

Communities Against Gatwick Noise Emissions (CAGNE)
Gatwick Airport Northern Runway project DCO application
PINS Reference Number: TR020005

SUBMISSIONS ON BEHALF OF CAGNE
DEADLINE 10 (27 August 2024)

INTRODUCTION

1. These submissions are made by CAGNE at Deadline 10. They contain the following:
 - a. CAGNE’s responses to the ExA’s Rule 17 Request for Further Information (20 August 2024) on the London City Airport decision;
 - b. CAGNE’s comments on submissions received by Deadline 9 in relation to the proposed Carbon Cap requirement (R17d.10);
 - c. CAGNE’s response in relation to R17e.2 on cost-benefit analysis;
 - d. CAGNE’s comments on submissions received by Deadline 9 in relation to the High Court's decision in *R(Friends of the Earth) v SSESNZ* [2024] EWHC 995 (Admin) (R17d.9); and
 - e. CAGNE’s comments on submissions received by Deadline 9 in relation to airspace modernisation (R17d.3).

RESPONSE ON THE LONDON CITY AIRPORT DECISION

2. On 19 August 2024, the Secretary of States for Transport and for Housing, Communities and Local Government jointly accepted their Inspectors’ recommendations to grant planning permission for variation of conditions applicable to London City Airport (“**LCY**”) to allow for some additional morning flights and growth in passenger numbers, but not to remove the existing Saturday afternoon curfew on flights (“**the LCY Decision**”).

3. In short, CAGNE’s submission is that this decision is of minimal relevance to the instant decision concerning the Proposed Development. There are a number of reasons.
4. First, the context was very different - the LCY Decision was an appeal under section 78 of the Town and Country Planning Act 1990 in relation to a comparatively much smaller airport expansion. The LCY Decision concerned an archetypal application to which the Making Best Use (“**MBU**”) policy applies – making more intensive use of an existing runway. Accordingly, nothing said in the LCY Decision assists in relation to the application of MBU to the introduction of a new operational runway, per the Proposed Development.
5. Second, the LCY Decision does not take into account or address two subsequent developments crucially relevant to the Proposed Development:
 - a. The judgment in *R(Friends of the Earth) v SSESNZ* [2024] EWHC 995 (Admin) (“**the CBDP judgment**”); and
 - b. The clarification of the law on indirect effects in *R (Finch) v Surrey County Council* [2024] UKSC 20 (“**Finch**”).

Accordingly, the approach in the LCY Decision to the weight given to the Jet Zero Strategy and to assessing the climate impacts of the proposed LCY expansion must be treated with considerable caution.

6. Third, the noise issues at LCY were very different. The LCY decision did not address night flights at all, given the issue did not arise. The size of the potential expansion is several orders of magnitude different from that proposed by the Applicant. The situation in relation to potential sleep disturbance was therefore completely different and the suggestion in the LCY decision that the main useful metrics are average equalized contours does not assist in assessing the proposed Gatwick expansion. In the context of this examination, as the JLAs have established, an additional awakening contour would be useful.
7. Fifth and finally, while the LCY Decision accepted that the WebTAG analysis could be a material consideration, in the context of the section 78 appeal it was not considered to be helpful and so neither the Inspectors nor the Secretaries of State engaged with that analysis [DL22; IR 14.187]. The Secretaries of State differentiated the position with Nationally Significant Infrastructure Projects, and it is clear that the WebTAG analysis

provided in this Examination is very helpful indeed and is rightly a material consideration with which the ExA has engaged extensively.

RESPONSE ON THE CARBON CAP REQUIREMENT (R17d.10)

8. In its Deadline 9 Submissions¹, the Applicant has essentially stated that there is no policy basis for a carbon cap requirement. CAGNE makes a number of points in response to this.
9. Critically, the Applicant itself has promised as part of this Application through the Carbon Action Plan (“CAP”)² that it would take measures to reduce its carbon impacts over time. Requirement 21 proposes that the development must be carried out in accordance with the CAP. Accordingly, the Applicant has accepted as a matter of principle that there is a need to reduce carbon emissions, and that the need to reduce carbon emissions should be controlled under the development consent order (“DCO”). The Applicant invites the ExA to place weight on its plans to reduce emissions via the CAP. However, the CAP as proposed does not have teeth, with no immediate enforcement consequences if promises are not kept. For the ExA to place any reliance on the Applicant’s promises to reduce carbon, the DCO should provide a mechanism to ensure such promises will be kept. That is the approach that has been taken with noise, and that would be achieved by the carbon cap requirement proposed by CAGNE.
10. Furthermore, the analysis provided by the New Economics Foundation (“NEF”) at previous deadlines³ and the detailed analysis that NEF will submit in respect of Deadline 10 (of which CAGNE has had an advance summary) shows that the Application would result in a negative overall impact on societal welfare at the national level in light of its carbon emissions (amongst other environmental effects). CAGNE supports NEF’s conclusion that the risk that the Northern Runway Project (“NRP”) would significantly worsen the destabilisation of the global climate is great, particularly given growing concern relating to non-CO₂ emissions. For the reasons set out in CAGNE’s Deadline 9 submissions at §§55-56, the ExA can lawfully take into account both the extent of non-

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020005/TR020005-003679-10.80%20The%20Applicant's%20Response%20to%20the%20Rule%2017%20Letter%20d.pdf>

² [REP8-054](#)

³ [REP1-241](#), [REP3-076](#), [REP4-124](#), [REP8-173](#)

CO₂ impacts on climate and the extent of the economic harm which those impacts would cause. As stated previously, CAGNE further adopts the remarks of the Aviation Environment Federation has set out as regards a carbon cap.⁴

11. Finally, in terms of the policy context, it must be borne in mind that the Government's "*key objective on aviation emissions*" is to ensure that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions.⁵ The carbon cap would help to achieve that goal with respect to this Application.

RESPONSE ON COST-BENEFIT ANALYSIS (R17e.2)

12. Under R17e.2 the ExA asked for further comment on the Impact of the DfT TAG November 2023 update on the Applicant's National Economic Impact Assessment. In this regard, CAGNE supports the forthcoming submissions of NEF at Deadline 10 as to the costs and benefits of the NRP. CAGNE invites the ExA to refer to its Deadline 9 submissions on non-CO₂ emissions (§§55-56) and to the remarks about WebTAG set out above.

RESPONSE ON THE CBDP JUDGMENT (R17d.9)

13. At Deadline 9, the Applicant has also responded to R17d.9 in relation to the *CBDP* judgment. In this regard, the Applicant's Deadline 9 submissions simply repeat previous remarks and fail to address the substance of CAGNE's points made both in CAGNE's Closing Remarks at Deadline 9⁶ and in CAGNE's post-ISH6 submissions.⁷

RESPONSE ON AIRSPACE MODERNISATION (R17d.3)

14. Finally, the Applicant and the Civil Aviation Authority ("CAA") have now provided an updated Statement of Common Ground ("SOCG").⁸ Airspace modernisation is

⁴ [REP1-114](#), [REP3-158](#)

⁵ ANPS §5.70, referring Aviation Policy Framework,

⁶ At §§42-49

⁷ [REP4-093](#)

⁸ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020005/TR020005-003645->

addressed, *inter alia*, at §2.3.1.3 of that SOCG. The CAA has provided helpful clarification as to its CAP 1908 decision and the implications with respect to the NRP. This is a matter on which CAGNE has provided detailed submissions at [REP8-146](#) (§§8-9). CAGNE invites the ExA to have regard to those submissions as critical context for considering the common ground between the Applicant and the CAA. CAGNE's position remains that airspace modernisation is necessary for the NRP, but that its environmental implications have not been properly assessed by the Applicant as part of the DCO process.

27 August 2024