Gatwick Airport Northern Runway Project

The Applicant's Response to Written Representations on Project Change 4

Book 10

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Contents

1 Introduction

1.1 Overview

1.1.1. On 7 May 2024, GAL submitted a **Second Change Notification** [AS-145 and AS-146] to the ExA to provide an On-airport Wastewater Treatment Works ('WWTW') as an alternative option to manage wastewater treatment should it be required for the Project (also referred to as 'Project Change 4'). As explained in the **Second Change Application Report** [REP6-072], the Applicant identified a need to put forward the Proposed Change as a result of Thames Water Utilities Limited ('TWUL') being unable to confirm, within the timescales of this Examination, the effects of the Project on its receiving network and process infrastructure, or to confirm positively that it will be able to include any 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.

1.1.2. The formal request to change the application to include Project Change 4 was submitted by GAL on 26 June 2024 as part of Deadline 6. The ExA accepted Project Change 4 on 10 July 2024, confirming via a **Procedural Decision** [PD-023] that the change was non-material and could be accepted into the Examination.

1.1.3. In its **Procedural Decision** [PD-023], the ExA invited representations on Project Change 4 by Deadline 8 (7 August 2024) and any comments on these representations by Deadline 9 (21 August 2024). This document has therefore been prepared to provide the Applicant's comments to representations on Project Change 4 submitted at Deadline 8 as well as Deadline 7, namely:

- **West Sussex Joint Local Authorities' Comments on any further information / submission received by Deadline 6** [REP7-120];
- **Laurence Skinner's Comments on any further information / submissions received by Deadline 6** [REP7-140];
- **Nigel Tanner's Comments on any further information / submissions received by Deadline 7 (late submission accepted at the discretion of the ExA)** [REP8-175];
- **Glyn Woodage's Comments on any further information / submissions received by Deadline 7** [REP8-155];
- **Julie Etheridge's Comments on any further information / submissions received by Deadline 7 (late submission accepted at the discretion of the ExA)** [REP8-159];
- **Nick Krywko's Comments on any further information / submissions received by Deadline 7** [REP8-174];

- **Darren Perks' Comments on any further information / submissions received by Deadline 7 (late submission accepted at the discretion of the ExA)** [REP8-148];
- **Christina Nanna Mary Coleman's Comments on any further information / submissions received by Deadline 7** [REP8-141];
- **Environment Agency's Comments on any further information / submissions received by Deadline 7 and Comments on responses to ExQ2** [REP8-123];
- **Gatwick Area Conservation Campaign's Post-Hearing submissions, including written summaries of oral submissions to the Hearings held during w/c 29 July 2024** [REP8-152]; and
- **Communities Against Gatwick Noise Emissions' Post-Hearing submissions, including written summaries of oral submissions to the Hearings held during w/c 29 July 2024** [REP8-143].

1.1.4. The Applicant also acknowledges the following parties have acknowledged or made reference to Project Change 4 and / or the Second Change Application Report, however, no response is required.

- **Joint Surrey Councils' Comments on any further information / submissions received by Deadline 6** [REP7-105]; and
- **Forestry Commission England** [REP8-124].

1.1.5. Where matters have already been addressed within the Applicant's submitted documents (for example, in Deadline 8 submissions), the Applicant has provided signposting to the relevant document.

2 West Sussex Joint Local Authorities

2.1.1. **Table 2.1** sets out the Applicant's response to the matters raised in Section 10 (Second Change Application Report) of the **West Sussex Joint Local Authorities' Comments on any further information / submission received by Deadline 6** [REP7-120].

Table 2.1 Response to West Sussex JLAs on Project Change 4

Topic	Matter Raised	Applicant's Response
General	The West Sussex Authorities provided a response to the Applicant as part of its Project Change 4 Consultation on the 11th June 2024 for its proposed provision of an on-airport Wastewater Treatment Works (WWTW). It is noted that this consultation document has been attached in full within the report Appendices [REP6-077] pages 105-117 and provides the overarching position of the Authorities to the proposed project change, these are not repeated again below. It is also noted in the Addendum [REP6-076] in Table 5 (pages 32-71) that the Applicant has sought to summarise and address the Authorities comments. The response below should be considered alongside the original consultation response provided direct to the Applicant and seeks principally to address the new material that has been provided by the Applicant as part of this Project Change request.	Noted. No response required.
Project Description	The extent of the proposed Project Change and relative lack of detail in the consultation was raised as a concern. It is noted in [REP6-072] that a more detailed description of what comprises the Project Change has been set out by the Applicant in Paragraph 2.2.6. This additional detail is welcomed but is not considered to be accurately reflected in the dDCO description of works [REP6—005] which simply describes the development under Works 44 as "Works to— (a) remove existing surface car parking and associated structures; (b) construct wastewater treatment works". This is not considered to reflect the level of development proposed which includes development beyond the Works Area including a new outfall to the River Mole, new network of waste water infrastructure within the airport, a new rising mains and a pumping station located next to the existing Gatwick Airport Police Station (the location of which is not clear on any control document). It is considered that as a minimum this new pumping station and outfall should be included within the description of works and clearly identified on a Works Plan.	The location of the River Mole outfall, the associated wastewater provisions within the airport and the Pumping Station next to Gatwick Airport Police Station is shown on **Figure 5.2.1e** of the **ES Project Description Figures** [REP8-018]. As explained in the **Second Change Application Report** [REP6-072] (para 2.5.2), the associated network of wastewater infrastructure outside the On-airport WWTW works area (e.g. the River Mole outfall) does not need to be specified in a work number because it can be delivered as ancillary or related development under the latter part of Schedule 1, most pertinently paragraph (b). Notwithstanding this and following the acceptance of Project Change 4, the **Design Principles** [REP8-090] submitted at Deadline 8 were updated to include additional Design Principles relevant to the On-airport WWTW and the associated wastewater infrastructure. The Design Principles are secured under Requirements 4, 5, 6 and 10 of the **Draft DCO** (Doc Ref. 2.1).
Arboriculture	Due to the lack of detail, concerns remain in respect of land take and tree loss in relation to the pumping station and the impacts on the highway and rights-of-way are also unclear. 161 trees are stated as being removed as result of the works however, it is unclear if this is just from the works site or whether it	Following the acceptance of Project Change 4, the Applicant submitted a revised **ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact Assessment** [REP8-064 to REP8-075] and **ES Appendix 5.3.2 – Annex 6: Outline Arboricultural and Vegetation Method Statement** [REP8-030 to REP8-

Topic	Matter Raised	Applicant's Response
	includes any loss from the outfall/ pipe run / new pumping station or the knock on additional coverage of the decked car park area on adjoining area (Works site 32) which is proposed for extended decking. It is also unclear if the tree removal plans need to be updated as a result of the project change.	041] at Deadline 8 and which reflect the On-airport WWTW and associated wastewater infrastructure, as a worst case scenario should this form part of the final implemented Project.
Water Environment / Design	There is still no information provided on the design and appearance of these WWTW structures and in particular it remains important that clear design principles are established and set out in the Development Principles Document to address both design and drainage principles specific to the site context. These should include for example: • the relationship to ecologically sensitive woodland and design considerations to protect this (notwithstanding the Applicants conclusion in the ES relating to no new or materially different significant effects), • design principles relating to the construction of the outfall and means by which its construction will safeguard the ecology in the River Mole, • the means of retaining the acoustic bund and delivering the outfall by trenchless construction to safeguard its acoustic integrity. It is noted that these issues are not suggested by the Applicant in their Table 3 [REP6-072] for document updates and the Authorities consider these should be included. The Applicant should also consider how the detailed responses it has provided to questions raised such as modelled discharge assumptions for the WWTW are controlled through its control documents or included within design principles.	The **Second Change Application Report** [REP6-072] (Table 2) set out the environmental assessment of the Project Change 4. The ecology and nature conservation assessment provided an assessment of Proposed Change's relationship to existing ecological features and woodland. Following the acceptance of Project Change 4, the Applicant submitted at Deadline 8: ▪ Updated **Design Principles** [REP8-090] to include additional Design Principles relevant to the On-airport WWTW and the associated wastewater infrastructure. The Design Principles are secured under Requirements 4, 5, 6 and 10 of the **Draft DCO** (Doc Ref. 2.1). ▪ Updated **ES Appendix 5.3.2: Code of Construction Practice** (CoCP) [REP8-024] including a requirement that the River Mole outfall is constructed using trenchless techniques to minimise adverse effects on the existing noise bund and trees. The CoCP is secured through Requirement 7 of the **Draft DCO** (Doc Ref. 2.1). Post-consent, a permit for the operation of the proposed On-airport WWTW would be required from the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2016 (or such relevant legislation in force at the time). Additionally, the construction of the new outfall to the River Mole from the On-airport WWTW would require a Flood Risk Activity Permit application by the Applicant to the Environment Agency.
Construction	In Section 2.5 of the Second Change Application Report [REP6-072], entitled Control Documents, the Applicant sets out that, if the application is accepted by the ExA, they will submit revised versions of various control documents. In addition to those identified, the Highway Authority would query as to whether the Outline Construction Traffic Management Plan [REP5-020] would also be updated, to reflect the additional construction compounds proposed in Self Park North car park, to deliver the Wastewater Treatment Works.	The **Outline Construction Traffic Management Plan** (Doc Ref. 5.3) refers to the main construction compounds, as detailed in the **Code of Construction Practice** [REP8-024] (Section 4.5). It does not cover additional temporary construction compounds for specific individual works, such as the compounds that would be required to facilitate the On-airport WWTW. As such, no updates to that document were considered necessary.
Traffic and Transport	The Applicant has undertaken a review of the proposed project change against relevant topics within the Environmental Impact Assessment, as detailed in the	Noted. No response required.

Topic	Matter Raised	Applicant's Response
	Environmental Statement [APP-026 to APP-217], to assess whether any significant environmental effects would occur as a result of Project Change 4. In relation to traffic and transport the Applicant concludes that Project Change 4 would not result in a material change to the environmental impacts assessed within ES Chapter 12 Traffic and Transport [REP3-016]. During the peak month of construction approximately 225 Heavy Goods Vehicles (HGVs) are expected (450 two-way movements per month). Outside of the peak month period of construction it is anticipated that there would be between 220 and 300 two-way movements a month, for seven months. At other times vehicle movements would be fewer than 80 movements a month. During the operational phase, there would be up to two lorry movements per week related to Project Change 4, meaning one arrival and one departure. The Highway Authority has no specific comments to make in relation to the forecast increase in vehicle movements, associated with Project Change 4, or the conclusions that have been drawn by the Applicant in relation to the environmental impacts of the revised proposals.	
Noise and Vibration	An assessment of construction noise has been provided in the new Appendix C [REP6-075] and this indicates that noise impacts from the construction work would be small. It is noted that the outfall is proposed to be constructed by trenchless techniques to avoid disturbing the bund, and this approach is supported from an acoustic perspective. Additional noise modelling has now been provided although the Authorities raise a number of concerns with the predictions set out in the Appendix of the report which are listed below: • Paragraph 5.1.5 states that *"Sound power levels are derived from sound pressure specifications based on a presumption that the sound pressure levels refer to the sound level at a distance of 1 m, which are corrected by a factor of +11 dB for an assumed point source using a spherical spreading model".* This assumption of a point source is only valid where the dimensions of the sound source (blower) and significantly smaller than the distance of the measurement (in this case 1m). As this is unlikely to be the case, the true sound power of the blowers could be considerably higher than the values used in the modelling. • No correction for the character of the sound from the blowers is included. In this case it may be appropriate to add a correction of +3dB based on the statement in BS4142 *"Where the specific sound features characteristics that are neither tonal nor impulsive, nor intermittent, though otherwise are readily distinctive against the residual acoustic environment, a penalty of 3 dB can be applied".*	The Applicant's response is provided below, taking each bullet point in turn: ▪ Sound power levels – The majority of the noise generated by the blowers is mechanical and aerodynamic noise which escapes through ductwork and is radiated from a small air inlet (noted at paragraph 5.1.3 of **Appendix C** [REP6-075]). The blowers will be fitted with an acoustic hood over the inlet to minimise the noise output and it is considered that it is appropriate to model this inlet as a point source. ▪ Character of the blower sound – The predictions have been very conservatively based upon all the noise emitted being within the 50 Hz third octave band (noted at paragraph 5.1.4 of **Appendix C** [REP6-075]). Since low frequency noise travels further this makes the predictions very conservative. The assessment predicts low levels of less than 35 dB L_{Aeq} at all locations (likely to be lower in practice) and 2 dB or more below background at all locations so the noise is very unlikely to be noticeable within the context of other noise from the airport. As stated at para 5.1.11 of **Appendix C**, it is not considered that low frequency tonal characteristics would be perceptible at noise sensitive receptors. ▪ Background noise levels – At the two properties where predicted sound levels are within 2 dB of night time background noise, predicted levels are 28 dB L_{Aeq} and indoor levels would be much lower (as noted at para 5.2.3 of **Appendix C** [REP6-075]). It is not unreasonable to expect a reduction of 15

Topic	Matter Raised	Applicant's Response
	• As some of the predicted rating sound levels are also within 2dB of the identified background sound levels, it seems likely these would exceed the background sound level once the above items have been considered, and further mitigation may be required to ensure that they remain below background sound levels. •	dB through a window partially open for ventilation indicating predicted internal noise levels of 13 dB or less. Most class 1 sound level meters have a noise floor of around 15 dBA so the predicted internal noise levels can be considered to be at a very low level and unlikely to generate an adverse impact..
Air Quality	There is a lack of detail in the assessment of the air quality effects of the proposed WWTW. The Applicant relies on conservative assessment for construction traffic impacts already reported in ES Chapter 13 for construction traffic/plant effects.	As demonstrated in the Traffic and Transport section of Table 2 of the **Second Change Application Report** [REP6-072], Project Change 4 would not result in a material change in the number of vehicle trips during the construction or operational phase of the Project. The primary route to be used for the construction compounds proposed as part of Project Change 4 was included in the modelled construction traffic network assessed and reported in **ES Chapter 13: Air Quality** [REP3-018]. In addition, the assessment reported in **ES Chapter 13: Air Quality** adopted a conservative approach for construction traffic effects, assessing the worst case year for construction. The additional temporary construction compounds required as part of Project Change 4 overlap spatially with the NW Airfield NRMM modelling area. Considering that the activities would fall outside of the peak construction activity year and the conservative assumptions for NRMM activities within the air quality assessment, the NRMM activities and emissions associated with construction of Project Change 4 are implicitly represented within the NRMM calculations and would not change the results of the assessment reported in **ES Chapter 13: Air Quality** [REP3-018]. In addition, existing mitigation measures proposed as part of **ES Appendix 5.3.2: Code of Construction Practice** (Doc Ref. 5.3) would ensure air quality impacts associated with construction of Project Change 4 are minimised as far as practicable.
Air Quality	Furthermore, no odour impact assessment has been provided. The Applicant concludes no significant effects from odour based on measures incorporated into the design, which assumes that all open processes are covered for odour prevention. The Authorities would expect to see an odour impact assessment and odour management plan (to detail operational and control measures for both normal and abnormal conditions) associated with this proposal.	As set out in Section 2 of the **Second Change Application Report** [REP6-072], the design of Project Change 4 assumes that all open processes are covered for odour protection, providing suitable mitigation against the potential effects of odour on human receptors. To provide additional assurance with respect to odour, Project Change 4 will be a permitted activity, whereby the Environment Agency will require a review of odour and design to confirm there would be no significant effects prior to the commencement of works.
Water Environment	The Applicant has stated the following regarding the new WWTW that, based on hydraulic modelling undertaken for the Project the new WWTW will be located outside the 1% (1 in 100) AEP plus 40% Credible Maximum Scenario flood extent and would therefore not remove existing flood plain or affect overland flow route, but it is also stated that the on-airport WWTW facility would	As stated in paragraph 2.2.26 of the **Second Change Application Report** [REP6-072], the increased area of the proposed car park as a result of the On-airport WWTW lies within the proposed area of Work No. 32 (Works to remove existing car parking at North Terminal Long Stay car park and construct a decked car parking structure) as shown on the **Works Plans** [REP7-018]. Therefore, the level

Topic	Matter Raised	Applicant's Response
	require a footprint of approximately 2.2 hectares. This new facility will also displace the current arrangement for proposed car parking area, and the loss of car parking area will be mitigated by increasing the approximate dimensions for the decked area of the proposed car park. Consequently, the location of the on -airport WWTW and the increase in the size of the car park will lead to an increase in the impermeable area. The Authorities request that the Applicant provides details of how this increase in impermeable area has been mitigated under the Pluvial mitigation plan of the DCO and if this has not been considered can the Applicant include this within the Pluvial mitigation scheme and provide an updated plan.	of hardstanding due to the additional car parking as a result of the On-airport WWTW was considered within **ES Appendix 11.9.6 Flood Risk Assessment** (Doc Ref. 5.3), in accordance with the Rochdale Envelope approach to the assessment, and hence mitigation is provided.
Water Environment	The Applicant is also requested to clarify if this new WWTW structure is identified as part of the surface access works or the airfield access works. This is important so that the Authorities can identify which life span and Pluvial climate change allowance should be used.	The new On-airport WWTW structure is identified as an airfield Project element. Therefore, a 40-year design life has been adopted, consistent with other airfield works. As noted in **ES Appendix 11.9.6 Flood Risk Assessment** (Doc Ref. 5.3), based on the Project's location (Thames River Basin District), vulnerability classification (essential infrastructure) and design life (40 years to 2069), the Higher Central allowance for peak river flow has been applied to the Project for the 2050s epoch for the airfield. Therefore, an uplift factor of plus 12 per cent is applicable to the consideration of fluvial flood risk on the airfield. For the consideration of surface water flood risk on the airfield, developments with a lifetime between 2061 and 2100 adopt the Central allowance for the 2070s epoch, so as the design life for the airfield is 40-years to 2069 an uplift factor of plus 25 per cent is applied to rainfall intensity. The impact has been assessed and the proposed mitigation strategy set out in the **Flood Risk Assessment** (Doc Ref. 5.3).
Water Environment	The Applicant identifies that there is a low risk of erosion at the outfall of the new WWTW to the River Mole, however design measures will be introduced to reduce the velocity and mitigate potential impacts. It is also stated in table 4 [REP6-076] that the flow that will be discharged from the new WWTW facility currently drain from TWUL's Horley and Crawley Sewage Treatment Works to the River Mole under the existing circumstances. While this is true, it is also clear that the new way the WWTW would discharge to the River Mole is under a different scenario i.e. when it was draining to TWUL's at Horley and Crawley the flow of the discharge into the River Mole is from two different locations which will most probably not be the same as it will be when discharge from a single point. It is clear that there would be an increase in the flow into the River Mole as a result of this proposal, the Applicant should look at how this increase would affect the hydraulics of the River Mole and the effects of this increase in flow to the geomorphology of the watercourse.	The outflow from the On-airport WWTW has been conservatively estimated taking climate change into account as 10,168m^3 per day by 2047 (which is considered likely to be an over-estimate). This translates to an average peak flow of 0.118m^3/s (118 l/s). Based on hydraulic modelling the peak flow in the River Mole at this location in a 1 in 2 (50%) Annual Exceedance Probability Event is 21.9 m^3/s. The On-airport WWTW would only therefore contribute an additional 0.5% of flow to the watercourse at this point, which would be offset downstream by a reduction in inflows from Thames Water's Crawley and Horley WWTW due to the redirection of wastewater flows from the airport. Nevertheless, the construction of the outfall would be subject to the acceptance of a Flood Risk Activity Permit application to the Environment Agency by the Applicant following detailed design that would include full consideration of flood risk implications.

Topic	Matter Raised	Applicant's Response
		If unmitigated through embedded design measures, the outflow from the On-airport WWTW could have a potential (non-environmentally significant) effect on the geomorphology of the watercourse. It is for this reason that energy dissipation mitigation measures have been included in the design of the outfall to address this. This will be developed further at the detailed design stage, in the event that the On-airport WWTW is constructed, and a new discharge consent would also be required from the Environment Agency for the outfall. The construction and operation of the proposed On-airport WWTW would also be subject to a permit required from the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2016 (or such relevant legislation in force at the time). The permitting process of the proposed On-airport WWTW would regulate the discharge rates to the River Mole and consider any flood risk implications.
Water Environment	The Applicant states that the outfall structure would include a cascade feature of a series of pools to dissipate hydraulic energy prior to discharge to the River Mole to avoid erosion of the watercourse. The structure would be approximately 11m long (in the direction of the outfall pipe) from the watercourse and 3m wide at the pipe outlet fanning out to approximately 8m wide at its outfall into the watercourse. The Authorities would require a post construction certification for this outfall structure which should certify/confirm that the surface water drainage strategy has been constructed as detailed and should work as anticipated in the design. This certification should be by a third party, which must not be the consultant responsible for the design of any aspect of the outfall structure. The reason for this certification is that this outfall structure is important to the stability of the geomorphology and possible migration and erosion of the River Mole at the location where it discharges into the watercourse and beyond, and it is important the structure is not only constructed as detailed but certified to work as intended.	Given its proximity to a Main River the outfall structure would be subject to a Flood Risk Activity Permit application to the Environment Agency by the Applicant following detailed design that would include full consideration of flood risk and geomorphology implications.
Construction	The Authorities note that the Applicant only proposes to deliver these works to prevent its Project from being delayed through the suggested draft requirement from Thames Water requiring network upgrade works to be implemented prior to airport growth and concerns have been expressed in section 5.1 of the 11th June consultation response [REP6-077]. The Authorities would wish to ensure that in the event this infrastructure is required that the works are complete and fully operational in accordance with the provision of the environmental permit prior to the commencement of the dual runway operations. Draft requirement 31 needs strengthening to ensure these measures are in place, the current wording of the requirement suggests construction of the works and permit to be	As noted in the **List of Other Consents and Licences** [REP8-092], a permit for the operation of the On-airport WWTW would be required from the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2016. The requirement for this permit to be in place before the operation of the On-airport WWTW is covered and appropriately controlled by this separate legislation. As noted in paragraph 2.5.4 of the **Second Change Application Report** [REP6-072], GAL would endeavour to secure the necessary operational environmental permit whilst the On-airport WWTW is being constructed and in advance of the

Topic	Matter Raised	Applicant's Response
	submitted but this doesn't imply the infrastructure is required to be operational which must be key to ensuring there is infrastructure capacity to address the passenger demand.	commencement of dual runway operations, so that the On-airport WWTW is operational at the point at which dual runway operations commence.
Construction	It is also noted that if implemented Works 44 have a knock-on effect on the drainage infrastructure elsewhere within the Project boundary (in particular there would be no need for the pumping station and pipe run to the east of the railway line). The Applicant should provide clear information in its control documents about this either /or scenario to ensure that the implications on the wider drainage airport infrastructure are clearly understood. The second change report [REP6-072] makes no reference to the pumping station east of the railway yet in the Project Description [REP6-013] paragraph 5.2.190 states this infrastructure would not be required if the WWTW is implemented. There needs to be clarity on precisely how the drainage infrastructure will operate with and without Works 44. It is noted that the infrastructure east of the railway is not included in the list of Works in Schedule 1, or its location and extent identified on any works plan. It has also been removed from plan 5.2.1 e [REP6-015 and REP6-016].	As explained above and in the **Second Change Application Report** [REP6-072] (para 2.5.2), the associated network of wastewater infrastructure outside the On-airport WWTW works area (e.g. the River Mole outfall) does not need to be specified in a work number because it can be delivered as ancillary or related development under the latter part of Schedule 1, most pertinently paragraph (b). Notwithstanding this, and following the acceptance of Project Change 4, the **Design Principles** [REP8-090] submitted at Deadline 8 were updated to include additional Design Principles relevant to the On-airport WWTW and the associated wastewater infrastructure. The Design Principles are secured under Requirements 4, 5, 6 and 10 of the **Draft DCO** (Doc Ref. 2.1).

3 Laurence Skinner

3.1.1. **Table 3.1** sets out the Applicant's response to the matters raised in **Laurence Skinner's Comments on any further information / submissions received by Deadline 6** [REP7-140]

Table 3.1 Response to Laurence Skinner on the Project Change 4

Topic	Matter Raised	Applicant's Response
Project Description	The proposal document produced by Gatwick Airport does not appear to have enough detail to decide whether the proposed changes are planned in enough detail to adequately address the requirements. For example:	Mr Laurence Skinner's two consultation responses were received by the Applicant and considered as part of the Second Change Application, notably in the **Consultation Report Second Addendum** [REP6-077] and included in **Appendix K** containing the (redacted) consultation responses. The Applicant notes that the questions raised in Mr Skinner's Deadline 7 response [REP7-140] repeat the queries raised in one of his consultation responses and therefore have been addressed in the **Consultation Report Second Addendum**. This includes the Applicant's response on: ▪ The level of information provided on the On-airport WWTW; ▪ The volumes / quantity of wastewater that would require disposal; ▪ The quality of the discharged water;
Water Environment	What volume of waste water will the WWTW be capable of dealing with?	
	What will the quality of the discharged water be?	
	What happens in the event of a technical failure of the WWTW? Will untreated waste get discharged?	
	What provisions will be put in place for monitoring operations and quality of discharge(s) and dealing with failures?	
	Where will the waste water be discharged to?	
	Is the discharge point(s) capable of dealing with the extra flow?	
	What happens in the event of severe weather (i.e. exceptional amounts of waste water)?	

Topic	Matter Raised	Applicant's Response
		▪ The measures to be put in place to monitor the water quality and ensure no deterioration of the water quality of the receiving network; ▪ What happens in the event of a technical failure at the On-airport WWTW and if untreated could get discharged; ▪ Where the wastewater would be discharged to; ▪ If the discharge point is capable of dealing with the additional flows; and ▪ What happens in the event of extreme weather.
Consultation	I did email this feedback to the community@gatwickairport.com address as requested by Gatwick Airport on 18th May 2024, but have had no reply. Given the focus on waste water treatment and its effect on the environment it's obviously key that the plans are properly scrutinized before approval.	

4 Nigel Tanner

4.1.1. **Table 4.1** sets out the Applicant's response to matters raised in **Nigel Tanner's Comments on any further information / submissions received by Deadline 7 (late submission accepted at the discretion of the ExA)** [REP8-175].

Table 4.1 Response to Nigel Tanner on Project Change 4

Topic	Matter Raised	Applicant's Response
Existing Sewage Capacity / Provision of a WWTW	(1) Water treatment and wastewater facilities are already not coping, there are no plans in place to upgrade current facilities to adequately deal with the disposal of de-icing and fire-retardant material draining from the airport. The data provided around the current situation, and the ongoing issues around wastewater and water treatment, and the lack of any agreed plan, is extremely concerning.	The Applicant cannot comment on the existing capacity of wastewater facilities and any upgrade plans, which is the responsibility of TWUL and part of its statutory duty. The Applicant is continuing its discussions with TWUL regarding the impacts of the Project on TWUL's local wastewater treatment infrastructure. This is explained in further detail in the Applicant's response to ExQ2 WE.2.2 and WE.2.3 in the **Applicant's Response to ExQ2 - Water Environment** [REP7-093] and in the **Statement of Common Ground between the Applicant and Thames Water** (Doc Ref. 10.1.17). In respect of de-icing and fire-retardant material, the Project proposes to treat the de-icer contaminated run-off and discharge from the airport's existing pollution storage lagoons via a constructed wetland (reed bed) system. The proposals are explained in Section 5 of the **Change Application Report** [AS-139] and has been accepted into the Examination as part of the Project. In respect of the wastewater proposals for the Project, the Applicant put forward the Proposed Change to provide an On-airport WWTW as a result of TWUL being unable to confirm, within the timescales of the Examination, the effects of the Project on its receiving network and process infrastructure, or to confirm positively that it will be able to include any 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. Further detail on the context and need for the Proposed Change was provided in section 2.3 of the **Second Change Application Report** [REP6-072].

Topic	Matter Raised	Applicant's Response
		The Proposed Change has since been accepted into the Examination by the Examining Authority, via a **Procedural Decision** [PD-023], and the provision of the On-airport WWTW is set out in Work No. 44 and Requirement 31(3) of the **Draft DCO** (Doc Ref. 2.1). Additionally, as was explained by the Applicant during Agenda Item 3 in ISH9 (see paragraphs 3.1.30 and 3.1.31 of The **Applicant's Written Summary of Oral Submissions ISH9: Mitigation** [REP8-111], the Applicant included new Requirement 36 in Schedule 2 to the Draft DCO (Doc Ref. 2.1 v11) submitted at Deadline 8. This requirement requires the undertaker to prepare and provide 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 and for the subsequent five year period after commencement of dual runway operations. The details in the plan must not materially exceed the forecast annual passenger numbers shown for the equivalent time periods for the airport with the Project in Table 9.2-1 of the **Forecast Data Book** [APP-075]. 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 certainty regarding their maximum extents to enable appropriate planning by TWUL of any required wastewater infrastructure upgrades. Importantly, 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 is the preferred construction for TWUL of any requirement (see TWUL's response to ExQ2 WE2.2 [REP7-119]). The Applicant has explained in previous submissions (see for example, section 2.3 of the **Second Change Application Report** [REP6- 072]) that this is not considered to be appropriate or necessary, given that it would introduce unacceptable uncertainty to the delivery of our Project and which has prompted the proposed alternative On airport WWTW to be included in the Draft DCO.

5 Glyn Woodage, Julie Etheridge, Nick Krywko and Darren Perks

5.1.1. **Table 5.1** sets out the Applicant's response to matters raised in **Glyn Woodage's Comments on any further information / submissions received by Deadline 7** [REP8-155], **Julie Etheridge's Comments on any further information / submissions received by Deadline 7 (late submission accepted at the discretion of the ExA)** [REP8-159], **Nick Krywko's Comments on any further information / submissions received by Deadline 7** [REP8-174] and **Darren Perks' Comments on any further information / submissions received by Deadline 7 (late submission accepted at the discretion of the ExA)** [REP8-148].

5.1.2. These representations replicated the same comments regarding wastewater provisions in the area and for the Project, and are therefore addressed together.

Table 5.1 Response to Glyn Woodage, Julie Etheridge, Nick Krywko and Darren Perks on Project Change 4

Topic	Matter Raised	Applicant's Response
Existing Sewage Capacity / Provision of a WWTW	Waste Water Flooding – The DCO must include a mandatory onsite wastewater sewerage treatment plant, to prevent local homes being flooded with sewerage due to no provision by Thames Water.	The Applicant cannot comment on the existing capacity of wastewater facilities and any upgrade plans, which is the responsibility of TWUL and part of its statutory duty. As noted in Table 4.1 above, the Applicant is continuing its discussions with TWUL regarding the impacts of the Project on TWUL's local wastewater treatment infrastructure. This is explained in further detail in the Applicant's response to ExQ2 WE2.2 and WE2.3 in the **Applicant's Response to ExQ2 - Water Environment** [REP7-093] and in the **Statement of Common Ground between the Applicant and Thames Water** (Doc Ref. 10.1.17). As also explained in Table 4.1 above, the Applicant included new Requirement 36 in Schedule 2 to the Draft DCO (Doc Ref. 2.1 v11) submitted at Deadline 8. 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 certainty regarding their maximum extents to enable appropriate planning by TWUL of any required wastewater infrastructure upgrades. In respect of the Project, the Applicant put forward a Proposed Change to provide an On-airport WWTW as a result of TWUL being unable to confirm, within the timescales of the Examination, the effects of the Project on its receiving network and process infrastructure, or to confirm positively that it will be able to include any 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. Further detail on the context and need for the Proposed Change was provided in section 2.3 of the **Second Change Application Report** [REP6-072]. The Proposed Change has since been accepted into the Examination by the Examining Authority, via a **Procedural Decision** [PD-023], and the provision of the On-airport WWTW is captured by Work No. 44 and Requirement 31(3) of the **Draft DCO** (Doc Ref. 2.1). The drafting of Requirement 31(3) allows for TWUL to agree that the On-airport WWTW need not be delivered. This provides flexibility for an alternative solution for the delivery of any required upgrades to TWUL's local wastewater network to be agreed between the Applicant and TWUL, rather than obliging GAL to deliver the on-airport WWTW, meaning that a solution that is preferrable for both parties can be agreed. This means that TWUL, as the relevant statutory sewerage undertaker, retains the flexibility to agree to an alternative solution which is preferable to the on-airport WWTW in enabling TWUL to discharge its statutory undertaking. For further

Topic	Matter Raised	Applicant's Response
		detail, please see 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]**.

6 Christina Nanna Mary Coleman

6.1.1. **Table 6.1** sets out the Applicant's response to matters raised in **Christina Nanna Mary Coleman's Comments on any further information / submissions received by Deadline 7** [REP8-141]

Table 6.1 Response to Glyn Woodage on Project Change 4

Topic	Matter Raised	Applicant's Response
Existing Sewage Capacity	Thames Water has demonstrated its inability to adequately manage existing levels of sewage without causing substantial harm to the environment and cannot be trusted to manage the increased sewage that would be generated by the Gatwick expansion. Thames Water has been placed in special measures for a catalogue of failures including routine, illegal sewage discharges into rivers and the sea. On 6th August 2024, Thames Water received a record fine of £104 million from Ofwat, for illegal spills that caused considerable harm to the environment and customers. Ofwat found that Thames Water had failed to upgrade assets; failed to understand the scope of their obligations; failed to obtain adequate information, and failed to institute adequate processes and oversight.	The Applicant cannot comment on the existing capacity or functioning of wastewater facilities and any upgrade plans, which is the responsibility of TWUL and part of their statutory duty. As noted in Table 4.1 above, the Applicant is continuing its discussions with TWUL regarding the impacts of the Project on TWUL's local wastewater treatment infrastructure. This is explained in further detail in the Applicant's response to ExQ2 WE2.2 and WE2.3 in the **Applicant's Response to ExQ2 - Water Environment** [REP7-093] and in the **Statement of Common Ground between the Applicant and Thames Water** (Doc Ref. 10.1.17). As also explained in Table 4.1 above, the Applicant included new Requirement 36 in Schedule 2 to the Draft DCO (Doc Ref. 2.1 v11) submitted at Deadline 8. 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 certainty regarding their maximum extents to enable appropriate planning by TWUL of any required wastewater infrastructure upgrades. Notwithstanding this and as explained in the **Second Change Application Report** [REP6-072], the Applicant put forward this change as an alternative (albeit not preferred) option to serve wastewater flows from the Project (and the airport more generally) should wastewater upgrades by TWUL not be put in place to serve the Project, if concluded to be necessary. The drafting of Requirement 31(3) in the Draft DCO allows for TWUL and the Applicant to agree that the On-airport WWTW need not be delivered. This provides flexibility for an alternative solution for the delivery of any required upgrades to TWUL's local wastewater network to be agreed between the Applicant and TWUL,

Topic	Matter Raised	Applicant's Response
		rather than obliging GAL to deliver the on-airport WWTW, meaning that a solution that is preferrable for both parties can be agreed.
Provision of a WWTW	Thames Water has also failed to engage with the Gatwick Expansion DCO examination process. Thames Water did not attend the hearings and has not been responding to requests from the applicant or Interested Parties. It has been demonstratively proven that Thames Water are incapable of adequately coping with existing levels of sewage from Gatwick airport. Given the failure to deal with the waste water and sewage, significant investment will be required from Gatwick to ensure that there is adequate capability to cope with an effective doubling of passenger numbers; the associated increase in staff; and the additional waste water which runs off from the second runway which will be contaminated with waste such as de-icing chemicals. The DCO should not be granted until either Thames Water or Gatwick Airport can demonstrate that it can safely and satisfactorily manage existing levels of waste water, without causing significant harm to the environment and can clearly demonstrate the additional capacity to manage increased levels of sewage and chemically contaminated water. Gatwick exists in a severely water stressed region, where millions depend on limited supplies for drinking water. Our watercourses - and the ecosystems that they depend upon - are in desperate need of protection and there is huge public support for this. It is vital that assurances of adequate water treatment and management are in place before the DCO can be recommended for approval.	In respect of the Project, the Applicant put forward a Proposed Change to provide an On-airport WWTW as a result of TWUL being unable to confirm, within the timescales of the Examination, the effects of the Project on its receiving network and process infrastructure, or to confirm positively that it will be able to include any 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. Further detail on the context and need for the Proposed Change was provided in section 2.3 of the **Second Change Application Report** [REP6-072]. The Proposed Change has since been accepted into the Examination by the Examining Authority, via a **Procedural Decision** [PD-023], and the provision of the On-airport WWTW is captured by Work No. 44 and Requirement 31(3) of the **Draft DCO** (Doc Ref. 2.1). These DCO provisions sets out the interactions with the provision of the On-airport WWTW. In respect of water demand, and whilst not related to the Project's treatment of wastewater, Sutton and East Surrey Water (as the relevant water supply undertaker) has confirmed to the Examination in response to ExQ2 WE.2.1 [REP7-118] that their water sources and infrastructure would be able to meet the predicted demands from the Project.

7 Environment Agency

7.1.1. **Table 6.1** sets out the Applicant's response to matters raised in **Environment Agency's Comments on any further information / submissions received by Deadline 7 and Comments on responses to ExQ2** [REP8-123].

Table 7.1 Response to the Environment Agency on Project Change 4

Topic	Matter Raised	Applicant's Response
Provision of a WWTW	WE.2.4 The response states that the Wastewater Treatment Works could be installed if connection to Thames Water Utilities Ltd network cannot be accommodated. We would ask if the applicants could confirm if their preferred option is to remain connected to the network or to go with the new treatment works (operated by a NAV).	As explained in the **Applicant's response to ExQ2 WE.2.2 and WE.2.4** [REP7-093], it is the Applicant's preferred position to reach an agreement with TWUL that means that the Applicant would not be responsible for delivering the On-airport WWTW. Requirement 31(3) of the **Draft DCO** (Doc Ref. 2.1) sets out the interaction between the provision of the On-airport WWTW and

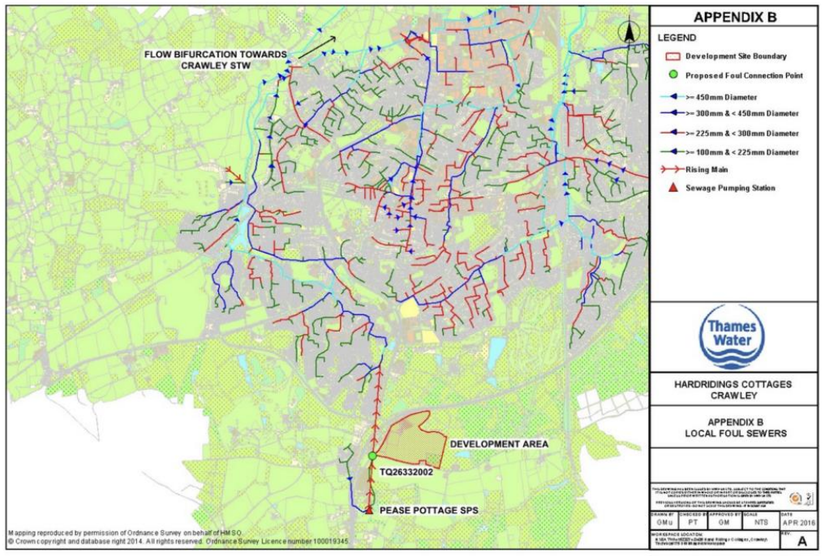
Topic	Matter Raised	Applicant's Response
		reaching agreement with TWUL on the wastewater provisions for the Project, prior to the commencement of dual runway operations.
Project Description	There is also no mention of the proposed reedbed system to handle de-icer run-off. It should be clarified within the documents whether the de-icer run-off is to be discharged to Thames Water assets or not. We have referred to the Second Change Application Report. Section 2.2.2 states • provision of on-airport facilities to treat de-icer contaminated surface water held by the existing long-term storage lagoons (comprised in Project Change 3 explained in the Change Application Report [AS-139]), which would remove the need to send these trade effluent flows from the airport to the Crawley STW, thus reducing the load on this facility If this involves disconnection from the public foul sewer which has been accepted by Thames Water, they will need to formally state that they cannot take the trade effluent before we could find the proposal acceptable. Having a NAV operate the reed bed system may be acceptable or perhaps the more sewage from the site going to the Thames Water works would compensate for the removal of flows. We would be keen to understand Thames Waters thoughts on the proposal that an increase in sewage waste could be accommodated by the removal of the trade component to the permissions the applicant already has in place, and we would require more information on the wastewater arrangement to comment further at this stage. There is nothing, in principle, that would make any application for a permit unacceptable. Details would be finalised during the determination process would be a separate matter to the DCO.	Paragraph 2.2.2 of the **Second Change Application Report** [REP6-072] summarised the wastewater strategy of the DCO Application, as submitted, i.e. without the introduction of Project Change 4 (On-airport WWTW). The subsequent paragraphs go on to explain the content of the Proposed Change and the relationship to the existing DCO Application proposals, notably paragraph 2.2.11 confirms that Project Change 4 would not result in a change to the proposed treatment of the de-icer contaminated surface water run-off via the constructed wetland (reed bed) system.

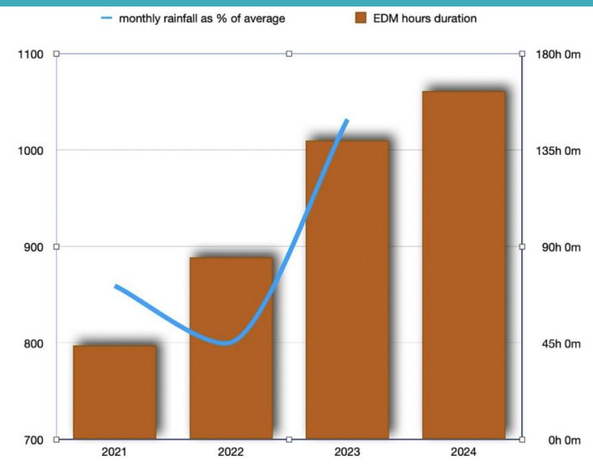
8 Gatwick Area Conservation Campaign

8.1.1. **Table 8.1** sets out the Applicant's response to matters raised in **Gatwick Area Conservation Campaign's Post-Hearing submissions, including written summaries of oral submissions to the Hearings held during w/c 29 July 2024** [REP8-152].

Table 8.1 Response to GACC on Project Change 4

Topic	Matter Raised	Applicant's Response
Existing Sewage Capacity	Adequacy of Wastewater Treatment Provision	The Applicant cannot comment on the existing capacity or functioning of wastewater facilities and any upgrade plans, which is the responsibility of

Topic	Matter Raised	Applicant's Response
	GACC have spoken to River Mole River Watch (RMRW) who highlighted that over the last 12-months Horley sewage treatment works has been woefully underperformed, and failing in its ability to treat current flows. RMRW highlight increasing local evidence of increased sewage overflows following housing growth. For example, Thames Water objected to planned growth (of housing) of 600 homes at Peas Pottage. This is on the same sewer network as Gatwick (see Figure 1 below).  **Figure 1. Sewage Network in the Crawley Area.** Source: Thames Water Since the development the Pease Pottage sewage pumping station has since an increase in storm overflow activity. Figure 2 (below) shows how storm overflow durations have shown a year-on-year increase in sewage overflow event durations in recent years into the vulnerable Stanford Brook. Whilst there is some correlation with rainfall it is insufficient to say this is the only casual factor.	TWUL and part of their statutory duty. As noted in Table 4.1 above, the Applicant is continuing its discussions with TWUL regarding the specific impacts of the Project on TWUL's local wastewater treatment infrastructure. This is explained in further detail in the Applicant's response to ExQ2 WE2.2 and WE2.3 in the **Applicant's Response to ExQ2 - Water Environment** [REP7-093] and in the **Statement of Common Ground between the Applicant and Thames Water** (Doc Ref. 10.1.17). As also explained in Table 4.1 above, the Applicant included new Requirement 36 in Schedule 2 to the **Draft DCO** (Doc Ref. 2.1) submitted at Deadline 8. 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 certainty regarding their maximum extents to enable appropriate planning by TWUL of any required wastewater infrastructure upgrades.

Topic	Matter Raised	Applicant's Response
	 **Figure 2. Event duration monitoring at Pease Pottage sewage pumping station** This highlights the importance of providing sufficient sewage pumping and treatment capacity from the airport to its two struggling sewage treatment works at Crawley and Horley, and the risk both of current operations and planned growth on storm overflows from sewage works. Horley sewage works is already failing to cope such that some of Gatwick's current wastewater flows end up, regularly, in the River Mole. GACC are concerned that the Project's environmental impact has been assessed by focusing on the difference between a GAL-created future baseline and the Project case. This risks overlooking the real impacts that are already being caused now. The focus here on inadequate sewage treatment could be applied to water supply from areas of water scarcity around the airport, existing noise and climate impacts too.	
Provision of a WWTW	GACC request that ExA investigate how this can be addressed through an update to the DCO, regardless of whether the project is permitted. The proposed SWT by GAL needs to not just be sized for future baseline and project growth but the extent that Gatwick already contributes to sewage overflows at Horley and Crawley, and the works prioritised appropriately.	As explained in the **Second Change Application Report** [REP6-072] (para 2.2.5), the On-airport WWTW (if it forms part of the final consented Project) would treat all flows from the airport, including all additional flows generated by the Project and all airport flows more generally. In the event that the DCO is not granted, wastewater from the airport would continue to be discharged as per the current arrangements to TWUL's receiving network and process infrastructure, as part of TWUL fulfilling its statutory duty as the relevant sewerage undertaker for the area in which the airport is located.

9 Communities Against Gatwick Noise Emissions

9.1.1. **Table 9.1** sets out the Applicant's response to matters raised in **Communities Against Gatwick Noise Emissions' Post-Hearing submissions, including written summaries of oral submissions to the Hearings held during w/c 29 July 2024** [REP8-143].

Table 9.1 Response to CAGNE on Project Change 4

Topic	Matter Raised	Applicant's Response
Draft DCO	Wastewater *At present, Requirement 31(3) reads as follows (emphasis added):* *(3) The commencement of dual runway operations must not take place until—* *(a) Work No. 44 (wastewater treatment works) has been completed; and* *(b) an application has been submitted for an environmental permit under regulation 12(1)(b) (requirement for an environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016 for the operation of Work No. 44 (wastewater treatment works), unless otherwise agreed in writing by Thames Water Utilities Limited.* CAGNE has set out its concerns with the unlawful tailpiece contained within this requirement in some detail at REP7-129. In short, Requirement 31 is unacceptable, as it allows the Applicant to resile from building the onsite wastewater treatment works in the event some alternative agreement is reached in future with Thames Water ("TW").	As noted, CAGNE previously submitted representations relating to the drafting of requirement 31(3) at Deadline 7. The Applicant responded in detail at Deadline 8 – please see 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]. In summary, the Applicant considers that the drafting of requirement 31(3) is lawful, and moreover provides GAL and Thames Water Utilities Limited (TWUL) with necessary flexibility to agree to deliver an alternative solution for any required upgrades to TWUL's local wastewater network, rather than obliging GAL to deliver the On-airport WWTW. This means that a solution that is preferrable for both parties can be agreed post consent and that TWUL, as the relevant statutory sewerage undertaker, retains the flexibility to agree to an alternative solution which is preferable to the On-airport WWTW to enable TWUL to discharge its statutory undertaking most effectively.
Existing Sewage Capacity	The Applicant has failed to provide the data that would allow the ExA to properly scrutinise whether TW's assets at Crawley can sustain the additional wastewater that would be generated. As such, that option cannot be properly scrutinised by the ExA as part of the examination process. It is not appropriate for the Applicant and TW to have the scope to reach an agreement behind closed doors on what is such a fundamental issue for the DCO. In light of the UKSC's decision in Finch, this approach is not lawful. Public participation is integral to lawful assessment of environmental impacts, and the mitigation of effects is something with which the public must have the opportunity to engage: see §§18-21; 63, 105 and 109. The current requirement allows an option that completely subverts public participation.	The DCO Application was accompanied by a complete wastewater assessment, contained in **ES Chapter 11: Water Environment** [APP-036] and **ES Appendix 11.9.7: Wastewater Assessment** [APP-150], that assessed the impact of the potential increase in wastewater volumes and demonstrated that Gatwick Airport's network can safely cope with the additional wastewater. The Project (without the On-airport WWTW) proposes to improve capacity and resilience to minimise any impacts on TWUL's assets through the provision of new wastewater infrastructure, summarised in the **Second Change Application Report** [REP6-072] (para 2.2.2). The Applicant is in continued dialogue with TWUL on its ongoing studies and to identify a solution for the Project. To assist the Examination, the **Applicant's Response to ExQ2 WE.2.2** [REP7-093] provided an update on the work being jointly progressed by the Applicant and TWUL to help TWUL to understand the effects of the Project on TWUL's receiving network and processing

Topic	Matter Raised	Applicant's Response
		infrastructure. The Applicant also explained in that response that it considers it is for TWUL, as the relevant sewerage undertaker and owner of the network assets, to provide a view on the exact nature of any processing plant upgrade works and the likely timescales for delivery, as well as how any necessary works would be secured.
Draft DCO	Furthermore, as set out at REP7-129, having regard to relevant guidance and case law, CAGNE considers the words underlined in the left-hand column to be an unlawful tailpiece. The wording creates a risk that the Applicant will seek to make significant changes to the development post examination in a way that deprives third parties of the opportunity to comment. That is something both case law and the Government warn against. If the DCO is allowed with this requirement in place, there would remain total uncertainty as to how wastewater will be dealt with. The Applicant states they want flexibility. That is not appropriate when they have not provided the data that evidences their proposed alternative would be satisfactory. In addition, CAGNE notes that whether or not the wastewater plant is built on site has implications for other elements of the DCO, including the number of parking spaces that would be provided. This is a further reason that there must be clarity within the DCO.	Please refer to the response above, which notes that the Applicant has responded in detail to CAGNE's 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. 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.
Pollution	Finally, CAGNE's members consider this issue of particular importance in light of recent monitoring showing marked increases in pollution in the River Mole[1]. [1] See https://www.rivermoleriverwatch.org.uk/post/rising-pollution-in-the-river-mole-through-early-summer-our-tests-reveal	As noted in the **List of Other Consents and Licences** [REP8-092], a permit for the operation of the On-airport WWTW would be required under the Environmental Permitting (England and Wales) Regulations 2016. The permit would include the requirements of all other legislation (e.g. Habitats Regulations, Unban Waste Water Treatment Regulations, Water Framework Directive, etc.). The permit would set chemical and biological requirements of the discharged effluent to the River Mole to ensure no deterioration in its water quality.