Doc Ref. 5.3 v3);**
- **Environmental Statement – Appendix 11.9.6 Flood Risk Assessment Annex 7** [REP8-082];
- **Environmental Statement – Appendix 11.9.7 Wastewater Assessment** [APP-150];
- **Environmental Statement – Appendix 11.9.8 Water Supply Assessment** [APP-151]; and

- **Floodplain Compensation Delivery Plan Technical Note** [\[REP8-096\]](#).

Construction

- 19.1.3 Effects during the following construction periods have been assessed based on maximum design scenarios:
- Initial construction period: 2024-2029 to initial operation of the relocated northern runway
 - Interim assessment period: 2030-2032 (ongoing construction activities and the operational activities and growth in the first three years from runway opening)
 - 2033-2038 (ongoing construction activities and operational activities)
 - Design year: 2038-2047 (final construction activities and operational activities)
- 19.1.4 The FRA takes into account the predicted impact of climate change during the construction periods. No significant adverse effects have been identified on the water environment during construction of the Project.
- 19.1.5 Significant beneficial environment effects have been identified during the initial construction period (2024-2029) as a result of the introduction of a new facility to treat potentially de-icer contaminated runoff (introduced through the **First Change Application** ([AS-139] to [AS-141]) during the Examination). It is assumed the new facility would improve the quality of discharges to the Gatwick Stream and downstream on the River Mole compared to existing water quality standards.

Operation

- 19.1.6 No significant adverse effects have been identified on the water environment during the operation of the Project.
- 19.1.7 Significantly beneficial environmental effects have been identified for surface water (geomorphology) through the renaturalisation of the River Mole that would improve channel morphology and floodplain coupling through the provision of approximately 300 metres of new two-stage channel.

19.2. Water Environment Mitigation

Construction

- 19.2.1 The mitigation measures for the management of water during the construction period are set out in the **Water Management Plan** [\[REP8-026\]](#) and Section 5.6 of the **Code of Construction Practice** (Doc Ref. 5.3 v6). In summary these measures are:

- Provision of temporary site drainage including water quality treatment measures in accordance with CIRIA C648.
- Constructing drainage infrastructure in advance of the works.
- Avoid earth moving during periods of very or prolonged wet weather.
- Installation of drains/ditches around the working areas to intercept surface runoff.
- Minimising the stockpiling of materials.
- Stockpiles and storage areas a suitable distance from adjacent watercourses, ponds, boreholes, site drainage, and outside Flood Zone 3, where practicable.
- Constructing adequate temporary Sustainable Drainage Systems (SuDS) or conventional drainage.
- Managing the risk from groundwater flooding (during excavation) through appropriate working practices and with adequate plans and equipment in place for dewatering to ensure safe dry working environments.
- Designing watercourse crossings for construction to meet the 10% (1 in 10) AEP event standard.
- Adopting the Environment Agency's Flood Warning Service and developing a suitable flood risk action plan for the effective and safe evacuation of personnel from areas at risk.
- The outfall to the River Mole from the on-airport Wastewater Treatment Works will be constructed using trenchless techniques
- Any agricultural field drainage intercepted during construction will either be reinstated following reinstatement of the land or diverted to a secondary channel
- The storage, dispensing, containment and use of all fuels, oils and Control of Substances Hazardous to Health (COSHH) materials and wastes would be undertaken in accordance with the Control of Substances Hazardous to Health Regulations 2002 and good practice guidance.
- Designated areas would be set out for the purpose of concrete wash out.

Operation

- 19.2.2 Embedded mitigation measures for the water environment during operation of the Project are summarised in Table 11.8.1 of **ES Chapter 11: Water Environment [APP-036]** and in the Mitigation Route Map [REP8-020], in the rows with reference "WE-X". The operational mitigation measures are summarised below.

Surface water

- 19.2.3 To accommodate the relocated northern runway and associated Juliet taxiway the River Mole requires relocation. As part of these works the watercourse will be

realigned which will provide geomorphological mitigation through a more natural planform and a two-stage channel which would improve flow regime, channel diversity and floodplain coupling. It will also increase flood water storage through a larger channel.

- 19.2.4 The construction of the Museum Field Floodplain Compensation Area (FCA), see **ES Appendix 11.9.6: Flood Risk Assessment, Figure 7.21** (Doc Ref 5.3 v4) would include soft/bio engineering in preference to concrete where natural banks require protection at the connecting spillways to the new FCA. The bank forms would also be varied where they are being altered/lowered to aid natural variance of flow in the channel.
- 19.2.5 The Burstow Stream Tributary culvert will be designed with a depressed invert and a natural bed gradient in order to maintain continuity of flow and sediment transport capability. The culvert will also be designed with splayed wing walls to reduce the light and dark barrier.

Groundwater

- 19.2.6 Additional ground investigation (secured via Design Principle DDP9 in the **Design and Access Statement - Appendix 1 - Design Principles** (Doc Ref. 7.3 v7)) will be undertaken post-consent to inform the detailed design of the Project to ensure both ground and groundwater conditions are taken into account.
- 19.2.7 All foundations at or below structures expected to intercept high groundwater levels and which could form a barrier to groundwater flow would be designed to allow existing groundwater flow paths to function (secured via Design Principle DDP9 in the **Design and Access Statement - Appendix 1 - Design Principles** (Doc Ref. 7.3 v7)). This would prevent an increase in groundwater flood risk and would protect flood sensitive receptors elsewhere. This will be achieved during the detailed design stage and using complementary ground investigation results.

Flood Risk

- 19.2.8 The fluvial mitigation strategy as set out in the **ES Appendix 11.9.6: Flood Risk Assessment** (Doc Ref 5.3 v4) has been developed holistically for both airfield and surface access highways elements of the Project. The mitigation measures (see **FRA Figure 7.2.1**) are a combination of FCAs, the additional flood storage provided by the realigned River Mole plus syphons and culverts to maintain floodplain connectivity to address fluvial flood risk impacts. The two new FCAs would be as close as practicable to areas where floodplain storage would be lost

due to the reconfiguration of the airfield layout encroaching into the floodplain, located at Museum Field FCA and at Car Park X. The Museum Field FCA would include measures to reduce its own impact such as fish refuges, design flow control structures to reduce water levels behind the embankment slowly and in-channel habitat mitigation for loss of aquatic habitat for fish.

- 19.2.9 The Project includes a number of new storage features within the existing airfield surface water drainage network and beneath Car Park Y to address the additional runoff that would result from the increased impermeable area. Additionally a new pumping facility within the Pond A catchment will ensure that there is no additional discharge from the Pond A drainage catchment to the River Mole.
- 19.2.10 As part of the surface access improvements a drainage network would be installed, consisting of carrier drains, filter drains, ditches and attenuation ponds, along with flow control arrangements to limit discharges to watercourses. Therefore, surface water runoff would be restricted to values before the Project, and where possible, greenfield rates, ensuring no increase in flood risk as a result of these works and the Project overall.

Water Infrastructure

- 19.2.11 A new aerated wetland treatment facility is included in the Project to treat de-icer contaminated runoff from the long-term storage lagoons (see **FRA Figure 2.1.1** (Doc Ref. 5.3 v4)) instead of sending it to Thames Water Utilities Limited's (TWUL) Crawley Sewage Treatment Works (STW) as at present. The treated runoff would be discharged to the Gatwick Stream directly (at present the discharge to this watercourse is via the Thames Crawley STW). Further explanation of this approach is included in paragraph 19.1.5. The increased treatment rate compared to baseline would effectively increase the capacity of the long-term storage lagoons to cater for the additional runoff received from the airfield due to the increase in impermeable area as a result of the Project. The works would require a new Environmental Permit for discharge and a Flood Risk Activity Permit from the Environment Agency.

19.3. Consideration of Water Environment matters during Examination

Surface Water – Geomorphology

- 19.3.1 During Examination, the Environment Agency raised advisory points regarding the consideration of geomorphological impacts by the applicant, in their **Deadline 6 Submission - Comments on any further information/ submissions**

received by **Deadline 5** [\[REP6-098\]](#). These comments were noted by the applicant and the **Design and Access Statement Appendix 1 – Design Principles** (Doc Ref. 7.3 v7) was updated where appropriate, as stated within **The Applicant’s Response to Deadline 6 Submissions – Appendix A – Response on Design Matters** [\[REP7-096\]](#).

Surface Water – Water Quality

- 19.3.2 A Project Change (referred to as 'Project Change 3') was introduced during the Examination regarding the treatment of runoff from the airport that is potentially contaminated with de-icer. Currently this is discharged to TWUL's Crawley STW for treatment prior to discharge to the Gatwick Stream. At the time that the DCO application was submitted, the intention was instead to construct as part of the Project a Moving Bed Biofilm Reactor (MBBR) treatment plant, to cease discharge to the Crawley STW and instead to send treated outflows to the Gatwick Stream. During the Examination, the MBBR proposal was replaced by an engineered wetland (reed bed) process to treat the potentially contaminated runoff and still discharge to the Gatwick Stream. Further details of Project Change 3 are contained in the **Change Request 1 – Change Application Report** [\[AS-139\]](#) and associated documents. The change in approach followed discussions with other airports that indicated a wetland treatment system would be less energy intensive.
- 19.3.3 During Examination, West Sussex Joint Local Authorities raised concerns that the SuDS manual approach the Applicant adopted for the car park assessment within **Environmental Statement Appendix 11.9.3 Water Quality HEWRAT Assessment** [\[REP8-078\]](#) should also be used for the assessment of the proposed highways works. In **The Applicant’s Response to Deadline 6 Submissions** [\[REP7-095\]](#) it is noted that the adoption of HEWRAT for the water quality assessment during the operational phase of the proposed highways works is in line with DMRB LA 113 (formerly HD45/09) and reflective of the influence of highway traffic volumes. Therefore, the Applicant considers the use of the HEWRAT method appropriate to assess the risks associated with routine runoff from the highways component of the Proposed Scheme. Additionally, the Applicant explains that it considers the application of separate assessment methods to different elements of the Proposed Scheme to be appropriate and proportionate for potential significant effects to be identified. Despite the Applicant’s response, this matter remains not agreed with local authorities at the end of Examination.

Groundwater

19.3.4 No issues were raised during Examination in relation to groundwater.

Flood Risk

- 19.3.5 During Examination the following issues were raised in relation to flood risk during ongoing stakeholder engagement and submissions, and in the Examining Authority's Written Questions ('ExQ'):
- a) Provide further details regarding the rainfall data used in hydraulic modelling (Table 43, **Applicant's Response to Deadline 4 Submissions** [[REP5-072](#)]).
 - b) Provide further details on the floodplain compensation delivery plan and the inclusion of additional work numbers in Requirement 23 of the Draft DCO (Table 34.1, **Applicant's Response to Deadline 4 Submissions** [[REP5-072](#)]).
 - c) Provide an assessment of culvert hydraulic capacity and blockage risk for culverts interacting with surface access highways improvements elements of the Project (**Statement of Common Ground between the Applicant and National Highways** (Doc Ref. 10.1.14 v3)).
 - d) Provide further details on the increase in impermeable area, volume of runoff and discharge locations for the Project (ExQ1: WE1.2; **Statement of Common Ground between the Applicant and West Sussex County Council** (Doc Ref. 10.1.10 v3)).
 - e) Provide further details on the Project design life and the reason for variation in design life between airfield and surface access highways improvement elements (ExQ1: WE1.6, **Statement of Common Ground between the Applicant and Environment Agency** (Doc Ref. 10.1.12 v3), **Statement of Common Ground between the Applicant and West Sussex County Council** (Doc Ref. 10.1.10 v3), **Statement of Common Ground between the Applicant and Crawley Borough Council** (Doc Ref. 10.1.1 v3)) .
 - f) Provide further details on the consideration of climate change in the assessment of flood risk, including details on the impact of the additional seven years of climate change beyond 2125, when the 2080s epoch ends (**Statement of Common Ground between the Applicant and Environment Agency** (Doc Ref. 10.1.12 v3), **Statement of Common Ground between the Applicant and West Sussex County Council** (Doc Ref. 10.1.10 v3),

Statement of Common Ground between the Applicant and Crawley Borough Council (Doc Ref. 10.1.1 v3)).

- g) Provide further details regarding the climate change allowances adopted in the design of fluvial mitigation measures (**Statement of Common Ground between the Applicant and Crawley Borough Council** (Doc Ref. 10.1.1 v3), **Statement of Common Ground between the Applicant and West Sussex County Council** (Doc Ref. 10.1.10 v3)).
- h) Address concerns that the residual risks have not been considered and used to influence the design of the mitigation features (**Statement of Common Ground between the Applicant and Crawley Borough Council** (Doc Ref. 10.1.10 v3), **Applicant's Response to Deadline 6 Submissions** [[REP7-095](#)]).

19.3.6 In response the Applicant:

- a) Has undertaken a comparison of the rainfall hydrology included in the Project airfield surface water drainage modelling against the most recent hydrology. The comparison presented in the **Applicant's Response to Deadline 4 Submissions** [[REP6-090](#)] indicates that the hydrology adopted for the assessment of impact and design of the surface water drainage mitigations is considered to be conservative, effectively over-sizing the volume of storage required, which would be refined during the detailed design phase after DCO consent. The detailed design would adopt the appropriate hydrology at that point, and which has been specified in Design Principle DDP1 in the **Design and Access Statement - Appendix 1 - Design Principles** (Doc Ref. 7.3 v7).
- b) Submitted the **Floodplain Compensation Delivery Plan Technical Note** [[REP8-096](#)] into the Examination at Deadline 6 to provide additional information about the context for the Flood Compensation Delivery Plan and its proposed scope. This Technical Note confirms which works should be listed in Requirement 23 of Schedule 2 of the Draft DCO, either as fluvial mitigation measures or as works which require mitigation prior to construction commencing. It also sets out the rationale for identifying the works listed in Requirement 23.
- c) Submitted a Culvert Assessment into the Examination as **Annex 7 to ES Appendix 11.9.6 Flood Risk Assessment** [[REP8-082](#)] at Deadline 6. This assessment demonstrates that no change in flood risk due to the Project is

anticipated and there is a need for further assessment at the detailed design stage to improve understanding of the potential for blockage risk.

- d) Referenced Table A1.2 within the **ES Appendix 11.9.3 Water Quality HEWRAT Assessment Report** [[REP8-078](#)] and added this information to **ES Appendix 11.9.6 Flood Risk Assessment Annex 2** [[REP8-080](#)] for clarity.
- e) Updated the Executive Summary of **ES Appendix 11.9.6 Flood Risk Assessment** (Doc Ref 5.3 v4) at Deadline 6 to reiterate that the airfield and surface access highways improvements elements of the Project adopt separate design lives consistent with the character of these elements of the development and the effects when flooding occurs. It is considered that a longer design life for the airfield works would not be realistic given it is likely there will be further significant changes to the airport and its operations in that timescale.
- f) Updated the Executive Summary of **ES Appendix 11.9.6 Flood Risk Assessment (Doc Ref 5.3 v4)** at Deadline 6 to reiterate that that the FRA incorporates the predicted impact of climate change in accordance with EA Guidance (Flood Risk Assessments: Climate Change Allowances Guidance, Environment Agency, 2022). This is applied through uplift allowances based on UKCP18 published by the EA for peak river flow for fluvial flood risk and rainfall intensity for surface water drainage. The climate change allowances applied for peak rainfall intensity and peak river flow are based on the Project's location (Thames River Basin District), vulnerability classification and design life. Based on current predictions, an additional seven years of climate change beyond 2125 would not impact significantly on the assessment of flood risk for the Project. In any event, the Credible Maximum Scenario (CMS) would cover the additional seven years beyond 2025. The CMS sensitivity test of plus 40 per cent on the 1 per cent (1 in 100) AEP event has assessed the impact of the Project in the event of climate change impacts exceeding those currently predicted.
- g) The updated FRA executive summary of **ES Appendix 11.9.6 Flood Risk Assessment (Doc Ref 5.3 v4)** sets out that the fluvial mitigation strategy has been developed holistically for both the airfield and surface access highways elements of the Project. While two design lives have been considered, the fluvial mitigation strategy in effect ignores this and a single holistic strategy was developed to ensure no increase to flood risk to other parties for a 100-year lifetime including the predicted impacts of climate change. This in effect supersedes the shorter (40-year) design life adopted for the airfield elements,

mitigating for any fluvial flood risk impacts from the airfield works to a 100-year design life. The strategy has therefore been designed for the 1 per cent (1 in 100) plus 20 percent event.

- h) Stated within **The Applicant's Response to Deadline 6 Submissions** [\[REP7-095\]](#) that paragraph 1.1.1 of **ES Appendix 11.9.6: Flood Risk Assessment Annex 5: River Mole Fluvial Model Build Report (Doc Ref 5.3 v3)** indicates no new substantive impacts have been identified and the conclusions reported in the original report are unchanged. Therefore, the residual risks assessed in Section 7 of **ES Appendix 11.9.6: Flood Risk Assessment (Doc Ref 5.3 v4)** remain unchanged and residual risks have been taken into consideration in line with National Networks National Policy Statement (NNPS) and Airports National Policy Statement (ANPS) requirements.

19.3.7 The areas that are not agreed with the local authorities at the end of Examination are:

- a) The variable design life between airfield and surface access highways improvements elements of the Project, as discussed in item number 2.22.4.4 in the **Statement of Common Ground between the Applicant and West Sussex County Council** (Doc Ref. 10.1.10 v3). As discussed in point (e) in paragraph 19.3.6 above, the Applicant maintains that the variation in design lives adopted for the airfield and surface access highways improvements elements of the Project are consistent with the character of these elements of the Project and the effects when flooding occurs. A longer design life for the airfield works would not be considered realistic as the airfield is likely to change beyond 2038 by which time all of the major airfield components of the Project will have been completed based on changes in aircraft size and performance changes requiring changes to runway and taxiway locations, replacement of Pier 1 (constructed in 1965), Piers 2 and 3 will be approaching 80 years old by 2059 and parts of South Terminal will be approaching 100 years old.
- b) The climate change allowance adopted in the design of fluvial mitigation measures, as noted in item 2.22.2.1 in the **Statement of Common Ground between the Applicant and Crawley Borough Council** (Doc Ref. 10.1.1 v3). As discussed in point (f) in paragraph 19.3.6 above, the Applicant maintains that the FRA incorporates the predicted impact of climate change in accordance with EA Guidance (Flood Risk Assessments: Climate Change Allowances Guidance, Environment Agency, 2022) and the CMS sensitivity

test of plus 40 per cent on the 1 per cent (1 in 100) AEP event has assessed the impact of the Project in the event of climate change impacts exceeding those currently predicted.

- 19.3.8 The FRA is supported by hydraulic modelling that has been reviewed by the Environment Agency (EA). The EA accepted the Upper Mole baseline hydraulic fluvial model in August 2023. This model was used to assess the impact of the Project on fluvial flood risk. The EA provided their review comments for the with-scheme model to which GAL responded in July 2024 and awaits a response from the EA. GAL does not consider that the comments are consequential in the assessment of fluvial flood risk impacts as reported in the FRA.
- 19.3.9 The introduction of the new On-airport WWTW in Project Change 4 (see section below, under the heading 'Water Infrastructure – Wastewater') gave rise to queries from the EA regarding its operation, as noted in item 2.22.3.13 of the **Statement of Common Ground between the Applicant and Environment Agency** (Doc Ref 10.1.12 v3), **The Applicant's Response to the Examining Authority's Written Questions (ExQ2) – Water Environment** [[REP7-093](#)] and the **Environment Agency's Response to comments on responses to ExQ2** [[REP7-100](#)]. Consequently, liaison has been undertaken by GAL with the EA to discuss potential consenting requirements with the EA's national permitting team. Based on a meeting between GAL and the EA on 20/8/24 there is nothing in the design submitted to examination that would prevent the consideration by the EA of a permit application.

Water Infrastructure - Wastewater

- 19.3.10 GAL has been liaising with TWUL for some years regarding the assessment of impacts from the Project upon the company's wastewater network and sewage treatment infrastructure. Full details of the history of discussions between the Applicant and TWUL are set out in section 2.3 of the **Second Change Application Report** [[REP6-072](#)], in the **Applicant's Response to ExQ2 WE.2.2** [[REP7-093](#)] and in the **Statement of Common Ground between Gatwick Airport Limited and Thames Water** (Doc Ref. 10.1.17 v3).
- 19.3.11 The Applicant submitted a Change Application (details of which are set out in the **Second Change Application Report** [[REP6-072](#)] and associated documents) which was subsequently accepted by the Examining Authority, providing for the construction of an On-airport Wastewater Treatment Works (WWTW) to provide an alternative solution for wastewater treatment, rather than discharging wastewater flows into the local network to be treated at a sewerage treatment

facility operated by TWUL. The Applicant promoted this change to the Project to mitigate against ongoing uncertainty regarding capacity constraints in TWUL's local network and sewage treatment works infrastructure. As a result of this uncertainty, TWUL requested a requirement be included in the Draft DCO that specifies that no airport growth arising from the Project can be implemented (and wastewater flows discharged) until modelled wastewater flows have been agreed by TWUL and any necessary upgrade works to TWUL's network and processing facilities have been implemented. TWUL most recently set out its preferred construction for the requirement in its **Response to ExQ2 WE2.2** [[REP7-119](#)]). The Applicant does not consider that it would be either necessary or appropriate to include such a requirement in the Draft DCO for the reasons stated in its own response to that same question [[REP7-093](#)].

- 19.3.12 To avoid a scenario where the growth associated with the Project is conditional on TWUL upgrading its infrastructure (should the Secretary of State be minded to agree with TWUL's submissions that such a requirement is otherwise necessary), the Applicant has put forward the alternative solution (but not preferred) of an On-airport WWTW. The bespoke on-airport facility would treat all flows from the airport. This would be a change compared to the existing baseline, as no flows would be discharged into TWUL's receiving network or process infrastructure. Table 2 in the **Second Change Application Report** [[REP6-072](#)] sets out the environmental appraisal of the proposed change, concluding that the change will not result in any new or different likely significant effects as compared to the Project without the change.
- 19.3.13 As reported in the submissions referred to above, TWUL is progressing a phased impact assessment of the Project on its network and treatment infrastructure. The first phase was reported to the Applicant in May 2024, which provided an initial assessment of the impact of the Project upon TWUL's infrastructure. The Applicant's interpretation of this assessment was submitted to examination at Deadline 5 at item 2.22.5.2 in the **Statement of Common Ground between Gatwick Airport Limited and Thames Water** (Doc Ref. 10.1.17 v3). The summary conclusions of the Phase 1 Network capacity assessment are that there is no detriment to the Horley Network caused by the Project, and relatively minor works would be necessary to upgrade the Crawley network and provide storage at Crawley STW, to cater for the additional flows from the Project.
- 19.3.14 The Applicant noted during Agenda Item 3 in Issue Specific Hearing 9 (see paragraphs 3.1.30 and 3.1.31 of **The Applicant's Written Summary of Oral Submissions ISH9: Mitigation** (Doc Ref. 10.62.2) that a new requirement 36

has been included in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11) and shared with TWUL. The wording of the requirement commits GAL to preparing and providing to TWUL a passenger throughput phasing plan prior to commencing the Project. The phasing plan must include forecast passenger growth at the airport prior to the commencement of dual runway operations (anticipated to be approximately five years) and for the subsequent five year period after commencement of dual runway operations (which is the period during which most of the passenger growth associated with the Project is forecast to take place in line with the **Forecast Data Book** [APP-075]). The phasing plan cannot show a level of passenger growth beyond that which was assessed in the Environmental Statement, specifically as shown in Table 9.2-1 of the **Forecast Data Book** [APP-075].

- 19.3.15 The Applicant is hopeful that inclusion of this requirement in the Draft DCO will provide TWUL with comfort regarding the anticipated passenger throughput trajectory (and therefore the correlative wastewater flows from the Airport), and certainty regarding their maximum extents (in line with the information provided as part of the Application), to enable appropriate planning by TWUL of any required wastewater infrastructure upgrades.
- 19.3.16 Importantly for the Applicant, the wording of the requirement does not impose a "Grampian" condition on the face of the DCO obliging GAL to agree such a plan with TWUL prior to commencing either the Project or dual runway operations which, as the Applicant has explained above, is not considered to be appropriate or necessary.
- 19.3.17 If TWUL were to accept the wording of requirement 36 in the DCO and to provide confirmation that they were satisfied this addressed their concerns and avoided any potential impact on their network/processing facilities, then (subject to any challenge from the Examining Authority, or in turn the Secretary of State) the Applicant would be prepared to confirm that it no longer considers the alternative On-airport WWTW (Project Change 4) to be necessary. However, the intention would be to retain it in the DCO as an "alternative" option, in the event that the Examining Authority (and subsequently the Secretary of State) is minded to agree with TWUL that the imposition of a Grampian condition is necessary, or to hold any residual queries or concerns regarding the revised form of phasing plan wording proposed by GAL, notwithstanding any confirmation provided by TWUL on the same.
- 19.3.18 Additionally, the Applicant has responded in detail to representations relating to the drafting of requirement 31(3) in paragraphs 1.3.3 to 1.3.8 of **The Applicant's**

Response to Deadline 7 Submissions Appendix A – The Applicant's Response to Submissions on the Draft Development Consent Order [REP8-116]. The Applicant considers that the drafting of this requirement is appropriate to ensure that TWUL, as the relevant statutory sewerage undertaker, retains the flexibility to agree to an alternative solution with GAL, which is preferable to the On-airport WWTW, to enable TWUL to discharge its statutory undertaking most effectively.

- 19.3.19 As stated in **The Applicant's Response to Submissions on the Draft Development Consent Order [REP8-116]**, GAL is confident that the scenarios of delivery of the wastewater treatment works and non-delivery (which implicitly includes TWUL and GAL agreeing a different solution pursuant to the tailpiece to requirement 31(3)) have been adequately assessed in the Environmental Statement, and therefore considers that the provision complies with relevant case law.

Water Infrastructure – Water Supply

- 19.3.20 During Examination, following ISH7, it was noted by Gatwick Area Conservation Campaign (GACC) and the Examining Authority that that it was not clear whether Sutton and East Surrey Water (SESW) have simply stated that they have a statutory duty to supply the water required or that they have sufficient capacity to be able to supply that water, without it affecting existing water supply commitments. Consequently, the email from SESW confirming their ability to meet the additional water demand from the Project was provided as part of the **Applicant's Response to Actions from ISH7: Other Environmental Matters [REP4-037]**.
- 19.3.21 During Examination, the Joint local Authorities' and GACC raised concerns regarding water efficiency. As stated in **The Applicant's Response to Deadline 4 Submissions [REP5-072]**, in response a new Project-wide design principle (BF4) was introduced to the **Design and Access Statement - Appendix 1 - Design Principles** (Doc Ref. 7.3 v7) specifying that new buildings will achieve a BREEAM Excellent rating in respect of water efficiency measures secured under Requirements 4 and 5 of the **Draft DCO** (Doc Ref. 2.1 v11). Additionally, it was reiterated in **The Applicant's Response to Deadline 4 Submissions [REP5-072]** that separately to the Project, GAL is aiming to reduce potable water consumption by 50% by 2030 compared to 2019 as part of its ongoing Second Decade of Change sustainability programme.

19.4. Topic conclusion

19.4.1 The assessment of Project impacts to the Water Environment in **ES Chapter 11: Water Environment** [[APP-036](#)] sets out that the assessment has been undertaken in accordance with relevant legislation and policy.⁶⁶¹

Benefits of the Project

19.4.2 Beyond mitigating for its impacts on the water environment to ensure no environmentally significant effects, the Project does also provide improvements compared to the baseline:

- Construction of a new fish pass on the River Mole that will improve movement for fish upstream of the existing weir upstream of the culvert beneath the runways
- The construction of a new weir on the River Mole culvert beneath the runways would concentrate flows and improve water depth for fish passage in times of low flow
- The renaturalisation of the River Mole downstream of the culvert beneath the runways will improve the geomorphology of the channel removing an artificially canalised section of watercourse improving geomorphology and riparian habitats
- The provision of a new de-icer treatment facility and surface water drainage attenuation storage beneath Car Park Y would reduce the risk of the discharge of potentially de-icer contaminated water to the River Mole
- Treatment of de-icer contaminated runoff from the long-term storage lagoons prior to discharge to the Gatwick Stream via the new treatment facility is likely to require a more rigorous water quality threshold for the runoff than at present, potentially improving the quality of the water discharged to the watercourse
- The Project would result in an increase in flood risk on the airport, which would be safely managed as set out in the **FRA Annex 6: Flood Resilience Statement** [[REP5-027](#)]. However it would also reduce flood risk in other areas of the airport as identified in **Figure 7.2.3 in the FRA** (Doc Ref. 5.3 v4), particularly to the south of the main runway.

⁶⁶¹ The Project has been considered against water related policy requirements in Section 8.13 of the Planning Statement [[APP-245](#)] and in Appendix C of the Planning Statement [[APP-248](#)], which considers the detailed policy requirements of both the ANPS and the NNNPS.

20 Land Use and Recreation

20.1. Land Use and Recreation assessment

20.1.1 The Land Use and Recreation assessment is reported in **Environmental Statement Chapter 19: Agricultural Land Use and Recreation** [\[APP-044\]](#) together with the following documents:

- **Environmental Statement – Appendix 19.2.1 Summary of Local Planning Policy -Agricultural Land Use and Recreation** [\[APP-209\]](#);
- **Environmental Statement – Appendix 19.3.1 Summary of Stakeholder Scoping Responses – Land Use and Recreation** [\[APP-210\]](#);
- **Environmental Statement – Appendix 19.6.1 Published Agricultural Land Classification Data** [\[APP-211\]](#);
- **Environmental Statement – Appendix 19.6.2 Soil Survey Results** [\[APP-212\]](#);
- **Environmental Statement – Appendix 19.6.3 Part A 2019 Recreational User Survey** [\[APP-213\]](#);
- **Environmental Statement – Appendix 19.6.3 Part B 2022 Recreational User Survey** [\[APP-214\]](#);
- Environmental Statement – Appendix 19.8.1 Public Rights of Way Management Strategy (Doc Ref 5.3 v4);
- **Environmental Statement – Appendix 5.3.2 Code of Construction Practice Annex 4 – Soil Management Strategy** [\[APP-086\]](#); and
- **Environmental Statement – Agricultural Land Use and Recreation Figure** [\[APP-058\]](#).

20.1.2 This assessment been used to determine compliance with planning policy and this is reported in Section 8.10 of the **Planning Statement** [\[APP-245\]](#) and **Planning Statement Appendix C – Planning Policy Compliance Table** [\[APP-248\]](#).

20.1.3 In addition, during the Examination assessment has been undertaken with regard to changes to the Project which have been introduced by the Applicant. These changes are set out in **Change Application Report** [\[AS-139\]](#) (for Project Changes 1-3), **Second Change Application Report** [\[REP6-072\]](#) (for Project Change 4) and **Third Change Application Report** [\[REP7-097\]](#) (for Project Change 5). In each case the assessment found that the Project Changes would not result in any new or materially different likely significant effects on Land Use and Recreation.

- 20.1.4 A specific **Note on Acquisition of Special Category Land and Provision of Replacement Open Space** (Doc Ref. 10.30 v2) has also been produced during the examination (and updated at Deadline 9) in respect of the acquisition of special category land and the provision of replacement open space that explains the development of the proposals for the replacement open space included as part of the Project that have been assessed in **Environmental Statement Chapter 19: Agricultural Land Use and Recreation** [[APP-044](#)].

Construction

- 20.1.5 The assessment of effects of the construction of the Project comprised an assessment of:
- Temporary and permanent losses of soils and agricultural land quality including best and most versatile land;
 - Temporary and permanent losses of land from individual farm holdings;
 - Temporary and permanent impacts in areas of accessible public open space; and
 - Temporary and permanent impacts on the alignment of Public Rights of Way and cycle routes (temporary).
- 20.1.6 There would be no significant temporary or permanent effects on best and most versatile agricultural land or on farm holdings as a result of the Project.
- 20.1.7 A significant medium term (1- 5 years) temporary moderate adverse effect on Public Rights of Way including Surrey footpaths 367, 360, 355a, West Sussex footpaths 367Sy, 360Sy, 355Sy, 355_1sy, 359Sy and the Sussex Border Path (West Sussex 346_2Sy) has been assessed, where temporary diversions or other management measures are required to facilitate the construction of different aspects of the Project.
- 20.1.8 A significant temporary short term (less than 1 year) moderate adverse effect on NCR 21 has been assessed, where the construction of the extended A23 underpass to accommodate the widening of the embankment between the railway bridge and Airport Way bridge as part of the highway improvements would require the temporary diversion of a section of the route.
- 20.1.9 A significant long term (more than 5 years) temporary moderate adverse effect on Riverside Garden Park has been assessed, where the highway improvements at north terminal to construct a new junction layout including partial grade separation would permanently reduce the area of open space by 1.03ha along

the southern fringe of Riverside Garden Park and cause disruption to users of the park during this period.

- 20.1.10 A significant medium term (1-5 years) temporary moderate adverse effect on Church Meadow has been assessed, where the construction of the highway improvements to increase the diameter of Longbridge Roundabout and accommodate wider circulating lanes, enhance its active travel infrastructure and improve entry and exit lanes would permanently reduce the area of open space by 0.13ha and cause disruption to users of the park during this period.

Operation

- 20.1.11 There would be no significant effects on Land Use and Recreation receptors during the operation of the Project. No public right of way (PRoW) diversions will be required and the suitable replacement open space provided as part of the Project will be accessible to the public in accordance with Article 40 of the **Draft DCO** (Doc Ref. 2.1 v11).
- 20.1.12 The provision of additional active travel routes associated with the highway improvements including the provision of a new shared use ramp from the A23 footway close to the River Mole into Riverside Garden Park; a new link from between Riverside Garden Park into Car Park B north open space replacement area; a new segregated cycle and pedestrian facility from the south side of Longbridge Roundabout to North Terminal roundabout via the south side of Car Park Y; and a link from the current permissive footpath route located to the west of the River Mole into the Museum Field ecological and landscape mitigation area would be of benefit to the local and wider community. The addition of these facilities as part of the Project would provide an operational minor beneficial effect to recreational resources.

20.2. Land Use and Recreation mitigation

- 20.2.1 The **Appendix 5.3.2 Code of Construction Practice Annex 4 – Soil Management Strategy** [[APP-086](#)] contains measures to ensure that the quantity and quality of topsoil and subsoil materials disturbed through the construction of the Project will be maintained, applying appropriate techniques for stripping, storing and restoration. Preparation and approval by Crawley Borough Council of soil management plans substantially in accordance with the Soil Management Strategy is secured through requirement 29 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11).

- 20.2.2 Accommodation measures have also been included at **ES Appendix 5.3.2: Code of Construction Practice** (Doc Ref 5.3 v6) to reduce, as far as possible, the effect of construction activities on the operation of farm holdings.
- 20.2.3 The **Environmental Statement – Appendix 19.8.1 Public Rights of Way Management Strategy** (Doc Ref 5.3 v4) contains measures to manage the impacts on PRow due to construction and operation of the Project and to reduce disruption to users, as far as possible. The **Rights of Way and Access Plans** (Doc Ref. 4.6 v5) identify the locations of permanent stopping up and diversions of PRow as part of the Project. Requirement 22 of the **Draft DCO** (Doc Ref. 2.1 v11) secures that public rights of way implementation plan(s), substantially in accordance with the **Public Rights of Way Management Strategy** (Doc Ref 5.3 v4) and **Rights of Way and Access Plans** (Doc Ref. 4.6 v5) must be approved by the relevant highway authority before any development of new or diverted PRow.
- 20.2.4 The Project includes the provision of replacement open space to mitigate for the permanent loss of land designated as open space required for the delivery of the Project as described and assessed in **Environmental Statement Chapter 19: Agricultural Land Use and Recreation** [[APP-044](#)] and also in the **Note on Acquisition of Special Category Land and Provision of Replacement Open Space** (Doc Ref. 10.30 v2).
- 20.2.5 The Project also includes the provision of additional active travel provision, shown on the **Rights of Way and Access Plans** (Doc Ref. 4.6 v5), including the provision of an additional pedestrian and cycle ramp into the northern part of Riverside Garden Park near to Longbridge Roundabout, a new pedestrian link between Riverside Garden Park and the replacement open space within Car Park B north and upgraded segregated and shared use path to be delivered as part of the Project highway improvements.
- 20.3. **Consideration of Land Use and Recreation matters during Examination**
- 20.3.1 The **ExA's First Written Questions (ExQ1)** [[PD-012](#)] requested clarifications on the soil management procedures to be construction during the construction of the Project and responses were provided to these questions in the **Applicant's Response to the Examining Authority's Written Questions – Land Use and Recreation** [[REP3-096](#)]. The ExA's First Written Questions also requested that the relevant planning authorities comment on the soil management approach (Question LU 1.5). The **Response from the Legal Partnership Authorities** [[REP3-135](#)] stated that the principles set out in the generalised scheme are

acceptable and raised a number of comments in relation to the **Soil Management Strategy** [APP-086] relating to soil stripping storage and restoration. The Applicant provided further responses to these comments at Deadline 4 [REP4-031] to explain where the relevant points are addressed within the Soil Management Strategy, secured as requirement 29 in the Schedule 2 of the **Draft DCO** (Doc Ref. 2.1 v11).

- 20.3.2 ExQ1 [PD-012] requested clarifications on the impacts of the Project on farm holdings (Question LU.1.12) during the construction and operation of the Project and responses were provided to **this question in the Applicant's Response to the Examining Authority's Written Questions – Land Use and Recreation** [REP3-096].
- 20.3.3 ExQ1 [PD-012] and the **ExA's Further Written Questions (ExQ2)** [PD-021] requested clarifications on the access arrangements to Museum Field and whether it would be beneficial to provide an access to this area from Horley Road. The Applicant met with representatives from Surrey County Council, West Sussex County Council on 9th July to discuss potential further access arrangements from Horley Road into the area of Museum Field. Surrey County Council took an action to seek advice from colleagues regarding a road safety audit for a potential crossing. In response to this action, Surrey County Council have requested that the Applicant provide formal drawings and a detailed brief so that a proposal can be assessed. It is not possible, given the advanced stage of the examination to prepare such detailed information and receive feedback on potential access locations and arrangements within the timeframe available. However, Gatwick remain open to facilitating a link post the landholding coming into Gatwick's ownership and after any necessary habitat and other ground preparation works have been undertaken. This matter is therefore not agreed.
- 20.3.4 ExQ2 and the Joint West Sussex and Surrey Councils in their Local Impact Reports ([REP1-068] and [REP1-097] respectively) requested further information on the detail of the PRow management measures during construction. The management measures, including clarifications together with additional measures proposed in relation to the three Change Applications ([AS-139], [REP6-072], [REP7-097] respectively) are contained in the **Public Rights of Way Management Strategy** (Doc Ref 5.3 v4) and all matters are agreed.
- 20.3.5 Reigate and Banstead Borough Council, Crawley Borough Council and Surrey County Council raised concerns regarding the delivery, design and maintenance of the proposed replacement open spaces adjacent to Church Meadow and Car Park B, north and south. Article 40 of the **Draft DCO** (Doc Ref 2.1 v11) requires

an Open Space Delivery Plan to be submitted before the loss of any existing open space. **ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan (LEMP)** (Doc Ref. 5.3 v8) sets the overarching vision for the Project. The LEMPs for areas of replacement open space, including management and maintenance arrangements will be submitted to and approved by Crawley Borough Council before work commences as set out within Requirement 8(1) of the **Draft DCO** (Doc Ref. 2.1 v11).

- 20.3.6 Following further discussions with the Joint Local Authorities the Applicant understands that none of the authorities wish to own the replacement open space or have any associated management or monitoring obligations. The ExA have requested, in the **ExA's proposed schedule of changes to the draft DCO [PD-028]** that the Applicant amend Article 40 as drafted to ensure that the future maintenance of the replacement open space is assured indefinitely by the Applicant. The Applicant is content to provide this commitment and has adopted the proposed new drafting in materially the form proposed by the ExA (see **Responses to the ExA's proposed schedule of changes to the draft DCO** (Doc Ref. 10.72). Matters related to the delivery, monitoring and management of the replacement open spaces are either agreed or are no longer being pursued by the JLAs.
- 20.3.7 Surrey County Council (SCC) have raised concerns regarding the proposed acquisition of the land at Gatwick Dairy Farm. The Applicant has issued revised Heads of Terms to SCC on 9th August. Further comments have not been received by the Applicant and therefore terms are not agreed as stated in the **Statement of Common Ground between the Applicant and Surrey County Council** (Doc Ref. 10.1.8 v3).
- 20.4. **Topic conclusion**
- 20.4.1 The Land Use and Recreation assessment is reported in **Environmental Statement Chapter 19: Agricultural Land Use and Recreation [APP-044]**. This has been used to determine compliance with planning policy and this is reported in Section 8.10 of the **Planning Statement [APP-245]** and **Planning Statement Appendix C – Planning Policy Compliance Table [APP-248]**, which considers the detailed policy requirements of both the ANPS and the NNNPS.
- 20.4.2 Paragraphs 5.108, 5.115 and 5.126 of the ANPS set out policy regarding development on "best and most versatile" agricultural land (BMV). Paragraph 5.108 sets out that BMV is land which is most flexible, productive, and efficient in

response to inputs, and which can best deliver future crops for food and non-food uses.

- 20.4.3 Paragraph 5.115 states: *“The applicant should take into account the economic and other benefits of best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, the applicant should seek to use areas of poorer quality land in preference to that of a higher quality.”*
- 20.4.4 Paragraph 5.126 notes that the Secretary of State will take into account the economic and other benefits of the best and most versatile agricultural land and ensure the applicant has put forward appropriate mitigation measures to minimise impacts on soils or soil resources.
- 20.4.5 The construction and operation of the Project would affect no BMV land and the measures to ensure that the quality of the soil resources would be protected and restored during construction are included in the **Appendix 5.3.2 Code of Construction Practice Annex 4 – Soil Management Strategy** [[APP-086](#)].
- 20.4.6 On open space, Section 131(12) of the 2008 Planning Act provides that: *“replacement land” means land which is not less in area than the order land and which is no less advantageous to the persons, if any, entitled to rights of common or other rights, and to the public.”*
- 20.4.7 Whilst the Applicant is not relying on the provision of *“replacement land”* in the statutory sense under section 131(4) of the 2008 Act to which this definition applies, as explained in section 2.2 of the **Note of Acquisition of Special Category Land and Provision of Replacement Open Space** (Doc Ref 10.30 v2), the drafting remains useful as a benchmark of what replacement open space should constitute. The Applicant is committed to, and has secured, the delivery of replacement open space in the manner set out in that note.
- 20.4.8 Paragraph 5.112 of the ANPS states that *“Existing open space, sports and recreational buildings and land should not be developed unless the land is no longer needed or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. If the applicant is considering proposals which would involve developing such land, it should have regard to any local authority’s assessment of need for such types of land and buildings.”*
- 20.4.9 The NNNPS Paragraph 5.194 states that *“The Secretary of State should also consider whether mitigation of any adverse effects on green infrastructure or open space is adequately provided for by means of any planning obligations, for*

example, to provide an exchange of land between two owners and provide for appropriate management and maintenance agreements. Any exchange land should be at least as good in terms of size, usefulness, attractiveness, quality and accessibility. Alternatively, where sections 131 and 132 of the Planning Act apply, any replacement land provided under those sections will need to conform to the requirements of those sections.”

- 20.4.10 The Project includes the provision of a significantly larger area of open space compared to the area that would be permanently acquired for Project works. The areas of replacement open space would be located on the closest available areas of land to those that are to be acquired so that they would be accessible to the communities that the current open space serves. Accessibility to the replacement open space would be maintained through the provision of a new footpath link from Riverside Garden Park to Car Park B and also the provision of a pedestrian footbridge from Church Meadows into the land to the west of the River Mole. In addition, the provision of the replacement open space in Car Park B provides the potential to improve the accessibility to and the quality of the Sussex Border Path where it currently runs along the western boundary of the London to Brighton railway line.
- 20.4.11 The concept designs for the areas of replacement open space, included in the **ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan (LEMP)** (Doc Ref. 5.3 v8) illustrate how these areas would be developed incorporating biodiversity, landscaping and health and wellbeing objectives, to enable the use of the existing open space to be extended into the areas of replacement open space, incorporating suitable planting, provision of paths, access and signage. The quality of the spaces would develop over time as the landscaping matures, with the establishment process anticipated to take longer within the Car Park B areas than within the land west of the River Mole, where the quality could be established early, due to the nature of the existing agricultural land.
- 20.4.12 The replacement open space proposals therefore overall provide replacement open space, once fully established, that is equivalent or better in terms of size, accessibility, usefulness, attractiveness and quality and is therefore acceptable in terms of planning policy.
- 20.4.13 In regard to PRoW, Paragraph 5.123 of the ANPS explains that “*Public rights of way, National Trails and other rights of access to land are important recreational facilities for walkers, cyclists and equestrians. The applicant is expected to take appropriate mitigation measures to address adverse effects on National Trails,*

other public rights of way and open access land and, where appropriate, to consider what opportunities there may be to improve access. In considering revisions to an existing right of way, consideration needs to be given to the use, character, attractiveness and convenience of the right of way. The Secretary of State should consider whether the mitigation measures put forward by an applicant are acceptable and whether requirements or other provisions in respect of these measures might be attached to any grant of development consent”.

- 20.4.14 The effects on the PRoW network are predominantly associated with the construction of the highway improvements as part of the Project. Measures to ensure that the PRoW network is maintained and links to it enhanced through the provision of additional facilities and active travel enhancements have been developed through the preliminary design and are identified on the **Rights of Way and Access Plans** (Doc Ref. 4.6 v5). Measures proposed for the management of PRoW network during the construction of the Project to ensure that any disruption to the use of the network is reduced, as far as possible, are explained in the **Public Rights of Way Management Strategy** (Doc Ref 5.3 v4).
- 20.4.15 Matters raised during Examination in relation to land use and recreation are outlined above together with the Applicant’s response.
- 20.4.16 It is the Applicant’s position that nothing has materially changed during the Examination, and that the in relation to land use and recreation the Project is acceptable in terms of the relevant legislation and policy.

21 Geology and Ground Conditions

21.1. Geology and Ground Conditions assessment

- 21.1.1 The Geology and Ground Conditions assessment is reported in **Environmental Statement Chapter 10: Geology and Ground Conditions** [\[APP-035\]](#). Compliance with relevant legislation and policy is outlined in Section 10.2 of **Chapter 10** and in Section 8.16 of the **Planning Statement** [\[APP-245\]](#) and in **Planning Statement Appendix E - Policy Compliance Tables** [\[REP3-055\]](#).
- 21.1.2 In undertaking the assessment, the Applicant followed the methodology set out in Design Manual for Roads and Bridges (DMRB) LA 109 (Geology and Soils), LA 113 (Road Drainage and the Water Environment) and LA 104 Environmental Assessment and Monitoring. The collation and assessment of baseline data was completed in line with current guidance from the Environment Agency: “Land Contamination: Risk Management” in Section 10.14 of **Chapter 10** which supports a tiered, risk-based approach.
- 21.1.3 The Applicant has assessed the effects from land contamination on human health and the environment and that of unidentified unexploded ordnance from the construction and operation of the Proposed Development. Additionally the effects relating to the potential loss of mineral resource are included in the assessment. The assessment of effects on surface water was undertaken as part of **ES Chapter 11: Water Environment** [\[APP-036\]](#) (see Section 18 of this closing submission). The ES and supporting Appendices ([\[APP-137\]](#), [\[APP-138\]](#), [\[APP-139\]](#)) provide a robust assessment of land contamination risk and the effects to mineral resources as a result of the Proposed Development. A summary of the assessment for construction and operation is provided below.

Construction

- 21.1.4 No significant adverse or beneficial residual effects were identified associated with the construction of the Proposed Development (Table 10.13.1 of **Chapter 10**).
- 21.1.5 A number of Potential Areas of Concern were identified within the Proposed Development with regard to potential contamination. Construction works have the potential to mobilise contaminants in soils and groundwaters through ground disturbance and the creation of new pathways. It was concluded that construction of the Proposed Development would provide overall minor adverse effects in terms of land contamination, on underlying aquifers, surface waters and human health (construction workers).

- 21.1.6 The Project site is located within a Brick Clay Resource Mineral Safeguarding Area (Weald Clay Formation). The loss of this mineral resource was assessed as minor adverse and opportunities to use the excavated material as a mineral are being explored.

Operation

- 21.1.7 Following completion of any remediation of identified Potential Areas of Concern (and other development areas as appropriate) negligible adverse effects were assessed for human health (future site users) in terms of land contamination (Table 10.13.1 of **Chapter 10**).

21.2. Geology and Ground Conditions mitigation

- 21.2.1 Mitigation measures proposed in relation to Geology and Ground Conditions are described in Section 10.8 of **Chapter 10: Geology and Ground Conditions [APP-035]** and in the Mitigation Route Map [\[REP8-020\]](#).
- 21.2.2 Within the Potential Areas of Contamination, further ground investigation and/or assessment is to be undertaken post consent to determine the need for any remediation activities (if required), with a remediation strategy to be prepared and implemented as necessary. This approach is secured within the **Code of Construction Practice in ES Appendix 5.3.2** (Doc Ref. 5.3 v6). This is secured through requirement 7 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11) which provides that construction of the Proposed Development must be carried out in accordance with the Code of Construction Practice unless otherwise agreed in writing with Crawley Borough Council. Requirement 9 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11) secures the regime for investigating contamination and the implementation of a remediation strategy on a basis agreed with the relevant planning authority in consultation with the Environment Agency.
- 21.2.3 The reuse of materials (Made Ground and natural soils) will be regulated under CL:AIRE Definition of Waste Code of Practice (DoW:CoP) (see Section 10.14 of **Chapter 10: Geology and Ground Conditions [APP-035]**). Where surplus cohesive material for the Weald Clay Formation cannot be retained on site, opportunities will be explored for its reuse offsite and dialogue with brickworks operators will continue regarding incidentally recovered brick clay. A framework Materials Management Plan is provided in the **Code of Construction Practice in ES Appendix 5.3.2 Annex 5: Construction Resources and Waste Management Plan [REP8-028]**.

21.3. Consideration of Geology and Ground Conditions matters during Examination

21.3.1 During Examination the following issues were raised during ongoing stakeholder engagement and submissions, and in the Examining Authority's Written Questions (ExQ).

21.3.2 During Examination the following issues were raised:

- f. In the **ExA's written questions and requests for information (ExQ1)** [[PD-012](#)], question GGC.1.1 was raised concerning the slope stability assessments referred to in **Chapter 10: Geology and Ground Conditions** [[APP-035](#)].
- g. An issue was raised by the **Joint West Sussex Councils within the Local Impact Report** [[REP1-068](#)] regarding the potential needless sterilisation of safeguarded clay. The matter was also raised within the **Statement of Common Ground between the Applicant and West Sussex County Council** (references 2.10.1.1 and 2.10.1.2) (Doc Ref. 10.1.10 v3) along with the requirement to update **ES Appendix 5.3.2: Construction Resources and Waste Management Plan** [[REP8-028](#)] with relevant mineral safeguarding policies.
- h. Further clarification was sought by **National Highways in their Statement of Common Ground** in relation to where in the application slope stability matters would be secured (reference 2.10.3.1 in (Doc Ref. 10.1.14 v3)).

21.3.3 In response the Applicant:

- a. Provided a response as to how the impact of any slope stabilisation works in terms of landscape and visual design has been assessed and provided information on further works to inform any slope stability assessment. Please see the **Applicant's Response to the Examining Authority's Written Questions – Geology and Ground Conditions** [[REP3-093](#)].
- b. The **Construction Resources and Waste Management Plan** [[REP8-028](#)] was updated at Deadline 5 to include relevant mineral safeguarding policies along with further clarification regarding how reuse opportunities will be taken forward. This is secured within the **Draft DCO** (Doc Ref. 2.1 v11).
- c. The Applicant provided further detail in the version of the National Highways SoCG submitted at Deadline 5 ([[REP5-060](#)], now (Doc Ref. 10.1.14 v3)) as to where the requirement to undertake geotechnical assessments will be secured within the **Draft DCO** (Doc Ref. 2.1 v11).

21.4. Topic conclusion

- 21.4.1 The Geology and Ground Conditions assessment in **Chapter 10: Geology and Ground Conditions** [APP-035] has been used to determine compliance with relevant planning policy. This is reported in Section 8.16 of the **Planning Statement** [APP-245] and in **Planning Statement Appendix E - Policy Compliance Tables** [REP3-055], which considers the detailed policy requirements of both the ANPS and the NNNPS.
- 21.4.2 Paragraph 5.227 of the ANPS and paragraph 5.117 of the 2015 NNNPS stipulate that where necessary, land stability should be considered in respect of new development, as set out in the NPPF and supporting planning guidance. The applicant should ensure that any necessary investigations are undertaken to confirm that their sites are and will remain stable or can be made so as part of the development.
- 21.4.3 Paragraph 5.116 of the ANPS and paragraph 5.168 of the NNNPS set out that for developments where land may be affected by contamination, or existing mitigation is in place in respect of historical contamination, the applicant should have regard to the statutory regime contained in Part IIA of the Environmental Protection Act 1990 and relevant Government guidance relating to or dealing with contaminated land. Where the development is subject to an EIA, the applicant should undertake an assessment of any likely significant land quality effects and describe them in the ES.
- 21.4.4 Paragraphs 5.117 and 5.121 of the ANPS and paragraphs 5.169 and 5.182 of the 2015 NNNPS state that mineral resources should be safeguarded as far as possible with appropriate mitigation measures proposed.
- 21.4.5 Construction activities which could expose construction workers, adjacent site users and users of the airport to existing contaminants as well as mobilising contaminants within the water environment are identified with design and environmental management mitigation measures implemented as set out as a Schedule 2 requirement in the **Draft DCO** (Doc Ref. 2.1 v11) and within the **Code of Construction Practice** (Doc Ref. 5.3 v6). It has been assessed that the Proposed Development is not expected to cause pollution to the environment or pose unacceptable risks to human health, given the measures in place for remediating and mitigating land contamination.
- 21.4.6 No matters were raised during Examination in relation to land contamination.

- 21.4.7 During the Examination, additional information was provided to the statutory authorities, by the Applicant in terms of land instability and mineral resources. All matters raised in the SoCGs relevant to these topics have now been agreed with the relevant local authorities.
- 21.4.8 As a result, it is the Applicant's position that nothing has materially changed during the Examination which alters the assessment in accordance with relevant policy.
- 21.4.9 Having regard to the land contamination, mineral resource and land instability matters in relation to this application for development consent, the Proposed Development is in accordance with all relevant planning policy.

22 Resource and Waste Management

22.1. Resource and Waste Management assessment

- 22.1.1 A separate resources and waste management chapter was not included in the Environmental Statement. This was in accordance with the approach set out in the **Scoping Report** [[APP-092](#)] and the subsequent **Scoping Opinion** [[APP-095](#)] adopted by the Secretary of State. The approach focused on the principles of how waste would be managed and the existing waste management infrastructure. The impacts of waste were assessed in other chapters of the Environmental Statement as part of their assessment. This approach is in accordance with the EIA Regulations.
- 22.1.2 A resources and waste management strategy has been prepared as an appendix to the Code of Construction Practice (CoCP) (**Volume 5, Annex 5.3.2 CoCP Annex 5 – Construction Resources and Waste Management Plan** [[REP8-028](#)] which sets out procedures and measures for how construction waste from the Project would be managed. The principles of the strategy were based on the legislation framework and planning policies for sustainable waste management. Requirement 7 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11) secures that the construction of the Project must be carried out in accordance with the CoCP unless otherwise agreed with Crawley Borough Council.
- 22.1.3 The impacts from the creation and management of construction and operational waste (most notably the transport of waste) were assessed in the topic chapters. Whilst waste may not have been explicitly referred to in the assessment scope, the potential effects of activities associated with waste (e.g. production, storage and transport etc) were considered in the assessment, where appropriate. A waste management signposting document which set out where this was included in the Environmental Statement was also prepared (**Environmental Statement Appendix 5.2.4 Waste Management Signposting Document** [[REP6-017](#)]).

22.2. Resource and Waste Management mitigation

- 22.2.1 Mitigation for resource and waste management during the construction phase will be as set out in **Volume 5, Annex 5.3.2 CoCP Annex 5 – Construction Resources and Waste Management Plan** [[REP8-028](#)]. Under DCO Requirement 30, site waste management plans will be prepared during the detailed design stage of the Project for approval and then details of how construction waste has been managed must be recorded and made available to the authorities on request.

- 22.2.2 Mitigation for operational waste will be implemented through the Operational Waste Management Plan that will be prepared and agreed with the relevant waste authority prior to the construction of the replacement CARE facility. The Operational Waste Management Plan will be in accordance with the **Operational Waste Management Strategy** [\[REP3-070\]](#) and secured by DCO Requirement 25.
- 22.3. **Consideration of Resource and Waste Management matters during Examination**
- 22.3.1 In the **ExA's First Written Questions (ExQ1)** [\[PD-012\]](#), questions RES1.1 to RES1.4 and RES1.6 related to the measures in place to ensure compliance with **targets set out in the Construction Resources and Waste Management Plan** [\[REP8-028\]](#). The questions also related to the forecasts of the quantities of construction and operational waste, and the measures to ensure that operational waste from the Project would be managed appropriately.
- 22.3.2 In response, in the **Response to the Examining Authority's Written Questions – Resource and Waste Management** [\[REP3-102\]](#) the Applicant confirmed that Sections A1-A4 of the Site Waste Management Plans would be submitted to and approved by the relevant waste authority prior to construction commencing. This would provide information on the decisions taken during detailed design to minimise construction waste and provide further information on the quantities and types of waste that would be generated. The Applicant advised that waste management data collected during the construction process will be compiled into reports to document progress in meeting waste management targets. The reports will be shared with the relevant waste authority. With regard to waste forecasts, the Applicant confirmed that the quantities and types of waste arising from the construction of the Project would be confirmed during detailed design stage of the Project and that this process would seek to minimise waste where possible in line with sustainable waste management principles.
- 22.3.3 With regard to operational waste, forecasts of waste arisings and management measures were set out in an **Operational Waste Management Strategy** [\[REP3-070\]](#) that was submitted at Deadline 3 (see table 4.2).
- 22.3.4 In May 2024, the Examining Authority requested further information (as set out under R17b.2 of the **Rule 17 Letter** [\[PD-018\]](#)) to demonstrate compliance with Schedule 4 of the EIA Regulations 2017 regarding the assessment of the likely significant effects from the creation and management of waste from the Project.

The Applicant was also asked to confirm whether there are any other waste arisings that should have a type and quantity listed in the ES project description.

22.3.5 In response, the Applicant prepared a response to the Rule 17 letter (**Response to Rule 17 Letter Waste Management Assessment** [\[REP5-070\]](#) and a waste management signposting document (**Environmental Statement Appendix 5.2.4 Waste Management Signposting Document** [\[REP6-017\]](#) which clarified that whilst a separate waste chapter had not been included in the Environmental Statement, impacts from the generation and transportation of construction and operational waste from the Project have been assessed within other chapters of the Environmental Statement and that no likely significant effects has been identified.

22.4. Topic conclusion

22.4.1 Waste from the construction and operation of the Project will be managed in accordance with relevant legislation and policy.⁶⁶² Site Waste Management Plans, Resource Management Plans and an Operational Waste Management Plan will be prepared during the detailed design phase of the Project setting out the specific measures for managing waste generated during the construction and operation of the Project. These plans will be in accordance with the **Construction Resources and Waste Management Plan** [\[REP8-028\]](#) and the **Operational Waste Management Strategy** [\[REP3-070\]](#) and are secured by requirements 25 and 30 respectively of the draft DCO.

⁶⁶² Policy conformity is considered in Section 8.11 of the Planning Statement [\[APP-245\]](#) and in Appendix C of the Planning Statement [\[APP-248\]](#), which includes detailed consideration of the policy requirements of both the ANPS and the NNNPS.

23 Major Accidents and Disasters

23.1. Major Accidents and Disasters assessment

23.1.1 The Major Accidents and Disasters (MAAD) assessment is contained within the **Environmental Statement: Appendix 5.3.4** [\[APP-089\]](#) with Section 8.18 of the **Planning Statement** [\[APP-245\]](#) outlining compliance with relevant policy, legislation and guidance.

23.1.2 Major accidents and disasters, by their nature, are 'unplanned' (i.e. with the potential for effects that are not part of the intended design, construction or operation of a project) and are assumed to be infrequent events. The assessment of possible major accident and disaster events and scenarios has therefore focussed on the determination of the potential risk and the 'tolerability' of that risk. Assessment of risk tolerability for major accidents and disasters in the UK generally incorporates consideration of the 'as low as reasonably practicable' (ALARP) principle. Having regard to the Control of Major Accident Hazards Regulations 2015 (COMAH), risk can be evaluated as either 'intolerable', 'tolerable if ALARP (TifALARP)' or 'broadly acceptable'.

Risk Assessment

23.1.3 Safety and environmental risk assessments were carried out for those events and scenarios identified in Table 2.4.1 of **Appendix 5.3.4 of the ES** [\[APP-089\]](#), and the outcomes are presented in Table 5.1.1 within the same Appendix 5.3.4.

23.1.4 In some instances, more than one severity level and its associated likelihood has been considered for a single event. This approach ensures that the worst case for severity is considered as well as accounting for less severe but more likely outcomes.

23.1.5 The assessment was undertaken in accordance with the **Environmental Statement Appendix 6.2.2: Scoping Opinion** [\[APP-095\]](#) issued by the Planning Inspectorate (PINS). Evaluation was carried out for those scenarios referred to in paragraph 4.14.5 of the Scoping Opinion.

23.1.6 The assessment details the current systems in place at the Airport to address the potential impacts of a variety of MAAD events and scenarios. These systems will remain in place, and be expanded or adapted as necessary to cover the Project and will thereby ensure the on-going safe operation of the Airport. Table 5.1.4 of **Environmental Statement: Appendix 5.3.4** [\[APP-089\]](#) provides further detail to

explain why, for a variety of scenarios, implementation of the Project would, of itself, not result in a worsening of the existing situation at Gatwick Airport.

- 23.1.7 The assessment confirms that none of the major accident and disaster scenarios with the potential to result in harm to people have been determined to be in an 'intolerable' risk as a result of the Project. Consequently, no likely significant effects are predicted and no additional measures are proposed to mitigate MAAD effects. All the major accident and disaster scenarios with the potential to result in environmental damage have been determined to result in low 'major accident to the environment' (MATTE) consequences implying that such outcomes are of low risk, and at the very least could be considered 'broadly acceptable'. Consequently, no significant effects are predicted and additional measures beyond those measures that are currently in place to ensure the risk of a major accident or disaster at the Airport is reduced to ALARP are not proposed.

23.2. Major Accidents and Disasters mitigation

- 23.2.1 The risk assessment (for human and environmental receptors) in the **Environmental Statement: Appendix 5.3.4 [APP-089]** considers the mitigation measures that form part of the Project, including:
- measures included as part of the Project design (i.e., embedded measures);
 - measures proposed to avoid effects occurring or to minimise environmental effects; and
 - measures required as a result of legislative requirements or standard good practice.
- 23.2.2 Mitigation and monitoring measures identified to control construction effects will be implemented through the **ES Appendix 5.3.2: Code of Construction Practice** (Doc Ref. 5.3 v6) (CoCP). Requirement 7 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11) secures that construction of the Project must be carried out in accordance with the CoCP unless otherwise agreed in writing with Crawley Borough Council. The CoCP sets out the key management measures that contractors would be required to adopt and implement. These measures would include strategies and control measures for managing the potential environmental effects of construction and limiting disturbance from construction activities as far as reasonably practicable. Existing plans and procedures currently in place at the airport would be extended as the Project develops in accordance with required operating standards and procedures.

23.3. Consideration of Major Accidents and Disasters matters during Examination

23.3.1 West Sussex County Council (WSSC) raised the following MAAD matters during the Examination in **Response to PD-005 Principal Areas of Disagreement Summary Statement (PADSS) [AS-072]; Updated Principal Areas of Disagreement Summary Statement (PADSS) [REP2-067]; and Statement of Common Ground between Gatwick Airport Limited and West Sussex County Council** (Doc Ref. 10.1.10):

- a) increased risk of terrorist activity;
- b) potential impact to emergency response times, particular in relation to any temporary or permanent change to existing Rendezvous Points (RVPs);
- c) potential requirements for increased humanitarian support requested by WSSC;
- d) West Sussex Fire and Rescue Service (WSFRS) maintaining an effective emergency response during construction phases of the Project and any changes or disruption to fixed installations used in emergency responses;
- e) WSFRS raised concerns over new and upcoming energy practices being applied at the airport e.g. the use of emerging renewable energy systems and electric powered vehicles and aircraft.

23.3.2 The Applicant responded as follows, and these matters are agreed with WSSC.

Increased risk of terrorist activity

23.3.3 It was confirmed that the Applicant's engagement with the National Counter Terrorist Security Office (NaCTSO) is an on-going activity, and not one that occurs solely during airport development planning, although they are consulted on this issue. The risk of potential terrorist activities is not a function of passenger numbers or forecourt development and therefore the increased capacity associated with the Project is not expected to have a direct effect on its risk profile. There is in any event extensive mitigation and contingency measures in place to manage these risks associated with the Airport.

Potential impact to emergency response times

23.3.4 WSFRS raised concerns that emergency response times could potentially be impacted, in particular the permanent or temporary relocation of RVPs or changes to the procedures aligned to different types of emergency response at the airport where a RVP will be nominated. The Applicant confirmed that RVP North is indicated on the plans submitted as Work No. 13. The precise location of RVPs will be determined at the Project's detailed design stage. The locations will be established with due consideration given to emergency response logistics as

required by design principle DBF18 in **Appendix 1: Design Principles of the Design and Access Statement** (Doc Ref. 7.3 v7).

WSFRS maintaining an effective emergency response during construction phases of the Project

- 23.3.5 WSFRS raised concerns over maintaining an effective emergency response during the construction phases of the Project and in particular should any changes or disruption to fixed installations used in emergency responses occur. The Applicant confirmed that fire prevention and emergency measures currently employed as part of Gatwick Airport operations would be in place and extended to the Project. During construction, specific fire prevention and emergency measures would be developed and set out in Section 4.10 of the **ES Appendix 5.3.2: Code of Construction Practice** (Doc Ref 5.3 v6).

Concerns over use of new energy practices

- 23.3.6 The Applicant confirmed that fire prevention and emergency measures currently employed as part of Airport operations would be in place and extended to the Project. During construction, specific fire prevention and emergency measures would be developed and set out in Section 4.10 of the CoCP (compliance with which is secured through requirement 7 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1 v11)). The intent is to give an indication of future Project risk management through a description of present-day (and well-established) practices. The Applicant will also engage with WSFRS at the detailed design stage regarding adapting to the emergence of renewable energy systems and electric-powered vehicles and aircraft.

Other MAAD matters

- 23.3.7 The only area not agreed is (c): potential requirements for increased humanitarian support. This matter was raised by WSCC in relation to potential increased demand for humanitarian support in the event of a major incident or disaster which, in turn, would put higher demand on acute hospitals, local authorities and rest centre requirements. The Applicant acknowledged that the demand for humanitarian support would depend on the nature of the specific event. However, the Project wouldn't introduce a fundamentally new or 'bigger' hazards and therefore, within the frequency with which major events occur, would not be expected to result in higher demands and pressures on acute hospitals, local authorities and rest centres. WSCC confirmed they are no longer pursuing this matter and have no further comment. The **Principal Areas of**

Disagreement Summary Statement (PADSS) [\[REP5-115\]](#) submitted at Deadline 5 contains no outstanding MAAD matters.

23.3.8 In written questions from the ExA (ExQ1 [\[PD-012\]](#) and ExQ2 [\[PD-021\]](#)), the following matters were raised:

- f) loss of 'emergency' runway (MAD.1.1 of ExQ1, responded to by the Applicant in **The Applicant's Response to the ExA's Written Questions (ExQ1) - Major Accidents and Disasters** [\[REP3-100\]](#)); and
- g) public safety zones (PSZ) (MAD.1.2 of ExQ1, responded to in [\[REP3-100\]](#) and MAD.2.1 of ExQ2, responded to by the Applicant in **The Applicant's Response to ExQ2 - Major Accidents and Disasters** [\[REP7-088\]](#)).

Loss of 'emergency' runway

23.3.9 The Applicant confirmed in its response to MAD.1.1 that an emergency or stand-by runway is not a CAA requirement and many other airports do not have one. Should circumstances arise where an aircraft could not use the runway(s) at the Airport, for whatever reason, it would be diverted to an alternative airport. The CAA is the decision-making authority in relation to safety and regulates all UK airports to ensure they comply with relevant international and UK aviation safety standards. The Airport has been working closely with the CAA over the new airfield infrastructure and the concept of operations. The agreed **Statement of Common Ground between Gatwick Airport Limited and the Civil Aviation Authority** [\[REP3-068\]](#) confirms the CAA's agreement with the principles of the proposals from a safety perspective, and that they have no outstanding concerns. Certification under the CAA satisfies UK aviation operational and safety requirements.

Public Safety Zones

23.3.10 The Applicant confirmed in its responses to MAD.1.2 and MAD.2.1 that the dimensions and shape of the PSZ will stay the same but the zone itself will shift 12m to the north to correspond to the realigned northern runway centreline. Airport PSZs are based on the landing threshold for each end of the relevant runway and taper away from the runway in the form of an elongated isosceles triangle. The PSZ comprises an outer boundary which is the Public Safety Controlled Zone (PSCZ) and an inner, higher risk zone, which is the Public Safety Restricted Zone (PSRZ). The term PSZ generally refers to the PSCZ – being the outer boundary. Both zones stay the same size as a result of the Project. There are no existing buildings within the Northern Runway PSCZ and none proposed as part of the Project.

23.4. Topic conclusion

- 23.4.1 The MAAD assessment in **Environmental Statement: Appendix 5.3.4 [APP-089]** and Section 8.18 of the **Planning Statement [APP-245]** set out how the assessment (and therefore the Project) is in compliance with relevant planning policy, legislation and guidance.⁶⁶³ The Applicant considers that no material changes have occurred during the Examination which fundamentally alter the assessment of policy accordance.
- 23.4.2 The Project would not introduce hazards during the construction period which cannot be effectively managed through **ES Appendix 5.3.2: Code of Construction Practice** (Doc Ref. 5.3 v6) and existing plans and procedures currently in place at the Airport. Similarly, operation of the Project would not result in significant increases in risk levels.
- 23.4.3 The matters raised during Examination and through written questions in relation to major accidents and disasters are outlined above alongside the Applicant's responses to each matter WSCC are no longer pursuing the one matter (increased demand for humanitarian support) which is not agreed.
- 23.4.4 It is recognised that the major accident and disaster scenarios could result in levels of damage and harm that would be normally considered to be 'significant pollution/damage' in the context of an Environmental Impact Assessment (EIA). However, in the context of a risk assessment of major accidents, these would not be considered a MATTE. No intolerable risks or significant effects have been identified.

⁶⁶³ Appendix C of the Planning Statement [APP-248] considers the Project against the detailed requirements of policy, including of the ANPS and the NNNPS.

24 Cumulative Assessment

24.1. Introduction

24.1.1 **ES Chapter 20: Cumulative Effects and Inter-relationships** [[APP-045](#)]

considers the effects arising from the Project that may occur at the same time as effects from other developments on environmental receptors (cumulative effects), as well as the combined effects of the environmental topics covered in Chapters 7 to 19 of the ES on single receptors or receptor groups (inter-relationships).

24.1.2 Where issues relating to cumulative effects have been raised in the context of specific environmental topics, and it is necessary to address them in these submissions, these are addressed in other chapters.

24.1.3 The cumulative effects assessment has been undertaken in accordance with the methodology set out in Planning Inspectorate Advice Note 17: Cumulative Effects Assessment (version 2, August 2019). The methodology is described in section 20.4 of **ES Chapter 20 Cumulative Effects and Inter-relationships** [[APP-045](#)].

24.2. Consideration of Cumulative matters during Examination

24.2.1 During the Examination, questions relating to cumulative effects were addressed primarily in the following submissions by the Applicant:

- **The Applicant's Response to the Local Impact Reports** [[REP3-078](#)];
- **The Applicant's Response to the ExA's Written Questions (ExQ1) - Cumulative Effects** [[REP3-088](#)];
- **Response to Deadline 3 submissions** [[REP4-031](#)];
- **The Applicant's Response to Deadline 4 Submissions** (section 2.6) [[REP5-072](#)];
- **Statement of Common Ground between Gatwick Airport Limited and Crawley Borough Council** (Doc Ref. 10.1.1 v3) Cumulative Effects and Interrelationships;
- **Statement of Common Ground between Gatwick Airport Limited and Horsham District Council** (Doc Ref. 10.1.3 v3) Cumulative Effects and Interrelationships; and
- **Statement of Common Ground between Gatwick Airport Limited and Reigate and Banstead Borough Council** (Doc Ref. 10.1.7 v3), Cumulative Effects and Interrelationships.

Cumulative effects assessment

- 24.2.2 Matters relating to the general methodology used for the CEA have been raised by Joint West Sussex Councils in the Local Impact Report, the ExA written questions and Horsham District Council.
- 24.2.3 The Applicant's responses regarding the methodology used for the cumulative effects assessment are set out in the following documents:
- **The Applicant's Response to the Local Impact Reports** [[REP3-078](#)], section 4.17 Cumulative effects;
 - **The Applicant's Response to the ExA's Written Questions (ExQ1) – Cumulative Effects** [[REP3-088](#)], CE.1.2;
 - **The Applicant's Response to Deadline 4 Submissions Version 1** [[REP5-072](#)], Table 47: Applicant's Response to West Sussex Joint Local Authorities Local Impact Reports on Cumulative Effects; and
 - **Statement of Common Ground between Gatwick Airport Limited and Horsham District Council** (Doc Ref. 10.1.3 v3), Cumulative Effects and Interrelationships, section 2.6 Cumulative Effects and Inter-relationships.
- 24.2.4 The approach to the assessment of cumulative effects is in accordance with PINS advice note seventeen and is set out in section 20.4 of **ES Chapter 20 Cumulative Effects and Inter-relationships** [[APP-045](#)].
- 24.2.5 The long and short list of other developments for the purposes of the cumulative effects assessment is provided in **ES Appendix 20.4.1 Cumulative Effects Assessment Long and Short List** [[APP-216](#)]. This has been subject to consultation with statutory and non-statutory consultees during the EIA process as described in section 20.5 of **ES Chapter 20 Cumulative Effects and Inter-relationships** [[APP-045](#)]. Each topic has considered the developments on the short list which could result in cumulative effects for that topic (the methodology is described in section 20.4 of Chapter 20. That chapter also provides a summary of the cumulative effects that are detailed in the topic chapters 7 to 19.

Pre-application consultation with authorities on the approach to cumulative effects assessment

- 24.2.6 Matters associated with consultation on the long and short list and search areas used were raised by the West Sussex Joint Local Authorities and Horsham District Council.
- 24.2.7 Feedback from consultees on two rounds of consultation was taken into account by the Applicant in refining the list used for the ES. The consultation undertaken

in September 2022 included the long list and a detailed technical note describing the way in which the search areas and topic zones of influence were identified and refined a figure showing the extent of the ZOIs. Further consultation was subsequently undertaken in May 2023. This included an updated long list. Prior to these two rounds of consultation the search criteria had also been set out in the EIA Scoping Report of 2019 and Chapter 19 of the Preliminary Environmental Information Report of September 2021. In the ES the approach to determining the Zones of Influence per topic is set out in section 20.4 of Chapter 20 from the topic assessments in ES chapters 7 to 19. Each topic considered the developments from the short list that could result in cumulative effects for that particular topic.

24.2.8 The Applicant's response setting out the pre-application consultation that was undertaken for the approach to identifying the long and short list to be used for the cumulative effects assessment is provided in the following documents:

- **The Applicant's Response to Deadline 4 Submissions Version 1** [[REP5-072](#)], Table 47: Applicant's Response to West Sussex Joint Local Authorities Local Impact Reports on Cumulative Effects; and
- **Statement of Common Ground between Gatwick Airport Limited and Horsham District Council** (Doc Ref. 10.1.3 v3), Cumulative Effects and Interrelationships, section 2.6 Cumulative Effects and Inter-relationships.

[Identification of additional developments for the long list and short list for the cumulative effects assessment during examination.](#)

24.2.9 A number of other developments were listed in the **Joint West Sussex Local Impact Report** [[REP1-068](#)]. The majority of the other developments on this list were included in the long/short list (as applicable). However, nine other developments on this list were not included because they are located outside the search area (as described in Section 20.4 of **Chapter 20**) and were not included on the long list as they are not considered to have potential for cumulative effects with the Project. The Applicant's response describing the methodology used to determine the search areas for the cumulative effects assessment and the reasoning for not including the additional developments identified during examination is provided in the following documents:

- **The Applicant's Response to the ExA's Written Questions (ExQ1) – Cumulative Effects** [[REP3-088](#)], CE.1.2

- **The Applicant's Response to Deadline 4 Submissions Version 1** [[REP5-072](#)], Table 47: Applicant's Response to West Sussex Joint Local Authorities Local Impact Reports on Cumulative Effects

Heathrow R3

- 24.2.10 It is convenient here to summarise the position of the Applicant on a question raised by the ExA relating to the consideration of proposals for Heathrow's third runway (Heathrow R3) in the cumulative assessment.
- 24.2.11 As the Applicant explained in [[REP3-088](#)], to comply with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), an ES should contain a description of the likely significant cumulative impacts arising from the proposed development as well any existing and/or approved projects, as far as that may reasonably be required, having regard to current knowledge and methods of assessment. However a decision-maker is entitled to defer the assessment of cumulative impacts arising from the subsequent development of another project in question, in particular where that development is inchoate, no proposals have been formulated and there is, or is not any, or any adequate, information available on which a cumulative assessment could have been based: See R (on the application of Together against Sizewell C Ltd) v. SSES NZ [2023] EWCA Civ 1517 at [60]-[61].
- 24.2.12 In **ES Chapter 20: Cumulative Effects and Inter-Relationships** [[APP-045](#)], the Applicant explained (in paragraphs 20.7.2 to 20.7.6) that, in relation to the Heathrow third runway project, the assessment of cumulative effects fell into this latter category, due to uncertainty relating to the status of the project and its potential environmental effects. The Applicant concluded, however, that even if it were considered that an assessment of cumulative impacts was to be conducted in the determination of the current application, it had presented as much information about the effects of that project as could reasonably be expected.
- 24.2.13 Planning Inspectorate Advice Note 17 assumes that the term "*existing and/or approved development*" which is required to be considered cumulatively under the EIA Regulations can include projects as "*existing*" even before they are at application stage, (including projects on the PINS Programme of Projects where a scoping report has not been submitted, or identified in plans and programmes where such development is reasonably likely to come forward: see paragraph 3.1.5). It advises more generally that for the purposes of the Advice Note, "*other existing development and/or approved development*" is taken to include existing developments and existing plans and projects that are "*reasonably foreseeable*"

(paragraph 1.4). It is debatable whether the term “*existing project*” in the EIA Regulations should be interpreted to include projects which are not even the subject of an application for consent. In so far as the Advice Note indicates that cumulative assessment should take into account reasonably foreseeable projects, the project was announced as the government’s preferred scheme to deliver additional airport capacity in October 2016 and when the NPS was published in June 2018 it was expected that Heathrow R3 would be operational by 2030. Whilst work commenced on the Heathrow R3 DCO application, as a result of the COVID-19 pandemic, work was suspended in 2020, and there is no indication that work to deliver the project will be recommencing. Given the project pause in 2020 and the ongoing uncertainty as to any restart to any consenting work, it is reasonable to judge that the third runway does not require consideration as part of any cumulative assessment for the purposes of Advice Note 17 or the EIA Regulations more generally.

- 24.2.14 The Applicant also notes that Advice Note 17 sets out a four-stage approach to the assessment of cumulative effects that applicants may wish to adopt, which anticipates that, at the assessment stage (Stage 4), information captured (Stage 3) should include the “*proposed design and location information; the proposed programme of construction and operation; and environmental assessments that set out baseline data and effects arising from the ‘other existing development and/or approved development.’*” The Applicant does not consider that this information, or other adequate information is available in order to allow for a cumulative assessment as envisaged by Advice Note 17.
- 24.2.15 However, notwithstanding this position, and recognising that the third runway is supported in principle by government policy, the Applicant has considered that project as a sensitivity within its cumulative effects assessment. If cumulative effects with that project are considered, Table 20.7.2 in **Chapter 20** [APP-045] includes, as far as possible, information on whether and how such effects may occur. The entries under each topic explain why fuller information cannot be provided at this stage. The table indicates that, for several environmental topics, it is not anticipated that any likely significant cumulative effects would occur. In respect of other topics, a qualitative assessment is provided to the extent that this can reasonably be provided. Where relevant, the entries in the table have assumed that in general terms, if the third runway at Heathrow were to become operational by the mid-2030s, air traffic levels at Gatwick would likely decline in the immediately following period, by comparison to the scenario where the third runway did not come into operation. In the longer-term, even with the third

runway, it is forecast that Gatwick's traffic would subsequently return to the levels forecast without it.

- 24.2.16 The details of any future proposals for a Heathrow third runway will come forward as part of any DCO application in the event that an application is made. Such an application would be subject to its own environmental impact assessment, including a cumulative assessment which took into account as appropriate any consent which had been granted for the Project.

24.3. Conclusion

- 24.3.1 The Applicant's assessment, therefore, has been undertaken in accordance with the **Scoping Opinion** [[APP-095](#)] and consistently with all relevant guidance and PINS advice note seventeen. As set out in **ES Chapter 20: Cumulative Effects and Inter-Relationships** [[APP-045](#)], the assessment of cumulative and inter-related effects arising from the Project during the construction and operational periods, does not change the significance of effects reported in the individual topic chapter of the ES.

25 Compulsory Acquisition and Temporary Possession

25.1. Introduction

- 25.1.1 Although the Applicant currently owns 93% of the land required to deliver the Project, the draft DCO includes powers to bring into its ownership the land and rights which are necessary for that delivery. The application accordingly includes a request for the Secretary of State to grant powers of compulsory acquisition and temporary possession pursuant to sections 122(2)(a), 122(2)(b) and 122(2)(c) of the 2008 Act.
- 25.1.2 The **Statement of Reasons** (Doc Ref. 3.2) sets out fully the case for compulsory acquisition and has been updated as necessary as the examination has progressed. Its contents are not repeated here.
- 25.1.3 The **Statement of Reasons** (Doc Ref. 3.2) originally included two appendices which set out the Applicant's status of negotiations with landowners, statutory undertakers and Crown bodies [\[AS-008\]](#). Following a request from the ExA at Item 11 of Annex F to the **Rule 6 Letter** [\[PD-009\]](#), the Applicant prepared and submitted a **Land Rights Tracker** [\[REP7-065\]](#) which superseded the appendices of the Statement of Reasons and which has been updated throughout the Examination with the latest version submitted at Deadline 7 [\[REP7-065\]](#). As recorded in Action Point number 5 in the Action Points Arising from Compulsory Acquisition Hearing 2 (CA2) on 30 July 2024 [\[EV19-07\]](#) the ExA requested that the Applicant prepares and submits a "Status of Negotiations Document" with specific requirements. This **Status of Negotiations Document** (Doc Ref. 10.71) has been prepared for this Deadline 9 and supersedes the Land Rights Tracker and provides an update on the position post Deadline 7.
- 25.1.4 The Land Rights Tracker and now the Status of Negotiations has two main purposes. First, it sets out the powers which are being sought over identified plots of land and the reason the exercise of those powers is necessary in respect of those plots. Secondly, it describes the ongoing engagement with statutory undertakers, Crown bodies and others who have been identified as owning land over which compulsory acquisition and temporary possession powers are being sought, along with the progress being made to reach an agreement for the Applicant to acquire the necessary interests or rights without exercising any powers.
- 25.1.5 The Applicant has submitted the following documents which also relate to the compulsory acquisition and temporary possession powers being sought:

- the **Land Plans** which show the type of powers that the Applicant is seeking over the land and the geographical extent of those powers [\[REP7-017\]](#);
- the **Special Category Land Plans** [\[REP3-010\]](#) which show (i) the special category land to be acquired permanently, (ii) the special category land over which rights will be acquired and (iii) the land which will be laid out as replacement open space by the Applicant (albeit that this land is no longer treated as "replacement land" for the purposes of section 131(4) of the 2008 Act);
- the **Crown Land Plans** [\[APP-015\]](#) which show the land required for the Project in which the Crown holds an interest;
- the **Book of Reference** ("BoR"), which contains details of the interests or rights in land which may be acquired and the names and addresses of all those who may be affected by the proposed acquisition or use of other powers described in this Statement of those interests or rights [\[REP7-011\]](#)-[\[REP 7-014\]](#);
- The **Funding Statement** [\[APP-009\]](#) which explains how the Project, including any land compensation costs, will be funded;
- **List of Other Consents and Licences** [\[REP8-092\]](#) which confirms that the Applicant is not aware of anything that is likely to prevent the grant of the listed additional consents, licences or permissions that are related to the delivery of the Project;
- The **Draft DCO** (Doc Ref. 2.1 v11) which sets out the powers which are being applied for over the Order land and the proposed restrictions to the use of those powers; and
- The **Explanatory Memorandum** (Doc Ref. 2.2 v9) to the Draft DCO which explains the drafting in the Draft DCO and provides examples of the drafting has been used elsewhere.

25.1.6 The Applicant has also explained its case in other examination documents, including the following documents:

- **Written Summary of Oral Submissions CAH1: Compulsory Acquisition** [\[REP4-034\]](#);
- **The Applicant's Response to Actions CAH1: Compulsory Acquisition** [\[REP4-038\]](#);
- **The Applicant's Response to the ExA's Written Questions (ExQ1) - Compulsory Acquisition and Temporary Possession** [\[REP3-087\]](#);
- **The Applicant's Response to ExQ2 - Compulsory Acquisition and Temporary Possession** [\[REP7-080\]](#);
- **Written Summary of Oral Submissions CAH2: Compulsory Acquisition** [\[REP4-034\]](#);

- **The Applicant's Response to Actions CAH2: Compulsory Acquisition**
[\[REP8-105\]](#):

- **Note on Acquisition of Special Category Land and Provision of Replacement Land** (Doc Ref. 10.3 v2).

25.1.7 In relation to its case for specific landowners and land interests and responses to those, the Applicant has explained its position in the Applicant's responses to submissions at each deadline.

25.2. The Applicant's case

[Scope of compulsory acquisition](#)

25.2.1 Section 5 of the Statement of Reasons confirms the scope of the proposed compulsory acquisition and temporary possession. It describes the compulsory acquisition and other powers sought, including the relevant permanent powers, as well as powers to use and possess land temporarily.

25.2.2 The ExA and the Secretary of State may find it helpful for the Applicant to confirm in relation to the Land Plans: the plots are coloured to show the type of power that is required over each plot of land to deliver the Project.

25.2.3 These are:

- **Pink:** power to compulsorily acquire all freehold and leasehold interests;
- **Blue:** power to compulsorily acquire rights by the creation of new rights or the imposition of restrictive covenants;
- **Green:** power to compulsorily acquire rights by the creation of new rights or the imposition of restrictive covenants in respect of presumed highway.

25.2.4 The green notation has been added during the Examination to address concerns raised primarily by National Highways regarding the extent of permanent acquisition sought in the DCO as originally proposed, over highways which they control. The new notation confirms that the Applicant will not seek compulsory acquisition of the freehold of that land, but that acquisition will be restricted as now proposed. The Applicant is satisfied that this reduced acquisition will enable the effective delivery of the Project. The full explanation of how the Applicant determined which plots should turn green is set out in the Applicant's response to ExQ2 CA.2.4 of the **Applicant's Response to ExQ2 - Compulsory Acquisition and Temporary Possession** [\[REP7-080\]](#).

25.2.5 Plots coloured pink, or blue or green on the Land Plans will also be subject to temporary possession powers and a statutory authority to override easements and other rights, and to extinguish private rights of way upon the appropriation of

the land for the purposes of the Project. These plots are collectively referred to as the "Order Land".

- 25.2.6 Where a plot is shown as grey on the Land Plans, no powers of compulsory acquisition or temporary possession are sought in the Draft DCO. The plots are, on the whole, within the existing airport boundary and form part of the operational airport. The land has been included within the Order limits to ensure coherence in the airport boundary and to make clear that such land, forming part of the operational airport, remains subject to (as well as benefitting from) the powers and controls secured by the DCO. The entire airport needs to receive the benefit of development consent to construct, operate and maintain the authorised development.
- 25.2.7 Whilst the Applicant is not anticipating carrying out any works related to this Project within the majority of these plots, they have been included within the Order limits because as detailed design progresses it may be desirable to carry out minor works such as protective works or utility diversion works within their area, and so need to benefit from the corresponding powers within the **Draft DCO** (Doc Ref. 2.1 v11). Within this context the Applicant considers that it either already has sufficient land rights over these plots (the overwhelming majority fall within the Applicant's freehold ownership) or it can obtain the land rights through private agreement where necessary, and without requiring any powers of compulsory acquisition or temporary possession.
- 25.2.8 The other plots which have been shown as grey are where the Applicant is proposing to deliver a temporary alternative access to the Holiday Inn Hotel whilst the Longbridge Roundabout works are delivered. The Applicant has not sought powers of compulsory acquisition or temporary possession over this land because of the reasons set out in the **Third Notification of a Proposed Project Change** [\[AS-153\]](#) however this land has been included within the Order limits to benefit from development consent and provided by the **Draft DCO** (Doc Ref. 2.1 v11).

Case for compulsory acquisition

- 25.2.9 Section 6 sets out the main case for the acquisition of these powers. This can be summarised as follows.

Conditions for authorising compulsory acquisition powers

- 25.2.10 Section 122 of the 2008 Act provides that a DCO may only include provision authorising the compulsory acquisition of land if the Secretary of State is satisfied that two conditions have been met:
- Section 122(2) Condition: that the land is required for the development to which the DCO relates, required to facilitate or is incidental to that development or is replacement land for commons, open spaces, etc.; and
 - Section 122(3) Condition: that there is a compelling case in the public interest for the land to be acquired compulsorily.
- 25.2.11 Paragraphs 8 to 10 of the Compulsory Acquisition Guidance set out a number of general considerations that GAL must demonstrate to the satisfaction of the Secretary of State when justifying an order authorising compulsory acquisition:
- that all reasonable alternatives to compulsory acquisition have been explored;
 - that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate;
 - that the applicant has a clear idea of how it intends to use the land which it is proposed to acquire;
 - that there is a reasonable prospect of the requisite funds for the acquisition becoming available; and
 - that the purposes for which compulsory acquisition of land powers are included in the DCO are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected.
- 25.2.12 These are considered in turn below and addressed in full in section 6 of the **Statement of Reasons** (Doc Ref. 3.2).

Section 122(2) condition: land is required for the development or to facilitate or is incidental to that development or is replacement open space land

- 25.2.13 As described above, the Applicant already owns the majority of the land and rights in land required for the Project and will continue to seek to acquire all land and rights it needs by voluntary agreement. The Applicant has undertaken statutory consultation and is pursuing engagement with all persons with an interest in the relevant land to try to avoid the need for compulsory acquisition: see the **Status of Negotiations Document** (Doc Ref. 10.71).
- 25.2.14 In respect of the Section 122(2) condition, the CA Guidance (at paragraph 11) states that the applicant should be able to demonstrate to the satisfaction of the Secretary of State that the land to be acquired is no more than is reasonably required for the purposes of the development.

- 25.2.15 All of the Order land is considered to be necessary to enable the delivery of the Project; however, due to the nature of the design process and the timing of the consenting process, the Applicant requires a degree of flexibility as to where certain sections of the proposals can be constructed within the defined limits of deviation which are provided for in the Draft DCO and described in Section 5 of the **Planning Statement** [[APP-245](#)].
- 25.2.16 The Applicant is satisfied that all of the land included in the Order land is necessary to enable the delivery of the proposals and once detailed design has been undertaken the Applicant will ensure that only the land that is required for the development will be acquired (see article 28 of the draft DCO).
- 25.2.17 The BoR includes the size of each plot over which powers are being sought. The **Status of Negotiations** (Doc Ref. 10.71) explains how the proposals would affect plots owned by third parties which are to be acquired, or are subject to acquisition of rights and justifies why each plot of land is needed for the proposals. In this context, all of the Order land is required for the development or is required to facilitate or is incidental to the development or is replacement land. Therefore, the Section 122(2) Condition is satisfied.

Section 122(3) condition: there is a compelling case in the public interest

- 25.2.18 In respect of the Section 122(3) condition, the CA Guidance (at paragraph 13) states that the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. At paragraph 14, the CA Guidance states that, in determining where the balance of public interest lies, the Secretary of State will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition.
- 25.2.19 Section 4 of the **Statement of Reasons** (Doc Ref. 3.2) summarises the need for and benefits of the Project. The explanation of the need for the Project and therefore the public interest in the Project being delivered is set out further in the **Needs Case** [[APP-250](#)]. The delivery of this scale of infrastructure project also delivers significant benefits to the public living locally and more nationally. These benefits are described in the **Planning Statement** [[APP-245](#)]. These matters are also addressed throughout these submissions and particularly in the Chapters on Needs Case and Benefits (Chapter 4) and Planning Balance (Chapter 24) as well as the conclusions below.

25.2.20 As explained, paragraphs 8 to 10 of the CA Guidance also set out a number of general considerations that the applicant must demonstrate to the satisfaction of the Secretary of State when justifying that there is a compelling case in the public interest. These are considered below.

25.2.21 The Applicant concludes that there is a compelling case in the public interest for the Project.

Section 122(3) condition: alternatives

25.2.22 The need for increased capacity in the aviation sector is well established within the Government's policy on airports and aviation. The Airports Nation Policy Statement is clear that the aviation sector is important to the UK economy and identifies the need for new airport capacity in the south-east. As part of the airport planning process, the Applicant regularly publishes a master plan, setting out long term plans for airport growth and development.

25.2.23 As a result of increasing demand, the 2019 Master Plan (GAL, 2019) considered the following:

- Scenario 1: where Gatwick remains a single-runway operation using the existing main runway. This scenario would use technology to increase the capacity of the main runway, leading to incremental growth through more efficient operations;
- Scenario 2: where the existing northern runway is routinely used together with the main runway; and
- Scenario 3: where GAL continues to safeguard for an additional runway to the south.

25.2.24 A "do minimum" option (Scenario 1) was considered to restrict future growth and Gatwick's ability to contribute to meeting future demand for increased aviation capacity. In the busy summer months (July, August and September), Gatwick is often already operating at, or close to, its peak capacity. This Scenario 1 would not allow Gatwick to maintain best use of its existing runways, as only one runway would be operational at any time.

25.2.25 The Applicant is not actively pursuing Scenario 3 in light of the Government's support for the third runway at Heathrow, but considers that it is in the national interest for the land to continue to be safeguarded to allow for a new runway to be constructed to the south of the airport, to allow for the possibility that it is required in the future.

25.2.26 The Applicant confirmed it would pursue a dual runway option Scenario 2 (use of the northern runway alongside the main runway), which would deliver the following operational, economic, social and environmental benefits:

- it aligns with Government policy of making best use of existing runways at all UK airports;
- in comparison to the existing situation and Scenario 1, it provides greater UK point-to-point airport capacity to assist in delivering unmet forecasted aviation demand to 2050, whilst complementing the existing UK hub capacity provided at Heathrow (and in view of any additional capacity potentially introduced by the proposed third runway);
- it provides an increase in flights, improved connectivity, increased employment and economic benefits to the local area with a much reduced scale of environmental impact compared to that arising from an additional new runway (Scenario 3), such as on noise, air quality, greenhouse gases and other impacts on biodiversity;
- it creates economic benefits to the national, regional, and London economies, including through supporting inward investment for business travellers, and tourism;
- it provides additional operational resilience for the airport with the flexibility to routinely use two runways;
- it minimises growth outside of the airport boundary;
- it does not prejudice the long-term safeguarding of the land to the south of the airport for a future additional runway; and
- it delivers significant local economic benefits, including further employment and training opportunities for local people, supply chain opportunities for local businesses, increased local retail and leisure expenditure, and other economic stimuli to the local area.

25.2.27 Overall, it was considered that Scenario 2 offered the optimum approach to making best use of existing runways and increasing UK airport capacity.

25.2.28 GAL also considered several alternatives to the layout of the Project including locations of runways, taxiways, aircraft holding areas, terminals, piers, hangars, hotels, offices and car parks, foul water, surface water drainage, flood risk mitigation, waste management facilities, surface access, rail access, inter terminal transit system and construction compounds. A thorough review of design and layout options was undertaken through an iterative design process which included consultation and engagement with the public and relevant public authorities.

- 25.2.29 A full description of the alternatives that have been considered is set out in ES **Chapter 3: Alternatives Considered** [APP-028]. Overall, GAL considers that the selected options offer the most sustainable and practical approach to adding UK airport capacity, delivering significant economic benefit to the region and providing greater operational resilience both at Gatwick and in the London system.
- 25.2.30 In order to construct, operate and maintain the Project, land and rights in the ownership of parties other than GAL would need to be acquired. Given the location and the nature of the Site, acquisition and/or use of third-party land cannot be avoided. GAL already owns the majority of the land required for the Project, it will continue to seek to acquire all land and rights it needs by voluntary agreement. It has undertaken formal consultation and is pursuing engagement with all persons with an interest in the relevant land in order to try to avoid the need for compulsory acquisition. Details of negotiations with landowners is shown in the **Status of Negotiations** (Doc Ref. 10.71) and, the Applicant still seeks to acquire land and rights compulsorily through the Draft DCO in circumstances where the voluntary acquisition of land or rights is ultimately unsuccessful.
- Section 122(3) Condition: the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, necessary and proportionate**
- 25.2.31 The need for the Project is explained in the **Needs Case** [APP-250] and summarised both in Section 4 of the **Statement of Reasons** (Doc Ref. 3.2) and earlier in these submissions. The assessment of that need demonstrates that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose: to deliver additional capacity to the UK aviation sector which is supported through policy.
- 25.2.32 Without the compulsory acquisition and temporary possession of the necessary interests in the Order land, the delivery of the Project cannot be guaranteed. The proposed interference with the rights of those with an interest in the land is therefore necessary to deliver the benefit of the Project, although GAL will seek to acquire land by agreement only relying on the use of powers where agreement cannot be reached.
- 25.2.33 Steps have been taken to ensure that the land and interests proposed to be acquired are proportionate. In a context where GAL owns the freehold of most of the land required, it has sought to take powers of rights over land rather than the compulsory acquisition of the freehold in certain instances (as shown shaded

blue on the Land Plans) and has not sought powers over certain plots where it would not be proportionate to do so (as shown shaded grey on the Land Plans). For example, for certain plots GAL has sufficient certainty that the land is not required permanently and has therefore only sought powers to compulsorily acquire permanent rights and temporary possession powers. This is mainly the case for land which is required for planting and GAL needs to obtain rights to maintain the planting but does not need to hold the freehold to do so.

- 25.2.34 The **Options Appraisal Tables at Appendix 3.5.1 to the ES [APP-073]** also indicate how GAL considered the need for land acquisition and potential impacts on third party rights when considering alternatives.
- 25.2.35 GAL has only proposed a level and scale of interference with the rights of those with an interest in the land where it is proportionate to the nature and scale of the Project.

Section 122(3) Condition: clear idea of intentions of how land proposed to be acquired will be used

- 25.2.36 GAL has a clear idea of how the Order land is intended to be used to deliver the Project. The **Status of Negotiations** (Doc Ref. 10.71) sets out the particular purposes for which each plot of land is proposed to be acquired.

Section 122(3) condition: availability of funds for compensation

- 25.2.37 In section 9, the Compulsory Acquisition Guidance states that the applicant will “be able to demonstrate that there is a reasonable prospect of the requisite funds for acquisition becoming available”.

- 25.2.38 The **Funding Statement [APP-009]** demonstrates that there is a reasonable prospect of the requisite funds being available to pay any compensation arising from the exercise of the compulsory acquisition and temporary use powers and, indeed, to construct the Project. The Applicant's full accounts were provided in the **Applicant's Response to Actions CAH1: Compulsory Acquisition [REP4-038]**.

Section 122(3) condition: Justification for interfering with the human rights of those with an interest in the land affected

- 25.2.39 The Compulsory Acquisition Guidance states that the Secretary of State must be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected (paragraph 10).

- 25.2.40 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights (the “Convention”). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual. The articles of the Convention that are relevant when determining whether a DCO which includes powers of compulsory acquisition should be made are:
- Article 1 of the First Protocol to the Convention: this protects the right of everyone to a peaceful enjoyment of possessions and provides that no one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws and principles or to secure the payment of taxes or other contributions or penalties;
 - Article 6: this entitles those affected by powers sought for the project to a fair and public hearing of any relevant objection they may have to the granting of those powers. This includes property rights and can include opportunities to be heard in the consultation process;
 - Article 8: this protects private and family life, home and correspondence. No public authority can interfere with these rights except such as in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.
- 25.2.41 In preparing the Application, GAL has carefully considered the balance to be struck between individual rights and the wider public interest. To the extent that the delivery of the Project would affect individuals’ rights, for the reasons summarised above in set out in the **Statement of Reasons** (Doc Ref. 3.2), the proposed interference with those rights would be in accordance with law, proportionate and justified in the public interest.
- 25.2.42 GAL confirms however that all of those whose Convention rights would be affected by the DCO have had an opportunity to object to the grant of compulsory acquisition powers in the DCO, and to have their objection considered at a fair and public hearing. There was an earlier opportunity to make representations regarding the proposed Application prior to its submission. In accordance with Part 5 of the 2008 Act, GAL consulted persons set out in the categories contained in section 44 of the 2008 Act. This included: persons with an interest in the Order land; persons who have the power to sell and convey or release the Order land; and those who would or might be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965 in respect of injurious affection, under Part 1 of the Land Compensation Act 1973 in respect of depreciation of land value by physical factors or under section 152(3) of the Act in respect of compensation where there is no right to claim in nuisance. The extent of the

consultation which took place and how it was taken into account by GAL in preparing the Application is set out in the **Consultation Report** [APP-218]. In addition to the publicity and consultation in relation to the Application, all the known owners and occupiers of land within the Order land have been contacted individually outside of the formal consultation periods to offer the opportunity to discuss any impact the DCO may have on their individual interest. The latest position on engagement is set out in the **Status of Negotiations** (Doc Ref. 10.11). The requirements of Article 6 have been satisfied.

25.2.43 With regard to Article 1, First Protocol and Article 8, GAL has weighed any interference with these Convention rights as a result of including compulsory powers within the draft DCO with the potential public benefits if development consent is granted. There would be very significant public benefit arising from the grant of development consent. That benefit can only be realised if the DCO includes the grant of powers of compulsory acquisition and temporary use. These benefits outweigh the effects of the provisions in the **Draft DCO** (Doc Ref. 2.1 v11) upon persons who own property in the Order land such that there would not be a disproportionate interference with their Article 8 and Article 1, First Protocol rights. The need for the Project is clear and is of national importance. Further, those affected by the exercise of compulsory acquisition or temporary use powers will be entitled to compensation and GAL has the resources to provide such compensation.

25.2.44 For these reasons, GAL considers that the inclusion of powers of compulsory acquisition would not breach the Convention rights of those whose land may be affected and that it would be appropriate and proportionate to make the DCO, including the grant of powers of compulsory acquisition.

Compelling case in the public interest

25.2.45 GAL is satisfied for all the above reasons that the Section 122(3) Condition is met and that there is a compelling case in the public interest for compulsory acquisition. The need for and the benefits of the Project are strong and clearly outweigh its wider effects including any interference with the property rights of those over whose land compulsory acquisition or temporary powers are sought.

25.3. Special considerations affecting land

Acquisition of open space land / rights over open space land

- 25.3.1 Section 10 of the **Statement of Reasons** (Doc Ref. 3.2) explains that, as shown in the BoR and on the Special Category Land Plans, Schedule 10 to the draft DCO provides for:
- the permanent acquisition of 1.16 ha of open space land split across three locations: at Riverside Garden Park (1.01 ha), A23 Brighton Road (0.02 ha) and Church Meadows (0.13 ha); and
 - the acquisition of permanent rights over 0.84 ha of open space land split across the same three locations: at Riverside Garden Park (0.47 ha), A23 Brighton Road (0.01 ha) and Church Meadows (0.36 ha).
- 25.3.2 Section 131 of the 2008 Act applies to the compulsory acquisition of any land forming part of a common, open space or fuel or field garden allotment. Section 132 of the 2008 Act applies to the compulsory acquisition of any rights over land forming part of a common, open space or fuel or field garden allotment. Both sections make provision for special parliamentary procedure ("SPP") to apply where a DCO authorises the compulsory acquisition of such land or rights over such land unless the Secretary of State is satisfied that one of the following circumstances applies:
- replacement land has been or will be given in exchange for the Order land/right and has been or will be vested in the person in whom the Order land was/is vested and subject to the same rights, trusts and incidents as attach to the Order land (section 131(4) / section 132(4) of the 2008 Act);
 - the Order land does not exceed 200 square metres or the Order land/right is required in connection with the widening or drainage of an existing highway and the giving in exchange of other land is unnecessary, whether in the interests of the persons entitled to rights of common or other rights, or in the interests of the public (section 131(5) / section 132(5) of the 2008 Act);
 - for Order land which is open space, if there is no suitable land available to be given in exchange (or any suitable land is available only at prohibitive cost) and it is strongly in the public interest for the development to begin sooner than is likely to be possible if the order were subject to SPP (section 131(4A) / section 132(4A) of the 2008 Act);
 - for Order land which is open space, if the Order land/right is being acquired for a temporary (although possibly long-lived) purpose (section 131(4B) / section 132(4B) of the 2008 Act); or

- in respect of an order right, if the Order land when burdened with this right will be no less advantageous than it was before to the persons in whom it is vested, other persons entitled to common or other rights over it, and the public (section 132(3) of the 2008 Act).

- 25.3.3 As the examination has progressed, GAL has reviewed the basis upon which it can rely on the above exceptions to conclude that SPP is not required, when it become clear that no local authority was prepared to accept the replacement open space. GAL is satisfied that the relevant land is all required in connection with the widening or drainage of an existing highway, and the giving in exchange of other land is unnecessary because:
- it has been communicated to GAL in its discussions with the local authorities that no authority wishes to be vested with the replacement land and they will be satisfied if the land is to vest in (or where already owned by GAL, remain vested in) GAL provided that GAL lays out and maintains suitable replacement open space for the benefit of the public; and
 - article 40 of the **Draft DCO** (Doc Ref. 2.1 v11) continues to secure the laying out of replacement open space by GAL (albeit this is not "replacement land" under section 131(4) of the 2008 Act because it is not to be vested in the entities from which the undertaker is acquiring special category land) and this replacement open space is a suitable replacement for the special category land to be acquired for the benefit of the public.

- 25.3.4 The full explanation of GAL's final position on acquisition of Special Category Land is set out in the **Applicant's Note on Acquisition of Special Category Land and Provision of Replacement Land** (Doc Ref. 10.3 v2).

Land and interests owned by the Crown

- 25.3.5 The **Draft DCO** (Doc Ref. 2.1 v11) provides for the acquisition of interests in Crown Land as shown in the BoR and on the **Crown Land Plans** [\[APP-015\]](#). The consent of the appropriate 'Crown authority' to the compulsory acquisition of these land interests is required.
- 25.3.6 Section 135 of the 2008 Act provides that a DCO may authorise, with the consent of the Crown, the compulsory acquisition of an interest held in Crown land which, for the time being, is held otherwise than by or on behalf of the Crown, and the appropriate Crown authority consents to the acquisition. Crown land is not limited to land owned and managed by the Crown Estate. Section 227 of the 2008 Act defines 'Crown land' as any land in which there is a Crown interest. A Crown interest includes, amongst others, an interest belonging to a government

department or held in trust for His Majesty for the purposes of a government department.

- 25.3.7 The Applicant has been in discussions the relevant Crown authorities to secure the necessary consent. The status of discussions with Crown authorities who hold freehold interests are detailed in the **Status of Negotiations** (Doc Ref. 10.71).
- 25.3.8 Office for National Statistics: The Applicant received s.135 consent from the Office for National Statistics on 20th of August 2024.
- 25.3.9 Secretary of State for Transport: The Applicant has provided all the information concerning SoS for Transport land that has been requested, as well as meeting with them on the 21st of May 2024 to answer any additional queries raised. The s135 consent is now with the SoS for Transport's legal team to carry out final due diligence and process the consent for signature. The Applicant anticipates that s135 consent will be received prior to the Examining Authority's recommendation.
- 25.3.10 The Home Office (comprising Secretary of State for Levelling Up, Housing and Communities, HM Revenue & Customs, and UK Visas and Immigration): The Applicant is engaging and negotiating with these entities' appointed agent and solicitors (who is acting on behalf of all of the noted entities together) in respect of a Memorandum of Understanding. The Applicant anticipates that s135 consent will be received before the Examining Authority's recommendation.

[Statutory undertaker land](#)

- 25.3.11 The **Draft DCO** (Doc Ref. 2.1 v11) provides for the acquisition of land and interests in land held by statutory undertakers. These are described in the BoR and shown on the Land Plans.
- 25.3.12 The land and interests in land held by the statutory undertakers are for the purposes of carrying out their statutory undertaking. Section 127(3) of the 2008 Act provides that a DCO may only authorise the compulsory acquisition of statutory undertakers' land and interests in land where a representation has been made by the statutory undertaker objecting to the acquisition if the Secretary of State is satisfied that:
- the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or

- if purchased, the land can be replaced by other land belonging to, or available for acquisition by, the undertaker without serious detriment to the carrying on of the undertaking.
- 25.3.13 Section 127(6) of the 2008 Act provides that a DCO may only authorise the compulsory acquisition of rights over statutory undertakers' land where a representation has been made by the statutory undertaker objecting to the acquisition and the Secretary of State is satisfied that:
- the rights can be acquired without serious detriment to the carrying on of the undertaking; or
 - any consequential detriment to the carrying on of the undertaking can be made good by the undertaker using other land belonging to or available for acquisition by the undertaker.
- 25.3.14 Adequate protection for statutory undertakers' assets is included within the protective provisions in Schedule 9 of the **Draft DCO** (Doc Ref. 2.1 v11). These well precedented safeguards protect electricity, gas, water and sewage undertakers by (amongst other things) preserving Part 3 of the New Roads and Street Works Act 1991, protecting rights of access, and restricting the developer's ability to acquire any apparatus without consent. Where necessary, agreements may also be entered into between GAL and statutory undertakers in order to protect apparatus. Accordingly, the statutory undertakers will not suffer serious detriment to the carrying on of their undertaking as a result of the compulsory acquisition of the land or rights over land. The tests set out in sections 127(3) and 127(6) of the 2008 Act are therefore satisfied.
- 25.3.15 The status of negotiations with statutory undertakers who have requested bespoke protective provisions and/or a protective side agreement is detailed in the **Status of Negotiations** (Doc Ref. 10.71). By way of summary, of the seven statutory undertakers that have requested some form of bespoke provision:
- protective provisions and/or a side agreement have been agreed with five (British Pipeline Agency / Walton-Gatwick Pipeline Limited; National Highways Limited; Network Rail Infrastructure Limited; South Eastern Power Networks plc and Southern Gas Networks plc);
 - negotiations continue with one (Thames Water Utilities Limited), though only limited points remain outstanding and agreement may yet be reached prior to the close of the examination; and
 - one statutory undertaker (Esso Petroleum Company Limited), after having provided their standard bespoke protective provisions, has not responded to

further communications and the Applicant has included bespoke provisions that it considers adequately protects their undertaking.

Acquisition of land over which there subsists a relevant right or apparatus

- 25.3.16 The **Draft DCO** (Doc Ref. 2.1 v11) also authorises the extinguishment of a relevant right, or the removal of relevant apparatus belonging to statutory undertakers, in connection with the delivery of the Project. The exercise of such powers will be carried out in accordance with the protective provisions contained in Schedule 9 to the Draft DCO and/or additional agreements between the parties.
- 25.3.17 Section 138 of the 2008 Act applies if a DCO authorises the acquisition of land (compulsorily or by agreement) and there subsists over the land a “relevant right” or there is “relevant apparatus” on, under or over the land. A DCO may only include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the development consent order relates (subsection 138(4)).
- 25.3.18 Various statutory undertakers and owners of apparatus have a right to keep equipment (in connection with their undertaking) on, in or over the land within the Order limits. Statutory undertakers and other apparatus owners that are known to have equipment on, in or over the land are included in the BoR. A number of existing utility services are located within the Order land and would be affected by the Project. In this case it is proposed to either protect or divert statutory undertakers’ apparatus to accommodate the Project.
- 25.3.19 Provision for the carrying out of such diversions has been included within the Works comprising the authorised development (as set out in Schedule 1 to the Draft DCO. It is not proposed to remove any apparatus and extinguish any rights without a diversion being provided. The protective provisions contain constraints on the exercise of the powers in the DCO, with a view to safeguarding the statutory undertakers’ and electronic communications apparatus owners’ interests, whilst enabling the Project (i.e. the development authorised by the DCO) to proceed.
- 25.3.20 The Applicant therefore considers that the test set out in section 138 of the 2008 Act is satisfied.

25.3.21 Details of discussions with the statutory undertakers affected by the Project are set out in the **Status of Negotiations** (Doc Ref. 10.71) and, as necessary, explained further below.

25.4. Overview of negotiations with landowners

25.4.1 As set out above, the **Land Rights Tracker** [\[REP7-065\]](#) has been used throughout the Examination to update progress on negotiations with affected landowners and show the level of engagement that the Applicant has had with these landowners and also show where the progress has been made. The position at this Deadline 9 is set out in the **Status of Negotiations** (Doc Ref. 10.71).

25.4.2 The construction and operation of the Project will be delivered within a highly regulated environment and must follow all of the controls imposed by the DCO and the Section 106 Agreement. The Environmental Statement has assessed the impacts of the Project and measures have been secured as appropriate (see the **Mitigation Route Map** [\[REP8-020\]](#)). These controls have been updated throughout the Examination in response to comments from stakeholders; including landowners. The Applicant considers that the impacts on landowners are appropriately mitigated through these measures. Where a private agreement has not been reached with a landowner, the Applicant still considers that their interest is protected as appropriate through the measures that have been secured through the draft DCO and the Section 106 Agreement.

25.4.3 In some instances, the control documents have been updated in response to specific requests to explicitly provide for particular land interests. For example, these two paragraphs of the CoCP were updated:

"Where a landowner's assets (including access to their property) will be affected by construction works, appropriate accommodation works (for example, temporary relocation of a totem pole or signage) will be undertaken in advance of the main construction works affecting their property. This will, for example, include new field access points where the existing entrances and fencing are affected to delineate new or adjusted boundaries as agreed with the landowner(s) and alternative temporary access arrangements. The carrying out of these works will not prevent a landowner's ability to make a claim under relevant statutory regimes that may apply."

"It is acknowledged that the use of specified construction equipment and construction processes in sensitive locations, (e.g. near residential properties

and hotels) and at noise sensitive times, may need to be subject to restrictions in relation to operating hours and limits for operating noise levels, or other mitigation measures, as necessary and practicable."

- 25.4.4 The **Status of Negotiations** (Doc Ref. 10.71) and the Applicant's position as set out in these closing submissions show that agreement has not yet been reached with all third party landowners. Where this is the case, the Applicant has described the status of the negotiations and provided further information on the outstanding points below. The Applicant is committed to entering into private agreements with landowners and where agreement has not been reached the Applicant will continue to pursue agreement following the close of the Examination and can update the Secretary of State on those agreements whilst the application is being considered for determination if that would be helpful.

[Ian Ridgeway Moulton, Neil Glenn Tunnicliff & Julie Jane Tunnicliff, Paul Robin Fagan & Susan Elizabeth Long, Adrian Patrick and Bozena May Patrick and David Elcock & Diane Elaine Elcock](#)

- 25.4.5 Heads of Terms/Memorandums of Understanding have been agreed with these parties and progress is being made on the related option agreements. None of these parties submitted representations to the Examination.

[Marathon Asset Management/ Peak Securities Limited](#)

- 25.4.6 The Applicant has carried out significant engagement with Marathon Asset Management (acting for HICP Limited & HI (London Gatwick) Limited) throughout the course of the Examination. Heads of terms were agreed at the end of July and the parties are making progress towards agreeing the related option agreement. Peak Securities Limited owns the relevant freehold and engagement has followed with the engagement with Marathon Asset Management.
- 25.4.7 Both parties have been engaging significantly and working at pace to complete the option agreement and this is expected to be completed shortly. The Applicant understands that Marathon Asset Management is submitting proposed draft protective provisions to be considered by the Secretary of State in the event that it notifies the Secretary of State of its request for such protective provisions to be included in the DCO if granted (in circumstances where the option agreement has not been concluded).
- 25.4.8 The Applicant is confident that an option agreement will be completed prior to the ExA submitting its recommendation to the SoS and will update the SoS of the same when it has been completed. If Marathon Asset Management does in fact notify the SoS of its request for draft protective provisions to be included in the

DCO, the Applicant reserves its position to submit representations in relation to the protective provisions.

Gatwick Green Limited

- 25.4.9 The Applicant has been actively engaging with GGL since 2019 to understand the impact of the scheme on the land interests of GGL. As confirmed in GGL's submission at Deadline 8 [\[REP8-153\]](#), the Applicant and GGL have reached an in-principle agreement.
- 25.4.10 The Applicant has been progressing the scheme as submitted in the application with National Highways and in accordance with their requirements. Since GGL raised their preferences that the balancing pond is accessed by National Highways via an alternative route, the Applicant has been working closely with National Highways and GGL to ensure that any solution is deliverable, would not present an impediment to the scheme and is acceptable to all parties.
- 25.4.11 As explained in response to CA.2.2 in the **Applicant's Response to ExQ2 - Compulsory Acquisition and Temporary Possession** [\[REP7-080\]](#), the solution outside of the Order Limits referred to by GGL is about operational commitments from both the Applicant and National Highways rather than any additional development.
- 25.4.12 The plots at Peeks Brook Lane (4/463, 4/469, 4/471, 4/472, 4/473) over which the Applicant is seeking powers of compulsory acquisition are required to deliver the M23 Spur Work No. 35, specifically the maintenance access track to the existing drainage pond (surface water attenuation). The Applicant requires land acquisition to provide for detailed design requiring further works to the existing surface water attenuation pond and or M23 embankment works.
- 25.4.13 In relation to GGL's submissions about provision of access to the attenuation pond, these diagrams represent options that the Applicant has presented to GGL as possibilities for providing National Highways with access in the context of GGLs other preferences. The Applicant maintains that it is seeking powers over the land to ensure that it can provide the access that National Highways require to maintain the pond and ensure that the scheme is deliverable. is provided with unimpeded access to the ponds at all times in order for the scheme to be deliverable.

The Arora Group

- 25.4.14 The Arora Group (Agut Limited and Ah6 Limited) owns a number of properties within the Order limits and the Applicant has engaged with the group on both a central and individual basis.
- 25.4.15 As per the Arora Group's Post Submission Representation [[REP8-137](#)] the Applicant and the Arora Group are finalising the commercial matters in Heads of Terms in relation to:
- Schlumberger House
 - The Beehive
 - Travelodge London Road
 - Premier Inn Longbridge Way
- 25.4.16 The outstanding matter, as identified in the Arora Groups' Deadline 8 representations, relates specifically to the land outside the Sofitel Hotel, North Terminal which is used as a drop off area. The Applicant has been working with the Arora Group to understand the operational impacts of the Project on the use of this area and has shared a Memorandum of Understanding which it considers would address the Arora Group's concerns in relation to this area.

AIPUT

- 25.4.17 The Applicant and AIPUT are currently finalising the HoTs with a draft option agreement to follow shortly thereafter.
- 25.4.18 AIPUT has been concerned about the potential loss of access to their property if the CA powers are exercised in full. The Applicant has committed to maintaining their access through the duration of the works and has provided explicit protection for access in the CoCP. AIPUT's submissions relating to car parking have been considered and the Applicant's position is set out in Chapter 11 Traffic and Transport of these closing submissions.
- 25.4.19 Further, in response to AIPUT's Deadline 8 submissions [[REP8-136](#)], these plots are required for minor works, including protective works, access or utility diversions in particular adjacent to Works Area 42: establish a habitat enhancement area along Perimeter Road East and Perimeter Road South, including replacement hedgerows and habitat suitable for bats along Crawler's Brook). This situation is different to that of National Highways where a private agreement has been reached which governs the relationship in relation to land.

Cheshire West and Chester Borough Council

- 25.4.20 The Applicant has had many discussions with CWCBC about the detailed designs for the replacement car parking facilities to be provided to CWCBC at Car Park X but to date an agreement between the parties has not been reached.
- 25.4.21 The Applicant has sought to understand CWCBC's concerns to provide for specific design principles to be secured by the DCO to regulate the design of the replacement facilities in the event that an agreement is not reached but CWCBC has not provided specific detail to enable such a course of action at this stage. The Applicant will continue to engage with CWCBC and is confident an agreement can be reached to resolve their design concerns.

Malthurst South East Limited

- 25.4.22 The Applicant and Malthurst South East Limited are currently finalising the memorandum of understanding providing for heads of terms to be agreed during the detailed design phase.
- 25.4.23 Through their engagement, the Applicant and Malthurst South East Limited have discussed the operational requirements of the petrol station at the property and further information about how the construction will be carried out in vicinity of the property to minimise any impact on the property. The measures in the CoCP, including the updates mentioned above, ensure that impacts to the property will be minimised.

Reigate & Banstead Borough Council

- 25.4.24 As raised in the Examination, the Applicant has struggled with meaningful engagement with RBBC in relation to their land agreements (**Written Summary of Oral Submissions at CAH2** [[REP8-105](#)]). Following the CA2 however, RBBC has provided a substantive response to the Applicant and discussions are making progress towards an agreement with all matters except land value having been agreed.

Surrey County Council

- 25.4.25 Despite significant engagement, at Deadline 9, GAL has been unable to reach agreement with Surrey County Council as landowner (SCC). There are three areas of land about which GAL and SCC have been negotiating:
- Land owned as highway authority;
 - Land at Gatwick Dairy Farm; and
 - Land at Bayhorne Farm.

- 25.4.26 In relation to the land owned as highway authority, the Applicant set out its approach to respond to comments made by SCC in response to CA.2.4 [\[REP7-080\]](#). The Applicant considers that this matter has now been resolved.
- 25.4.27 In relation to Gatwick Dairy Farm heads of terms have been agreed in principle.
- 25.4.28 In relation to Bayhorne Farm, the Applicant and SCC have a number of outstanding fundamental disagreements which are preventing SCC entering into heads of terms in relation to this land. SCC submitted its position in its **Post Hearing Submission** [\[AS-165\]](#) and the ExA has subsequently asked the Applicant for further information to be submitted at Deadline 10 in the **Rule 17 – Request for further information – 20 August 2024** [\[PD-030\]](#). The Applicant has provided an initial response to the request for further information below but will submit a formal response at Deadline 10.
- 25.4.29 The Applicant has carried out significant engagement with SCC and has sought to understand its proposals and concerns and has had multiple meetings and workshops to discuss how the Applicant's project would not, and is not intended to, prejudice SCC bringing forward its development proposals. The plots forming Bayhorne Farm are required by the Applicant to deliver the surface access works. Although part of the land will be used for a temporary construction compound, part of the land may form part of the realigned highway and provide for the associated infrastructure. As the highway will be adopted by National Highways the Applicant needs to ensure that it can acquire sufficient land and land rights to deliver the scheme and provide for National Highways' adoption.
- 25.4.30 In response to comments on the **outline Construction Traffic Management Plan** (Doc Ref. 5.3), the Applicant has added further detail about the access arrangements to the compound during the construction period. The Applicant's response to SCC's comments on this are provided in Appendix D to the **Applicant's Response to Deadline 8 Submissions** (Doc Ref. 10.77).
- 25.4.31 The Applicant does not consider that SCC has made representations which would require bespoke protective provisions and considers that it has engaged significantly with SCC to provide information and to understand its proposals.
- 25.4.32 The Applicant notes the submissions made by Montagu Evans on behalf of Sackville UK Property Select IV (GP) No.1 Limited [\[AS-160\]](#). However, they refer to possible development proposals which may come forward in the future. As explained at CAH2 **Written Summary of Oral Submissions made at CAH2** [\[REP8-105\]](#), the Applicant is not required to consider future developments where

insufficient information is available. The Applicant considers that these submissions do not provide any additional information which have any material weight on the consideration of this matter or would change the Applicant's previously stated position.

- 25.4.33 In relation to the location of the drainage attenuation pond, the Applicant made substantive and technical representations in at CAH2 as recorded in **Written Summary of Oral Submissions made at CAH2** [\[REP8-105\]](#) to explain the alternative locations for the drainage attenuation pond that it has considered as well as directly explaining why the location proposed by SCC is both inadequate and inappropriate. Further information has been set out below and where this is required to be supplemented to directly address the ExA's questions, the Applicant shall do so at Deadline 10.

[Location of the Drainage Attenuation Pond](#)

- 25.4.34 The attenuation pond proposals were developed in consultation with the SCC and West Sussex County Council Local Lead Flood Authority teams as well as with National Highways (future asset owner). The proposed attenuation pond northeast of South Terminal Roundabout is considered to be the preferred solution on the basis of a range of factors including alignment with LLFA & EA policy (including in relation to the preference for SuDs solutions over below ground tanks), minimisation of safety risks associated with bird strikes, adherence to National Highways standards, ability to maintain the existing outfall and maintenance arrangements. The site constraints (including adjacent flood zone and the presence of other existing buildings and infrastructure) limit the feasibility of alternative options.
- 25.4.35 The following DCO documents set out the options assessments for the surface access works:
- **ES Chapter 3: Alternatives Considered** [\[APP-028\]](#) sets out the surface access options assessment summary for the South Terminal Roundabout works taking account of the surface access works as a whole (including the proposed attenuation pond). Paragraphs 3.6.170 to 3.6.177 focus on the South Terminal Roundabout works.
- 25.4.36 Further detail on the surface access works optioneering is set out in the following documents:
- **Autumn 2021 Scheme Development Report (which forms part of Consultation Report Appendices – Part B - Volume 16)** [\[APP-239\]](#); and

▪ **Summer 2022 Consultation Document (Consultation Report Appendices – Part C – Volume 1) [APP-243].**

- 25.4.37 The pond location was set out in the Autumn 2021 and Summer 2022 Public Consultation materials as summarised above.
- 25.4.38 The pond was located in an area designated as open space in SCC's development masterplan materials available at the time the design was developed. The pond is proposed to be located near the outfall of existing pipes.
- 25.4.39 Storage for surface water drainage is required in accordance with LLFA policy. In terms of flood risk, the proposed pond forms part of the package of surface access drainage measures that would ensure no increase in flood risk as a result of these works as described in more detail in the **Flood Risk Assessment [REP6-052]** which also summarises alignment with relevant policy on flood topics.
- 25.4.40 Technical engagement with SCC & WSCC LLFA teams, the EA and NH through the development of the design included discussions of options for attenuation type options (e.g. tanks vs ponds) and outfall options. The LLFAs and NH preference was to implement open drainage attenuation solutions in accordance with relevant guidance, noting that ponds provide water quantity, amenity and biodiversity benefits. Underground tank solutions are not preferred by LLFAs, EA and NH for reasons which include increased maintenance complexity, lack of water quality benefits and lack of amenity/ecological benefits associated with below ground tanks. A tank that was included elsewhere in the early concept design proposals presented in the Autumn 2021 Consultation at Gatwick's Car Park Y south of A23 London Road was removed at the request of the LLFAs as part of design development. The scheme drainage attenuation proposals at South Terminal Roundabout are subject to technical approval by the relevant LLFAs and highway authorities (including National Highways) and the proposals have been developed to meet their requirements.
- 25.4.41 Pond location option discussions with SCCaL have included discussions of an alternative location in the northwest corner of the Bayhorne Farm site (approx. 300m southeast of Victoria Road Rail Bridge). This alternative pond location is in Flood Zone 2 associated with Haroldslea Stream and is also in an area of surface water flooding in relation to rainfall events. In line with previous technical engagement with SCC's LLFA team and NH (as future asset owner), such locations are not considered to be practicable and the distance from the highway works would also pose numerous issues in relation to conveying runoff to and from the pond whilst seeking to maintain the same outfall as existing.

25.4.42 The scheme limits of deviation (illustrated in the **Parameter Plans – Surface Access Highways – APFP Regulations 5(2)(j) – Sheet 2** [\[REP7-020\]](#)) offer a limited degree of flexibility to refine the footprint of the pond. The detailed design of the pond will be developed in consultation with SCC (including their LLFA team) and NH with due consideration of relevant technical approval processes, relevant standards and guidance, safety and environmental considerations.

[Horely Estates Limited, Britannia Hotels Limited, Dbm Limited and David Jonathan Smith and Walnut Gardens Limited](#)

25.4.43 As has been shown throughout the versions of the **Land Rights Tracker** [\[REP7-065\]](#) that have been submitted to the examination the Applicant has been unable engage meaningfully with these parties despite numerous attempts to reach out. The Applicant will continue to seek agreement with these landowners following the close of the Examination.

26 The Draft Development Consent Order, Section 106 Obligations and Control Documents

26.1. Introduction

- 26.1.1 As the examination has progressed, the Applicant has responded to comments of Interested Parties, as well as to questions and suggestions raised by the ExA, in developing drafts of the DCO, section 106 obligations and control documents. It is not necessary to refer to each of the submissions made by the Applicant in response to these matters, because as is a normal feature of the examination process, many aspects of earlier submissions relate to issues which have been resolved through further discussions or drafting changes, or where the Applicant needed greater clarity and specificity in what was being suggested.
- 26.1.2 However, to assist the ExA and the Secretary of State, and demonstrate the willingness of the Applicant to consider comments on the draft DCO, the main changes that have been made to the draft are summarised below, before outstanding issues are addressed in tabular form. The Applicant's response to the ExA's suggested amendments to the draft are considered in a separate table.
- 26.1.3 The section 106 agreement has been the subject of extensive discussions with the JLAs and the Agreed Section 106 Agreement together with a s106 Explanatory Memorandum have been submitted at this Deadline 9.
- 26.1.4 The approach to control documents and subsequent approvals is set out in paragraphs 5.5.12-5.5.18 of the **Planning Statement** [\[APP-245\]](#). The Applicant has also prepared a Control Document Signposting Table in section 25.6 below which confirms the proposed approach to what it has identified as 3 levels of control documents. Level 1 control documents are those which are intended to be finalised at the end of the DCO Examination, certified as part of the DCO and fixed. Level 2 control documents are documents to be drafted and approved by an external body once the DCO has been granted. Level 3 control documents are those prepared by contractors for approval by GAL and are a means of GAL ensuring that the controls are complied with through implementation. The DCO and the section 106 agreement are the two main control documents, however the signposting exercise sets out further detail on the level which applies to each document and the mechanism by which it is secured, along with any relevant consultees.
- 26.1.5 The Applicant has worked extensively with stakeholders responding to comments on the control documents provided through the examination and through specific

conversations between technical experts. The Applicant considers that it has addressed all comments raised by stakeholders on the drafting of the control documents. The latest position on control documents is set out below.

- 26.1.6 It should be noted that some of the debate on the draft DCO and the control documents in particular relates to matters of principle which have been more appropriately addressed earlier in these submissions. These include the JLAs' contention that what they refer to as "Environmentally Management Growth" should be imposed through requirements of the DCO, which the Applicant strongly resists for reasons that are set out above. Any comments that are set out below in relation to specific provisions of the draft DCO (or the section 106 obligations and control document) should be read taking into account to the Applicant's overall position on the topic to which they relate.

26.2. Draft DCO

Applicant's approach

- 26.2.1 The Applicant has throughout the examination considered the extensive comments on the draft DCO from Interested Parties and has sought to refine and develop the drafting and controls provided in the DCO to address concerns. Many comments have been raised by the JLAs and the Applicant has engaged in a series of bilateral discussions aimed at better understanding the JLAs' position on provisions subject to comments and explaining the Applicant's position where this differs. The Applicant has adopted many of the JLAs' drafting proposals and where the Applicant has been unable to accept the precise wording proposed by the JLAs due to this being unduly broad or onerous or without precedent, the Applicant has provided alternative drafting aimed at addressing the JLAs' underlying concerns..
- 26.2.2 In considering amendments suggested by the JLAs and latterly the ExA, the Applicant has remained mindful of Government policy in *Getting Great Britain building again: Speeding up infrastructure delivery* (November 2023), which states that "*the delivery of big infrastructure projects in our country could be much better. It is too slow. Too bureaucratic. Too uncertain.*" It goes on to note that "*the system responds with more process, but longer processes are not leading to better outcomes. All these factors detract from the focus we need on delivery. We need to speed up every part of the process, ... and hardwire a focus on delivery into every part of the system.*" The Applicant has therefore resisted additional measures and constraints where these add unnecessary or disproportionate delay, cost or administrative processes.

26.2.3 The Applicant has also had regard to Government guidance in *Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects* (April 2024) which reiterates that requirements should be "*precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects*" (paragraph 17).⁶⁶⁴ The Applicant has adopted several new requirements during the examination to address points raised by the JLAs and ExA but where new requirements, or drafting changes to requirements, have been resisted it has been on the basis that they are not in accordance with this guidance.

26.2.4 The Applicant has also pursued the approach to precedent drafting set out in the same guidance, that "*Where the principle of the provision is well established, the detailed drafting should follow the relevant Government Department's preferred drafting unless there are particular circumstances arising from the nature of the specific NSIP*" (paragraph 19). Several of the drafting changes proposed by the JLAs (and some latterly supported by the ExA) during the examination depart from drafting that is well-precedented in made transport DCOs without sound justification and the Applicant has in such cases sought to retain its preferred standard drafting.

Key changes made throughout the examination

26.2.5 The above general context is not to understate the extent to which comments from Interested Parties have been accommodated in the draft DCO. The following are a selection of the changes that the Applicant has made as a result of JLA comments throughout the examination, with all changes documented in the **Draft Development Consent Order – Schedule of Changes** (Doc Ref. 2.1). These changes relate only to the draft DCO itself but were implemented alongside changes to other control documents (including the Code of Construction Practice and Design Principles) which also sought to resolve JLA concerns.

26.2.6 **Article 6 (limits of works)** – the limits of deviation for the surface access works were agreed to be adjusted following bilateral discussions with National Highways.

26.2.7 **Article 9(4) (planning permission)** – in response to comments from the JLAs regarding concern at the JLAs not being aware of planning conditions to which the incompatibility provision in article 9(4) applies, the Applicant added an obligation on the undertaker to notify the relevant

⁶⁶⁴ Similar guidance is offered in the Airports National Policy Statement (June 2018).

planning authority when it identifies an incompatibility between an existing planning condition and the Order that engages the provision.

- 26.2.8 **Article 9(5) (planning permission) (now article 9(6))** – in response to the JLAs' concern that the undertaker may exercise its permitted development rights to build on certain areas within the Order limits post-consent, including to provide car parking, the Applicant conceded restrictions on its permitted development rights over the areas identified as of particular concern to the JLAs, being a full disapplication of permitted development rights in respect of Museum Field and the site of Work No. 43 (water treatment works). This concession also now needs to be viewed in the light of the car parking cap that the Applicant has added as requirement 37 (car parking spaces), as amended at Deadline 9.
- 26.2.9 Given the lack of precedent advanced for the disapplication of an entity's permitted development rights in a DCO and the importance the Applicant places on its permitted development rights (relying upon permitted development rights for the vast majority of its airport development), this represents a significant concession to address JLA concerns.
- 26.2.10 **Article 10 (application of the 1991 Act)** – following discussions with the local highway authorities, the Applicant has accepted the application of the Surrey and West Sussex permit schemes and lane rental schemes for local highway works.
- 26.2.11 **Article 25 (felling or lopping of trees and removal of hedgerows)** – several additional safeguards have been added as this article has been refined throughout the examination, including the largely unprecedented obligation to carry out works in accordance with British Standard: 3998:2010 (Tree work) for any relevant works.
- 26.2.12 **Article 31 (time limit for exercise of authority to acquire land compulsorily)** – the Applicant set out in its prior submissions the robust justification for its inclusion of a period of 10 years from the 'start date' (as defined) within which to exercise its compulsory acquisition powers. However, to reach agreement with the JLAs on this point it has conceded a period of 7 years from the 'start date'.
- 26.2.13 **Article 40 (special category land)** – the Applicant has refined its approach to the acquisition of open space and provision of appropriate replacement open space several times throughout the examination to

accommodate the (shifting) view of the JLAs as to their desired ownership and management of the replacement open space. The Applicant has now accepted the responsibility of management of all replacement open space.

- 26.2.14 **Subsequent approvals** – the Applicant has conceded a subsequent consent/approval/consultation by a relevant local authority in respect of a number of articles (e.g. street authority – article 13 (stopping up of streets), article 14 (temporary closure of streets), article 16 (access to works) and traffic authority – article 18 (traffic regulations)) to accommodate JLA requests.
- 26.2.15 **Notification obligations** – a series of additional notification obligations have been provided for in e.g. article 8 (consent to transfer benefit of Order) and requirement 3 (time limit and notifications) at the request of the JLAs.
- 26.2.16 **Deeming provisions** – despite the Applicant's drafting on approvals/consent - namely (i) requiring that approvals not be "unreasonably withheld or delayed" and (ii) providing for deemed consent after 56 days of non-response - being supported by a wealth of precedent in made DCOs and being *more generous* to approving authorities than a large quantity of that precedent (providing for deemed consent after 56 days rather than 28), the Applicant made a further concession at Deadline 7 by removing the reference to consent being unreasonably delayed, to enable agreement to be reached with the JLAs on this drafting.
- 26.2.17 **Requirement 2 (phasing scheme)** – the Applicant added this bespoke requirement at Deadline 6 to ensure that the JLAs are reassured that they will receive sufficient information on the anticipated sequencing of requirement discharge applications coming forward and the anticipated timing of works throughout the construction period. The Applicant has refined this requirement following further comments from the JLAs.
- 26.2.18 **Requirement 4 (detailed design)** – whilst the Applicant and JLAs continue to disagree about the extent of works included as 'listed works' in Schedule 12 that are subject to detailed design approval, the Applicant has refined the structure and operation of requirement 4 and the level of specificity of information to be submitted to the JLAs in connection with detailed design consultation and approval. This includes making specific

arrangement for Mole Valley DC to be the discharging authority for Work No. 40(a) (pedestrian footbridge over the River Mole) following a specific request.

- 26.2.19 **Requirement 19 (airport operations)** – the Applicant has bolstered the controls and specificity of drafting in requirement 19 following comments from the JLAs and has adopted the JLAs' favoured metric of aircraft movements in lieu of air transport movements.
- 26.2.20 **Requirement 37 (car parking spaces)** – notwithstanding the detailed regime set out in the **Surface Access Commitments** [[REP8-052](#)], the Applicant has additionally committed to a cap on car parking spaces within the Order limits.
- 26.2.21 **New requirements** – the Applicant has added new requirements throughout the examination to address specific comments raised by Interested Parties including the JLAs, National Highways and Thames Water – see e.g. requirement 31 (construction sequencing), requirement 33 (North and South Terminal roundabouts BAU improvement scheme), requirement 34 (office occupier), requirement 36 (Thames Water phasing plan) and requirement 39 (tree balance statement).
- 26.2.22 **Discharging authorities** – the Applicant has incorporated all of the JLAs' requests as regards which entities should discharge or be consulted on particular requirements. This is despite the JLAs' requests on more than one occasion changing between deadlines, necessitating multiple successive revisions to requirements to reflect this.
- 26.2.23 **Schedule 13 (maximum parameter heights)** – despite the Applicant's view that a schedule of parameter heights would be duplicative of the carefully considered and precisely drawn **Parameter Plans** [[REP7-020](#)] that are secured in article 6 (limits of works), it has included an informative schedule in the dDCO to ensure that maximum heights are easily viewable on the face of the Order, to address JLA comments requesting this.

Outstanding areas of disagreement

- 26.2.24 As above, the Applicant has resolved the majority of comments raised by the JLAs and other Interested Parties regarding the draft DCO during the examination through the amendments it has made. To the extent that disagreement remains, the Applicant's position is set out below. In the

majority of cases the Applicant has already set out its position in submissions, which remains unchanged, and the Applicant has therefore provided a cross-reference to that submission rather than repeating material here.

- 26.2.25 It should be noted that where the JLAs' proposed drafting was adopted in the ExA's **Proposed Schedule of Changes to the draft DCO** [\[PD-028\]](#) but the Applicant continues to object to its inclusion in the draft DCO, the Applicant has explained its position in its **Response to the ExA's Proposed Schedule of Changes to the Draft DCO** (Doc Ref. 10.72). The Applicant has not repeated this material in this document.

Provision	Interested Party's position	Applicant's position
<p>JLAs (<i>JLA position is as set out in their Consolidated Submissions on the draft Development Consent Order [REP8-163] unless otherwise stated</i>)</p>		
<p>Article 2(1) (interpretation) – "commence"</p>	<p>The JLAs previously requested either the deletion of limbs (k), (m), (n) and (o) from the definition of "commence" or a new requirement for prior local planning authority approval before such activities were carried out, though the Applicant is unclear whether they were maintaining that position at Deadline 8.</p>	<p>The Applicant resists either of the JLAs' suggestions for the reasons set out in Appendix A to the Applicant's Response to Deadline 7 Submissions [REP8-116].</p> <p>In the JLAs' most recent comments in their SoCGs, they indicated that the changes made by the Applicant to the Code of Construction Practice [REP8-024] at Deadline 8 had largely resolved their concerns and that, provided this was supplemented in the manner set out by the JLAs, they would be content with the definition of "commence".</p> <p>The Applicant made further changes to the CoCP at Deadline 9 (see paragraphs 4.5.10, 4.5.11, 4.5.12 and 5.8.3) to address these comments and hopes that this difference is now resolved. However, given the JLAs have not had a chance to respond to those changes, the point is addressed in these Closing Submissions.</p>

Provision	Interested Party's position	Applicant's position
Article 9(4) (planning permission)	The JLAs proposed two alternative forms of amendment to article 9(4) in their Deadline 8 submissions and their 'Alternative A' was proposed by the ExA in its Proposed Schedule of Changes to the draft DCO [PD-028].	The Applicant resists either of the proposed amendments for the reasons set out in its Response to the ExA's Proposed Schedule of Changes to the Draft DCO (Doc Ref. 10.72).
Article 9(7) (planning permission)	The JLAs previously requested additional drafting be added to the disapplication of permitted development rights in what is now numbered article 9(7). However, at Deadline 8 the JLAs confirmed that they would be open to an alternative proposal from the Applicant that would achieve the same objective – e.g. a parking cap that is capable of enduring for the lifetime of operation and that would capture parking delivered under permitted development rights – see their Post-Hearing Submissions from ISH 9 [REP8-165].	<p>The Applicant added requirement 37 (car parking spaces) at Deadline 8 on which it expects the JLAs will respond at Deadline 9.</p> <p>The ExA's proposals (in the form of proposed amendments to requirement 37 and a new requirement R1 (removal of permitted development rights relating to the provision of additional car parking)) are responded to in the Applicant's Response to the ExA's Proposed Schedule of Changes to the Draft DCO (Doc Ref. 10.72) and the Applicant hopes to have addressed both the JLAs' and ExA's concerns through its further amendments to requirement 37 (car parking spaces) at Deadline 9.</p>
Article 11 (street works)	The JLAs previously requested that a schedule of streets be referred to in article 11 and latterly in their Deadline 8 submissions that the exercise of	The Applicant resists the proposed amendment for the reasons set out in its Response to the ExA's Proposed Schedule of Changes to the Draft DCO (Doc Ref. 10.72).

Provision	Interested Party's position	Applicant's position
	<p>article 11 be made subject to prior street authority consent.</p> <p>The ExA adopted the proposal for prior street authority consent in its Proposed Schedule of Changes to the draft DCO [PD-028].</p>	
<p>Article 25 (felling or lopping of trees and removal of hedgerows)</p>	<p>The JLAs propose that the article 25 power be limited by reference to a new hedgerow plan in their Consolidated Submissions on the draft Development Consent Order [REP8-163].</p> <p>The ExA has proposed that the power be limited by reference to the tree removal schedules contained within the tree survey report and arboricultural impact assessment in its Proposed Schedule of Changes to the draft DCO [PD-028].</p>	<p>The Applicant's position is set out in its Response to the ExA's Proposed Schedule of Changes to the Draft DCO (Doc Ref. 10.72). The JLAs'/ExA's proposal has been materially incorporated into the draft DCO at Deadline 9.</p>
<p>Article 49 (defence to proceedings in respect of statutory nuisance)</p>	<p>The JLAs propose amendments to article 49 to remove the majority of the cited nuisances in paragraph (1) and remove reference to "operation".</p> <p>The ExA proposes the removal of some of the</p>	<p>The Applicant has largely adopted the ExA's proposals, as explained in its Response to the ExA's Proposed Schedule of Changes to the Draft dDCO (Doc Ref. 10.72).</p> <p>The Applicant resists the deletion of any further grounds of nuisance from article 49.</p>

Provision	Interested Party's position	Applicant's position
	<p>cited nuisances and also the removal of reference to "operation" in its Proposed Schedule of Changes to the draft DCO [PD-028].</p>	<p>Without prejudice to its primary position⁶⁶⁵ that any form of nuisance proceedings in respect of paragraphs not included in article 49 would nonetheless benefit from the general statutory authority / defence in section 158 of the Planning Act 2008, it is vital to remove any hindrance to the delivery of the Project – it being a nationally significant infrastructure project – caused by potential statutory nuisance proceedings for acts that cannot reasonably be avoided as part of the construction, maintenance or use of the authorised development. That accords with the intention of section 158 of the Planning Act 2008 and the well-precedented drafting in respect of statutory nuisance that is included as standard in made transport DCOs, as described in the Applicant's Response to the ExA's Proposed Schedule of Changes to the Draft dDCO (Doc Ref. 10.72).</p>
<p>Schedule 1 (authorised development)</p>	<p>The JLAs proposed additions to Work Nos. 22, 28, 30, 31, 32, 33 to specify a maximum number of car parking spaces.</p>	<p>The Applicant considers that requirement 37 (car parking spaces), added at Deadline 8 and supplemented at Deadline 9, supersedes the need for individual work numbers to specify a number of spaces.</p> <p>With an overall parking cap for the airport, there is no justification for prescribing where those spaces are delivered, given the existing spatial constraints on the works comprising the authorised development by virtue of article 6 (limits of works) of the draft DCO (Doc Ref. 2.1), the Works Plans (Doc Ref. 4.5) and Parameter Plans (Doc Ref. 4.7).</p>

⁶⁶⁵ See Appendix A to the Applicant's Response to Deadline 7 Submissions [[REP8-116](#)].

Provision	Interested Party's position	Applicant's position
Schedule 1 (authorised development) – Work No. 28	The JLAs propose that a maximum floor space for the office comprising Work No. 28(b) is included in the work description.	The Applicant resists this amendment for the reasons provided in Appendix A to the Applicant's Response to Deadline 7 Submissions [REP8-116] .
Schedule 1 (authorised development) – Work No. 29	The JLAs propose that a maximum number of bedrooms for the converted hotel comprising Work No. 29 is included in the work description.	The Applicant resists this amendment for the reasons provided in Appendix A to the Applicant's Response to Deadline 7 Submissions [REP8-116] .
Schedule 1 (authorised development) – Work No. 38	The JLAs propose to specify a maximum height for the landscaping bund in the work description.	The Applicant has instead incorporated this height into the Design Principles, as explained in Appendix A to the Applicant's Response to Deadline 7 Submissions [REP8-116] .
Schedule 1 (authorised development) – Work No. 41	The JLAs propose additional drafting for this work description. The ExA in its Proposed Schedule of Changes to the draft DCO [PD-028] has adopted the JLAs' proposal.	The Applicant has revised the wording of Work No. 41 taking account of the ExA's and JLAs' recommended wording. To the extent that the Applicant's wording differs slightly, this is explained in the Applicant's Response to the ExA's Proposed Schedule of Changes to the Draft DCO (Doc Ref. 10.72).
Schedule 1 (authorised development) – Work No. 44	The JLAs propose additional drafting for this work description. The ExA in its Proposed Schedule of Changes to the draft DCO [PD-028] has	The Applicant resists the proposed additional drafting for the reasons set out in its Response to the ExA's Proposed Schedule of Changes to the Draft DCO (Doc Ref. 10.72).

Provision	Interested Party's position	Applicant's position
	adopted the JLAs' proposal.	
Schedule 1 (authorised development) – new Work No. 45	<p>The JLAs propose that a new work be added for the construction of a pumping station east of the railway if Work No. 44 is not constructed.</p> <p>The ExA in its Proposed Schedule of Changes to the draft DCO [PD-028] also makes this proposal.</p>	The Applicant resists the proposed additional drafting for the reasons set out in its Response to the ExA's Proposed Schedule of Changes to the Draft DCO (Doc Ref. 10.72).
Schedule 1 (authorised development) – additional works	The JLAs proposed that construction compounds should be added to Schedule 1 as numbered works.	The Applicant resists this inclusion for the reasons provided in Appendix A to the Applicant's Response to Deadline 7 Submissions [REP8-116] .
Requirement 2 (phasing scheme)	The JLAs have proposed additional drafting for requirement 2 (formerly numbered 2A) and the ExA has adopted this proposal in its Proposed Schedule of Changes to the draft DCO [PD-028] .	The Applicant has adopted part of the ExA's proposed drafting but resists the remainder of the ExA's (and thereby the JLAs') proposed additional drafting for the reasons set out in its Response to the ExA's Proposed Schedule of Changes to the Draft DCO (Doc Ref. 10.72).
Requirement 3 (time limits and notifications)	The JLAs propose that the time periods for prior notification be extended from 28 days to 42 days.	The Applicant maintains the position set out in section 8.2 of its Response to Deadline 6 Submissions [REP7-095] as regards the appropriate time periods for this requirement.
Requirements 15 (air noise envelope), 16	The JLAs proposed amendments to provide for local authority	The Applicant has provided a comprehensive response on the air noise envelope in Annex A to its Response to

Provision	Interested Party's position	Applicant's position
(air noise envelope reviews) and 17 (verification of air noise monitoring equipment)	involvement in the process, prescribing how the independent air noise review exercises its functions.	<p>the ExA's Proposed Schedule of Changes to the Draft DCO (Doc Ref. 10.72).</p> <p>The Applicant also responded to the JLAs' specific proposed amendments to the Applicant's air noise envelope requirements in Appendix A to the Applicant's Response to Deadline 7 Submissions [REP8-116].</p>
Requirement 19 (noise insulation scheme)	The JLAs supported and suggested amendments to the ExA's proposed replacement requirement for requirement 19.	The Applicant has provided a comprehensive response on the noise insulation scheme in Annex A to its Response to the ExA's Proposed Schedule of Changes to the Draft DCO (Doc Ref. 10.72).
Requirement 32 (western noise mitigation bund)	<p>The JLAs have proposed additional drafting to provide for a scheme to be agreed in writing by CBC to ensure implementation of noise mitigation of no less efficiency than the existing western noise bund during the construction period.</p> <p>The ExA has adopted this drafting in its Proposed Schedule of Changes to the draft DCO [PD-028].</p>	The Applicant resists the proposed additional drafting for the reasons set out in its Response to the ExA's Proposed Schedule of Changes to the Draft DCO (Doc Ref. 10.72).
Schedule 11 (procedures for approvals, consents and appeals)	The JLAs propose that discharging authorities be afforded a decision period of 13 weeks or 9 weeks (instead of the standard 8 weeks or 6	The Applicant resists the proposed additional drafting for the reasons set out in its Response to the ExA's Proposed Schedule of Changes to the Draft DCO (Doc Ref. 10.72).

Provision	Interested Party's position	Applicant's position
	<p>weeks) where requirement discharge applications relate to certain defined 'major works'.</p> <p>The ExA adopted this proposal in its Proposed Schedule of Changes to the draft DCO [PD-028].</p>	
<p>Schedule 12 (non-highway works for which detailed design approval is required)</p>	<p>The JLAs propose that a significant number of works, including many of the airfield works and airport support facilities, be included as 'listed works' in Schedule 12.</p> <p>The ExA proposed in its Proposed Schedule of Changes to the draft DCO [PD-028] that a narrower selection of works be added to this Schedule.</p>	<p>The Applicant has responded to the ExA's proposals in its Response to the ExA's Proposed Schedule of Changes to the Draft DCO (Doc Ref. 10.72). In summary, the Applicant has adopted the ExA's proposed additions to Schedule 12.</p> <p>The Applicant's reasons for resisting the addition of the other works proposed to be added by the JLAs is set out in its Response to Deadline 6 Submissions – Appendix A – Response on Design Matters [REP7-096] (e-page 27 down).</p>
<p>Requirement 35 (odour monitoring and management plan)</p>	<p>The JLAs proposed a form of odour management and monitoring plan requirement and a version of this was then proposed by the ExA in its Proposed Schedule of Changes to the draft DCO [PD-028].</p>	<p>The Applicant has already added requirement 35 to the draft DCO which obliges the Applicant to comply with the Odour Monitoring and Management Plan (Doc Ref. 10.57) that it has submitted into the examination. In response to this comment however, the Applicant has updated the Odour Monitoring and Management Plan (Doc Ref. 10.57) to explicitly refer to Horely.</p> <p>The Applicant does not consider that a more prescriptive requirement is necessary, particularly in circumstances where the Applicant's ES has not identified</p>

Provision	Interested Party's position	Applicant's position
		any likely significant effects on air quality – see further the Applicant's Written Summary of Oral Submissions – ISH 9 Mitigation [REP8-106] and Response to the ExA's Proposed Schedule of Changes to the Draft DCO (Doc Ref. 10.72).
New requirement (ultrafine particles)	The JLAs indicated that they considered a requirement may be necessary but have not to date provided any proposed drafting, with their latest update at Deadline 8 being that <i>“The Authorities have no update at this time on this matter.”</i>	The Applicant's position is that such a requirement is unnecessary as set out in response to Action Point 17 in the Applicant's Response to Actions ISH7: Other Environmental Matters [REP4-037] ; nonetheless the Applicant has agreed to a contribution towards a UFP study in the Section 106 Agreement. As explained in the Joint Position Statement between GAL and the JLAs (Doc Ref. 10.82), the parties agree that this matter is now resolved.
New requirement (ground noise management plan)	The JLAs proposed drafting for a ground noise management plan requirement for the first time at Deadline 8.	The Applicant resists this inclusion for the reasons provided in Appendix A to the Applicant's Response to Deadline 7 Submissions [REP8-116] .
New requirement (aviation noise attitudes survey)	The JLAs proposed a new requirement for an airport-specific survey akin to the methodology for the existing Aviation Noise Attitudes Study.	The Applicant resists this inclusion for the reasons provided in Appendix A to the Applicant's Response to Deadline 7 Submissions [REP8-116] . Not only is this not necessary, ICCAN made a recommendation that DfT has responded to by commissioning two national surveys that include Gatwick; the Aircraft Night Noise Effects (ANNE) study led by St George's University of London and the Aviation Noise Attitudes Survey (ANAS) led by the CAA and which Gatwick is directly supporting through the provision of noise data. These are major studies

Provision	Interested Party's position	Applicant's position
		into the effects of aircraft noise during the day and at night that are rightly being managed by Government to inform policy.
New requirement (night time noise cap)	The JLAs proposed a new requirement (with specific proposed drafting provided for the first time at Deadline 8) to impose a limit on aircraft movements between the hours of 23:30 – 06:00 in addition to the existing statutory restrictions.	<p>The Applicant resists this inclusion for the reasons provided in Appendix A to the Applicant's Response to Deadline 7 Submissions [REP8-116]. As in that document, it is inappropriate and unnecessary to duplicate existing statutory / regulatory regimes through requirements in a DCO. The planning process must proceed on the basis that existing statutory regimes will function effectively.</p> <p>For further information on the DfT night flight regime that the JLAs' proposed requirement duplicates, please see paragraphs 3.1.16 onwards of the Applicant's Written Summary of Oral Submissions from Issue Specific Hearing 2: Control Documents / DCO [REP1-057].</p>
New requirement (noise action plan)	The JLAs propose the inclusion of a new requirement (with specific proposed drafting provided for the first time at Deadline 8) in relation to airport's Noise Action Plan, which is a regulatory requirement under the Environmental Noise (England) Regulations 2006.	The Applicant resists this inclusion for the reasons provided in Appendix A to the Applicant's Response to Deadline 7 Submissions [REP8-116] . In the same manner as above, it is inappropriate and unnecessary to duplicate existing statutory / regulatory regimes and there is already such a regime that requires the Applicant to produce Noise Action Plans.
New requirement	The JLAs have proposed a new requirement related to provision of a certain	The Applicant added new requirement 39 (tree balance statement) to the draft DCO [REP8-005] at Deadline 8 and has amended the Outline Landscape and

Provision	Interested Party's position	Applicant's position
(tree replacement)	<p>number of trees or otherwise the payment of a mitigation contribution.</p> <p>The ExA did not adopt this proposal in its Proposed Schedule of Changes to the draft DCO [PD-028] but did suggest that the Applicant update the Outline Landscape and Ecology Management Plan to require explanation of how CBC Policy CH6 is taken into account.</p>	<p>Ecology Management Plan (Doc Ref. 5.3) at Deadline 9 in light of the ExA's proposal. The Applicant considers that these amendments address the JLAs' concern.</p>
New requirement (hotel parking)	<p>The JLAs proposed a new requirement to limit parking at the hotels comprising Work Nos. 26, 27 and 28 to only disabled staff and visitors and maintenance and serving vehicles.</p>	<p>The Applicant considers that any need perceived by the JLAs for this requirement has been superseded by the Applicant's requirement 37 (car parking spaces), added to the draft DCO at Deadline 8. As above, with an overall parking cap for the airport, there is no justification for prescribing where those spaces are delivered, given the existing spatial constraints on the works comprising the authorised development by virtue of article 6 (limits of works) of the draft DCO, the Works Plans (Doc Ref. 4.5) and Parameter Plans (Doc Ref. 4.7).</p>
New requirement (fixed plant noise management plan)	<p>The JLAs proposed a new requirement for the first time at Deadline 8 to require a fixed plant noise management plan to be submitted to and approved by CBC prior to commencement of</p>	<p>The assessment of noise from fixed plant in the ES identifies the main facilities that will have noise emitting plant, the separation distances to the closest assessment location to each fixed plant location and the derived noise limits for the relevant assessment area (ES Appendix</p>

Provision	Interested Party's position	Applicant's position
	the authorised development.	<p>14.9.3: Ground Noise Modelling [APP-173]).</p> <p>N2 in the Design Principles [REP8-090] provides that: <i>"Plant associated with new facilities should be designed with noise attenuation where necessary to avoid noise disturbance to noise-sensitive uses on and off-site, in particular with reference to BS4142 for off-site receptors."</i></p> <p>Requirement 4 (detailed design) of the draft DCO secures that all works are designed and carried out in accordance with the Design Principles. Fixed plant must therefore be designed to ensure that it avoids noise disturbance to noise sensitive receptors, having regard to the relevant British Standard methodology for assessing the impact of such plant noise. This is a sufficient securing mechanism and the JLAs' requirement is overcomplicated and thereby unnecessary and unjustified.</p> <p>The JLAs' proposed requirement in any event refers to the same British Standard and thus secures the same ultimate methodology, just within a requirement the drafting of which has much greater propensity to delay the construction timetable and introduce unnecessary administrative burden. The JLAs' requirement further includes statements on national noise policy, timing and exclusions that are obvious and not needed to be set out.</p>
New requirement (Wizad Plan)	The JLAs proposed a new requirement for the first time at Deadline 8 to require the submission of a plan to	The proposed new requirement for a WIZAD Plan is not accepted as it is not reasonable or necessary and would not, in

	<p>CBC for approval relating to the use of the WIZAD flight path and imposing limits on the hours during which this flight path can be used.</p>	<p>any case, be appropriate to secure under the DCO.</p> <p>The Applicant does not need, nor does it have any intention to request, an airspace change to redistribute traffic onto the WIZAD Standard Instrument Departure (SID). See further Chapter 4 (Needs and Benefits) of the Applicant's Closing Submissions (Doc Ref. 10.73) – paragraphs 4.5.1 - 4.5.12.</p> <p>As a reminder of context, the assumed increase in the usage of WIZAD is a reasonable worst-case scenario to assess environmental impacts and is not required to achieve the airfield throughput capacity generated under the Proposed Development, i.e it is not the result of ‘a decision by an airport and/or its Air Navigation Service Provider (ANSP) to redistribute air traffic from one SID to another...’. Note that the WIZAD SID is not a flight plannable route and would continue to be operated in accordance with the current published protocols as set out in the UK Aeronautical Information Publication (UK AIP). The Applicant has no plans to amend the protocols associated with the use of the WIZAD SID.</p> <p>The noise abatement procedures - including those that relate to the use of the WIZAD SID - set out in the UK AIP under section 78(1) of the Civil Aviation Act 1982 are deemed by the Secretary of State to be appropriate for the purpose of limiting, or of mitigating the effect of, noise and vibration connected with the taking off of aircraft from London Gatwick.</p> <p>Under the Transport Act 2000 the CAA has a general duty to maintain a high standard of safety in the provision of air traffic services.</p>
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Provision	Interested Party's position	Applicant's position
		<p>Under the same act the Government has issued a licence to NATS (En Route) plc (NERL) to provide en-route air traffic services in the UK. This includes provisions that require NERL to manage the flow of air traffic for the purpose of expediting and maintaining an orderly flow of air traffic.</p> <p>The DCO is not an appropriate mechanism to put in place airspace restrictions that have the potential to impact the ability of the ANSP to ensure the safe and efficient conduct of flight, in particular in relation to effective management of disruption or degradation of service due to events - such as adverse weather conditions - that impact the utilisation of the airspace.</p>
<p>New requirement (East Sussex Bus Service Scheme)</p>	<p>The JLAs proposed a new requirement for the first time at Deadline 8 relating to the submission of details for the East Sussex Bus Service Scheme prior to commencement of the authorised development.</p>	<p>The Applicant resists this inclusion of this new requirement for the reasons set out in section 8 of the Applicant's Response to Deadline 7 Submissions [REP8-115] and at point 2.20.4.1 in the Statement of Common Ground – GAL and East Sussex County Council [REP5-040].</p> <p>The Applicant is committing in the Surface Access Commitments (Doc Ref. 5.3) to provide funding for the bus and coach services identified and included in the modelling work or others which result in an equivalent level of public transport accessibility. There has been no evidence produced in this examination which demonstrates the services requested by East Sussex County Council are necessary to meet the mode share commitments and should be secured via requirement.</p> <p>The Applicant will continue to engage with bus operators, highway authorities and the</p>

Provision	Interested Party's position	Applicant's position
		<p>Transport Forum Steering Group to determine the services that will maximise the achievement of the committed mode shares. The Applicant considers that it is through this process that the routes and services requested by East Sussex County Council should be considered and the Applicant has amended the Surface Access Commitments (Doc Ref. 5.3) submitted at Deadline 9 to ensure there is express consideration of the service provision requested by East Sussex County Council in the Applicant's consideration of the optimum routes to achieve the mode share commitments.</p>
National Highways		
<p>Part 3 of Schedule 9 (protective provisions) – paragraph 18 (indemnity)</p>	<p>The Applicant and National Highways have agreed a Framework Agreement and, as part of that, the wording of the protective provisions in Part 3 of Schedule 9 of the draft DCO – with the exception of paragraph 18 (indemnity).</p> <p>Having been unable to reach agreement on this matter, the Applicant and National Highways have agreed that the wording of the indemnity in these protective provisions must fall to be determined by the Secretary of State having had regard to the</p>	<p>National Highways' position is that the Applicant must provide an uncapped indemnity to National Highways in the protective provisions for <i>"all costs, claims, expenses, damages, losses and liabilities suffered by National Highways arising from the construction, maintenance and use of the specified works or exercise of or failure to exercise any power under this Order... save for any loss arising out of or in consequence of any negligent act or default of National Highways."</i></p> <p>The Applicant considers that an uncapped indemnity, particularly one with the extremely broad scope of National Highways' proposed wording (covering <u>use</u> of the highway works post-completion and any exercise of a power under the Order) to be unduly burdensome and go beyond what is market standard practice in similar PFI/project finance schemes. The Applicant has proposed an indemnity cap of the higher of 30% of the cost of the</p>

Provision	Interested Party's position	Applicant's position
	<p>parties' respective submissions.</p> <p>The Applicant has had sight of an early draft of National Highways' submissions but awaits their final submissions at Deadline 9. The Applicant's submissions are set out in the right-hand column.</p>	<p>specified works (being works on the strategic road network or land owned by National Highways) or £100 million, which accords with the level of indemnity it would expect to obtain from an EPC contractor in the construction market.</p> <p>The indemnity cap sits alongside provisions that require the Applicant to procure a bond in favour of National Highways in the sum of 200% of the cost of the specified works (see paragraph 15 (security)), which provides significant additional security against any failure by the Applicant (for whatever reason) to complete the highway improvement works which form part of the Project and/or other damages and losses in respect of which the bond can be drawn down. This bond provides National Highways with assured recourse in the event that it suffers relevant loss, damages or expenditure and the Applicant considers that this should offer sufficient comfort alongside the additional (capped) indemnity that the Applicant is willing to provide.</p> <p>The Applicant is aware that National Highways in its closing submissions cites several energy DCO precedents in support of its proposed indemnity wording. The Applicant notes the Government guidance <i>Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects</i> (April 2024) which states that even precedented provisions must be justified in the circumstances of the DCO in question and that tailored provisions are acceptable where explained. The present Project evidently justifies a different approach to National Highways' cited precedents because here the Project</p>

Provision	Interested Party's position	Applicant's position
		<p>encompasses components that themselves meet the threshold for a highways DCO, that will be delivered through close collaboration with National Highways throughout and that will, following completion, be adopted and then operated by National Highways (alongside relevant local highway authorities).</p> <p>The Applicant therefore considers its proposed drafting to provide sufficient comfort to National Highways and be at least in accordance with, if not more generous than, construction market standard practice. The Applicant's drafting would cause no significant detriment to National Highways' undertaking.</p>
Thames Water Utilities Limited		
Part 6 of Schedule 9 (protective provisions)	<p>The Applicant and Thames Water Utilities Limited ("TWUL") have been in protracted negotiations on the form of bespoke protective provisions included in the draft DCO for the benefit of TWUL since this was suggested by the Applicant as a means of addressing TWUL's concerns on the drafting of several provisions in the draft DCO in May 2024. The dates of exchanges between the parties is set out in Compulsory Acquisition and Temporary Possession – Status</p>	<p>Bond</p> <p>TWUL's position is now that it requires the Applicant to provide a bond in TWUL's favour prior to commencing construction of any works on land in which TWUL has an interest or within 15 metres of TWUL's apparatus.</p> <p>This position was only adopted for the first time by TWUL on 30 July 2024, despite negotiations having proceeded on the protective provisions since 29 April 2024. No justification has been provided for this revised position other than that it is stated to be TWUL's standard position.</p> <p>The Applicant rejects any requirement for a bond to be provided on the basis that:</p> <p><u>(a) It is unnecessary and disproportionate</u></p>

Provision	Interested Party's position	Applicant's position
	<p>of Negotiations (Doc Ref. 10.71).</p> <p>Notwithstanding these negotiations, the parties have been unable to agree on two matters:</p> <p>(i) TWUL's request that the protective provisions require the Applicant to obtain a bond in TWUL's favour; and</p> <p>(ii) TWUL's refusal to accept any form of cap on the indemnity provided by the Applicant to TWUL under the provisions.</p> <p>It was only communicated on 21 August 2024 on behalf of TWUL that compromise wording proposed by the Applicant on these points was rejected. Pending receipt of further information and/or having reviewed TWUL's Deadline 9 submissions explaining its position on the protective provisions, the Applicant may be able to continue negotiations with TWUL prior to Deadline 10 and the end of the examination (or, failing that, the time of the Secretary of State's</p>	<p>TWUL's apparatus within the Order limits constitutes foul water pipes in the centre of the airfield, around the terminal buildings and within some of the highways. There is nothing unique or particular about this apparatus that justifies the request for a bond to be procured by the Applicant prior to commencing works near to that apparatus, and even less so the requirement for the bond to be in place prior to commencing works <i>on land in which TWUL has an interest</i> even where that is not near to TWUL's apparatus.</p> <p>As can be seen from the protective provisions in Part 1 of Schedule 9 (which are based on widely accepted standard DCO drafting), the protective provisions agreed with other statutory undertakers in the following Parts of that Schedule and the wealth of protective provision precedent in made DCOs, it is rare for a bond to be required to be provided to an undertaker such as a sewage undertaker in a DCO context. Bonds are only potentially justified where there is likely to be extensive and long-lasting interaction between the project in question and the undertaker's assets, such is the case for National Highways in the present Project (due to the extensive highway works), hence why a bond is considered justified in the protective provisions for National Highways' benefit in Part 3 of Schedule 9.</p> <p>Further, the purpose of a bond is to guarantee payment of sums otherwise due in circumstances where those sums cannot be recovered from the owing party. For projects which are proposed to be delivered by special purpose vehicles with limited financial covenant strength, a bond may be justified. However, this Project is to</p>

Provision	Interested Party's position	Applicant's position
	<p>decision). However, if negotiations cannot be further progressed, the above points may fall to be determined by the Secretary of State having had regard to the parties' respective submissions.</p> <p>The Applicant provides initial remarks in the right-hand column but reserves the right to supplement these once it has been informed of TWUL's detailed position.</p>	<p>be delivered by the airport operator itself, Gatwick Airport Limited, which has significant covenant strength (e.g. 2023 revenue of over £1bn). There is no feasible situation where TWUL will be unable to recover sums due to it from the Applicant and in which it would require recourse to a bond.</p> <p><u>(b) The wording proposed to date regarding a bond would not be implementable in practice</u></p> <p>Whilst the Applicant reserves its position pending receipt of TWUL's final proposed drafting for the protective provisions (which has not been submitted into the examination by TWUL to date), the wording that the Applicant has been provided did not specify (i) what the bond could be used for, by whom or when, (ii) for how long the bond needed to be maintained or (iii) when and how the bond could be released. Without this information any provision requiring a bond would be uncertain and therefore unimplementable.</p> <p>TWUL has also not expressed how the value of the bond would be calculated. The drafting provided to date tied the value of the bond to the cost of all works of removal or diversion of TWUL's apparatus or protective works for retained apparatus across the whole Project. However, the quantum of such works would not be known or quantifiable at the time the bond is proposed to be obtained – i.e. before the first of any work taking place near TWUL apparatus or on land in which TWUL has an interest. It will not be possible at the time the Applicant first undertakes work on the airfield for it to quantify the cost of <i>all potential</i> utility diversions for the whole</p>

		<p>Project (including the highway works not proposed to commence until into the next decade). This is clearly unworkable and thus any proposal for a bond on these terms must be rejected.</p> <p><u>(c) It is not standard practice for protective provisions to require the provision of a bond for an undertaker such as TWUL</u></p> <p>In addition to the general point made above that provision of a bond to an undertaker of this type is not standard in made DCOs, the Applicant has not identified any made DCO containing protective provisions for TWUL which provided for a bond. Both the Riverside Energy Park Order 2020 and M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 contained such protective provisions and did not make any provision for a bond. The Applicant has asked TWUL for other examples where TWUL has required a bond but has not, at the time of writing, been provided with any such examples.</p> <p>Indemnity cap</p> <p>TWUL wishes for the indemnity included in the protective provisions to be open-ended. The Applicant resists this for the general reasons set out above in respect of the National Highways protective provisions.</p> <p>Here, the nature of the statutory undertaking only emphasises the lack of justification for an uncapped indemnity. As above, TWUL's apparatus within the Order limits is limited to foul water pipes and it is not anticipated that significant loss could be caused by interaction between the Project works and that apparatus. Therefore, the Applicant's proposed cap of £15 million is considered justified and sufficient. An uncapped indemnity presents</p>
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Provision	Interested Party's position	Applicant's position
		<p>difficulties to the Applicant in terms of its corporate risk and insurance requirements.</p> <p>The above position notwithstanding, a call was held at 16:30 on 21 August 2024 immediately prior to the time of writing which leads the Applicant to believe that wording may be able to be agreed with TWUL prior to Deadline 10 on the wording of the indemnity and the Applicant will update the ExA and/or SoS in due course if this is the case.</p>

26.3. Section 106 Agreement

- 26.3.1 After extensive negotiations, the **Section 106 Agreement** (Doc Ref 10.11) was agreed between GAL and the Councils shortly before Deadline 9. The **Joint Position Statement between GAL and JLA** (Doc Ref. 10.82) sets out the parties' joint position on the effect of the Section 106 Agreement on resolving many of the issues that have been raised in submissions by the JLAs in the Examination to date.
- 26.3.2 The **s106 Explanatory Memorandum** (Doc Ref. 10.54) provides a summary of the obligations within the Section 106 Agreement and how they satisfy the relevant legal and policy tests. Many of the commitments are considered by the Applicant to be enhancements to the Project rather than mitigation which is required to make the development acceptable in planning terms. This has been explained for the various provisions within the s106 Explanatory Memorandum. Where contributions/ funds have been committed to at a specified financial value the Applicant has explained the basis for that value.
- 26.3.3 The Applicant and the JLAs have spent a considerable amount of time and effort discussing the content of the Section 106 Agreement as well as the drafting itself. The agreed Section 106 Agreement is a significant milestone in the relationship between GAL and the JLAs and should be recognised as such.

26.4. Approach to Control documents

- 26.4.1 The Environmental Statement identified the measures that are required to make the development acceptable in planning terms and these have been legally secured through either the draft DCO or the Section 106 Agreement. The **Mitigation Route Map** [REP8-020] collates all of these measures from the ES chapters and demonstrates that all necessary controls, mitigation and commitments of enhancement have been identified and secured.
- 26.4.2 In response to a request from the Examining Authority's EXQ2 DCO.2.24 [PD-021], the Applicant also prepared a **Register of Environmental Actions and Commitments** [REP8-121]. The REAC built upon the Mitigation Route Map and provides further detail of the environmental commitments and actions secured as taken directly from the control documents themselves.
- 26.4.3 In addition to the commitments which are explicitly on the face of the draft DCO or Section 106 Agreement, there are a series of "control documents" which are secured through direct commitments under the draft DCO and Section 106 Agreement. The control documents contain more detailed commitments and provide context to the commitments so that they can be properly understood and applied to the circumstances to which they apply.

Structure of control documents

- 26.4.4 There are 3 levels of control documents. Level 1 control documents are those which are intended to be finalised at the end of the DCO Examination, certified as part of the DCO and are fixed. Level 2 control documents are documents to be drafted and approved by an external body once the DCO has been granted. Level 3 control documents are those prepared by contractors for approval by GAL and are a means of GAL ensuring that the controls are complied with through implementation.
- 26.4.5 The principles behind the consenting strategy are set out in the **Planning Statement** [APP-245]. The **DCO Explanatory Memorandum** (Doc Ref. 2.2) and **Section 106 Explanatory Memorandum** (Doc Ref. 10.54) explain the obligations and the consenting approach that has been taken. The **Mitigation Route Map** [REP8-020] sets out in full the commitments which are required to mitigate the impacts identified in the Environmental Statement and where these are secured.

Other consents, licences and agreements

- 26.4.6 Beyond the DCO there are other consents and licences which are required before works can start on site and which need to be complied with through construction and operation as appropriate. The majority of these are listed in the **List of other Consents, Licences and Agreements** (Doc Ref 5.3) and include protected species licences, permits for water, waste and noise activities and health and safety notifications.
- 26.4.7 GAL has/will enter into various agreements with other bodies which put obligations/controls on the Project which may include agreements with utilities companies and local highway authorities.

Level 1: Control Documents (Strategies and Plans Secured by the DCO and s106 Agreement)

- 26.4.8 The Level 1 Control Documents are secured by the DCO or the Section 106 Agreement. They set out the controls required over the Project to ensure that the works are implemented within the limits of the environmental impact assessment (EIA). Some Level 1 Control Documents specify all measures assumed and needed by the EIA and do not have Level 2 documents underneath them and works and operations must be carried out in accordance with these documents as specified in the DCO or Section 106 Agreement.

Level 2: Subsequent Approvals (submitted post DCO/s106 Agreement)

- 26.4.9 On a project of this scale and complexity, it is not always possible for the Level 1 control documents to include the detail necessary to ensure that the correct practices and limits are applied in every context. Therefore, where appropriate, Level 2 documents must be produced to be shared for information or for a further approval. In most cases the Level 2 documents submitted for approval must be substantially in accordance with the relevant Level 1 document. In their approval of Level 2 documents, the relevant discharging authority will consider compliance with the Level 1 control documents and whether any deviations are appropriate.

Level 3: Implementation Documents

- 26.4.10 GAL will require its contractors to prepare detailed construction plans for its approval. These plans will demonstrate to GAL how the specific works will be carried out in accordance with all relevant legislation and guidance; including the relevant Level 1 and Level 2 documents. The CoCP sometimes refers to particular elements of the management plans which are relevant to a particular

topic to give context to GAL's confidence that the measures in the CoCP will be complied with.

Monitoring, Reporting and Governance

- 26.4.11 Through the Level 1 and Level 2 documents GAL has or will set out detailed monitoring and reporting regimes. The monitoring regimes have been carefully designed to ensure that data is captured on sensitive receptors and identified areas of harm. It has been designed to provide appropriate oversight of the implementation of the Project for the discharging authority and other relevant statutory bodies to review the effectiveness of mitigation and have regard to remedies that would be agreed with and implemented by GAL.
- 26.4.12 A **Control Document Signposting Document** has been prepared which lists the control documents and shows whether they are Level 1 or Level 2 control document and how they are secured.

Key Documents in relation to the approach taken to control documents

- **Planning Statement** [[APP-245](#)];
- **Mitigation Route Map** [[REP8-020](#)];
- **Written Summary of Oral Submissions made at ISH2: DCO and Control Documents** [[REP1-057](#)];
- **The Applicant's Response to the ExA's Written Questions (ExQ1) - Development Consent Order and Control Documents** [[REP3-089](#)];
- **The Applicant's Response to ExQ2 - Development Consent Order and Control Documents** [[REP7-081](#)];
- **The Applicant's Response to Actions from Issue Specific Hearing 2: Control Documents / DCO** [[REP1-063](#)];
- **The Applicant's Response to ISHs 2-5** [[REP7-071](#)]; and
- **Register of Environmental Actions and Commitments** [[REP8-121](#)]

Key issues through the Examination

Securing mitigation through the DCO or a Section 106 Agreement

- 26.4.13 There has been discussion through the examination in response to questions from interested parties and the ExA about the most appropriate means through which mitigation required for the Project should be secured – through a requirement to the DCO, or an obligation to the s106 Agreement.
- 26.4.14 The Applicant and JLAs have agreed that the Section 106 Agreement is the appropriate legal securing mechanism for mitigation which has been included

therein. The Applicant's position is further set out in the s106 Explanatory Memorandum. Where mitigation/commitments have been identified as being necessary in respect of the Project and are not otherwise secured under the s106 Agreement, the Applicant has included appropriate drafting in the draft DCO and through agreement with the relevant counterpart (typically the JLAs) where possible.

Construction Control Documents

- 26.4.15 The **Code of Construction Practice** (ES Appendix 5.3.2, Doc Ref. 5.3) has been prepared to house the controls that apply to the construction of the Project in a way that is clear and accessible to the contractors that will be carrying out the works. Under DCO Requirement 7, the CoCP (including its appendices) applies to any construction activities that are carried out under the authority of the DCO and its application does not change according to the phase of the Project or the types of works.
- 26.4.16 To assist the JLAs, specific DCO Requirements were added to the draft DCO for those appendices to the CoCP where level 2 control documents are required for approval in specific circumstances however the level 1 control documents remain appended to the CoCP for ease of reference.

Level of detail to be included in the control documents

- 26.4.17 Representations have been made about a number of the control documents where Interested Parties consider that further detail is required to be included within the control documents. In many cases the Applicant has responded to include such detail within the Level 1 control documents. However, in some cases, the level of detail which has been requested is not available at this stage of design. In the majority of cases the Applicant has then committed to providing such information to the relevant authority as part of a Level 2 control document or has confirmed that such detail is not required to demonstrate that the development is acceptable. The level of detail which is appropriate to be secured in each control document is specific to the document and will vary depending on the conclusions of the ES assessment and the contextual controls surrounding that document be it by either other controls within the draft DCO/Section 106 Agreement or within existing legislative regimes. Where the level of detail of a control document is an outstanding issue, the Applicant's position has been set out in the topic-specific chapter of the Closing Submissions.
- 26.4.18 A number of submissions have been made on the detail of certain control documents (e.g. the Noise Envelope, Air Quality Action Plan and Surface Access

Commitments). Such issues have been addressed by the Applicant in its submissions against their corresponding topic area above and are not repeated here, which instead focus on points of principle/approach in respect of the control documents more generally.

26.5. Control Documents Signposting Table

26.5.1 **Table 1** sets out the framework of the Level 1, Level 2 and Level 3 Control Documents secured under the **Draft DCO** (Doc Ref. 2.1) and **Section 106 Agreement** (Doc Ref. 10.11), highlighting the relevant securing mechanism (i.e. the Requirement and / or Article) and the approving bodies and consultees (where applicable). **Table 1** aligns with the DCO provisions numbered in the **Draft DCO** submitted at Deadline 9.

26.5.2 In Table 1, reference to the “host authorities” means Crawley Borough Council (‘CBC’), Mole Valley District Council (‘MVDC’), Reigate and Banstead Borough Council (‘MVDC’), Surrey County Council (‘SCC’), Tandridge District Council (‘TDC’) and West Sussex County Council (‘WSCC’)

Table 1: Control Documents

Level 1 Control Document	Level 2 Documents for Approval	Level 1 changes and Level 2 approved by	Consultees	Securing Mechanism
-	Phasing scheme (not for approval)	Host authorities and National Highways	-	Requirement 2A – Phasing scheme
-	Remediation Strategy	Relevant planning authority	EA	Requirement 9 – Contaminated land and groundwater
-	Verification Report	Relevant planning authority	-	Requirement 9 – Contaminated land and groundwater
Written Scheme of Investigation for Surrey (ES Appendix 7.8.1) (Doc Ref. 5.3)	-	SCC	-	Requirement 14 – Archaeological Remains
Written Scheme of Investigation for West Sussex	-	CBC	-	Requirement 14 – Archaeological Remains

Level 1 Control Document	Level 2 Documents for Approval	Level 1 changes and Level 2 approved by	Consultees	Securing Mechanism
(ES Appendix 7.8.2) (Doc Ref. 5.3)				
Public Rights of Way Management Strategy (ES Appendix 19.8.1) (Doc Ref. 5.3)	Public Rights of Way Implementation Plan(s)	Relevant highway authority	-	Requirement 22 – Public rights of way Article 15 – Public rights of way – creation, diversion and stopping up
Code of Construction Practice (ES Appendix 5.3.2) (Doc Ref. 5.3)	-	CBC	-	Requirement 7 – Code of Construction Practice
Construction Dust Management Strategy (ES Appendix 5.3.2: Annex 9) [REP8-046]	Construction Dust Management Plans	CBC	-	Requirement 7 – Code of Construction Practice Requirement 27 – Construction Dust Management Plan
Outline Arboricultural and Vegetation Method Statement, including: <ul style="list-style-type: none"> Preliminary Vegetation Removal and Protection Plans Preliminary Tree Removal and Protection Plans (ES Appendix 5.3.2: Annex 6)	Arboricultural and Vegetation Method Statement, including: <ul style="list-style-type: none"> Vegetation Removal and Protection Plans Tree Removal and Protection Plans 	CBC	MVDC, RBBC, TVDC (where relevant)	Requirement 7 – Code of Construction Practice Requirement 28 – Arboricultural and vegetation method statement

Level 1 Control Document	Level 2 Documents for Approval	Level 1 changes and Level 2 approved by	Consultees	Securing Mechanism
(Doc Ref. 5.3)				
Water Management Plan [REP3-020]	-	CBC	-	Requirement 7 – Code of Construction Practice
Outline Invasive and Non-Native Species Management Strategy (ES Appendix 5.3.2: Annex 8) [REP8-044]	Invasive and Non-Native Species Management Plan	Relevant planning authority	-	Requirement 7 – Code of Construction Practice
Outline Reptile Mitigation Strategy (ES Appendix 5.3.2: Annex 11) [REP8-049]	Reptile Mitigation Plan	Relevant planning authority	-	Requirement 7 – Code of Construction Practice
Construction Communications and Engagement Plan [REP8-042]	-	CBC	-	Requirement 7 – Code of Construction Practice
Holiday Inn Noise Monitoring Framework (ES Appendix 5.3.2: Annex 10) [REP8-048]	-	-	-	Requirement 7 – Code of Construction Practice
Soil Management Strategy (ES Appendix 5.3.2: Annex 4) [APP-086]	Soil Management Plans	CBC	-	Requirement 7 – Code of Construction Practice Requirement 29 – Soil Management Plan
Construction Resources and	Site Waste Management Plans	WSCC or SCC (where relevant)	-	Requirement 7 – Code of Construction Practice

Level 1 Control Document	Level 2 Documents for Approval	Level 1 changes and Level 2 approved by	Consultees	Securing Mechanism
Waste Management Plan (ES Appendix 5.3.2: Annex 5) [REP8-028]	(sections A1, A2, A3 and A4) Waste Progress Report (including A5 of the Site Waste Management Plan) (for inspection only)			Requirement 30 – Site Waste Management Plan
Outline Construction Traffic Management Plan (ES Appendix 5.3.2: Annex 2) (Doc Ref. 5.3)	Construction Traffic Management Plan	CBC	WSCC, SCC and NH (where relevant)	Requirement 7 – Code of Construction Practice Requirement 12 – Construction Traffic Management Plan
Outline Construction Workforce Travel Plan (ES Appendix 5.3.2: Annex 3) (Doc Ref. 5.3)	Construction Workforce Travel Plan	CBC	WSCC, SCC and NH (where relevant)	Requirement 7 – Code of Construction Practice Requirement 13 – Construction Workforce Travel Plan
-	Flood Compensation Delivery Plan	CBC	EA	Requirement 23 – Flood Compensation Areas
-	Open Space Delivery Plan	CBC	RBBC and Mole Valley District Council	Article 40 – Special Category Land
Employment, Skills and Business Strategy (Section 106 Agreement: Appendix 5) (Doc Ref. 10.11) Draft ESBS Implementation Plan	ESBS Implementation Plan	ESBS Steering Group	-	S106 Schedule 5 – Employment, Skills and Business S106 Appendix 5 – Employment, Skills and Business Strategy S106 Appendix 6 – Draft ESBS Implementation Plan

Level 1 Control Document	Level 2 Documents for Approval	Level 1 changes and Level 2 approved by	Consultees	Securing Mechanism
(Appendix 6, Section 106 Agreement: Appendix 6) (Doc Ref. 10.11)				
Surface Access Commitments (ES Appendix 5.4.1, Doc Ref. 5.3)	-	CBC and NH	SCC and WSCC	Requirement 20 – Surface Access
Carbon Action Plan [REP8-054]	-	SoS	CBC	Requirement 21 – Carbon Action Plan
Land Plans	CA powers	-	-	Part 5 and Schedule 7
Special Category Land Plans – Open Space (Doc Ref. 4.4)	CA powers	-	-	Article 40 and Schedule 10 of the DCO – Special Category Land
Special Category Plans – Crown Land Plans [APP-015]	CA powers	-	-	Part 5 and Schedule 7
Rights of Way and Access Plans (Doc Ref. 4.6)	Detailed design of PROW and compliance with access	Relevant highway authority	-	Requirement 22 – Public Rights of Way Article 13 – Stopping up of Streets Article 16 – Access to Works
Flood Resilience Statement (ES Appendix 11.9.6: Flood Risk Assessment, Annex 6) (Doc Ref. 5.3)	-	CBC	-	Requirement 24 – Flood Resilience Statement
Design Principles	<ul style="list-style-type: none"> Explanatory note; 	-	CBC	Requirement 4(1)-(3) – Detailed Design

Level 1 Control Document	Level 2 Documents for Approval	Level 1 changes and Level 2 approved by	Consultees	Securing Mechanism
(Appendix 1 to the Design and Access Statement)	<ul style="list-style-type: none"> • Drawings (where necessary); • Compliance statement. 			Requirement 10(1)-(3) – Surface and foul water drainage
(Doc Ref. 7.3)	<ul style="list-style-type: none"> • Explanatory note; • Drawings; • Compliance statement; • Details of layout, siting, scale, external appearance and levels; • Schedule of external materials and finishes; • Details of any associated structures; • Access arrangements; • Operational lighting scheme; • Details of any construction and sustainability measures; • Design Review Statement (where applicable). 	MVDC (for Work No. 40(a)) CBC (for all other listed works)	RBBC (for Work No. 40(a))	Requirement 4(4)-(6) – Detailed Design
	<ul style="list-style-type: none"> • Explanatory note; • Drawings; • Compliance statement; • Details of layout, siting, scale, external appearance and levels; • Details of any associated structures; 	CBC	WSCC, EA, TWUL	Requirement 10(4)-(6) – Surface and foul water drainage

Level 1 Control Document	Level 2 Documents for Approval	Level 1 changes and Level 2 approved by	Consultees	Securing Mechanism
	<ul style="list-style-type: none"> Details of any construction and sustainability measures; Design Review Statement (where applicable). 			
	Details of the layout, siting, scale and external appearance	Relevant highway authority National Highways	Relevant planning authority	Requirement 5 – Local Highway Works – Detailed Design Requirement 6 – National highway works and Part 3 of Schedule 6 (Protective Provisions for National Highways)
Outline Landscape and Ecology Management Plan (ES Appendix 8.8.1) (Doc Ref. 5.3)	Landscape and Ecology Management Plans	MVDC (for Work No. 40) CBC (for all other works)	Relevant highway authority (where applicable) RBBC, MVDC or TDC (where relevant)	Requirement 8 – Landscape and Ecology Management Plan
Surface Access Drainage Strategy (ES Appendix 11.9.6: Flood Risk Assessment, Annex 2) [REP8-080]	Surface water drainage details	Relevant highway authority	EA, relevant LLFA and relevant planning authority	Requirement 6 – National highway works Requirement 11 – Local Highway Surface Water Drainage
Works Plans [REP7-018]	Detailed design	CBC or relevant highway authority	MVDC and RBBC (where relevant)	Article 6 – Limits of Works Requirement 4 – Detailed Design Requirement 5 – Local Highway Works – Detailed Design
Parameter Plans	Detailed design	Crawley Borough	-	Article 6 – Limits of Works

Level 1 Control Document	Level 2 Documents for Approval	Level 1 changes and Level 2 approved by	Consultees	Securing Mechanism
[REP7-020]		Council or the relevant Highway Authority		Requirement 4 – Detailed Design Requirement 5 – Local Highway Works – Detailed Design Schedule 13 – Maximum Parameter Heights
Surface Access Highways Plans – General Arrangements (Doc Ref. 4.8.1)	Detailed design	Relevant highway authority	Relevant planning authority	Article 6 – Limits of Works Requirement 5 – Local Highway Works – Detailed Design Requirement 6 – National highway works Requirement 11 – Local Highway Surface Water Drainage
Surface Access Highways Plans – Structure Section Drawings [REP3-014]	Detailed design	Relevant highway authority	Relevant planning authority	Article 6 – Limits of Works Requirement 5 – Local Highway Works – Detailed Design Requirement 6 – National highway works Requirement 11 – Local Highway Surface Water Drainage Article 20 – Surface Access
Surface Access Highways Plans – Engineering Section Drawings (Doc Ref. 4.8.2)	Detailed design	Relevant highway authority	Relevant planning authority	Article 6 – Limits of Works Requirement 5 – Local Highway Works – Detailed Design Requirement 6 – National highway works Requirement 11 – Local Highway Surface Water Drainage

Level 1 Control Document	Level 2 Documents for Approval	Level 1 changes and Level 2 approved by	Consultees	Securing Mechanism
				Article 20 – Surface Access
Traffic Regulation Plans (Doc Ref. 4.9)	Detailed design	Relevant highway authority, or Crawley Borough Council	-	Article 6 – Limits of Works Article 18 – Traffic Regulations
Noise Envelope (ES Appendix 14.9.7) (Doc Ref. 5.3)	Annual monitoring and forecasting reports Noise compliance plan (if necessary) Noise Envelope Review documents Noise Model Verification report	Independent air noise reviewer or Secretary of State	-	Requirement 15 – Air Noise Envelope Requirement 16 – Air Noise Envelope Reviews Requirement 17 – Verification of Air Noise Monitoring Equipment
Noise Insulation Scheme (ES Appendix 14.9.10) (Doc Ref. 5.3)	Details of how NIS promoted Home relocation assistance Scheme Schools Noise Insulation Scheme	CBC	-	Requirement 18 – Noise Insulation Scheme
North and South Terminal Roundabouts BAU Improvement Scheme Plans (Doc Ref. 4.10)	Detailed design (to be agreed separately)	NH	-	Requirement 33 – North and South Terminal roundabouts BAU improvement schemes
Operational Waste Management Strategy [REP3-070]	Operational Waste Management Plan	WSCC	-	Requirement 25 – Operational Waste Management Plan
Draft Air Quality Action Plan (Section 106 Agreement: Appendix 2)	Air Quality Action Plan (for information only)	CBC		S106 Schedule 1 – Air Quality S106 Appendix 2 – Draft Air Quality Action Plan

Level 1 Control Document	Level 2 Documents for Approval	Level 1 changes and Level 2 approved by	Consultees	Securing Mechanism
(Doc Ref. 10.11)				
Odour Monitoring and Management Plan (Doc Ref. 10.57)	-	CBC	-	Requirement 35 – Odour monitoring and management plan
-	Passenger throughput Phasing Plan	-	TWUL	Requirement 36 – Thames Water phasing plan
-	Speed Limit Monitoring Plan	WSCC	SCC and NH	Requirement 38 – Speed limit monitoring
-	Tree Balance Statement	CBC	-	Requirement 39 – Tree balance statement

27 Stakeholder Engagement

27.1. Introduction

27.1.1 This section provides a summary of the engagement undertaken by the Applicant during the pre-application and examination stages, and its approach to resolving or limiting issues and objections raised by stakeholders. It also provides an overview of the approach to ongoing engagement should the DCO Application be granted consent.

27.2. Pre-application engagement and consultation

27.2.1 Prior to submitting the DCO Application, the Applicant carried out three rounds of public consultation:

27.2.1.1. Draft Master Plan 2018 – a non-statutory consultation which ran from 18 October 2018 to 10 January 2019. In line with Government policy, the draft master plan looked at how Gatwick Airport could ‘make best use of the existing runways and infrastructure’ and explained how it could meet growing demand for air travel and provide the UK with enhanced global connectivity beyond 2030;

27.2.1.2. The Autumn 2021 Consultation, which was a statutory consultation informed by the Preliminary Environmental Information Report (PEIR). The consultation set out the key elements required to enable dual runway operations and support increased passenger numbers, along with a PEIR which presented the preliminary findings of the environmental impact assessment of the Project's proposals as at that point in time. It also included information about the economic benefits of the Project, an updated Noise Insulation Scheme, a Homeowners Assisted Moving Scheme, and the proposed approach to construction; and

27.2.2 The Summer 2022 Consultation, which was a targeted, statutory consultation considered changes to the proposed highway improvement works (which involved amendments to the development boundary and included updated preliminary environmental information to identify the extent of any new or materially different significant environmental effects resulting from the changes to the highway improvement proposals). The non-statutory Project update that formed part of the consultation included proposed changes to other aspects of the

proposals, namely car parking, the airfield, hotels and offices, and the strategies relating to water management, carbon, noise, as well as other Project updates.

- 27.2.3 Full details on the approach to pre-application consultation is set out in the **Consultation Report** [\[APP-218\]](#) and its appendices.
- 27.2.4 In parallel to the public consultations, the Applicant undertook extensive pre-application engagement with key stakeholders. Engagement with the local authorities took place through topic working groups (TWGs) during the pre-application stage between 2019 and July 2023. Full details of the pre-application engagement with local authorities is contained in Appendix A.3 Record of Engagement 2019-2023 in **6.2 Consultation Report Appendices – Part A** [\[APP-219\]](#). During the pre-application stage the Applicant and local authorities attended over 90 topic working groups covering a range of issues including transport, air quality, noise, forecasting and capacity, socio-economics, health, greenhouse gases and climate change, and other environmental topics such as heritage and design, major accidents and disasters, ecology, water, and landscape and townscape.
- 27.2.5 Throughout these pre-application discussions, the Applicant and local authorities documented the issues raised through a series of ‘issues trackers’ with responses provided by the Applicant.
- 27.2.6 Other engagement from the pre-consultation period and continuing through the consultation period, included a series of stakeholder roundtable workshops with stakeholder groups relevant to the Employment Skills and Business Strategy (ESBS). These are detailed in Appendix A.3 Record of Engagement 2019-2023 in **Consultation Report Appendices – Part A** [\[APP-219\]](#). The roundtable groups were economic partnerships; business membership organisations; local businesses; and Education Providers. Stakeholder feedback from these roundtable workshops informed the drafting of the Outline ESBS, including the development of six themes. A further round of roundtables informed the final ESBS for the DCO Submission. Engagement with the local authorities on the ESBS during this period was through the TWG structure.
- 27.3. **Engagement during the pre-examination and examination stages**
- Local authorities**
- 27.3.1 During the pre-examination phase, the Applicant produced consolidated versions of the issues trackers, supplementing the original responses with any relevant

updates (as some responses dated back to the time of the statutory consultations). The issues trackers were transposed into a combined local authorities' issue tracker that was submitted to the ExA on 15th September 2023 in **Response to PD-005 – Cover letter in response to Procedural Decision [AS-020]**.

- 27.3.2 The Applicant proposed these issues trackers be updated with any new issues raised through the relevant representations or Principal Areas of Disagreement Summary Statements (PADSS) at which point they would then be used to develop the Statements of Common Ground (SoCGs) [\[AS-060\]](#). The local authorities took the opportunity following the publication of the issues tracker to provide commentary and add any other matters that they felt warranted inclusion. The Applicant updated the issues trackers to include the local authorities' commentary and additional matters. This was submitted as a composite issues tracker on 27 October 2023 in the **Response to PD-005 – Update on the Development of Local Authority Issues Trackers [AS-060]**.
- 27.3.3 The first iteration of the issues trackers [\[AS-020\]](#) comprised topic specific tables (e.g. noise, air quality) with all comments and observations received from the local authorities during the pre-application stage (2019 to 2023). The issues tracker document spanned over 15 topics and comprised 57 pages.
- 27.3.4 A composite version of the issues tracker was then prepared and submitted to the Examining Authority in October 2023 [\[AS-060\]](#). This tracker included all the matters raised during the pre-application stage, the relevant representations and through the PADSS prepared by the Joint Local Authorities (JLAs). The second version of the issues tracker was structured into tables for each topic area. The composite tracker compiled by the Applicant runs to 363 pages and covered 20 topic areas.
- 27.3.5 These issues trackers were then transposed into individual Statements of Common Ground for each local authority following the publication of the Examining Authority's (ExA) Section 89 Notification of a Procedural Decision letter addressed to the Applicant, host and neighbouring local authorities, and certain statutory bodies, dated 1st December 2023 [\[PD-007\]](#). Within this letter it was confirmed that:

“Having reflected on the matter, the ExA considers that updating the Issues Trackers alongside the SoCGs and PADSSs would not be an efficient use of resources and would simply duplicate effort spent in engaging on the contents of the SoCGs and PADSSs and would reflect the same substantive information.”

The ExA has accordingly made the Procedural Decision to require the Applicant to 'freeze' the Local Authority Issues Trackers once any outstanding issues arising from the Applicant's review of RRs and the PADSSs have been included. The trackers should then be submitted to the ExA prior to the commencement of the Examination. Where issues which appear on the Issues Trackers are subsequently resolved these should be recorded within the SoCGs/ PADSSs with an explanation of how the resolution was reached and, where appropriate, signpost to the relevant document. Consequently, the SoCGs and/ or PADSSs would record the status of agreement (or not) on all issues (including any new matters raised)".

27.3.6 The Applicant has subsequently progressed the following Statements of Common Ground with the local authorities:

27.3.6.1. Crawley Borough Council

27.3.6.2. East Sussex County Council

27.3.6.3. Horsham District Council

27.3.6.4. Kent County Council

27.3.6.5. Mid Sussex District Council

27.3.6.6. Mole Valley District Council

27.3.6.7. Reigate & Banstead Borough Council

27.3.6.8. Surrey County Council

27.3.6.9. Tandridge District Council

27.3.6.10. West Sussex County Council

27.3.7 A series of TWGs were facilitated during the pre-examination and examination phase to seek to resolve matters that remained outstanding in the SoCGs and to respond to any new issues arising through the course of the examination. The Applicant entered into a Planning Performance Agreement with the local authorities to facilitate this engagement through the pre-application and examination phases. There were two PPAs which funded the JLAs participation in the Project. The first PPA covered the period from 15th September 2021 to 30 June 2022 which covered the consultation on the Preliminary Environmental Information Report (PEIR) in autumn 2021 as well as appointment of a project coordinator by the JLAs, engagement with the local highways authorities and

engagement following the PEIR consultation. The second PPA covered project co-ordination and pre-DCO submission engagement for the Project from 1st July 2022 to the DCO Preliminary meeting in February 2024. Details of all meetings held is detailed at Appendix A to each of the SoCGs.

- 27.3.8 During the pre-application phase (February 2019 to July 2023) the Applicant held 89 TWGs covering approximately 16 topics including transport, socio-economics, climate change and greenhouse gases, major accidents and disasters, health, water, biodiversity, ground conditions and arboriculture, landscape, historic environment, planning, noise, air quality and, needs and forecasting. In addition, twice-annual meetings between Crawley Borough Council and the Applicant were held to discuss the existing Gatwick Airport S106 agreement.
- 27.3.9 During the pre-examination phase (August 2023 to February 2024) the Applicant held nine topic working groups to discuss transport, greenhouse gases, air quality, noise, operations and capacity, the employment skills and business strategy, catalytic impacts assessment, and needs and forecasting.
- 27.3.10 Specifically in relation to the development of the Noise Envelope a series of Noise Envelope Group meetings - involving local stakeholder (including both local authorities and community noise action groups) and industry sub-groups - were held between May and October 2022 focussed on themes identified through the DCO consultation responses to help explore and evolve a noise envelope for the project, see **ES Appendix 14.9.9: Report on Engagement on the Noise Envelope - Clean Version** [[AS-023](#)].
- 27.3.11 The Applicant continued engagement with the JLAs during the examination phase (February 2024 onwards) through topic working groups. A further 28 topic working groups were held with the JLAs. The TWGs covered air quality, noise, transport modelling, landscape visuals, historic environment, ordinary watercourses consent, PROW and active travel, catalytic impact assessment, lane rental and permit schemes, capacity, WIZAD and design principles. These meetings would include consultants working on behalf of the JLAs as and when they requested their attendance. The Applicant also invited the JLA's consultant York Aviation to visit the Old Control Tower at Gatwick Airport and view the proposed dual runway operations on a simulator. This is in addition to planned TWG meetings that York Aviation attended with the JLAs.
- 27.3.12 In total 37 topic working group meeting were arranged during pre-examination and examination phase of the DCO. This does not include those negotiations that took place between senior officers from the JLAs and the Applicant. When

factoring in those engagement sessions the Applicant held over 40 meetings with the JLAs over the course of the post acceptance period.

- 27.3.13 In addition to TWGs, a series of workshops were held with the local authorities and other relevant stakeholders, to progress the development of the draft Implementation Plan for the Employment Skills and Business Strategy. Four half day workshops were held, three were in person at the Applicant's on-site STEM Centre on 25 March, 8 April and 30 May and one online on 11 July. They were all well attended, very constructive, and enabled the further development of the draft Implementation Plan, including direct input to the drafting of Thematic Plans which now form part of the ESBS Implementation Plan.
- 27.3.14 Separate to the engagement detailed above, the Applicant held numerous meetings with the JLAs as well as directly with the JLA's legal representatives, to negotiate and agree the draft DCO discussing the detailed drafting and related legal principles.
- 27.3.15 Further and significant engagement including numerous meetings were held by the Applicant to negotiate and agree the Section 106 Agreement. This involved providing further information and explanation on the various topics that are included in the Section 106 Agreement or, at one point, were considered for inclusion within the Section 106 Agreement. These topics span across surface access, health, socio-economics, biodiversity and landscaping, noise, air quality and the community fund but also included discussions on legal principles and the specific drafting. The Applicant held meetings with various specialists and combinations of specialists within the JLA organisations as well as with the JLAs legal representatives. The Applicant provided legal undertakings for the cost of the JLA's legal representatives in respect of the discussions and negotiations of the Section 106 Agreement.
- 27.3.16 The extensive engagement with the JLAs has resulted in the successful negotiation of a Section 106 Agreement prior to the close of examination, resolving a substantial number of matters that have been under discussion throughout the examination as well as setting up the framework for future engagement with the JLAs for the next stages of the Project. The Applicant and JLAs have agreed a **Joint Position Statement** (Doc Ref. 10.82) explaining the effect of the agreement of the Section 106 Agreement on the status of other topics on which representations have been made throughout the Examination.
- 27.3.17 Relevant issues from within the respective SoCGs for each local authority are detailed within each topic chapter of this closing submission. A summary of the

overarching positions by topic at the close of the examination is contained within the **Statement of Commonality** (Doc Ref. 10.1).

Statutory bodies

27.3.18 The Applicant has subsequently progressed the following Statements of Common Ground with the statutory bodies:

27.3.18.1.Civil Aviation Authority

27.3.18.2.Environment Agency

27.3.18.3.Historic England

27.3.18.4.NATS (En-Route) Plc

27.3.18.5.National Highways

27.3.18.6.Natural England

27.3.18.7.Network Rail

27.3.18.8.Thames Water Utilities Limited

Civil Aviation Authority

27.3.19 The Applicant has engaged with the CAA extensively as the statutory body responsible for the regulation of aviation safety and airspace in the UK.

27.3.20 Engagement throughout the examination phase has primarily focussed on the proposed role of the CAA as an Independent Air Noise Reviewer in respect of the Applicant's proposed Noise Envelope (as all other matters had already been agreed). The Applicant has subsequently agreed this role with the CAA and there are no matters that are not agreed or remain under discussion as documented within the Statement of Common Ground submitted at Deadline 9 and the appended Letter of No Impediment (LONI) (Doc Ref. 10.1.11 v2).

Environment Agency

27.3.21 Engagement with the Environment Agency covered all aspects of the water environment. The EA were consulted on flood risk modelling, and on the development of flood compensation areas and other measures to ensure no increase in off-site flood risk and to provide for greater flood resilience within the Airport. Gatwick also benefitted from advice from the EA in relation to developing a comprehensive proposal to offset the effects of the necessary 26m extension to the channelised section of the River Mole within the airfield boundary within an

open-lidded culvert. The Applicant and the EA have also engaged regarding Project Change 4 (the On-Airport WWTW) and the permitting requirements of this facility (if brought forward as part of the Project).

Historic England

- 27.3.22 Historic England were also consulted at each stage of the Project in relation to the potential effects to heritage buildings and designated sites, and regarding the results of the pre-application archaeological field work. As a result of the helpful engagement with Historic England, the Applicant will install information boards in the new area of public open space to the north of Longbridge roundabout to the west of the River Mole. These will describe the historical features of the area and its connection to the Church Road (Horley) Conservation Area.
- 27.3.23 As a result of this constructive engagement, the Applicant was able to submit a final version of the **SoCG with Historic England** [[REP1-035](#)] at Deadline 1.

NATS (En-Route) Plc

- 27.3.24 The Applicant has engaged with NERL throughout the examination phase in relation to its role as the body responsible for providing en-route and terminal control air traffic services in the UK. Discussions took place in relation to airspace capacity and the proposed dual runway operation. All matters were agreed at Deadline 5 and documented within the SoCG with NERL [[REP5-066](#)], including confirmation that no airspace change is required to the London Terminal Control Area route network to enable the Project.

National Highways

- 27.3.25 Discussions with National Highways have primarily focussed on the design and construction of highway works, the Surface Access Commitments and the modelling of transport effects but has also considered other Environmental and Land topics where National Highways have an interest, including bio-diversity net gain.
- 27.3.26 Extensive technical engagement on modelling and design aspects of the project has been ongoing since prior to the Preliminary Environmental Impact Report and this has resulted in positive conclusions to all modelling related comments and questions from National Highways, as documented in the SoCG.
- 27.3.27 Resolution of all design related questions has also been achieved with the exception of ongoing clarifications on detailed design matters in relation to the M23 Spur and the assessment of the proposed access to the South Terminal

Construction Compound, with expectation that these will be resolved by Deadline 10.

- 27.3.28 The parties have also entered into a Framework Agreement that, amongst other matters, acknowledges the continued consultation and joint-working which will take place on the detailed design and delivery of the national highway works associated with the Project.

Natural England

- 27.3.29 Natural England provided very helpful advice to ensure that a robust Habitats Regulations Assessment was undertaken. Natural England also reviewed the Applicant's assessment of potential effects of the project to designated habitats and protected species and were consulted on the Applicants proposals for habitat enhancement.
- 27.3.30 The Applicant has engaged regularly with Natural England on its draft application for protected species licences for badgers and great crested newts, with LONI provided and submitted at Deadline 9. At the close of examination, all matters within the SoCG have been agreed with Natural England.

Network Rail

- 27.3.31 Network Rail has fully participated in the examination phase for the Project and engaged constructively with the Applicant to seek to address its concerns throughout the duration of the examination. The Applicant has included a suite of measures which are secured in Commitments 14A and 14B of the Surface Access Commitments (Doc ref. 5.3) which reflect the agreed position reached between Network Rail and the Applicant. Pending completion of an agreement to secure the Surface Access Commitments in the form submitted by the Applicant at Deadline 9 (which is expected imminently), NR will be in position to confirm the withdrawal of its written representations in respect of impacts on the rail network.
- 27.3.32 The Applicant has also been in ongoing discussions with Network Rail with respect to Network Rail's land interests and asset protection agreements. Pending completion of the Framework Agreement (which is expected imminently), NR will be in a position to confirm the withdrawal of its remaining written representations.

Thames Water Utilities Limited

- 27.3.33 The Applicant's engagement with Thames Water Utilities Limited (TWUL) has been ongoing for several years. The Applicant has funded and is continuing to fund modelling and surveys to assist Thames Water with understanding the

effects of Airport growth to their infrastructure, and to meet their obligations as a statutory undertaker. The Applicant will continue to engage with TWUL post the close of the examination, including following the completion of the above-noted studies. It is anticipated that updates on discussions/progress will be provided during the SoS' decision-making stage.

- 27.3.34 The section headed 'Water Infrastructure – Wastewater' in Chapter 19 of these submissions above sets out the current position between TWUL and the Applicant regarding Project Change 4 (the On-airport WWTW), which the Applicant has proposed as an alternative (but not preferred) solution to resolving TWUL's potential wastewater network capacity issues in the future.

Landowners

- 27.3.35 The Applicant has proactively engaged with landowners and occupiers whose land is required to deliver the Project, often over several years, with the aim to reach private agreement.
- 27.3.36 Whilst the Applicant currently owns 93% of the land required to deliver the Project, the Applicant has put significant effort into entering into private agreements in relation to the remainder of the land. As referred to within the Applicant's Closing Submissions - Compulsory Acquisition and Temporary Possession (Chapter 25), the engagement and negotiations with owners/occupiers in respect of the Project have been continuous prior to and throughout the Examination as evidenced within the various updates to the **Land Rights Tracker** [\[REP7-065\]](#) and the **Status of Negotiations** (Doc Ref. 10.71) submitted at this Deadline 9.
- 27.3.37 This continued engagement and negotiation by the Applicant, prior to Deadline 9 of the Examination, has involved the Applicant holding numerous meetings and actively engaging in correspondence with owners and occupiers and also including a number of site visits to the landowner's affected land. This engagement has been bespoke to each landowner and, in many cases, has involved detailed discussions about the operation of the airport and how the Project will be delivered as well as understanding the detail of how landowners use their land and how they would be impacted by the Project. In several cases this has required additional and bespoke specialist support to explain particular elements of the assessment and conclusions and how the Project would impact the landowner's specific property.

27.3.38 The Applicant has offered to contribute to, or covered in full, the cost to landowners of land agents and/ or legal representation and has made such contributions where that has been requested by the landowner.

Statutory Undertakers

27.3.39 The status of negotiations with statutory undertakers which hold land or rights pursuant to section 127 and/or section 138 of the Act is detailed in the **Status of Negotiations** (Doc Ref. 10.71). The following is provided by way of overview.

27.3.40 Agreement has been reached on protective provisions and/or a protective side agreement with the following five statutory undertakers:

27.3.40.1. British Pipeline Agency / Walton-Gatwick Pipeline Limited;

27.3.40.2. National Highways Limited (subject to disagreement on an indemnity cap as detailed in the Applicant's **Closing Submissions** (Doc Ref. 10.73) on the draft DCO);

27.3.40.3. Network Rail Infrastructure Limited;

27.3.40.4. South Eastern Power Networks plc (with UK Power Networks Services (South East) Limited as agent); and

27.3.40.5. Southern Gas Networks plc.

27.3.41 Bespoke protective provisions remain under negotiation with one statutory undertaker:

27.3.41.1. Thames Water Utilities Limited

27.3.42 Three statutory undertakers have confirmed that no protective provisions are required:

27.3.42.1. Openreach (British Telecoms plc);

27.3.42.2. UK Power Networks Services (Contracting) Limited; and

27.3.42.3. West Sussex County Council.

27.3.43 For the remaining twelve statutory undertakers, no objection has been raised to the Order powers and the standard protective provisions included within the draft DCO are considered to adequately protect their undertaking:

27.3.43.1. Cornerstone Telecommunications Infrastructure Limited;

27.3.43.2.EE Limited;

27.3.43.3.Esso Petroleum Company Limited;

27.3.43.4.GTC Pipelines Limited;

27.3.43.5.Hutchison 3G Limited;

27.3.43.6.Lumen Technologies Limited;

27.3.43.7.Mobile Broadband Network Limited;

27.3.43.8.Sutton and East Surrey Water plc;

27.3.43.9.Telefonica O2 UK Limited;

27.3.43.10. Virgin Media Limited;

27.3.43.11. Vodafone Limited; and

27.3.43.12. Zayo Group UK Limited.

27.4. Engagement post-DCO consent

27.4.1 Engagement with key stakeholders would not end following a decision by the SoS to grant development consent. Stakeholders will continue to have an important role to play in those circumstances. This includes the following:

27.4.1.1. **Roles set out in Schedule 2 (Requirements) of the draft DCO** – various authorities and entities (including in many cases Crawley Borough Council, but also other host authorities and e.g. National Highways) have an approval or consultation role for the discharge of requirements in Schedule 2 of the **draft DCO** (Doc Ref. 2.1 v11). This demonstrates the Applicant's commitment to the involvement of the local authorities on detailed matters as these come forward once contractors have been appointed and the Project's detailed design has been progressed.

27.4.1.2. **Engagement secured in the Section 106 Agreement** – the Applicant has agreed to an annual programme of engagement with the JLAs both generally and on specific topics through the Section 106 Agreement. This includes:

- a bi-annual meeting between the Councils and the Applicant;
- the Annual Gatwick Air Quality Joint Authorities Meeting;

- a bi-annual air quality meeting between RBBC and the Applicant;
- a specific programme of engagement about noise;
- the Gatwick Area Transport Forum and the Transport Forum Steering Group; and
- an annual Gatwick Parking Meeting.

27.4.1.3. **Working groups/Forums** – to facilitate engagement on detailed mitigation and monitoring proposed, the Applicant has proposed a number of forums:

27.4.1.3.1. Transport Mitigation Fund Decision Group – secured via the Section 106 Agreement, will be the approval body for applications for funding from the Transport Mitigation Fund. Membership will include:

- one representative of GAL;
- one representative of CBC;
- one representative of WSCC;
- one representative of SCC;
- one representative of National Highways; and
- one representative of Network Rail

27.4.1.3.2. Transport Forum Steering Group – with membership comprising of a range of local and regional stakeholders from local authorities, transport operators, agencies and representative bodies, the TFSG is an existing group secured via the Section 106 Agreement with various roles set out in the Surface Access Commitments in relation to consultation, reporting and monitoring.

27.4.1.3.3. Traffic Management Working Group, with membership comprising representatives from the Applicant and its contractor(s) of which there is to be frequent meetings of the TMWG and liaison, at a technical level, with both National Highways and the Local Highways Authorities in respect of planned works and practices.

27.4.1.3.4. Traffic Management Forums will be chaired by the Principal Contractor. The frequency of the forums will be agreed at the first meeting. Membership will include Emergency Services, National Highways (as strategic highway authority), the Local Highways Authorities and the local planning authorities;

27.4.1.3.5. ESBS Steering Group – the ESBS Steering Group, secured via the Section 106 Agreement, will be the approval body for the ESBS

Implementation Plan and review performance throughout the construction phase. Membership will include:

- one representative of GAL;
- one representative of CBC;
- one representative of WSCC;
- one representative of East Sussex County Council;
- one representative of Kent County Council;
- one representative of SCC;
- one representative of a local business membership organisation;
- one representative of the local education and skills sector;
- one representative of a relevant regional economic partnership organisation; and
- one representative of the Construction Industry Training Board.

27.4.1.3.6. Awards Panels will be established for each of the London Gatwick Community Sub-Funds under the Section 106 Agreement which will each include the Applicant and representatives from the relevant local authorities.

27.4.1.4. **Commitments to information sharing** – throughout the Draft DCO, Section 106 Agreement and control documents the Applicant and the JLAs have made commitments to sharing information with one another. A notable example is information sharing relating to air quality monitoring carried out by the Applicant and the JLAs which is secured by the Section 106 Agreement.

27.4.2 **Additional permits/consents** – the Applicant will require additional consents, permits and licences as set out in **Other Consents and Licence** [REP8-092]. This is likely to require ongoing engagement and approvals from the following consenting bodies; local planning authorities, Natural England, Environment Agency, Lead Local Flood Authorities, Thames Water, Ministry of Justice, and the Health and Safety Executive.

27.4.3 The Applicant has committed through the Section 106 Agreement to directly fund a Principle Planning Officer at Crawley Borough Council and to contribute to the administrative costs of Crawley Borough Council in carrying out its roles under the Section 106 Agreement and Draft DCO. In addition, the Applicant has committed to entering into a Planning Performance Agreement(s) with the local authorities which have a role under the Draft DCO to fund the relevant costs of those local authorities in relation to the Project.

27.4.4 The above examples demonstrate the Applicant's commitment to ongoing engagement with key stakeholders throughout the implementation of the Project. The Applicant is grateful for the participation of all stakeholders in engagement activities to date and looks forward to continuing dialogue.

28 Planning Balance and Controls

28.1. Introduction and overview

- 28.1.1 As these submissions have explained, Gatwick is the UK's second largest airport, situated in the largest aviation market in the world, London, serving a network of routes that remains the most extensive of all the London airports. It is the busiest single runway airport in the world during the day and is successful because Gatwick excels at knowing and running its airport to meet customer demand. It now has one of the broadest spectrums of passenger demand observed at any airport globally.
- 28.1.2 In catering for that demand Gatwick not only provides jobs and income for the thousands who are employed at the airport; it generates significant numbers of jobs and economic opportunities for workers and firms in its supply chain, and for the many others who are attracted to the area by the benefits it offers.
- 28.1.3 Gatwick connects the UK to the rest of the world and it is, therefore, a key element of our national infrastructure, an engine for economic growth, and the airport of choice for millions of passengers – growing to over 46 million passengers in 2019.
- 28.1.4 Airports, and airport expansion, play a critical role in achieving the national policy objectives of boosting economic growth and supporting trade, inward investment, tourism, economic prosperity and significant numbers of jobs. For well over a decade the government has recognised the chronic shortage of airport capacity in London and the South East and moved to put policies in place to address that shortage, in the national interest, but little new capacity has come forward to be consented. The Government now forecasts significant additional growth in demand for air travel, of 147mppa between 2018 and 2050, but there continues to be a gross shortage of consented capacity to meet the demand. Critical national policy objectives are being frustrated at a substantial cost and risk to the national economy; and policy recognises that, as airports operate at full capacity, there is little resilience to deal with any disruption, leading to delays. This is why government policy has consistently supported airports other than Heathrow bringing forward expansion plans to make best use of their existing runways, and why this application has been made.
- 28.1.5 At Gatwick, the capacity shortage is pronounced. Gatwick is demonstrably 'full' now at the busy hours and subject to excess demand over capacity. Significant demand excess is observed every summer season and the airport experiences

the highest levels of oversubscription on slot capacity of any UK airport. It has a need, now, for more capacity, which is not reliant on forecast growth. Substantial growth, however, is forecast and Gatwick is extremely well-placed to meet it. Gatwick also lacks resilience – policy and (and common sense) support the need to bring the northern runway into full operational use as soon as practicable.

- 28.1.6 The application for this Project is an innovative and sustainable way of meeting the aims of policy, adding additional capacity to Gatwick without requiring the significant additional land take and related environmental effects that would be required if a full length new runway was to be developed. The airport already has a runway located to the north of the main runway. Its use is restricted by a planning condition dating back to 1979, which only allows its use when the main runway is not available for operations. This application seeks consent to enable better use of that runway, by providing dual runway operations from the existing main and northern runways.
- 28.1.7 As these submissions have explained, significant benefits would arise from the Project. It would cater for an unparalleled diversity of passengers, focussed in particular on its low cost short haul services. It serves the most prosperous, densely populated and best-connected region of the UK, with a high-quality rail connection into Central London and beyond. By enabling the operational use of both runways, the Project would not only increase the capacity of Gatwick, but offer flexibility and resilience, to the benefit of the airport itself and the wider London system. In so doing it would generate substantial economic benefits to the local and sub-regional economy, through private investment of £2.2bn and without the need for public funding.
- 28.1.8 Gatwick also has an important role to play in serving long haul markets. Whilst Heathrow accounts for over 80% of demand in the long-haul market segment, Gatwick achieved a 17% share in 2019 (with the remaining airports accounting for the final 3%). The airport will shortly serve 52 long haul destinations and has recently welcomed 10 new long haul carriers. Pending the promotion and opening of a new third runway at Heathrow, Gatwick is uniquely able to serve market segments including long haul demand during that period – demand which, critically, would otherwise be lost to the UK.
- 28.1.9 The Applicant has always recognised that the Project would have some adverse effects, and it has considered these in detail and with care. However, in a context where the NRP project is substantially contained within the airport boundaries (with the exception of the highway works, which bring benefit to the local

network), most, if not all of the adverse effects that would be caused by the Project would in fact be relatively modest; and all can be appropriately mitigated, as is explained below.

28.1.10 As well as the substantial benefits of providing capacity to meet government objectives for aviation growth and international connectivity, the application would, as a result generate very significant and substantial economic benefits, enhanced by an Employment Skills and Business Strategy.

28.1.11 A package of benefits has also been agreed with the JLAs to form part of a Section 106 agreement. Outside of the planning controls proposed by the Applicant's DCO requirements, the wider package of controls and enhancements proposed as part of the Project is extensive:

- Significant highway improvement works to the Longbridge, North and South Terminal Roundabouts with a capital investment cost of circa £380m (privately funded by Gatwick) and which deliver significant traffic flow improvements that will have positive impacts on the surrounding local and national highway road networks;
- Active travel improvement works to the surrounding area and further defined investments of Sustainable Transport Funds in active travel improvement works totalling a minimum of £1 million (all privately funded).
- New and enhanced regional express bus and coach services;
- Enhanced local bus services;
- A Bus and Coach Services Fund Bus (minimum of £10 million) to support the enhanced bus and coach services;
- Funding to support local authorities in enforcement actions against unauthorised off-airport passenger car parking, monitoring and parking controls;
- Sustainable Transport Fund (STF) to create a funding stream for initiatives aimed at increasing the use of sustainable transport modes and achieving the mode share commitments;
- Transport Mitigation Fund (TMF) (£10 million);
- Rail Enhancement Fund (REF) (£10 million) to provide funding to initiatives and measures that are aimed at mitigating the impact of the Project on the rail network, improving reliability of the rail network, or enhancing the rail network or rail services, in support of increasing the use of sustainable transport by

passengers and staff travelling to and from the airport and in delivering the mode share commitments in connection with the Project;

- A rail monitoring and enhancement plan;
- Community Fund which will increase in line with passenger numbers and worth hundreds of thousands of pounds annually for the benefit of local causes across Sussex, Surrey and Kent;
- An ESBS worth £20m;
- Enhanced air quality monitoring totalling circa £2m;
- A Landscape and Ecology Delivery Contribution totalling £3m, together with commitments which would deliver a 20% net habitat biodiversity gain; and
- A noise insulation scheme for residential properties worth >£20m.

28.1.12 In total, the Applicant considers their package of mitigation/enhancement under the DCO and Section 106 Agreement to conservatively total a minimum of £500m.

28.1.13 Gatwick is unusual as an airport in the UK in having (with the obvious exception of the restricted use of the northern runway) limited “planning” or “planning environmental” controls which apply to its operations at the moment or to its future growth, fewer than is typical with other airports that have made planning applications in the last couple of decades.⁶⁶⁶

28.1.14 However, Gatwick voluntarily makes commitments in respect of surface access mode share (through its Airport Surface Access Strategy) and carbon/GHG (through its Decade of Change); and uniquely, the Applicant has entered voluntarily into section 106 agreements (in respect of air quality monitoring and other obligations since 2001) that are subject to re-negotiation every few years, albeit they are not linked to any planning permission. Gatwick has a proud track record of leading the development of sustainable initiatives, with a shrinking noise footprint, market leading sustainable mode shares and carbon reduction achievements which exceed government policy.

28.1.15 The Project presents nonetheless the opportunity to regulate the future growth of the airport through a carefully developed series of controls. Whilst a number of the commitments are expressed as applying from the commencement of dual runway operations, they nevertheless will apply to the whole airport and not simply to the additional passenger/ATM throughput facilitated by the Project. By

⁶⁶⁶ See [\[AS-115\]](#), which set out the existing controls Gatwick is subject to (which would continue to have effect in circumstances where the DCO were not granted).

way of example, Requirements 20 (Surface Access Commitments) and 21 (Carbon Action Plan) apply from the date the authorised development begins and set absolute commitments in respect of the airport more generally.

- 28.1.16 The JLAs and other Interested Parties have made a number of submissions on the detail or efficacy of the Applicant's proposed control documents. As these submissions have demonstrated, the Applicant has strengthened its proposed controls where appropriate and they represent a considerable range of commitments to regulate the operations of the entire airport. .
- 28.1.17 It cannot sensibly be suggested that the overall range of controls is inadequate to address the environmental effects of Gatwick operating with the Project in place. Indeed, the Applicant has never understood the JLAs to make the overall case that the benefits of the development do not substantially exceed its residual effects.
- 28.1.18 Beyond the Applicant's proposals, there have been various suggestions for imposing greater controls on Gatwick through the DCO process. These have come mainly in the form of the EMG proposal from the JLAs, or particular controls suggested by the Examining Authority in suggested amendments to the draft DCO.
- 28.1.19 The EMG proposal is an entirely unwarranted attempt by the JLAs to both impose unnecessary control on the growth of a Gatwick and, despite its strategically important role as a nationally regulated airport, to assume local authority oversight of its operations – in circumstances where the Applicant has proposed a comprehensive range of measures, including a noise envelope, SACs and CAP that provide for effective controls over environmental effects and appropriate enforcement mechanisms including government oversight consistent with the strategic importance of the airport. No serious attempt has been made by the JLAs to demonstrate why EMG is necessary.
- 28.1.20 Amendments suggested by the Examining Authority include noise controls which jettison and discard the noise envelope and noise insulation scheme assiduously developed by the Applicant over a substantial period of time, in consultation with stakeholders, as well as a control which in effect requires a particular mode share to be achieved by the Applicant or risk never being able to use the consented infrastructure for having to achieve something entirely outside the Applicants overall control. A passenger cap is also proposed to add to the Applicant's ATM cap without justification, except that (contrary to the evidence) the Project might ultimately generate more traffic than that assessed in the ES.

The same could be said of every EIA development but decision makers do not cap their beneficial activity without evidence of harm and necessity. The Applicant has expressed its firm views that these additional controls are completely unnecessary and unjustified.

- 28.1.21 The noise controls were advanced by the Examining Authority at a late stage in the examination process (before ISH9 and then changed to become even more restrictive at Deadline 8) but have been shown to be unworkable and simply unachievable.
- 28.1.22 The suggestion that the Applicant should carry out such a substantial investment in nationally important infrastructure and then be prevented from commencing dual runway operations if, to take an example, it falls 0.1% short of the public transport mode shares that it anticipates achieving without the Project, would be wholly disproportionate. The Applicant has set out a best practice approach through which any concerns relating to achieving the necessary mode shares can be anticipated in advanced and addressed effectively, by way of a monitoring and enforcement mechanism that delivers mitigation which is directed at addressing the specific concern (even before dual runway operations commence). This approach is consistent with the assessment and mitigation of environmental effects in any other case. It builds on the successful track record that the Applicant has already demonstrated in improving access to the airport by sustainable modes (a track record which extends to other initiatives relating to the control of carbon emissions and noise). The contrary approach that has been suggested is not based on any evidence of harm arising in the context of the controls that have already been proposed. It would fail the policy test of necessity and would amount to an entirely unjustified limitation on the implementation of the Project.
- 28.1.23 The Applicant wishes to emphasise to the Secretary of State that it would not, indeed could not, implement the Project with these controls in place, such that the substantial benefits held in prospect by the application would not be delivered.
- 28.1.24 The Applicant's case is that the overall planning balance strongly favours the grant of consent in the terms proposed by the Applicant for reasons that have been set out above and are summarised below, having regard to the decision-making framework discussed earlier.

28.2. Principle of development

28.2.1 Policy in the ANPS is not in effect but it confirms the consistent message that is apparent from other important and relevant considerations (in particular MBU) that government policy strongly supports the growth in aviation capacity by way of airports making the best use of their existing runways. This support can be viewed in the context of wider themes of national policy (in the APF, ANPS, MBU, Aviation 2050, FTTF and JZS) which demonstrate that:

- (1) policy has consistently confirmed the importance of aviation to the UK;
- (2) the government is committed to supporting aviation growth to meet forecast demand;
- (3) importance is attached to an efficient and resilient aviation industry;
- (4) the strength of policy support is not diminished by or inconsistent with the Government's commitment to Net Zero.

28.2.2 Government policy is strongly supportive of the growth of the aviation sector in view of its importance to a number of national objectives, including international connectivity and the strength of the national economy. Policy confirms that the government is committed to growth and will work closely with the industry to continually assess how best it can support sustainable recovery and a bright future for UK aviation. Airports are a critical part of the UK's thriving and competitive aviation sector and play a critical role in boosting both global and domestic connectivity.

28.2.3 For well over a decade, the Government has proactively put in place a policy framework aimed at enabling airports to expand their operations to meet the acknowledged and growing shortage of capacity.

28.2.4 Government policies therefore support airports making the making the best use of existing runways, in recognition of the long-term capacity problems which particularly face aviation in London and the South East. The ANPS recognises that the current capacity challenges create negative impacts on the UK through increased risk of flight delays and unreliability, restrictions on competition and lower fares, declining domestic connectivity and constraints on the ability of the aviation sector to deliver wider economic benefits.

28.2.5 The Project benefits directly from the strength and consistency of that Government policy support. That support is not diminished by other national priorities such as the Government's commitment to deliver net zero by 2050. In fact, the Jet Zero Strategy makes clear that this objective can be achieved consistently with growth in the aviation sector – the government's understanding

of the capacity for growth of UK airports (including the third runway at Heathrow and this Project) is that this can be developed and operated consistent with the planned trajectory for achieving net zero emissions by 2050.

28.2.6 In principle, therefore, the Project benefits from particularly strong, up to date and direct Government policy support.

28.2.7 The Applicant has considered these matters without differentiating between different elements of the Project, but the compliance with policy including the ANPS applies to the airport-related development considered under section 105 of the 2008 Act (or as part of any consideration of the overall application under section 104).

28.2.8 The NNNPS states that there is a compelling need for development of the national networks for a number of reasons, including the need to improve integration with airports, i.e., to provide the critical links between cities, communities and our major airports (paras 2.8, 2.10 and 2.13). This in-principle support is plainly an important factor in the application of section 104 to the highways-related development.

28.3. Need and Benefits

28.3.1 Despite the extensive debate that has taken place during the examination, the fundamentals of the need and benefits case for this DCO have always been, and remain, compelling. If need is considered to be demonstrated by the benefits that would be delivered by the application, an approach taken by the Secretary of State in the Manston decision, the benefits of the Project are considerable and should be accorded very substantial weight.

28.3.2 Gatwick is indisputably subject to a substantial excess of demand over capacity. Its need for capacity is clearly apparent now, without depending on forecast growth. The resilience benefits of using the northern runway are not in dispute. No forecast before the examination suggests that demand will not grow further at Gatwick so that (whatever assumption is made about its future baseline capacity), demand will exceed capacity (and the lower the future baseline capacity is claimed to be, the greater the need for more capacity). The Project would enable Gatwick to make a substantial contribution in the short and medium term to addressing the pressing capacity issues facing airport capacity in the South East, many years ahead of any other airport project. That contribution would be nationally important. Any claim that the Applicant has overestimated its

potential to grow without the Project only demonstrates a greater need for more capacity and with it the substantial benefits it would bring.

- 28.3.3 The highway works generate significant benefits for the local road network compared with a future without them. In the absence of the Project, airport operations would continue to grow, albeit to a lesser extent, and the net effect of the Project would allow congestion issues to be resolved by the net effect of the Project's highway improvement works. Additionally, the project invests significantly in enhancements in active travel and accessibility and commits to further investment and improvements against an already high baseline in public transport connectivity to the airport. These enhancements, of course, provide significant benefit to all users of the airport, not just those served by the Project.
- 28.3.4 There is no dispute that the Project would deliver substantial direct, indirect and induced job creation and related GVA as concluded in the local economic impact assessment. By 2029, an additional 4,500 jobs and £310m in GVA will be created per annum in the Six Authorities area covering West Sussex, East Sussex, Surrey, Kent, Brighton and Hove and the London Borough of Croydon. It is then expected to lead to an additional 14,000 jobs and £1bn of GVA in 2032, 13,700 jobs and £1.05bn of GVA in 2038, and 12,800 jobs and £1.1bn of GVA in 2047. A significant share of this impact is expected to be generated in close proximity to the airport.
- 28.3.5 The ESBS and the ESBS Fund in the amount of £20 million would enhance these benefits by maximising economic opportunities for communities and businesses by creating conditions for suitable employment, skills development, career progression and enhancements to the productivity and growth of businesses.
- 28.3.6 Overall, the Applicant maintains its view that the local and national assessments that have been prepared in support of the application strongly support the proposition that the Project would deliver very significant economic benefits.

28.4. [Other environmental effects](#)

The **Planning Statement Appendix C - Planning Policy Compliance Table [APP-248]** provides a detailed commentary on how the Project complies with policy including the ANPS and NNNPS, across a range of topics including those assessed within the ES (as now consolidated). The annexed Note on compliance of the highway-related development against the NNNPS confirms that this commentary remains applicable when the highway works specifically are

considered against the NNNPS, pursuant to section 104(3). Section 2 above provides further commentary on the decision-making framework which has been taken into account when reaching the conclusions set out below. These conclusions apply to the consideration of the airport- and highway-related development under sections 105 and 104 pursuant to the ANPS and NNNPS (or if the application is determined under section 104 alone).

Greenhouse Gases

The construction and operational GHG effects of the Project are set out in ES Chapter 16, as supplemented through the consolidated ES. The ES has assessed the significance of the effects arising from GHG emissions having regard to IEMA Guidance on contextualisation, across all relevant sources of emissions, and having regard to commitments within the CAP. The Applicant has followed and exceeded best practice on matters within its control. It is clear that the effects arising from Project will not be so significant as to have a material impact on the ability of Government to meet its carbon reduction targets, including its carbon budgets.

Climate change

- 28.4.1 The impacts of climate change on the Project are considered within Chapter 15 of the ES, including a Climate Change Resilience assessment which covers design, build (construction) and operation and identifies mitigation measures to ensure resilience, including design principles that account for extreme temperature events and water stress.

Consistent with policy requirements in both the ANPS and NNNPS, the assessment includes identification of climate change impacts including UKCP18 (the latest set of UK climate projections) reflecting a number of time periods, covering the lifetime of the Project. More radical changes to the climate beyond those projected in the latest set of UKCP18 have been considered using plausible higher and lower end climate change projections. Measures to manage risks are described in **ES Chapter 15** [[APP-040](#)] and the design principles secure Outline Climate Resilience Design Principles to ensure that climate change issues are appropriately considered as the Project develops.

Noise

- 28.4.2 The noise assessment has included thorough and extensive modelling which considers all the main sources of noise emissions from the airport, ground operations, construction and surface transport. The assessment has been carried

out in accordance with all relevant guidance and government policy. The policy requirements set out in the ANPS and NNNPS for noise assessment have been fulfilled. Additionally, the assessment has considered how, and made allowances for new technology and quieter aircraft so that noise exposure in the future can be properly planned for.

28.4.3 As explained above, the general zone of influence of Gatwick covers a relatively small population (quantified by the LOAEL, it can be measured as approximately 28,000 people, as at 2019), compared with other airports, such as Luton (68,000 night, 41,000 day), and Heathrow (1.1 million day, 940,000 night, as at 2017). Objectively, Gatwick is a noise efficient airport. The Project will result in some negative impacts from noise (allowing for a reasonable worst case) once embedded and further mitigation is applied. In EIA terms, the Project will result in the following effects which are 'significant' following the application of existing and proposed mitigation.

- 37 properties are predicted to experience a short term moderate adverse effects during the daytime as a consequence of construction noise.
- 80 properties are predicted to experience permanent moderate adverse effects during the daytime as a consequence of air noise; and
- 30 properties are predicted to experience permanent moderate adverse effects during the daytime as a consequence of ground noise.
- There are no predicted noise related significant effects during the night time following the application of the existing and proposed mitigation.

28.4.4 The Applicant already has a strong track record in noise mitigation and reduction and has proposed mitigation measures in this case which meet and exceed the expectations of government policy.. Without wishing to understate the importance of the above impacts, the extent of impacts which are significant in the context of EIA assessment is relatively small.

28.4.5 The policy tests in the ANPS are met – significant adverse effects on health and quality of life are avoided through a noise insulation scheme put forward by the Applicant which exceeds government policy and which would help to establish best practice in the industry. Noise effects below SOAEL are mitigated and minimised through a comprehensive range of measures, including a noise insulation policy which extends as far as 54dB Leq

- 28.4.6 In the context of aviation noise, government policy on noise does not require noise from an airport project to reduce from the baseline position, but rather requires aviation noise to be limited and where possible to reduce, recognising that in the context of sustainable growth an increase in total adverse effects may be offset by an increase in economic and consumer benefits.. The consideration of the overall planning balance in this case, points overwhelmingly in favour of the grant of consent.
- 28.4.7 In particular, the Applicant's Noise Envelope proposal strikes an appropriate balance between growth and noise reduction and complies with policy and relevant guidance in all respects, in particular in respect of how shares the benefits of technological improvements with the community, how it was prepared through stakeholder engagement, how its clear use of contours based on primary Leq 16hr metrics provides certainty to communities, and how it provides for future reviews to be undertaken so as to ensure it remains relevant and continues to capture and share the benefits of technological improvements in the industry.

Traffic and Transport

- 28.4.8 In accordance with policy requirements, the Project is supported by a **Transport Assessment** [REP3-058] and **ES Chapter 12** [REP3-016] which demonstrate the predicted level of trips by travel mode, based on specific targets for maximising the proportion of journeys made by non-car modes. Transport modelling has been undertaken using the WebTAG methodology and the assessment has more generally been undertaken in accordance with relevant guidance, including consideration of updated guidance issued after the application material was completed. The highway network with the Project shows improved performance when compared to the equivalent future baseline case. All material issues raised by National Highways have been satisfactorily resolved with their agreement.
- 28.4.9 The Project includes the SACs,¹⁴⁰ which will be a certified document, compliance with which is secured by Requirement 20 in the draft DCO. The Project also includes the provision of highway works and active travel infrastructure, delivery of which is secured in Requirements 5 and 6 of the draft DCO. The Project therefore provides clear and deliverable surface access proposals that will increase the proportion of journeys made to and from the Airport by sustainable modes. The Project is not expected to give rise to any significant traffic or transport effects with these measures in place. Network Rail has confirmed that pending completion of completion of a legal agreement to secure the Surface

Access Commitments in the form submitted by the Applicant at Deadline 9 (which include a Rail Enhancement Fund of £10 million and further defined measures in support of delivering the mode share commitments) and completion of the Framework Agreement (both of which are expected imminently), NR will be in position to confirm the withdrawal of its written representations in respect of the Project.

- 28.4.10 The Project will deliver measures to improve accessibility for active travel modes, promote sustainable travel and reduce community severance and annoyance from fly / illegal parking in the vicinity of the Airport, in accordance with paragraph 5.14 of the ANPS and paragraphs 5.215 and 5.216 of the NNNPS.

Air Quality

- 28.4.11 An air quality assessment is reported in **ES Chapter 13: Air Quality [REP3-018]** and corresponding appendices. The assessment includes forecasting of all relevant air quality pollutants at the time of opening, with and without the Project in operation. It determines the significance of effects from all Project related activities (both construction and operation) and concludes that no significant air quality effects would arise as a result of the Project. The Project will not result in any new exceedances of the national air quality standards or delay compliance in any zone or agglomeration.
- 28.4.12 Construction phase mitigation includes measures to mitigate and monitor dust and emissions, detailed in the **Code of Construction Practice (CoCP) [REP7-022]** and the **Construction Dust Management Strategy (CDMS) (ES Appendix 5.3.2: CoCP Annex 9 [REP8-046] [REP5-022])**. For the operational phase, commitments to a continuation of and enhancements to the existing monitoring regime and actions to improve air quality are set out under relevant control documents and will be reported under an Air Quality Action Plan.

ES Chapter 13: Air Quality [REP3-018] and Appendix C to the Planning Statement has been used to demonstrate compliance with relevant planning policy, including the ANPS and NNNPS.

Ecology and Nature Conservation

- 28.4.13 The Ecology assessment reported in **Chapter 9 of the ES [APP-034]**, associated appendices and detailed updates submitted into Examination provide a comprehensive assessment of the potential effects of the Project on ecology receptors. The size and location of the Project has enabled the Applicant to

consider ecology at a landscape-scale and to bring forward an ambitious ecology strategy commensurate with this.

- 28.4.14 **Chapter 9 of the ES [APP-034]** has been used to determine compliance with relevant planning policy. Paragraphs 5.89 to 5.91 of the ANPS set out the considerations for an assessment of biodiversity and ecological conservation, with a general aim (at paragraph 5.96) of achieving no net loss to biodiversity. The same policy objectives are set out in the NNNPS (paras 5.22-6).
- 28.4.15 The Project has been designed, as far as possible, to avoid effects on biodiversity through option identification, appraisal, selection, and refinement, for example, by removing ancient woodland from the Order limits and through the design process for the highways improvement works. Mitigation measures have been designed into the Project for the purpose of minimising effects related to ecological receptors while extensive enhancement has been provided, to be implemented through a comprehensive and ecologically coherent strategy. The delivery of the ecology strategy means the Project will provide a minimum of 19.64% habitat gain, 16.31% in watercourse gain and 10.83% in hedgerow gain through the extensive landscaping and habitat creation proposals and the management of retained and proposed habitat areas in accordance with policy.
- 28.4.16 The JLAs have recently expressed a residual concern that the Project would result in a net loss of 3.12 ha of woodland, which they suggest has not been mitigated. This issue is addressed in these submissions at Chapter 13, which explains how the Project provides for an overall net gain in the number of trees. The majority of 'woodland' to be lost comprises highways planting from when the A23 was constructed circa 35 years ago. It is in poor ecological condition and will be replaced by woodland with a higher target condition – i.e. there will be an improvement in the overall ecological condition compared to the baseline. In addition, the woodland replanting along the road will be supplemented by scrub and wildflower grassland planting, expanding the diversity of habitats present.
- 28.4.17 The proposals therefore comply with policy in the ANPS and NNPS. Natural England have raised no objection to the Project.

Health and Wellbeing

- 28.4.18 Health impacts arising from the Project are identified in **ES Chapter 18 [APP-043]**. No significant adverse population health effects are anticipated as a result of the Project, including for vulnerable groups and health inequalities. Whilst there have been some refinement of mitigations and discussions of evidence sources and methods in response to matters raised by local authorities and their

public health teams during examination, it has not been suggested that the UKHSA and OHID were incorrect in reaching their conclusion that the Project should not result in any significant adverse effects to public health.

- 28.4.19 A best practice assessment, including an assessment of cumulative effects, has been delivered in line with IEMA and HIA guidance and ANPS and NNPS policy. Beneficial effects of the Project for public health are expected to be significant and of particular benefit to vulnerable groups in local communities. Measures to maximise health benefits and mitigate adverse effects are included and secured, consistent with policy in both the ANPS and NNPS.

Design

- 28.4.20 Achieving good design has been an integral consideration of the Project from the outset. The design of the Project has been informed by a comprehensive and integrated process from inception and option analysis, through consultation and EIA stages and into a suite of design-related commitments. The Design Principles, alongside other control documents, will ensure that the commitments in the application are carried forward through the detailed design stage and that good design is achieved. The Design Principles have been strengthened significantly during the Examination process through feedback from Interested Parties and the ExA in its written questions. The Applicant has also responded positively to feedback from Interested Parties and the ExA on the detailed design approval and consultation processes, and which now includes a review by an independent Design Adviser for key Project components. The Applicant considers that the Project design appropriately balances the importance of its visual appearance and its contribution to the quality of the area with functionality, fitness for purpose, sustainability, cost, durability, adaptability and resilience as advocated in the ANPS and NNNPS.

Landscape and Townscape

- 28.4.21 The Landscape, Townscape and Visual Resources assessment in **Chapter 8 of the ES [APP-033]** has been used to determine compliance with ANPS and NNNPS policy. Paragraph 5.214 of the ANPS states the requirement for landscape and visual impacts, including tranquillity, to be assessed as part of the EIA. **Chapter 8 of the ES [APP-033]** considered likely effects of the Proposed Development on the elements that make up the landscape/townscape, the specific aesthetic or perceptual qualities and character of the landscape/townscape and changes in views or visual amenity.

- 28.4.22 The Project is located outside the South Downs National Park and the AONBs. As such, there is no direct impact on the National Park or AONBs as a result of the Project. **ES Chapter 8** [APP-033] considered potential impacts on the South Downs National Park and the AONBs by reference to a Tranquillity Assessment. Natural England have agreed in the **Statement of Common Ground Between Gatwick Airport Limited and Natural England** (Doc Ref. 10.1.15 v4), that the increase in overflights in the National Park and AONBs is negligible and will not require any mitigation measures (row 2.14.3.1).
- 28.4.23 With regard to the High Weald and Surrey Hills National Landscapes, the Applicant considers that the Proposed Development has been designed sensitively and with regard to various factors, including the distance between the Project site and the National Landscape, the siting and scale of proposed built form and the context of existing airport infrastructure and surrounding settlements and built form. The Proposed Development would not compromise the purposes of the designation of nationally designated landscapes as set out in the ES chapter. The impact on the perception of tranquillity within nationally designated landscapes as a result of an increase in overflights has also been assessed in **ES Chapter 8** [APP-033] and also demonstrates compliance with national and local policies.
- 28.4.24 An **Outline Landscape and Ecology Management Plan** (oLEMP) (Doc Ref. 5.3 v8) has been prepared that sets out an overarching strategy for landscape and ecological proposals for the Project and the measures for the management and enhancement of existing and proposed vegetation and habitats. The landscape and ecological proposals set out within the oLEMP will deliver landscape scale benefits for Gatwick Airport and the surrounding townscape and landscape fringes.
- 28.4.25 The key objectives of the oLEMP are;
- Landscape Integration to provide an appropriate setting for the new developments within the airport, responding to adjacent urban and rural land uses and the existing character of the airport;
 - Retention of green infrastructure assets wherever possible. Integration with and expansion of the existing green infrastructure network within and around the airport; and
 - Enhancing, restoring and reintroducing characteristic landscape elements which have been lost or degraded.
- 28.4.26 The illustrative landscape proposals within the oLEMP provide extensive opportunities to deliver a scheme which extends and enhances green

infrastructure and open space, increases biodiversity and enhances the experience of people within the airport and local communities. A scheme of high quality will be secured through the post consent, detailed design process based on appropriate Design Principles.

- 28.4.27 All elements of the authorised development are subject to design control, with no exceptions. The landscape and ecological proposals set out within the oLEMP will deliver landscape scale benefits for Gatwick Airport and the surrounding townscape and landscape fringes.
- 28.4.28 The Applicant has undertaken extensive work during the Examination to specifically address Crawley Local Plan policy CH6 regarding tree removal and replacement calculations and the provision of landscape and ecological mitigation within the Project. Tree loss and replacement has been assessed on a worst case basis but, even on that basis, the proposals comply with CBC policy CH6, which incorporates a multiplier to ensure no net loss of amenity, habitat or biodiversity is experienced. The Applicant has committed to provide a Tree Balance Statement under a new DCO Requirement submitted at Deadline 8 to confirm compliance with policy CH6, although the evidence demonstrates that the policy requirements will be substantially exceeded.

Historic Environment

- 28.4.29 The effects of the Project on the historic environment, along with opportunities for enhancing the significance of relevant heritage assets, have been assessed in **ES Chapter 7: Historic Environment** [APP-032] and supporting appendices, in accordance with the requirements of ANPS and NNNPS policy (along with additional information presented in The Historical Development of Gatwick Airport including a **Review of the Extent of Past Ground Disturbance** [REP6-070 and REP6-070]). Recommendations to offset the loss of heritage significance (value) through documentary recording are set out in ES Chapter 7. Archaeological Evaluation Reports (forming **ES Appendix 7.6.2** (Doc Ref. 5.3) and **ES Appendix 7.6.3** (Doc Ref. 5.3)) have been prepared to understand the probability that the development site may include as yet undiscovered heritage assets with archaeological interest, the findings of which have led to the production of Written Schemes of Investigation for post-consent Archaeological Investigations to be secured as part of the DCO. Section 9 of the **Planning Statement** [APP-245] weighs the limited effects of the Project against its public benefits, which would be very substantial.

Water Environment

- 28.4.30 The assessment of Project impacts to the water environment are set out in **ES Chapter 11: Water Environment** [APP-036], which confirms that the assessment has been undertaken in accordance with relevant legislation and policy in the ANPS and NNNPS. Flood risk and water quality have been assessed discretely for the various elements of the Project throughout the chapter.
- 28.4.31 In relation to the ANPS, paras 4.6, 4.47, 4.9 and 5.154 set out the need for detailed consideration of climate change impacts, which have been considered throughout **ES Appendix 11.9.6: Flood Risk Assessment** (Doc Ref. 5.3 v4). **ES Appendix 11.9.6: Flood Risk Assessment** (Doc Ref. 5.3 v4) addresses the requirements for a flood risk assessment to and from the project, stated within para. 5.153, and provides evidence for the application of the Sequential and Exception Tests as required by para. 5.154. In line with para. 5.154, residual risks after risk reduction measures have also been considered within **ES Chapter 11** [APP-036], Section 11.9, and in Section 7 of **ES Appendix 11.9.6: Flood Risk Assessment** (Doc Ref. 5.3 v4). Para. 5.183 sets out the need for a Water Framework Directive Compliance Assessment, which is presented in the **Water Framework Directive (WFD) Compliance Assessment in ES Appendix 11.9.2** [APP-143].
- 28.4.32 Paras 5.90 to 5.115 in the NPS for National Networks set out the requirement for a flood risk assessment and application of the Sequential and Exception Tests in accordance with the National Planning Policy Framework (NPPF). A Flood Risk Assessment has been included as **ES Appendix 11.9.6: Flood Risk Assessment** (Doc Ref 5.3 v4) that informs the assessment of the impact of the Project and also demonstrates the compliance with the Sequential and Exception Tests. Paras 5.219 to 5.231 set out the requirements in relation to water quality and resources, stating the applicant should ascertain the existing status of, and carry out an assessment of the impacts on, water quality water resources and physical characteristics (geomorphology) as part of the environmental statement. The existing status of water resources in the study area is summarised in **ES Chapter 11** [APP-036], Section 11.6 (Baseline Environment), and the impacts are assessed and summarised in **ES Chapter 11**, Section 11.9.
- 28.4.33 The assessment shows that the impacts would be acceptable under both the ANPS and NNNPS.

28.4.34 During the Examination, the Applicant submitted a Change Application to provide for the construction of an on-airport Wastewater Treatment Works (“WWTW”) to provide an alternative solution for wastewater treatment, rather than discharging wastewater flows into the local network to be treated at a sewerage treatment facility operated by Thames Water Utilities Limited ('TWUL'). The Applicant promoted this change in response to TWUL’s inability to provide certainty regarding capacity constraints in TWUL's local network and sewage treatment works infrastructure. TWUL has requested that a requirement be included in the Draft DCO that specifies that no airport growth arising from the Project can be implemented (and wastewater flows discharged) until modelled wastewater flows have been agreed by TWUL and any necessary upgrade works to TWUL’s network and processing facilities have been implemented. The Applicant does not consider that it would be either necessary or appropriate to include such a requirement in the Draft DCO, having regard to TWUL’s existing statutory duties. However to avoid a scenario where the growth associated with the Project is conditional on TWUL upgrading its infrastructure (in circumstances where the SoS otherwise considered TWUL's requested requirement to be necessary, notwithstanding the Applicant's submissions), the Applicant has put forward the alternative solution of an on-airport WWTW, with related provision in the DCO to secure its development. The bespoke on-airport facility would treat all flows from the airport, such that no flows would be discharged into TWUL’s receiving network or process infrastructure. This change would not result in any different effects as compared to the Project without the change and would secure compliance with ANPS policy in particular in respect of the airport-related development.

Land Use and Recreation

- 28.4.35 The Land Use and Recreation assessment is reported in Environmental Statement **Chapter 19: Agricultural Land Use and Recreation** [APP-044]. Paragraphs 5.108, 5.115 and 5.126 of the ANPS set out policy regarding development on the “*best and most versatile*” agricultural land (BMV). Similar policy is contained in the NNNPS (para. 5.168). The construction and operation of the Project would affect no BMV. Measures to ensure that the quality of the soil resources would be protected and restored during construction are included in the **Outline Soil Management Strategy (Appendix 5.3.2 to the CoCP** [APP-086]).
- 28.4.36 In respect of open space, para. 5.112 of the ANPS states that existing open space, sports and recreational buildings and land should not be developed

unless the land is no longer needed or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

- 28.4.37 The NNNPS Paragraph 5.181 states that consideration should be given to whether mitigation of any adverse effects on green infrastructure or open space is adequately provided for by means of any planning obligations, for example, to provide an exchange of land between two owners and provide for appropriate management and maintenance agreements. Any exchange land should be at least as good in terms of size, usefulness, attractiveness, quality and accessibility. Alternatively, where sections 131 and 132 of the 2008 Act apply, any replacement land provided under those sections will need to conform to the requirements of those sections.
- 28.4.38 The Project includes the provision of a significantly larger area of open space compared to the area that would be permanently acquired for Project works. The areas of replacement land would be located on the closest available areas of land to those that are to be acquired so that they would be accessible to the communities that the current open space serves. The concept designs for the areas of replacement land, included in the **Outline Landscape and Ecology Management Plan** (Doc Ref. 5.3 v8) illustrate how these areas would be developed incorporating biodiversity, landscaping and health and wellbeing objectives, to enable the use of the existing open space to be extended into the areas of replacement land, incorporating suitable planting, provision of paths, access and signage. The replacement land proposals therefore overall provide high quality replacement open space, once fully established, that is equivalent or better in terms of size, accessibility, usefulness, attractiveness and quality and is therefore acceptable in terms of planning policy.
- 28.4.39 The effects on the public rights of way network are predominantly associated with the construction of the highway improvements as part of the Project. Measures to ensure that the network is both maintained and enhanced through the provision of additional facilities and active travel enhancements have been developed through the preliminary design and are identified and committed on the **Rights of Way and Access Plans** (Doc Ref. 4.6 v5). Measures proposed for the management of the network during the construction of the Project to ensure that any disruption to the use of the network is reduced, as far as possible, are explained in the **Public Rights of Way Management Strategy** (Doc Ref 5.3 v4), thereby ensuring compliance with NNNPS (para. 5.184) policy (and ANPS para. 5.123).

Geology and Ground Conditions

- 28.4.40 The effect of the Project on geology and ground conditions has been assessed in **Chapter 10: Geology and Ground Conditions [APP-035]**. Having regard to the land contamination, mineral resource and land instability matters the Proposed Development is in accordance with all relevant planning policy.
- 28.4.41 Construction activities which could expose construction workers, adjacent site users and users of the airport to existing contaminants as well as mobilising contaminants within the water environment are identified with design and environmental management mitigation measures implemented as set out as a Schedule 2 requirement in the **Draft DCO** (Doc Ref. 2.1 v11) and within the **Code of Construction Practice** (Doc Ref. 5.3 v6). The Project is not expected to cause pollution to the environment or pose unacceptable risks to human health, given the measures in place for remediating and mitigating land contamination.
- 28.4.42 As regards operational effects, following completion of any remediation of identified Potential Areas of Concern (and other development areas as appropriate) negligible adverse effects were assessed for human health (future site users) in terms of land contamination.

Resource and Waste Management

- 28.4.43 Waste from the construction and operation of the Project will be managed in accordance with relevant legislation and policy. Site Waste Management Plans, Resource Management Plans and an Operational Waste Management Plan will be prepared during the detailed design phase of the Project setting out the measures for managing waste generated during the construction and operation of the Project. These plans will be in accordance with the **Construction Resources and Waste Management Plan [REP8-028]** and the **Outline Operational Waste Management Strategy [REP3-070]** and are secured by requirements 25 and 30 respectively of the draft DCO.

Major Accidents and Disasters

- 28.4.44 The MAAD assessment in **Appendix 5.3.4 Annex 2 of Appendix 5.3.4 of the ES [APP-089]** of the ES confirms that the Project would comply with relevant policy, legislation and guidance. The assessment of major accidents and disasters has been completed in accordance with the requirements of paragraphs 4.5 of the ANPS. The scheme design, which includes measures as part of the Project to reduce vulnerability, increase resilience and ensure public

safety and security, has been found to satisfy the operational, safety and security standards in accordance with paragraphs 4.35 and 4.63-4.69 of the ANPS. As an operator of an existing airport, GAL is frequently engaging with the Civil Aviation Authority and other national security bodies. It complies with national security legal requirements throughout its operational activities and any development activities. The Project is no exception to this. The CAA has not identified any security implications arising from the delivery of the Project that require to be addressed at this stage (paragraph 4.65 of the ANPS).

- 28.4.45 The Project would not introduce hazards during the construction period which cannot be effectively managed through the **Code of Construction Practice** (Doc Ref. 5.3 v6) and existing plans and procedures currently in place at the airport. Similarly, operation of the Project would not result in significant increases in risk levels.
- 28.4.46 In terms of road safety, this has been an important consideration in the development of the highways scheme including through discussions with National Highways. The Applicant has taken opportunities to improve road safety where proportionate in accordance with paragraph 3.10 in the NNNPS.
- 28.4.47 All aspects of policy would therefore be met by the Project, including the airport-related and highway-related development.

Community Engagement

- 28.4.48 GAL has a strong track record of engagement and joint working.
- 28.4.49 Engagement on the Project has been carried out throughout the design process, including non-statutory and statutory consultation as described in **ES Chapter 1 [APP-026]** and in Section 8.21 of the **Planning Statement [APP-245]**. The pre-application consultation undertaken is documented within the Consultation Report. Since then the Applicant has continued to have extensive engagement with a wide range of stakeholders, as is evident from the extensive Statements of Common Ground. The Applicant has also carried out appropriate consultation on proposed changes to the Project since submission of the Application
- 28.4.50 The Applicant has continued to engage with the JLAs in a series of topic working groups to resolve outstanding concerns, culminating in a series of revisions to the draft DCO, control documents and agreed section 106 obligations. The **Section 106 Agreement** (Doc Ref. 10.11 v3) provides for at least bi-annual meetings between the Applicant and CBC, WSCC, RBBC and SCC to allow feedback and information sharing (including with the other JLA members) and

otherwise ensure a forum for collaboration on matters relevant to the Agreement, DCO and the airport's relationship with the Councils more generally. Authorities, communities and other stakeholders have been able to give proper consideration to the potential impacts of the Project and the mitigation proposed by the Applicant, including the Noise Envelope and Noise Insulation Scheme, in accordance with policy.

Compulsory Acquisition and Temporary Possession

28.4.51 The conditions of section 122 of the 2008 Act have been met. In particular, there is a compelling case in the public interest for land identified in the Draft DCO to be acquired compulsorily or subject to rights of temporary possession, in a context where the vast majority of the land required to implement the Project is already controlled by the Applicant. Following Compulsory Acquisition Guidance (see paras 8-10 especially), all reasonable alternatives to compulsory acquisition have been explored; the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate; the Applicant has a clear idea of how it intends to use the land which it is proposed to acquire; there is a reasonable prospect of the requisite funds for the acquisition becoming available; and the purposes for which compulsory acquisition of land powers are included in the DCO are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. The Applicant has engaged in extensive discussions to secure agreement from affected landowners, and will continue to do so, however the Applicant seeks the powers sought in the Order to acquire interests where necessary, in order to ensure the satisfactory delivery of the Project.

28.5. Conclusion

28.5.1 The airport-related development complies with the ANPS (as does the wider Project) and is supported by other important and relevant matters, in particular a suite of aviation policy or strategy documents which emphasise the substantial benefits that arise from the development of much-needed airport capacity in the South East, in particular development that makes best of use existing runways such as the northern runway at Gatwick. The benefits of the airport-related development would be very substantial and attract very significant weight.

28.5.2 Issues raised in Local Impact Reports have been satisfactorily addressed through the assessment of ES topics as set out above, and through the mitigation and enhancements that would be secured through the DCO, control

documents and substantial section 106 obligations. Any harm arising from the airport-related development cannot sensibly be considered to outweigh the benefits.

- 28.5.3 The NNNPS is in effect in relation to the highway-related development. Under section 104 of the 2008 Act, that development would accord with policies in the NNNPS, including policy which requires consideration of its potential wider benefits and effects, as would arise through its facilitation of the airport-related development. None of the exceptions in section 104(4) to (8) of the 2008 Act apply. The grant of consent would not lead the United Kingdom being in breach of its international obligations (including those relating to climate change), or lead to the Secretary of State being in breach of any duty imposed by or under any enactment, or be unlawful by virtue of any enactment, or generate adverse impacts which outweigh its benefits – conclusions which all apply when the ability of the highway-related development to enable the delivery of the wider Project is taken into account, including the airport-related development.
- 28.5.4 The balancing exercise confirms that the benefits substantially outweigh the adverse effects in this case.
- 28.5.5 The Applicant therefore respectfully asks the Examining Authority to recommend that consent for the Project be granted, and the Secretary of State to grant consent.

1 Appendix A – Compliance of highway-related development against the NSPNN 2014

Table of Contents

1	Compliance of highway-related development against the NSPNN 2014	1
1.1	Purpose of this Document	1
1.2	Air Quality	2
1.3	Ecology and Nature Conservation	2
1.4	Climate Change and Greenhouse Gases	3
1.5	Historic Environment	3
1.6	Design	3
1.7	Socio-Economics	4
1.8	Water Environment	4
1.9	Health and Wellbeing	4
1.10	Agriculture and Recreation	5
1.11	Landscape, Townscape and Visual Resources	5
1.12	Noise and Vibration	5
1.13	Ground Conditions	6
1.14	Traffic and Transport	6
1.15	Waste and Resource Management	6
1.16	Safety and Security	7
1.17	Community Engagement	7
1.18	Light Pollution	7
2	Conclusion	7

1 Compliance of highway-related development against the NSPNN 2014

1.1 Purpose of this Document

- 1.1.1 The analysis below sets out to identify how the submitted application has tested the effects of the NRP against the policy requirements of the NNNPS 2014. It is structured by the headings as they appear within the NPSNN 2014 and Appendix C to the **Planning Statement** [APP-248]. Appendix C (from page 86) sets out the policy requirements of the NNNPS by topic and summarises the compliance of the project.
- 1.1.2 The **Planning Statement** [APP-245], including **Appendix C – Planning Policy Compliance Table** [APP-248], does not explicitly differentiate the assessment of the Project against the NNNPS from an assessment of the highway-related works on their own as the Project is not severable and the purpose of highway-related development is to facilitate the airport operations that would be achieved under the Project.
- 1.1.3 The NNNPS does “have effect” for the highway element of the application. However, as the project is primarily an airport related project, the **Planning Statement** [APP-245] focusses mainly on the Airports National Policy Statement (ANPS) when considering the policy framework for the application. Whilst it does not “have effect” it states in terms that it will be important and relevant for airport infrastructure in the south-east.¹ It also contains policies relating to highway matters, as it anticipates that proposals for larger scale airport related development may include highway improvements.
- 1.1.4 However, the Project has been tested as a whole against both the ANPS and the NPSNN at Appendix C of the **Planning Statement** [APP-245] and was found to comply with both – unsurprisingly given the commonality of their respective policies.
- 1.1.5 This assessment of effects and policy compliance has been tested throughout the course of the examination through hearings and written questions, as well as through the Statements of Common Ground, and its conclusions remain intact.
- 1.1.6 Applying a distinction, between the NNNPS having effect in relation to the highway-related development, and the ANPS including policies which are important and relevant to the consideration of the airport-related development (as

¹ ANPS paragraph 1.12

part of a wider Project including highway works), it would be surprising if a different conclusion were reached when compared with considering ANPS and NNNPS policy in the context of the Project as a whole. The effects of each element of the application arise within the wider assessed effects of the Project.

- 1.1.7 However to the extent that is practical, the analysis in this document (read together with the Planning Statement and its Appendix C) considers that proposition – topic by topic – with particular reference to the highway-related development, given that the NNNPS is in effect in relation to that development for the purposes of applying the statutory presumption in section 104(3).

1.2 Air Quality

- 1.2.1 An assessment on air quality impacts arising from construction traffic associated with the construction of the surface access improvements has been provided separately within Section 13.10 of **ES Chapter 13: Air Quality** [[APP-038](#)]. No significant effects were predicted for air quality during construction.
- 1.2.2 During operation, changes in pollutant emissions can be identified within the assessment for road traffic alone using the surface access improvements. In all assessment years, no significant effects were identified.
- 1.2.3 Therefore, there would be no change to the conclusions reached for compliance against the NSPNN 2014 at pages 86 to 90 of Appendix C to **Planning Statement** [[APP-248](#)].

1.3 Ecology and Nature Conservation

- 1.3.1 Ecological impacts arising from the highway-related development can be identified within Section 9.9 of **ES Chapter 9: Ecology and Nature Conservation** [[APP-034](#)] beneath the various sub-headings for designated sites, habitats and species.
- 1.3.2 The overall effects on ecology and nature conservation take into account the mitigation proposed as part of the Project as a whole. In this context, paragraphs 4.3 and 4.4 of the NPSNN are relevant as they require the decision-maker to take into account the benefits which are enabled by the development, which include the mitigation measures proposed in the application, which include measures to mitigate the impact of the highway works.
- 1.3.3 Therefore, even considering the highway works specifically against the policies of the NNNPS, there would be no change to the conclusions reached for

compliance against the NSPNN 2014 set out at pages 90 to 93 of Appendix C to the **Planning Statement** [\[APP-248\]](#).

1.4 Climate Change and Greenhouse Gases

1.4.1 **ES Chapter 16: Greenhouse Gases** [\[APP-041\]](#) considers the Project as a whole and does not calculate the greenhouse gases associated with solely the highway NSIP nor its effects in isolation. The measures proposed as part of the Carbon Action Plan include measures to mitigate impacts for the highways-related development and the principal airport development. The conclusion of no significant effects reached in the ES applies equally to the highway effects and the assessment reached at pages 93 to 98 of Appendix C would not change if a separate assessment were provided as part of the Environmental Statement because the combined impacts of both the airport and highway-related development together are greater than the highway-related development alone.

1.4.2 The Applicant would not have reached a different conclusion in response to policies 5.17, 5.18 or 5.19 if separate calculations and assessment were conducted. Therefore, a separate assessment of the carbon impact of the highway-related development against the Government's carbon budget is not required to establish policy compliance.

1.4.3 With respect to climate change, there would be no change to the assessment's conclusions reached within **ES Chapter 15: Climate Change** [\[APP-040\]](#) nor Appendix C of the **Planning Statement** [\[APP-248\]](#).

1.5 Historic Environment

1.5.1 Impacts on heritage arising from the highway-related development can be identified separately to the airport-related development within Section 7.9 **ES Chapter 7: Historic Environment** [\[APP-032\]](#) as the assessment of effects is set out based on works. The effects of the highway-related development are plainly less than that of the entire development, whilst the mitigation measures proposed remain relevant to the assessment and therefore there would be no change to the conclusions reached at Pages 98 to 102 of Appendix C to the **Planning Statement** [\[APP-248\]](#).

1.6 Design

1.6.1 The Design and Access Statement and **Design Principles** [\[REP8-090\]](#) apply to the highways-related development, this includes design principles specific to the highways design (e.g. DBF56 and DBF57 (noise barriers along the North Terminal and South Terminal flyovers), DBF59 (permanent lighting design at the

Longbridge Roundabout)) but also design principles that apply across the entire development (inclusive of the highways). As set out within the Introduction to the **Design Principles** [REP8-090], they are underpinned by the principle of ‘good design’, a key policy of the NPSNN.

1.6.2 Therefore there would be no change to the conclusions reached at pages 102 to 104 of Appendix C to the **Planning Statement** [APP-248].

1.7 Socio-Economics

1.7.1 The highway-related development would not directly generate employment during its operations but in so far as paragraph 4.4 advises that economic benefits and effects should be considered, this is in the context of the potential facilitation of economic development and any wider benefits or cumulative effects which paragraph 4.3 specifically requires to be taken into account). The overall assessment of socio-economic effects arising from the Project should therefore be considered, therefore, the conclusion reached at page 104 of Appendix C to the Planning Statement would be no different.

1.8 Water Environment

1.8.1 Impacts on water arising from the highway-related development can be identified within Section 11.9 of **ES Chapter 11: Water Environment** [APP-036] and its supporting appendices. Flood risk and water quality have been assessed discretely for the various elements of the Project throughout the chapter, including the highway-related development. As such, there would be no change to the conclusions presented at pages 105 to 113 of Appendix C to the **Planning Statement** [APP-248].

1.9 Health and Wellbeing

1.9.1 The impacts on health and wellbeing have been assessed in relation to the construction and operation of the highway-related development in Section 18.8 of **ES Chapter 18: Health and Wellbeing** [APP-043]. The impacts of construction and ground/traffic emissions can be distinguished from those associated with air traffic emissions, however there will be combined impacts which fall for consideration (paragraph 4.4) and it is not practicable to determine the relative effects of the highway-related development separately from those associated with the airport. The effects attributed to the highway-related development will in any event be less than the overall development. Combined with the mitigation proposed, the works would satisfy the policy requirements in respect of health and wellbeing, and there would no change to the conclusions reached at pages 114 to 115 of Appendix C to the **Planning Statement** [APP-248].

1.10 Agriculture and Recreation

1.10.1 Impacts on agriculture and recreation arising from the highway-related development can be identified within Section 19.9 of **ES Chapter 19: Agricultural Land Use and Recreation** [APP-044]. Specific works that may have a potential effect on agriculture or recreational land are identified throughout the chapter. Those impacts have been considered within an overall assessment that concludes impacts would be acceptable, as set out at pages 115 to 120 of Appendix C to **Planning Statement** [APP-248], and would not change.

1.11 Landscape, Townscape and Visual Resources

- 1.11.1 The assessment contained within **ES Chapter 8: Landscape, Townscape and Visual Resources** [APP-033] considers the Project as a whole and does not determine the effects of specific elements in isolation from one another.
- 1.11.2 While it is possible to disaggregate some of the reported effects within the chapter (e.g. tranquillity impacts associated with overflights), it is not possible to purely undertake an assessment of the landscape effects of only the highway-related development. Any attempt to do so would be artificial as the works form part of a larger whole and would not be realised in isolation.
- 1.11.3 The landscape effects of the highway-related development would however fall within the overall effects assessed in the ES. Upon review of the relevant NPSNN policies, as assessed in Appendix C, there are some policies that would no longer apply if compliance was being assessed for the highway-related development only (i.e. 5.147, 5.150, 5.155). However in so far as the highway-related development facilitates the wider effects of the Project that have been assessed there would be no change to the conclusions reached at pages 120 to 126 of Appendix C to the **Planning Statement** [APP-248]. The effects have been assessed as part of the wider effects of the Project that would be facilitated by the highway-related works and have been found to be acceptable, taking into account the mitigation proposed.

1.12 Noise and Vibration

1.12.1 Noise arising from road traffic has been assessed as part of the noise assessment within Section 14.9 of **ES Chapter 14: Noise and Vibration** [APP-039] with discrete modelling undertaken for road traffic [APP-174]. Within the topic chapter, road traffic noise is set out clearly from the other sources of noise (e.g. from paragraph 14.9.242 onwards for the assessment year 2032). The chapter concludes that “*The numbers of properties affected by the different noise*

*changes has been assessed and it is concluded that the adverse effects are of negligible or low magnitude in most areas, with benefits in other areas within the Study Area. **No significant effects were predicted.***” (para 14.12.37). The conclusions reached at pages 126 to 129 of Appendix C to the **Planning Statement** [APP-248] remain valid.

1.13 Ground Conditions

1.13.1 Impacts on ground conditions arising from the highway-related development can be identified within Section 10.9 of **ES Chapter 10: Geology and Ground Conditions** [APP-035]. The chapter identifies the activities that could have an impact on geology and ground conditions beneath each subheading, for example the impacts on non-agricultural soil resources - “*This phase would include much of the highway improvements. These areas are considered minimal and any loss of the soil function within these areas is considered to represent a low magnitude of impact*” (para 10.9.26). The chapter follows this format throughout. The conclusions reached at pages 129 to 131 of Appendix C to the **Planning Statement** [APP-248] remain valid.

1.14 Traffic and Transport

1.14.1 **ES Chapter 12: Traffic and Transport** [REP3-016] assesses the effects of the highway-related development. The highway works proposed are assessed taking account of the increased traffic from the airport’s planned growth, and their effect found to be acceptable. By themselves, the works bring capacity and benefit to the network. The assessment within the chapter has been used to evaluate compliance with the NPSNN policies and the relevant conclusions on compliance are those reached at pages 131 to 136 of Appendix C to the **Planning Statement** [APP-248].

1.15 Waste and Resource Management

1.15.1 There is no discrete assessment of waste and resources within the Environmental Statement as the consideration of waste has been included in the assessments of the other environmental topics. The **Waste Management Signposting Document** [REP6-017] sets this approach in more detail. The **Construction Resources and Waste Management Plan** [REP7-028] applies to the construction of the highway-related development. While the effects cannot be identified by work within the ES, there would be no change to the conclusions reached at pages 136 to 137 of Appendix C to the **Planning Statement** [APP-248] as the proposed management measures would remain the same.

1.16 Safety and Security

1.16.1 Security and safety has been considered through **ES Appendix 5.3.4: Major Accidents and Disasters** [APP-089]. The risks identified within the assessment predominantly relate to the operation of the airport, but even considering the highway works are on their own, there would be no change to the conclusions reached at pages 138 to 142 of Appendix C to the **Planning Statement** [APP-248].

1.17 Community Engagement

1.17.1 Pre-application consultation undertaken is fully documented within the **Consultation Report** [APP-218], which includes the highway-related development. There would be no change to the conclusions reached at page 142 of Appendix C to the **Planning Statement** [APP-248].

1.18 Light Pollution

1.18.1 The **Operational Lighting Framework** [APP-077] includes measures relating to the highway-related development at Section 10. There would be no change to the conclusions reached at pages 142 to 143 of Appendix C to the **Planning Statement** [APP-248].

2 Conclusion

2.1.1 The effects of the highway-related development (and it follows the airport-related development), are less than and fall within those assessed in the ES for the Project as a whole. The above review of policy has not identified any instances where conclusions reached in respect of the Project in the Planning Statement would change when considering the highway-related development against the NNNPS. The NNNPS itself states (in particularly paragraphs 4.3 and 4.4) that any policy assessment should have regard to the wider impacts and benefits enabled by the highways-related development, such that where it is not practicable to identify the discrete effects of the highway works (or mitigation which has been designed to address the wider effects of the Project), it is appropriate to have regard to the overall benefits and effects that have been facilitated by the highway works and considered as part of the Project.

2.1.2 For these reasons, any consideration of the highway-related development against the NNNPS reaches the same conclusions as those which are set out in Appendix C to the **Planning Statement** [APP-248]. The conclusions in respect of the airport-related development also remain the same given that the ANPS

includes policy relating to development that is associated with airport-related development (including highway works) and the effects of the airport-related development are all assessed within the overall assessment of the Project.

- 2.1.3 (The Applicant has undertaken a comparison of the NPSNN 2014 with the NPSNN 2024 [\[REP3-092\]](#) which compared the corresponding policies and has found no reason to change the overall conclusion as set out in response to GEN.1.33 of **The Applicant's Response to ExQ1 – General and Cross Topic** [\[REP3-091\]](#).)

2 Appendix B: Detailed Need and Benefits Submission

Table of Contents

1	Need and Benefits	1
1.1	Introduction	1
1.2	Context	5
1.3	Benefits: introduction	13
1.4	Benefits: meeting demand	17
1.5	Benefits: Gatwick resilience and operational performance	40
1.6	Benefits: economic benefits	47
1.7	Matters agreed	59
1.8	Remaining issues	68
1.9	Remaining issues: economic benefits	115
1.10	Conclusion	131

1 Need and Benefits

1.1 Introduction

1.1.1 This section considers the need for and benefits of the Project in the context of policy identified above. It provides a full account of the Applicant's submissions on this subject and acts as an Appendix to the summary version provided at Chapter 4.

1.1.2 The Applicant has set out its case on this topic in several documents in the application material and as the examination has progressed:

- 1) The Needs Case [[APP-250](#)];
- 2) The Forecast Data Book [[APP-075](#)];
- 3) Technical Note on the Future Baseline [[REP1-047](#)];
- 4) Needs Case Technical Appendix [[REP1-052](#)];
- 5) Capacity and Operations Summary Paper [[REP1-053](#)];
- 6) Appendix: Airfield Capacity Study [[REP1-054](#)];
- 7) The Applicant's Written Summary of Oral Submissions at from ISH1: Case for the Proposed Development [[REP1-056](#)];
- 8) The Applicant's Response to Actions – ISH1: The Case for the Proposed Development [[REP1-062](#)];
- 9) The Applicant's Response to the Local Impact Reports - Appendix A – Note on the Principle of Development [[REP3-079](#)];
- 10) The Applicant's Response to the Local Impact Reports - Appendix B - Response to the West Sussex Authorities Appendix F – Needs Case [[REP3-080](#)];
- 11) The Applicant's Response to Deadline 3 Submissions - Appendix A - Response to York Aviation - Forecasts [[REP4-022](#)];
- 12) Applicant's Response to Deadline 3 Submission - Appendix B: Response to York Aviation - Capacity and Operations [[REP4-023](#)];
- 13) The Applicant's Response to Actions ISH-7: Other Environmental Matters [[REP4-037](#)];

- 14) Response to Rule 17 Letter – Future Baseline Sensitivity Analysis–[\[REP5-081\]](#);
- 15) Summary of Airline Support [\[REP5-071\]](#);
- 16) The Applicant's Response to Deadline 4 Submissions - Appendix E – Response to York Aviation's Deadline 4 Submission [\[REP5-077\]](#);
- 17) Applicant's Response to Rule 17 Letter – Future Baseline Sensitivity Analysis (Version 2) [\[REP7-073\]](#);
- 18) The Applicant's Response to Deadline 5 Submissions – response to York Aviation [\[REP 6-091\]](#);
- 19) The Applicant's Response to ExQ2 - Case for the Proposed Development [\[REP7-078\]](#);
- 20) The Applicant's Response to ExQ2 - General and Cross-Topic [\[REP7-083\]](#);
- 21) . The Applicant's Written Summary of Oral Submissions ISH9 - Case for the Proposed Development [\[REP8-108\]](#);
- 22) The Applicant's Written Summary of Oral Submissions ISH9 - Socio-Economics [\[REP8-109\]](#);
- 23) The Applicant's Response to Actions ISH9 - The Case for the Proposed Development [\[REP8-112\]](#);
- 24) The Applicant's Response to Actions ISH9 - Socio-Economics [\[REP8-113\]](#);
- 25) The Applicant's Response to Deadline 8 submissions – Appendix A.

1.1.3 The volume of submissions from Interested Parties (and particularly the JLAs) on the question and extent of need is perhaps surprising given the significance of three considerations which have been apparent from the start of the examination:

1.1.4 The policy context set out above makes clear that the principle of support to grow aviation capacity and to do so in part by making best use of airport capacity is established by the policy itself and there is no requirement to demonstrate a need for individual proposals. The Applicant has shown that its interpretation of this policy principle is consistent with that of Inspectors and the Secretary of State:

“...There is no requirement flowing from national aviation policy for individual planning applications for development at MBU airports, such as Stansted, to demonstrate need for their proposed development or for associated

additional flights and passenger movements.” (Stansted decision letter paragraph 17).

“...He also agrees that the MBU policy, which is relevant to this Application, does not require making best use developments to demonstrate a need for their proposals to intensify use of an existing runway or for any associated Air Traffic Movements (“ATMs”).” (Manston decision letter paragraph 37).

1.1.5 Gatwick is demonstrably ‘full’ now at the busy hours and subject to excess demand over capacity. It has a need now for more capacity, which is not reliant on forecast growth. Growth, however, is forecast and Gatwick would be able to use the NRP to make a substantial contribution in the very short and medium term to addressing the capacity issues facing the South East, many years ahead of other development, including Heathrow R3, if and when it comes forward

1.1.6 With the busiest daytime runway in the world, Gatwick risks lacking resilience – policy and common sense support the need to bring the northern runway into full operational use. This and the need for more capacity were accepted by the JLAs at Deadline 4:

“16. We note that improving the resilience of the sector and reducing delays is a part of national aviation policy, as set out by GAL in Section 3 of REP3-079 and accept that Gatwick, with its single runway, was fully used, to the limits of acceptable delay, in 2019 and will be so again the near future. Prima facie, then, there is a capacity argument for the use of the Northern Runway, subject of course to the environmental impacts of its use being considered acceptable having regard to the benefits.” [REP4-052]

No forecast before the examination suggests that demand will not grow further at Gatwick so that (whatever assumption is made about its future baseline capacity), demand will exceed that capacity (and the lower that future baseline capacity is claimed to be, the greater the need for more capacity).

1.1.7 The fundamentals of the needs case for this DCO are compelling.

1.1.8 The principle of a general and an airport specific need, therefore, is established and should not need to be debated further. Which is not to say that the Applicant shies away from demonstrating need if challenged and has done so extensively throughout the examination. For all the submissions and debate through examination, the scrutiny that has been applied to this aspect of the Applicant’s case has only served to strengthen the evidence of the substantial need for the NRP and the substantial benefits that are held in prospect by the Project,

consistent with the fundamental propositions that can be drawn from national policy, as set out above.

- 1.1.9 It has been a curiosity of this examination that the JLAs, through York Aviation, have raised multiple issues relating to the future ability of Gatwick to attract demand, or to manage the capacity of an airport the Applicant has operated with conspicuous success for many years. York Aviation has maintained opposition to aspects of the Applicant's forecasting, despite the submission of substantial evidence by the Applicant which clearly and fairly address the concerns that have been raised.
- 1.1.10 Policy identifies a clear need to address long term airport capacity problems in the South East particularly,¹ which are expressed by way of capacity constraints that create negative impacts including increased risks of unreliability, restricted scope for competition and lower fares and the ability of the aviation sector to deliver wider economic benefits.² The requirement for new capacity is also identified by reference to the need to cater for aviation demand, which is forecast to increase significantly in the period to 2050.³
- 1.1.11 These needs are clearly reflected in operations at Gatwick airport. It is the busiest single runway airport in the world and, as policy recognises,⁴ it is operating at capacity at peak times. It is as constrained today as it was pre-Covid, unable to accommodate substantial pent up demand, with adverse consequences for airlines, passengers, and the economy. It has another runway that is available for operational use, consistent with policy that is directed at making best use of existing airport infrastructure. It is able to use that runway to make a substantial contribution in the very short term to addressing the capacity issues facing the South East, many years ahead of other development including Heathrow R3, if and when it comes forward. It is well-placed for other reasons to deliver the benefits sought by policy. It has carefully developed a distinctive all-round offer as an airport, benefitting from a strong and diverse mix of inbound markets, serving a wide range of airlines and market segments, with particular focus on the short haul leisure sector. The Project would deliver significant benefits for the aviation sector, without the need to wait for or address the major adverse effects of developing a new runway.
- 1.1.12 As the examination has progressed, York Aviation's tone has changed – away from doubting the need and towards wishing to assist the examination by questioning

¹ See ANPS para.s 1.2, 2.10.

² Para.s 2.10, 2.16.

³ Para. 2.12.

⁴ ANPS para. 1.2.

the extent of that need. At no point, however, has it ever been suggested that the benefits of the development do not substantially exceed its effects (no case has been made out or even attempted to that effect) and neither has it been shown how the scale or pace of growth would practically affect the nature or balance of its environmental effects.

- 1.1.13 It is against this background that these submissions examine the evidence of the need for the NRP and the scale of the benefits that would arise from its implementation.
- 1.1.14 The various issues raised during the examination are addressed below, under the following broad headings:
- Context;
 - The Applicant's assessment;
 - Agreed matters;
 - Remaining issues.

1.2 Context

Gatwick Airport today

- 1.2.1 London Gatwick has achieved substantial success in meeting the demand for air travel, as part of a London aviation market; the largest passenger aviation market in the world by all recognised measures.
- 1.2.2 Gatwick is the busiest single runway airport in the world during peak hours of operation.⁵ In 2019, the airport served 46.6 million passengers traveling to 219 destinations on 53 different airlines following several years of sustained year on year growth. Over the decade prior to 2019, Gatwick's passenger numbers grew by over 14 million (from 32.4 million to 46.6 million).⁶ Today, Gatwick is the 7th largest airport in Europe in terms of international capacity. Gatwick has the most extensive network of all the London airports.⁷ Whilst the COVID-19 pandemic led to a dramatic decline in passenger air traffic in 2020 and 2021, recovery is now well progressed. Gatwick recovered to over 40 million passengers in 2023⁸, and

⁵ See **Needs Case** [APP-250] paras 5.3.3-4.

⁶ 10 mppa in short haul, primarily low cost driven; 4 mppa in long haul: PARA. 4.1.10 of the Needs Case APP-250. See too Figure 1.3 of the Technical Note on the Future Baseline [REP 1-047], which explains that of the 14m growth, over 5 million was due to larger aircraft and just under 4 million came from fuller aircraft. 4 million came from peak growth and 1 million from peak spreading.

⁷ Need Case Figure 4.1.7. Gatwick can be compared to 211 at Heathrow, 185 at Stansted and 139 at Luton.

⁸ CAA Statistics <https://www.caa.co.uk/data-and-analysis/uk-aviation-market/airports/uk-airport-data/uk-airport-data-2023/annual-2023/> Table 1

the passenger and airline traffic levels are expected to return to pre-pandemic levels by 2025 before continuing to grow.

- 1.2.3 Today, Gatwick is able to declare a maximum of 55 scheduled aircraft movements an hour on its main runway. This has grown from 53 an hour in 2012 and since 2016 5 hours have been declared at 55 movements an hour. However, its success now means that it is effectively full in the peak hours. Demand for landing and take-off slots, especially in the busy hours of the peak summer period, routinely exceeds airport capacity. Gatwick is therefore unable to fulfil demand from airlines for additional services at peak times.
- 1.2.4 There were three main features of growth over the decade leading up to 2019 which, as explained further below, are relevant to the forecasts of what the airport can be reasonably expected to achieve both with and without the Project:⁹
- 1.2.5 More passengers per flight: average passengers per aircraft movement grew from 132 in 2009 to 165 in 2019. This was driven by higher load factors (the percentage of seats filled), and an increase in the average size (and therefore number of seats) of aircraft used;
- 1.2.6 Peak spreading: there was been a change in the profile of flights over the year, with a higher level of growth in the traditionally quieter periods of the year. This peak spreading made use of spare capacity on the runway outside of peak months and lead to a higher level of annual utilisation of the existing airport assets. In 2013 the average day of the peak August month was 22% busier than the year-round average.¹⁰ In 2019 the average August day was 17% busier, demonstrating less seasonality (and greater peak spreading).¹¹ This trend to increasingly use the off-peak was driven by the lack of capacity in the peak months¹² (as illustrated by the most marked period in peak spreading in 2016-2019). Spreading also occurred within the day as historically off-peak hours were incrementally taken up by airlines.¹³
- 1.2.7 Growth in peak runway capacity: The maximum number of scheduled aircraft movements that can be accommodated on the runway grew from 53 an hour in

⁹ See Needs Technical Appendix [REP1-052] at para. 1.2.3

¹⁰ See para. 1.5.2-3 and Figure 1.5 of [REP 1-047]. In the 2013-2019 period, the narrowing of the ratio showed how airlines were incrementally 'in-filling' the off-peak periods of demand. In the peak periods (Jul-Sep) between 2013-2019, ATM demand grew 8% as airlines filled the additional capacity released by Gatwick Airport as well as increasing utilisation on quieter days. In the off-peak (Nov-Mar), between 2013-2019 demand grew at nearly twice the rate of summer as movements increased by 15% in the same period.

¹¹ See para. 1.5.1 and Figure 1.4 of [REP 1-047].

¹² In 2019 Gatwick averaged over 900 movements per day in August compared to a year-round average of 775.

¹³ Further detail has been provided in the Forecast Data Book on historical trends and the drivers of peak spreading, and also in REP7-073

2012 to 55 an hour in 2019.¹⁴ This increase was made possible by improvements in operating procedures and air traffic management tools.

1.2.8 As a result, aircraft movements grew from 245k in 2009 to 283k in 2019, an increase of 15%. Increased aircraft size and loading meant that, in the same period, passenger numbers grew by 44%.

1.2.9 Other particular features of this growth include the following:

- (1) Airlines and Destinations: Between 2009-2019 over 10 million and 4 million passengers were added in the short haul and long haul market categories respectively, with domestic volumes remaining constant. The development of short haul markets was driven by ongoing growth from low-cost carriers (LCCs), which continue to account for a significant increase in share of the European aviation market. Gatwick has been at the forefront of this low-cost revolution - in the past ten years passengers on the low-cost airlines serving Gatwick have grown from less than 30% of total throughput to 62% in 2019.¹⁵ Long-haul growth was driven by several new intercontinental markets being added by a range of carriers (full service and LCCs) from the Chinese, Asian and Indian markets in particular. Whilst Gatwick has been a beneficiary of capacity constraints at Heathrow, not all of the long haul volume at Gatwick is driven by these constraints. There are carriers with long-established long-haul operations at Heathrow (such as BA); others (such as Air Mauritius) which operate out of Gatwick to broaden their appeal in the London market, or consider that the catchment and operation at Gatwick better suits their operation;¹⁶
- (2) Catchment: London Gatwick is located in the heart of the most prosperous, densely populated and best-connected region of the UK with more than 17m people within 90 minutes of Gatwick. It has a significant passenger catchment area which produces more than 40m passenger journeys a year. 81% of its terminating passengers travel to or from destinations in London or the South East.¹⁷ It attracts the highest share of inbound and outbound passengers of all the London airports in its core catchment of the surrounding counties and south London boroughs.¹⁸ The airport also benefits from a significant share

¹⁴ As well as operating at maximum capacity in more hours of the busy month: see para. 1.4.2 of [REP 1-047].

¹⁵ See Needs Case para.s 4.1.22-3.

¹⁶ [REP 1-056] para. 4.13.

¹⁷ Needs Case para. 4.1.31.

¹⁸ Needs Case par. 4.1.32.

of the inner London catchment thanks to its excellent rail access into central London. There are fast and convenient connections every 3 minutes, arriving at London Victoria and London Bridge in under 28 minutes. In addition to the excellent connections into central London, thanks to Thameslink through services, Gatwick also offers connections south to Brighton and north to Cambridge, York and Leeds, among others.¹⁹ Airport Capacity: the airport is not currently controlled by a limit on the total number of passengers, or the number of ATMs that are permitted each year. Gatwick can handle, and has declared capacity, for up to 55 scheduled aircraft movements an hour on its main runway. In peak summer months (July, August, September) Gatwick is operating with little or no spare capacity in the peak hours but diminishing incremental capacity exists in the shoulder and off-peak periods.

London aviation market

- 1.2.10 Gatwick operates in the largest passenger aviation market in the world. The London aviation market accounted for over 181 million passengers in 2019²⁰ - despite binding capacity constraints already in force at Heathrow and Luton and practical constraints at Gatwick (as explained further below). It is 30% larger than the second largest market (New York) and 50% larger than the largest fast-emerging markets (e.g. Shanghai). It is the only market large enough to support six airports, with the largest three airports (LHR, LGW, STN) accounting for over 155 million passengers.²¹ Only New York also has more than two major airports in operation. Both Heathrow and Gatwick regularly top global charts for being the busiest two runway and single runway daytime airports respectively. In 2019 demand for travel to/from Greater London itself accounted for 77m passengers, or just under half of the London airports' demand. Neighbouring regions including the Southeast of England and East of England accounted for a further 59m passengers using the London airports.²²
- 1.2.11 The forecasts used to support the latest modelling are discussed later. However, in general terms, the strength of demand for the London airports system is unlikely

¹⁹ Para. 4.1.33.

²⁰ Total airport passengers which includes transfers

²¹ Gatwick is one of six airports focused on serving the London/South-East aviation market demand. In 2019 Gatwick handled 46.6 million passengers making it the second largest airport behind Heathrow (81 million passengers pre Covid) but clearly ahead of Stansted (28 million passengers pre Covid). Other airports serving the London aviation market include Luton, London City and Southend, which handled a combined 25 million passengers in 2019. Across the six airports 181m passengers and 1,139k movements were

²² Demand from the Southwest (7 million) and the Midlands (7 million) accounted for a further 14 million passengers, whilst regions further afield including Wales and the North of England accounted for 5 million passengers - which is equivalent to just 3% of the London airports' total demand (excluding transfers).

to change. Growth in the South East's population alongside long term increases in GDP and GDP per capita will continue to support the ongoing growth of the UK outbound market. The inbound market also has significant potential to grow as some of the fastest growing aviation markets seek to connect to London. Growth in trade, inbound tourism and other demand flows will continue to offer significant long-term potential for the London aviation market.

- 1.2.12 Across the London market the characteristics of traffic accommodated at each airport differs significantly. Heathrow is by far the largest airport; dominated by long haul traffic, which accounted for over 41 million passengers in 2019 (with short haul and domestic traffic accounting for the remaining 35 million and 5 million respectively). Heathrow captures a sizeable transfer market connecting passengers on predominantly long-haul to long-haul, or short-haul to long-haul itineraries. Pre-Covid, Heathrow reported transfer volumes accounted for 23% of total passengers.
- 1.2.13 Gatwick is well established as the second largest airport behind Heathrow. By contrast with Heathrow, most of Gatwick's traffic is short haul traffic, accounting for over 34 million passengers in 2019. This traffic substantially exceeds long haul traffic (8.9 million passengers in 2019).²³ In 2019 Gatwick's share of the combined six London airports passenger demand was 26% across all market segments (domestic, short-haul and long-haul). Whilst Heathrow accounts for over 80% of demand in the long-haul market segment, Gatwick achieved a 17% share in 2019 (with the remaining airports accounting for the final 3%). Details of the long haul performance of the London airports are set out in Figure 16 of the Needs Case Technical Appendix [REP1-052]. Only Heathrow and Gatwick are significant in that sector.
- 1.2.14 Over the last couple of decades, respective market shares have been relatively consistent, although some shifts have been seen within different market segments. Gatwick increased its long haul market share by 5% between 2014 and 2019.. In the short haul market, Gatwick's share was 29% in 2019 (compared with 32% in 2014) which, as is explained further below, was a function of the constraints on

²³ Stansted is dominated by the short haul market segment, accounting for 26.2 million out of a total 28.1 million passengers in 2019. The airport caters primarily for the LCC segment which accounted for virtually all the airport's demand in 2019. Very limited long-haul demand uses the airport, although the airport does have a runway capable of serving intercontinental flights – this limited network is partly due to the distance from London and also because the airport lacks the business travel infrastructure such as premium airline lounges) and does not provide a pier service (see [REP 1-056] para. 4.1.11) Luton airport has a similar mix of traffic to Stansted. Demand is dominated by the short haul LCC market segment, accounting for over 95% of demand in 2019. The airport operates on a relatively constrained site with a short runway limiting the potential for long-haul flights. Few flights operate outside of Europe, and these are served by narrow body aircraft mainly to Israel/North African markets. Even with a potential increase to its planning limit it will not be able to serve the vast majority of the long-haul market. London City and Southend are relatively small. London City has limited operating capabilities due to the short runway and focuses on regional jets flying domestic/European business-oriented markets. Southend served 2 million passengers pre Covid but has been slow to see volumes return post Covid.

the airport during this period, when capacity at busy times has been limited and carriers (such as Wizz and Jet2 had to focus their growth away from Gatwick). Some of Gatwick's carriers also switched a portion of their short haul flying to long haul markets. If Gatwick had the capacity to maintain its short haul share from 2014 a further 3 million passengers would have been served at the airport.²⁴

- 1.2.15 Several global hub carriers such as Emirates, Qatar Airways and Singapore Airlines serve the wider London catchment by operating from a combination of airports. Emirates has operated from Gatwick for over 25 years. With Heathrow as their main base, they have also maintained a strong Gatwick presence with around 1m passengers carried in 2019. Qatar Airways expanded their London operations and returned to Gatwick in 2018 and now account for over 0.5m passengers per year. EasyJet is a key carrier in the London market, now accounting for over 30m passengers per year. Following their initial launch at Luton they widened their London presence to include other London airports and by 2005 their capacity was evenly spread across Gatwick, Luton and Stansted with approximately 5m passengers at each airport. Between 2005 and 2015, easyJet prioritised their growth at Gatwick, adding 12.3m passengers to reach 17m. By 2019, Gatwick accounted for 63% of easyJet's London operation, increasing to over 70% in 2022, reflecting recent slot acquisitions from other carriers.²⁵

Constraints

- 1.2.16 In 2012 the Government established the Airports Commission in recognition that there was a looming shortage of airport capacity in London and the South-East – a shortage so severe that it posed risks to the UK economy and to the UK's hub status. Twelve years later little progress has been made but, as set out below, the projected scale of growth in demand for aviation has materialised and is forecast to continue to grow. Government policy is clear that not increasing airport capacity is not an option and that the challenges posed by the need for aviation growth must be met.
- 1.2.17 London has limited potential to grow,²⁶ confined by longstanding and extreme constraints experienced by several of its airports today. Heathrow has been operating at its planning cap of 480k annual ATMs for many years. Annual movements in 2019 were on par with throughput more than 10 years prior. Growth in passengers has however been achieved as airlines have increased the size of

²⁴ Assumes Gatwick maintained a market share of the short haul market at 2014's levels.

²⁵ Including the purchase of Thomas Cook slots following their insolvency proceedings in 2019: see Needs Case para.s 4.1.10-8.

²⁶ By 2030, without expansion, the London airports would have an annual terminal capacity of approx. 210 million passengers, which is 30 million above the annual throughput in 2019: Needs Case para. 5.2.15.

operating aircraft, and achieved higher seat occupancy rates, but it is beyond dispute that Heathrow is a constrained airport. In the event their third runway development (LHR R3) is brought forward it is estimated that it would be able to grow passenger throughput to 136mppa in 2050, but in its absence, the long-term capacity would be constrained to around an additional 9mppa (a total of 90mppa) in the 2040s.²⁷

- 1.2.18 Luton reached its planning cap of 18 million passengers in 2019. It secured approval to increase its planning limit by 1 million passengers to 19 million per year. Given the ongoing up-gauging trends and wider London market constraints, Luton is expected to be limited by its planning cap, again, within a few years. Further growth at Luton may be possible as it has submitted a DCO and recently completed the examination phase, to increase its passenger cap to 32mppa. If consent is granted it is understood that throughput could increase to 21.5mppa before 2030, but it would not be until late 2030s when a second terminal is constructed that its throughput would increase to 32mppa.²⁸
- 1.2.19 Gatwick may not have any planning limits on passengers or ATMs, but it has been experiencing severe constraints during the peak season for several years. Whilst it has capacity for further growth in annual passengers - as explained below future baseline forecasts predict growth to about 67mppa to 2047 - it is important to recognise Gatwick's growth at peak times is constrained due to the airport's runway being very highly utilised at busy times, particularly the morning peak period, the peak summer period and other holiday seasons. At these times Gatwick's runway is already fully utilised, handling its declared capacity of 55 movements per hour. Demand for landing and take-off slots, especially in the peak summer period is heavily oversubscribed and routinely exceeds the airport's capacity throughout the day.

Resilience and operational performance

- 1.2.20 As set out above, government policy is clear on the critical importance of ensuring sufficient capacity at airports in order to ensure resilience in airport operations. The ANPS is clear²⁹ that a lack of capacity can have multiple negative impacts, all of which conflict with the objectives of national policy: an adverse effect on the ability

²⁷ Needs Case para. 5.2.25.

²⁸ Needs Case para. 5.2.28. London City has greater restrictions on the way it can operate than other London airports including a prohibition on flying on Saturday from 1300 through to Monday morning and no night flights are permitted. It also has a passenger cap of 6.5 mppa and an air transport movement limit of 111,000. In December 2022 it submitted an application to increase the passenger limit to 9mppa and to allow flying on Saturdays until 1830. In 2021 Stansted gained consent for an increase on its previous passenger cap of 35 million passenger to 43mppa. It is also subject to an annual air transport movement limit of 274,000 movements. Southend has an air transport movement limit of 53,000 movements which is considered equivalent to about 5 million passengers.

²⁹ ANPS paras 2.10 – 2.15.

to travel conveniently; limits on the range of destinations served; negative impacts on the UK through risks of flight delays and unreliability; restrictions on the scope for competition and lower fares; declining domestic connectivity; erosion of the UK's hub status; constraining the scope of the aviation sector to deliver wider benefits; fares are likely to rise as demand outstrips supply; and the lack of available slots makes it difficult for new competitors to enter the market.

- 1.2.21 These issues are apparent at Gatwick30 as it operates close to its limits at many times of the year. With demand for slots exceeding supply, and forecasts showing that this is expected to increase in the future, there is little resilience in the current system to withstand and recover quickly from difficult day-to-day conditions, whether this be aircraft presenting to the runway at times which differ from the scheduled time, aircraft taking longer than expected on the runway, weather conditions which are less than favourable, technical aircraft issues or other reasons.
- 1.2.22 During Gatwick's summer peak, first wave departures are at capacity every day of the week, and after the first wave there is little spare capacity on the runway to accommodate any flights that were unable to depart on time due to technical issues or other reasons, without impact on arriving flights or other departing flights.³¹ With 55 movements per hour from a single runway scheduled throughout peak times, the risks of delay are greater at Gatwick than elsewhere. Difficulties in recovering quickly from disruption have disproportionate effects on airlines, passengers and airport staff. In the current single runway configuration the risk of 'go arounds' is heightened due to the very high intensity of use of the main runway and the limited time between movements. A lack of capacity also impacts on the local community if planes run late or adopt holding patterns for longer. ³²
- 1.2.23 The latent capacity in the northern runway is unavailable and unable to help address these and other issues if they arise, as explained further below.
- 1.2.24 The resilience risks apparent at Gatwick are symptomatic of a wider issue at London airports. The Airports Commission recognised that by 2030 demand across the London airport system would be reaching the absolute limit of what could feasibly be accommodated. A lack of capacity and increasing risk of system failure was recognised to be damaging to the UK economy and to diminish London's status as a leading global city. The Interim Report of the Airports

³⁰ See the Needs Case [APP 275] section 7. For an explanation of the current airport operations and performance see the Capacity and Operations Summary Paper [REP1-053] sections 2 and 3.

³¹ The addition of the new rapid exit taxiway and planned single runway performance initiatives provide minimal relief in these peak demand periods when Gatwick cannot address the unsatisfied demand

³² These matters are explained further in sections 4 and 5 of the Needs CASE [APP-250].

Commission in 2015 left no doubt about the severity of the problem or the need for greater capacity in the London airport system:

“Across all scenarios considered, including where the UK is meeting its climate change targets, there is significant growth in demand for aviation between now and 2050, placing additional pressure on already stressed airport infrastructure in London and the South East. The London airport system is forecast to be under very substantial pressure in 2030, and by 2050 sees demand significantly in excess of the total available capacity, even when aviation emissions are constrained to 2005 levels...

...problems are starting to emerge and are likely to get worse. Heathrow is effectively full. Gatwick is operating at more than 85% of its maximum capacity, and is completely full at peak times. Capacity constraints are making it more and more difficult for airports and airlines to operate efficiently, lay on new routes, and deal with resilience issues. More intensive runway use also makes it harder to offer appropriate and predictable respite from noise for people living and working near airports....

*The current approach of forcing ever greater volumes of traffic through the existing infrastructure, if continued, would also have increasingly detrimental effects on the national economy, businesses, and air passengers”.*³³

1.3 Benefits: introduction

- 1.3.1 As explained in more detail below, the Project would address a substantial immediate and forecast demand for growth, evidenced at Gatwick specifically and in response to wider assessments of passenger demand in London and the UK.
- 1.3.2 It would also provide necessary resilience to Gatwick’s operations, allowing some of the pressures associated with operating a single runway to be alleviated.
- 1.3.3 Drawing on the above broad context, it is clear that there are many features of Gatwick’s operation and profile which mean it is very well placed to serve the demand for growth.³⁴
- 1.3.4 First, Gatwick caters for all market segments. Gatwick’s network is the most extensive of all the London airports, primarily due to its airline mix.³⁵ In 2019 it served 219 destinations, compared to 211 at Heathrow, 185 at Stansted and 139 at Luton. Its long haul services to 62 destinations across the rest of the world far exceed the offers at Luton or Stansted, although are fewer than Heathrow (114).

³³ See **Needs Case** [APP-250] para. 7.2.27.

³⁴ See **Needs Case Technical Appendix** [REP1-052] section 3.

³⁵ [REP 1-056] para. 4.1.13.

Its European destinations (148) are only exceeded by Stansted. Its range of domestic destinations is much lower (9) and sits between Heathrow and Luton or Stansted.³⁶ The project offers the opportunity to reinforce this distinctive characteristic of Gatwick, by enabling greater potential connectivity between London, the UK and international destinations.

- 1.3.5 Second, Gatwick caters for all airline business models. Gatwick is the best-placed airport able to provide competition for a range of business models.³⁷ The nature of its all-round provision is a distinctive feature of its operations. In particular, it is the largest server of the LCC and charter segments. The second-largest low cost carrier in Europe (easyJet) has its largest base at Gatwick, with 25% of its fleet at the airport.³⁸ Gatwick's full service offer is much more established than Luton, or Stansted - albeit that it is much smaller than that of Heathrow³⁹.
- 1.3.6 Third, Gatwick can provide growth before other airports. It is a significant feature of this case that the Project offers the only prospect of a significant step up in capacity in the short to medium term. Gatwick is the only airport able to deliver a sizeable addition of airport capacity before the mid to late 2030s and the lack of capacity will only become more pressing. It is reasonable to expect a strong market response, reflecting the introduction of capacity at a slot constrained airport which airlines have historically paid millions of pounds to access.
- 1.3.7 As is explained further below, Heathrow R3 has experienced a number of planning challenges over a number of years and there is no evidence that its delivery is actively being brought forward. When the application for this Project was submitted, the Applicant took the view that if it were proposed, consented, and constructed, it was unlikely to be operational before 2035 at the very earliest, given the scale and challenges associated with that project. That now looks extremely optimistic.
- 1.3.8 Luton and Stansted's prospective growth both require terminal enhancements. Luton has submitted a DCO application to increase its 19 mppa planning cap, although the earliest this is assumed (by Luton) to be delivered is 2037 (with only modest uplift assumed before then). Stansted has spare capacity (to grow to 43 mppa), although unlocking this capacity will require terminal and airfield redevelopments to take place. Today it offers limited long haul connectivity

³⁶ Table 6.

³⁷ A split of each airport's carrier mix is provided in Table 5 of the **Needs Case Technical Appendix** [REP1-052] for 2019.

³⁸ [REP 1-056] para. 4.1.13.

³⁹ Table 5 of the **Needs Case Technical Appendix** [REP1-052].

compared to Gatwick. It has a relatively limited overlap in catchments with Gatwick in any event⁴⁰.

- 1.3.9 Based on the above, it is clear that the Project offers the only prospect of a significant step up in capacity in the short to medium term, with an anticipated date to bring the northern runway into operation in 2029. By itself this fact demonstrates the national importance of the NRP.
- 1.3.10 Fourth, Gatwick is well placed to serve future demand. Short haul demand accounted for 130 million of the total 181 million passengers across the London airports in 2019, equivalent to a 72% share. In the 2010-19 period this segment accounted for 77% of the total demand growth (41million short haul passenger growth out of 53 million total). Continuing these trends, the short haul market segment is forecast to deliver by far the largest growth in absolute passenger volumes in the London market. Of the passengers flying on short haul routes, 72m were carried by LCCs (57% of this market segment). The LCC market share has grown significantly since 2005⁴¹ and, since Covid, has continued this trend, accounting for more than 60% of short haul demand in 2022. Reflecting fleet orders and airline growth plans, LCCs will continue to take share and drive the growth of the short haul market in London and across the wider European market. Gatwick is particularly effective in serving these market segments.
- 1.3.11 Fifth, Gatwick has a large catchment and achieves a significant share. Gatwick has a significant catchment drawing on demand from across the UK (inbound/outbound). In 2019 nearly 19 million Gatwick passengers originated or terminated from Greater London accounting for 42% of demand (excluding transfers). The Southeast of England was the next largest catchment, generating nearly 18 million passengers, or 40% of demand.⁴² Around 90% of Gatwick's passenger volume comes from its core catchment area of south London and surrounding counties.⁴³ Its success in attracting passengers is partly explained by the quality of its connections to central London. It has two key rail connections: Gatwick Express/Southern services direct to London Victoria, and the Thameslink services direct to various London stations that are well connected to the wider network or London Underground, including Farringdon and St Pancras. Both of

⁴⁰ Appendix A – Response to York Aviation at Deadline 9.

⁴¹ LCCs accounted for just 37% in 2005. In the 2005-2019 period, LCCs have added 38m passengers, whilst other airline business models have seen their volumes fall from 59m to 55m: Figure 17.

⁴² The remaining demand originated in the East and Southwest of England, accounting for 3 million and 2 million passengers respectively, while other regions contributed the remaining 3 million.

⁴³ [REP 1-056] para. 4.1.19; and section 7 of REP1-062, which also confirms that of all the London airports, Gatwick has the highest proportion of its total passengers travelling from SE England.

these services run frequently and directly from the airport, with no need for a shuttle service, and take around half an hour to central London.⁴⁴

1.3.12 Sixth, Gatwick provides value for money to airlines/passengers. Compared to Heathrow and other major airports, Gatwick's aeronautical charges are highly competitive, offering good value to airline users and passengers. They are currently less than half the rate being charged by Heathrow⁴⁵ and are competitive for all airline business models. The project will allow the Applicant to maintain efficient and competitive charges for airline users and passengers. Prices at Gatwick are the outcome of Gatwick's 'Contracts and Commitments' regulatory framework which encourages a strong level of consultation and commercial engagement between Gatwick and its airline customers.⁴⁶

1.3.13 The Applicant notes that the Civil Aviation Authority ("CAA") has recently issued for consultation⁴⁷ its assessment of a proposal made by the Applicant to extend by four years the commitments it makes to airlines (on charges, investment and service quality), under the separate system of economic regulation that is based on a set of "commitments" incorporated as conditions into the licence granted to the Applicant by the CAA⁴⁸. The proposal includes a revised price cap for the extension period, a timetable and process to review service quality metrics and targets and a continuation of the current commitment which requires the Applicant to invest at least £120 million per year (on average, in 2018/19 prices). The CAA's "initial assessment is that GAL's proposals to extend the commitments for four-years, with a tightened price cap, and to pursue plans for capacity expansion, are likely to be in the interests of consumers".

However, this initial assessment "is subject to two important caveats: that GAL obtains a Development Consent Order ("DCO") under the Planning Act 2009 [sic] to enable its plans for capacity expansion and it can make good progress with developing these plans over the period of the extended commitments. This is important as capacity expansion would have benefits for passengers, including moderating GAL's incentives to raise charges (as it would have additional incentives to promote the growth of airlines at the airport to fill the new capacity) and allowing for new services from the airport (which would promote passenger choice)".

⁴⁴ By comparison, journey time from central London to Stansted is 47 minutes; and from Luton 35 minutes depending on the connection time with the DART shuttle from the airport terminal to Luton Airport Parkway Station.

⁴⁵ £11 vs £27, both per passenger: see Needs Case [APP-250] para. 5.2.42.

⁴⁶ See Needs Case Technical Appendix [REP1-052] para. 3.4.2 and Table 7.

⁴⁷ [Economic regulation of Gatwick Airport Limited: Consultation on proposal to extend the current commitments \(caa.co.uk\)](https://www.caa.co.uk/Economic-regulation-of-Gatwick-Airport-Limited-Consultation-on-proposal-to-extend-the-current-commitments).

⁴⁸ Section 15 of the Civil Aviation Act 2012.

1.3.14 All of these factors explain and underpin the particular strength and attraction of Gatwick airport – to airlines and passengers - and confirm its ability to grow significantly if further capacity can be released.

1.4 Benefits: meeting demand

Existing pent-up demand at Gatwick

1.4.1 In practical, operational terms, by normal standards, Gatwick as a single runway airport is “full”. The airport is unable to meet the full extent of incremental demand from airlines who wish to fly to and from Gatwick today.

1.4.2 This profile was experienced at Gatwick for many years leading up to 2019 and has already returned following the pandemic. Gatwick is once again ‘spilling’ demand. Any additional capacity that is made available is rapidly taken up by airlines and an active secondary slot market has now re-emerged. Airlines have been and remain unable to fly the schedules they desire, and Gatwick is having to turn away excess demand due to the lack of capacity. As a result, Gatwick’s throughput has only been able to grow modestly in the peak and growth has been achieved by the other means identified above. ACL (Airport Co-ordination Limited), the independent slot co-ordinator for Gatwick has provided supporting evidence documenting the extent and nature of these constraints, highlighting the levels of excess demand evidenced today above the airport’s current runway limits.

1.4.3 The constraints at Gatwick have resulted in several market responses:

1.4.4 over the six summer seasons 2015 - 2020 (when the bidding process was not in some way affected by Covid-related impacts or temporary rule changes) the number of slots requested that were not able to be accommodated shows an overall upward trend⁴⁹ and a consistent demonstration of demand exceeding available capacity;

- (1) recent slot filings from ACL show how pre Covid applications for summer 2020 saw demand exceed supply by 15%, meaning that over 33,700 summer movement requests exceeded slot supply. Over 26,600 of the allocated slots were not able to be offered at the times required by airlines, such that in total over 60,000 (nearly 26% of slots requested) were either not able to be fulfilled at all or not able to be offered at the times requested. Prior to the allocation process demand for Gatwick’s runway capacity exceeded supply in virtually all hours of the day, on all seven days of the week. ACL reported: “Capacity

⁴⁹ In the 2015 – 2020 period demand for slots that was not able to be met rose from 14,884 to 33,751.

demand was strong across most hours and days of the week, with demand peaking at 80 movements on runway totals in the 0600 and 1200 hours, that is 25 movements over the declared limit of 55⁵⁰; for the Summer 2020 seasons ACL also reported that some 21 airlines were allocated less than 40% of their requested demand. This meant that they could not operate an intended service, for example they may have got an unworkable schedule or slots at commercially unviable times of the day. This included a selection of American, Chinese and European carriers and reflected demand from regional airlines, LCCs and full-service carriers;

- (2) London Gatwick has more slots unallocated and on the waitlist than the average of other London airports. Some hours already see demand from airlines for over 70 slots per hour at multiple times of the day.⁵¹ Over the last 5 years of data, at initial coordination, an average of over 1,000 slot requests a week were not allocated a slot which equates to >6m summer seats (April-September);
- (3) the scarcity of slot capacity creates serious inefficiencies for airlines who are unable to optimise their schedule by matching slots with their preferred rotations, often accepting sub-optimal schedules to gain access. Slots may not match with the slots that the airline has at the other end of the journey, posing a risk to efficient and on-time performance, or making the slot unfeasible for the airline to operate (eg because it does not align with the block time require from an origin airport) resulting in slots being returned to the slot pool;
- (4) Over the last decade slot trading has emerged at Gatwick, a situation where airlines often pay a premium to acquire slot capacity from other airlines reflecting the lack of available capacity at a given airport. The first major slot trades occurred at Gatwick in 2011 and the value airlines have placed on these scarce slots has increased over time. Pre-Covid, Gatwick slot pairs were routinely trading at £2-3 million per daily slot pair.⁵² Slot trading has only fully developed at Heathrow and Gatwick; other UK airports have seen very limited slot trading activity.⁵³

⁵⁰ ACL: Interim Co-ordination Report, Summer 2020; executive summary.

⁵¹ See [\[REP 1-056\]](#) para. 5.1.46 referring to Figure 5.3.3 on page 5-44 of the **Needs Case** [\[APP-250\]](#).

⁵² Slot transaction at Gatwick analysed for 2011-2023 period involving airlines including Thomas Cook, Monarch, Flybe, British Airways, easyJet, Wizz Air, Vueling amongst others.

⁵³ See **Needs Case** [\[APP-250\]](#) para. 5.3.9-16; see further [\[REP 1-062\]](#) para. 11.1.3, dealing with slot profitability, cross-referring to a letter from ACL the slot allocation body in an appendix to the **Needs Case Technical Appendix** [\[REP1-052\]](#).

- 1.4.5 It is likely that the picture presented is an understatement of the slot demand because there are known to be many airlines that would like to serve Gatwick but are put off from applying because they are aware the slots are oversubscribed and the prospects of obtaining slots at the times they would like are low, or because they are aware of the likely strong levels of competition they would face for slots at Gatwick.
- 1.4.6 Through the ANPS and Flightpath to the Future, government policy tells us that these characteristics and the inefficiency they bring are inappropriate and symptomatic of an industry that needs more capacity.⁵⁴
- 1.4.7 The evidence shows beyond any doubt that the underlying demand from airlines for slots throughout the day is strong, with significant levels of pent-up demand today and further demand forecast in the future. This on its own demonstrates the benefits that would be realised by dual runway operations – meeting an existing and significant demand.
- 1.4.8 However, the forecasting carried out for the Applicant demonstrates clearly that the Project would meet an extensive future demand for services at Gatwick specifically, and for passenger travel in London more generally.

[Gatwick's forecasts – principles and approach](#)

Introduction

- 1.4.9 With only a modest increase in peak hour capacity being made available by the northern runway (increase from 55 to 69 ATM/hr), it is clear that this capacity would be filled by forecast demand.
- 1.4.10 The Applicant's forecasts as presented in the application have been prepared jointly by the Applicant's in-house airline relations and marketing and research teams, and ICF, one of the UK's foremost experts in air traffic forecasting. Forecasts have been prepared for two main cases, which for present purposes are described as the Future Baseline ("FB") and Project cases.⁵⁵
- 1.4.11 The forecasts were prepared using a combined top down and bottom up forecasting methodology. The top down approach adopted at the time of the application confirmed the excess demand and continuing forecast growth around

⁵⁴ ANPS para 2.14-17 and Flightpath to the Future page 26.

⁵⁵ These have been referred to as "core" forecasts to distinguish them from sensitivity analyses that are described later. The four primary assessment years are 2029 (when the northern runway would become operational), 2032 (an interim assessment year to reflect the opening year for surface access improvements opening year), 2038 (the year in which development works are forecast to be completed) and 2047 (a long-term forecast year to meet specific DMRB guidance to assess impacts 15 years after key

the wider London system, and created the context for more granular, bottom up forecasts which reflect the particular circumstances of Gatwick Airport.

- 1.4.12 The bottom-up approach is appropriate for a capacity constrained airport such as Gatwick and provides a detailed picture of how the airport and its airlines would respond to a release of capacity, in terms of future traffic mix and integration with the key parameters dictating overall available capacity at the airport - including the known and reasonably forecast pipeline of airline demand, peak capacity/utilisation, annual runway utilisation, aircraft size and load factors.
- 1.4.13 It is the most robust method for accurately allocating potential market demand to available capacity in a constrained airport environment. It takes advantage of the detailed market knowledge that is available to Gatwick, in much the same way that this has enabled the airport to grow successfully to date. It considers the key long-term drivers for a constrained airport's performance, capturing the airline and market mix as well the potential future fleet composition and operational performance. This approach is underpinned by strong market intelligence and frequent dialogue the Applicant has with many carriers, including current airlines already serving Gatwick who are seeking to expand their services, and future airline targets. These provide a sound basis for understanding the pipeline of demand that Gatwick will serve in the future.⁵⁶
- 1.4.14 The bottom-up forecasts create future design day schedules, informed by direct market knowledge of airline demand. The future capacity limits are defined not by any planning cap (there is none) but by the runway's capability to operate up to 55 ATMs per hour in the future baseline and 69 ATMs per hour with the project (capacity and operations are addressed further below). Gatwick considered a number of factors to support assumptions around airline and market deployment that would result from a release of capacity. These included the following:
- (1) Slot Allocation: How any new capacity gets allocated is determined by ACL, the company appointed to manage LGW's slots. ACL applies worldwide slot regulations and provides an independent approach to allocating slot capacity;⁵⁷

⁵⁶ See generally the **Needs Case** [APP-250] from paragraph 6.2.4 and the Forecast Data Book [APP 275] section 5.5.

⁵⁷ Determining how any new capacity is allocated is based on a range of airline/service led criteria, namely: aircraft size; allocation between incumbent carriers and new entrant airlines; period of operation: schedules in effect for a longer period are normally prioritised; the balance of difference services and markets is considered; competition: competitive factors are also considered in the allocation of slots; other factors including the requirements of the travelling public, time spent on the wait list are also considerations for ACL.

- (2) Schedules: Gatwick considered the availability of capacity throughout the day recognising that some markets will only be feasibly served at certain times of the day;
- (3) Pipeline of demand: Gatwick has extensive market knowledge and intelligence directly from the airlines currently seeking to flying to Gatwick that have been unable to get access to date;
- (4) Established operators: Gatwick is routinely in discussions with their incumbent carriers who are able to provide feedback on the levels of unmet demand already being experienced today and their desire for incremental capacity. Gatwick currently has 89.4% of its passenger traffic accounted for with contracted rates and agreements with its airlines;
- (5) Emerging markets: Gatwick's commercial team works closely with regional and national airlines and governments to understand world-wide growth plans.

1.4.15 Without considering these direct, practical, commercial issues affecting airlines, markets and rules relating to the allocation of new capacity it would be challenging to provide a clear profile of the future traffic that would be expected at Gatwick under either the future baseline or the project scenarios. After several exchanges at examination deadlines, this was recognised by York Aviation:

“9. The reason that we have necessarily focussed on the detail of how growth will be attained in the Baseline Case (REP4-022, paragraph 2.19) is because, at a capacity constrained airport, the key question is how airlines will be able to add additional flights within the capacity available rather than it being fundamentally a question of underlying demand. This necessarily relies on a more granular bottom-up assessment of how additional services can be accommodated within the constraints, having regard to the operating patterns of the airlines in different markets.” York Aviation: [REP5-094] paragraph 9.

Bottom up: steps in forecasting

1.4.16 The main steps to determining future throughput under this approach can be summarised as follows.⁵⁸

⁵⁸ These steps are set out in section 5 of the **Needs Case Technical Appendix** [REP1-052]. The Applicant also spoke to these issues and the nature of known demand at ISH 1 (Transcript of Recording of Issue Specific Hearing 1 (ISH1) – Part 1 – 29 February 2024 [EV6-004], Transcript of Recording of Issue Specific Hearing 1 (ISH1) – Part 2 – 29 February 2024 [EV6-005] and Transcript of Recording of Issue Specific Hearing 1 (ISH1) – Part 3 – 29 February 2024 [EV6-006]) and further detail is provided in the **Needs Case Technical Appendix** [REP1-052], at Section 3, 4 and (particularly) 5.

- 1.4.17 First, peak capacity and utilisation has been considered to understand what the capacity potential of the airport is on a typical busy day. This is considered for each year of the forecasts.
- 1.4.18 Gatwick currently operates at its declared runway capacity limit of 55 movements per hour during the peak hours of operation. It has consistently done so for many years, and is not forecasted to declare more whilst operating the main runway alone. In the baseline scenario, Gatwick is assumed to continue operating at 55 movements per hour, although the number of hours in a given day that it declares and operates at 55 is forecast to increase from 5 hours to 6 hours without increasing the operating window of the day.⁵⁹
- 1.4.19 With the project, Gatwick will be able to handle 69 movements per hour providing operational, resilience and capacity benefits for the airport that are considered further below. As today, the forecasts assumed that Gatwick's future capacity will continue to be fully utilised during peak periods of demand – an assumption supported by the wider top-down modelling. To support the capacity analysis and other workstreams, Gatwick developed design day schedules providing detailed breakdowns of the operations at the airport in future years.⁶⁰
- 1.4.20 The baseline scenario offers modest capacity growth through operational improvements whilst the project will provide up to 14 additional movements per hour (+25%). Demand is forecast to continue exceeding supply and Gatwick will therefore readily fill the additional capacity provided by the northern runway. Similar busy day levels of utilisation are forecast where all the available capacity is allocated to airlines during the core hours of the day.
- 1.4.21 Second, it is important to understand levels of annual runway utilisation, in particular peak spreading.⁶¹ Some airlines operate consistent year-round schedules whilst others operate more seasonal schedules (e.g. summer / winter leisure destinations). The current and historic degree of seasonality at Gatwick has been summarised above. Gatwick had a well-established pattern for de-peak in the years leading up to 2019. The change in seasonality ratio between the peak month and the year-round average (1.22 or 22% in 2013, dropping to 1.17% or 17% in 2019) illustrates how Gatwick's airlines were incrementally 'in-filling' the off-peak periods of demand. In the peak periods (July-September) ATM demand grew 8% as airlines filled the additional capacity released by Gatwick as well as increasing utilisation on quieter days. But in the off-peak (November-March) demand grew at nearly twice the rate of summer as movements increased

⁵⁹ See Appendix: Airfield Capacity Study [REP1-054] para. 3.1.5 and 3.3.1..

⁶⁰ Forecast data book Chapter 9 Annex 7, page 3-6.

⁶¹ See Needs Case para. 6.3.7-9 (future baseline); para. 6.46-9 (project).

by 15% in the same period.⁶² Peaking spreading is therefore a well-established trend for Gatwick Airport driven primarily by a combination of constraints in the peak season as well as the evolving mix of Gatwick Airport's airlines and markets.

1.4.22 The Applicant has always recognised that aviation demand is inherently seasonal, with the summer peak months representing the busiest time of the year; and in recognition of the scope for this trend to continue, as seasonality decreases, the rate at which it will continue to do so will reduce.⁶³ However Gatwick is still busier in the summer months than the winter months and there is therefore further potential for peak spreading trends to continue. There is good reason to assume that this feature of aviation demand will continue to influence demand and forecast air traffic movements, both with and without the project.

1.4.23 As the aviation market returns to pre-Covid levels of activity, the Applicant expects to see further declines in the historical levels of seasonality. In the long run, growth offered by the project as well as constraints across the London airports and the demand patterns already experienced at Gatwick will provide further opportunity to de-peak and improve utilisation during the shoulder/off-peak periods.

1.4.24 The drivers for peak spreading include:

- (1) *Peak runway utilisation*: a higher rate of utilisation will be achieved as further off-peak capacity becomes utilised more regularly. This is a very well established trend at Gatwick as off-peak hours, days, months are all out growing the peak periods. For example, easyJet has increased the length of season operated on some markets as well as converting seasonal flying to year-round flying.
- (2) *Market mix*: a higher share of long-haul traffic will support more year-round operations at Gatwick. The airport will shortly serve 52 long haul destinations and has recently welcomed 10 new long haul carriers. Others are known to want to grow at Gatwick but without viable slots, they are currently unable to do so;
- (3) *Slot trades*: airlines that can effectively utilise Gatwick's slots will continue to acquire capacity. For example, seasonal charter traffic has historically been replaced by year-round operators. ACL (LGW's slot

⁶² See para. 1.51-3 and Figure 1.5 of [REP 1-047].

⁶³ Para. 5.2-3 and Figure 1.5 of [REP 1-047]. In the 2013-2019 period, the narrowing of the ratio showed how airlines were incrementally 'in-filling' the off-peak periods of demand. In the peak periods (Jul-Sep) between 2013-2019, ATM demand grew 8% as airlines filled the additional capacity released by Gatwick Airport as well as increasing utilisation on quieter days. In the off-peak (Nov-Mar), between 2013-2019 demand grew at nearly twice the rate of summer as movements increased by 15% in the same period.

co-ordinator) has provided evidence demonstrating the levels of excess demand at Gatwick compared to other airports. Airlines are already forced to pay millions just for one daily slot pair and understandably look to maximise its use throughout the year;

- (4) *Demand growth*: even with limited growth available in peak months, demand will continue to grow in the shoulders / off-peak periods. Gatwick will remain heavily constrained in the peak season. As explained further below, London growth forecasts highlight the lack of capacity, constraints are only going to become worse in the next decade and growth forecasts will not be accommodated. *Current trends*: recent entrants to Gatwick (e.g. Air India, Air Mauritius, Singapore Airlines, Lufthansa, JetBlue, Delta, etc.) are all using the runway on an efficient year-round basis.

- 1.4.25 Again it should be emphasised that although seasonality is decreasing (and further peak spreading is occurring) the Applicant has made conservative assumptions about this change – the 5% change in seasonality ratio in the five years between 2014 and 2019 (from 1.22 or 22% to 1.17 or 17%), is only followed by a forecast change of 3% over the fifteen year period between 2032 and 2047.⁶⁴
- 1.4.26 Third, assumptions need to be made around the future fleet composition, to inform the forecast on average aircraft size.⁶⁵ Average aircraft sizes have been growing across the industry and Gatwick is no exception. In the 2010-2019 period the average aircraft size at Gatwick increased from 170 to 192 seats, an increase of 13%, or 22 seats, in under 10 years.⁶⁶ During Covid, alongside a reduction in long haul flying with larger aircraft, many airlines operated with smaller aircraft to minimise their operational costs⁶⁷. However, Gatwick’s average seats per movement has already passed pre-Covid levels.⁶⁸
- 1.4.27 The bottom-up analysis captured airline fleet orders from 2019 as well as making assumptions around the transition to future aircraft types as their current fleets age. This provided a future pathway for average aircraft sizes under the future baseline and project scenarios. In the period between 2019-2030 the average aircraft size is assumed to increase by 9% or 17 seats to reach 210. Beyond 2030 further growth is assumed with the average seat count reaching 229 in 2049.⁶⁹ For

⁶⁴ Paras 1.5.5-8 of Technical Note on Future **Baseline** [REP 1-047]; para 5.2.15 **Needs Cast Technical Appendix** [REP1-052].

⁶⁵ See **Needs Case** [APP-250] paras 6.3.10-15 (future baseline) and paras 6.4.10-11 (Project).

⁶⁶ [REP 1-047] para. 1.6.1 – slightly ahead of the UK average of an 11% change to 172 in 2019: para. 1.6.2.

⁶⁷ For example: easyJet operated with a higher share of A319 sized aircraft.

⁶⁸ 2024 Year to date seats per ATM was 195, above 2019’s 192 seats per ATM

⁶⁹ Para. 1.6.6.

context, the growth achieved in the forecasts is at a rate less than half that of the historical trends at the airport (0.6% vs 1.4%).⁷⁰

1.4.28 The Applicant has provided the assumed future aircraft mix of easyJet (Gatwick's largest carrier) and Wizz Air (a notable growth airline at LGW), which account for over half of all movements today. Recent fleet progression has seen both airlines switch focus towards larger gauge aircraft, namely the A321neo (which is the largest of the Airbus A320 family). EasyJet's latest order, which would be delivered into the early 2030s, results in the A321neo accounting for over 30% of their fleet by 2030 and continuing to grow beyond that⁷¹ Their fleet is assumed to grow from an average of 176 seats per ATM in 2019, to over 200 by 2030. Wizz has been growing at Gatwick and is expected to represent some of the incremental demand when the Northern Runway becomes operational. They are intending to convert virtually all of their fleet to A321neo aircraft by 2030 which will provide over 230 seats per movement, compared to under 200 in 2019. All the major airlines are planning for significant up-gauging in the next 10+ years – including Ryanair which is forecast to pass 200 seats per movement in the early 2030s, up from 189 in 2019.⁷²

1.4.29 Fourth, operational performance is then considered, including the load factor of the airlines.⁷³ Like aircraft sizes, average seat occupancy (load factor) rates have been growing across the industry. In the 2010-19 period the average load factor at Gatwick increased from 79% to 86%, an increase of 6.4 percentage points in under 10 years.⁷⁴ The growth is comparable to the UK average, which saw average seat load factor increase from 76% to 84% across the same period. During Covid, industry load factors were severely impacted,⁷⁵ but Gatwick's load factors are on track to return to pre Covid levels with the latest year to date (January-August) period already reporting 85% seat occupancy.⁷⁶

1.4.30 The Applicant has assumed the growth in load factors to continue at a reducing / conservative level - around 90% by 2030, before growing a further percentage point to 91% by 2040, such that over the period a growth of 6.5% points in load

⁷⁰ As explained at [REP 1-056] para. 5.1.21, airlines are switching to larger A320 series aircraft and retiring smaller series; and there is the wider industry trend in response to low-cost carriers, where full-service carriers (such as British Airways) densify their fleet by increasing the number of seats within the aircraft.

⁷¹ As explained at [REP 1-056] para. 5.1.24, easyJet's recent confirmation of their short to medium term fleet outlook (to about 2030) shows a much more significant shift towards the larger aircraft coming through than they have previously indicated. Over half the EasyJet fleet is planned to be upgraded from A319 aircraft to A321 which have over 50% more seats on each aircraft. EasyJet are a very important customer for Gatwick, making up approximately half the capacity in 2023.

⁷² See Table 1.3 of [REP 1-047].

⁷³ See **Needs Case** [APP-250] paras. 6.3.16-19 (future baseline) and paras. 6.4.10-11 (Project).

⁷⁴ Para. 1.7.1 of [REP 1-047].

⁷⁵ Para. 1.7.3 of [REP 1-047].

⁷⁶ Para. 1.7.4 of [REP 1-047].

factor growth has been assumed. To put this into context, this level of growth across a 30 year period, is comparable to that which was achieved across just 9 years, up to and including 2019.⁷⁷ This upward trend is reflected across the industry, for example, easyJet's reported load factor across their network increased from 87% to 93% in the 2010-19 period; Ryanair's by 11%.⁷⁸

- 1.4.31 Fifth, the mix of markets and airline⁷⁹ also underpins assumptions in the forecasting. The short-medium term forecasting has focused on current/known opportunities identified by Gatwick's commercial team, supported by market led forecasts, considering the demand outlook to specific destinations/regions. Longer term assumptions focus on the assessment of global regions that are likely to provide long-term growth prospects, whilst recognising the interchangeability between airlines within categories.⁸⁰
- 1.4.32 At Gatwick the mix of airlines and markets has evolved significantly in the last 15+ years reflecting the range of mergers, carrier exits and evolution of different airline business models. By 2023 easyJet accounted for 47% of passenger demand (up from 41% pre Covid and significantly above the levels seen before 2010 when their share of total passengers was under 20%). Carriers such as Vueling and Wizz have recently increased their presence; in 2016 they accounted for a combined 2% of demand which has now increased to 12% of all passengers.
- 1.4.33 In the future baseline, the bottom-up schedules considered the demand and the times it is likely to operate at Gatwick given market preferences and operational considerations for target airlines. By 2038 demand has been forecast to grow from 46.6 million to 62 million passengers, mainly through short haul demand (>8 million passengers) achieved through larger, fuller aircraft operating more consistent year-round schedules. This segment is forecast to account for 69% of annual passengers in 2038. From an operational perspective, the associated growth in runway activity is forecast to be relatively modest during the peak season in the future baseline. Scheduled Busy day aircraft movements is expected to increase by 20 movements, from 934 in 2018 to 954⁸¹ on a typical busy day in 2038. Breaking down ATM demand in the peak month, the growth in short haul assumed (around 10 additional flights on a busy day) is not significant, reflecting Gatwick's recent growth trends and the underlying demand for this market segment. Long haul movements are forecast to increase by around 35 flights per day, which arises

⁷⁷ See Figures 1.2 and 1.3 of [\[REP 1-047\]](#).

⁷⁸ See para. 1.7.6 of [\[REP 1-047\]](#).

⁷⁹ See **Needs Case** [\[APP-250\]](#) paras. 6.3.20-8 (future baseline) and paras. 6.4.12-18 (Project).

⁸⁰ For example, LCCs often operate different markets, aircraft types, seating configurations, with higher overall asset (aircraft) utilisation, when compared to full-service carriers.

⁸¹ As in the **Appendix: Airfield Capacity Study** [\[REP1-054\]](#) table 2.

through a combination of some carriers continuing to convert short haul slots to long haul flying as well as very modest amounts of new capacity becoming available. Whilst there has recently been churn in the mix of airlines operating at London Gatwick, some of the targets identified by the airport in 2019 have now already commenced operations, for example, JetBlue, Air India and Ethiopian airlines, all of which were targets of Gatwick's commercial team for several years. In the project case, by 2038 demand is forecast to grow from 46.6 million to 75.6 million passengers. Short haul demand is forecast to grow by <18million passengers through larger, fuller aircraft operating more consistent year-round schedules.⁸² This segment is forecast to account for 69% of annual passengers in 2038. Long haul demand is forecast to grow >10 million passengers by 2038 increasing its share of Gatwick's passenger from 19% in 2019 to 26% in 2038. Domestic passengers are forecast to grow <1million, primarily through larger and fuller aircraft. This segment is forecast to account for 5% of LGW passengers in 2038.

- 1.4.34 This results in busy day ATM demand increasing to over 1,130 ATMs scheduled on a typical busy day in 2038. Across the busy month average day, short haul demand is forecast to grow by over 100 daily slots, equivalent to >50 daily round trip services (or put another way, approximately 20 based short haul aircraft based on current patterns). The mix of traffic is forecast to remain relatively consistent compared to today (e.g. Northern, Western, Southern Europe). Long haul movements would increase by around 75, through incremental growth of incumbent carriers, and new carriers looking to expand or increase their presence in the London market, notably in faster growing aviation markets including India and China. Many of the carrier / market opportunities identified pre-Covid have now been converted into scheduled services and the market regions expected to drive growth (e.g. India, Asia, Africa) are already offering growth prospects. It is only the current constraints which inhibits the establishment of these new entrants. The addition of the Northern Runway will enable Gatwick to serve some of this pent-up demand.

⁸² As the **Needs Case** [APP-250] explains at para. 6.2.12, short haul forecasts are less granular with domestic demand split out separately. Given Gatwick's leading levels of service to European destinations and the wide range of routes served by Gatwick's based airlines, some segmentation was used to reflect different carrier types e.g. based LCC, away based Leisure or FSC. At a regional level the mix of traffic within Europe was assumed to remain comparable to today's throughput. For example, in the 2010-2019 period the splits of traffic between North, South, East and Western European destinations remained within 1% point during which Gatwick's airline mix and traffic volumes evolved significantly

Bottom up: summary of Gatwick forecasts

1.4.35 Combining the above operational assumptions⁸³ provides an estimated potential throughput for passenger volumes for any given year, including the latest assessment year of 2047.

1.4.36 Table 1: Gatwick NR – DCO Submission (2014 & 2019 from GAL actuals)

	2014	2019	2032	2038	2047
ATM: August (Peak day)*	892	928	1,126	1,132	1,134
ATM: August (avg. day)	851	900	1,110	1,117	1,119
ATM: Annual (avg.)	698	769	1,036	1,046	1,057
Peak vs Aug Avg.	5%	3%	1-2%	1-2%	1-2%
Peak Month Ratio (Aug:Avg.)	1.22	1.17	1.07	1.06	1.06
Seats per ATM	179	192	213	218	227
Load Factor	84%	86.5%	90%	91%	92%
ATMs, Annual (k)	255	313	378	382	386
Passengers, Annual (m)	38.3	46.6	72.3	75.6	80.2

1.4.37 In the future baseline, Gatwick is forecast to grow to 67 million passengers by 2047, an increase of approximately 20 million from the 2019 baseline. As the **Technical Note on the Future Baseline [REP 1-047]** explains, the main driver of this growth is from increasing average aircraft sizes (accounting for 9 million incremental passengers). The remaining factors include peak spreading (5 million growth),⁸⁴ higher load factors (4 million growth) and greater utilisation in peak months, albeit at a much lower level (2 million growth).⁸⁵

1.4.38 The growth from the future baseline to the project scenario results in a further 13 million passengers being handled at Gatwick by 2047. All the growth is accounted for by the increase in runway capacity permitted by the Northern Runway.⁸⁶ 2032 is the first year in which the Northern Runway would be operating close to its

⁸³ See Table 1.4 of [REP 1-047].

⁸⁴ Para. 1.5.8 of [REP 1-047] (which equates this growth to over 30k annual movements).

⁸⁵ Figure 1.2 and para. 1.4.5 of [REP 1-047] (which equates this growth to 13k annual movements). See too [REP 1-056] para. 5.1.11 which confirms that of the 20million growth only 2 million is attributable to growth in the peak periods (a combination of capacity and increased demand in off-peak periods (days and hours) of the peak months. See too the analysis in the Needs Case at section 6.3. The Applicant acknowledges the ExA's request for further information of 9 May, 2024, which asked whether these categories of growth might involve an element of double counting. The ExA is right to point out that there could be a risk of double counting when the baseline growth is broken down in this way. However GAL was aware of this theoretical risk and ensured that its approach to preparing the forecasts avoided it, as explained in [REP 4-022] para.s 12.1.6-11.

⁸⁶ At [REP1-056] para. 15.1.40 the Applicant confirmed that assumptions regarding larger aircraft and the rate of aircraft being upgraded are very comparable between the future baseline and project cases.

capacity during the peak months. Whilst further growth is forecast to materialise beyond 2032 it is assumed to be much more modest.⁸⁷

- 1.4.39 Issues raised in respect of the bottom-up approach are addressed later, after a summary of the top-down approach is set out below.

Top down

- 1.4.40 During discussions with York Aviation on behalf of the JLAs they criticised the absence of a top down forecast, which is generally their preferred approach.
- 1.4.41 The Applicant considers that a bottom up forecast is more pertinent given the constrained nature of the airport today and in the future with or without the Project. In those circumstances, actual market insight into how airlines, passengers and markets are likely to respond to new capacity at Gatwick is more useful than a theoretical allocation exercise. Whilst the top-down approach is useful for providing aggregate levels of demand (e.g. the scale of the London market and how demand might distribute based on observed trends), bottom-up knowledge from Gatwick's commercial team allows for an identification of which airlines are considered most likely in practice to increase their capacity at the airport. This provides greater levels of confidence regarding busy day schedules (for example the expected future fleet types as well as preferred times of operation by specific carriers) - detail that is not captured by theoretical top-down modelling. Considering the nature of demand (in/out-bound, catchment, etc), availability of capacity, and the networks offered by airlines (across the airports), is key to determining the future potential for Gatwick's demand.
- 1.4.42 However, without prejudice to that position, GAL has nevertheless undertaken top-down forecasts to meet the JLA request. This assessment supports the conclusions of the bottom-up assessment.
- 1.4.43 Whilst originally, high-level top-down forecasts were used in the DCO application to validate the future levels of excess demand in the London market, in the light of York Aviation's insistence that it would not endorse the outputs of a bottom-up model, the Applicant prepared a wholly new "top-down" model, the results of which were made available in the Needs Case Technical Appendix at Deadline 1 [[REP1-052](#)].
- 1.4.44 The top down approach preferred by York Aviation is a more theoretical approach to forecasting based on modelling, which has the following principal characteristics:

⁸⁷ See **Needs Case** [[APP-250](#)] para. 6.2.12.

- identification of a market or catchment area and a forecast level of overall future demand
- estimation of current market shares taken by different airports from the overall market, informed by CAA data
- projection of future market shares for airports based on past performance and the allocation of growth, based on those shares
- where one airport is over-subscribed beyond its capacity by the application of the market shares, the redistribution of that “spill” to other airports based on their relative attraction
- the iteration of that approach to arrive at a best fit.

1.4.45 In this case, high-level demand and capacity projections were used based on DfT forecasts for the London aviation market to determine the capability of all the airports to handle the growth in unconstrained demand, so as to determine the levels of unmet demand, or indeed excess capacity if it were to exist. Overall levels of demand by segment (e.g. domestic, short haul, long haul) were forecast to understand the same issues in more detail – i.e. for each market segment was Gatwick forecast to be operating in a constrained market – and to what extent?

1.4.46 In both macro and market segment terms, the top-down forecasts showed that the constraints affecting Gatwick in 2019 would continue and strengthen. This validated and provided the context for the detailed bottom-up assessments used in the application. Gatwick was confident from its market knowledge and from the top-down forecasts that its released capacity would be filled; the bottom-up forecasts showed how i.e. the pattern of traffic would secure growth at the airport in response to the released capacity. In a constrained market, the bottom-up approach assesses how airlines and passengers would respond to a release of capacity at Gatwick - through consideration of the slot allocation process and a range of market factors, supported by schedule and runway assumptions - and provides a deeper layer of granularity on how much demand could realistically be served at Gatwick, relative to available infrastructure and capacity. However, the top-down approach supports the bottom-up approach by validating the levels of excess demand across the London airports as well as informing growth assumptions for specific market segments. It has established that there is and will continue to be a shortage of capacity in the London system, relative to demand.

1.4.47 The approach and results of the updated top-down forecasts are set out in section 6 of the Needs Case Technical Appendix.⁸⁸

⁸⁸ Needs Case Technical Appendix [REP1-052].

- 1.4.48 The forecasts confirm the scale of growth in the London market. When Gatwick commenced its study for the NRP in 2019 the latest Government forecasts for aviation demand dated from 2017. The original DfT forecasts of 2017 showed UK aviation demand growing from 267m in 2016 to 494m in 2050, representing a 1.8% CAGR in its central case projection. At the time of application, the latest available forecasts were from the UK Jet Zero projections prepared in 2022 and published as part of the Government's Jet Zero Strategy.⁸⁹ These forecasts presented a very similar trajectory to the 2017 forecasts. They forecast aviation demand increasing at a CAGR of 1.7% resulting in demand for UK aviation growing from 283 to 482 mppa in the 2018-2050 period⁹⁰.
- 1.4.49 Over the course of the last few years, ICF have prepared top-down forecasts on behalf of Gatwick reflecting the economic outlook of the UK and its source markets for aviation demand. Previous top-down econometric led forecasts were prepared by ICF for Gatwick in 2020 and were found to align well with the Government's Jet Zero forecasts from 2022. Total aviation demand was forecast to grow at a CAGR of 1.7% in the UK (JZ'22) vs 1.8% for London (ICF).
- 1.4.50 In March 2023 the latest iteration of the DfT's Jet Zero forecasts was released providing an update to the demand outlook for UK aviation to 2050. Whilst not a full update of the DfT model they were recognised in the application documents⁹¹ and have been used to inform the "developing the UK sustainable aviation fuel mandate" consultation and the "Jet Zero strategy: one year on" document⁹².
- 1.4.51 In these forecasts, the demand outlook for UK aviation was reduced to 430 million passengers in 2050, or a CAGR of 1.3%,⁹³ but significant levels of growth are still forecast across the UK aviation industry. By 2040 the UK's demand for aviation is forecast to increase from 283 million in 2018 to 394 million passengers in 2040. This represents an increase of 111 million passengers against the 2018 baseline,

⁸⁹ The Jet Zero forecasts use the same model/approach as the 2017 forecasts but were updated with more recent market data as well as updated segmentation. They also take account of a range of factors, including the likely increase in the cost of carbon.

⁹⁰ This projection considered the Jet Zero 2022 – High ambition scenario; the current trends scenario published at the same time assumed 493 million passengers in 2050. More generally the Jet Zero scenario 1 forecasts ('Continuation of current trends') predict demand of 354 million passengers per annum (mppa) by 2030, 425 million by 2040 and 493 million in 2050, whilst its Scenarios 2, 3 and 4 forecasts (embodying different levels of high ambition for reducing emissions) predict comparable demand in the shorter term and slightly lower demand over the medium / long term, with some 355 million passengers by 2030, 422 million by 2040 and 482 million by 2050²³, amounting to a 200 million passengers increase in demand across the UK's airports.

⁹¹ **Needs Case** [APP-250] at para. 5.2.19 and **Forecast Data Book** [APP-075] at para.7.2.

⁹² <https://www.gov.uk/government/publications/jet-zero-strategy-one-year-on>.

⁹³ A combination of the short-term outlook capturing updated Covid-19 recovery trends and lower long-term econometric growth assumptions were understood to be the main drivers of the most recent figures. The Applicant notes that there is not necessarily a trend of forecasts decreasing as the Applicant understands some of the macro-economic assumptions that were used for these forecasts have now improved: see [REP 1-056] para. 5.1.36.

or growth of 40%. Continuing the maturing growth trends will see demand of circa 430 million passengers by 2050, approximately 50% above 2018's baseline.⁹⁴

- 1.4.52 The main change in the latest Jet Zero forecasts relates to the long-term growth assumptions beyond the 2040s. In the period 2025-2040, the latest forecasts assume growth of 1.74% whilst the previous Jet Zero forecasts published in 2022 assume growth of 1.82%. By 2040 the demand for aviation is forecast to have increased 29% in the latest outputs compared to 31% in the 2022 Jet Zero forecasts.
- 1.4.53 In the context of an already capacity constrained market, however, these changes are not material.⁹⁵ In any event, Gatwick's forecasts show the project filling close to its capacity in the 2030s, so that uncertainty over the scale of further growth into the long term beyond that is not a concern. Given the latest status of the Jet Zero March 2023 forecasts, they have been adopted by the Applicant for scenario testing and sensitivity analysis.
- 1.4.54 These latest Jet Zero forecasts predict UK aviation demand growth of 1.5% CAGR in the 2018 to 2040 period adding before dropping off to a conservative 0.9% CAGR in the final decade to 2050. By 2050 this results in a further 147 million passengers across the UK's airports.
- 1.4.55 In summary, the top-down assessment demonstrates that even under the more recent and pessimistic demand scenario and the more theoretical approach of a top down model, it is apparent that London airports will not meet forecast demand without the addition of the project. Gatwick and the wider London market is still forecast to benefit from the addition of the northern runway. More capacity will enable more destinations, services to long haul markets and passenger benefits. At Gatwick, under either the bottom-up or top-down approach, capacity would be taken up rapidly, and the expanded airport would be close to capacity by 2038.
- 1.4.56 The following table provides a comparison of the top down and bottom up approaches that highlight the demand filling the available capacity from the NR by the late 2030s.
- 1.4.57 Table 2 Comparison of Top-Down and Bottom-Up Forecasts, Northern Runway (passengers, m)

⁹⁴ Needs Case [APP-250] para. 5.2.21.

⁹⁵ See the Needs Case [APP-250] para. 5.2.16-9.

	2029	2030	2032	2035	2038	2044	2047
Bottom up	61.3	65.3	72.3	73.8	75.6	78.7	80.2
Top down	57.1	61.1	65.7	70.8	75.6	78.7	80.2
Variance	-7%	-6%	-9%	-4%	0%	0%	0%

- 1.4.58 Given the uncertainty in predicting long term aviation growth, the Applicant has also prepared forecasts to cover a number of different sensitivity scenarios.⁹⁶ The first considers an expanded Heathrow (with a third runway). The second considers the potential impacts from an expanded Luton and London City. The Applicant modelled the impact of these alternative scenarios on its growth forecasts in the Forecast Data Book⁹⁷ and Needs Case Technical Appendix⁹⁸ which tested the effect of growth at Heathrow⁹⁹ and Luton (and London City),¹⁰⁰ taking into account the availability of consented capacity at Stansted.
- 1.4.59 Before explaining the outcome of that work, however, it is necessary to address the approach to treating it as a sensitivity analysis, given the suggestion by York Aviation that the Heathrow sensitivity should “arguably” form the central case for assessment purposes. This contention may have its origins in the JLA’s reference to paragraph 1.42 of the ANPS, although they have done little more than assert reliance on that part of wider ANPS policy.
- 1.4.60 The Applicant has set out above its position on the approach it takes to that paragraph, but makes the following further points here.
- 1.4.61 There is no dispute about the policy support accorded to the third runway within the ANPS. The Applicant has never sought to challenge that. However there has been no credible dispute with its suggestion that the decision-maker may take account of the absence of any progress in taking advantage of that support in the ANPS. As the Applicant has explained in the context of cumulative assessment for EIA purposes,¹⁰¹ following the publication of the ANPS in 2018 the R3 project was

⁹⁶ First, a ‘Slower Growth’ sensitivity forecast has been prepared, which adopts a more conservative view of growth at Gatwick. This is used to test the impact that slower-growth than the core forecasts would have on the economic benefits attributable to the Project such as employment generation. Secondly, a ‘Slower Fleet Transition’ sensitivity case has been prepared. This sensitivity assumes that the rate of transition of Gatwick’s airline fleet takes longer to transition to next generation aircraft. It has been used to understand how noise, air quality and carbon impacts could be greater if the turnover of aircraft types to next generation aircraft is slower than expected in the core forecasts. These forecasts are covered elsewhere in these submissions as necessary.

⁹⁷ Forecast Data Book [APP-075]

⁹⁸ Needs Case Technical Appendix [REP 1-052].

⁹⁹ Forecast Data Book [APP-075] Annex 4; Needs Case Technical Appendix [REP 1-052] para. 7.1.1-17.

¹⁰⁰ Forecast Data Book [APP-075] Annex 5; Needs Case Technical Appendix [REP 1-052] para. 7.1.18-22.

¹⁰¹ See ES Chapter 20: Cumulative Effects and Inter-Relationships [APP-045]; The Applicant’s Response to the ExA’s Written Questions (ExQ1): Cumulative Effects [REP3-088]; Appendix D: Response to Heathrow’s Deadline 3 Submission [REP4-025]; the Applicant’s Response to Deadline 4 submissions [REP5-072] at Section 2.6

paused in 2020 and there is continuing uncertainty as to any restart to the consenting work. Heathrow have not made any published commitment to bring forward R3 or even any public statement or indication that it intends to do so (and press speculation suggests the contrary).¹⁰² Broadly drafted references to how it “*intends to grow sustainably as the demand for aviation recovers*”¹⁰³ do not suggest that R3 remains in Heathrow’s plans.

- 1.4.62 In this context, it appropriate to assess the need for and effects of the Project on the basis that there is substantial uncertainty over an R3 application coming forward, notwithstanding the policy support for R3, which the Applicant does not dispute. Accordingly, GAL’s core analysis does not assume the development of Heathrow’s third runway. It is very likely that the Applicant would have been accused of underestimating the potential growth and effect of the NRP if it had assumed that R3 will go ahead as its core scenario.
- 1.4.63 This approach is consistent with that taken by the Secretary of State in the Manston case,¹⁰⁴ where the decision letter records the following conclusion:

“97. On the matter of capacity being made available at airports elsewhere, the Secretary of State accepts that there is potential for all existing airports to expand in future to increase capacity. However, the Secretary of State is of the view that in considering whether there is a demand for the capacity the Development aims to provide, he is not able to attach weight to applications that have yet to come forward. This is because there is no certainty that capacity from such applications will be delivered. For example, aspiration plans setting out future growth may be modified or changed, or they may not come forward at all. Where planning permission is required, both the ANPS and the MBU policies are clear that they do not prejudice the decision of the relevant planning authority responsible for decision-making on any planning applications. Such applications are subject to the relevant planning process and may not ultimately be granted consent by the decision-maker.”

¹⁰² See the reference in REP 6-091 fn 18 to the Times reporting that plans for a third runway had been “shelved” by the Chief Executive in favour of a “better not bigger” strategy, and that the third runway team at Heathrow had been disbanded.

¹⁰³ See [REP 4-025] section 2.

¹⁰⁴ See the Applicant’s Response to York Aviation’s Deadline 4 Submission [REP5-077] para. 3.1.16-9; see too [REP 6-091] para.s 3.4.15-7. A challenge to that decision was dismissed by the Court of Appeal in Dawes v. Secretary of State for Transport [2024] EWCA Civ 560. The relevant ground of challenge related to the terms of advice that was given to the Secretary of State in advance of the decision. Dove J at first instance had concluded that the material before the minister was not that potential for growth at other airports was incapable of being a material consideration but, for the reasons given, it could only attract very little weight and was therefore not material to this case. The Court of Appeal upheld that conclusion: [70]-[76].

1.4.64 The Secretary of State was aware of ANPS policy as it applied to Heathrow when reaching this view, noting how the ExA found that freight levels which could be handled by the Manston proposal could be catered for at existing airports, such that the applicant in that case had failed to demonstrate “*sufficient need for the Development additional to or different from the need which is met by the provision of existing airports*”.¹⁰⁵ After referring to ANPS paragraph 1.42,¹⁰⁶ he acknowledged that existing airports considered by the ExA included Heathrow,¹⁰⁷ before concluding as follows:

1.4.65 “97..the aviation sector in the UK is largely privatised and operates in a competitive international market, and the decision to invest in airport expansion is therefore a commercial decision to be taken by the airport operator. This means that while increase in demand for air freight services could potentially be met by expansion at other airports, those airport operators may not decide to invest in changes to their infrastructure to meet that demand. It is therefore not possible to say with any certainty whether indicative capacity set out in growth plans will result in actual future capacity...

99. The Secretary of State received representations from a number of Interested Parties on the uncertainties in the delivery of the Heathrow Northwest runway during the redetermination process. As set out above, this is also acknowledged by the Independent Assessor who concluded that the uncertainty about the future expansion at Heathrow now than at the time of the examination of the Application strengthens the need for this Development (IAA, page 48). The Secretary of State is aware that an application for the Heathrow Northwest Runway project has yet to be submitted to the Planning Inspectorate, and a timetable for the submission of an application has yet to be confirmed...

102. The Secretary of State notes that the Examining Authority [ER 5.6.45] and the Independent Assessor (IAA section 5.3) consider that there is spare capacity at other airports [ER 5.6.45]. It appears that in concluding this, the Examining Authority and the Independent Assessor are relying in part on aspirational growth plans and the potential for growth at other airports. Such capacity is not required to be taken into account by policy, and it is not in the Secretary of State’s view otherwise obviously material to the Secretary of State’s decision on this Application for the reasons set out above, principally the lack of any certainty that such potential capacity will ever come forward.

¹⁰⁵ DL34.

¹⁰⁶ DL35.

¹⁰⁷ DL95.

*To the extent that possible capacity is legally material, the Secretary of State gives no significant weight to it for the same reasons...*¹⁰⁸

1.4.66 The Applicant also notes that the applicants at Luton airport, advised by York Aviation took a similar line to the Manston decision:

*“It is clear that the existence, or potential existence, of spare capacity at other airports, is not, of itself, a reason for refusal of an MBU application and that each proposal should be judged on its merits having regard to the need for the development, by reference to the demand that it is expected to attract, and its local environmental impacts. Constraining capacity at one airport until it is ‘needed’ because all others serving the area are full would not be consistent with ensuring a functioning competitive market. The consequences of such an approach would be higher fares and restricted services available to passengers, contrary to the clearly stated Government objective set out in the Executive Summary (page 6) to Flightpath to the Future (Ref 5), the use of airport capacity delivers “better outcomes for passengers, such as contributing to lower fares, more destinations and more service innovation by airlines.” This would not be achieved by an approach that required all airports to be full before new capacity was approved.”*¹⁰⁹

1.4.67 However, the Applicant has prepared a sensitivity assessment which assumes that R3 is brought forward.

1.4.68 In Sensitivity 1, a Heathrow third runway has been assumed (optimistically) to open in 2035 with a capability for up to 740k annual movements. Passenger throughput is assumed to pass 130 million in 2040 before growing towards 138 million in 2050.

1.4.69 A high-level comparison of the unconstrained demand and the assumed airport capacities shows that, assuming all other airport capacity is taken up, the combination of the Project and R3 would provide sufficient terminal capacity to meet the demand projections. During the late 2030s, it is estimated that more than 30 million in spare passenger capacity would exist.¹¹⁰

1.4.70 Prior to 2035 the market and capacity assumptions are the same as the Gatwick Project scenario but once LHR R3 is assumed to ‘open’ there is an associated impact on LGW and other London airport traffic volumes.

¹⁰⁸ See too DL125.

¹⁰⁹ See [REP 6-091] para. 3.4.16.

¹¹⁰ See **Needs Technical Appendix** [1-052] Figure 51.

- 1.4.71 At Gatwick two major impacts arise. First, the opening of R3 has a significant impact on long haul volumes. Second, the lost long-haul demand at Gatwick is in part back filled by short haul demand reflecting Gatwick's strong positioning within this market segment. Consequently, both Heathrow and Gatwick are forecast to be operating at approximately 90% of their capacity in the 2040s.¹¹¹ A higher share of short haul traffic reduces Gatwick's potential passenger throughput compared to the Project scenario (due to a higher proportion of smaller aircraft).¹¹² Outputs have also been generated for the other London airports. The growth at other airports including Stansted and London City is also affected by Heathrow's growth.¹¹³
- 1.4.72 In Sensitivity 2, Luton has been assumed to increase throughput to 22 million passengers in the late 2020s before new terminal/other infrastructure permits expansion to a raised passenger planning limit of 32 million in 2037. London City has also been assumed to increase throughput to a new planning limit of 9 million passengers in 2031.
- 1.4.73 A comparison of the total terminal capacity and unconstrained demand projection for this scenario shows that throughout the forecast, there is enough terminal capacity to accommodate the total unconstrained demand; however, by 2050 this narrows, and some modest levels of spill can be expected at the end of the forecast.¹¹⁴
- 1.4.74 When the other schemes open, relatively limited impact is experienced by Gatwick with the Project, as the airport is already operating at or very close to its capacity limits when the other schemes are introduced. Gatwick remains essentially full, close to its total theoretical maximum throughput.¹¹⁵
- 1.4.75 The preparation of this sensitivity helps to show that adding further capacity would not significantly affect the performance of Heathrow and Gatwick, due to the demonstrably greater airline demand from which they benefit. The impact of increased capacity at Luton and London City is relatively marginal.¹¹⁶ Across the London airports, Heathrow remains unaffected by the capacity developments although Stansted and non-London airports experience some decline in volumes compared to the Project scenario.¹¹⁷

¹¹¹ Needs Technical Appendix [1-052] para. 7.1.10.

¹¹² Needs Technical Appendix [1-052] Figure 52.

¹¹³ Needs Technical Appendix [1-052] Figure 53.

¹¹⁴ Needs Technical Appendix [1-052] Figure 54.

¹¹⁵ Needs Technical Appendix [1-052] Figure 55.

¹¹⁶ [REP6-091] para. 3.4.10.

¹¹⁷ Figure 56.

- 1.4.76 The sensitivities confirm that all unconstrained forecast demand can be accommodated in the long-term in the event that R3 (indeed all of the airport proposals) come forward.
- 1.4.77 There may be some short term over-capacity in the London market in the future,¹¹⁸ but this would still be forecast to result in Heathrow and Gatwick operating at 90% of their potential capabilities. The Project, in association with other airport proposals, would generate sufficient capacity to cater for demand over the long-term, with genuine choice between airports, all of which serves as a benefit to the London airport system and the UK as a whole. It would help enable an increased network reach for the London market - without incremental capacity some connections to short and long haul markets could be lost. Consumers will benefit from greater airport and airline choice. As explained further below, operational benefits would arise as airports will be able to operate with some spare capacity. The potential for the Project to contribute to a London-wide system that provides choice and capacity to meet demand is a significant benefit of this application.
- 1.4.78 Within this context also, the Project would bring significant benefits in its own right.
- 1.4.79 First, it would deliver capacity approximately a decade before R3 (in respect of which an opening in 2035 is optimistic and could reasonably be assumed to come in the late 2030s). The same benefit applies in comparison with Luton. The Project would therefore provide critical capacity for unmet demand that would otherwise be lost and it is the only realistic means of achieving wider national policy objectives for the aviation sector in the short to medium term. In the period before any third runway at Heathrow comes forward the Project is the only viable option to support significant levels of long-haul connectivity.
- 1.4.80 This critical point on timing can be placed in the context of the wider sensitivity exercise. The sensitivities are forecast using the reduced aviation growth rates set out in the DfT's latest Jet Zero forecasts published in March 2023. As described above, a principal characteristic of those forecasts is a pessimistic forecast of growth post 2040 with growth reduced from 1.5% pa (2018-2040) to 0.9% in the 2040s. However the Applicant forecasts that the Project will be substantially "full" by 2040. and a particular benefit of the Project would be in meeting need in the shorter term.
- 1.4.81 Second, the Project would reinforce the particular beneficial role that Gatwick serves in catering for all business models. Its proven capacity to support low-cost carriers provides an important point of undisputed difference with Heathrow, where

¹¹⁸ At paragraph 7.1.10 of that Technical Appendix, GAL recognises that sensitivity tests which assume Heathrow R3 and other airport developments do come forward.

a higher cost base is not conducive to the low-cost carrier model. Other schemes would be unable to serve market segments as efficiently as Gatwick. For example, low-cost leisure traffic already struggles at Heathrow and significantly higher charges arising from R3 would inhibit the growth of this market segment. Heathrow has a strong track record of serving hub/City markets, but it has not performed as well in the short haul leisure markets which are dominated by LCCs and expected to continue to drive the growth of the short haul European travel market (in the 2005-2019 period, LCCs accounted for all the growth of London's short haul market).¹¹⁹

- 1.4.82 Third, even assuming that other schemes will come forward, the Project has the substantial benefit of immediately improving the resilience and operational performance of one of the UK's most important airports – a Gatwick-specific need independent of any debate over forecasts.
- 1.4.83 Fourth, these Gatwick-related benefits would in turn assist in securing the effective performance of the wider London airport system. After decades of under-capacity the benefits of improved resilience, reduced congestion, enhanced passenger service (and with all this increased competition) would bring wider benefits to the London and UK airports system. The sustainability benefits of airports having the capacity to serve their local sub-regions as well as competing for wider demand would also be apparent.
- 1.4.84 Fifth, as set out above, even assuming that other schemes come forward, there is clear evidence to demonstrate that the specific need at Gatwick Airport is not predicated on supplanting Heathrow or replacing the acknowledged need for expansion through the third runway as provided for in policy.¹²⁰ This is addressed further below but in short, the need for additional capacity at Gatwick exists now, to meet unmet demand (and to overcome constraints at the airport which impact on its resilience. The ability of the Project to address unmet demand immediately is a particular need that R3 is simply unable to meet. Further, Gatwick has and will never claim to be a hub airport in the same way that Heathrow performs that function. It serves little transfer traffic and will continue to serve point-to-point routes that focus on low cost carriers. These factors have been reflected in the sensitivity analysis which acknowledges that R3 would take back a substantial extent of long haul volumes that Gatwick had – to the benefit of the UK - catered for in the interim. Gatwick would still go on to meet a substantial demand for short haul, reflecting its existing strong position in this market segment.

¹¹⁹ Discussed further in the Needs Case [APP-250], at paragraph 5.2.39.

¹²⁰ See [REP3-075] section 3.

Conclusion

- 1.4.85 London is the largest passenger aviation market in the world by all recognised measures. Several of the airports were already constrained pre-Covid, and with demand recovering to previous levels these constraints are again apparent. Demand is set to grow further which is supported by the latest Government forecasts that show UK aviation demand growing by a further 147 million passengers by 2050. The London aviation market has a large, prosperous, and growing catchment. It also benefits from a strong and diverse mix of inbound markets recognising London's position as a leading destination for trade and tourism amongst many other factors supporting its leading position.
- 1.4.86 Of all the London airports, Gatwick serves the widest range of airlines and market segments. The airport serves long-haul and short-haul demand as well as low cost and full-service airlines. Gatwick is constrained today as it was pre-Covid, the airport is unable to accommodate pent up demand already witnessed by the airport's co-ordinator of runway capacity. These constraints are only going to become more severe over time. Significant volumes of passenger demand will be unmet, with consequences for airlines, passengers, and the economy. The Project will enable Gatwick to serve a further 13 million passengers when compared to the future baseline scenario. It would be available this decade when capacity is needed and many years ahead of any other potential development schemes in the London aviation market. The Project has never been designed to supplant Heathrow and its hub status and it would not. It would meet needs that are additional to or different from those which would be met by R3.
- 1.4.87 In summary, Gatwick provides the right kind of capacity at the right time to provide significant benefits for the aviation sector, consistent with national policy.

1.5 Benefits: Gatwick resilience and operational performance

Introduction

- 1.5.1 The Project will offer a number of important resilience and operational benefits:
- (1) increasing both Gatwick's resilience and, in turn, enhancing the resilience of the London Airports system;
 - (2) enhancing capacity to meet demand, allowing greater competition and enabling a more efficient distribution of take-off and landing slots, to the benefit of airlines and passengers;

- (3) improving day to day operational performance – which will reduce delays and improve on time performance of aircraft operations.¹²¹

Resilience

Benefits to runway capability

- 1.5.2 Whilst it is acknowledged that over time the demand will fill the additional capability created by increasing movements per hour from 55 to 69, having two operational runways, together with enhanced taxiway and holding capacity, inherently generates substantial benefits for Gatwick’s resilience.
- 1.5.3 The “spare” capacity in the short to medium term will make it easier to accommodate typical variations that occur during the day, such as being able to more readily accommodate aircraft that are arriving or departing later than scheduled. Particular instances of how this benefit would be realised are set out below.

Improved capacity and recovery for the critical first wave of daily operations and to recover from backlogs

- 1.5.4 Gatwick’s first wave of daily operations is characterised by the large number of narrow-body short-haul aircraft that are based at Gatwick (i.e. on the ground overnight), which are all scheduled to depart in a short period of time in the early morning period, typically from around 0600 to 0800. In busy parts of the year an airline will aim to schedule passenger flights on almost every aircraft they operate, with each aircraft spending as little time on the ground as possible to maximise the number of flights the aircraft is able to undertake. This means airlines cannot build much resilience into their schedules, and if a flight departs late in the first wave it will have a knock-on delay for other flights that the aircraft operates throughout the day – at Gatwick and at the destination airport – with unplanned peaks in demand and potential delays across the network.
- 1.5.5 Whilst the first wave will continue to see the main and northern runways highly utilised due to the high demand for slots in this period, the Project will provide more spare capacity after the first wave. This spare capacity will offer increased resilience for recovery of first wave delays on a day-to-day basis, and in the event of any backlog forming at other times of day.

¹²¹ See generally section 7 of the Needs Case [APP250]; and section 5 of the Capacity and Operations Summary Paper [REP1-053].

Increased capability of the Northern runway in the event of a disruption leading to closure of the main runway

- 1.5.6 The Northern Runway is currently used infrequently in the case of emergency events, partly because it takes at least 30 minutes to switch over operations from the main to the northern runway and there is a further 15-minute delay after ending use of the northern runway before operations can return to the main runway. This restricts the benefits of bringing into operation the northern runway for anticipated short duration emergencies and undermines the apparent benefit of having a second runway.¹²² For these types of events the northern runway may not be used at all, meaning all Gatwick operations are suspended for the duration of the incident, leading to a backlog of operations.
- 1.5.7 With the northern runway in operation both runways would already be in operation. Should either runway be closed for a short duration the other runway would remain operational, providing increased resilience with continuity of movements and an increase in the percentage of demand which can be processed.
- 1.5.8 Long outages are extremely rare (e.g. emergency patch repairs to the runway or a flight declaring an emergency and needing to stop on the runway), but when a closure occurs it can cause major disruption to operations. The Project would improve resilience in the event of such a long closure of the main runway. Dual runway operations and enhanced capacity of the northern runway and its taxiways together with the fact that it is already operational would offer significant new resilience. Whilst that benefit would reduce over time, the availability of two rather than one operational runway would always offer increased resilience.
- 1.5.9 In the event of either a short or long closure of both runways the Project would still offer increased levels of resilience. Whilst in dual runway operations a larger backlog would build up, this backlog would be able to be cleared more quickly with both runways returned to operation due to the additional capacity. Speedier recovery would also be facilitated by the proposed Charlie Box holding area close to the runway which will enable optimal sequencing.¹²³

Increased capability of the Northern runway in the event of closure of the main runway due to separation between northern runway and Juliet Taxiway

- 1.5.10 Currently, when the northern runway is in use due to a temporary closure of the main runway the current main taxiway (Juliet taxiway) is positioned too close to the northern runway for use by widebody aircraft at the same time as other operations on the runway. Operational throughput which could be offered on the northern

¹²² In 2019 the northern runway was only used once in an unplanned 'emergency' event, and on that occasion for 2 hours.

¹²³ See **Needs Case** [\[APP-250\]](#) Table 7.2.1.

runway is therefore reduced following any widebody arrivals in westerly operations and before any widebody departures in easterly operations, because departing and arriving aircraft would not be at a safe distance from the widebody aircraft on the taxiway for safe landing or take-off.

- 1.5.11 The changes proposed to the location and configuration of the Juliet Taxiway in relation to the proposed northern runway will mean that widebody arrivals are able to taxi to and from the runway independently of the northern runway, enabling much higher throughput on the northern runway in the event of disruption on the main runway. The changes proposed to the configurations of northern runway entry, exit and departure holding areas have been designed to improve both the way aircraft in the queue waiting to depart can be sequenced and to reduce arrival runway occupancy in single runway operations. The configuration changes to the northern runway and surrounding infrastructure increase the capability of the northern runway from c.39 to c.52 movements in a balanced arrival/departure hour and, therefore, provide it with much greater capacity and resilience.

Reduced utilisation of the main runway, de-stressing the main runway operation

- 1.5.12 As set out above, under current single runway operations Gatwick's runway is highly utilised throughout the majority of the operational day, for large parts of the year.
- 1.5.13 Under dual runway operations the intensity of use of the main runway will reduce from up to 55 movements per hour to typically up to 48. This results in a reduction in the time the main runway is considered occupied and, as a result, increases the buffer available between movements. The increased buffer is able to absorb variations in runway performance; hence a greater buffer between movements increases the airport's resilience.
- 1.5.14 The reduced intensity of use of the runway will reduce the risk of 'go-arounds',¹²⁴ which most commonly occur when a departing aircraft or preceding arriving aircraft has not fully vacated the runway ahead of the landing aircraft. In the current single runway configuration the likelihood of 'go-arounds' is heightened due to the very high intensity of use of the main runway, and the limited time between movements. This may lead to delay and disruption as a result of lost runway usage time and re-accommodating the aircraft that aborted landing back into the arrival flow.

¹²⁴ 'Go-arounds' are a procedure that occurs when the captain of an arriving aircraft aborts landing during the final stages of approach. The procedure can be commenced by either the captain or air traffic control if either is not satisfied that the approach can be completed safely.

- 1.5.15 The reduced pressure on the main runway will significantly reduce the number of go arounds and enable any go arounds to be more easily accommodated back into the arrival flow.

Improved resilience offered by the proposed Charlie Box hold and reconfigured taxiways

- 1.5.16 Runway holds perform a critical function in lining up and resequencing departing aircraft. The proposed Charlie Box hold will provide significantly increased aircraft runway holding capacity - for up to 16 departing aircraft – compared to the current Alpha Box hold. It is designed to enable independent access to the runway for all held aircraft, offering far greater potential to optimise sequencing than the current Alpha Box where resequencing is restricted to the front of each queue. In addition, the holding area provides additional departure aircraft holding for aircraft delayed, for example, by changes to calculated take off time. This would enable the delayed aircraft to depart from pier served stands and taxi to the hold, freeing up the stand for arriving aircraft and avoiding knock on delays.

Benefits to London airport system resilience

- 1.5.17 Additional capacity at Gatwick allows for greater resilience across the London airport systems. Providing capacity to meet demand will help to reduce pressure in the system. In the event of a complete or partial closure of one of the other London airports, the Project would provide greater capacity in the overall system enabling more flights to be diverted to Gatwick. In the event of flights on existing routes being cancelled, the increased capacity offered by the Project will allow increased options and airline services for passengers to reach their intended locations.

Operational Performance

- 1.5.18 The Project will also offer important benefits to operational performance.
- 1.5.19 The operation of any airport involves a complex 'ecosystem' consisting of many different operators and processes with a variety of influences on overall performance. The main concern for a passenger, however, is whether they arrive at their destination on time, and many factors contribute to this, both controllable (operational behaviours or physical infrastructure for example) and uncontrollable (such as weather or disruption outside the UK).
- 1.5.20 The Northern Runway Project will offer at least two important benefits which will support airlines in being able to improve on time performance and reduce delays: reduced aircraft departure taxi-times and holding times at Gatwick; and capacity to enable more airline operators to obtain take-off and landing slots that achieve better on-time performance. These are considered below.

Airfield Performance Benefits

- 1.5.21 The Project will offer important benefits in respect of aircraft taxi and holding times, thereby helping to reduce delays, improve on time performance and achieve efficient operations for aircraft on the ground.¹²⁵
- 1.5.22 The Applicant has undertaken fast-time AirTOP simulation modelling of the airfield in dual runway operations. This has been used to inform both the layout and configuration of the proposed changes to the airfield which form part of the Project proposals and to test its capacity and performance, to ensure that the airfield can operate efficiently and effectively in processing departing and arriving aircraft. Modelling has been carried out for the years 2029 and 2038 under both westerly and easterly operations, for the busy day in August, when Gatwick would be operating close to its peak. The modelling has also covered future baseline operational performance in 2029 and 2038 without the Project. Both the dual runway and future baseline modelling were based on a baseline model calibrated with August 2018 performance¹²⁶.
- 1.5.23 The results show that under the Project, in the main mode of operation despite the growth in flights to 2038 the average departure taxi and runway holding times will reduce substantially compared to both the future baseline and current operation.¹²⁷ Arrivals taxi times increase marginally compared to the current operation however, this is more than offset by improvements in airborne arrivals holding. Arrivals performance remains similar to the future baseline in 2038. It should be emphasised of course that these are results from 2038, which show how the airport will operate as demand has increased, and the improvements will be even more substantial in the early stages of dual runway operation.¹²⁸
- 1.5.24 Overall, the simulations demonstrate that there are significant time benefits, these benefits occur every day in typical conditions whilst, when disruption occurs, the resilience benefits of the Project would bring additional benefits, including the ability to more quickly recover from any delay. The results demonstrate the proposed airfield configuration is capable not only of accommodating substantial additional demand but that the enhanced airport would perform better for departures in 2029 and 2038 than it would if the Project was not implemented. Whilst, as would be expected, the scheduled demand for the dual runway operations increases some of the benefits reduce, the Project would continue to

¹²⁵ See the Needs Case [APP-250] section 7.3; Capacity and Operations Summary Paper section 5 [REP1-053] and the Appendix: Airfield Capacity Study section 5 [REP1-054].

¹²⁶ The August 2018 performance data is provided in Appendix: Airfield Capacity Study section 4.3 of [REP1-054].

¹²⁷ Capacity and Operations Summary Paper [REP1-053] Tables 2.

¹²⁸ Appendix: Airfield Capacity Study [REP1-054] table 9.

offer reductions in departures taxi times out to 2038. The simulation modelling is covered further below.

Efficiencies from increased slot availability

- 1.5.25 The Project would also help to alleviate demand pressure that is demonstrated by the slot allocation process, as set out above, and with it the inefficiencies to airline schedules that result.
- 1.5.26 The increase in runway slot capacity created through the Project will offer improved prospects for airlines to receive slot times, as well as adjust their slot times if required, to fit with their slots at the other end of their journey and turn-around time required on the ground at Gatwick. This extra capacity will give airlines the opportunity to plan their schedules to improve on time performance rather than planning based on historic and limited slot availability, which can compromise on time performance.
- 1.5.27 The importance of ensuring a sufficient supply of slots to meet demand and enable efficient operations is directly recognised by government in Flightpath to the Future, which sets out that:

*“...it is critical that the existing capacity of airports is managed as efficiently as possible. Airport slots are used to manage capacity at eight of the busiest airports in the UK. The airport slot allocation system is key to the successful functioning of these airports, as well as the efficiency and competitiveness of the aviation sector as a whole. The current slot allocation system was devised in the early 1990s, at a point at which demand was growing quickly and the amount of available capacity at certain airports was being rapidly filled. Some airports are now effectively full, and therefore newly available slots at some slot-coordinated airports have become a rarity, creating a barrier to competition and new entrants to the market”.*¹²⁹

- 1.5.28 The release of a large number of new slots made possible by the Northern Runway Project, particularly when the northern runway first becomes operational and in the years following, would offer airlines greater prospects of slots being available at the times needed to ensure efficient operations.

Conclusions on resilience and operational performance

- 1.5.29 Gatwick is operating close to its limits at many times of the year and there is little room for resilience in the current system. The Project offers a range of benefits that will improve the resilience of Gatwick (and the London system). There are obvious inherent resilience benefits in having two operational runways. Together

¹²⁹ Page 26.

with enhanced airfield infrastructure, resilience will be improved through reducing delays that occur in the event of adverse conditions or incidents, and by enabling speedier recovery following such events. The “spare” capacity in the short to medium term will make it easier to accommodate typical variations that occur during the day, minimising and reducing disruption. This contrasts to the current situations where the full utilisation of the runway and existing airfield layout constraints make it both difficult to respond effectively to adverse events and challenging to recover from disruption. The benefits will extend beyond Gatwick to provide greater system wide resilience across the London airports, as well as providing greater connections to new places, providing more options for passengers to reach their intended locations in the event of disruptions.

- 1.5.30 The Project also offers substantial and important benefits to Gatwick’s operational performance to the benefit of airlines, passengers and the markets they serve. The nature of those benefits is directly consistent with objectives set by government for the UK’s aviation sector. At the same time as meeting significant demand, new airfield infrastructure will enable more resilient and efficient operations, reducing average aircraft departure taxi-times at peak times and across the day and contributing significantly to the enhanced operation of the airport. As is confirmed below, these benefits are now agreed by York Aviation.

1.6 Benefits: economic benefits

Introduction

- 1.6.1 Gatwick Airport already makes a major contribution to the local and national economies, providing jobs for thousands of local residents both directly on the airport, through the supply chains that serve it, and at the businesses that use it to connect with customers and suppliers around the world. In 2019 (the last year of full operation prior to Covid) the Applicant itself contributed nearly £675 million by GVA to the economy and the airport as a whole (including airlines and their handling agents, retail, catering and hotels) contributed £1.75 billion. Employment on the airport site totalled around 24,100 workers during 2019. By far the largest share was made up of airline employees, encompassing both ground-based staff as well as cabin crew, pilots, and engineers.¹³⁰
- 1.6.2 This level of economic output supports a considerable direct tax contribution, including income tax and National Insurance Contributions (NICs) collected as a result of the tens of thousands of workers on the campus, as well as business rates and corporation tax on profits from the businesses trading at the airport, and

¹³⁰ Needs Case [APP-250] section 8.4; Needs Case Appendix 2 – The Economic Impact of Gatwick Airport – A Report by Oxford Economics [APP-252] para. 1.2.1.

product taxes such as fuel duties, import taxes, Air Passenger Duty (“APD”), Aggregates Levy, and others. The activities on the Gatwick campus directly generated £1.08 billion in taxes for the UK’s public finances in 2019. In addition to the estimated £680 million raised through Air Passenger Duty (APD), £228 million was generated in labour taxes, around £50 million in corporation taxes, and a further £122 million in other taxes on products and production.

- 1.6.3 As is recognised in the policies set out above, the expansion of airports delivers significant economic benefits, both locally and nationally. The Project will enable the airport to enhance that economic role, providing more jobs, more economic activity and enhancing international connectivity and trade.

Applicant’s assessment

Introduction

- 1.6.4 The Needs Case summarises the economic benefits of the proposed scheme. It focuses on jobs and Gross Value Added (GVA),¹³¹ drawing on a number of reports that form part of this application.

- 1.6.5 The local socio-economic impacts are set out in **ES Chapter 17: Socio-Economic [APP-042]** (produced by Lichfields) which includes **ES Appendix 17.9.2: Local Economic Impact Assessment [APP-200]** (produced by Oxera). This considers the total effects of the Project and identifies these effects at different spatial scales where there was considered to be the potential for likely significant effects to arise¹³²:

- the Gatwick Diamond, which consists of seven local authority areas;¹³³
- a Labour Market Area (“LMA”), which is defined by applying the 75% commuting threshold used by the ONS for defining Travel-to-Work Areas (TTWAs) using local authority boundaries. This represents the wider extent of where the economic and labour market effects of the Project may impact upon receptors, as this is the area from which Gatwick Airport currently draws the majority of its operational workforce and can be expected to do in the future;¹³⁴

¹³¹ GVA is the sub-national contribution to national Gross Domestic Product (GDP), a measure of the size of the economy.

¹³² The socio-economic chapter of the environmental statement considered these economic effects, as well as effects on the labour market, disruption to business, changes in population and the related availability of housing, and effects on community (facilities and services, as well as cohesion). Effects on sports and open space were also considered at construction phase: see Tables 17.4.1. The ES chapter did not consider trade and FDI, as it was not possible to quantify these effects at a local level: see

¹³³ Crawley; Epsom & Ewell; Horsham; Mid Sussex; Mole Valley; Reigate & Banstead; and Tandridge.

¹³⁴ The LMA includes the following local authority areas: Crawley, Mole Valley, Reigate and Banstead, Croydon, Tandridge, Wealden, Lewes, Brighton and Hove, Mid Sussex, Horsham, Eastbourne, Adur, Worthing and Arun. Some parts of the LMA also fall within the South Downs National Park Authority.

- a Six Authorities Area, which reflects where the widest socio-economic effects of the Project could impact on receptors.¹³⁵
- A national economic impact assessment was carried out in the **Needs Case Appendix 1 – National Economic Impact Assessment** [APP-251] by Oxera. These did not form part of the environmental statement because its function was to carry out a cost benefit analysis of the Project.

1.6.6 In addition, the Applicant has commissioned an update of a 2017 report by Oxford Economics: **Needs Case Appendix 2 – The Economic Impact of Gatwick Airport – A report by Oxford Economics** [APP-252]. This sets out both local and national economic impacts arising from the project.

Local economic impact assessment

1.6.7 **ES Appendix 17.9.2: Local Economic Impact Assessment** [APP-200] considered economic effects in terms of effects on employment and the supply chain during construction and operation which were considered by reference to direct, indirect, induced and catalytic effects.¹³⁶ Catalytic effects were considered by estimating the total net impact of the Project using an elasticity of traffic to net employment in the six authorities areas, from which the direct, indirect and induced footprint was subtracted to give catalytic effects.¹³⁷ Local tourism effects¹³⁸ were not assessed separately¹³⁹ as they were considered to fall within the assessment of the induced and catalytic effects.

1.6.8 The assessment reached the following conclusions:

- (1) Direct Impacts:¹⁴⁰ it is estimated that, as a result of the Project, in 2029 employment at Gatwick will increase by 1,000 jobs and GVA will increase by £73 million. This will further increase to 3,200 jobs and £263 million in GVA by 2038, and to 3,100 jobs and £286 million in GVA by 2047.¹⁴¹ These values reflect Gatwick Airport's high productivity, part of which could be attributed to the capital-intensive nature of activity at a

¹³⁵ This study area comprises the County Council areas of East Sussex, West Sussex, Surrey, Kent and Brighton & Hove (unitary authority) and the London Borough of Croydon. See further the Needs Case para. 8.2.4-5 and Figure 8.2.1.

¹³⁶ See Table 17.4.1 of ES Chapter 17 Socio-economic [APP-042] Table 17.4.1 and Section 5 of ES Appendix 17.9.2: Local Economic Impact Assessment [APP-200].

¹³⁷ Section 6.1 of **ES Appendix 17.9.2: Local Economic Impact Assessment** [APP-200].

¹³⁸ Inbound tourism relating to increased inbound passengers from overseas who spend their tourism money in the UK, creating jobs and GVA;

¹³⁹ Para 6.4.6 of **ES Appendix 17.9.2: Local Economic Impact Assessment** [APP-200]. Nor were trade and FDI effects, as it was not possible to quantify these effects at a local level: see Table 17.4.2 of **ES Chapter 17 Socio-economic** [APP-042].

¹⁴⁰ Relating to the economic activity of the Applicant and firms on site at the airport (such as airport management staff and air crews).

¹⁴¹ Table 8.6.1 of **Needs Case** [APP-250]; Tables 1.1 and 5.3 in **ES Appendix 17.9.2: Local Economic Impact Assessment** [APP-200].

major airport.¹⁴² These total effects include those which occur at a progressively higher level in the Gatwick Diamond, labour market area and Six Authorities Area;

- (2) Indirect impacts¹⁴³ increase nationally over the same assessment years, culminating in UK benefits of £230 million in 2047 (converted into 2,700 jobs), with effects within this national figure again increasing across the same study areas;¹⁴⁴
- (3) Induced impacts¹⁴⁵ again increase towards an estimate nationally at £286 million in 2047 (translated into 3,400 jobs);¹⁴⁶
- (4) Catalytic effects¹⁴⁷ in the Six Authorities Area are estimated at £168 million (2,500 jobs) in 2029, £532 million (7,600 jobs) in 2032, £538 million (7,200 jobs) in 2038 and £550 million (6,500 jobs) in 2047, a proportion of which would be realised in the Gatwick Diamond and labour market area;
- (5) Displacement and job productivity effects are captured in the approach taken to the assessment, but are not separately quantified – the total jobs impact at the Six Authorities level (i.e. Direct, Indirect, Induced and Catalytic) is estimated net of displacement.¹⁴⁸

1.6.9 In summary,¹⁴⁹ the Project is expected to have a significant impact on the local economy. By 2029, an additional 4,500 jobs and £310 million in GVA will be created per annum in the Six Authorities area. It is then expected to lead to an additional 14,000 jobs and £1 billion GVA in 2032, 13,700 jobs and £1.05 billion GVA in 2038, and 12,800 jobs and £1.1 billion of GVA in 2047. A significant share of this impact is expected to be generated in close proximity to the airport. In 2038 there are large impacts in the Gatwick Diamond with 6,500 additional jobs and

¹⁴² Para 8.6.4 of **Needs Case** [APP-250];

¹⁴³ Relating to economic activity in the supply chain of the Applicant and other firms at the airport, such as aircraft parts manufacturers or maintenance firms. These firms in the supply chain are not based at the airport. These indirect effects are restricted to those occurring within the UK.

¹⁴⁴ Para 8.6.7 – 8.6.8 and Table 8.6.3 of **Needs Case** [APP-250]; Tables 1.1 and 5.5 in **ES Appendix 17.9.2: Local Economic Impact Assessment** [APP-200].

¹⁴⁵ Relating to the economic activity due to workers – both on site and in the supply chain – spending their wages on activities that are not necessarily associated with, or located close to, the airport, such as barbers and restaurants.

¹⁴⁶ Para. 8.6.10 and Table 8.6.4 of **Needs Case** [APP-250]; Tables 1.1 and 5.7 in **ES Appendix 17.9.2: Local Economic Impact Assessment** [APP-200].

¹⁴⁷ Relating to the economic activities of firms that are not in the indirect or induced footprint of the airport choosing to locate or to expand near the airport because of the connectivity it offers, such as a professional services firm opening a new office near the airport.

¹⁴⁸ Tables 8.8.1 and 8.8.2 of **Needs Case** [APP-250]; Table 6.4 of **ES Appendix 17.9.2: Local Economic Impact Assessment** [APP-200]. Displacement and job productivity impacts are covered in sections 6.5 and 6.6 of **APP-200** but are not accorded separate quantified values.

¹⁴⁹ See section 7 of **ES Appendix 17.9.2: Local Economic Impact Assessment** [APP-200] and Figure 8.11.1 of the **Needs Case** [APP-250].

£508 million in GVA. The impact of the Project reduces with increased geographic distance from the airport, but the effects remain substantial. In the rest of the Labour Market area (i.e. the area that is not included in the Gatwick Diamond) it is estimated the Project would generate £230 million in additional GVA and 3,000 jobs, £316 million (4,200 jobs) would be generated in the rest of Six Authorities Area.

Oxera cost-benefit analysis

- 1.6.10 The **Needs Case Appendix 1 National Economic Impact Assessment** [[APP-251](#)] is produced by Oxera. Its methodology applies a framework for cost-benefit welfare analysis in the transport sector known as Transport Analysis Guidance (“TAG”). That framework is applied to transport interventions for which funding or policy are subject to government approval; private sector schemes such as this Project are not required to be appraised using TAG. However, it has been employed in this case to assess the costs and benefits that are additional at the national level.¹⁵⁰ It does not affect the conclusions on the economic benefits that would be realised at a local level, as set out above.
- 1.6.11 In summary, the assessment considers (1) the capital and operational costs of the project,¹⁵¹ before (2) assessing impacts on users (passengers) and providers (airlines and airports) of aviation services having regard to changes in fare levels and airport revenues;¹⁵² then (3) considering wider economic effects including output changes in imperfectly competitive markets,¹⁵³ the impact on public accounts from increased APD,¹⁵⁴ marginal external costs relating to increased road traffic,¹⁵⁵ employment and productivity impacts,¹⁵⁶ trade and foreign direct investment¹⁵⁷ and tourism.¹⁵⁸ The assessment then accords a value to environmental impacts, in particular those arising from air quality, GHG emissions

¹⁵⁰ Sections 6.5-6 and para. 6.7.1 of [APP-251](#). It confirms that the Project is not expected to have material supply-side employment effects that would generate employment impacts at a national level. The analysis of the local employment effects of the Project does not estimate national-level additionality and displacement: see footnote 108.

¹⁵¹ Section 4 of [APP-251](#).

¹⁵² Section 5 of [APP-251](#).

¹⁵³ The additional economic value of output not captured through user benefits because fare savings are not fully passed on to consumers when markets are not perfectly competitive. Costs of production decline and businesses receive a change in revenues which are higher than any change in costs, implying additional welfare to businesses that is not captured in estimated fare-saving benefits: see section 6.2 of [APP-251](#) generally.

¹⁵⁴ Section 6.3 of [APP-251](#).

¹⁵⁵ Section 6.4 of [APP-251](#).

¹⁵⁶ Sections 6.5-6 of [APP-251](#).

¹⁵⁷ Resulting from the area around Gatwick and the UK becoming more attractive for business, leading to further trade and investment which is reflected in more jobs and GVA: see section 6.7 of [APP-251](#). This effect was considered in the form of the potential welfare benefits arising from an expansion in aviation activity that in turn increases connectivity and facilitates trade. The assessment used national elasticities of trade to passenger numbers to determine the effect of the project on UK trade, and that effect was

¹⁵⁸ Section 6 of [APP-251](#) generally.

and noise,¹⁵⁹ before calculating the Net Present Value (“NPV”) of the Project. This calculation takes the value of impacts (benefits) on passengers and providers, adding the value of wider impacts (benefits) and then subtracting the cost of the environmental impacts and the cost of the Project.

- 1.6.12 It should be noted that this TAG methodology was designed to allow for options appraisal where public funding or policy is in issue. It does not transfer neatly to the assessment of a single privately funded scheme. By way of example, construction costs are included in the analysis, to allow for an overall assessment of whether public funds should be called upon to deliver a selected outcome that delivers public benefits. However, in the case of a project such as this one, there is no question of public funds being used, such that this call on the public purse needs to be balanced against the public benefits held in prospect by a range of options. In this case, the costs are being financed privately to deliver the public benefits that are taken into account and are not “costs” in the form for which TAG was designed.
- 1.6.13 There are other benefits and costs that the NPV calculation does not capture and which have not been quantitatively assessed. These include the potential impacts on tourism, competition, resilience and freight which have not been allowed for.¹⁶⁰
- 1.6.14 In relation to tourism, the analysis confirms that there would be a potentially positive effect, through increased services and reduced fares, as well as an increase in expenditure in the UK by inbound tourists as well as overseas by outbound tourists. However any incremental welfare benefits that result from reduced fares are included as part of the user benefits estimate; and although the prospect of increased spending in the UK is recognised (in part by visit spending on hotels and restaurants)¹⁶¹ these effects are not quantified because of the lack of evidence on how tourism could generate welfare impacts on the UK economy.¹⁶² Similarly, the assessment recognises in relation to outbound tourism that there is no clear evidence on the differential spending of UK citizens who go abroad or stay at home (and this would be a financial not a welfare impact anyway). Given the limited evidence on the mechanisms through which both inbound and outbound tourism would affect welfare in the UK, changes relating to increased tourism are not quantified.¹⁶³

¹⁵⁹ Section 7 of [APP-251](#).

¹⁶⁰ See section 8 and para. 9.2.2 of [APP-251](#).

¹⁶¹ Section 6.8 of [APP-251](#).

¹⁶² Para. 6.8.5 of [APP-251](#).

¹⁶³ Paras 6.8.5-8 and 6.9.2 of [APP-251](#).

- 1.6.15 Similarly, effects resulting from workers switching to more productive jobs in the vicinity of the airport (or within the airport) have been estimated,¹⁶⁴ but because the Project could result in some movement of jobs from other locations, which are not accounted for in the assessment, any potential welfare benefits would be only indicative and have therefore being excluded from the NPV calculations.¹⁶⁵
- 1.6.16 Trade and FDI benefits have also been estimated, but these are difficult to value robustly given limited evidence and may overlap with other quantified impacts, so have been excluded from the NPV calculation.¹⁶⁶
- 1.6.17 Stepping back from this description of the methodology, the following points bear emphasis.
- 1.6.18 The assessment acknowledges the limitations of this exercise, given the issues relating to data and methodology that are set out above, but it is reasonable to conclude that the assessment builds in conservatism on this basis. Thus impacts that were quantified but excluded from NPV include: (1) trade impacts (£4.0 billion – £6.7 billion), (2) employment effects (£0.1 billion), (3) agglomeration effects (£0.7 billion);
- 1.6.19 Impacts that were not quantified include competition impacts (lack of granular data availability), albeit previous Oxera work on the competition impact of Gatwick's Second Runway estimates the direct competition impact could be an additional £7.7 billion, with indirect impacts between £10 billion – 14 billion;¹⁶⁷
- 1.6.20 There are other limitations of the assessment which underscore the conservatism. When dealing with environmental costs, displaced emissions are not accounted for, treating all emissions at Gatwick as additional and monetized. When covering output changes in imperfectly competitive markets, Oxera used 10% of business fare benefits for the calculation (as outlined in TAG), whereas previous Oxera analysis for the DfT suggests this parameter should be closer to 12%.¹⁶⁸ Including this new assumption would increase NPV by £2.7 billion. When addressing airline profits, Oxera assumed that airline profits constitute 2% of total airfares, which is a conservative estimate based on literature. The assessment also ran a sensitivity

¹⁶⁴ Paras 6.5.3-4, 6.6.2-4 and 6.9.2 of [APP-251](#).

¹⁶⁵ Paras 6.5.5 and 6.6.5 of [APP-251](#).

¹⁶⁶ Paras 6.7.7 and 6.9.2 of [APP-251](#).

¹⁶⁷ Please refer to Appendix A3, 'Economic Impact Assessment', in Gatwick Airport Limited submissions to the Airports Commission, available under <https://www.gov.uk/government/publications/additional-airport-capacity-gatwick-airport-second-runway>

¹⁶⁸ Khan, I., Catherall, R., and Stead, I. (2024) 'Wider economic benefits: the beginning of the end of the end of the beginning', Papers and Proceedings of the European Transport Conference, Antwerp, September.

analysis using a 5% assumption and found that user benefits would increase significantly (NPV would increase by £4.2 billion).

- 1.6.21 The NPV estimate (in this context and more broadly) is not treated by the Applicant as an exhaustive representation of the value that will result from the development of the Project. Estimating future costs and benefits for transport schemes can be challenging due to existing uncertainty with respect to factors such as demand projections, changes in technology and productivity, operating costs, or consumer preferences. As with any figure resulting from an assessment of this nature, the NPV is not intended to be treated with precision and as stated above, it is the outcome of a methodology that is not intended to be applied to a single privately-financed project such as this one. The NPV estimate is therefore only one tool to assess the economic effects of the Project, and those effects are in any case readily established by the local assessment or the Oxford Economics assessment ([APP-252](#)) which reach similarly positive conclusions albeit at different scales of assessment.
- 1.6.22 Even with the exclusions from the valuation, the assessment estimates the Project would result in user benefits of £150.1 billion, including a welfare transfer of £139.3 billion from airlines to passengers as a result of reduced profits that the airlines would receive.¹⁶⁹ Wider economic effects have been assessed to include a value for benefits deriving from output increases in imperfectly competitive markets (£13.5 billion),¹⁷⁰ additional APD (£2.5 billion)¹⁷¹ and marginal external costs (£4 billion), giving a net benefits value of £12 billion.¹⁷² Environmental costs have been valued across a range of £0.6 billion – £2.2 billion, with scheme costs at £2.1 billion. This gave a NPV of between £ 20.7 billion – £22.3 billion.¹⁷³
- 1.6.23 The assessment also considered capacity expansions at other airports. The core air traffic forecasts adopted for the purposes of the assessment did not assume any major capacity expansions at other London airports during the appraisal period. However, it was accepted that capacity expansion at other London airports could affect the benefits and costs of the Project to the national economy quantified in this report.
- 1.6.24 In particular, the assessment acknowledged that two expansion schemes may have an effect on the benefits of the Project: the planned development of Luton airport and a third runway at Heathrow. Luton Airport has proposed to increase the capacity of the airport to 32 million passengers per year by expanding existing

¹⁶⁹ See section 5.6. Airports in the London aviation market would earn higher revenues valued at an estimated £2.2bn.

¹⁷⁰ Para. 6.2.4 of [APP-251](#)

¹⁷¹ Table 6.3.1 of [APP-251](#).

¹⁷² Table 6.4.1 of [APP-251](#).

¹⁷³ Section 9 and Table 9.2.1 of [APP-251](#).

terminal capacity (phase 1) and constructing a new terminal (phase 2), with the scheme opening in the late 2030s. This would increase available capacity in the London aviation system and, therefore, reduce the existing capacity constraints discussed earlier to some extent. Nevertheless, it is forecast that there would still be excess demand in the London aviation market even after the Project is complete, and by the time that Luton expands. In addition, there is limited overlap between Gatwick and Luton airports' core catchment areas (i.e. the areas from which passengers are drawn). This suggests that capacity expansion at Luton Airport would be unlikely to have a significant impact on the number of additional passengers resulting from the Project at Gatwick. As a result, a Luton expansion scenario would be expected to have only a marginal impact on the benefits generated by the Project, leading to similar benefits to those set out above.

1.6.25 With respect to Heathrow expansion, the current position with any application has been addressed above. Even if work on any proposal were to restart soon, it is unlikely that Heathrow R3 could be operational until towards the end of the 2030s, but it is not currently being progressed and there is significant uncertainty surrounding if, or when, a third runway will be developed at Heathrow. Similar to the Luton airport expansion, if Heathrow Airport's proposal for R3 was to come forward and be consented, excess demand in the London aviation market would be lower compared to the excess demand in the core assessment scenario of this report. Given the magnitude of the expansion, R3 would lead to a greater reduction in capacity constraints, and therefore shadow costs, compared to the proposed capacity expansion at Luton Airport. The R3 expansion would also result in fewer additional passengers, and in particular long-haul passengers, arising from the Project at Gatwick reflecting Heathrow's leading position in this market segment today. Therefore, compared to the Luton expansion, R3 would have more significant effects on the Project's benefits and costs (e.g. marginal external costs and environmental costs). However, the magnitude of these effects would largely depend on the timing of the opening of R3 and of any planned phasing of release of additional capacity, which is at present subject to significant uncertainty.

1.6.26 Two points should be emphasised here. The first relates to timing, which as the assessment indicates, influences the effect that any R3 operation would have on this assessment. In circumstances where R3 does not come forward for over another decade, the economic contribution made by the Project by reference to the national assessment, as demonstrated by way of the assessment based on the core forecasts, would accrue for a substantial period of time before any influence was exerted by Heathrow. This confirms the substantial weight that should be accorded to these benefits.

- 1.6.27 Secondly, as set out above, notwithstanding the results of the national assessment, there are substantial local benefits that would be realised regardless of when any R3 development is assumed to come forward. This is addressed further below.
- 1.6.28 The assessment¹⁷⁴ also explains that forecasts were prepared which assumed slower growth in demand in the London aviation market and lower passenger growth at Gatwick. An overview of these forecasts is presented in Annex A1.4 of **Needs Case Appendix 1 National Economic Impact Assessment** [[APP-251](#)] and in the **Needs Case** [[APP-250](#)]. In Annex A1.4, it is estimated that the Project would deliver a central NPV of £10.9 billion with the slower growth forecasts compared to £21.6 billion in the core scenario. This central estimate of the slower growth scenario used the environmental and other external costs estimated in for the core scenario. However, if passenger growth is lower, it is likely that these costs would also be lower compared to the core scenario. As a result, this sensitivity analysis provides a conservative estimate of the NPV of the Project to the national economy.
- 1.6.29 During the examination, the Applicant has recognised that the relevant appraisal guidance has been updated in particular with respect to the evaluation of GHG impacts.¹⁷⁵ In its response to the relevant representation of New Economic Foundation (“NEF”), the Applicant acknowledged that as the update post-dated the application it was not possible at the time to reflect it.¹⁷⁶ At the time, aspects of the application of the new guidance were not clear to the Applicant, so it sought clarification from DfT and has prepared a sensitivity estimate of the NPV of the Project based on the updated guidance, which has been submitted at the recent Deadline 8A (Impact of the DfT TAG November 2023 update on the Applicant’s National Economic Impact Assessment [[AS-164](#)]).
- 1.6.30 The sensitivity concludes that applying the TAG update as outlined above results in:
- lower net user and provider benefits from £13.1 billion (DCO) to £11.9 billion (with TAG update);
 - higher environmental costs, driven by higher GHG costs, from -£1.4 billion (DCO) to -£5.1 billion (with TAG update);
 - lower NPV from £21.6 billion (DCO) to £15.2 billion (with TAG update).

¹⁷⁴ A2.1.19-20 of **Needs Case Appendix 1 National Economic Impact Assessment** [[APP-251](#)].

¹⁷⁵ New Economics Foundation **Written Representation** [[REP1-241](#)], para. 2.10.

¹⁷⁶ **The Applicant’s Response to Written Representations – Appendix D Response to New Economics Foundation Written Representation** [[REP3-076](#)], para. 2.1.3.

1.6.31 As a result, the Project is still expected to bring substantial benefits at a national level. As anticipated in [REP3-076](#)¹⁷⁷, the conclusions of the assessment remain the same - the increase in carbon costs due to the TAG update do not change the overall conclusions of the assessment that the Project would result in net benefits to users and the broader UK economy (a high and positive NPV of the proposed scheme).

Oxford Economics Assessment

1.6.32 The Oxford Economics Assessment ([APP-252](#)) considers the “core” direct, indirect and induced impacts of the Project, presented using metrics of GDP and employment.¹⁷⁸

1.6.33 It is estimated that at a national level, the Project would enable the core economic footprint of the airport to increase by 14,000 jobs as at 2038,¹⁷⁹ with substantial related direct, indirect and induced GVA effects of over £500 million and nearly £400 million respectively in both 2038 and 2047.¹⁸⁰

1.6.34 This assessment took a different approach to catalytic impacts, estimating them at the national level, based on a relationship between air connectivity and productivity.¹⁸¹

1.6.35 The Project would deliver catalytic benefits resulting in an estimated long-term productivity boost to the productive capacity of the economy of 0.15% in 2038, falling to 0.13% in 2047.¹⁸² The ability of the economy to use that productivity boost is subject to a degree of uncertainty which has not been estimated. For context, the UK economy was just over £2.2 trillion in 2022. A boost of 0.15% would equate to £3.3 billion. At current levels of GDP per worker, that would equate to around 47,000 jobs across the UK economy. These jobs would most likely be concentrated in areas where business passengers in particular flew from or to. Using passenger data the indicative results for the Gatwick Diamond and the Six Authority areas are 7,500 and 6,900 jobs in 2038 and 2047 respectively (Gatwick Diamond) and 17,600 and 15,900 jobs in 2038 and 2047 respectively (Six Authorities Area).

1.6.36 The assessment also considered potential tourism effects, estimating that the Project could contribute an additional c £2 billion to the UK GDP in 2038 and 2047, and an additional 26,100 and 28,700 jobs respectively in those years.¹⁸³ Further trade effects in the form of economic activity facilitated by increased imports were

¹⁷⁷ Para. 2.1.4.

¹⁷⁸ Paras 2.2.2 – 2.2.3 and Table 4-1 in [APP-252](#). Annex A of the same document describes the methodology generally.

¹⁷⁹ Para 4.2.3 of [APP-252](#) – dropping slightly to 12,500 by 2047 as explained at para. 4.2.5.

¹⁸⁰ See Table 4.1 in [APP-252](#).

¹⁸¹ Para 2.2.4 in [APP-252](#).

¹⁸² **Needs Case** [\[APP-250\]](#) paras 8.8.9-14; Table 4-2 of [APP-252](#).

¹⁸³ Paras 4.3.5 – 4.3.6 of [APP-252](#).

estimated at £2.08 billion and £1.76 billion in 2038 and 2047; and trade-facilitated employment was estimated to increase by 35,500 and 26,700 jobs in 2038 and 2047 respectively.¹⁸⁴

- 1.6.37 The JLA's have not challenged the methodology of the Oxford Economics assessment. Their only comment is that they may not be accurate because the JLA's do not accept the Applicant's underlying forecasting assumptions. However, the forecasting assumptions do not affect the Oxford Economics calculations. The assessment assumes a runway capacity of 13mppa and that there is no displacement from other airports because there is no capacity at other airports in the London system by 2038 (the first assessment year) or 2047 (the second assessment year). The impacts they identify are therefore net additional and take account of displacement even in the sensitivity test with the top-down forecasts set out in the **Needs Case Technical Appendix** [REP1-052]. Figure 47 of that document shows that unconstrained demand exceeds terminal capacity in 2038, the first assessment year in the Oxford Economics assessment. The impacts that Oxford Economics have estimated at local and national levels are therefore additional and not affected by the forecasting challenges made by the JLAs.

Conclusion

- 1.6.38 Gatwick Airport already makes a significant contribution to the local and national economies. It provides approximately 24,000 direct jobs, £1.75 billion of GVA and just over £1 billion in taxes. The Project will further enhance that contribution through both construction and operation.
- 1.6.39 During construction the workforce will peak at just under 1,400 workers, with over 600 of these expected to be drawn from the Six Authority area. The analysis shows that the Project will increase the scale of the airport's impact in the three study areas around the airport and in the UK as a whole, in terms of both employment and GVA. This impact is a result of direct activity on site associated with servicing additional air traffic, indirect activity in the supply chain, induced activity from individuals employed at Gatwick or in the supply chain spending their wages, and businesses locating or expanding in the local area due to improved connectivity offered by the Project.
- 1.6.40 By the time the runway is fully operational in 2032, it will create a net increase in employment (i.e. after allowing for displacement) of 14,000 jobs and create an extra £1 billion in GVA across the Six Authorities area.

¹⁸⁴ Paras 4.3.8 – 4.3.9 of [APP-252](#).

- 1.6.41 The economic cost-benefit analysis shows that the scheme's benefits significantly outweigh its costs (including environmental and carbon costs) with a Net Present Value (NPV) of around £21 billion.
- 1.6.42 It could provide a one-off boost to the capacity of the economy of 0.15% of GDP (equivalent to approximately £3.3 billion in 2019) through the benefits of improved connectivity that support trade and investment.
- 1.6.43 The Project therefore has the potential to substantially increase the economic contribution that the airport makes to the UK economy.

1.7 Matters agreed

Agreed matters – strategic case

- 1.7.1 Although several parties have provided submissions relating to need, the primary case which the Applicant has had to address was advanced by York Aviation on behalf of the JLAs.
- 1.7.2 Those discussions took place on the unusual basis that the Applicant has never understood the JLAs as a group to object in principle to the project. Their case has never been presented that way. As the examination progressed, it became even clearer that the JLAs do not contend that there is no need for the project.
- 1.7.3 Their basic position, as a minimum, is as follows:

*“The Authorities recognise that having a second runway available for use by departing aircraft at peak times would improve the resilience of the Gatwick operation in terms of minimising and mitigating the substantial levels of delay experienced by aircraft at the high levels of single runway usage experienced pre-pandemic as set out in Section 7.2 of the Needs Case (APP-250)”.*¹⁸⁵

- 1.7.4 The absence of any dispute on need has also been confirmed as follows:

*“16. We note that improving the resilience of the sector and reducing delays is a part of national aviation policy, as set out by GAL in Section 3 of REP3-079 and accept that Gatwick, with its single runway, was fully used, to the limits of acceptable delay, in 2019 and will be so again the near future. Prima facie, then, there is a capacity argument for the use of the Northern Runway, subject of course to the environmental impacts of its use being considered acceptable having regard to the benefits”.*¹⁸⁶

¹⁸⁵ [REP1-068] para. 6.13.

¹⁸⁶ [REP4-052]

- 1.7.5 This is a clear recognition of the operational need as set out above.¹⁸⁷ In the light of national aviation policies, the significant weight to be attached to the benefits associated with meeting that need should not need to be debated, even if the JLAs refuse to recognise it.¹⁸⁸ The need to remove capacity constraints and enhance the resilience of airports, given the importance of the aviation sector to the UK economy and international connectivity, is a strong theme of national aviation policy.¹⁸⁹ The Applicant does not need to agree the nature and weight of government policy with the JLAs - the ExA and the Secretary of State will be well aware of that – but it is helpful at least that the JLAs recognise the need. It follows from their expressed concern about delays that they must concede the need exists today.
- 1.7.6 It is also the case that the authorities recognise that the forecast growth of the Airport exceeds its current operational capacity and that current demand already exceeds peak hour capacity. The parties are not agreed on the scale of growth forecast in the future baseline scenario in particular - with the consequence that the delta between the baseline throughout and what may be achieved with the project may be greater than the Applicant states. That position is predicated of course upon a recognition that the forecast growth of Gatwick is greater than its current capacity, meaning necessarily that there is a need for expansion based on demand and forecast growth.
- 1.7.7 As the JLAs conceded at Deadline 1:
- “For the avoidance of doubt, the Authorities are not arguing that there is not demand for the Northern Runway but only that it is not possible to validate the level of demand at this stage.”¹⁹⁰*
- 1.7.8 In so far as the JLAs’ principal dispute is with the scale of growth in the future baseline, they do recognise that, if it is lower, the case for the project is even stronger.¹⁹¹
- 1.7.9 Placing this into the context of the Manston decision letter, on which the JLAs rely to frame their approach to need,¹⁹² there is no dispute that the project would

¹⁸⁷ See further Section 7 of the **Needs Case** [APP-250].

¹⁸⁸ [REP4-054] para. 9 represents the extent of the JLA’s response to GAL’s Policy Response set out at [REP3-073] – see GAL’s comments at [REP5-072] paragraph 3.10.6.

¹⁸⁹ See above and in the treatment of the themes of national aviation policy in Appendix A to the Applicant’s Response to Written Representations [REP3-073].

¹⁹⁰ [REP1-211] e-page 11.

¹⁹¹ [REP4-052] at paragraph 17.

¹⁹² Appendix F to [REP1-068].

generate benefits by meeting this demand and, therefore, meeting a need through the development of the project.

1.7.10 Forecasting issues in dispute are addressed further below.

Agreed matters - capacity

1.7.11 Capacity and operations matters are now largely agreed. The Applicant has taken particular care to ensure that it has understood and does not misrepresent York Aviation's position. (see Appendix 1 to **Appendix A: The Applicant's Response to York Aviation at Deadline 9** (Doc Ref.10.77)).

1.7.12 Dealing first with the future baseline, as originally put, the York Aviation position generally asserted that forecast growth from 46.6 mppa to 67 mppa in the future baseline case was unrealistic.¹⁹³ It was unclear whether this view was expressed in relation to capacity or about forecasts, but as the examination has progressed the Applicant understands that although York Aviation maintain that airlines may not take up available capacity in the baseline, this is now a question of demand, not capacity per se.

1.7.13 At the request of York Aviation, the Applicant prepared detailed estimates of capacity based on an industry recognised approach to modelling. These are explained in the **Capacity and Operations Summary Paper** [REP1-053] and its **Appendix: Airfield Capacity Study** [REP1-054], which were prepared by Gatwick's internal Capacity Planning and Airfield Operations teams. Both teams have detailed knowledge of how the airfield operates and play a vital role in the airport's capacity declaration process which is carried out twice a year. Their extensive experience enables Gatwick to operate as successively as it does.

1.7.14 In summary the modelling shows that current operational practices, aided by Gatwick's new RET enable the small forecast increment in ATMs in the future baseline case, whilst planned operational improvements would further enhance performance. (The modelling also demonstrates that the NRP project generates increased capacity and reduced delay). The results demonstrate overall the achievability of the future baseline demand with enhanced levels of performance compared to August 2018.¹⁹⁴

1.7.15 As a result of this work,¹⁹⁵ current peak hour capacity of 55 movements per hour in the future baseline is not now questioned. Further, it is agreed that in the

¹⁹³ See [REP1-068] para. 6.22, as addressed at section 5 of [REP 3-079].

¹⁹⁴ See in particular the summary Tables 12 to 16 in REP1-054.

¹⁹⁵ This was the subject of further discussions between the parties as recorded in the Applicants Response to Deadline 3 Submissions - Appendix B: Response to York Aviation - Capacity and Operations [REP4-023].

baseline scenario, Gatwick is assumed to continue operating at 55 movements per hour in a busy day, albeit the number of hours in a given day that it handles this traffic is forecast to increase modestly without increasing the operating window of the day. To illustrate this, in 2019 the “busy day” had 3 hours scheduled at 55 ATMs per hour, which is forecast to increase to 6 hours in a day. In the baseline, the number of slots available on a busy day in the future design day years (2032, 2038, 2047) will be comparable to today (summer 2024). Gatwick has released modest levels of busy day capacity since the busy day forecasts were prepared (12 additional daily slots were released in summer 2024 compared to summer 2019). It is agreed that this incremental capacity will support the growth of the busy day activity to the levels forecast under the baseline case.

- 1.7.16 Before turning to other agreed issues, the Applicant notes the attempt by York Aviation to suggest, despite the agreed position on future baseline capacity, that delay levels are ‘relatively high’ and there is no headroom for daily movements to increase.¹⁹⁶ As with other aspects of the York Aviation case, this suggests unjustified obstinacy in the face of cogent evidence that has been produced by the Applicant. York Aviation has accepted that Gatwick can achieve 954 ATMs on a busy day, which is all the Applicant needs for the purposes of catering for its forecast growth. The modelling, which York Aviation accepts, was calibrated to 2018 performance and shows 934 scheduled movements (of which 931 movements were processed due to short notice cancellations) on the 2018 busy day without the RET (and as the wider evidence on Gatwick performance in that period shows, there is no evidence that airlines viewed runway holding as a deterrent). In any event the RET has boosted resilience and operating times have reduced significantly since 2018.¹⁹⁷ There is no dispute that future initiatives will at least add to resilience.¹⁹⁸ In short, there is no delay issue that will compromise the ability to meet GAL’s future baseline forecast (or affect demand as explained below).
- 1.7.17 The Applicant also notes that in their Deadline 4 Response¹⁹⁹ York Aviation suggested that Gatwick is “*close to gridlock*” at peak times and will not be able to handle an additional 47 daily ATMs in the future baseline. York Aviation now accept that this was simply intended to convey the view that “*it would not be prudent to assume that more movements could be scheduled*”.²⁰⁰

¹⁹⁶ ADD SOCG REF

¹⁹⁷ See Tables T12 and T13 in [REP1-054].

¹⁹⁸ SoCG para. 1.18.

¹⁹⁹ [REP4-049] para. 12.

²⁰⁰ [REP 7-104] para. 26.

- 1.7.18 The Applicant has never suggested, that more movements beyond its stated assumptions should be so scheduled – the baseline number of movements remains at a maximum of 55 movements, scheduled in an hour which has been managed without “gridlock” since 2014. Given that the peak number of scheduled movements does not increase in the baseline forecast and the modelling demonstrates taxi times are similar or improved from August 2018 levels, it can be seen that traffic will be managed successfully. Ultimately the position remains that York Aviation agree that the proposed number of busy day movements in the future baseline can be achieved. The Applicant’s future baseline case does not rely on any further movements beyond those accepted by York Aviation. The issue of “47 additional daily movements” is addressed further below in a demand context, not a capacity one.
- 1.7.19 Turning to the Project case, the capability of the Project-expanded airport to accommodate c. 80.2 mppa is now agreed. The Applicant had regarded this as common ground based on earlier statements by York Aviation (even if the prospect of the demand coming forward to achieve that throughout was not):
- “Whereas previously...we had some doubts about the deliverability of the stated hourly capacity of the NRP, the more recent information provided by the Applicant has largely addressed these concerns, pending an outstanding clarification requested from the Applicant regarding the calibration of the model to ensure that it properly reflects historic levels of delay. Our current view is that it may still be possible for the Applicant’s target of 386,000 annual aircraft movements to be delivered with the NRP over the longer term.”²⁰¹*
- 1.7.20 More recently York Aviation confirmed that they had received the requested information and “it is now accepted that the claimed hourly movement rate and the modelled total number of aircraft movements on a busy day can be achieved with the NRP”.²⁰² Thus in the Project scenario it is agreed that the airfield is capable of consistently delivering 1132 ATM on a busy day by 2038, with a peak runway declaration of 69 ATM per hour. The differences between the parties on whether 80.2 mppa will be achieved from a demand perspective are addressed further below.
- 1.7.21 It is perhaps helpful to explain the process which led to this agreement being reached, as it confirms the rigour and expertise with which Gatwick has considered its capacity to deliver the future performance it has assumed.

²⁰¹ [REP 4-049] para. 32; [REP 4-052] para. 44. See too [REP5-094] Appendix III para. 16.

²⁰² [REP 7-104] Appendix B para. 24.

- 1.7.22 York Aviation had accepted²⁰³ that the project could allow Gatwick to handle up to 69 aircraft movements per hour “*in periods when there is an even demand by arriving and departing aircraft movements*”, but they were “*not yet convinced that Gatwick will be able to handle peak demand in the early morning period that is dominated by departing aircraft that are based at the airport*”. York Aviation sought further evidence from the Applicant to show that such movements could be handled without giving rise to excessive levels of delay such that the airlines would be less willing to base additional aircraft at the Airport.
- 1.7.23 That evidence had in fact been provided to the JLAs in advance of Deadline 1 and it was formally submitted to the examination in the **Capacity and Operations Summary Paper** [REP1-053] and its associated **Appendix: Airfield Capacity Study** [REP1-054]. That capacity work already recognised that the throughput was reduced in unbalanced hours. The capacity forecast considered the scheduled demand in each hour, the traffic mix and the resulting runway capability. 69 movements were only scheduled in two hours where the balance of traffic was practically even (0700 UTC which has a 52% departure and 48% arrival mix and in 1800 UTC which has a 48% departure and 52% arrival mix). The other key influencer of runway capability is the number of widebody aircraft, hence the lowest declared hour, not impacted by night restrictions, was 0900 with 54 movements scheduled due to the high proportion of widebody aircraft. These factors had, therefore, already been taken into account.
- 1.7.24 The capacity work more generally demonstrated that the dual runway operation, enabled by the Project, improved performance throughout the day with average departure holding times improving by c.4 to 6 minutes (current - future performance) compared to August 2018. The first wave also demonstrated an improved performance of 1-3.5 minutes reduction in average departure taxi time between 0500-0900 UTC. The results demonstrated overall how dual runway operations can be achieved with improved levels of performance.²⁰⁴
- 1.7.25 York Aviation however requested further information regarding the validation of the model. The model and its validation can be explained as follows.
- 1.7.26 The purpose of providing airfield fast time simulation modelling is to allow a comparison to be made between the performance of the airfield under the baseline and NRP growth scenarios. The fast-time simulation modelling replicated the aircraft movements on the ground and within local airspace and was calibrated against August 2018 schedule and performance data. The results of the calibration

²⁰³ Para. 6.16.

²⁰⁴ See Appendix: Airfield Capacity Study [REP1-054] tables 15 & 16.

exercise²⁰⁵ demonstrate that the basis of the modelling is closely aligned to actual performance in 2018. This calibrated model was used as the basis for the modelling of the growth scenarios.

- 1.7.27 Whilst the growth scenarios were based on the calibrated model, the growth scenarios required certain infrastructure adaptations to effectively model the future airfield state. In the baseline case the new rapid exit taxiway (“RET”), which opened in February 2024, and Pier 6 Western extension were both added. In the case of the Project, all the additions included in the baseline case and the infrastructure proposed as part of the development were added.
- 1.7.28 In addition to the infrastructure changes, there are also performance improvements expected through further measures available to Gatwick: a reduced departure separation (RDS) initiative, improved sequence optimisation (that will reduce the number of times two successive departures need to be sent in similar directions) and time-based separation (a suite of tools that will allow air traffic controllers to improve the consistency of spacing between arriving aircraft). Further details are set out in the **Appendix: Airfield Capacity Study** [\[REP1-054\]](#).²⁰⁶ Given that the technology for RDS is already in place and testing has commenced, modelling results have been provided both with and without the benefit of RDS.
- 1.7.29 The benefits of the other future initiatives are not captured in the fast time simulation as the full benefits of optimised sequencing could not accurately be captured by the model and time-based separation is in the early stages of development so the expected benefits are not well defined at this stage – albeit implementation at London Heathrow has proven the capacity, resilience and holding time benefits.
- 1.7.30 As a result, the performance outputs from the simulation are likely to illustrate a conservative approach as these future initiatives will enhance performance further than that demonstrated by the modelling results, as explained in the same Study.²⁰⁷
- 1.7.31 The simulation outputs provided include departure taxi times, arrival taxi time, arrival airborne holding which are key performance parameters for airlines as they impact the duration airlines are required to plan for flights and hence potential aircraft utilisation. The results demonstrate that the future baseline delivers similar performance to August 2018 in the first wave and improved performance

²⁰⁵ See Annex B to [REP6-091].

²⁰⁶ See section 4.4.

²⁰⁷ Section 6.

throughout the remainder of the day.²⁰⁸ The new RET reduces arrival runway occupancy time, allowing reduced separations between arrivals, thereby enabling 55 movements to be achieved in a greater range of scenarios and increasing the maximum capability to 56 movements per hour. As the baseline schedule remains declared at a maximum of 55, the additional movements can be accommodated without any degradation of performance.²⁰⁹

- 1.7.32 Following the validation exercise requested by York Aviation, the simulation results for the dual runway operation demonstrate that the Project delivers significant improved performance throughout the day when compared to the baseline and August 2018.²¹⁰ The capability of the Project to deliver its assumed maximum movements is no longer in dispute.²¹¹

Agreed matters – resilience and operations

- 1.7.33 Agreement has been reached in the wider context of operations that in relation to Aerodrome Certification, including safety, the CAA sees no impediment to the approval of the Project.²¹²
- 1.7.34 It is also agreed that the Project would add necessary resilience to Gatwick operations. It is common ground that in 2018 the levels of resilience in the Gatwick ecosystem were lower than desired. Action is being taken to improve this, including the RET (which is now operating) as well as the future initiatives set out above. But Gatwick is acknowledged to be close to its operational limits with little scope for resilience in the current system; and the Project holds in prospect the patent and inherent benefit of having two operational runways to alleviate current pressures, to the significant benefit not only of Gatwick but the wider London system.

Agreed matters – forecasting: general

- 1.7.35 As set out above, the Applicant's forecasts are that the airport will reach 67.2 mppa if the Project is not developed and 80.2 mppa if it is.
- 1.7.36 It had been understood by the Applicant that York Aviation had accepted the plausibility of the Applicant's case that Gatwick could achieve 80mppa "*over the longer term*"²¹³ based on the modelling carried out. They considered that a

²⁰⁸ Section 7.

²⁰⁹ See [REP4-023] at table reference [55].

²¹⁰ Section 7: see particularly Tables 13/14 and 15/16.

²¹¹ In so far as York Aviation refer to there being "some risk that levels of delay may have been understated" [REP7-014 para. 24], these are accepted as "marginal". The calibrated model is an accurate reflection of 2018 peak demand performance and the capability of the airfield. Differences between actuals and calibration are indeed marginal and typically outside peak times. When comparing calibrated results to the growth scenarios, in place of 2018 actuals, the conclusions on performance are the same,

²¹² See the SoCG between the Applicant and the CAA at [REP3-068].

²¹³ [REP5-094] Appendix III para. 16.

question remains about the “timescale”²¹⁴ over which passenger demand at Gatwick will build up (and the implications for managing the impacts of the Project), and - in their alternative forecasts for the purposes of the future baseline sensitivity, their upper figure was 80.2 mppa. For reasons that are set out further below, the Applicant does not consider that any disagreement on the timing of growth matters – if the demand is acknowledged to arise but (on York Aviation’s case) over a longer time period, the benefits of the Project as a result of meeting demand for air travel remain substantial and are consistent with clear in-principle national policy support.

1.7.37 The latest position from York Aviation, as reflected in its response to the Applicant’s future baseline analysis, appears to be that the Project would accommodate 75-76 mppa.²¹⁵ It appears to have reached this view in a context where it has assumed a future baseline throughout of 57mppa.²¹⁶ These assumptions are dealt with below, but the starting point is that, even on the JLA case, the Project would cater for forecast demand of up to 18 million passengers. The JLAs may say that the purpose of scrutinising the forecasts is to ensure that “*impacts are properly assessed and appropriate controls are put in place*”²¹⁷ based on this delta between the future baseline and the Project cases, and this is considered further below when dealing with the future baseline sensitivity work. However, that takes nothing away from the clear recognition that the Project would in any view address a recognised need for millions of passengers to travel through Gatwick. Whether the JLAs are prepared to explicitly recognise this element of need for the Project, it must exist by necessary implication from their own approach. In so far as the differences between the parties relate to the scale of that need and its timing, these are addressed further below.

1.7.38 As for the different elements of the debate on forecasting, there is a measure of agreement on the factors that influence demand growth in both the future baseline and project cases. The Applicant had understood that York Aviation agrees its assumptions relating to aircraft size and load factors²¹⁸, which would have simplified the debate. That no longer appears to be the case,²¹⁹ so the position is explained further below in the context of wider remaining issues on forecasting.

²¹⁴ Ibid.

²¹⁵ [REP6-099] Appendix IV para. 17.

²¹⁶ Ibid.

²¹⁷ [REP 6-00] Appendix IV para. 15.

²¹⁸ [REP5- 094] Appendix III para. 13.

²¹⁹ [REP 7-104] para. 11.

Agreed matters – forecasting: bottom-up and top-down

- 1.7.39 Whilst York Aviation originally expressed concern about the principle of the Applicant using a “bottom-up” forecasting approach, this now needs to be seen in the light of what the Applicant considers is a measure of agreement that the bottom-up approach is the only sensible basis for forecasting, at least in respect of the future baseline. As York Aviation have stated:

“9. The reason that we have necessarily focussed on the detail of how growth will be attained in the Baseline Case (REP4-022, paragraph 2.19) is because, at a capacity constrained airport, the key question is how airlines will be able to add additional flights within the capacity available rather than it being fundamentally a question of underlying demand. This necessarily relies on a more granular bottom-up assessment of how additional services can be accommodated within the constraints, having regard to the operating patterns of the airlines in different markets”.²²⁰

- 1.7.40 The Applicant takes the view that the same applies to the Project forecasts and that there should be very little between the parties in this issue now. However, to the extent that differences of approach remain, these are addressed below.

Agreed matters – economic benefits

- 1.7.41 The Applicant does not understand the JLAs to dispute the direct, indirect and induced job creation and related GVA figures in the local economic impact assessment, although there is an outstanding issue on catalytic effects which is explained further below. Similarly there has been no issue taken with the Oxford Economics assessment work [[APP-252](#)], as summarised above. Other remaining issues, relating mainly to the national economic assessment, are also addressed below.

1.8 Remaining issues

Capacity and operations

- 1.8.1 It is convenient to address capacity and operations first. The only outstanding issue on capacity matters is the claim by York Aviation that there are “residual doubts” about the extent to which the full uplift in movements claimed for the Project will be capable of being accommodated in full, on the basis that “airspace changes under FASI-S (the Government sponsored airspace modernisation programme for the south of the UK) are likely to be required in order to ensure that the uplift in

²²⁰ [REP5-094] para. 9.

movements with the NRP can be accommodated in the airspace more widely”.²²¹ There is also a related suggestion that under current airspace structures before modernisation, increased use of the Runway 26 MIMFO route as a result of the Project will lead to increased use of the Route 9 WIZAD SID (which acts as a contingency only for 26 MIMFO), and further airport expansion may do the same. This is stated to be material to the application and its environmental effects.²²²

- 1.8.2 Neither of these points have any merit, for the following reasons.
- 1.8.3 First, the Project application does not propose or rely on airspace change to operate.
- 1.8.4 Gatwick’s current airspace design includes Standard Instrument Departure (SID) routes and arrival procedures for both the main and northern runways. The Applicant has made it clear that the Project will operate using the existing airspace routings and infrastructure.
- 1.8.5 York Aviation accept that the Project does not require airspace change to facilitate dual runway operations; and as NATS, the government-appointed air traffic service provider, has confirmed, no airspace change is required to the London Terminal Control Area (LTMA) route network, associated with Gatwick arrival and departure routes, to enable the Project.²²³
- 1.8.6 Second, any wider future airspace change across the London system (under the auspices of FASI-S) is independent of the Project and subject to a separate process that will consider the effects of that change.
- 1.8.7 As the Applicant has explained in respect of FASI-S²²⁴ airspace within the UK is a state asset and responsibility, regulated by the Civil Aviation Authority (CAA) and managed by NATS En Route plc (NERL), which is a subdivision within NATS (formerly National Air Traffic Services). As part of the UK Airspace Modernisation Strategy (co-sponsored by the Department for Transport and the CAA) and enforced through the Air Traffic Management and Unmanned Aircraft Act 2021, the Future Airspace Strategy Implementation - South (FASI-S) programme is being undertaken to review the airspace over London and South East England, with the aim of addressing existing constraints and allowing for future growth in air

²²¹ [REP 7-069] para. 1.1.13.

²²² See SOCG [REP 7-069] at 1.1.12 and 1.1.14.

²²³ See the view of both the Applicant (Capacity and Operations Summary Paper [REP1-053] para. 4.4) and NATS (see SoCG between Gatwick Airport Limited and NATS (En-Route) Plc [REP5-066] para 2.3.1.1).

²²⁴ See Chapter 4 of the ES [APP-029] paras 4.5.1-3; see too The Applicant’s Response to ExQ2 - General and Cross-Topic [REP7-083] at GEN2.9.

transport. The Airspace Modernisation Strategy (CAP 1711) sets the Government objective, “... *airspace modernisation should wherever possible secure the most efficient use of airspace and the expeditious flow of traffic, accommodating new demand and improving system resilience to the benefit of airspace users...*”. It should be noted in this respect that the focus of the FASI-S programme is on route design and the design of the supporting airspace structure. Demand to fly particular routes is driven by flight destination (which itself is driven by consumer demand) which is managed through the flight planning system.

1.8.8 This airspace change work is being undertaken by NERL and a number of airports, including Gatwick, acting as change sponsors and is known as FASI-S. It will be developed through a consultation in line with the CAA’s airspace change process guidance document (CAP1616 (CAA, 2023)). This process for the airspace change around Gatwick Airport below 7,000 feet re-started in May 2021 but it will take several years before the final design is clear. The outcomes of this programme will be determined separately through that process, which must take into account matters including the requirements of the Air Navigation Guidance 2017 in relation to the assessment of noise impact. The extent of the change that results from FASI-S is not possible to determine at this stage, and in so far as any future airspace change programme does propose changes that relate to Gatwick these would be consulted on, assessed and potentially consented through the formal airspace change process, separately from this application. This is the context for the London airspace change to the south of the airport which is sequenced to be the first implementation of the FASI-S airspace change in the London Terminal airspace. Again, this process is in its initial stages and the nature of the changes that may result from this process cannot be assessed at this stage.

1.8.9 All airports in the programme must follow the airspace change process specified by the CAA and documented on the CAA’s website. The options have not yet been assessed in the context of options developed by the other London airports involved in the programme nor the wider network changes into which the London Gatwick system of SIDS must necessarily connect. To give an idea of complexity, at this stage the remaining options are capable of creating 576 option configurations. As a matter of principle, London Gatwick’s airspace design options proposed through the airspace modernisation project will enable GAL to support the airspace modernisation strategy objectives, including that “*airspace capacity is not a constraint on growth*”. For the purposes of the aircraft throughput capacity modelling exercise undertaken for the DCO, these configurations have not been taken into account, so the capacity benefits which are intended to result are not factored into the DCO modelling.

- 1.8.10 As the Applicant explained at ISH9, in response to comparisons between this application and the Luton Rising DCO application, the Luton DCO is more dependent on the changes associated with FASI-S, whereas the preferential geographical position of London Gatwick to the south of the London airspace means that FASI-South is not needed to facilitate the Project. The positions of both applicants in relation to their respective dependencies on FASI-S are endorsed by NERL. Regardless, in terms of impact assessment, despite the Luton application's dependence upon FASI-S it did not speculate what future airspace changes might be, or its consequent effects.
- 1.8.11 Third, as York Aviation recognise, the WIZAD SID is not required to achieve the throughput capacity of the Project. WIZAD is not a flight plannable route and was not used in the airfield throughput capacity modelling; in 2023 WIZAD was used for 49 flights, mostly to avoid weather north of the Airport. The Applicant does not need, nor does it have any intention to request, an airspace change to redistribute traffic onto the WIZAD SID.²²⁵ No changes in the design of any of the London Gatwick's flight routes, including WIZAD, are required as a result of the Proposed Development.
- 1.8.12 It should also be emphasised that NERL has made clear in its response to ExQ2,²²⁶ that it *"does not believe that the proposed development is likely to result in greater use of the WIZAD SID compared to the baseline case"*.
- 1.8.13 Fourth, the ES considers a conservative worst-case position nonetheless. The future use of the WIZAD SID - in the baseline case and with the NRP - is based on the current airspace route structure and operated in accordance with the existing conditions on the use of WIZAD,²²⁷ albeit that the forecast for the increased use of the WIZAD SID - in the baseline case and with the Project - assumes that the London Terminal Control Area airspace becomes increasingly congested over time, due to the growth of air traffic across all of the London airports. This assumption sets the basis of the reasonable worst case for the purposes of environmental impact assessment. For the purposes of the assessment, the worst-case assumption applies a small but proportional increase to the usage of WIZAD in the 'with the' Proposed Development case (39 ATM per day) versus the future baseline (32 ATM per day) by 2032. But use of the WIZAD SID is not a prerequisite to achieve the 69 ATM/hour peak hour declaration under the Project.

²²⁵ It does not require, and has no intention of requesting, a change to the Noise Abatement Procedures under Section 78(1) of the Civil Aviation Act 1982 relating to the Route 9/WIZAD SID, including the restriction that the route is not available for flight planning purposes.

²²⁶ [REP7-112].

²²⁷ As set out in the Gatwick Noise Abatement Procedures, under section 78(1) of the Civil Aviation Act 1982 (UK AIP EGKK AD 2.21), and in the RNAV1 SID for WIZAD (UK AIP AD 2 EGKK-6-13): see [REP6-091] para. 4.4.5.

- 1.8.14 The wider environmental effects of the Project are not addressed here, but in so far as York Aviation raise concerns about the potential effects of increased WIZAD usage, the worst case assessment in the ES places these in helpful context.²²⁸
- 1.8.15 The N65 contours are effective at showing the noise footprint of the additional daytime air traffic expected to use the WIZAD SID which is the same proportion in the Project and the future baseline case (8%). By way of example, the northern part of Horsham town is within the N65 20 contour indicating more than 20 Lmax events on an average 16 hour summer day. The contour is slightly larger than the future baseline 2032 contour indicating slightly more events above Lmax 65dB. Using the online air noise viewer to look at the area in the north of Horsham Town in more detail, for example at postcode RH12 5JY just south of the A264, the number of events above Lmax 65dB is assumed to increase from 23.2 to 24.8 as a result of the Project in the noisiest year, 2032 with the noisiest fleet. The addition of 1.6 aircraft noise events above Lmax 65dB over an average 16-hour summer day would not lead to an increased noise effect. The route is not used at night. This all suggests that any concerns are wholly misplaced, notwithstanding the fundamental position that no changes to airspace are required to enable the Project to proceed.
- 1.8.16 It should also be noted that there are no changes as part of London Airspace South (LAS) that would have any impact on the usage or potential for usage of the WIZAD SID. Numerous options that follow a similar track to that of the WIZAD SID will be considered through a full options appraisal that forms part of the separate airspace change process that will be subject to its own assessment. However, the 'WIZAD like' departure route options have been identified as not being suitable for early deployment through LAS and so fall outside of the scope of that project.
- 1.8.17 In its supposition regarding increased usage of departure routes the York Aviation has conflated routes options developed in the FASI-S project for another southerly route, the Runway 26 BOGNA SID with the WIZAD SID. Notwithstanding the assessment of these options under the auspices of the airspace change process, the flights operating the BOGNA or 'BOGNA like' SID are flying to different destinations than those that would be flying either a MIMFO or WIZAD SID. The routes flown are not controlled by the Airport, rather it is a function of the demand for different destinations and the flight plans filed by the airlines to reach those destinations. The planning assumptions made for both FASI-South and the

²²⁸ Further, the current WIZAD SID and the BOGNA SID (a departure route that is predominantly used for aircraft departing to the south – the green routes referred to by the JLA in REP7-104 and apparently the source of concerns about increased WIZAD usage) service aircraft flying to different destinations. The assumptions used in the Applicant's assessment project) assume the same proportions of traffic using the departure routes as they are used today.

Applications are based on current proportions of traffic on each of the departure routes and do not assume an increased reliance on southerly departure routes.

1.8.18 As a result, this residual issue on capacity has no substance and has no effect in any event on the important resilience benefits of the Project, which on their own are consistent with policy objectives and should carry substantial weight accordingly.

1.8.19 In this context, it is necessary to turn to the remaining issues on the forecasting.

Forecasting: introduction

1.8.20 As the Applicant understands the latest position, the main areas of continuing difference are as follows:

- A disagreement over the additional movements forecast in the future baseline;
- An allegation that delays at Gatwick will deter growth, at least in the future baseline;
- Particular aspects of the future baseline assumptions, including aircraft sizes and load factors and, in particular peak spreading – differences which also apply to the Project forecasting;
- Approach to Project forecasting and planned or potential capacity at other airports;
- Timing – the rate of growth in the Project case forecasting.

1.8.21 These issues are addressed in turn below. The Applicant's Response to Deadline 8 submissions also covers some of these matters and for should be read in conjunction with the analysis which follows.

1.8.22 More generally, the Applicant does not consider that for all York Aviation's claims there should remain any genuine debate over the principle of bottom-up or top-down forecasts, but for completeness its position is set out first below.

1.8.23 It is also worth acknowledging at this stage that as discussions between the Applicant and York Aviation in particular progressed in the examination, questions relating to the forecast demand in the future baseline and the ability of Gatwick to accommodate it came to dominate exchanges between the parties.

1.8.24 The continuing lack of alignment resulted in the ExA asking, through their Rule 17 letter of 9 May 2024, for the JLAs to propose alternative forecasts to be used as a sensitivity analysis. These were submitted by the JLAs at Deadline 4.²²⁹ The

²²⁹ [REP 4-049].

Applicant was asked by the ExA to provide a sensitivity analysis based on the JLA future baseline figure (or the minimum and maximum of this range) “to test the effects of this alternative future baseline upon the effects stated in the application Environmental Statement”. The Applicant did so at Deadline 5.²³⁰

- 1.8.25 As the Rule 17 request made clear, the primary purpose of this exercise has been to consider a concern that appears to be directed not at the principle of whether there is a need for the Project, but whether the assessment of environmental effects has properly identified the extent of those effects and the mitigation that is needed to address them.
- 1.8.26 For reasons that are explained further below, that concern is misplaced. But for the purposes of considering the benefits of the Project, it is important that concerns which appear to be advanced within the ambit of demand, or the capacity of the airport to meet it, are not part of any case to the effect that the Project is not needed or that it does not hold in prospect substantial benefits - particularly when considered against the future baseline of how the airport would operate in the absence of the Project.
- 1.8.27 Further, the alternative forecasts advanced by York Aviation (with nothing like the detailed substantiation produced by the Applicant) in fact reveal fundamental difficulties which lie behind and undermine the criticisms that York Aviation has itself levelled against the Applicant – in relation to both its forecasting and its explanation of how it will be able to operate its own airport.
- 1.8.28 These difficulties are set out further when covering the future baseline sensitivity assessment separately below, however they also inform the debate on the Applicant’s own forecasts as addressed below.
- 1.8.29 Ultimately this debate, on York Aviation’s case, appears to resolve to the claim that that “whilst the effect of growth being delivered later may be deemed to be neutral in the overall planning balance, to the extent that environmental impacts are related to passenger and aircraft movement throughout, overstatement of effects could lead to controls being set too lax relative to the timing when counterbalancing benefits are likely to be delivered”. York Aviation claim that “it is for this reason that differences about the demand forecasts matter”.²³¹
- 1.8.30 The Applicant presumes that the reference to “*overstatement*” is intended to be “*understatement*”. But if the debate for York relates in the end to the potential environmental effects of a different (higher) delta between the future baseline and

²³⁰ [REP 5-081].

²³¹ [REP7-104] Appendix B para. 9.

the Project cases, the Applicant has, as explained below, assessed these and concluded that they would not materially affect the assessment that has been carried out. The JLAs have not presented any evidence that seriously contends otherwise, or suggests that even on their case the effects are beyond mitigation which allows the benefits to substantially outweigh the environmental effects that would remain. If anything the increased delta York Aviation proposes on their behalf reinforces the case for the Project. This is considered further below.

Bottom-up and top-down modelling

- 1.8.31 It is convenient to start with some more conceptual points that have been raised by York Aviation about the use of bottom-up forecasting by the Applicant. As set out above, these should not in truth be described as material issues, because any debate over the modelling approach does not ultimately affect the conclusions to be drawn from overall work that has been carried out, including the top-down modelling which corroborates the results of that bottom-up assessment on which the Applicant continues to rely.²³² However to the extent that York Aviation have raised the issue, it is addressed below.
- 1.8.32 York Aviation originally made the general assertion that the Applicant's approach to forecasting: "contains no analysis of market demand at the individual world region level and no justification for the assumed share of that growth that might be taken up at Gatwick"; rather it "simply states assumptions" as to the additional services in each market that the airport might be able to attract on the basis that there is limited growth opportunity at other London airports. They contended that bottom up forecasts are "purely aspirational" and "too dependent on judgement and assumptions to be reliable over the longer term not least given the short term nature of airlines' planning horizons at the individual route level". They noted that the report "only covers in detail the period to 2032" and assert that "best practice for long term demand forecasting is to use econometric modelling and... a systematic allocation model that assesses the share of each airport in different competitive circumstances".²³³
- 1.8.33 The criticism now only appears to be that longer term forecasts are best approached top-down.²³⁴ York Aviation recognise that "a bottom-up forecast, such as presented by GAL in its application documents, is a useful approach over the

²³² See section 6 of [REP 3-079].

²³³ LIR para.s 38-40. See too paragraph 42 of their document supporting the LIRs (Deadline 1 Submission – Local Impact Report – Appendix B: Needs and Capacity Case [REP1-099].

²³⁴ [REP3-117] Appendix B, para. 13.

short term – typically 5 to 10 years maximum – as it can better reflect short term airline decisions as to deploying capacity at an airport”.²³⁵

- 1.8.34 Their claim that this approach is not “*a uniquely preferred approach in the case of a constrained airport or airport system*”²³⁶ reflects a professional difference of opinion between the Applicant’s forecasters at ICF and what York Aviation consider to be best practice in the case of a capacity constrained airport such as Gatwick. However, it is misconceived to suggest that best practice should not involve bottom-up forecasting in the form undertaken by the Applicant. There should be very little between the parties now.
- 1.8.35 A principal characteristic of these forecasts is that they are informed by a close understanding of the demand from airlines for operation at Gatwick. Gatwick benefits from a commercial team that works closely with existing and prospective airline partners. There is a high degree of visibility about the airlines wishing to operate from Gatwick and the markets they intend to serve. Whilst formal slot allocation requests are made to ACL, Gatwick is in direct contact with its airline customers and fully aware of those who seek representation at the Airport. Appendix 6 of the Forecast Data Book²³⁷ summarises a ‘Pipeline Report’ from Gatwick recounting its knowledge of demand from airlines and also from countries or regions in the world seeking operation at Gatwick. Estimating the pattern of future operation at the airport, therefore, is a highly practical exercise informed by direct knowledge of the characteristics of demand and the trends in those characteristics.
- 1.8.36 Gatwick has good reason to have confidence in its bottom-up forecasts and the strength of its pipeline of demand with many airlines looking to significantly expand their footprint at Gatwick in the years ahead. ACL slot subscriptions are consistently oversubscribed in all core hours of the day in the summer season. There is clear evidence that of a strong overhang in demand - airlines are not able to expand home or away based flying and are routinely turned away due to lack of available slot capacity. The regular contact with the airlines validates this position.
- 1.8.37 This confidence is also reflected in its ability to out-perform top-down models:
- DfT forecasts from 2011 forecast that Gatwick would only reach 40 mppa and by 2030. Gatwick in fact passed the 40 mppa mark in 2015;

²³⁵ Ibid.

²³⁶ [REP3-117] Appendix B.

²³⁷ [APP-075].

- DfT forecasts from 2013 forecast that Gatwick would only reach 45 mppa by 2030. Gatwick in fact passed the 45 mppa mark in 2017;
- DfT forecasts from 2017 forecast that Gatwick would not pass 45 mppa by 2030 and reach 50 mppa by 2040. Gatwick passed 45 mppa in 2017 and subsequent years pre Covid. With capacity returning and larger aircraft arriving, the Applicant expects to beat this mark within a few years.

1.8.38 There is no good reason therefore to somehow doubt the validity of valuable bottom-up Gatwick-specific information. Given its success in increasing throughput and attracting airlines to the busiest and most efficient single runway in the world. The Applicant could be forgiven for asking why this expertise should essentially be cast aside when forecasting the growth of its own airport and substituted in favour of theoretical econometric modelling which must of course adopt its own judgments based on assumptions. As set out above it is neither fair nor accurate for York Aviation to say that GAL's forecast "*simply states assumptions*" – that statement does no more than reveal a failure to understand the extensive work that Gatwick carries out every day to plan for its future success.

1.8.39 In a market where overall demand exceeds capacity, there can be no realistic doubt that incremental growth will take place at Gatwick as a continuation of existing trends without the operation of the northern runway, whilst a substantial change in the availability of capacity would result in a strong market response. The overhang of demand is such that GAL forecasts a strong and immediate response to the availability of the Project.

1.8.40 At Gatwick, the forecasts suggest an immediate market response to the opening of the project, such that its success is not dependent on long term forecasting. The additional slot capacity generated by the Project is expected to be largely filled by 2032, particularly during peak periods. Growth in the period beyond will therefore be driven by improvements in seasonality, increases in aircraft seat capacity (gauge) and load factor. The Forecast Data Book demonstrates the limited increase in air traffic movements beyond 2032,²³⁸ along with the associated assumptions for seasonality, gauge and load factor which support the Applicant's forecast of circa 80m passengers and 386,000 ATMs by 2047.

1.8.41 The top-down approach preferred by York Aviation is, as set out above, a more theoretical approach to forecasting based on macro modelling, which is inevitably more broadbrush in its approach. Adopting a purely top-down approach fails to capture Gatwick's own traffic patterns and the operating characteristics of its key airlines – these factors have been the fundamental drivers of growth in the decade

²³⁸ [APP-075] Figure 8.3.1.

leading up to 2019 and continue today. Just because something can be theoretically modelled does not mean that it must be, particularly when Gatwick has available to it real market evidence of demand.

- 1.8.42 In so far as questions of approach have been debated previously, the decision letter of the Secretary of State on the Manston Airport DCO (August 2022.) records²³⁹ criticisms from York Aviation and others of the bottom-up approach applied in that case, and continues:
- 1.8.43 “80...The Examining Authority noted the explanation given in the North Point report on the differences between the bottom-up forecasting approach taken in the Azimuth Report (for the applicants) and the top-down analysis used in other reports. **The benefit of the bottom-up approach is described in the North Point report as involving discussions with key market and industry players to provide dynamic insights and is of benefit when taking into account demand for a fast moving industry such as aviation** which will look very different in 10-20 years’ time than it does now. The top down approach is described as relying on the extrapolation of historic data and performance and on the notion that the key to understand in the future is in the past” [emphasis added]
- 1.8.44 Having taken account of a range of factors, the Secretary of State concluded:
- “89...the Secretary of State considers that given the circumstances noted (above) the qualitative approach taken in the Azimuth report is preferable to the other forecasts considered by the Examining Authority”.*²⁴⁰
- 1.8.45 In the case of Manston Airport, of course, the airport was closed at the time of the examination and the applicant there did not have the same benefit as that available to GAL here of direct, up to date and detailed contact on a daily basis with current and prospective airline customers at the airport. The benefit of that knowledge reinforces the benefits of the ‘bottom-up’ approach in this case.
- 1.8.46 At the recent Luton Rising DCO Examination, York Aviation appeared on behalf of the applicant there and set out their approach in the document entitled ‘Need Case’ (Luton Examination document AS-125). The use of their in-house top-down model was explained, particularly for the way in which it has forecast the continuation of background trends. However, York’s submission recognised its limitations in forecasting a market response to a significant increment in capacity. Luton Airport has no history of attracting long-haul carriers but York nevertheless claimed that

²³⁹ Para. 79.

²⁴⁰ The approach taken by the Secretary of State to the Azimuth report was upheld by the Court of Appeal in Dawes v. SST [2024] EWCA Civ 560 at [38]-[44].

long-haul would be part of forecast growth at the airport. York Aviation's submitted Needs Case explained:

“6.3.27 A further issue for which adjustments have been made is around the development of long-haul services over the longer term. Logit models, such as those used here, ultimately reflect passenger choices and behaviour from the past. Hence, there is limited data from which to assess whether passengers would use longer haul services from the airport in future as overall demand grows. Logit models, thus, have difficulty predicting how markets will grow in the future when an airport has limited levels of similar activity currently...”

*6.3.28 A supplementary analysis has, therefore, been undertaken, examining long-haul **markets in the airport's main catchment area on an individual basis to identify those routes that might come forward in the future, taking into account the length of the current runway and over what timescale those new routes may become attractive.** Over time, it is reasonable to assume that such services may develop at the airport as the under-lying demand for key destinations long-haul increases and the proposed development provides improved infrastructure to enable such services to be handled... It is considered reasonable that an airport handling 32 mppa would be capable of supporting some long-haul operations because the strength of the underlying market for such an airport is likely to include sufficient demand to sustain direct services to some long-haul points”.*

1.8.47 Accordingly, York Aviation explained:²⁴¹

*“In terms of the demand for the services, the long-haul forecast overlay **uses a semi “bottom up” approach, which takes account of both the underlying demand in the airport's catchment area (using CAA survey data for 2019) and also likely realistic frequencies and capacities consistent with the potential route by route demand**” [emphasis added].*

1.8.48 In these circumstances, the approach taken by York Aviation to long haul forecasts at Luton is not dissimilar to the approach taken by the Applicant at Gatwick, except that Luton put forward no evidence of pipeline interest or requests or documented demand from airlines to demonstrate the practicality or reality of its bottom-up assumption. Any suggestion that the approach taken there was prompted by the particular circumstances of that case (including the absence of any history of long-haul) does not come close to substantiating any criticism of its use by the Applicant

²⁴¹ Paragraph 6.3.30 of the Luton Need Case.

in respect of Gatwick. In contrast to Luton, Gatwick has a clear history and substantial evidence of pent-up demand which legitimises the use of a bottom-up model, informed by real life airline demand.

- 1.8.49 In the circumstances of Luton Rising, where there was no evidence of outstanding demand or airline interest, a top-down approach may be appropriate, complemented by speculative judgments about a step change in the nature of its operations. At Gatwick, however, a bottom-up approach is soundly based and likely to be more representative of the future. And if is appropriately used for the Gatwick future baseline forecasts (as York Aviation appear to accept, despite their claims to the contrary), there is no reason why it should not be used to forecast the Project case.
- 1.8.50 Ultimately however, it is not necessary for the ExA or the Secretary of State to elect which approach to follow, as York Aviation may suggest (in this case at least). As summarised above, the **Needs Case Technical Appendix [REP1-052]**²⁴² includes a top-down forecast using the Government's latest demand forecasts as a projection of overall demand growth. Whether the approach taken to demand forecasting is bottom-up or top-down, the long-term trajectory of growth at Gatwick is consistent between the two forecast approaches. The top-down forecasts demonstrate the excess demand in the 2030s (and beyond) and result in the capacity determined by the bottom-up modelling being filled. It is unsurprising that the outcomes are very similar; and both demonstrate the need for capacity in London airport system and at Gatwick.
- 1.8.51 For the avoidance of doubt, GAL strongly prefers its submitted bottom up forecasts but, on any approach, Gatwick is forecast to fill the additional capacity provided by the Project.

Movements in the future baseline

- 1.8.52 York Aviation appear to retain a concern²⁴³ that to achieve the growth in the number of daily aircraft movements that would enable a future baseline throughput of 67 mppa, the Applicant has assumed an unrealistic 47 additional daily movements in the peak,²⁴⁴ which is said to be impossible within the declared and future planned capacity with the single runway. York Aviation claim that this produces an inconsistency with the capacity assessment (which only simulates a modest increase in aircraft movements on a busy day) and that this "*ultimately drives us to conclude that 67 mppa is not attainable.*"

²⁴² At Section 4.2.

²⁴³ [REP7-104]-at para.s 16 and 27.

²⁴⁴ By reference to Annex 6 to the Forecast Databook [APP-075].

- 1.8.53 It is simply not correct that Gatwick is forecast to handle an additional 47 daily ATMs on peak days. The numbers referenced by York Aviation refer to an approximate average monthly increases at Gatwick, not forecasts increases in the busy day. The numbers in the Forecast Data Book table referenced also appear on page 4 of Annex 6 [[APP-075](#)], where it is clear this refers to August peak month throughput. This was also explained at the TWG sessions prior to the DCO process.
- 1.8.54 It is surprising that York Aviation is not clear on the busy day throughput assumed by Gatwick as this has been provided and discussed with them on several occasions, with hourly breakdowns of traffic flows provided in working group sessions prior to the DCO submission. The Applicant's forecast increase in busy day movements in the future baseline is an increase of 20 movements in the peak day, compared with 2018 (934, total ATMs) to 954 in 2038 (commercial ATMs). This has been set out multiple times to the examination. The simulation is focussed on the busy day, the forecasted increase in busy day movements is detailed in the **Capacity and Operations Summary Paper** [[REP1-053](#)] para 3.4.2 and its **Appendix: Airfield Capacity Study** [[REP1-054](#)] para 3.1.4, which show 954 movements are required in the baseline by 2038 - an increase of 20 scheduled movements when compared to 2018 and similar numbers when compared to 2019. The Applicant also clarified this in response to York's query in [REP4-023](#) at point 58, and again confirmed the same directly in [REP6-091](#) at paragraph 4.3.5.
- 1.8.55 This information is therefore used for forecasting August average commercial movements and is not equivalent to the increase in busy day movements or slot release required as implied by York Aviation. This can be explained further as follows.
- 1.8.56 First, the busy month's average day will increase more than the peak day, which is to be expected as quieter days in the peak month continue to fill in. Thus the busy day demand is higher than the August average, so the forecasted busy day movements only increases by 20 movements in the future baseline. The larger increase in average movements is associated with peak spreading across the month outside of the busy day. In 2014 the peak day was 5% busier than the average peak month (892 vs 851) and this ratio declined to under 3% by 2018 (929 vs 903). This is forecast to continue with the ratio declining to 1-2% in the 2038-2047 period. This explains the higher increase in average monthly movements compared to the busy day.
- 1.8.57 York Aviation are therefore incorrect to claim that the Applicant has introduced an inconsistency in its modelling. On its own case its concerns about the future

baseline assumptions made by the Applicant which drive its conclusions on the future baseline should largely fall away.

Future baseline: delay

1.8.58 Part of the York Aviation case²⁴⁵ appears to rely on the suggestion that the Airport is subject to chronic delay which is then said to impact on its attractiveness to airlines and in turn cast doubt on the Applicant's forecasts, at least for forecast growth in the future baseline.

1.8.59 This claim, which sought to rely on statements made by easyJet and the Gatwick Airline Consultative Committee,²⁴⁶ was as follows:

"12. We understand that easyJet has removed some of its based aircraft from Gatwick in summer 2024 in part to improve resilience and plans to reduce its fleet at the Airport still further. We believe that the level of delays seen at the Airport are a factor in the slower recovery of demand at Gatwick than at the other major airports. Gatwick was the poorest performing of the UK's top 10 airports in 2023 with traffic recovered to only 88% of 2019 volumes in the previous 12 months compared to 98% at Heathrow, 99% at Stansted and 90% at Luton, with the latter impacted by measures put in place to protect the noise contour and passenger limits pending the more recent approval for these to be raised.

13. Ultimately, the extent of delays impacts on airlines' willingness to base or schedule more aircraft into the Airport, and this has implications for the Base Case passenger and aircraft movement forecasts that have informed the baseline assessment of environmental impacts".

1.8.60 The Applicant does not accept this characterisation of Gatwick's performance for reasons that are set out below, but in any event it does not understand why York Aviation fails to appreciate the implications of this aspect of their case. If Gatwick is demonstrably busy to the point where delays occur and there is a lack of resilience, these are very good reasons to support the project.

1.8.61 The York Aviation position at the very least amounts to a recognition that the airport is under pressure at peak times and that there would be benefit in providing more capacity and resilience. The concern appears to be not that any delays affect the clear benefits of the project, but that overestimating the future baseline position could affect the environmental effects of the project when implemented. This

²⁴⁵ See York Aviation document at Appendix F to [REP1-068].

²⁴⁶ See para. 5, referring to relevant representations from easyJet and GACC.

separate issue is covered later but the important point is that the JLAs must accept, as a minimum, a Gatwick-specific operational need and that the project would therefore deliver significant benefits in addressing it. Delay is not therefore a reason to object to the application- rather it is the reverse – it demonstrates that Gatwick is very popular with airlines but also busy and that additional capacity would bring clear operational benefits.

1.8.62 In any event, the York Aviation assertions are founded on a failure to accurately understand or characterise what is happening at the airport:

- the causes of delay have not been properly examined;
- the airport is taking measures to address delay which support its future baseline assumptions;
- any delays are not undermining demand and do not affect the validity of the assumptions in the future baseline;
- York Aviation misunderstands and mischaracterises the operations or growth ambitions of airlines operating at the airport;
- delay has not been a factor in the pace of recovery at Gatwick relative to other airports.

1.8.63 These failures are explained below.

1.8.64 The Applicant has never disputed that aircraft operating from Gatwick Airport, as with other airports, have been subject to delay, particularly at peak times. It is actively working with airlines, their contractors, air traffic control and other stakeholders to reduce delay across the network and improve punctuality for passengers. However, York Aviation has not adequately examined the reasons for any delays that occur.

1.8.65 Delay of an aircraft can be caused by multiple factors including delay to aircraft being ready, ground congestion, calculated take off times (to manage the flow of traffic across the European network) and excess runway holding.²⁴⁷ An industry metric of how airlines perform in and out of airports is On Time Performance, which is measured by reference to multiple inputs covering the airport ecosystem, including those relating to departures which essentially consider whether (a) the aircraft is ready to go on time (loaded, doors closed, ready to push back); (b) the ATC tower provides a service so the aircraft can push back on time; and (c) the network can accept the departing aircraft without restrictions. As will be expected,

²⁴⁷ It should be noted that airlines are advised to factor in taxi-time including an element of runway holding to their block time and hence taxi time and an anticipated level of holding is not considered as delay. Further, as explained in [REP 1-056] para. 4.1.37 punctuality is also a wider system consideration and delays can be experienced because of the airlines themselves, other airports or air space delays.

the Applicant studies these matters very closely. Of the 54% loss of performance stated in summer 2023, its performance monitoring shows that around 7% could be attributed to the airport itself and the Applicant is working with airlines and air traffic providers to improve this. However around 40% of performance loss was attributed to the ground operations of aircraft by the airline itself and its contracted parties. The Applicant is leading efforts with the airlines and others to improve on time performance working (trailing 'smart stands' with the support of airlines to improve aircraft turn performance, for example). However, it is incorrect to automatically equate all delay with effects on future demand or the capacity of the airport itself to accommodate it.

- 1.8.66 The need to properly examine the causes for any reduced capacity levels is further illustrated by operations during 2022 and 2023, when Gatwick did perform at reduced levels. This, however, was not due to any lack of demand from airlines or any concern over airfield congestion. In 2022 the leading cause was ground handler resourcing, resulting from Covid. In 2023 poor performance by airlines through the summer was further impacted by air traffic control (ATC) resourcing issues in September, resulting from illness combined with low levels of resilience from the lack of training new controllers during Covid. Under these circumstances Gatwick took the responsible decision to reduce declared capacity, allowing capacity constraints to be factored in whilst minimising cancellations or other impacts to passengers. Since these events, resourcing in both areas has recovered and proactive resource management of controllers is in place over summer 2024 to avoid impacting peak operations.²⁴⁸
- 1.8.67 Gatwick does acknowledge that pressure on operations at the airport arises on a day to day basis and that its ability to make better use of the main runway is constrained by the need to build resilience into operations to cope with more abnormal events. However, it has a number of projects in progress with the purpose of improving resilience and performance in the single runway operation. These are explained in the **Capacity and Operations Summary Paper** [[REP1-053](#)]²⁴⁹ and its **Appendix: Airfield Capacity Study** [[REP1-054](#)]²⁵⁰ and summarised above. The initial performance of the new RET is in line with the benefits assumed in the modelling for the baseline case, improving reliability of performance and giving the equivalent benefit of +1 ATM/H.²⁵¹

²⁴⁸ The ATC staffing challenges were acknowledged by London Gatwick in the 2023 Annual Results: 'ATC staffing issues in our control tower did however cause some challenges at the end of the summer. By taking a strong leadership position and facilitating intensive dialogue with NATS, they have assured us that a robust plan is in place that will provide passengers with reliable flight schedules in 2024.'

²⁴⁹ Section 3.3.

²⁵⁰ Section 4.4.

²⁵¹ [REP4-023] at [51].

- 1.8.68 Apart from the RET, the benefits of introducing reduced departure separation have also been assessed in the case of the future baseline (and project case)²⁵². The other measures are excluded, as their benefits are yet to be accurately quantified, but benefits they will clearly bring. Gatwick knows its airport and its capacity analysis, allowing for these measures, supports the assumption that the maximum number of declared movements can be retained at the current maximum of 55 in an hour.²⁵³ These projects do not increase the 55 per hour declared capacity but they do improve the busy day capability (i.e. delivery of the 55 per hour) and reduce the need for recovery periods after the 55 per hour periods, so as to increase airport resilience.²⁵⁴
- 1.8.69 The simulation results detailed in **Appendix: Airfield Capacity Study** [REP1-054] at Section 5-7 there is an overall improvement to departure performance expected, and arrival performance remains similar to current performance. The baseline holding times in the first wave remain similar to the current performance due to the high levels of demand at this time. That particular issue can only be resolved with more runway capacity – by granting consent for the project.
- 1.8.70 The Applicant does not accept that the operating environment is deterring airlines from operating services. The material and persistent over-subscription for slots and the success which the Airport has had in both growing passenger volumes and attracting new services in recent months demonstrates otherwise. These features of demand at Gatwick have been covered earlier, but the following matters are worth emphasising:
- as noted in the Annex to the Applicant’s Needs Case Technical Appendix [REP1-052], a letter from the independent slot coordinator, ACL, shows that demand for slots at the Airport is higher than any other airport which ACL is responsible for coordinating in the UK: “Over the summer season, on average 12% of requested slots were not allocated from the pool at initial coordination which is higher than any other ACL Coordinated Airport”;
 - during 2023, passenger volumes at the Airport increased by 25% to 40.9m, driven by the growth of services operated by incumbent airlines including easyJet and British Airways, as well as a number of new airlines launching services including Lufthansa, Air India, Saudia, Air Mauritius and Ethiopian;
 - based on the latest airline schedules and announcements, the Applicant is expecting further strong growth during 2024 with passengers forecast to increase by circa 7% to nearly 44m. In 2024 30 airlines are increasing their

²⁵²See Appendix: Airfield Capacity Study section 4.4 [REP1-054].

²⁵³ REP [3-079] para. 4.1.13-5. See too [REP1-056] para. 5.1.6-10.

²⁵⁴ See [REP 1-056] para. 5.1.10.

capacity in addition to 10 new airlines entering the airport. Supporting this growth will be the continuation of the new services launched in 2023 and the addition of new services from airlines including Singapore Airlines, Air China, Uzbekistan Airlines, Azerbaijan Airlines, Turkmenistan Airlines and Air Peace;

- the Applicant's evidence is that none of the new entrant airlines secured in 2023 and 2024 have raised concerns with respect to the operating environment at the Airport when considering whether to launch services.²⁵⁵

1.8.71 The assertions of York Aviation contrast therefore with recent experience at the airport. This does not suggest airlines are unable to operate at Gatwick or that they find the outlook so unacceptable that it is deterring their wish to grow their operations at Gatwick. York's case is based on a false but regularly repeated premise.

1.8.72 The Applicant works very closely with its airlines and has confidence in their growth ambitions. It now has in place long term bilateral agreements with airlines which account for almost 90% of passengers. While the terms agreed with individual airlines through bilateral agreements are commercially confidential, the agreements are long term in nature, with some agreements extending beyond 2029. All have been negotiated in the context of Gatwick's published price proposals and, consistent with the approach taken in the published tariff, mechanisms to support efficient growth of passenger volumes are a key feature of the agreements. These include differentiated seasonal pricing (i.e. lower prices to support growth in off-peak seasons) and incentives for up-gauging aircraft where appropriate (i.e. use of aircraft with more seats) to support higher passenger volumes within the existing slot constraints. The existence of these agreements demonstrates that Gatwick has competitive long term pricing arrangements and offers an attractive proposition to airlines – and contributes to the confidence which GAL has in its "bottom-up" forecasts.

1.8.73 Over 20 airlines, both international and from the UK, including Jet2, TUI, Wizz Air, jetBlue, Norse Atlantic Airlines, Qatar and Singapore Airlines, have publicly supported the DCO application and highlight the anticipated benefits, including increased passenger choice and a more resilient airfield delivering improved service level.²⁵⁶ Norse, WizzAir and jetBlue launched or materially increased services following the pandemic and have expressed ambitions to further grow their operations at the Airport.

²⁵⁵ [REP 3-079] para. 4.1.16.

²⁵⁶ See Norse Atlantic Airways [RR-3354], Wizz Air [RR-4795] and jetBlue [RR-2060] and the further Summary of Airline Support [REP5-071].

1.8.74 York Aviation draws incorrect inferences in respect of easyJet's operation at Gatwick, when suggesting that it removed some of its based aircraft from the airport in summer 2024 in part to improve resilience and plans to reduce its fleet further.²⁵⁷ This risks mischaracterising easyJet's actions:

- the reduction in the number of aircraft which easyJet has based at the airport is driven by a pre-scheduled return of slots to British Airways as part of a multi-year slot lease agreement and not as a result of the operating environment at the airport. Indeed, this is clarified in the article which the York Aviation document refers to: 'However, easyJet also will be returning around 3,000 slots to BA, which Dekkers [Sophie Dekkers, easyJet's Chief Commercial Officer] equated to "three aircraft's worth" under a slot agreement between the two airlines. "That will take us from 81 down to 78 aircraft" she said. "More aircraft [in slot equivalents] will be returned in the next couple of years as well";
- notwithstanding this scheduled return of slots and the resulting 4% reduction in the number of based aircraft (from 81 to 78), easyJet's planned capacity for summer 2024 is within 1% of the capacity which was flown in summer 2023, implying that easyJet intends to use its slot portfolio more efficiently in summer 2024 to ensure it is able to maintain capacity as close as possible to the levels offered in summer 2023;

1.8.75 easyJet's commitment to the Airport is further highlighted in the article referenced by York Aviation: "easyJet has also just finalised a new six year agreement with Gatwick Airport, building on the seven year deal that is scheduled to expire in April 2024. easyJet CFO Kenton Jarvis said the deal secures easyJet as "an anchor partner" at Gatwick".²⁵⁸

1.8.76 None of the representations received from the airline community have in fact questioned the need for the development.²⁵⁹ Instead, the focus of the representations submitted by easyJet, British Airways and GACC is on the infrastructure and operational environment required to meet existing and future demand and the resulting service levels. The purpose of the application, of course, is to increase capacity and improve resilience.

²⁵⁷ Appendix F: York Aviation Need Case Review para. 12 [REP1-068].

²⁵⁸ The Applicant has also addressed the question of infrastructure capacity serving easyJet flights in section 6 of [REP4-037].

²⁵⁹ See easyJet [RR-1256], British Airways [REP1-198] and the Gatwick Airline Consultative Committee (ACC) [RR-1493].

1.8.77 As for the pace of recovery at Gatwick, it is incorrect to simply assert that this is attributable to delays. The post-Covid recovery at Gatwick is better explained by the following factors:

- (1) the strategies adopted by the airlines themselves operating at the respective airports; this is particularly so for airports that are heavily slot constrained, because there is less scope for new entrants to stimulate the market and compete for volume. At Gatwick, the two largest carriers at Gatwick are easyJet (responsible for over approximately 50% of flights in 2023) and British Airways (approximately 12% of flights in 2023). Evidence comparing the relative recovery rate of the top ten airline groups in Europe demonstrates that both easyJet and British Airways have adopted a more conservative approach to reinstating capacity following the pandemic with aircraft movements across both airline networks down by 12% and 13% respectively relative to 2019. Traffic has recovered more strongly at Heathrow, the main hub for British Airways, but British Airways took a different approach at each airport: the short haul flying programme was consolidated at Heathrow during the pandemic and a new short haul brand, BA Euroflyer, launched progressively at Gatwick. The pace of network recovery for easyJet and British Airways contrasts markedly with Ryanair and Wizz Air, the largest operators at Stansted and Luton respectively, with network traffic volumes exceeding pre-pandemic volumes by 21% and 37% respectively. It is these differences in strategy, combined with the level of slot constraints at each airport, which drive the recovery rates that airports have experienced, not delay at Gatwick specifically;²⁶⁰
- (2) the proportion of traffic at Gatwick operated by new airlines (e.g. Norse, Lufthansa, Ethiopian Airlines), and new business models (e.g. BA Euroflyer): these services typically take longer to establish brand awareness, stimulate the market and/or capture market share; and these factors have been compounded by the relatively short lead time for a number of these operators to launch operations and put capacity on sale. In 2023, approximately 14% of capacity was operated by carriers in this category. No other major UK airport has experienced this level of change in its traffic base following the pandemic.

1.8.78 Properly understood in this wider context, the York Aviation observations on delay need to be kept in perspective. Operational delay needs to be properly understood

²⁶⁰ [REP 3-079] para. 4.1.17.

and in any event not exaggerated. Current conditions are plainly not impacting on the demand for airlines to operate at busy hours or at other times of the day. Recent resilience improvements have reduced delay and others are planned. Modelling has shown that service levels will be comparable or better in the future baseline.

- 1.8.79 In any event, the current delays to which York Aviation draw attention in fact support the need for and benefits of the project. The only way to meet the dual objectives of satisfying unmet demand and improving the resilience of the airport is by granting consent for the Project. The persistent and material oversubscription for slots, the success which Gatwick has had in attracting new airlines and business models, and the willingness of airlines representing nearly 90% of passengers to enter into long term growth agreements clearly demonstrates the strength of the case for growth. Additional runway capacity will also provide opportunities to strengthen the resilience of the Airport's operation and, together with collaborative work across multiple stakeholders to improve aircraft readiness, the Project will help to support improved service levels for passengers.

Particular aspects of the future baseline forecasts: introduction²⁶¹

- 1.8.80 York Aviation have questioned²⁶² a number of assumptions in the forecasting work that should be uncontroversial, relating to the ability of Gatwick to achieve 67m passengers per annum under the future baseline case.
- 1.8.81 Again it is unclear where this query has been intended to lead, apart from suggesting that the delta between the future baseline and the Project may be greater and therefore have implications for the extent of environmental effects caused by the Project. As explained later, these concerns are misplaced. It does not suggest that there would be no demand for further services at Gatwick which could be catered for by the Project if consented. But in any event it is important to note the following preliminary points to place the outstanding issues in context.
- 1.8.82 First, the forecast future baseline growth to 67mppa is generated by a range of factors as identified above, within which the primary source of growth is aircraft size (9mppa), followed by peak spreading (5mppa) and then load factor (4mppa). Growth in the peak is the least significant contributor (2mppa) and is driven by the scope to increase some hours to the maximum hourly declaration of 55 movements per hour.

²⁶¹ See [REP 4-022].

²⁶² See eg [REP1-068] para. 6.22.

- 1.8.83 Second, whilst the airport has become increasingly constrained, growth has already taken place as a result of these factors. Gatwick knows its airport and its market and is aware of further demand and opportunities for growth, setting these out in its bottom-up forecast. York Aviation may disagree with that approach, but their questioning of the future baseline became increasingly focused on the detail of capacity increments and the identity of which airlines may take them up. This is the stuff of bottom up forecasts, which would not be revealed by more theoretical top down forecasts and it justifies, if further justification be needed, the granularity of the Applicant's bottom up approach.
- 1.8.84 Third, before considering each component of growth, it is important to recall that Gatwick added over 14 million passengers in the decade leading up to 2019. This equated to an average of 1.4 million passengers per year, or a 3.7% CAGR (compound annual growth rate). Under the future baseline scenario, growth is forecast at under half this historical rate: an average of 700k passengers are forecast to be added each year at a CAGR of just 1.3%. This hardly suggests a lack of realism in the forecasting.
- 1.8.85 Fourth, as described above, Gatwick has had recent success in attracting a number of services from carriers which also operate at Heathrow or who have decided to transfer their services from Heathrow to Gatwick. Airlines which have launched services from Gatwick over the last year and also operate from Heathrow include Lufthansa, Delta, Air India, Saudia, Ethiopian Airlines, Air China, China Southern, China Eastern, Azerbaijan Airlines and Singapore Airlines (from June 2024). In addition, Air Mauritius took the strategic decision to relocate its services from Heathrow to Gatwick with the first flight from Gatwick in October 2023. The Applicant acknowledges that capacity constraints at Heathrow may be a relevant consideration for some of these airlines but even if this is the case, these new services justify confidence in Gatwick's continued success in attracting new services.

Aircraft size and load factors

- 1.8.86 Turning to more detailed matters, the Applicant had thought that it had reached a measure of agreement with York Aviation, in particular regarding assumptions that relate to aircraft sizes and load factors. This does not now appear to be the case, although the dispute is not as marked as other aspects of the forecasting, in particular peak spreading. These aspects of the forecasting are addressed briefly below.

- 1.8.87 The York Aviation document at Deadline 3²⁶³ stated in relation to aircraft size and load factor that “the major part of the claimed growth in baseline airport throughput derives from aircraft size increases and increases in load factor” and that “the assumptions...regarding aircraft size appear more realistic in the light of recent aircraft orders by the principal carriers using the Airport”.
- 1.8.88 York Aviation did question whether the forecast growth in load factors could be sustained given that much of the forecast growth is off-peak where load factors may be expected to be lower. However, as set out above, Gatwick has experienced stronger growth in load factors in off peak services; and Gatwick has already recognised that the rate of load factor growth will slow - the growth in load factor (and average aircraft size) is significantly lower than historical trends.²⁶⁴
- 1.8.89 Dealing further with load factors, these have also increased at Gatwick over the decade leading up to 2019. In the 2010-19 period the average seats occupancy rate increased from 79% to 86% in 2019 having reached 87% in 2018. This is an increase of ~8% points in just 9 years. For the future baseline case, the Applicant’s forecasting of load factors (an increase to 90% in 2032, 91% in 2038 and 92% in 2047) amounts to growth of <6% points over a near 30-year period, resulting in a rate of growth significantly lower than historical trends.
- 1.8.90 Recovery in load factors is already well progressed, with 2023 returning to 84% and the first few months of 2024 were already tracking comfortably above 2023 (+1.5% YTD Q1). The applicant recognises that the rate of growth in historical load factors is not sustainable, but there is still opportunity to continue growth albeit at a slower pace, particularly in a constrained market.
- 1.8.91 Further growth in load factors should be expected reflecting:
- The constrained London market: With London forecast to experience more pressing constraints during the peak summer period, the lack of capacity and increased prices will support peak spreading to quieter months of the year. These trends are already well established at Gatwick as shoulder / off-peak season capacity and load factors have significantly outperformed the peak months; and
 - Carrier mix: Low cost carriers are continuing to increase their share of the short haul market. These carriers operate with high year-round load factors, often reporting year-round load factors of c90%. Full-service carriers have also responded by unbundling their products and increasing their load

²⁶³ [REP3-117] para. 46.

²⁶⁴ The details of this forecast trend are set out in the Technical Note on the Future Baseline [REP1-047] in Section 1.7.

factors. Further growth in LCCs and the ability of airlines to manage their capacity will provide further upside in load factors.

- 1.8.92 As for aircraft size, aircraft gauge has been a key driver in Gatwick's growth over the decade leading up to 2019. In the 2010-19 period the average seats per movement increased from 171 to 192, an increase of 13% or 21.5 seats per aircraft in just 9 years.²⁶⁵ By 2038 the future baseline forecasts that the average aircraft size will grow to 215 seats per movement (S/ATM) representing a further 12% increase compared to 2019 - but over a near 20-year time frame. By 2047 the Applicant forecasts S/ATM to approach 224 supported by airlines continuing to up-gauge fleets in a constrained London market.
- 1.8.93 These increases are entirely realistic. Future growth is well supported by evidence of fleet trends of many of Gatwick's key airlines and the future 12% increase by 2038 may in practice be considered conservative. EasyJet are Gatwick's largest airline so Gatwick's overall trends will be heavily linked to their performance. Their latest fleet plan shows that their average S/ATM will increase +16% by 2032 (176 to 205). The attractiveness to airlines is not difficult to understand: larger aircraft types enable airlines to increase capacity at constrained airports such as Gatwick, whilst decreasing unit costs and carbon intensity metrics. This is a common theme with similar trends reported at airports like Heathrow. There is no reason why it should not continue at Gatwick as the Applicant has assumed.
- 1.8.94 It should be emphasised that of the forecast growth in the future baseline from 47 mppa in 2019 to 67 mppa in 2047, the largest component is made up of forecast growth in passengers per aircraft.

Peak growth

- 1.8.95 As will be explained further below when dealing with the future baseline sensitivity analysis, although York Aviation has previously raised doubt on the busy day throughput achievable under the future baseline capacity assumptions, their own case (57 million passenger throughout) is largely aligned for peak day throughput. The Applicant assumes a peak day throughput of 954 ATMs in 2038 and 956 ATMs in 2047.
- 1.8.96 There is a difference however with York Aviation in relation to the busy month of August. York do make no allowance for quieter days in August to become busier. In contrast, the Applicant forecasts that growth in the off-peak in the peak month

²⁶⁵ See [REP1-052] at Section 5.2.

continues, in line with performance demonstrated pre-Covid. The position is as follows.

- 1.8.97 In relation to growth in the peak, the Applicant has always accepted this will be relatively limited in the future baseline. It readily acknowledges that ATM growth at Gatwick slowed from around 2016 as capacity constraints began to bite at the airport.²⁶⁶ York Aviation estimate that “*prior to the pandemic*” (the precise years are not explained) 70% of passenger growth was accounted for by growth in the number of passengers per aircraft and only 30% due to intensification of the use of the runway. This is not a surprise – the Applicant acknowledges and has explained these same trends, recognising²⁶⁷ that in the five years to 2019, flights grew by 11% but passengers grew by 22%. If that analysis was undertaken for the peak season, the Applicant estimates that peak runway demand only accounted for 19% of the growth in passengers.²⁶⁸
- 1.8.98 Nevertheless, it is right to allow for some increase in peak capacity through the addition of some flights into a typical day at the busiest time of year. Gatwick has recently (for 2024) increased its capacity declaration in the busy day by 12 slots. The ability to do this has been achieved through a number of measures to improve runway utilisation which include the construction of the RET. The declaration of the additional slots in the 2024 capacity shows the Applicant’s confidence in its runway capacity and ACL’s endorsement of that confidence.
- 1.8.99 An assessment of the principal components of the forecast²⁶⁹ further illustrates the limited and realistic growth in commercial ATMs that the baseline forecasts rely upon in the peak day. In the core day only an additional 26 commercial ATMs are forecast in 2047 (871), compared to the number flown in 2019 (845)²⁷⁰. 854 were flown in 2017, without the benefit of the new RET or other recent operational improvements. 17 extra movements per day compared to 2017 is a growth of just 2% in 30 years.
- 1.8.100 Looking forward, there is also opportunity to grow traffic throughout the busy month of August by more of its days becoming like the busiest day.
- 1.8.101 Flights on the off-peak days have been outgrowing the peak day:

²⁶⁶ See the Needs Case Technical Appendix Figure 2 [REP1-052].

²⁶⁷ In the Forecast Data Book [APP-075] at paragraph 10.1.1.

²⁶⁸ Table 1.

²⁶⁹ [REP4-022] Figure 1.

²⁷⁰ The forecasted number of ATMs referenced are related to commercial movement only, the capacity analysis considers all flights incl. positioning flights resulting in a 20 movement increase between the 2018 busy day (934 scheduled movements) and 2038 busy day (954 scheduled movements).

- 1.8.102 In 2019 the peak day in August achieved 928 ATMs whilst the quietest day reached 861 ATMs. In the 2014-19 period ATMs on these days grew more than 7% compared to the 4% growth on the peak day;²⁷¹
- 1.8.103 In 2014 the peak August day was 5% busier than the average August day. By 2019 the peak August day was only 3% busier than the average August day.
- 1.8.104 This ratio is forecast by the Applicant to decline to 2% by 2038 and ~1.5% by 2047 – a realistic and reasonable assumption. Demand clearly supports this approach and examples of airlines currently growing in quieter periods of the peak month was provided in Figure 3 of the Applicant's **Response to York Aviation – Capacity and Operations** [[REP4-022](#)]. This highlighted growth in the off-peak hours (including during busy months) from Vueling, Swiss, Wizz, Air India, Qatar Airways, several Chinese carriers amongst others. These movements include demand to/from Europe, China, Asia and other markets.
- 1.8.105 It is also right to allow for some increase in capacity through the addition of some flights not only on quieter days in the peak months but within the busy days.
- 1.8.106 Whereas York Aviation have questioned whether capacity would be added at particular times of the day (in the evenings especially), Gatwick has in fact successfully grown outside its busiest hours and continues to identify opportunities to do so.
- 1.8.107 For example, for the busy month (August), in the 2014-19 period ATMs in the 'core' hours of the day (0600-2000) only grew 5% whilst the off-peak hours (exc. Night) grew 20% (more than three times faster). The Applicant has also demonstrated²⁷² how the additional slots declared and released for summer 2024 can be compared with those declared in 2019, showing their spread across the day.
- 1.8.108 Further, forecast demand from the 2047 busy day schedule can be seen against achieved movements in 2019, again so that the time of the additional forecast movements can be seen, at several periods in the day. Information from ACL slot demand shows demand greater than capacity registered for all of these periods except 20:00 hours.²⁷³ The Applicant has also shown who may take those slots,²⁷⁴ by reference to identified time slots throughout the day, the type of growth and the airlines who would take it. The Applicant has also provided a list of 40 carriers using off peak slots after 17:00 at Gatwick. Of these carriers, slots at peak and off-peak times of the day have been utilised. For example, Air India, Wizz and others

²⁷¹ The peak day increased from 892 to 928 ATMs [+4%], whilst the quieter days increased from 828 to 887 [+7%].

²⁷² See Figure 2 in [REP 4-022].

²⁷³ This is shown at Figure 3 to York Aviation's most recent document [REF3-117].

²⁷⁴ See Figure 3 in [REP 4-022].

have added capacity in the evening departure period, a time considered relatively off-peak by the JLAs.²⁷⁵

- 1.8.109 Building on its recent success in attracting new airlines to operate services in the evening hours (such as the services operated by Air India), Gatwick has identified South East Asia as a growth market and is targeting additional services from carriers to make best use of this capacity. However there remains scope for growth through in bound evening flights from EU carriers, arrivals on flights from based aircraft and flights to Africa.
- 1.8.110 York Aviation's concerns about peak spreading assumptions are considered separately below. It suffices to record at this stage that the examination of the bottom-up forecasts prepared for the Applicant for the future baseline case have only reinforced their robustness. This applies as much to the question of peak spreading as it does to the other aspects of the forecasting work, for reasons that are set out below.

Peak spreading

- 1.8.111 A key area of focus for York Aviation is the level of peak spreading which has been assumed and the extent to which it is reasonable to assume that a similar level of peak spreading will be achieved - in both the future baseline and Project cases.
- 1.8.112 The Applicant's principal case on peak spreading, particularly in the disputed future baseline forecast, is set out in Needs Case Technical Appendix and its Technical Note on the Future Baseline, supplemented by further submissions²⁷⁶ including the Future Baseline Sensitivity Analysis and the Applicant's **Response to Deadline 5 Submissions – York Aviation** [[REP6-091](#)].
- 1.8.113 York Aviation's case has evolved from that set out in Appendix F: York Aviation Needs Case Review to the West Sussex Authorities Local Impact Report,²⁷⁷ which was concerned that the capacity to grow at peak times in the base case was affected by current levels of delay. It also claimed that the extent of peak spreading assumed was implausible,²⁷⁸ on the ground that compared to Heathrow (with its substantial component of long haul demand and its hub role, Gatwick is "*forecast to remain dominantly a short haul airport (67% in 2047 compared to 73% in 2019) whereby patterns of demand are much more seasonally peaked, particularly given*

²⁷⁵ [REP6-091] para. 3.3.4.

²⁷⁶ See Needs Case Technical Appendix para. 5.2.12-21; Technical Note on the Future Baseline [REP1-047] section 1.5; [REP3-079] para.s 6.28-30; [REP 4-022] section 2.3; [REP 4-037] sections 7 and 8; Future Baseline Sensitivity Analysis [REP5-081] sections 3.4.5 and 4.4; Applicant's Response to Deadline 5 Submissions – York Aviation [REP 6-091] section 3.3.

²⁷⁷ [REP1- 069].

²⁷⁸ Appendix F to [REP1-068].

*the substantial low fare airline presence at the Airport, with or without the Project, operating a large number of leisure routes”.*²⁷⁹

- 1.8.114 The Applicant notes the clear distinction being drawn by York Aviation between the essential functions of Heathrow and Gatwick. In later representations,²⁸⁰ however, the concerns appear to have been that the limited availability of peak slots would mean that those seeking new year-round services would not therefore come to Gatwick at all.
- 1.8.115 None of the points variously raised by York Aviation have merit; and the lack of balance in its position is confirmed by the failure to allow for any growth whatsoever in peak spreading in the future baseline.²⁸¹ This is simply unrealistic. The assumptions made by the Applicant are reasonable and suggest that the level of peak spreading assumed within the forecasts is attainable, for reasons that are set out below.
- 1.8.116 The important starting point is that there has been an historic trend of peak spreading in evidence at Gatwick. This has been summarised above but to confirm the position:
- over a 5 year period between 2014 and 2019, the seasonality ratio (of the average number of movements per day in the peak month to the average number of movements per day across the year) reduced by 4% from 1.22 to 1.17, equivalent to an annual average reduction of 0.8%.²⁸² This was driven by a combination of factors including a change in market mix, with an increasing share of long haul traffic, and financial incentives in bilateral²⁸³ agreements with airlines during the first ‘Contracts & Commitments’ regulatory period;²⁸⁴
 - in that 2014-19 period ATM growth on average across the year was 6% but off peak month ATMs grew 14%, i.e. the off peak months have been growing at more than twice the rate of the peak month (14% vs 6%);
 - when examining the passenger growth (rather than just ATMs), these trends are even more pronounced as load factor growth has been stronger in off-peak periods. The average day has grown 22% since 2014 whilst the peak day has only grown 10%;²⁸⁵

²⁷⁹ Para. 47.

²⁸⁰ Response to Deadline 3 Submissions: Case for the Scheme and Related Matters [REP4-052] at para. 26.

²⁸¹ Rule 17 Response to Further Information Request PD-018 [REP4-049] at para. 19.

²⁸² [REP4-022] para. 2.3.1-5.

²⁸³ [REP3-079] para.s 6.1.28-30.

²⁸⁴ 29 daily winter ATMs were added without any growth in the peak (2016-19): para.s 2.3.13 [REP 4-022].

²⁸⁵ Table 3 of [REP 4-022].

- Growth in the off-season is a demonstrated trend across all route groups:

- 1.8.117 In the 2014-19 period, all the major short-haul leisure-oriented routes (e.g. Malaga, Alicante, Palma de Mallorca, etc.) as well as more mixed (leisure/business) routes (e.g. Barcelona, Amsterdam, Dublin) provide strong evidence of peak-spreading. Demand growth was limited in the peaks but could still grow significantly in the off-peak periods of the year and Gatwick's airlines responded with additional capacity;
- 1.8.118 Gatwick's top 25 leisure routes (as ranked in 2019) saw ATM demand grow 11% in the winter months compared to just 0% in the peak summer months.
- 1.8.119 Gatwick's top 25 mixed routes (as ranked in 2019) saw demand grow 35% in the winter months compared to 19% in the peak summer months. Every major route at Gatwick demonstrated peak spreading as growth in the off-peak months strongly outperformed the growth achieved in the peak summer months;²⁸⁶
- 1.8.120 In more recent years when Gatwick was even more constrained in the summer period, Gatwick's airlines added significant new capacity in the off peak months. With a relatively stable busy day, the average ATMs in winter increased by 5%, equivalent to 29 ATMs per day.²⁸⁷
- 1.8.121 Growth in the off-season is therefore an established historical trend, which is confirmed by the behaviour of key airlines in the period leading up to 2019, when Gatwick was heavily constrained.
- 1.8.122 Between 2014-2019, easyJet demonstrated strong de-peaking trends: in 2014 August ATMs were 21% busier than average and by 2019 this ratio had fallen to 14%, a reduction of 32% (or 7% points). Detailed ATM analysis has highlighted that these trends were experienced across all route groups, including seasonal leisure routes (routes that only operate during summer season), other leisure routes (other leisure dominated routes) and mixed routes (which reflect a mix of leisure/business travel). Even more seasonal leisure routes which used to operate only in the summer months were in many cases operating by 2019 on a year-round basis or with longer seasons.
- 1.8.123 Other airlines such as Norwegian and Vueling also demonstrated strong de-peaking trends. Norwegian converted some short-haul flying to long haul, supporting a reduction in seasonality from 1.11 to 1.02. They added 10 new long haul routes between 2014 and 2019 which were being operated on a relatively consistent year round basis in addition to their short haul network focused on

²⁸⁶ See [REP6-091] Figure 2 and para. 3.3.23.

²⁸⁷ [REP 4-037] para. 8.1.10.

European cities. Vueling added 5 new routes between 2014 and 2019 (Paris, Rome, Alicante, Bilbao, Asturias) on a relatively consistent basis with their overall seasonality reducing by 8 basis points in this period.

- 1.8.124 Over time, as LGW's constraints will become even more pronounced, airlines will continue to add capacity at less peak times of the year. This will still include modest growth in the peak months although growth in off peak months will continue to outperform the peak periods.
- 1.8.125 In this context, and having regard to the extensive demand for capacity at Gatwick, the Applicant has then made reasonable assumptions about the extent to which peak spreading will continue. The following points arise.
- 1.8.126 First, the Applicant has already conservatively forecast that the rate of peak spreading will slow.
- 1.8.127 The seasonality ratio is forecast to reduce by approximately 8% points over the 28 year period between 2019 and 2047, equivalent to an annual average reduction of 0.3%. The annual rate of improvement in seasonality is therefore less than half of the rate achieved prior to the pandemic and in a market which was less constrained than is expected to be the case in the forecast period.²⁸⁸
- 1.8.128 The Applicant is aware that opportunities are reducing, which is why the rate at which Gatwick has reduced its seasonality is forecast to decline significantly. In the 5-year period from 2014-19 Gatwick's seasonality (ratio of average month of the peak month to the year round averaged) decreased from 1.22 to 1.17 (or 1.16 when adjusted for Thomas Cook's exit). A similar amount of spreading was forecast in the 2019-2032 period bring the ratio to 1.11 before declining towards 1.06 by 2047. Overall, a historical rate of decline in the ratio of 0.1 per year was achieved compared to the future forecast rate of 0.04 per year.
- 1.8.129 Second, the Applicant and ICF have reviewed the latest seasonality trends for some of Gatwick's key carriers,²⁸⁹ which highlight both that new entrants are generally operating with consistent year round schedules, and that a number of incumbents are now operating with reduced levels of seasonality compared to the pre-pandemic period. While traffic volumes in the winter season have generally recovered more slowly than in the summer season, these off-peak periods are nonetheless continuing to grow strongly.

²⁸⁸ See Figure 25 of the Needs Case Technical Appendix [REP1-052] which shows the historic and forecast evolution of the seasonality ratio.

²⁸⁹ See Table 13 of the Needs Case Technical Appendix.

1.8.130 There are a number of recent examples which support the reality of this type of growth.²⁹⁰

- Airlines will operate longer seasons: even during the peak season there is a degree of seasonality and many markets have seen the length of the season extend;
- Intra-airline slot swaps: airlines have shown a preference to swap short haul slots to year-round flying. For example, pre-Covid BA and Norwegian converted some of their short haul slots to long haul flying to 'fund' the growth of their wide body network;
- Inter-airline slot loans: airlines will sometimes 'loan' their slots to other airlines: BA has recently lent slots to airlines including Qatar and Vueling which operate more consistent year-round flights than BA;
- Inter-airline slot transactions: as set out above, there is a well-developed slot market exists at Gatwick with daily slot pairs (i.e. a daily arrival and departure slot) selling for close to £3m pre-Covid. This highlights the strong underlying demand for Gatwick. In the 2011-21 period slot transactions affected nearly 20% of Gatwick's total slot capacity. All recent slot trades at Gatwick have resulted in improved year-round utilisation (Wizz Air, BA, Vueling, easyJet have all been airlines to purchase slot)s. Future transactions are expected to continue and are common at constrained airports such as Gatwick. These transactions and ongoing market consolidation amongst airlines will provide further evolution of Gatwick's traffic base in the next 20 years. As slots become increasingly scarce and valuable it makes obvious commercial sense that they will be used more consistently across the year;
- Slot pool/churn: incremental slot capacity will come from the 'slot pool', for example modest incremental capacity has been declared in recent years supporting further growth in peak and off-peak hours. Virtually all capacity allocated from the slot pool post Covid has resulted in airlines entering Gatwick with very low levels of seasonality. Airlines include, Air India, Air China/China Eastern/China Southern, Air Mauritius, Saudia, Delta, Ethiopian, Air Peace (Nigeria), Singapore Airlines, AZAL (Azerbaijan), Wizz (various);²⁹¹
- Slot allocation: in order to optimise capacity, any slot capacity that becomes available from the 'slot pool' will be allocated by the slot coordinator favouring operations by airlines operating larger aircraft on year-round markets. IATA's

²⁹⁰ See [REP4-022] para.s 2.3.9-2.3.10.

²⁹¹ [REP 4-022] para.s 2.3.9-10. A summary of the growth provided by many of these carriers (excluding those entering Gatwick in 2024) is provided at Table 3 of that document.

slot guidelines for the allocation of slots explicitly prioritises larger aircraft on year-round markets.²⁹²

- 1.8.131 The evidence submitted demonstrates that airlines are willing to take slots at off peak times, and that those slots will continue to support greater levels of year-round capacity. Uptake of capacity (peak / off-peak) has been dominated recently by carriers operating year-round operations with limited levels of seasonality. For example, Air India, Air China, China Eastern, Air Mauritius, Saudia, Air Peace (Nigeria), Ethiopian, China Southern, AZAL (Azerbaijan) and Singapore Airlines are all examples of long-haul carriers using the airport since Covid. Short haul carriers currently growing significantly, or new entrants include Vueling, Wizz, ITA (formerly Alitalia) and others. Again, it is clear that from their operating profiles they are operating relatively consistent year-round schedules, all with lower seasonality compared to Gatwick's historical average.²⁹³
- 1.8.132 The Applicant has provided a list summarising the main growth carriers in 2024 compared to pre Covid, some of which are commencing operations mid-way through 2024.²⁹⁴ All the major new carriers have entered Gatwick without the need for additional slot release and are providing year-round capacity.
- 1.8.133 By the 2030s, demand is forecast to grow significantly, and this increased demand will present itself across the year. The peak months will be constrained. However, demand will still continue to grow and we can expect to see demand 'spilling' from the peak months to off peak months as well as the ongoing growth already expected in these months. Airlines will respond by adding capacity with new services as well as extending the seasons they operate on some routes.
- 1.8.134 Third, the trends explained above will be encouraged by Gatwick's seasonal charging structure.²⁹⁵
- 1.8.135 The Applicant has produced detailed evidence of the seasonal pricing it has introduced to incentivise off-peak traffic. Unlike many other airports, Gatwick has moved to seasonalise their charges which means that airlines are incentivised to fly in the off-peak periods. To do this Gatwick does not charge an ATM related fee in the winter months (November – March) and in the summer season the charges are varied with higher charges in place for the peak months (Jul-Aug) and peak hours (e.g. departures in 05:00-08:59 window). When combined with Gatwick's passenger and other related charges, the discount is material. For example, a

²⁹² See [REP 3-079] para.s 6.1.29.

²⁹³ See [REP6-091] para.s 3.3.4 and 3.3.16 referring to Needs Case Technical Appendix [REP1-052] at Table 5.2.17 and in response to the ExA's Question CS 1.17 [REP3-084].

²⁹⁴ [REP6-091] Table 2.

²⁹⁵ See [REP4-037] Action 7.

short haul operator can expect a discount of 39-44% when operating a winter service compared to summer service. These published incentives are available to all airlines that have not negotiated bilateral agreements with the airport.

- 1.8.136 As set out above, Gatwick also negotiates bilateral agreements directly with many of its airlines, this means the airlines agree with Gatwick an agreed rate and this is intended to benefit both parties. For example, airlines typically receive a discount in exchange for supporting growth targets (e.g. x million passenger growth or total volume). Within these bilateral deals Gatwick has started to introduce stronger pricing signals intended to support factors including off-peak growth, up-gauging to larger aircraft and other targets. These pricing signals have the potential to be increased providing airlines with support to increase flying in the off-peak. Just like any business, Gatwick keeps these matters under review but they are a useful tool in optimising the use of spare capacity.
- 1.8.137 York Aviation acknowledge this tool:²⁹⁶ *“We do accept that, on the margin, price incentivisation may allow for some extension of the operating season for services that currently only operate at peak periods but we have not separately calculated this as it is likely to have a relatively marginal impact within the range of outcomes set out below.”* To be fair a more generous recognition of its effect would have been appropriate.
- 1.8.138 Fourth, the very recent performance of the airport suggests a continuing trend of peak spreading. During the most recent winter season (November 2023 to March 2024), passenger volumes at Gatwick Airport increased to 14.0m, representing a year-on-year increase of approximately 14%. This is ahead of the current summer performance where passengers have grown 5% (YTD May Summer 2024 vs Summer 2023).
- 1.8.139 Fifth, benchmarking supports the reasonableness of the seasonality assumptions included in the forecasts. For example, the seasonality ratio for Ryanair’s operation at Stansted averaged circa 1.07 over the period from 2013 to 2019, comparable with the level which the Applicant has assumed for the Airport as a whole by 2047.²⁹⁷ This benchmark is considered to be particularly relevant in the context of (i) the scale of Ryanair’s operation at Stansted, which is similar in size to easyJet’s operation at Gatwick and (ii) the nature of Ryanair’s operation as a short haul low cost carrier with a leisure focus – factors which York Aviation suggest are likely to result in higher seasonality ratios.

²⁹⁶ See the JLA’s Rule 17 Response [REP4-049], para 20.

²⁹⁷ [REP 4-022] para. 2.1.3.

- 1.8.140 Sixth, in the absence of the Project, the avenues through which Gatwick and its airline customers can seek to grow and satisfy unmet demand will be more limited and this will increase the focus on those avenues – such as improved seasonality – which are available. Under these circumstances, the seasonal price signals offered under the published tariff and bilateral agreements may be stronger, which would, in turn, support peak spreading. The interests of both Gatwick and the airlines are served through differential charges and bilateral agreements aimed at incentivizing the use of year round capacity and how the creative, commercial use of existing slots is enabling both Gatwick and the airlines to benefit from growth when peak capacity is limited.²⁹⁸
- 1.8.141 Seventh, an improvement in seasonality is consistent with the ambitions which airlines have communicated publicly. For example, easyJet's full year results presentation for the year ended 30 April 2023 states that one of the airline's medium term targets is to restore winter capacity with a view to driving productivity and utilisation gains.
- 1.8.142 Eighth, Gatwick can draw confidence from its well-established pipeline of demand, and proven track record for developing services and attracting new airlines. As demonstrated through the examination,²⁹⁹ many of the services Gatwick was forecasting in 2018/19 have now materialised giving confidence in their approach.
- 1.8.143 The bottom-up assumptions regarding airline/aircraft selection by region reflects a wider pipeline of demand that Gatwick has assessed, as it has done before. Whilst not all predictions may materialise there are plenty of viable substitutes. For example, one carrier assumed in the Middle East (e.g. Emirates or Qatar), may well end up being replaced by another carrier over the course of a long-term forecast (e.g. Etihad, Saudia, etc.). Gatwick has already grown in all the markets which are stated in the pipeline, e.g. India, Asia, China, Africa, with the one exception of South America which is projected to grow before the NRP is to open. The depth of demand for London and for Gatwick means that all regions have credible growth opportunities. The critical part is to identify those regions and work with many carriers so that there is always a carrier from the pipeline ready when there is availability. This is what Gatwick has been doing and it is a significant reason why it is a successful airport. Its assumptions are supported by wider top-down assumptions regarding the global regions forecast to drive market growth in the long run (e.g. India, Asia, Middle East, etc).

²⁹⁸ See further details in section 7 of The Applicant's Response to Actions ISH7: Other Environmental Matters [REP 4-037].

²⁹⁹ See Needs Case Technical Appendix [REP1-052] and The Applicant's Response to the ExA's Written Questions (ExQ1) - Case for the Proposed Development [REP3-084] CS 1.17.

- 1.8.144 Ninth, with respect to whether it is reasonable to assume that similar peak spreading will be achieved in both the future baseline and the Project cases, as acknowledged in the York Aviation report, market mix is one of the key drivers of the seasonality profile with long haul operations typically demonstrating a less seasonal profile than short haul operations. The forecasts show that the market mix assumptions in both cases are very similar.³⁰⁰ It is far from clear why York Aviation consider that there should be a materially different seasonality profile when the incremental capacity only accounts for less than 20% of baseline ATM demand.
- 1.8.145 York Aviation have alighted on a recognition by the Applicant that Gatwick is “full during the peak summer season and the scope for additional services is therefore very limited, particularly as airlines will not launch new services without access to the lucrative peak summer slot capacity where the most profitable opportunities lie”.³⁰¹ However this ignores the wider context as set out above. The Applicant has always recognised that the scope to launch new year round services is limited because of constraints on peak capacity (indeed this is an important element of GAL’s need case). Nevertheless, some increase in peak season (if not peak hour) capacity can be achieved, enabling new year round services – demonstrated by the increase in declared capacity for summer 2024 (see above). The creation of new peak slots is not necessary to achieve year round services: slots are regularly traded at Gatwick, allowing new entrants to upgrade to year round services; equally, some airlines choose to lend out their slots when they are not using them, whilst others can utilise their slots for different services across the year or change the use of their slots to year-round services. Recent trends demonstrate significant growth by airlines in the off-peak months. Once Gatwick’s currently recovering traffic profile has returned to pre-Covid behaviour and the impact of year-round new entrants have been accounted for, Gatwick will have further de peaked. This trend is not unique to Gatwick.
- 1.8.146 It is categorically not the case, therefore (as York Aviation suggest) that Gatwick has only ‘de-peaked’ as it has released peak slot capacity which has subsequently been used for year-round operations, thus being the only driver of peak spreading. The vast majority of Gatwick’s growth in recent years has been attributable to the in-filling of quieter days and months of the year. The Applicant has also provided further information to demonstrate that growth outside peak periods relies on peak slots:³⁰²

³⁰⁰ See Table 9.3.1 of the Forecast Data Book [APP275].

³⁰¹ [REP 3-079] para. 6.1.32.

³⁰² [REP6-091].

- between 2014 and 2019, Gatwick's slot capacity increased by just 14 movements (from 856 to 870 daily slots in the 17-hour day period, 0500-2159. In the same period Gatwick's average daily slot utilisation increased by 71 movements per day (annual average of 698 to 769 daily ATMs). Even if 100% of the newly released peak time capacity was taken up by year-round services (i.e. the 14 slots released between 2014-19), then the remaining 57 incremental ATMs are all attributable to peak spreading;
- Put another way, the release of 14 *extra slots on a peak day* was worth 4k annual ATMs; the infilling of *quieter hours on peak days* was worth 7k annual ATMs; the *quieter days in the peak month* continued to grow without new capacity (worth 4k annual ATMs); and the *quieter months* have out-grown the peak months - this was worth 11k annual ATMs;
- it can be seen therefore that historically just 15% of Gatwick's annual ATM growth is attributable to the release of new capacity whilst 85% is directly related to peak spreading.³⁰³

1.8.147 Over time, as LGW's constraints will become even more pronounced, airlines will continue to add capacity at less peak times of the year. This will still include modest growth in the peak months although growth in off peak months will outperform the peak periods.

1.8.148 The more general claim that this historic trend will effectively stop (which is in effect the York Aviation case), such that no further peak spreading will occur, is not credible either. It appears to be based on the suggestion that the recent performance of Gatwick is not consistent with previous trends. However this is a short-sighted and partial view which ignores a clearly established pattern, as well as continuing pre-Covid growth that is re-establishing the correlation between constraints at Gatwick during the peak months generating demand by airlines for slots at less busy times of the year instead.

1.8.149 In the short term, Gatwick has re-peaked to some degree, however as set out above passenger volumes in the recent winter season have outgrown current summer months, and in any event the market is completing its recovery mode following the pandemic. Constraints across the London airports' runways are not quite as pressing as they were in 2019. However, growth continues to return.

1.8.150 As growth continues, historical trends will reassert themselves. In 2023 London handled 1.04m ATMs, which is comparable to 2014's 1.01m ATMs. In 2023 Gatwick handled 257k ATMs, which is comparable to 2014's 255k ATMs. The constraints that supported Gatwick's de-peaking over the subsequent period, as

³⁰³ [REP 6-091] Figure 1.

set out above, are now starting to return. Whilst recovery has been driven by the leisure segment, this only reflects a continuation of trends as leisure segments have supported overall levels of London demand growth leading up to 2019. This segment has demonstrated significant levels of peak spreading at Gatwick in the years leading up to 2019. As demand continues to recover, runway constraints will return and then pre-Covid trends will once again become apparent.

- 1.8.151 York Aviation also seek to draw inappropriate comparisons with other airports in an attempt to cast Gatwick peak spreading performance in an unfavourable light.
- 1.8.152 Comparing Gatwick to other UK airports such as Manchester is not relevant, albeit the charts provided by the York Aviation [[REP7-102](#), Figures 1 and 2] do tend to highlight Gatwick's consistent declines in seasonality without the addition of peak period capacity - in the 2014-19 period, LGW's ATM seasonality decreased by 22% whilst airports including Birmingham and Manchester saw negligible shifts. The airports benchmarked by York Aviation are not constrained, so the market factors that have historically driven Gatwick's peak spreading are not present at these other airports.
- 1.8.153 Heathrow's flatter seasonality is driven by binding constraints (the ATM planning cap in particular) rather than York Aviation's incorrect suggestion that connecting passengers vary significantly throughout the year (in 2023 its transfer passenger profile was very consistent through the year: in the peak summer months (Jul/Aug) LHR transfers accounted for 22.5% of total passengers, which can be compared to the winter off peak months (Nov-Mar) which averaged 22.8%). But in any event by way of comparison, Heathrow's busy month ratio has averaged <1.04 over the 2009-2019 period and in several years was low as 1.03. Gatwick's future ratio of ~1.06 would therefore be twice that of Heathrow's historical ratio.
- 1.8.154 The lack of realism in the York Aviation position is further demonstrated by their approach to proposing alternative forecasts for the purposes of the future baseline sensitivity exercise.
- 1.8.155 As the Applicant's Response to the Rule 17 letter explains, they make no allowance for peak spreading in the baseline case.³⁰⁴ They maintain the August 2019 seasonality ratio of 1.16 in both of their alternative future baseline forecasts. This has equally unrealistic knock-on effects for the Project case in particular that to achieve their peak spreading assumptions in the Project case (reflected in a seasonality ratio of 1.13), they must assume that every movement added by the Project is perfectly peak spread at a ratio of 1.00 – in other words that all new slots

³⁰⁴ [REP 5-081] para.s 2.1.14 and 3.43.

operate at all times of the day.³⁰⁵ This is all entirely unrealistic. In the baseline case, further peak spreading should be expected, reflecting the factors set out above, all of which properly assume that demand will continue growing in months outside August. If peak spreading is envisaged by York in their Project case, there is no sensible basis for excluding it as a matter of principle in the future baseline.

1.8.156 In summary, peak spreading trends are well established at Gatwick and many factors will continue to support further de-peaking in the time horizon considered within the future baseline and Project forecasts. The York Aviation claims relating to the detailed forecasting work carried out by the Applicant have not been substantiated, either by a coherent approach to the different headline assumptions they have made, or by detailed evidence to underpin those assumptions.

Planned or potential capacity at other airports

1.8.157 At various stages of the examination York Aviation has repeated concerns that the Applicant's core forecasting is based on the assumption that no additional airport capacity is consented across the London airport system over the period to 2047.³⁰⁶

1.8.158 These concerns were understood to have focussed on the potential delivery of capacity by way of Heathrow R3, but it appears now that York Aviation is not suggesting that this is necessary. They have suggested more recently making an allowance other airport expansion including "*some additional capacity*" at Heathrow.³⁰⁷ An earlier suggestion³⁰⁸ was for a 15% increase in capacity brought about by Heathrow introducing "mixed mode." It is notable that York Aviation does not actually posit that the development of R3 must be assumed. The basis for their latest suggestion is entirely unclear but there is no support for it in planning policy anyway and has never even been suggested by Heathrow.³⁰⁹

1.8.159 The Applicant has, in fact, modelled the effects of alternative scenarios on its growth forecasts, in sensitivities that assume existing consented capacity plus R3 opening in 2035, as well as the Luton DCO and expansion at London City. The outcome of that work has been set out above, as has the rationale for treating these potential developments as sensitivities.

1.8.160 York Aviation also raise questions regarding the demand that Gatwick can "reasonably hope" to attract³¹⁰ as part of the forecasting exercise. These appear

³⁰⁵ Para. 3.4.4.

³⁰⁶ See eg [REP 5-094] Appendix III para. 19.

³⁰⁷ [REP5-094] Appendix III para. 19.

³⁰⁸ At para. 39 of Appendix B to its Deadline 3 submission [REP3-117].

³⁰⁹ [REP6-091] para. 3.4.17.

³¹⁰ As recorded in the Applicant's Appendix E: Response to York Aviation's Deadline 4 Submission [REP 5-077] section 3.

to relate mainly to demand that “*could only realistically be met by Heathrow*”³¹¹ (in particular the transfer element of demand at Heathrow), but also to other elements of demand that are specific to other airports, given their relative remoteness of parts of their catchment areas north of London to Gatwick.

- 1.8.161 These questions seem to imply that the Applicant has not understood the size of the market in the south east or the relevant catchments, or that it has wrongly assumed that it can attract transfer passengers from Heathrow.
- 1.8.162 However, the Applicant has responded to any technical points York Aviation have raised on how it has assessed the size of the market (using the Government’s up to date forecasts of aviation demand).³¹² It has also addressed the extent of transfer traffic and as set out above, its case has never relied upon attracting transfer traffic from Heathrow. Its position can be summarised as follows.
- 1.8.163 First, the need for additional capacity at Gatwick exists now both to meet documented un-met demand and to overcome constraints at the airport which impact severely on its resilience.
- 1.8.164 Second, with or without the NRP Gatwick does already attract long haul traffic - indeed, it is the only airport apart from Heathrow with the proven ability to do so - but the Applicant does not claim that Gatwick is or should become a hub airport. The Project is not based on achieving this purpose to the detriment of Heathrow; Gatwick has always been and would remain, primarily, a point to point airport.
- 1.8.165 Third, Gatwick will continue to serve:
- 1.8.166 Point to point routes where demand is typically large enough to justify several carriers on a route: connections may support some carriers but they are not a pre-requisite to serve these destinations. Examples include New York, Orlando and Barbados;
- 1.8.167 Connectivity into non-UK hubs: many of the largest O&D markets from London are served by carriers operating hubs at the non-London end of route. This enables traffic to travel via these hubs, often to markets unserved from London or not large enough to warrant further non-stop capacity (e.g. London-Dubai-Kathmandu). Examples include Dubai, Hong Kong, Shanghai and Chicago.
- 1.8.168 Fourth, given that Gatwick’s use of incremental runway capacity will be largely used by passengers originating or terminating in London, it will therefore deliver more efficiently for the UK passenger/economy. Rather than improving

³¹¹ See section 3.1.1-3.

³¹² See its Appendix B - Response to the West Sussex Authorities Appendix F Needs Case [REP3-080].

connectivity for non-UK passengers (e.g. India to US via London), the benefits will be delivered in the UK.

- 1.8.169 Fifth, by contrast, Heathrow attracts and serves a substantial volume of transfer passengers. Heathrow's position as a competitive hub today³¹³ is dominated by British Airways which operates an effective hub strategy feeding passengers between their arrival and departure traffic patterns throughout the day. Their operation along with partner airlines supports strong connectivity between Europe and North America as well as other flows including North America to Asia and Africa. Heathrow's published data shows its estimate that 23% of Heathrow's passengers are passengers transferring between flights (2019 and H1 2023). Gatwick and other airports play a complementary role. The equivalent figure for Gatwick is 2%; and it is forecast to remain so.³¹⁴ The airports are complementary in their function and the UK needs them both to be successful.
- 1.8.170 Sixth, the Applicant recognises that Heathrow will continue to maintain its hub position in the UK, continuing to play a key role in UK connectivity as well as hub connectivity. Other markets have naturally started to catch up and are supported by much faster growing market economies and populations, for example airports in Turkey, the UAE, India, Saudi Arabia will benefit from faster growing economies in the decades ahead. However, the UK (i.e. Heathrow) will continue to feature prominently as a hub owing to its strong geographical location for many transfer flows (e.g. Europe to North America) whilst other airports (e.g. Dubai, Istanbul) are better placed to benefit from flows involving faster growing markets in Asia. Many of the markets that passengers access via hubs such as Dubai, Hong Kong, Atlanta will remain unserved from London.
- 1.8.171 Seventh, if Gatwick achieves some enhanced connectivity with overseas hubs, passengers will benefit but Heathrow already has and will continue to have stronger connectivity with overseas hubs. Equally if Gatwick achieves point to point connections with other airports the role of hub airports is unaffected.
- 1.8.172 Eighth, Gatwick will be able to support Heathrow's position as a hub airport as Gatwick and its airlines will not provide a competing hub proposition. To the extent that Gatwick would serve an increasing share of the UK's long haul market, this will take some pressure away from Heathrow and supporting its airlines in being able to continue their hub operation. Without the Project, more transfer demand would likely be priced out of Heathrow (since transfer passengers are typically the most price sensitive and airlines favour 'local' passengers due to their higher

³¹³ See Applicant's Response to the ExA's Question CS 1.25 [REP 3-084].

³¹⁴ For the forecast figure see Written Summary of Oral Submissions from ISH1 Case for the Proposed Development [REP 1-056] para. 4.1.9.

yields).³¹⁵ This was predicted by the DfT's modelling approach at the time when both Heathrow and Gatwick were being considered for new full-length runways. The DfT 2017 traffic modelling outputs show that under a 'no expansion' scenario, Heathrow's transfer demand was forecast to decline to just 4.7 million passengers in 2050. However, under Gatwick R2, Gatwick's performance enabled Heathrow to serve 10.9m transfer passengers which is 131% more transfer demand than the 'no expansion' case. The Project is a very different proposition to Gatwick R2, but this work helps illustrate that expansion at Gatwick should not be assumed to affect Heathrow's hub position and may help support it.

1.8.173 Ninth, the factors have been reflected in the sensitivity analysis which considers the potential implications of a third runway at Heathrow.³¹⁶ The Applicant has acknowledged that R3 would take back a substantial extent of long haul volumes that Gatwick had – to the benefit of the UK - catered for in the interim. Gatwick would still go on to meet a substantial demand for short haul, reflecting its existing strong position in this market segment. Gatwick has not sought to claim long haul traffic at the expense of Heathrow and its associated hub role. The absence of the third runway at Heathrow seriously inhibits Heathrow's ability to attract more long haul traffic and it is helpful to Gatwick (and nationally) that Gatwick is able to secure some of that long haul traffic in the meantime. Nevertheless, with new available capacity at Heathrow, the Applicant recognises that a large proportion of long haul traffic would revert to Heathrow,³¹⁷ whilst Gatwick would consolidate as a lower cost, complementary airport playing an important role as part of the wider market offer. The fact that the Applicant forecasts the loss of long haul traffic to Heathrow if a third runway opens at Heathrow confirms the lack of any threat from Gatwick to Heathrow's status.

1.8.174 For all these reasons, the Project would plainly not attract demand that York Aviation suggest should reasonably go to Heathrow; and in terms of the policy on which the JLAs rely it would for the same reasons meet a need that is additional to or different from that which would be served by a third runway at Heathrow. The fundamental point however is that allowing Gatwick to grow as forecast would comply with government policy that is intended to support airports such as Gatwick from making best use of their existing runways.

³¹⁵ See [REP 3-080] section 2 and [REP 3-084] CS1.25.

³¹⁶ See ES Appendix 4.3.1: Forecast Data Book [APP-075] and Needs Case Technical Appendix [APP-251 – APP-252] in Section 7.

³¹⁷ It is notable that York Aviation was content to forecast and advocate for long haul point to point traffic at an expanded Luton Airport (where the forecast growth in ATMs was larger than GAL forecast at Gatwick) but now suggests that it is somehow inappropriate at Gatwick.

- 1.8.175 It should also be emphasised that it is the absence of the third runway, rather than the development of the Project at Gatwick which prevents Heathrow meeting its full potential as a hub airport. The Project is not a threat to Heathrow’s hub status, or to its third runway project, but the country is not obliged to wait for the third runway before making best use of its existing capacity. To do so would “*negatively impact the UK’s direct connectivity and potential for economic growth*”.³¹⁸
- 1.8.176 In the end York Aviation now accept that the Project would “*not threaten the development of the hub at Heathrow*”.³¹⁹
- 1.8.177 Any earlier suggestion that in circumstances where supply of airport capacity exceeded demand, growth at Gatwick to the full extent claimed would undermine Heathrow’s hub role was entirely unsubstantiated. No credible evidence to this effect has been advanced by any party.
- 1.8.178 Similarly, any suggestion that the Project may result in an erosion of point to point demand at Heathrow, undermining its hub role, because flights are made viable by a combination of point to point and transfer demand at a hub, was misplaced. The approach taken by the Applicant as set out above plainly does not focus on transfer passengers alone. In any event it was simply illogical to assert that the Applicant could attract services from Heathrow which are made viable by a combination of point to point and transfer demand. By definition, such services will stay at Heathrow.
- 1.8.179 As for the remaining contention, that airlines would choose to meet point to point demand at Heathrow, so reducing the forecasts of demand for Gatwick with the Project,³²⁰ the likelihood that a third runway at Heathrow would be likely to take growth from Gatwick is explicitly recognised as part of the Applicant’s case, as set out above. Sensitivity tests which assume Heathrow R3 and other airport developments do come forward show that this would result in some short term over capacity in the London market, but also that this would involve a substantial number of trips being taken back by Heathrow. The Applicant recognises that a significant proportion of such long haul traffic would be likely to switch to Heathrow in the event that a third runway was built.
- 1.8.180 In itself, that recognition (in fact emphasised by York Aviation)³²¹ not only confirms that the Project cannot be a threat to Heathrow’s third runway or its role as the hub airport – it demonstrates that meeting demand which cannot currently be satisfied

³¹⁸ To quote Heathrow’s Written Representation [REP1-192] para. 1.6.

³¹⁹ [REP6-099] para. 12.

³²⁰ See para. 3.1.6-12.

³²¹ See [REP 5-077] para. 3.1.3.

elsewhere is a clear benefit of the Project, not a criticism. The fact that the Project can be open in 2029 suggests that it may uniquely be able to serve a role in meeting critical demand that would otherwise be lost to the UK, for at least a 10-year period. In policy terms, substantial benefit rather than harm arises given the importance that the ANPS and other up to date aviation policy attaches to meeting demand and enhancing the UK's connectivity.

- 1.8.181 The potential to have sufficient capacity, with complementary provision between Heathrow and Gatwick and a genuine choice between airports in the south east more generally should not be regarded as a disadvantage. It is not seriously disputed that the south east suffers a shortage of aviation capacity. Demand substantially exceeds capacity, particularly at Heathrow and Gatwick and is forecast to grow. Heathrow has been “full” for over a decade. What is meant to happen, for instance to the long haul demand that cannot physically be accommodated at Heathrow, or the short haul demand that airlines are patently looking to serve specifically at Gatwick. Is the UK to continue forego that demand and, if so, how can that be said to be desirable or consistent with government policy?
- 1.8.182 Ultimately the position of York Aviation appears to be not that any assumptions about the development of Heathrow remove the need for the Project; rather it is that they may decrease the Project forecasts which, when combined with their concerns about the future baseline forecasts, generate different effects which may need more appropriate controls put in place. Those concerns are misconceived for reasons that are set out below when addressing the future baseline sensitivity work. However even on the York Aviation assessment, they do not come close to undermining the need case based on meeting forecast demand.
- 1.8.183 In so far as York Aviation may question the ability of Gatwick to compete and therefore deliver on the growth assumed in the forecasts, this entirely misrepresents Gatwick's position in the marketplace.
- 1.8.184 Gatwick has historically performed well in the London market and is by far the second largest London airport after Heathrow. As set out above, it serves the most extensive network. Unlike Luton (which has no long haul), it is able to serve all airline and market segments. Stansted has limited overlap with Gatwick's catchment and does not successfully serve segments like the long haul market.³²² Gatwick is the number one ranked airport for the short haul market

³²² Stansted had <400k long haul passengers (only Dubai) in 2019 and 2023. See CAA passenger statistics, 2019/2023, [REP1-052 para./chart at 2.4.9.

(excluding transfers). It has a strong track record for growth whilst only releasing relatively limited incremental slot capacity given its single runway constraints.

- 1.8.185 In achieving this growth it has been the favoured airport of choice when compared to Stansted and Luton in particular:
- 1.8.186 Carriers such as easyJet, Wizz, Vueling, Norwegian have tried to prioritise growth at Gatwick³²³. Between 2005 and 2015, easyJet prioritised their growth at Gatwick over the other London airports. By 2015, it had added 12.3m passengers at Gatwick to reach 17m, whilst at Luton and Stansted their demand had reduced by 160,000 and 2.3m respectively.
- 1.8.187 After Heathrow, Gatwick is the only other London airport with an established secondary trading market highlighting the airlines' confidence to make above average returns – it is preferable to invest millions getting access at Gatwick than to fly from existing capacity at Luton or Stansted;
- 1.8.188 Carriers such Norwegian pulled all their capacity from Stansted when they accessed Gatwick slots. Long haul has a very limited record at Stansted, with only a service to Dubai operating today. US and Asian markets have been tried but failed. Gatwick has an established network to both these regions and others.
- 1.8.189 These factors indicate the unlikelihood of airlines passing up a one-off opportunity to increase their presence at Gatwick rather than wait and risk obtaining no access at all.
- 1.8.190 The Applicant is able to provide capacity before any other scheme, by around a decade. It represents an immediate and funded commitment to deliver much-needed extra capacity in the system, when there is no evidence of when or if R3 will come forward.
- 1.8.191 Its delivery would in any event complement R3 – the Applicant recognises that some of its traffic gains under the Project would arise (as they already have) through a constrained Heathrow. This is similar to how other airports such as Luton benefited from Gatwick's own capacity constraints leading up to 2019. If Heathrow R3 were to open in the late 2030s it would take back long-haul traffic forecast initially for the Project; however Gatwick would retain its established position as a favoured airport for short haul point to point demand, serving full service, low cost, charter and regional airlines (whereas Heathrow only serves the full service segment with some of their partner airlines.³²⁴ With growth in the short-

³²³ [APP-250] para.s 4.1.15-17.

³²⁴ [REP1-052] Chapter 3.

haul market virtually all attributable to LCCs (where Heathrow is already expensive and likely to remain even more so after bearing the cost of R3), it is unlikely that Gatwick will lose its position. Gatwick is therefore confident in its abilities to continue to attract all airline business models which serve the London market successfully from Gatwick today.

1.8.192 More specific claims by York Aviation that the overlap between Stansted and Gatwick is “substantial”, and that growth would slow after the initial release of peak period are also wide of the mark.

(3) The Applicant has provided a detailed profile of Gatwick and other airports’ core catchments³²⁵ which show that Stansted has a limited overlap in catchment with Gatwick³²⁶:

1.8.193 In Gatwick’s top catchments it achieved >40% share of demand, compared to 12 % for Stansted;

1.8.194 In the long-haul market, Stansted barely features and does not provide any material overlap due to the lack of connectivity (there being just a single route);

1.8.195 Treating London as one catchment is simplistic as areas and boroughs behave differently – by way of example, in the south London boroughs Gatwick typically achieves a share of 40% compared to Stansted’s 15%;

1.8.196 Gatwick provides more competition to Stansted than Stansted is able to provide to Gatwick – again by way of example, in the north London boroughs, Stansted achieves a c30% market share whilst LGW attracts 22%. However, these boroughs account for less than 10% of Gatwick’s total passengers and are not considered as part of Gatwick’s core catchment.

1.8.197 As for the suggestion that slot growth would be slow, whilst this prediction might be relevant at smaller airports such as Luton (for whom York Aviation have acted) or Stansted, it is not the case at Gatwick. Gatwick has a much wider traffic base to draw demand from and fill its capacity, compared to these airports, and demand exceeds supply in all hours of the day. ACL slot subscriptions for summer 2019, 2023 and 2024 highlight the levels of excess demand versus capacity.³²⁷ Based aircraft use slots through the day, with demand well spread, reflecting the wide range of markets Gatwick serves.

³²⁵ [\[REP1-052\] Chapter 6.](#)

³²⁶ Applicant response at D9 - Appendix A - York Forecast Main Challenges and LGW competing, section 7, para 7.3 onwards

³²⁷ [\[REP1-052\] para and chart at 1.7.4.](#)

1.8.198 For all these reasons, the Applicant has adequately accounted for the performance of the wider London market in its forecasts, in so far as capacity at other airports falls for consideration.

Timing – the rate of growth in the Project case

1.8.199 On timing, York’s assumptions can be seen in their Rule 17 submission [REP4-049] with lower growth by 2032 but comparable growth by 2038 (the York and Applicant forecasts for these purposes are shown side by side in the Applicant’s **Response to Rule 17 Letter – Future Baseline Sensitivity Analysis**.³²⁸

1.8.200 In support of that slower trajectory York cites the Applicant’s construction programme³²⁹ - which shows Charlie Box not fully open before 2032.

1.8.201 York suggests that the level of delay at the airport would deter airlines taking up NRP capacity but the Applicant does not agree and is also aware that Charlie Box can be built in phases and could be brought forward if that was found to be desirable. However, the exchange highlights York’s concern for the airlines who York asserts (without any evidence) would decide not to take up additional slots at Gatwick because of concern about delay. The Applicant’s proposed timing for Charlie Box evidences that the Applicant does not agree – and the Applicant is of course much closer to its airline customers than York Aviation.

1.8.202 But, to what extent does the disagreement matter? As explained further below, the Rule 17 exercise was helpful in demonstrating several things, including that a later growth trajectory would largely generate lesser environmental effects, for example, for noise and air quality. No doubt the precise calculation of economic benefits would be different (although the assessment set out by GAL in its Future Baseline Sensitivity Analysis³³⁰ forecast a slightly higher net economic benefit for the NRP in the context of York’s sensitivity forecasts) but the benefits are substantial, whilst the defined significant adverse effects are relatively slight and the overall case for the Project would not be significantly affected if the growth trajectory was slower.

1.8.203 In this context, it is instructive that similar matters were debated at the Stansted planning inquiry, where the Inspectors found as follows:

“30. It remained unclear throughout the Inquiry, despite extensive evidence, why the speed of growth should matter in considering the appeal. If it ultimately takes the airport longer than expected to reach anticipated levels of growth, then the corresponding environmental effects would

³²⁸ [REP5-081] at Table 3.2.1; see too [REP6-091] at para. 2.4.5.

³²⁹ [REP4-052] at para. 45.

³³⁰ [REP5-081] at Section 6.

also take longer to materialise or may reduce due to advances in technology that might occur in the meantime. The likely worst-case scenario assessed in the ES and ESA, and upon which the appeal is being considered, remains just that. Conversely, securing planning permission now would bring benefits associated with providing airline operators, as well as to other prospective investors, with significantly greater certainty regarding their ability to grow at Stansted, secure long-term growth deals and expand route networks, potentially including long haul routes” (emphasis added).

1.8.204 A similar issue arose at Luton and the applicant’s Closing Submissions in that case recorded:

“4.5.1 The only outstanding issue is regarding the timescale over which 32 mppa would be attained. The Applicant does not consider this to be a material consideration and has submitted detailed sensitivity analysis which demonstrates that, to the extent that risks exist, the timing when the airport would reach 32 mppa would be within the range assessed between the Faster and Slower Growth Cases.” (emphasis added).

1.8.205 The sensitivity assessments set out in the Future Baseline Sensitivity Analysis reach the same conclusion. The same applies to seasonal variations in the profile of Gatwick with and without the NRP in place. These matters were explored in the Applicant’s **Future Baseline Sensitivity Analysis** [REP5-081], from paragraph 3.5.4. For the reasons set out there, the Applicant considers that York significantly overstated the busy period capacity of the NRP. The principal conclusion, however, was that, even if one was to take York’s different assumptions at face value, the consequent differences in overall environmental effects would be relatively limited.

1.8.206 This all confirms that if a need has been established, as York Aviation’s own alternative forecasts acknowledge, its timing should not be given any significant weight in the determination of this application.

1.9 Remaining issues: economic benefits

National economic assessment

1.9.1 As explained above (in paragraphs 4.6.22 to 4.6.28), the Applicant has taken a balanced approach to the national economic assessment and demonstrated that the benefits of the Project would be considerable. It has conservatively chosen not to include some elements of assessment which would increase the scale of the benefits. Whilst the JLAs may challenge some aspects of the assessment, the Applicant is confident that the scale of the benefits would be overwhelmingly positive.

1.9.2 The main areas of remaining disagreement with York Aviation are as follows:³³¹³³²

- the robustness of the traffic forecasts and of the resulting scheme benefits, in particular:
- the use of bottom-up forecasting methodology;
- displacement; and
- growth at other airports;
- the air fare savings calculation methodology;
- the high share of benefits coming from business passengers.

1.9.3 These are addressed below.

1.9.4 In relation to forecasting and benefits, York Aviation comment on the potential impact of differences relating to the aviation forecasts on the economic case for the Project. In part these relate to the general claim that the Applicant's forecasts are not robust, which is misconceived for the reasons set out above.

1.9.5 It is also alleged, first, that the use of the bottom-up forecasts should not have been used to inform the National Economic Assessment and that NPV estimates for a top-down model should be reported. In particular, it is claimed that the Applicant's bottom-up forecasts are inconsistent with the NPV methodology of calculating air fare savings on the basis of reduced "shadow costs".

1.9.6 As the Applicant has explained, it is important to place the National Economic Assessment in its proper context. An assessment of the Project NPV was not required; and there are challenges in adopting its methodology (that is rooted in comparing potential public sector interventions in transport) into a single private project for aviation development – by way of further example, the TAG methodology includes the construction costs of the project as a cost, which makes sense when TAG is being used to compare schemes seeking public funding, but makes less sense in the case of private investment where in reality the investment in construction is a benefit to the UK. It is also necessary to acknowledge an inevitable degree of uncertainty in its estimates, based in part on the conservatism that has been built into the assessment as set out above. The assessment has been prepared on a deliberately cautious basis, choosing not to calculate as part

³³² See the JLAs' submissions at [\[REP4-052\]](#) paras 52-3, [\[REP6-099\]](#) para. 27 and [\[REP7-104\]](#) Appendix B paras 7, 8 and 19.

of the NPV a range of quantified benefits that may increase the NPV beyond the stated result.

- 1.9.7 These factors help explain why the Applicant presents the national economic assessment as only one element of a wider economic assessment, including a local economic assessment that demonstrates significant benefits even at a local level, as well as the Oxford Economics work ([APP-252](#)) which employs a different methodology but still gives a helpful broad indication of the likely scale of benefits that would be generated by the Project. These other assessments are themselves sufficient to demonstrate that the proposals would be consistent with national policy that recognises the contribution that aviation development makes to the local, regional and national economy.
- 1.9.8 This is the context for the suggestion by York Aviation that NPV estimates for different sensitivities should be reported (in particular for the top-down forecasts, including an allowance for Heathrow R3). Any suggestion that the NPV has been overestimated should be viewed in particular against the conservatism that has been built into the assessment.
- 1.9.9 As for the use of bottom-up forecasting as part of the assessment, the Applicant has set out above³³³, the rationale behind GAL's strong preference for these forecasts and its view that the top down forecasts understate both Gatwick's likely performance and the net benefits of the Project. In a constrained environment, actual market insight into the likely airline response to the release of new capacity is not only valuable but necessary. Gatwick knows its markets and has the opportunity to outperform top-down government forecasts as it has previously. There is no good reason to set aside or give no weight, as York Aviation suggest, to an economic assessment that is based on bottom-up forecasting.
- 1.9.10 It would be disproportionate in any event to require the assessment to be reverse engineered now by imposing the top-down modelling carried out at York Aviation's request in an aviation context. Additional NPV sensitivity testing would require surface access and environmental cost modelling to be revisited, which would necessitate entirely new surface access modelling. The assessment remains informative in that, taking its conservative approach, it shows that the Project would deliver net benefits at a national level.
- 1.9.11 As regards the more particular technical aspect of the claimed inconsistency between the bottom-up forecasts and the NPV assessment of "shadow cost" impacts, it is perhaps helpful to explain the methodology.

³³³ See too [\[REP1-052\]](#) at paras 4.3.4, 6.1.2, 6.4.12 and 7.1.13.

- 1.9.12 As the Applicant has explained,³³⁴ shadow costs are defined from a conceptual framework derived from economics.³³⁵ In general terms, a market is constrained if the airport capacity is less than the total passenger demand and therefore, airlines are unable to satisfy the demand for seats. In this case, fares paid by passengers will rise above costs in order to clear the market (i.e. fares increase such that demand is suppressed to meet constrained supply). This increase in fares due to a lack of capacity is referred to as the shadow cost of air fares. Under this framework, additional capacity produces a change in shadow costs as it relieves some of the capacity constraints that contributed to raised fares.
- 1.9.13 On the basis of this conceptual framework, it is necessary and sufficient to have information on (1) unconstrained demand, (2) constrained traffic with and without the scheme (future baseline and Project), (3) fares without the scheme (future baseline fares), and (4) passenger responses to changes in fares (price elasticities of demand) to derive the impact of the scheme on shadow costs.
- 1.9.14 York Aviation suggests that a top-down approach to modelling is necessary to do this assessment, otherwise the NPV assessment would be inconsistent with the traffic forecasts used. However, there is no indication in DfT appraisal guidance suggesting that only one method can be used to assess these types of impacts. There is no necessary inconsistency between the forecasts and the NPV assessment methodology.
- 1.9.15 Turning to the need to account for displacement from other airports, the traffic forecasts used in the assessment take into consideration the impact of the Project on all London airports. As a result of the London system approach to modelling fares, estimates incorporate the potential displacement of air traffic from other London airports within the estimated airfares and, consequently, the stated benefits. The bottom-up forecasts consider the available capacity at other airports whilst also reflecting the limited ability of some other airports to grow in overlapping traffic segments (e.g. long haul demand at Heathrow).
- 1.9.16 A detailed profile of Gatwick and other airports' core catchment was provided in the Needs Case Technical Appendix.³³⁶ The traffic forecasts are informed by the existing - but limited - overlaps in catchment between Gatwick and other airports. London City provides relatively limited overlap with Gatwick given its focus is on inbound business-oriented routes and is assumed to remain capped at its current limit of 6.5 million passengers under the DCO position. Luton's major uplift in capacity is not likely before the very late 2030s and would only have a very modest

³³⁴ Annex A in [APP-251](#).

³³⁵ Figure A1.1.1 in [APP-251](#).

³³⁶ [\[REP1-052\]](#) Chapter 6.

impact on the Project. By the time Luton's new terminal is open Gatwick will already be at capacity. Stansted already has scope to grow to 43 million passengers and this is fully taken into account in the bottom up and top down forecasts. It has limited overlap with Gatwick's catchment and does not successfully serve segments like the long haul market. Gatwick has more overlap with Heathrow,³³⁷ however, Heathrow is currently significantly capacity constrained with limited scope for displacement. All this suggests that there would be limited displacement at other airports, which has been reflected in the traffic forecasts and, subsequently, by the economic impact estimates.

- 1.9.17 As for the issue of growth at other airports, different forecast assumptions, including those relating to the performance of other capacity in the London market, would lead to changes in the Project's NPV, if for example excess demand for airport services due to capacity constraints reduces (or there is more displacement from other airports). As the Applicant has explained, it should not necessarily be assumed that other capacity comes forward (it has already explained why it is relevant to acknowledge that Heathrow R3 may not); but it has considered different sensitivities,³³⁸ including the planned development at Luton and Heathrow R3. In the case of Luton, the scheme would not open until the late 2030s and there would be limited overlap in catchment areas, such that capacity expansion there would be expected to have only a marginal impact on the benefits generated by the Project. If Heathrow R3 comes forward at all, it is optimistic to assume that it would come forward by the mid 2030s – later now seems more likely. Given its magnitude, R3 would lead to a greater reduction in capacity constraints (therefore shadow costs), and would reduce passenger throughput at Gatwick, particularly long haul passengers. There would be greater effect on the Project's benefits and costs (eg marginal external costs and environmental costs), however this would depend on when R3 opened and any planned phasing of release of additional capacity, which is at present subject to significant uncertainty.
- 1.9.18 The evidence shows that demand will continue to grow: UK and London levels of aggregate demand are forecast to grow significantly by 2050. The latest JZ forecasts still identify UK aviation demand growth of 147 million passengers by 2050 against a 2018 baseline.³³⁹ Whilst the Project would fill more slowly under a lower demand outlook it is forecast to be operating at its capacity by the late 2030s

³³⁷ According to 2019 CAA data Gatwick's top catchments achieved >40% share of demand, compared to 35% demand for Heathrow and 12% for Stansted.

³³⁸ See [APP-251](#) paras A21.1.21-4.

³³⁹ 430m vs 283m: Needs Case Technical Appendix [REP1-052], Table 20, para 6.3.8.

and even in a R3 scenario,³⁴⁰ it would still provide capacity (i.e. benefits) in the early period, well before any R3 was operational (now likely to be in the late 2030s).

- 1.9.19 The submission also includes a sensitivity test with a slower growth scenario which is set out in [APP-251](#) from paragraph A1.4.5 onwards. This still shows a highly positive NPV, reduced from £21.6 billion to £10.9 billion. York Aviation raise other detailed technical points, relating to the air fare savings calculation methodology,³⁴¹ the use of London-level fares,³⁴² and the use of DfT elasticities in the NPV assessment³⁴³ and the assumed levels of business travel.³⁴⁴
- 1.9.20 These are addressed in turn below.
- 1.9.21 Airfares are modelled on a granular haul and journey purpose basis (such as short haul business fares). The methodology for estimating benefits from air fare savings follows the most recent TAG guidance ([TAG Unit A5.2](#)). The mechanism the methodology captures is a reduction in air fares due to the Project, which are higher than they would be without the Project, due to capacity constraints in the London system.
- 1.9.22 The analysis uses 2019 average London-wide fares broken down by haul and passenger type. Although market circumstances might differ between airports, all airports compete to a degree within a broader London system and whilst market circumstances at each airport influence fares, by looking at fares by haul and passenger type, it can be expected that fares would be concentrated around a central average price due to competition. As such, using a London-wide approach to estimate air fares results in a robust estimation of passenger benefits from fare savings.
- 1.9.23 York Aviation also allege that air fares have been reverse engineered from the scale of passenger growth assumed (i.e. using elasticities), contending that this amounts to a self-fulfilling prophecy which conflicts with the notion that there is excess demand in the London system to be met by the Project. It claims that this issue requires the use of a top-down approach to modelling to carry out the NPV assessment.
- 1.9.24 Again, however, there is nothing in DfT appraisal guidance to indicate that only one method can be used to assess these types of impacts. The forecasts used as

³⁴⁰ See [\[REP1-052\]](#) section 7.

³⁴¹ **Comments on any further information / submissions received by Deadline 3** [\[REP4-052\]](#) para. 54, first bullet.

³⁴² Para. 54, second bullet of [\[REP4-052\]](#).

³⁴³ Para. 55 of [\[REP4-052\]](#).

³⁴⁴ *Ibid.*

inputs for the DCO assessment contain the necessary and sufficient information to derive changes in fares from the scheme.

- 1.9.25 The Applicant does not accept in any event that the approach it has taken amounts to any form of “self-fulfilling prophecy” to derive fares from these forecasts. If the traffic forecasts reflect the demand response to additional capacity that is made available, the assessment simply produces the fares that would align with these forecasts in line with DfT’s conceptual framework – this methodology takes advantage of the inherent relationship between fares and excess demand in the system. There is not, therefore, any inconsistency in the methodology used to produce airfares.
- 1.9.26 York Aviation also claim an inconsistency between DfT elasticities used in the NPV analysis and the demand forecast assumptions, alleging that the latest DfT elasticities used in the NPV assessment are lower.
- 1.9.27 The Applicant has used DfT elasticities following requests from the JLA during the DCO preparation process. The Applicant is satisfied that these elasticities are consistent with the bottom-up traffic forecasts that it is relying on.
- 1.9.28 It is also suggested by York Aviation that levels of business travel may be lower than forecast.³⁴⁵ The Applicant does not accept that this is the case.
- 1.9.29 The size of the business passenger benefits from the scheme are driven by inputs in the assessment - forecast business passengers arising from the Project receive proportionately higher benefits than leisure passengers according to the Jet Zero estimates from DfT that the Applicant has used in its analysis, at the request of the JLAs.
- 1.9.30 It is also important to point out that the benefits derived from fare reductions rely on input price elasticities of demand. Broadly speaking, leisure passengers tend to be more responsive to shifts in prices compared to their business counterparts. In the Applicant’s model, the change in fares from the future baseline to the Project is calculated as the ratio between the change in traffic and the fare elasticity specific to each passenger type. With lower elasticities observed for business-related market segments, the model predicts higher impacts in fares for these passengers. Therefore, it is anticipated that the majority of passenger benefits will be derived from the business passengers – which is a direct result of business passengers’ price responsiveness.

³⁴⁵ The suggestion by NEF that the assessment produced inflated business fares was addressed in **The Applicant’s Response to Written Representations – Appendix D Response to New Economics Foundation Written Representation** [REP3-076] para. 3.1.7.

- 1.9.31 In response to consultation feedback, the Applicant's analysis was updated to use the latest Jet Zero demand elasticities which were published by DfT in 2022. The updated elasticities indicate a lower elasticity in business passenger demand compared to the set of elasticities previously used. Therefore, this adjustment brought an increase in the estimated benefits for business passengers, offset by the loss in profitability to airlines as they are unable to benefit from charging higher fares due to capacity constraints in the London system).
- 1.9.32 NEF have raised issues regarding the national economic assessment, which can be summarised as follows:
- the methodology used to assess the scheme's environmental impacts;
 - the lack of disaggregation of benefits between UK and non-UK residents;
 - the lack of assessment of outbound tourism impacts.
- 1.9.33 Methodological concerns raised by NEF were addressed in **The Applicant's Response to Written Representations – Appendix D Response to New Economics Foundation Written Representation [REP3-076]**, including the update to the TAG guidance. The Applicant has now considered the implications of that updated guidance, as set out above, and although the revisions (including the approach to inbound aviation emissions) reduce the NPV of the Project, the overall conclusions of the national economic assessment remain the same, as do the other responses in [REP3-076](#) to a range of matters raised by NEF. The sensitivity presented at Deadline 8A shows the effect of the TAG update is to reduce the NPV from £20.6 billion to £15.2 billion (**Impact of the DfT TAG November 2023 update on the Applicant's National Economic Impact Assessment [AS-164]**).
- 1.9.34 As for disaggregating benefits, TAG guidance indicates that costs and benefits should be identified for both UK and non-UK residents and reported separately.⁵ However, the same paragraph also states that: "unless this apportionment can be done robustly for all impacts, in order to ensure internal consistency, the analysis should include all impacts on all affected parties, regardless of origin, if proportionate for the appraisal". In the absence of required detailed information on how airport revenues, wider economic impacts and environmental costs are distributed between UK and non-UK residents, and in order to keep internal consistency, this exercise was - correctly - not undertaken in the assessment.³⁴⁶
- 1.9.35 In relation to the assessment of outbound tourism impacts, as set out above, the national impact assessment qualitatively evaluates the effect of the Project on

³⁴⁶ See too [REP3-076](#) in response to NEF's written representation, paras 3.1.9-3.1.10.

outbound tourism and its subsequent impact on the national economy; however it is unclear whether the impact of outbound tourism can be quantified as a welfare impact on UK society (as would be relevant for our welfare-based approach). There is insufficient evidence indicating that a UK citizen, who might have otherwise travelled and spent money abroad, would allocate similar expenditure within the local economy if they chose to stay in the UK. However, the Project relieves capacity constraints for passengers only by increasing the capacity of services available to them. This implies that those who prefer to travel and spend money abroad instead of staying and spending locally receive higher welfare from spending abroad than spending locally (otherwise they would not have travelled).³⁴⁷ The Applicant does not consider that any further analysis of tourism impacts is possible using the methodology of that assessment, but notes that some further consideration of tourism effects is contained in the Oxford Economics assessment ([APP-252](#)), as set out above.

- 1.9.36 More generally in response to criticisms of the national economic assessment, it should also be recalled that the other assessments provide their own support for the proposition that the economic effects of the Project would be substantial. **ES Appendix 17.9.2 Local Economic Impact Assessment** [[APP-200](#)] shows that the Project will contribute to increased economic activity in terms of both employment and GVA.³⁴⁸ Within the Six Authorities Area, the Project would support 4,500 net additional jobs and £310 million of GVA per annum in 2029 when the Project is expected to open. This impact will increase as traffic increases, rising to 13,700 jobs and £1.05 billion GVA in 2038, and 12,800 jobs and £1.11 billion of GVA in 2047. Even at this local level, the benefits would be substantial. Further, the Applicant does not understand the JLAs to take issue with the Oxford Economics Assessment ([APP-252](#)), the conclusions of which are set out above and underscore the potential scale of benefits that would arise. These benefits arise in full when the Northern Runway reaches 13 million passengers at any point when the wider aviation system is constrained (i.e. when there is unmet demand).

Conclusion

- 1.9.37 For all these reasons the Applicant maintains its position that the national economic assessment is a helpful indicator of the potentially significant economic effects that would be generated by the Project. This remains the case with the following the update to the TAG guidance that was made following the submission of the application. However, it is not the only aspect of the evidence which confirms

³⁴⁷ See too [REP3-076](#) in response to NEF's written representation, section 4.

³⁴⁸ The assessment estimates effects that are net of displacement (i.e. we remove people who would be employed anyway in the local area).

that conclusion – the local economic assessment reaches the same conclusion albeit at a different scale of effect.

Local impact assessment: catalytic effects

Introduction

- 1.9.38 The Applicant has been unable to reach agreement with York Aviation on the methodology for the assessment of catalytic effects. At a local and regional level the Applicant estimates these at 7,200 jobs and £538 million of GVA.
- 1.9.39 It should be emphasised that this debate does not affect the agreement with the JLAs regarding the direct, indirect and induced jobs as set out in the Local Economic Impact assessment. In 2038 they are assessed as follows: 3,200 direct jobs and £263 million of GVA; 2,800 indirect jobs and £212 million of GVA; 3,500 induced jobs and £263 million of GVA – a total of 9,500 jobs and £739 million GVA.
- 1.9.40 As set out above, the catalytic effects arise from the wider benefits that the government, consumers, employees, and other industries gain from the services the airport provides – the increased flights and capacity that provide vital links connecting UK residents and businesses to destinations and markets around the world.
- 1.9.41 This directly increases the amount of freight that can be transported by air and enables businesses to connect, facilitating trade, tourism, and inward investment. Together these boost the productive capacity of the UK economy which can increase employment and economic activity – both locally and nationally.
- 1.9.42 To place the debate about the local assessment of such effects into a wider context, at a national level Oxford Economics has estimated that connectivity benefits will add around 0.15% to the UK's productivity capacity nationally - approximately £3.3 billion in 2022, with an equivalent number of around 47,000 jobs. Its work also identifies 28,700 additional jobs from inbound tourism and 35,500 additional jobs from increased trade, within a total of over 110,000 jobs at a national level (paragraphs 4.4.4 to 4.4.6 of [APP-252](#)). The JLAs have raised no concerns with the Oxford Economics work.
- 1.9.43 In that context the 7,200 catalytic jobs identified by Oxera would be just over 6% of the national total estimated by Oxford Economics. As catalytic impacts are location-based (i.e. the closer to the airport the area is located, the larger the expected impact), a 6% share of catalytic impacts being located in the Six Authorities Area represents a modest share, given that they account for over 35% of Gatwick's passenger numbers.

- 1.9.44 In any event, the Applicant has fully justified the methodology it has followed to assess catalytic effects in its **Explanatory Note on Catalytic Employment** [REP7-077]. There the Applicant explains that the approach was adopted in order to address two key analytical issues that arise in local impact assessments - displacement and causality.
- 1.9.45 The methodology takes account of the alternative uses of resources and people without the Project (displacement) such that the total employment impact that is measured captures employment net of displacement (i.e. net of job switching within the local area). As highlighted in [REP7-077](#) (paragraph 2.1.5), the academic literature focused on measuring displacement suggests that ignoring this effect when calculating scheme impacts could lead to overestimates of employment creation of up to 30%. This methodology also isolates the employment impact that is specifically generated by additional air traffic (causality), excluding the impact of other factors or the inverse effect that employment may have on air traffic. As is also highlighted in [REP7-077](#) (paragraph 2.1.8), ignoring this causality point could lead to overestimates of the impact of an intervention of up to 40%. The Applicant considers therefore that the methodology provides a robust assessment of the local economic impact of NRP.

Outstanding issues

- 1.9.46 In discussions with York Aviation, three main points have been raised:
- (1) York Aviation's preference for an alternative approach to the one taken that specifically factors in the characteristics of an individual airport in an individual area – in this case, Gatwick;
 - (2) concerns that the methodology used by the Applicant is not sufficiently routed in actual passenger origin data. Therefore, a national elasticity may not hold for any individual airport;
 - (3) concerns that the methodology relies on cross sectional data and assumes the relationship is static over time, therefore, does not reflect the dynamism of airports.
- 1.9.47 The impact of these concerns over the magnitude of impacts was also discussed. York Aviation repeated the view, expressed in the Joint Local Authorities' **Comments on any further information / submissions received by Deadline 7** [REP8-126] Appendix I para. 16, that whilst it does not have confidence in the robustness of the impacts estimated - but if anything understand these could be understated.

- 1.9.48 The Applicant acknowledges this recognition that effects could be understated but remains of the view that the methodology it has used to assess total employment benefits including catalytic employment is fully justified, as explained in [\[REP7-077\]](#). The approach used reflected the importance placed on not artificially overstating economic benefits.
- 1.9.49 [\[REP7-077\]](#) highlights that a statistical approach is the only way to address the issues identified (displacement and causality), whereas alternatives suggested by York Aviation (such as using CAA passenger survey data or focusing the analysis on local demand) do not.
- 1.9.50 In fact the York Aviation comments on the methodology³⁴⁹ suggest it has not understood the methodology used, as it mischaracterised the assessment. It is claimed that “a theoretical estimate is made of how much air passenger demand might be generated in an area based on its demographics”.³⁵⁰ This is incorrect, and is key to the methodological misunderstanding. The methodology does not involve an estimate of demand in the area, but an estimate of the total traffic (from within and outside that area) that would occur at an airport if it were located in that area. This is not a measure of demand, therefore but a measure of total activity.
- 1.9.51 The specific concerns are not justified for the following reasons.
- 1.9.52 First, in relation to York Aviation’s preference for an alternative approach, the Applicant understands this to be based on considering the specific catchment area of Gatwick (i.e. what share of Gatwick’s passengers actually originate from the Six Authorities Area), and then assessing its relationship to the local catalytic employment (not total employment) that would be generated locally.
- 1.9.53 However the Applicant has deliberately chosen an alternative approach that focuses on the link between total activity (i.e. all the traffic at an airport) and local employment. The York Aviation approach has a number of critical disadvantages:
- it would fail to address the displacement issue: one of the advantages of measuring changes in total employment is that any local job switching (displacement) between and within employment sectors locally would be reflected, as the only change measured is the overall increase in employment. Focusing on catalytic employment implies that only the footprint of the airport’s own activity would be reflected without taking account of wider consequent effects – thereby overstating impacts;

³⁴⁹ [\[REP4-052\]](#).

³⁵⁰ Para. 58 of [\[REP4-052\]](#).

- the relationship measured would be overly time dependent: as York Aviation points out in setting out their concerns, the airport sector is dynamic such that it is reasonable to expect that Gatwick Airport's catchment area will evolve by 2047. The approach suggested by York Aviation would be very dependent on the definition of the catchment area used, and the share of local demand in the baseline year. The Applicant's approach does not suffer from this drawback as it infers the impact of an increase in airport activity from a comparison between UK airports (see the cross-sectional approach discussed).
- it would also require a disproportionate data collection / cleaning exercise: assuming that this assessment is done at a national level, including each UK airport, doing this analysis implies having to (1) define a catchment area for each UK airport, (2) collect passenger demand data for each specific catchment area, (3) identify employment sectors that are relevant for catalytic impacts, (4) gather employment data at a catchment area level for these employment sectors. The analysis the Applicant has undertaken makes efficient use of data that is readily available;
- it would require developing a new analytical framework (i.e. controlling for different factors) which is also not proportionate: the analysis the Applicant has undertaken makes best use of the latest available academic research on the employment impacts of airports and applies it to a UK context. Replicating peer-reviewed research provides the advantage of relying on a framework which has tested that the variables used in the analysis are robust and appropriately take into account the impact of other external factors on air traffic and employment. Without this framework, additional work would be required to test whether from an intuitive and statistical sense the factors used are still robust or need to be amended, and in that case to identify which other factors to use instead.

1.9.54 The Applicant is therefore justified in not electing to measure the relationship suggested by York Aviation.

1.9.55 Second, as regards the York Aviation concern that the methodology was not sufficiently rooted in actual passenger origin data, the Applicant understands this is related to a view that CAA passenger survey data should have been used for this assessment (either as an input to the assessment or as an external sense-check).

1.9.56 The Applicant does not accept that this approach was necessary, for reasons that were explained in section 3.2 of [REP7-077](#). As mentioned at para. 3.2.2, CAA passenger survey data is a reasonable source to understand airport catchment

areas as the data includes granular information about where passengers travelling through a specific airport come from within the UK. This data is also available by journey purpose, such that it is possible to differentiate between leisure and business passengers. With this type of data, it is possible to identify the local demand for Gatwick Airport from business passengers – which would in part drive catalytic employment impacts, for example.

- 1.9.57 But it is not possible to separate out the share of this demand that is stimulated by airport activity from the share that itself stimulates airport activity – thereby raising the causality issue that the Applicant’s assessment avoids. It would also not be possible to determine to what extent part of this demand would occur even absent the Project – thereby raising the displacement issue the Applicant’s assessment avoids. In both cases these issues may lead to over-estimates of the impact of the Project on employment.³⁵¹
- 1.9.58 York Aviation, in advancing this concern, also suggested that the papers from which this assessment was replicated (i.e. Percoco 2010¹) only used a statistical approach because the local equivalent of CAA passenger survey data was not available. This is incorrect. While the Applicant is not aware of the US or Italy having data similar to the CAA passenger survey, they would still be required to use a statistical approach even if they had. This is because it is the only robust (i.e. statistically sound, and academically accepted) approach to measuring any relationship between two factors (here employment and air traffic) that suffers from causality issues (as explained in paras. 2.1.7-2.1.9 of [\[REP7-077\]](#)).
- 1.9.59 York Aviation also suggests that a national elasticity may not hold for any individual airport. The Applicant holds a different view, supported by the data as shown in Figure A5.1 of **Appendix 17.9.2 Local Economic Impact Report** [\[APP-200\]](#). That chart illustrates why the relationship measured by the Applicant’s analysis exists (i.e. it is a sense-check on the approach). It shows the input data to the assessment (i.e. data before any analysis is undertaken) which was logged (a common transformation used in statistics) and plotted in a chart. The figure clearly illustrates the linear relationship that exists between total traffic and local employment, which the Applicant’s approach seeks to measure robustly. This data suggests that, as airport activity increases along the diagonal, so should total employment locally. The elasticity the Applicant measures represents by how much local employment should increase if traffic increases and it is reasonable to expect that this relationship should apply on average to all UK airports.

³⁵¹ See further section 3 of [\[REP7-077\]](#).

- 1.9.60 The third concern relates to the use of cross-sectional data. York Aviation points out that the elasticity used in the assessment was estimated as an average relationship across UK airports at one point in time (2018) - a cross-sectional analysis; and if there is a structural change in this relationship in the coming years (e.g. the slope of the line changes), the elasticity would also change.
- 1.9.61 This is a reasonable challenge, which the Applicant has always recognised. However, the alternative to a cross-sectional assessment - a time series analysis which would look at the average relationship between employment and traffic over time, has significant disadvantages.
- 1.9.62 Primarily, it is very challenging to account for factors that lead to changes in macroeconomic variables such as employment through time as a large number of different factors would potentially need to be included. A cross-sectional analysis is a preferred method when measuring a structural relationship such as this one, which is not expected to change significantly over time (e.g. airports could move up and down the line over time but the slope can stay constant).
- 1.9.63 For all these reasons the Applicant does not accept that any of the issues raised by York Aviation should reduce the significant weight that can be attached to the local economic impact assessment.
- 1.9.64 These points are set out more fully in **The Applicant's Response to ISH9 Action Point 38 Updated Position on Catalytic employment** [\[AS-163\]](#).
- 1.9.65 Overall, the assessment of local employment impacts benefits from rigorous academic foundations, overcoming usual analytical challenges raised by the assessment of local economic impacts of infrastructure projects. Results from this analysis are very much in line with those from the associated literature. They are also consistent with those produced from alternative assessment methodologies such as the approach used by Oxford Economics.⁴ Whilst York Aviation has challenged the methodology, it has offered no comments on how these challenges impact the size of local economic benefits (if anything suggesting that the effects are underestimated). The Applicant considers the approach to be conservative, which is confirmed by other approaches to estimating catalytic impacts (such as the Oxford Economics) which are in any event accepted by York Aviation.
- 1.9.66 The Applicant also notes that NEF has commented on this assessment in its Deadline 8 submission ([REP8-173](#)). While generally supportive of the approach taken, NEF has identified two issues with the assessment: displacement/spillover impacts are not adequately measured; and catalytic employment impacts rely on new business passengers. Each issue is addressed below.

- 1.9.67 First, NEF asks for clarification regarding how many lost/displaced jobs the analysis implies in the regions surrounding the Six Authorities – making a reference to the spillover impacts from one region to another presented in Annex 5 of [APP-200](#).
- 1.9.68 In response, the Applicant would clarify that the assessment is undertaken at the county level (i.e. the relevant geographic unit for Gatwick is the West Sussex county) such that, to the extent there is displacement between regions as measured in the analysis, the impact estimates reflect displacement that would occur between the counties constituting the Six Authorities Area (not between the Six Authorities Area and similarly-sized neighbouring areas).
- 1.9.69 The Applicant reflects the potential displacement within the Six Authorities Area in the analysis by assuming that the estimated employment impact will be distributed throughout the Six Authorities Area as explained in para. 2.3.3. in [REP7-077](#). This assumption is conservative as it is expected that the magnitude of impacts at a Six Authorities Area level would be larger than those at the West Sussex level, but it also reflects more accurately the expected geographic distribution of employment impacts and the expected displacement between counties.
- 1.9.70 Second, NEF mentions that there has been no assessment of the scheme’s impact on jobs beyond the neighbouring regions – and points out the example of the scheme’s potential impact on the tourism sector.
- 1.9.71 The Applicant notes that it has addressed NEF points regarding tourism impacts in **The Applicant’s Response to Written Representations – Appendix D Response to New Economics Foundation Written Representation** [\[REP3-076\]](#) Scheme impacts on employment beyond the local area would be relevant for the national economic assessment and, as discussed in paras. 4.1.3-4.1.8, national policy supports outbound tourism and it is unclear whether outbound tourism can be characterised as a welfare loss to UK society more widely.
- 1.9.72 Finally, NEF states that catalytic employment is generated through multiple channels, including in particular business passenger connectivity, and by looking at the relationship between air traffic and total employment, air traffic is only a proxy for business use of air travel.
- 1.9.73 In response, the Applicant would agree that in principle catalytic employment is driven partly by business passenger connectivity. It notes however that in the approach used, the relationship derived is between air traffic and total employment and not between air traffic and specifically catalytic employment. This is important because in this case air traffic is not used as a proxy, but in fact the main driver for

the impact the Applicant seeks to measure – that is the impact of airport activity on local employment, which includes direct, indirect, induced, and catalytic employment.

1.9.74 None of the challenges raised by NEF therefore affect the weight to be given the local economic assessment.

1.10 Conclusion

1.10.1 Overall, the Applicant retains its view that the local and national assessments that have been prepared in support of the application strongly support the proposition that the Project would deliver significant economic benefits, consistent with national policy.

1.10.2 This assessment does not alter even when issues raised during the examination in relation to the assessment of the future baseline are considered. These issues are addressed separately in the section below.