



Gatwick Airport Northern Runway Project

Appendix B – Response on Landscape and Ecology

Book 10

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1 The Applicant’s Response to Deadline 8 Submissions

1.1 Purpose of this Document

1.1.1 This document has been prepared to set out the Applicant’s response to landscape and ecology related comments received at Deadline 8, namely:

- Legal Partnership Authorities Post Hearing Submission ISH9 [\[REP8-165\]](#);
- Legal Partnership Authorities Response to Actions Raised by the ExA at ISH9 [\[REP8-168\]](#)
- Mole Valley District Council Comments on the Applicants Responses to ExQ2 [\[REP8-129\]](#)

1.2 Legal Partnership Authorities Post Hearing Submission ISH9: Mitigation Deadline 8 [\[REP8-165\]](#)

Ref	Legal Partnership Authorities Response	The Applicant’s Response
Landscape and Ecology		
	<p>ExA’s Proposals on Requirement 8</p> <p>Following the Applicant’s comments on the ExA’s proposed requirement 8, the Authorities explained that they remain concerned that the tree survey information provided by the Applicant thus far is insufficient to demonstrate that policy CH6 of the Crawley Local Plan could be satisfactorily met on land within the red line boundary of the development. The Authorities emphasised that this is not merely a</p>	<p>The information submitted by the Applicant demonstrates that the Project would result in a significant exceedance of the CH6 tree replanting policy, even on a worst case basis nevertheless, at Deadline 8 the Applicant proposed a new DCO Requirement [REP8-005] that secured a Tree Balance Statement including the basis on which a tree contribution would be calculated in the event that CBC's CH6 policy is not satisfied.</p>

<p>question of meeting numerical planting requirements and that the suitability and spacing of the trees also needs to be ensured. As CH6 recognises, there might be a need for offsite provision if the policy requirements cannot be fully achieved within the development site itself.</p> <p>The Authorities confirmed that they are not satisfied with the current information from the Applicant, as it does not sufficiently demonstrate that the policy could be met entirely within the red line boundary. Therefore, the Authorities believe that additional measures are necessary to ensure compliance with the policy. In the Authorities Consolidated Submissions on the dDCO at Deadline 7 [REP7-108], the Authorities had proposed a more detailed requirement for tree replacement (pages 70 - 72 of the document). While the Authorities are therefore supportive of the principle of the ExA’s proposal, they consider this drafting requires further detail to ensure deliverability. For that reason, the Authorities confirmed that they prefer their wording, as submitted at D7, which includes explicit reference to a potential tree mitigation contribution — a sum that could be paid under policy CH6 if appropriate planting levels could not be achieved within the site. The obligation or requirement is intended to function such that if</p>	<p>In addition, the Applicant has updated the oLEMP as requested by the ExA (see the Applicant's Response to the ExA's Proposed Schedule of Changes (Doc Ref. 10.72)).</p>
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calculations demonstrate that there is no need for additional tree planting, no contribution to off-site planting would be required. However, if the calculations proved to be incorrect and there was a loss of trees, the requirement would ensure that appropriate planting could be undertaken. As no agreement has been reached as part of the section 106 agreement, the authorities have proposed this as a requirement.

The ExA queried how the Applicant could be confident it met the requirements of CH6 without having undertaken detailed work. The Applicant confirmed this could be met through the OLEMPs. In response, the Authorities pointed out that without sufficiently detailed design work to identify clear planting areas and without accurate knowledge of the tree losses that needed replacement, there was a risk of conducting a calculation that produced a result requiring inappropriate planting just to meet a numerical target. The Authorities are therefore not persuaded by the current approach and consider it necessary to include a default mechanism that allowed for offsite tree planting if required.

Outline Arboricultural and Vegetation Method Statement	
<p>ES Appendix 5.3.2: CoCP Annex 6 – Outline Arboricultural and Vegetation Method Statement (Doc Ref. 5.3)</p> <ul style="list-style-type: none"> • The Tree Removal and Protection Plans need to account for all trees and hedgerows impacted (as detailed in the JLA DL6 submission [REP7-103]). • The Tree Removal and Protection Plans need to provide a better case for a realistic worst-case scenario for tree loss/clearance. Currently, the tree loss is considered excessive for reasoning further detailed in the JLA DL6 submission [REP7-103]. • The OAVMS needs to ensure that any detailed AVMS will include a tree schedule and as set out in OAVMS (which must accord with CBC’s tree replacement policy CH6). • The Vegetation Removal and Protection Plans currently provide no context as to the vegetation types proposed for removal or retention within the Order Limits (other than trees). Vegetation types should be identified on the plans by habitat type, such as neutral grassland, reedbed, watercourse and 	<ul style="list-style-type: none"> • All trees and hedgerows that would potentially be impacted by the Project as part of a worst case assessment are identified on Tree Removal and Protection Plans in Appendices A and B of the oAVMS, a revised version of which was submitted at Deadline 8. • D8 Submission Appendix B item 6.5. The Applicant has undertaken an arboricultural assessment based on a realistic worst-case scenario. The Applicant's design and construction team has been involved in developing the current assumptions based on construction norms and standard practices to provide a reasonable worst case, but also acknowledging that the detailed design process will seek to retain existing arboricultural features wherever possible in line with the Design Principles (Doc Ref. 7.3) secured under the Draft DCO (Doc Ref. 2.1). The assessment of a realistic worst-case scenario together with the controls in the oAVMS and the application of the Design Principles and LEMPs as part of the detailed design stage demonstrate that, even within a worst case scenario, the impacts are acceptable but that the mechanisms within the draft DCO ensure that detailed design will be developed and

	<p>scrub, and those proposed for retention should be clearly identified.</p>	<p>approved to minimise impact on existing arboricultural features wherever possible.</p> <ul style="list-style-type: none"> • D8 Submission Appendix B item 1.3. paragraph 4.1.4 of the oAVMS (Doc Ref. 5.3) has been inserted at Deadline 8 to confirm that the detailed AVMS (to be provided under DCO Requirement 28) will identify individual trees for removal in the Tree Work Schedules, using decimal places to differentiate between the individual trees and a new DCO Requirement for a Tree Balance Statement has been added. • D8 Submission Appendix B item 1.2. Additional information layers which show the types of vegetation have been provided within Appendices C and D of the Outline Arboricultural and Vegetation Method Statement (oAVMS) (Doc Ref. 5.3) to provide context on the vegetation types proposed for removal (based on the worst case assessment) as suggested by the JLA would be helpful.
<p>Outline Landscape and Ecology Management Plan</p>		
	<p>ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan (Doc Ref. 5.3)</p>	<ul style="list-style-type: none"> • Almost all the woodland loss due to the Project occurs along the A23 corridor between Longbridge Roundabout and the M23. Radio tracking studies undertaken to inform the assessment (ES Appendix

<ul style="list-style-type: none"> • The overall net loss of woodland is of major concern. Additional woodland creation, either on-site or off-site, is required. This should seek to provide further mitigation for impacts on bats, notably the rare Bechstein’s bat. Further information can be found in the Legal Partnership Authorities ISH 8 Post-hearing Submission on Agenda Item 7: Ecology [REP6-109]. • Increased woodland planting was suggested to have been included in DL6 documents (Cover Letter [REP6-033], oAVMS [REP6-039] and BNG Statement [REP6-050]) at Museum Field (Figure 1.2.1). However, the Authorities cannot identify how the figure has actually changed from the DL4 submission [REP4-012] and the suggested increased planting is considered misleading. • The OLEMP should demonstrate as to how detailed LEMPs will accord with CBC tree replacement policy as set out within the OAVMS. • If the Project is to satisfy the Biodiversity Net Gain (BNG) ‘trading rules’ and deliver a true BNG, in addition to compensating for the net loss of woodland, a 10% BNG in woodland habitat is required. 	<p>9.6.3 Bat Trapping and Radio Tracking Surveys [APP-131, APP-132]) found that the northern end of this woodland corridor (between Longbridge Roundabout and Riverside Garden Park) was only periodically used by Bechstein’s bats. The majority of foraging activity of this species was along the River Mole and to the north and west of the airport. As such, the loss of the woodland along this corridor was identified as not being significant, being a minor adverse effect, in section 9 of ES Chapter 9 Ecology and Nature Conservation [APP-034]. As such, the provision of replacement planting would, in the long term, result in negligible effects. On this basis, there is no requirement to provide further mitigation with respect to this species. Further, 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 Design Manual For Roads and Bridges (DMRB)</p>
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		<p>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. 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 [REP8-030, REP8-032, REP8-034, REP8-036, REP8-038, REP8-040]. 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 Biodiversity Net Gain (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. 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 Statement of Common Ground with the Applicant [REP6-061]</p>
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		<ul style="list-style-type: none"> • D8 Submission Appendix B item 3.3. At Deadline 8, the date and revision on oLEMP Figure 1.2.1 (Doc Ref. 5.3) has been updated to make clear this is a revised version from the Deadline 4 version and to remove reference to “scrub” from the key, i.e. to make clear this is an area identified for new woodland tree planting. Alongside this, the Applicant has put forward a new DCO Requirement at Deadline 8 to secure tree replanting provisions in line with CBC Policy CH6, with accompanying updates made to the oLEMP and oAVMS in reference to this and to explain how compliance will be demonstrated. The purpose of CBC’s policy CH6 is to ensure satisfactory outcomes where tree removal is necessary, and to take account of the age and quality of the trees to ensure that new planting provides sufficient compensation. The application exceeds those policy requirements. • D8 Submission Appendix B item 6.14. Whilst the Applicant’s submissions show (even on a worst case basis that the requirements of Policy CH6 will be met, 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
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		<p>provided as part of the Project. Further, the Applicant has updated the oLEMP as requested by the ExA (see the Applicant's Response to the ExA's Proposed Schedule of Changes (Doc Ref. 10.72)).</p> <ul style="list-style-type: none"> • There is no requirement in any published guidance for a development to achieve 10% net gain in a specific habitat type. The Applicant's approach to the delivery of BNG, as set out in This was updated through the Examination with the final position set out at Deadline 8 [REP8-076]. The position adopted with respect to both BNG methodology and conclusions was agreed with Natural England via the Statement of Common Ground (sections 2.8.4.1, 2.8.4.2, 2.8.4.3) [Doc ref 10.1.15 version 4], reiterated by Natural England in their response to Further Written Question EN.2.1 [REP7-116].
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1.3 Legal Partnership Authorities Response to Actions Raised by the ExA at ISH9 [\[REP8-168\]](#)

Ref	Legal Partnership Authorities Response	The Applicant's Response
Item 3 – Mitigation Landscape and Ecology		
23	<p>Provide comments on the Applicant's D7 submissions regarding tree planting.</p> <p>Post-hearing Note: As explained in the introduction to this submission, further discussions between the Applicant and the Authorities have taken place since the close of ISH9 and the following summary should therefore be read in view of the Authorities' submission "Update on Negotiations regarding the Section 106 Agreement". At Deadline 7 the JLA's provided detailed comments [REP7-103] on the information within the following documents submitted by the Applicant at Deadline 6 comprising:</p> <p>Appendix 5.3.2 CoCP Annex 6 - Outline Arboricultural and Vegetation Method Statement (oAVMS) - Parts 1-6 [REP6-018 – REP6-029]</p>	<p>Appendix B Submissions at Deadline 8 include responses to;</p> <ul style="list-style-type: none"> • D8 Submission Appendix B items 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8 and 1.9. Revised versions of the oLEMP, AIA and oAVMS address concerns about inconsistencies/clarifications. • D8 Submission Appendix B item 1.5. When the Deadline 6 version of the oAVMS was submitted, Project Change 4 (relating to the On-airport WWTW) had not been accepted into the examination by the ExA and hence was not taken into account. The Proposed Change has since been accepted by the ExA (on 10th July 2024) and therefore the updated version of the oAVMS (Doc Ref. 5.3) and appendices submitted at Deadline 8 take this into account. • The Applicant has undertaken an arboricultural assessment within ES Appendix 8.10.1: Tree Survey Report and Arboricultural Impact

<ul style="list-style-type: none"> • 5.3 Environmental Statement Appendix 8.8.1 Outline Landscape and Ecology Management Plan (oLEMP)- Parts 1-3 Version 5 [REP6-032- REP6-037] • 5.3 Environmental Statement Appendix 8.10.1 Tree Survey Report and Arboricultural Impact Assessment (AIA) - Parts 1-6 Version 3 [REP6-038 – REP6- 049]. <p>The responses in sections 1, 3, 4, 5 and 6 of the document [REP7-103] highlight several concerns with the information provided including for example:</p> <ul style="list-style-type: none"> • Inconsistencies in information between the documents; • Missing updates for example in respect of Project Change 4 (Waste water Treatment Works), changes to Museum Field. • Disagreement with the conclusions of the AIA in respect of the amount tree removal proposed which is still considered to be excessive 	<p>Assessment (Doc Ref. 5.3) based on a realistic worst-case scenario and submitted at D8.</p> <ul style="list-style-type: none"> • D8 Submission Appendix B items 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8 and 1.9. Revised versions of the oLEMP, AIA and oAVMS address inconsistencies/clarifications. • D8 Submission Appendix B item 1.5. It is standard practice and was always the Applicant’s intention to provide this level of identification at the detailed design stage, when it will be subject to local authority approval. However, to provide additional comfort to the JLAs now, paragraph 4.1.4 of the oAVMS (Doc Ref. 5.3) has been inserted at Deadline 8 to confirm that the detailed AVMS (to be provided under DCO Requirement 28) will identify individual trees for removal in the Tree Work Schedules, using decimal places to differentiate between the individual trees. • All trees that would potentially be impacted by the Project and the location of tree protection measures are identified on Tree Removal and Protection Plans in Appendices A and B of the oAVMS (Doc Ref. 5.3), a revised version of which was submitted at Deadline 8.
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<ul style="list-style-type: none"> • Errors with the survey findings and schedules including where an individual tree entry collectively references a group of trees. • Lack of clarity of interpretation of the entries where collective referencing has occurred and where all or part of group are being removed • Lack of detail on plans, in terms of grouping of vegetation types, lack of information on which trees are being retained. <p>The Deadline 7 response did not confirm the Authorities' agreement with the tree loss and replanting figures provided by the Applicant. Within the AIA a technical note was provided explaining how the Applicant has sought to address policy CH6 of the Crawley Borough Local Plan and seeks to demonstrate compliance with this tree mitigation policy. This sets out an estimated number of trees to be removed and replanted. Annex 1 and Annex 2 of this document contain tree planting calculation tables (however these were omitted from document at Deadline 6) and were not provided at Deadline 7 so are therefore not before the Examination. These have not therefore been reviewed in any detail. Notwithstanding the above,</p>	<p>D8 Submission Appendix B item 6.12. The Applicant considers that the methodology set out in Appendix J of the AIA (Doc Ref. 5.3) is correct and provides a robust assessment of the tree number balance, as required by CBC Policy CH6. The number of trees identified in Annex 1 of Appendix J provides an accurate description of the tree resource within the Order Limits and, as such, provides the necessary baseline against which to assess the change in tree numbers due to the Project.</p> <p>D8 Submission Appendix B item 6.14. 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. Further, the Applicant has updated the oLEMP as requested by the ExA (see the Applicant's Response to the ExA's Proposed Schedule of Changes (Doc Ref. 10.72)).</p>
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based on the current information before the Authorities, the survey data in these documents is not of sufficient accuracy to allow the Authorities to calculate the number of trees that are likely to be lost in a worse case scenario and establish the total number of trees to be removed.

Furthermore, in the absence of any detailed layout plans for the works, it is impossible to establish the number of trees to be removed. There are no clear replanting plans to demonstrate the extent and quantum of trees proposed to be planted. This position was explained at ISH9 as part of Agenda Item 3 and more detail is provided in the Legal Partnership Authorities post-hearing note.

The Authorities welcome that the ExA acknowledge the importance of CBC policy CH6 and have put forward a requirement which would comprehensively address the policy.

The Authorities also note that in order to meet their concerns, the Applicant said at ISH9 that they would revisit the LEMP. The Authorities await this information and will confirm at D9 if the revisions proposed by the

	Applicant meet the Authorities' concerns and secure the mitigation considered to be necessary.	
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1.4 Mole Valley District Council Comments on the Applicants Responses to ExQ2 [\[REP8-129\]](#)

ExQ2	Question to:	ExA's Question:	Mole Valley Response	The Applicant's Response to the Legal Partnership Authorities' Response
Landscape Townscape and Visual Resources				
LV.2.2	Applicant	<p>Surrey Hills National Landscape</p> <p>While noting the answer to ExQ1 LV.1.8 and Appendix B to that answer, please provide further information concerning the likely extent of overflying (in terms of numbers and increase) which may occur over the proposed extended areas of the Surrey Hills National Landscape as a result of the Proposed</p>	<p>MVDC welcome this question to the Applicant. For the benefit of the ExA's knowledge it is understood that an update regarding the boundary review is imminent and will likely provide more information on the proposed boundaries which were consulted on, by Natural England, in 2023.</p> <p>It is accepted that the</p>	<p>The Applicant's response to ExQ2, LV.2.2 [REP7-087] sets out the additional survey work undertaken and the updating of ES Figures 8.6.3 to 8.6.7 with Surrey Hills NL Evaluation Areas. The response includes an assessment of the likely effects on the perception of tranquillity within the Evaluation Areas. No significant effects are anticipated.</p>

		<p>Development</p>	<p>timetables for both the boundary review and the DCO are different. However, in the same way that planning applications and some draft future land allocations are considered in the DCO process with the view of attempting to prevent unacceptable overflying and impacts, the draft boundaries of the Surrey Hills expansion should also provide a guide to the NRP application with the appropriate weight attached.</p> <p>Adding to this is uncertainty on how the Applicant has accounted for the boundary review as there is no mention of it within the draft Statements of Common Ground (REP6-062) between the Applicant and NE. While there is existing</p>	
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			<p>wording (2.14.3.1) to confirm that increase in overflights of existing NL will not be unacceptable, this does not exist for the proposals of the boundary review. The Council wishes to see similar wording regarding the newly proposed areas to demonstrate due diligence and that this has been discussed and agreed with NE.</p> <p>It is requested that the SoCG be updated and/or the Applicant undertake the necessary assessment of possible impacts</p>	
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