



Department for Transport

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To:
The Applicant
Thames Water Utilities Limited
Crawley Borough Council
National Highways
Network Rail
Surrey County Council
West Sussex County Council
Secretary of State for Housing, Communities and Local Government
Secretary of State for the Home Department
HM Revenue and Customs
Environment Agency

9 December 2024

Dear Sir/Madam

Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010

Application by Gatwick Airport Limited (“the Applicant”) Seeking Development Consent for the Proposed Gatwick Airport Northern Runway Scheme

Request for comments from the Applicant and the parties listed above

SCHEDULE 2 (REQUIREMENTS)

1. The Secretary of State notes that during the Examination, several alternative draft DCO Requirements to those proposed by the Applicant were discussed. The Examination concluded before further consideration of potential alternative wording for these Requirements could be shared or agreed.
2. The Secretary of State, therefore, invites the **Applicant** to provide any comments on the acceptability of Schedule 2 (requirements) of the draft DCO, at Annex A to this letter.
3. The Secretary of State notes that some of the revised requirements, in particular requirement 15 (air noise envelope), requirement 16 (air noise envelope reviews), requirement 18 (noise insulation scheme), requirement 20 (surface access) and requirement 37 (car parking spaces), were discussed during the Examination, and with which the Applicant disagreed.

4. Should the reasons for the Applicant's disagreement remain, or where the Applicant has concerns about any newly proposed amendments, the Secretary of State invites the **Applicant** to propose alternative wording that achieves the same level of protection.
5. The Applicant is advised against repeating the same arguments made during the Examination about why any of the proposed amendments to the requirements are not acceptable, and where possible look to provide proposed revisions to the requirements.

WATER ENVIRONMENT

6. The Secretary of State notes that at the close of the Examination, there were outstanding concerns regarding the capacity for wastewater treatment and that an agreement with Thames Water to utilise the existing infrastructure at Crawley and Horley treatment works was not in place. The Secretary of State also notes the Applicant's alternative proposal to bring wastewater treatment on-site.
7. **The Applicant and Thames Water Utilities Limited** are requested to provide an update on their discussions and confirm whether an agreement has been reached.
8. Where an agreed position has not been reached, both parties and the **Environment Agency** are invited to comment on a proposed amendment to requirement 31 of the DCO, at Annex A to this letter.

TRANSPORT FORUM STEERING GROUP ("TFSG")

9. The Secretary of State notes the Surface Access Commitments document submitted by the Applicant, which sets out the Terms of Reference for the TFSG. It is noted that the decision-making process of the TFSG was unable to be clarified and resolved during the Examination. The **Applicant, Crawley Borough Council, National Highways, Network Rail, Surrey County Council and West Sussex County Council** are therefore invited to provide views on a new proposed requirement 20, at Annex A to this letter.

CROWN LAND

10. The Secretary of State is aware that by the close of the Examination, Crown consent had not been obtained by the Applicant for the compulsory acquisition of interests in land relating to the Ministry of Housing Communities and Local Government, HM Revenue and Customs, and UK Visas and Immigration.
11. The Secretary of State therefore requests an update from **the Applicant and the Secretary of State for Housing, Communities and Local Government, HM Revenue and Customs and the Secretary of State for the Home Department** regarding whether an agreement for this land has been reached or when agreement might be reached.
12. Noting that section 135 of the Planning Act 2008 requires consent of the appropriate Crown authority before development consent could be granted, the Secretary of State also invites **the Applicant** to set out what the appropriate options are if consent is not provided.

Deadline for Response

The deadline for response is **23 December 2024**.

Submissions sent by post may be subject to delay therefore your response on the information requested above should be submitted to the Case Team, if possible, by email to gatwickairport@planninginspectorate.gov.uk .

If you will have difficulty in submitting a response by the deadline, or difficulty in submitting a response by email, please inform the Case Team.

Responses will be published as soon as possible after the deadline on the project page of the National Infrastructure Planning website at: [Gatwick Airport Northern Runway Project](#).

This letter is without prejudice to the Secretary of State's decision on the Application, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully,

Transport Infrastructure Planning Unit

SCHEDULE 1

Article 3

Requirements

Interpretation

1.—(1) In this Schedule—

Each of—

- “appendix 1 of the design and access statement”;
- “carbon action plan”;
- “construction dust management strategy”;
- “construction resources and waste management plan”;
- “flood resilience statement”;
- “forecast data book”;
- “odour monitoring and management plan”;
- “operational waste management strategy”;
- “outline construction traffic management plan”;
- “outline construction workforce travel plan”;
- “public rights of way management strategy”;
- “soil management strategy”;
- “surface access commitments”;
- “surface access drainage strategy”;
- “water treatment works footpath plan”;
- “written scheme of investigation for Surrey”; and
- “written scheme of investigation for West Sussex”;

means the document of that description certified by the Secretary of State under article 52 (certification of documents, etc.);

“aircraft movements” means commercial or non-commercial aircraft take-offs and landings, but shall not include diverted or emergency flights;

“begin” has the meaning given in section 155 (when development begins) of the 2008 Act and shall have a meaning distinct to “commence” in this Order;

“CAA” means the Civil Aviation Authority or any successor organisation to their statutory functions;

“commencement of dual runway operations” means the first day on which aircraft movements are scheduled to depart from both the repositioned northern runway and the main runway, which for the avoidance of doubt shall exclude any days on which both runways are used by the undertaker to test dual operations following approval by the CAA for dual operations;

“commercial air transport movements” means take-offs and landings of aircraft engaged on the transport of passengers, freight or mail on commercial terms, which for the avoidance of doubt shall not include diverted or emergency flights;

“eligible premises” means premises approved in writing by the relevant local planning authority after its consideration of potentially eligible premises provided by the undertaker;

“emergency flights” means aircraft movements which do not carry commercial passengers, which include but are not restricted to—

- (a) flights operated by government or relief organisations for humanitarian reasons;
- (b) flights operated by the armed forces for military purposes;

- (c) medical flights; or
- (d) a particular occasion or series of occasions which are to be disregarded pursuant to a notice published by the Secretary of State under section 78(4) or 78(5)(f) (regulation of noise and vibration from aircraft) of the 1982 Act or set out in guidance published by the Secretary of State in connection with those provisions;

“host authorities” means CBC, MVDC, RBBC, Surrey County Council, TDC and West Sussex County Council;

“independent air noise reviewer” means the CAA (or such other competent body with knowledge and expertise to perform that function as appointed by the Secretary of State from time to time);

“LAeq 8h” means the equivalent sound level of aircraft noise in dBA for the 8 hour annual day. For conventional historical contours for a particular year this is based on the daily average movements that take place between 2300 and 0700 local time during the 92-day period 16 June to 15 September inclusive;

“LAeq 16h” means the equivalent sound level of aircraft noise in dBA for the 16 hour annual day. For conventional historical contours for a particular year this is based on the daily average movements that take place between 0700 and 2300 local time during the 92-day period 16 June to 15 September inclusive;

“lead local flood authority” has the same meaning as in section 6(7) (other definitions) of the Flood and Water Management Act 2010;

“listed works” means the works listed in Schedule 12 (non-highway works for which detailed design approval is required);

“noise model verification report” means a report detailing the review undertaken by an independent expert with credentials to carry out that review approved by the Institute of Acoustics to verify noise monitoring data in the noise model, including the siting of the noise and track keeping terminals and processing of data, which shall make recommendations to improve the validity of the noise modelling in future years where identified to be necessary;

“potentially eligible premises” means a main residence, school or college, hospital, library, place of worship, or community facility, where, following the commencement of dual runway operations, air noise, ground noise or combined air and ground noise is predicted to exceed 54 dB LAeq 16 h, and for main residences where, following the commencement of dual runway operations, air noise, ground noise or combined air and ground noise is predicted to exceed 48 dB LAeq 8 h;

(2) References in this Schedule to part of the authorised development are to be construed as references to elements of the authorised development in respect of which an application is made by the undertaker under this Schedule, and references to commencement of part of the authorised development in this Schedule are to be construed accordingly.

(3) References in this Schedule to phases of the authorised development are to be construed as references to phases identified in a phasing scheme submitted under requirement 2.

(4) Where submitted details or actions can be “otherwise agreed” by a discharging authority pursuant to requirements 4, 5, 7, 8(4), 10(3), 11(3), 12(3), 13(3), 14(1), 14(2), 20, 21, 22(3), 23(2), 24, 25(3), 27(3), 28(3), 29(3), 30(3), [31(3)], 32, 35, 37(1) and 38(3) and 39 such agreement is not to be given by the discharging authority save where it has been demonstrated to the satisfaction of the discharging authority that the departure from the previously certified or approved document, details or obligation does not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement.

(5) If before the coming into force of this Order the undertaker or any other person has taken any steps that were intended to be steps towards compliance with any provision of this Schedule, those steps may be taken into account for the purpose of determining compliance with that provision if they would have been valid steps for that purpose had they been taken after this Order came into force.

Phasing scheme

2.—(1) The authorised development must not commence unless, no less than four months prior to the anticipated date of commencement, a phasing scheme setting out the anticipated phases for construction of the authorised development has been submitted to the host authorities and National Highways.

(2) The undertaker must review and make any necessary updates to the phasing scheme and submit that updated phasing scheme to the host authorities and National Highways—

- (a) no later than three years from the date of commencement of the authorised development;
- (b) at any time if the undertaker proposes a significant change to the contents or timing of the phases of construction in a previously submitted phasing scheme; and
- (c) no later than every three years after the date of the most recent submission of a phasing scheme under this sub-paragraph (2),

provided that the undertaker is not required to submit any further phasing scheme after the later of—

- (d) the fifteenth anniversary of the commencement of the authorised development;
- (e) the tenth anniversary of the commencement of dual runway operations; and
- (f) the fifth anniversary of the commencement of the later of Work No. 35 (South Terminal Junction improvements), Work No. 36 (North Terminal Junction improvements) or Work No. 37 (Longbridge Roundabout Junction improvements).

(3) A submission of an updated phasing scheme made to a host authority under sub-paragraph (2)(b) must be made to the host authority at least 3 months before the significant change in question is implemented unless otherwise agreed in writing by the host authority in question.

(4) Where any requirement in this Schedule requires the submission to any of the host authorities of details or a document relating to the authorised development, the undertaker must provide in writing to the host authority in question indicative timings for the submission of the relevant details or document in question at least 3 months before their submission unless otherwise agreed in writing by the host authority in question.

(5) Where any requirement in this Schedule requires the submission to any of the host authorities or National Highways of details or a document relating to a part of the authorised development, the undertaker must—

- (a) state which phase that part falls within by reference to the most recent phasing scheme submitted under sub-paragraph (1) or (2); and
- (b) where the part does not constitute the whole phase—
 - (i) identify which works in Schedule 1 (authorised development) constitute the part, including by reference to the works plans (where applicable); and
 - (ii) provide indicative timings for the submission of the relevant details or document for the remainder of works in that phase.

(6) In this requirement “phasing scheme” means a written document which—

- (a) identifies, by reference to Schedule 1 (authorised development), the works that are anticipated to be constructed within successive temporal phases of construction;
- (b) includes a layout plan showing the location of the works anticipated to be constructed in each phase; and
- (c) includes an indicative construction programme for any phases to be delivered in the five years following the date of submission of the phasing scheme and indicative timings for the delivery of later phases;

Time limit and notifications

3.—(1) The authorised development must begin no later than the expiration of five years beginning on the start date.

(2) The undertaker must notify the host authorities—

- (a) within 7 days after the date on which the authorised development begins;

- (b) at least 42 days prior to the anticipated date of commencement of the authorised development, provided that commencement may still lawfully occur if notice is not served in accordance with this sub-paragraph;
- (c) within 7 days after the actual date of commencement of the authorised development;
- (d) at least 42 days prior to the anticipated date of commencement of dual runway operations; and
- (e) within 7 days after the actual commencement of dual runway operations.

Detailed design

4.—(1) No part of the authorised development (except for the highway works and listed works) is to commence until CBC has been consulted on the design of that part.

(2) Consultation under sub-paragraph (1) shall take place by—

- (a) the undertaker providing CBC with an explanatory note, drawings (where necessary) and a compliance statement regarding the design of the part in question; and
- (b) CBC providing its comments (if any) within 8 weeks beginning with the day after the information was provided to CBC pursuant to sub-paragraph (2)(a), unless a longer time period is agreed in writing between CBC and the undertaker.

(3) Any part of the authorised development to which sub-paragraph (1) applies must be carried out in accordance with the design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with CBC.

(4) No part of any listed works is to commence until the details referred to in sub-paragraph (5) for the layout, siting, scale and external appearance of the buildings, structures and works within that part have been submitted to and approved in writing by—

- (a) for Work No. 40(a) (pedestrian footbridge over the River Mole), MVDC (in consultation with RBBC); and
- (b) for all other listed works, CBC.

(5) The details referred to in sub-paragraph (4) must include—

- (a) an explanatory note;
- (b) drawings;
- (c) a compliance statement;
- (d) details of layout, siting, scale, external appearance and levels (including existing and finished floor levels and ground levels);
- (e) a schedule of external materials and finishes;
- (f) details of any associated structures;
- (g) access arrangements;
- (h) an operational lighting scheme for the part;
- (i) details of any construction and sustainability measures; and
- (j) for part of a work that is subject to design review in accordance with annex A of appendix 1 of the design and access statement, the relevant “Design Review Statement” as defined in that annex A.

(6) The relevant part of the listed works must be carried out in accordance with the details approved under sub-paragraph (4) unless otherwise agreed in writing with MVDC (in consultation with RBBC) or CBC (as relevant depending on which authority approved the details).

(7) In this requirement “compliance statement” means a document that sets out how—

- (a) the part of the authorised development in question will be constructed in accordance with the design principles in appendix 1 of the design and access statement, unless otherwise agreed in writing with—
 - (i) for a part to which sub-paragraphs (1) or (4)(b) apply, CBC; or
 - (ii) for a part to which sub-paragraph (4)(a) applies, MVDC (in consultation with RBBC); and

- (b) in carrying out that part the undertaker would comply with article 6 (limits of works), including detailing any reliance by the undertaker on article 6(6).

Local highway works – detailed design

5.—(1) No part of the local highway works is to commence until details of the layout, siting, scale and external appearance of the buildings, structures and works within that part have been submitted to and approved in writing by the relevant highway authority (in consultation with the relevant planning authority).

(2) The details referred to in sub-paragraph (1) must—

- (a) be in accordance with the design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with the relevant highway authority; and
- (b) be in accordance with the surface access general arrangements, surface access engineering section drawings and surface access structure section drawings or otherwise demonstrate that in carrying out the part of the authorised development to which the submitted details relate the undertaker would comply with article 6 (limits of works), including detailing any reliance by the undertaker on article 6(7).

(3) The relevant part of the local highway works must be carried out in accordance with the details approved by the relevant highway authority under sub-paragraph (1) unless otherwise agreed in writing with the relevant highway authority.

National highway works

6.—(1) The undertaker must carry out the national highway works in accordance with Part 3 of Schedule 9 (protective provisions for the protection of National Highways).

(2) Design details submitted to National Highways pursuant to paragraph 7(1)(c) of Part 3 of Schedule 9 to this Order must—

- (a) be in accordance with the design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with National Highways;
- (b) be in accordance with the surface access general arrangements, surface access engineering section drawings and surface access structure section drawings or otherwise demonstrate that in carrying out the part of the authorised development to which the submitted details relate the undertaker would comply with article 6 (limits of works), including detailing any reliance by the undertaker on article 6(7); and
- (c) to the extent that they constitute drainage details, be substantially in accordance with the surface access drainage strategy.

(3) The undertaker must have completed construction of the national highway works and made an application to National Highways for a provisional certificate pursuant to paragraph 10 of Part 3 of Schedule 9 in respect of the national highway works by the third anniversary of the commencement of dual runway operations, unless otherwise agreed in writing with National Highways, said agreement not to be unreasonably withheld or delayed.

Code of construction practice

7. Construction of the authorised development must be carried out in accordance with the code of construction practice unless otherwise agreed in writing with CBC.

Landscape and ecology management plan

8.—(1) No part of the authorised development is to commence until a landscape and ecology management plan for that part has been submitted to and approved in writing by CBC (in consultation with RBBC, MVDC or TDC to the extent that they are the relevant planning authority for any land to which the submitted plan relates).

(2) Where a landscape and ecology management plan submitted pursuant to sub-paragraph (1) relates to highways works, CBC must approve it also in consultation with the relevant highway authority.

(3) Each landscape and ecology management plan submitted pursuant to sub-paragraph (1) must be substantially in accordance with the outline landscape and ecology management plan and must include a timetable for the implementation of the landscaping works it contains.

(4) The relevant part of the authorised development must be carried out in accordance with the relevant landscape and ecology management plan approved pursuant to sub-paragraph (1) unless otherwise agreed in writing with CBC.

(5) In respect of any landscape and ecology management plan for Work No. 40 (works associated with land to the north east of Longbridge Roundabout), the references in this requirement to “CBC” are to be read as “MVDC”.

Contaminated land and groundwater

9.—(1) In respect of any part of the authorised development where historical data cannot establish that the risk of contaminated land is low, the undertaker must conduct ground investigations prior to that part of the authorised development being commenced. The scope of these investigations must be agreed with the relevant planning authority (in consultation with the Environment Agency on matters related to its functions).

(2) In the event that land affected by contamination, including groundwater, is found at any time when constructing the authorised development which was not previously identified in the environmental statement, it must be reported as soon as reasonably practicable to the relevant planning authority and the Environment Agency, and the undertaker must complete a risk assessment of the contamination in consultation with the relevant planning authority and the Environment Agency.

(3) Where the undertaker’s risk assessment determines that remediation of contamination identified in, on, or under land from detailed site investigations, or as an unexpected discovery, is necessary, a remediation strategy comprising a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be submitted to and approved in writing by the relevant planning authority (in consultation with the Environment Agency on matters related to its functions).

(4) Any required and agreed remediation must be carried out in accordance with the remediation strategy approved under sub-paragraph (3).

(5) The remediation strategy submitted for approval pursuant to sub-paragraph (3) shall include a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

(6) Prior to the relevant part of the authorised development being occupied or used (as relevant) a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation will be submitted to, and approved in writing by, the relevant planning authority. The report will include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Surface and foul water drainage

10.—(1) No part of the authorised development involving surface or foul water drainage (except for the highway works and listed works) is to commence until CBC has been consulted on the drainage for that part.

(2) Consultation under sub-paragraph (1) shall take place by—

- (a) the undertaker providing CBC with an explanatory note, drawings (where necessary) and a compliance statement regarding the drainage of the part in question; and
- (b) CBC providing its comments (if any) within 8 weeks beginning with the day after the information was provided to CBC pursuant to sub-paragraph (2)(a), unless a longer time period is agreed in writing between CBC and the undertaker.

(3) Any part of the authorised development to which sub-paragraph (1) applies must be carried out in accordance with the drainage design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with CBC.

(4) No part of any listed works involving surface or foul water drainage is to commence until details of the surface and foul water drainage for that part, including means of pollution control and monitoring, have

been submitted to and approved in writing by CBC (in consultation with West Sussex County Council, the Environment Agency and Thames Water Utilities Limited).

(5) The drainage details referred to in sub-paragraph (4) must include those of the following that are reasonably considered necessary for the part of the listed work in question by CBC—

- (a) an explanatory note;
- (b) drawings;
- (c) a compliance statement;
- (d) details of layout, siting, scale, external appearance and levels;
- (e) details of any associated structures;
- (f) details of any construction and sustainability measures; and
- (g) for part of a work that is subject to design review in accordance with annex A of appendix 1 of the design and access statement, the relevant “Design Review Statement” as defined in that annex A.

(6) The relevant part of the listed works must be constructed in accordance with the details approved under sub-paragraph (4) unless otherwise agreed in writing by CBC (in consultation with West Sussex County Council, the Environment Agency and Thames Water Utilities Limited).

(7) In this requirement “compliance statement” means a document that sets out how the part of the authorised development in question will be constructed in accordance with the drainage design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with CBC.

Local highway surface water drainage

11.—(1) No part of the local highway works is to commence until written details of the surface water drainage for that part, including means of pollution control and monitoring, have been submitted to and approved in writing by the relevant highway authority (in consultation with the Environment Agency, the relevant lead local flood authority and the relevant planning authority).

(2) The drainage details approved pursuant to sub-paragraph (1) must be substantially in accordance with the surface access drainage strategy.

(3) The relevant part of the local highway works must be constructed in accordance with the details approved under sub-paragraph (1) unless otherwise agreed in writing by the relevant highway authority (in consultation with the Environment Agency and the relevant lead local flood authority).

Construction traffic management plan

12.—(1) No part of the authorised development is to commence until a construction traffic management plan for that part has been submitted to and approved in writing by CBC (in consultation with West Sussex County Council, Surrey County Council and National Highways on matters related to their function).

(2) The construction traffic management plan submitted under sub-paragraph (1) must be substantially in accordance with the outline construction traffic management plan.

(3) The relevant part of the authorised development must be constructed in accordance with the construction traffic management plan referred to in sub-paragraph (1), unless otherwise agreed in writing with CBC (in consultation with West Sussex County Council, Surrey County Council and National Highways on matters related to their function).

Construction workforce travel plan

13.—(1) No part of the authorised development is to commence until a construction workforce travel plan for that part has been submitted to and approved in writing by CBC (in consultation with West Sussex County Council, Surrey County Council and National Highways on matters related to their function).

(2) The construction workforce travel plan submitted under sub-paragraph (1) must be substantially in accordance with the outline construction workforce travel plan.

(3) The relevant part of the authorised development must be constructed in accordance with the construction workforce travel plan referred to in sub-paragraph (1), unless otherwise agreed in writing with

CBC (in consultation with West Sussex County Council, Surrey County Council and National Highways on matters related to their function).

Archaeological remains

14.—(1) Work No. 34(b) (Car Park B North) must be carried out in accordance with the written scheme of investigation for Surrey unless otherwise agreed in writing by Surrey County Council.

(2) Any part of the authorised development in West Sussex must be carried out in accordance with the written scheme of investigation for West Sussex unless otherwise agreed in writing with CBC.

(3) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be retained in situ and reported to the relevant authority and Historic England as soon as reasonably practicable from the date they are identified.

(4) No construction operations are to take place within 10 metres of the remains referred to in sub-paragraph (3) for a period of 14 days from the date of any report under sub-paragraph (3).

(5) If the relevant authority determines in writing that the archaeological remains require further investigation, no construction operations are to take place within 10 metres of the remains until provision has been made for the further investigation and recording of the remains in accordance with details to be submitted to, and approved in writing by, the relevant authority in consultation with Historic England.

(6) Construction operations which would otherwise be prohibited by sub-paragraphs (4) or (5) shall be permitted to the extent that they are—

- (a) agreed in writing by the relevant authority in consultation with Historic England; or
- (b) necessary to address a potential risk identified by the undertaker to the safety of the authorised development or any of its parts, the public or the surrounding environment (in which case the undertaker must promptly notify the relevant authority and Historic England in writing of the operations which it has carried out).

(7) In this requirement, the “relevant authority” means—

- (a) in respect of any land in West Sussex, CBC; and
- (b) in respect of any land in Surrey, Surrey County Council.

Air noise limits

15.—(1) The undertaker shall not operate the airport for dual runway operations unless the air noise contour enclosed areas set out in Table 1 are complied with.

Table 1

Air noise contour	Enclosed area from the first to fifth year of dual runway operations	Enclosed area from the sixth year of dual runway operations
51 dB LAeq 16 h	125 km ²	125 km ²
45 dB LAeq 8 h	146 km ²	135 km ²

(2) Air noise contour reports shall be published annually by the operator to demonstrate compliance with this requirement, as soon as is reasonably practicable following the first year and subsequent years of dual runway operations. The air noise contour enclosed areas set out in Table 1 shall be calculated using the Civil Aviation Authority’s Environmental Research and Consultancy Department (ERCD) Aircraft Noise Contour model, version 2.4 or later.

16. Not used.

Verification of air noise monitoring equipment

17. Within not more than six months following the end of the period of 12 months beginning with the commencement of dual runway operations and at 5 yearly intervals thereafter the undertaker must submit to the independent air noise reviewer a noise model verification report and the undertaker must publish on a website (including a page on a website) hosted by the undertaker for that purpose each noise model verification report submitted to the independent air noise reviewer within not more than 14 days after the date of its submission.

Receptor based noise mitigation

18.—(1) Within not more than 3 months following the commencement of any of Work Nos. 1 – 7 (inclusive) the undertaker shall submit to the relevant local planning authority details of premises forecast to be potentially eligible premises, as defined in Requirement 1, at or after the commencement of dual runway operations.

(2) Within not more than 6 months following the commencement of any of Work Nos. 1 – 7 (inclusive) the undertaker must take appropriate steps, having consulted with the relevant local planning authority, to notify the owners and occupiers of all eligible premises, as defined in Requirement 1, that the premises are eligible for the design and installation of a package of measures that may include ventilation, noise insulation and methods to reduce solar gain to achieve an internal living environment consistent with guidance.

(3) Within not more than 12 months following the commencement of any of Work Nos. 1 – 7 (inclusive) the undertaker must, subject to access being granted to the premises, carry out a survey of all eligible premises and submit, for approval by the relevant local planning authority, proposed designs for all eligible premises..

(4) The designs submitted by the undertaker and the consideration of them by the relevant local planning authority must have due regard for guidance including Sound Insulation and Noise Reduction for Buildings BS 8233 British Standards Institution (2014), Methods for rating and assessing industrial and commercial sound BS 4142 British Standards Institution (2014), Acoustic design of schools: performance standards BB93 Department for Education (2015) and Acoustics— Technical Design Manual 4032 Department for Health (2011) and other guidance as relevant.

(5) If the relevant local planning authority does not approve the receptor based mitigation design for a main residence that is an eligible premises because it considers internal living conditions would be unacceptable, the undertaker shall offer to buy the premises from the owner at its open market value and pay reasonable moving expenses, fees and costs incurred by the owner.

(6) Subject to agreement by the owner of the premises and access being granted to the premises, the design approved by the relevant local planning authority shall be installed and commissioned before the commencement of dual runway operations, or the year in which the premises is forecast to be an eligible premises, whichever is later.

(7) Subsequent to the commencement of dual runway operations the undertaker and the relevant local planning authority shall review actual noise levels experienced by premises affected by the operation of the airport, at least annually, to identify additional eligible premises. With regard to any additional eligible premises the undertaker shall offer, design, install and commission a package of measures to achieve an internal living environment consistent with guidance as soon as reasonably practicable.

Airport operations

19.—(1) From the date of the commencement of dual runway operations, the airport may not be used for more than 389,000 aircraft movements per annum or a passenger throughput of 80.2million passengers per annum.

(2) The repositioned northern runway must not be used between the hours of 23:00 – 06:00 but may be used between these hours where the main runway is temporarily non-operational by reason of an accident, incident or structural defect or when maintenance to the main runway is being undertaken.

(3) Subject to sub-paragraph (4), the repositioned northern runway must not be used—

(a) for aircraft landings; or

(b) for departures of aircraft larger than Code C aircraft.

(4) Sub-paragraph (3) does not apply and the repositioned northern runway may be used in one or both of the ways stated in that sub-paragraph where the main runway is temporarily non-operational by reason of an accident, incident or structural defect or when maintenance to the main runway is being undertaken.

(5) In this requirement “Code C aircraft” means aircraft with dimensions meeting the maximum specifications of code letter C in the Aerodrome Reference Code table in Annex 14, Volume I to the Convention on International Civil Aviation, as at the date of this Order.

Surface access

20.—(1) From the date on which the authorised development begins the operation of the airport must be carried out in accordance with the surface access commitments unless otherwise agreed in writing with CBC and National Highways (in consultation with Surrey County Council and West Sussex County Council).

(2) First use of the following airport facilities shall not be permitted until the mode shares set out below have been demonstrated to have been achieved in the Annual Monitoring Report unless otherwise permitted by CBC.

- (a) at least 54% of passengers travelling to the airport used public transport in the monitored year. Should this public transport mode share not be achieved then the Undertaker shall not use the following:
 - (i) Simultaneous operational use of the northern runway; and
 - (ii) Pier 7 and associated stands.
- (b) At least 55% of passengers travelling to the airport used public transport in the monitored year. Should this public transport mode share not be achieved then the Undertaker shall not use the following:
 - (i) The South Terminal Hotel Phase 2 on the former car park H; and
 - (ii) The use of multi storey car park Y
- (c) Not more than 44.9% of staff travelling to the airport were car drivers in the monitored year. Should this car driver mode share be exceeded then the Undertaker shall not use the South Terminal Office (on former car park H).

Carbon action plan

21. From the date on which the authorised development begins, the authorised development and the operation of the airport must be carried out in accordance with the carbon action plan unless otherwise agreed in writing with the Secretary of State (following consultation with CBC).

Public rights of way

22.—(1) No development of any new or diverted public right of way listed in Part 3 of Schedule 4 (footways and cycle tracks) may be carried out until a public rights of way implementation plan for that public right of way has been submitted to and approved by the relevant highway authority.

(2) Each public rights of way implementation plan submitted pursuant to sub-paragraph (1) must be substantially in accordance with the public rights of way management strategy and in accordance with the rights of way and access plans.

(3) The development of any new or diverted public right of way listed in Part 3 of Schedule 4 must be carried out in accordance with the relevant public rights of way implementation plan approved pursuant to sub-paragraph (1) unless otherwise agreed in writing with the relevant highway authority.

Flood compensation delivery plan

23.—(1) Prior to the commencement of the first of the floodplain works requiring prior mitigation, a flood compensation delivery plan setting out the timeframe for delivering the fluvial mitigation works must be

submitted to and approved in writing by CBC (in consultation with West Sussex County Council as lead local flood authority and the Environment Agency).

(2) The authorised development must be constructed in accordance with the flood compensation delivery plan referred to in sub-paragraph (1) unless otherwise agreed in writing with CBC (in consultation with West Sussex County Council as lead local flood authority and the Environment Agency).

(3) In this requirement—

- (a) “floodplain works requiring prior mitigation” means Work Nos. 3, 4(f), 4(g), 4(h), 4(i), 4(j)(ii), 15, 20, 23(b), 23(c), 23(d), 29, 32, 34(a), 34(c), 36(c), 36(e), 36(f), 36(p), 36(q), 36(w), 36(x), 36(y), 37(a), 37(b), 37(f), 37(g), 37(h), 37(i), 37(j), 37(l), 37(m) and 37(n); and
- (b) “fluvial mitigation works” means Work Nos. 31(b), 31(c), 38(a), 39(a), 39(b), 39(c) and 39(e).

Flood resilience statement

24. From the date on which the authorised development begins, the authorised development and the operation of the airport must be carried out in accordance with the flood resilience statement unless otherwise agreed in writing with CBC.

Operational waste management plan

25.—(1) Work No. 9 (replacement CARE facility) must not be commenced until an operational waste management plan has been submitted to and approved in writing by West Sussex County Council.

(2) The operational waste management plan submitted under sub-paragraph (1) must be substantially in accordance with the operational waste management strategy.

(3) The airport must be operated in accordance with the operational waste management plan approved by West Sussex County Council unless otherwise agreed in writing with West Sussex County Council.

Water treatment works footpath

26.—(1) Prior to the commencement of Work No. 43 (water treatment works) a public access by foot must be provided between the accesses marked “A” and “B” on the water treatment works footpath plan.

(2) Once provided, the public access by foot described in sub-paragraph (1) must not be removed until construction of Work No. 43 (water treatment works) is complete.

Construction dust management plan

27.—(1) No construction activities that may generate dust may be carried out until a construction dust management plan for those activities has been submitted to and approved by CBC.

(2) Each construction dust management plan submitted pursuant to sub-paragraph (1) must be substantially in accordance with the construction dust management strategy.

(3) Construction activities that may generate dust must be carried out in accordance with the relevant construction dust management plan approved pursuant to sub-paragraph (1) unless otherwise agreed in writing by CBC.

Arboricultural and vegetation method statement

28.—(1) No vegetation or tree clearance may be carried out until an arboricultural and vegetation method statement for the area within which such works are to be carried out has been submitted to and approved by CBC (in consultation with MVDC, RBBC and TDC to the extent that they are the relevant planning authority for any land to which the statement relates).

(2) Each arboricultural and vegetation method statement submitted pursuant to sub-paragraph (1) must be substantially in accordance with the outline arboricultural and vegetation method statement.

(3) Vegetation or tree clearance must be carried out in accordance with the relevant arboricultural and vegetation method statement approved pursuant to sub-paragraph (1) unless otherwise agreed in writing by

CBC (in consultation with MVDC, RBBC and TDC to the extent that they are the relevant planning authority for any land to which the statement relates).

Soil management plan

29.—(1) No soil removal may be carried out until a soil management plan for that soil has been submitted to and approved by CBC.

(2) Each soil management plan submitted pursuant to sub-paragraph (1) must be substantially in accordance with the soil management strategy.

(3) Removed soil must be managed in accordance with the relevant soil management plan approved pursuant to sub-paragraph (1) unless otherwise agreed in writing by CBC.

Site waste management plan

30.—(1) No part of the authorised development is to commence until a site waste management plan for that part has been submitted to and approved in writing by the relevant authority.

(2) The site waste management plan submitted pursuant to sub-paragraph (1) must include the form of sections A1, A2, A3 and A4 of Annex A to the construction resources and waste management plan.

(3) Construction waste arising from that part of the authorised development must be managed in accordance with the measures set out in the form of section A1 of the site waste management plan approved pursuant to sub-paragraph (1) unless otherwise agreed in writing by the relevant authority.

(4) A form of section A5 of Annex A to the construction resources and waste management plan must be maintained throughout the duration of the construction of that part of the authorised development and must be made available to the relevant authority upon request.

(5) In this requirement, the “relevant authority” means, in respect of a part of the authorised development—

- (a) in West Sussex, West Sussex County Council;
- (b) in Surrey, Surrey County Council; and
- (c) partly in each of West Sussex and Surrey, West Sussex County Council (in consultation with Surrey County Council).

Construction sequencing

31.—(1) The commencement of dual runway operations must not take place until Work No. 43 (water treatment works) has been completed.

(2) Work No. 39(b) (River Mole culverts and syphons) must not be commenced until Work No. 42(b) (weir and fish pass) has been completed.

(3) Prior to the commencement of the authorised development, the undertaker must prepare and provide to Thames Water Utilities Limited a development phasing plan which will include forecast passenger growth numbers for the period up to the commencement of dual runway operations and ten years after the commencement of dual runway operations.

(4) The details in the plan provided pursuant to sub-paragraph (3) must not materially exceed the forecast annual passenger numbers shown for the equivalent time periods for the airport with the authorised development in Table 9.2-1 of the forecast data book.

(5) The commencement of Work No 44 (wastewater treatment works) must not take place until and unless Thames Water Utilities Limited confirm in writing within two years of the making of this Order that following review of the development phasing plan its infrastructure will not be able to accommodate the additional foul water flows for the ten-year period after the commencement of dual runway operations.

(6) The commencement of dual runway operations must not take place until—

- (a) Work No. 44 (wastewater treatment works) has been completed; and

Annex A – Schedule 2 (requirements)

- (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.

Western noise mitigation bund

32.—(1) The commencement of dual runway operations must not take place until Work No. 18(b) (replacement noise bund and wall) has been completed.

(2) Once completed, Work No. 18(b) must not be removed unless otherwise agreed in writing by CBC.

(3) During the carrying out of Work No. 18(a) (removal of existing western noise bund) and the construction of Work No. 18(b) (replacement noise bund and wall), no ground engine testing may take place on Work No. 4(i) (Taxiway Juliet West Spur) unless otherwise agreed in writing by CBC.

North and South Terminal roundabouts BAU improvement scheme

33.—(1) Prior to the first of—

- (a) the commencement of dual runway operations;
- (b) the commencement of the first of Work No. 35 (South Terminal Junction improvements) and Work No. 36 (North Terminal Junction improvements); or
- (c) the third anniversary of the commencement of the authorised development,

the North and South Terminal roundabouts BAU improvement scheme must be completed, unless otherwise agreed with National Highways.

(2) In this requirement—

- (a) “North and South Terminal roundabouts BAU improvement scheme” means a scheme of construction, not forming part of the authorised development, to implement traffic signal control and add further entry and exit lane and roundabout circulatory capacity at the North and South Terminal roundabouts, to be agreed with National Highways and to be in general accordance with the North and South Terminal roundabouts BAU improvement scheme plans and the detailed design of which will be agreed separately with National Highways; and
- (b) “North and South Terminal roundabouts BAU improvement scheme plans” means the document of that description certified by the Secretary of State under article 52 (certification of documents, etc.).

Office occupier

34. Work No. 28(b) (office at Car Park H site) must only be occupied by an entity related to, or whose business and/or operations are related to, the airport, air travel and/or aviation, unless otherwise agreed in writing by CBC.

Odour monitoring and management plan

35. From the date of the commencement of the authorised development, the authorised development and the operation of the airport must be carried out in accordance with the odour monitoring and management plan unless otherwise agreed in writing by CBC (in consultation with RBBC).

36.—Not used.

Car parking spaces

37.—(1) Notwithstanding the provisions of Class F of Part 8 (transport related development) of Schedule 2 to the 2015 Regulations, (or any order revoking and re-enacting that Order with or without modification), no additional car parking shall be provided within the Order limits unless otherwise agreed by CBC

(2) In paragraph (1) “additional car parking” means –

- a) The provision of more than 53,260 car parking spaces or;

b) Allowing the parking of more than 53,260 cars.

(3) Upon commencement of the authorised development and by no later than each anniversary of that date, the undertaker must submit an annual report to CBC providing an update on the number of car parking spaces provided by the undertaker within the Order limits and cars parked within the Order limits.

(4) In this requirement “car parking spaces” means space or spaces available for all car parking products provided by the undertaker including self-park, block-park, valet parking, staff parking and any other parking types used by airport passengers and staff within the Order limits.

(5) In paragraph (2) the number “53,260” includes a maximum of 47,180 car parking spaces for passengers or a maximum of 47,180 passengers’ cars, as appropriate

Speed limit monitoring

38.—(1) No part of Work Nos. 35, 36 or 37 (surface access works) is to commence until a speed limit monitoring plan for those works has been submitted to and approved in writing by West Sussex County Council (in consultation with Surrey County Council and National Highways).

(2) The speed limit monitoring plan must include—

- (a) as a minimum, one survey to be carried out before commencement of the first of Work Nos. 35, 36 or 37 (surface access works) and two surveys to be carried out after completion of the last of those works to assess the changes in traffic speed on the local and strategic highway networks;
- (b) the locations to be monitored and the methodology to be used to collect the required data;
- (c) the periods over which traffic is to be monitored (each such period to be no longer in duration than 14 days);
- (d) the submission of survey data and interpretative reports to West Sussex County Council; and
- (e) a description of the manner in which the undertaker would propose to address excessive speeding identified through the monitoring.

(3) The authorised development must be carried out in accordance with the speed limit monitoring plan approved pursuant to sub-paragraph (1) unless otherwise agreed in writing with West Sussex County Council (in consultation with Surrey County Council and National Highways).

Tree balance statement

39.—(1) On or before commencement of dual runway operations, and on the third, sixth and ninth anniversaries of that commencement, a tree balance statement must be submitted to CBC for approval.

(2) The tree balance statement referred to in sub-paragraph (1) shall follow the methodology set out in Policy CH6 of the Crawley Borough Council Local Plan 2015-2030 and the accompanying Green Infrastructure SPD 2016, and must include—

- (a) the total number of trees that have been removed as part of the authorised development;
- (b) the total number of replacement trees that are required on the basis of the CBC tree replacement requirement; and
- (c) the total number of trees that have been provided as part of the authorised development.

(3) In the event that the relevant tree balance statement identifies that the total number of trees that has been provided as part of the authorised development is less than that required by the application of the CBC tree replacement requirement, the undertaker must pay the tree mitigation contribution to CBC within 60 days of the approval of the tree balance statement by CBC under sub-paragraph (1).

(4) In this requirement—

- (a) “CBC tree replacement requirement” means the number of replacement trees required on the basis of the number as per paragraph (2)(a), calculated in accordance with the table in Policy CH6 (Tree Planting and Replacement Standards) of Crawley 2030: Crawley Borough Local Plan 2015-2030 (adopted on 16 December 2015); and
- (b) “tree mitigation contribution” means the sum sought pursuant to Policy CH6 of the CBC development plan (or any replacement policy) and calculated in accordance with the tree mitigation

Annex A – Schedule 2 (requirements)

formula to be paid to CBC and used towards the provision of tree planting and maintenance in the borough of Crawley or within the area of the host authority which is a district council.

- (c) “tree mitigation contribution formula” means the formula as set out in the CBC Green Infrastructure Supplementary Planning document or any other document replacing it containing a formula for the payment of contributions containing a formula for the payment of contributions towards providing replacement trees.