

Gatwick Airport Northern Runway DCO (TR020005)

Legal Partnership Authorities responses to Examining Authority's written questions and requests for information (ExQ1)



GATWICK AIRPORT NORTHERN RUNWAY PROJECT

Planning Inspectorate's Reference: Tr020005

Legal Partnership Authorities Responses to The Examining Authority's First Round Of Written Questions (ExQ1)

DEADLINE 3: 19 April 2024

Crawley Borough Council (GATW-AFP107)

Horsham District Council (20044739)

Mid Sussex District Council (20044737)

West Sussex County Council (20044715)

Reigate and Banstead Borough Council (20044474)

Surrey County Council (20044665)

East Sussex County Council (20044514)

Tandridge District Council (GATW-S57419)

Response to Examining Authority's written questions and requests for information (ExQ1) [PD-012]

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Note: The Legal Partnership Authorities are comprised of the following host and neighbouring Authorities who are jointly represented by Michael Bedford KC and Sharpe Pritchard LLP for the purposes of the Examination:

- Crawley Borough Council
- Horsham District Council
- Mid Sussex District Council
- West Sussex County Council
- Reigate and Banstead Borough Council
- Surrey County Council
- East Sussex County Council; and
- Tandridge District Council.

In these submissions, the Legal Partnership Authorities may be referred to as the "*Legal Partnership Authorities*", the "*Authorities*", the "*Joint Authorities*" or the "*Councils*". Please note that Mole Valley District Council are also part of the Legal Partnership Authorities for some parts of the Examination (namely, those aspects relating to legal agreements entered into between the Applicant and any of the Legal Partnership Authorities).

Introduction

1. This submission constitutes the Legal Partnership Authorities' responses to the questions and requests for information raised by the ExA in ExQ1.
2. The Legal Partnership Authorities responses are set out in an amended form of the table provided by the ExA in ExQ1. The table has been amended to delete the questions which are not addressed to any of the Legal Partnership Authorities.

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
GENERAL AND CROSS-TOPIC			
GEN.1.11	The Applicant Crawley Borough Council (CBC)	<p>Development at Gatwick Airport – Supplementary Planning Document</p> <p>Paragraph 1.4.6 of the Planning Statement [APP-245] notes that CBC has adopted a Supplementary Planning Document (SPD) entitled Development at Gatwick Airport (November 2008).</p> <p>Should either the Applicant or the Council wish to cite the SPD in support of their case they are asked to provide a copy or relevant extracts.</p>	<p>CBC’s “Development at Gatwick Airport Supplementary Planning Document” (SPD) 2008 provided supporting information to inform Development Management decisions on applications within the airport. It has not been updated for some years due to ongoing work with the Airports Commission, the Gatwick Master Plan, and the NRP development consent application, so it currently has extremely limited weight. CBC is not proposing to cite it in response to the NRP proposals, hence it is not referenced in the West Sussex LIR [REP1-068].</p>
GEN.1.21	The Applicant Relevant Planning Authorities (RPA)	<p>Good Design</p> <p>Comment on the desirability of implementing the following measures to ensure that good quality sustainable design and integration of the Proposed Development into the landscape is achieved in the detailed design, construction and operation of the project. How might they be secured? Are any further measures appropriate?</p> <ul style="list-style-type: none"> a) A ‘design champion’ at board level to advise on the quality of sustainable design and the spatial integration of the proposed structures, buildings, new landscape features, and visual amenity. b) A ‘design review panel’ to provide informed ‘critical-friend’ comment on the developing sustainable design proposals; 	<p>Introduction</p> <p>Good design is vital to the Project given the national significance of the Airport and the scale and visual impact of some of the development proposed. The Authorities acknowledge the Applicant requires some flexibility to address some uncertainties that may arise with the Project and note the advice in Advice Note Nine: ‘Rochdale Envelope’ (1 July 2018). The Authorities are concerned that the necessary controls to ensure good design is a successful outcome of the Project are not in place, owing to the level of detail provided by the Applicant. The Applicant’s approach relies on brief and imprecisely worded works descriptions, poorly detailed works and parameter plans, a series of loosely worded design documents and loosely worded Requirements. The Applicant’s expectation that the Authorities would be able to discharge full design details under Requirements 4 and 5 in accordance with the current outline details provided (especially given the limited level of design control) is considered unrealistic and inadequate.</p> <p>Not only is it a requirement of national and local policy to ensure good design and the creation of high-quality buildings and places, the success of such design is</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>c) An approved ‘design code’ or ‘design approach document’ to set out the approach to delivering the detailed design specifications to achieve good quality sustainable design;</p> <p>d) An outline, including timeline, of the proposed design process, including consultation with stakeholders and a list of proposed consultees.</p>	<p>informed by the inputs of key stakeholders such as statutory consultees, local government specialists and the local community.</p> <p>Stakeholder engagement has been inadequate and, as a result, not only are the design principles poorly detailed, there is currently no mechanism within the relevant Requirements to refine the design and allow stakeholders a meaningful input into the detailed designs proposed to be submitted for the various Works.</p> <p>As stated in the West Sussex LIR (paragraphs 24.46 and 24.47) [REP1-068], the Authorities consider that adequate stakeholder engagement should have been undertaken in advance of submission in order to inform the design documents accompanying the DCO. However, at the very least a mechanism of engagement with key stakeholders should be factored into the detailed design stage of the process and such feedback from that process should inform the design of the works <u>prior</u> to any design submission under Requirement 4 or Requirement 5. Without such a process, the Applicant risks refusal of these Requirements due to outstanding concerns, poor design or unforeseen issues which may arise at a very late stage during the consideration of the Requirement by the discharging authority (a process which requires consultation with other stakeholders). All works listed in the DCO should be subject to this process unless it is specifically agreed they can be excluded.</p> <p>a) A ‘design champion’ at board level to advise on the quality of sustainable design and the spatial integration of the proposed structures, buildings, new landscape features, and visual amenity. ...</p> <p>The Authorities consider that in principle the introduction of a design champion could ensure that these matters are kept under review should the DCO be consented, however, at this late stage in the process the effectiveness of this individual and issues of governance are considered major concerns. It is not clear how any appointee presumably onto the Airport Board could meaningfully feed into the design process and ensure impartiality unless the individual were independent</p>

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			<p>from both the Authorities and the Applicant (to ensure that the design advice was not unduly influenced by either party). The issue of funding such an appointment is of concern due to lack of local authority resources, but funding directly by the Applicant would lead to questions of accountability and the perception of this post would be very much of an individual paid for by the Applicant to deliver the Project, perhaps with other drivers such as time and money being promoted over design concerns.</p> <p>If the design champion were to be a single individual it is consider that the design process would still seem remote from key stakeholders, the wide opinions of which may not be adequately represented. For the reasons above, this approach is the not the Authorities’ preferred mechanism for delivery of good quality sustainable design for this Project.</p> <p>b) A ‘design review panel’ to provide informed ‘critical-friend’ comment on the developing sustainable design proposals;</p> <p>The Authorities wish to secure an independent design review panel to be established to allow further design consideration and stakeholder engagement in respect of the evolution of the detailed design of the larger scale works within the Project as they are developed. The exact number of works to be subject to the design panel review could be reviewed with the Applicant; however, the Authorities suggest it encompasses all buildings or structures that would comprise ‘major’ scale development (i.e. over 1,000 sq m floorspace) along with the highway works including those that the Applicant considers would be ‘excepted development’ which are also subject to design control see paragraph 4.2 of the Authorities’ document “Issue Specific Hearing 2: Control Documents and the DCO Post Hearing Submission” [REP1-212]. Some works could be considered collectively (such as the Terminal extensions) and depending upon phasing some separate elements could be grouped together for consideration at one meeting. Other works</p>

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			<p>of specific concern are set out in paragraph 24.73 of the West Sussex LIR [REP1-068].</p> <p>As set out in the West Sussex LIR [REP1-068] there has been limited stakeholder input to date in the emerging design process (including the design principles promoted by the Applicant); the benefit of the design review panel is that its membership, due to the complexity and scale of the development, could be tailored to address the specific works element being considered. For example, those involved in design of the highway works will be from different disciplines and include cross-boundary local authorities whereas a different range of specialists will be needed to consider the design of a hotel at South Terminal.</p> <p>To progress this approach, the Authorities would welcome further discussion with the Applicant to determine the works to be reviewed along with the composition and terms of reference of the design review panel (in order to capture all the relevant stakeholders and to clearly define its objectives). For the Authorities and the Applicant it would be helpful to scope out the range of stakeholders both parties consider would be interested in the design details for of each of the Works listed in the dDCO and whose advice would be needed in order to discharge a Requirement. The Authorities have begun to undertake this process to inform its future comments.</p> <p>The applicant of the London Luton Airport Expansion DCO is proposing an independent design review process, which includes Luton Borough Council nominating a Design Review Body that will appoint a Design Review Panel. The process is described in that applicant’s Design Principles document [REP9-030], which is a certified document. It should be noted that Luton’s design principles are much more detailed and were worked up with its stakeholders. It is questionable whether GAL can achieve a similar level of detail within the Examination period. Notwithstanding this, the level of design guidance must be improved and the Authorities consider that the Luton example is a useful template both for</p>

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		<p>supplementing the design details and as a potential framework for any design review panel.</p> <p>The design panel process is viewed by the Authorities as an iterative one allowing for stakeholder feedback to inform the process, the expectation being that the panel will be fully informed when it considers the final design and produces a report to inform the relevant authority in its discharge of the requirement.</p> <p>Funding of the panel and the costs of this process would need to be covered by the Applicant; for instance, a Planning Performance Agreement..</p> <p>The Authorities note that several DCOs include a design-review process, including:</p> <ul style="list-style-type: none"> • A57 Link Roads Development Consent Order 2022 (SI 2022/1206), • A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (SI 2016/547), and • Silvertown Tunnel Order 2018 (SI 2018/574). <p>Moreover, the recently-made A66 Northern Trans-Pennine Development Consent Order 2024 requires the Secretary of State to approve the external design and appearance of certain viaducts (article 54(8)) and the design of a new realigned single carriageway road (article 54(9)). It is therefore precedent for bodies other than the undertaker to have an important role in determining the design of an NSIP.</p> <p>For completeness, the relevant provisions are set out below.</p> <p><u>A57 Link Roads Development Consent Order 2022</u></p> <p>Requirement 3(3) (detailed design) states:</p> <p style="padding-left: 40px;">“No part of the authorised development is to commence until options for the detailed design of that part of the authorised development have been submitted to the Design Council’s Design Review panel and the</p>

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			<p>undertaker has received and considered the advice of the Design Council’s Design Review panel in respect of the detailed design of that part of the authorised development”.</p> <p><u>A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016</u></p> <p>Requirement 3(3) (preparation of detailed design, etc.) is the same as R3(3) of the A57 Link Roads DCO.</p> <p><u>Silvertown Tunnel Order 2018</u></p> <p>Requirement 3 (design principles and design review panel) states –</p> <p>“(1) The authorised development must be designed and implemented—</p> <ul style="list-style-type: none"> (a) in accordance with the design principles; and b) in general accordance with the general arrangement plans. <p>(2) TfL must consult with—</p> <ul style="list-style-type: none"> (a) the Silvertown Tunnel Design Review Panel; and (b) the Silvertown Tunnel Stakeholder Design Consultation Group, <p>during the detailed design of the authorised development and in the manner provided for by the design principles and have regard to the responses received.</p> <p>“the Silvertown Tunnel Design Review Panel” means the panel set up and administered by Urban Design London to provide design assurance throughout the detailed design process for the authorised development, whose terms of reference are attached to the design principles; and</p>

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			<p>“the Silvertown Tunnel Stakeholder Design Consultation Group” means the group set up and administered by TfL to provide stakeholders with an opportunity to comment on the external appearance of the above ground elements of the authorised development throughout the detailed design process for the authorised development, whose terms of reference are attached to the design principles.</p> <p><u>A66 Northern Trans-Pennine Development Consent Order 2024</u></p> <p>Article 54(8) and (9) (detailed design) state –</p> <p>“(8) The undertaker must not commence construction of any of the viaducts comprised in Work Nos. 0405-1A(xii), 0405-2A(x), 06-1C(vi) and 06-1C(x) until details of the design and external appearance of the viaducts have been submitted to approved in writing by the Secretary of State following consultation with the relevant planning authority.</p> <p>(9) The undertaker must not commence the construction of Work No. 06-7 until detailed designs for these Works including the locations of any draining ponds and access roads and the associated ancillary works have been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority”.</p> <p>c) An approved ‘design code’ or ‘design approach document’ to set out the approach to delivering the detailed design specifications to achieve good quality sustainable design;</p> <p>An approved ‘design code’ would have been the most appropriate approach if it had been substantially developed prior to submission of the DCO in accordance with national policy and guidance, as such an approach gives clear parameters and certainty for the later phases of the development. The Authorities consider it is too late to adopt a formal design code as meaningful stakeholder engagement cannot take place in the limited time allowed for consideration of the DCO within</p>

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			<p>the current Examination timetable. Any document badged ‘design code’ now would unlikely be satisfactory, as the key emphasis of such a document is on effective community engagement.</p> <p>The main design control document for this Project is ‘Appendix 1 – Design Principles’ [REP2-037] with landscaping addressed in the ‘Outline Landscape and Ecology Management Plan’ Parts 1 to 4 [REP2-21 /23 /25/27]. Both these documents should be improved, and consideration should be given to combining the design elements in one document to reduce the chance of inconsistencies between the two. Other design matters found in control documents such as the Code on Construction Practice [APP-82 and APP-085] which relate to the lighting, appearance of construction compounds including the large scale equipment within them and details of boundary treatments would also benefit from being incorporated into a site-wide design control guide. In any event, the Authorities consider these compounds should be listed separately as Works, as detailed in the reply to DCO 1.39.</p> <p>It is considered that the Applicant should seek to expand upon its design principles with its key stakeholders and incorporate any detailed design requirements in a single document. The Authorities list of suggested key stakeholders is listed at the end of question GEN 1.12 d). This document should set out clearer design standards and specifications were possible such as including the safeguarding design considerations. The Luton Design Principles [REP9-030] could be used as an example.</p> <p>The design principles document should reference the adopted and emerging planning guidance, in particular the CBC Local Plan policies and standards, the West Sussex Waste Local Plan, and the adopted Supplementary Planning Documents that accompany these documents. The design principles document should be clear that all Works will be carried out in compliance with these policies,</p>

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			<p>in particular those relating to landscaping, design and sustainability (relevant policies listed in Sections 8, 9 and 24 in the West Sussex LIR [REP1-068]).</p> <p>A particular concern of the Authorities is the lack of design detail to minimise habitat loss and tree loss. The design-principle documents need much greater clarity on the extent of habitat being lost and should provide greater detail on protection measures and habitat safeguarding during construction. The Authorities consider further work should take place now to (i) inform the siting of buildings / structures and extent of works areas adjacent to sensitive ecological and tree boundaries (ii) where possible, redraw plans to avoid these features or, as a minimum, provide sufficient information on such features if retained to demonstrate that these are to be adequately protected.</p> <p>While overarching design principles are helpful for building groups for example, within the vicinity of the terminals, the Authorities are concerned that these do not reflect, and are not applicable to, the many Works sites which are remote from the main terminals and airfield. It is therefore considered that the design document should set out the contextual analysis for each of the Works sites then set out a bespoke set of design principles for each Work proposed, based on the wider site analysis drawn from Appendix 1 to the DAS [REP2-037] and having regard to their unique location. These site-specific design considerations should be incorporated within any control document and, where appropriate, key concepts should be shown as illustrative drawings and illustrative layout plans.</p> <p>As set out in paragraphs 24.52 and 24.53 of the West Sussex LIR [REP1-068], the design principles need to be informed by character analysis and site context for each of the various Works (an example was provided in paragraphs 24.60 -24.67). The Applicant should consider developing site specific design principles for the key works areas, such as the highway works and terminal buildings, and give further detail to the sensitive site locations identified by the Authorities to demonstrate that</p>

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			<p>key design concerns could be satisfactorily addressed. For West Sussex these sites specifically referenced in the LIR [REP1-068] are:</p> <ul style="list-style-type: none"> • Car Park X (See Table 7.1B, 8.1C and paragraph 8.43, 8.56 – concerns to be addressed now relate to the setting of a listed building, tree loss and whether tree screen would be retained, depth of drainage attenuation and impact on trees, visual impacts of car park structure including lighting). • North Terminal Decked Car Park (See Table 7.1C, 8.1C and paragraph 8.43, 8.56) concerns impact on trees, lighting and impact on setting of building • Car Park Y (see 8.43, 8.57) – concerns tree loss, visual impact) • Site Construction Compounds (see table 8.1A – visual impact) • Pentagon Field (See table 8.1B, paragraph 8.38 – visual impact, lack of survey, lack of parameter plans, impact on right of way) • Purple Parking (see table 8.1C and paragraph 8.43, 8.55 – visual impact loss of tree cover) • Highway Works (see table 8.1D / 9.1AF – visual impacts) • CARE Facility (see table 8.1E /24.1A and 24.1B), paragraph 8.58 – visual impacts, viewpoints, glint and glare. • Museum Field (see table 10.1B – lack of details) • Hangar (see table 24.1 and paragraphs 24.68) • See also Terminal Buildings, hotels, offices and large scale building generally in terms of impact on the public realm (Section 24) <p>d) An outline, including timeline, of the proposed design process, including consultation with stakeholders and a list of proposed consultees.</p> <p>Based on the options referenced above, the Authorities consider that the preferred approach to improve the design quality given the time constraints presented by the DCO would be as follows:</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p><u>Within the next 2 months</u></p> <ul style="list-style-type: none"> • The Applicant to update the description of certain Works (see comments in DCO 1.39) and provide clearer works and parameter plans (see comments in DCO 1.39 and DCO 1.56) • The Applicant should merge of the design control documents into a single detailed design document (and address the comments made in response to GEN 1.12 c) above). • The Applicant should consult (and substantially strengthen its design principles with) its key stakeholders to improve its design control document. The Applicant would be best placed to know who its key stakeholders are in respect of aviation matters but a suggested list is set out at the end of this response. • The Applicant should meet with the Authorities to discuss (i) the establishment of a design review panel to deal with ‘major’ scale works and (ii) arrangements for a design consultation mechanism for other design requirements prior to formal submission of Requirements 4 and 5. Some smaller scale works (for example the River Mole Diversion (Work No. 39)) may not require a design panel review but precise design details would need to be developed with consultees, including drainage and ecology specialists. In these cases, it would be beneficial for an agreed pre-engagement mechanism for other ‘works’. Such a mechanism would need to be funded by the Applicant . <p><u>Within the next 2 – 4 months</u></p> <ul style="list-style-type: none"> • The Applicant continues to develop its design control document in consultation with stakeholders and shares revisions for comment. • The Applicant develops details of the design review panel process, governance etc in consultation with the Authorities.

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<ul style="list-style-type: none"> • The Applicant and Authorities consider design discharge requirements linked to every Work (agree likely consultees / stakeholders) and route for discharge (Design panel, pre-requirement discharge consultation, no consultation). • The Applicant to provide a draft PPA to set out in more detail the funding of the design review process, including the discharge of Requirements. <p><u>By early August</u></p> <ul style="list-style-type: none"> • The Applicant to finalise and share its revised and improved design control document • The Applicant and Authorities to agree a PPA to cover the design panel and mechanism for discharge of DCO Requirements (this will need to cover resources wider than just design). This point is addressed in response to question DCO 1.7. <p><u>Post decision (assuming the DCO is consented)</u></p> <ul style="list-style-type: none"> • The Applicant to engage in pre-requirement consultation with relevant stakeholders. Route either via a Design Review Panel or pre application engagement (dependent upon the works). • Consultees to respond to inform discussion either in writing or via the Design Panel Process • The Applicant to refine design details based on advice received. • The Applicant to amend design details and reconsult stakeholders if necessary. <p><u>Submission of Requirement for discharge</u></p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<ul style="list-style-type: none"> • Alongside design details, the Applicant to provide a summary of the consultation advice and explain how this has informed the design submission. • The Authorities to discharge the DCO Requirement within the agreed timeframe. <p>The Authorities consider the benefit of adopting this approach to pre-requirement engagement would be that this not only improves design but any key problems arise earlier in the process and therefore the likelihood of delays at discharge stage is reduced. The expectation is that consultees would have seen designs in advance and therefore be able to respond promptly giving more certainty to the Applicant at the end of the process.</p> <p>The Authorities consider the provisional list of consultees for progress of design matters (i.e. the list of key stakeholders mentioned above) should include</p> <ul style="list-style-type: none"> • 8 Local Authorities planning teams with their associated specialists in drainage, noise, air quality, ecology etc - Crawley Borough Council, West Sussex County Council, Surrey County Council, Reigate and Banstead Borough Council, Mole Valley District Council, Tandridge District Council, Horsham District Council, Mid Sussex District Council • Statutory Consultees - Environment Agency, Historic England, Natural England, Network Rail, National Air Traffic Services, Civil Aviation Authority, Active Travel England, Forestry Commission, National Highways • Other Consultees and Local Organisations - GAL Safeguarding Team, Thames Water, Crawley Cycle and Walking Forum, Sussex Police, West Sussex Fire and Rescue.

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>In the opinion of CBC and other local authorities where relevant, would the implementation of any or all of the above measures assist in determining post-consent approvals (including the discharge of requirements) in relation to achieving good design?</p>	<p>In the opinion of CBC and other local authorities where relevant, would the implementation of any or all of the above measures assist in determining post-consent approvals (including the discharge of requirements) in relation to achieving good design?</p> <p>The Authorities consider that a key difficulty is that the dDCO provides for the discharge of design requirements in accordance with the submitted design control documents and submitted plans that are insufficiently developed. The proposed approach as drafted in the dDCO suggests details can be simply agreed under R4 or R5 with limited consultation however, due to the scale and complexity of works comprising this Project, the Authorities deem the information gap is too large. Many of the works are major scale development. If an application for major development were made under the Town and Country Planning regime, , a pre-application stage to discuss project elements, including design, would typically be carried out. A similar stage is required here.</p> <p>The Applicant needs to provide further design certainty up-front as part of the DCO process through the development of comprehensive design principles in an improved document which introduces a mechanism for a staged approach to design evolution which engages stakeholders and allows evolution of a detailed design prior to submission of the Requirement 4 or Requirement 5 applications.</p> <p>As set out in the responses above, the Authorities consider that the introduction of a design review panel for major works and pre-application design engagement on other works would assist in bridging the gap in design control and lack of stakeholder engagement in the DCO design process to date. A PPA should provide the mechanism for compensating the Authorities.</p> <p>In tandem with the arrangements for establishing a design review mechanism and further pre- application engagement, it is considered that the increased level of detail secured now (during the Examination period) in the design control documents would assist in ensuring design quality, increasing certainty for the</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>Applicant that design matters have been considered and are appropriately addressed.</p> <p>The measures suggested in b) and c) to this question, should in turn enable the more efficient discharge of any design requirement in line with the suggested timescale specified in d).</p>
GEN.1.33	<p>The Applicant</p> <p>RPA's</p> <p>RHA's</p> <p>Statutory Bodies</p>	<p>National Networks National Policy Statement - March 2024</p> <p>The Proposed Development was accepted for Examination prior to the publication of the latest National Networks National Policy Statement (NNNPS) and in accordance with paragraph 1.16, the 2015 NNNPS should have effect. However, paragraph 1.17 explains that the latest 2024 NNNPS is potentially capable of giving rise to important and relevant considerations in the decision-making process.</p> <p>Given this, provide an outline of any implications arising for the designation of the latest NNNPS the ExA should consider.</p>	<p>The Joint Local Authorities note that the Applicant has recognised that it may need to update application documentation to reflect the fact that during the course of the Examination the revised NNNPS may become an important and relevant consideration (see para 6.3.3 of the Planning Statement [APP-245]), and the JLAs expect that the Applicant will now choose to provide some update in response to this question. The JLAs will comment on any such update once submitted.</p> <p>However, pending sight of any such update, the JLAs would draw the ExA's attention to the following parts of the revised NNNPS (noting what is said in both paras 1.16 and 1.17):</p> <ul style="list-style-type: none"> • The express recognition (para 1.13) that the revised NNNPS does not cover airports (implicit in the NNNPS but now explicit); • The recognition (para 2.16) of the need to design infrastructure with a holistic approach to avoiding, or where adverse impacts are unavoidable, mitigating and as a last resort compensating impacts on the natural, historic or built environment, on landscapes and on people by using nature-based solutions; • The express recognition (paras 2.35-2.26, 5.8-5.9) that air quality assessments should include PM2.5s as well as PM10s; • Recognition (para 3.17) that any National Networks NSIP should seek to improve and enhance the environment, irrespective of the reasons for developing the scheme;

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			<ul style="list-style-type: none"> • Updated guidance (para 4.12) on the assessment of cumulative effects, noting that there is no single or agreed approach to assessing the cumulative impacts of environmental effects, and that the Secretary of State should consider how the accumulation of, and interrelationship between effects identified in the environmental assessment might affect the environment, economy, or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place; • New guidance (paras 4.23-4.26) on Biodiversity Net Gain, and encouragement to applicants to use the latest biodiversity metric in their assessments, notwithstanding that the Environment Act 2021 requirements do not currently apply to NSIPs; • Recognition (para 4.28) that the mitigation hierarchy is an aspect of good design and is not limited to biodiversity impacts; • Recognition (para 5.6) of the need for a holistic approach using that hierarchy when designing infrastructure, with a focus on nature-based solutions; • Recognition (para 5.51) that applicants should not just look to mitigate direct biodiversity harms but should show how the project has taken advantages of opportunities to conserve and enhance biodiversity, having due regard to any relevant local nature recovery strategies and species conservation strategies; • New guidance (paras 5.62-5.63) on irreplaceable habitats and that the Secretary of State should not grant consent for development that would result in loss or deterioration of irreplaceable habitat unless there are wholly exceptional reasons and a suitable compensation strategy; • Updated guidance (5.26-5.42) on carbon assessments, including the need to undertake Whole Life Carbon Assessment at critical stages of the project lifecycle;

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<ul style="list-style-type: none"> New guidance (paras 5.243-5.251) on socio-economic effects including that applicants should seek to maximise local employment opportunities during construction and operational phases.
AIR QUALITY			
AQ.1.13	The Applicant	<p>Effects on the Hazelwick AQMA</p> <p>ES Chapter 13, paragraph 13.7.2 [APP-038] identifies Horley AQMA and Hazelwick AQMA as the only two AQMAs located within the 10km x 11km study area. Hazelwick extension is stated to be the area where the Three Bridges are, which is an additional area onto the southeastern arm of the current Hazelwick AQMA. These two AQMAs are located in the Air Quality Figures Part 1 on Figure 13.1.11 [APP-066] however, it is not clear whether the extension is included in this Figure.</p> <p>Can the Applicant confirm the location and extent of the Hazelwick AQMA extension in relation to the Proposed Development either in the existing documentation or provide an appropriate Figure?</p>	To assist the ExA, a map showing the location and extent of the Hazelwick AQMA, as extended, is provided at the end of this document in the Appendix.
CASE FOR THE PROPOSED DEVELOPMENT			
CS.1.27	CBC Horsham District Council (HDC) Mid Sussex	<p>Policy Approach</p> <p>Paragraph 6.1 of the Joint West Sussex LIR [REP1-068] states that the Proposed Development contains a number of different elements, with the airport related development, and the highway related development, both meeting the definitions of a Nationally Significant Infrastructure Project. The LIR comes to the view that as the proposal is a single integrated project overall the</p>	<p>No, the fact that the highway elements are largely reliant on the airport elements does not make a difference to whether the application should be considered under s.104 or s.105 of the Planning Act 2008.</p> <p>There are two matters that need to be considered and they should be kept separate. The first is the proper construction of the statutory provisions. The second is the application of those provisions, properly construed, to the individual facts of this application. The first exercise will not turn on the individual facts and those facts will only have limited relevance to that exercise (in that they may</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
	<p>District Council (MSDC)</p> <p>West Sussex County Council (WSCC)</p>	<p>application should be considered under s104 of the Planning Act 2008.</p> <p>However, the ExA notes that the highway elements of the scheme are largely reliant on the airport elements of the proposal, such that the highway elements are required due to the airport elements. Does this make a difference to your view on whether the application should be considered under s104 or s105 of the Planning Act 2008?</p>	<p>illustrate one example of facts to which the statutory provisions may fall to be applied).</p> <p>The first exercise is to be determined by applying the conventional principles of statutory construction. Relevant principles include:</p> <p><i>“(1) Statutory interpretation involves an objective assessment of the meaning which a reasonable legislature as a body would be seeking to convey in using the statutory words under consideration. Words and passages in a statute derive their meaning from their context, and must be read in the context of the section as a whole, a relevant group of sections, or the statute as a whole.</i></p> <p><i>(2) One aspect of this context is that there is a presumption that where the same words are used in an Act, they have the same meaning; and that where different words are used they have a different meaning; the weight of any such presumption will itself depend upon the context: Bennion, Bailey & Norbury on Statutory Interpretation 8th edn. section 21.3.</i></p> <p><i>(3) The words are the primary source by which meaning is ascertained. External aids to construction can assist if they enable the court to identify the purpose of a statutory provision or the mischief at which it is aimed, but these play a secondary role to the language used by Parliament. They cannot displace the meaning conveyed by the words of a statute which after consideration of the context are clear and unambiguous and do not produce an absurdity.</i></p> <p><i>(4)...”</i></p> <p>Per Popplewell LJ in Deutsche Bank AG v Sebastian Holdings Inc [2024] EWCA Civ 245 at para 11.</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>Starting with the words used, a critical issue is to give proper effect to the phrase in s.104(3) PA 2008 that where s.104 applies, the Secretary of State <i>“must decide the application”</i> in accordance with any relevant NPS which has effect in relation to development of the description to which the application relates.</p> <p>That phrase is then directly echoed in s.104(4), (5), (6), and (8) PA 2008 in relation to <i>“deciding the application”</i>. The phrase does not refer to a part of the application, and the concept of <i>“deciding”</i> does not sit easily or at all with considering only a part only of an application. Whilst the Secretary of State can make a DCO for a lesser amount of the development than was proposed in the application (under s.114(2) PA 2008), such a decision is still within the concept of <i>“deciding the application”</i>: see s.114(1) PA 2008. The application in the EFW Group case was one where the Secretary of State ultimately decided to make a DCO authorising only part of the development proposed in the application.</p> <p>Where an application proposes development only part of which falls within the scope of matters addressed by a NPS which has effect for some of the development, that application nonetheless is still one that satisfies s.104(1) PA 2008 and s.104 PA 2008 therefore applies to it. S.104(1) PA 2008 does not require that <u>all</u> of the development in the application must be development to which a NPS has effect. It simply requires that <i>“a national policy statement has effect in relation to development of the description to which the application relates.”</i></p> <p>S.105 PA 2008 only applies to a DCO application if s.104 does <u>not</u> apply to it: see s. 105(1) PA 2008.</p> <p>Applying these principles, which derive from a proper interpretation of the statutory provisions, to the facts of the application, the position is as follows.</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>The description of the proposed development in the application includes <i>"highway-related development"</i> that qualifies as a NSIP and for which there is an NPS in effect in the form of the National Networks NPS (2015).</p> <p>As there is a NPS that has effect <i>"in relation to development of the description to which the application relates"</i>, s. 104 therefore applies in this case, even though the description also includes (as part of the single, overall project) airport-related development for which there is no NPS in effect.</p> <p>The fact that the highway-related development is <i>"largely reliant on the airport elements of the proposal"</i> does not change the fact that there is a NPS that is in effect in relation to that highway-related development. Whether the highway-related development is <i>"reliant"</i> on other aspect of the overall scheme is therefore irrelevant to the application of s. 104(1). If the ExA is suggesting that this 'reliance' could somehow make it an application to be considered under s. 105, there is, with respect, no support for that suggestion in the wording of sections 104 and 105. To reiterate, section 105 only applies if section 104 does not apply, and section 104 applies in this case given that there is a NPS that is in effect and applies to development that is proposed.</p> <p>There is a wider question, not directly raised in ExQ1 CS1.27, as to what the duty in s.104(3) PA 2008 to decide the application <i>"in accordance with any relevant national policy statement"</i> (subject to the stated exceptions) requires in circumstances where that NPS does not give guidance on or address large parts of the development that is the subject of the application. This is addressed in para 6.10 of the West Sussex Joint LIR [REP1-068] and in para 4.10 of the Surrey Joint LIR [REP1-097].</p> <p>That wider question is also the subject of ongoing dialogue between the Joint Local Authorities and the Applicant, and it is hoped that it will be possible to submit a</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			document at Deadline 5 which sets out either a common position or the respective parties' positions (if differences remain). For that reason, this response does not seek to address that wider question.
CLIMATE CHANGE AND GREENHOUSE GASES			
CC.1.1	The Applicant IPs	<p>Response to Climate Change Committee Annual Progress Report</p> <p>Many IPs had referenced the Climate Change Committee’s (CCC) 2023 Annual Progress Report in their RRs, specifically the recommendation that <i>“No airport expansions should proceed until a UK-wide capacity management framework is in place to annually assess and, if required, control sector GHG emissions and non-CO2 effects. A framework should be developed by DfT in cooperation with the Welsh, Scottish and Northern Irish Governments over the next 12 months and should be operational by the end of 2024. After a framework is developed, there should be no net airport expansion unless the carbon-intensity of aviation is outperforming the Government’s emissions reduction pathway and can accommodate the additional demand.”</i></p> <p>In October 2023 the Government responded to the Annual Progress Report as follows <i>“We are anti-aviation emissions, not flying, and want to deliver sustainable flying for everyone to enjoy holidays, visit friends and family overseas and to travel for business. We remain of the view that our existing policy frameworks for airport planning – the Airports National Policy Statement and Beyond the horizon, the future of UK aviation: Making best use of existing runways - provide a robust and</i></p>	<p>The 2023 Annual Progress Report underscores the CCC’s recommendation for the Government to pursue more stringent measures in reducing greenhouse gas emissions, particularly those stemming from the aviation sector.</p> <p>The purpose of the EIA under the EIA Regulations (2017) is to evaluate the Project against established policies and sector-specific guidelines. It’s important to note that the CCC’s June 2023 Report to Parliament provides advisory insights to the Government. Therefore, the recommendations outlined within it are not obligated to be implemented during the EIA process.</p> <p>In response to advice from the CCC, the Government has pledged to pursue the UK Jet Zero Strategy, aiming to attain net-zero aviation emissions by 2050. Within this strategy, the Government has pledged to adopt the 'high ambition scenario', which entails the implementation of various carbon reduction measures. These measures encompass the utilisation of sustainable aviation fuels (SAF), enhancements in aircraft fuel efficiency, and the development of zero-emissions aircraft.</p> <p>It is recognised that the Applicant, as outlined in the Carbon Action Plan (CAP) [APP-091], has outlined potential measures to facilitate the airport’s aviation infrastructure provision to support zero-emission aircraft. Furthermore, they propose incentives, such as reduced charges for SAF-fuelled aircraft, to enhance the success of the Jet Zero Strategy.</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p><i>balanced framework for airports to grow sustainably within our strict environmental criteria. Our analysis in the Jet Zero Strategy continues to demonstrate that the sector can achieve net zero carbon emissions by 2050 without the government needing to intervene directly to limit aviation growth. The analysis uses updated airport capacity assumptions consistent with the latest known expansion plans at airports in the UK. Planning decision-makers and applicants should consider all relevant Government policy, including the Jet Zero Strategy, when considering airport expansion proposals. The Government has always been clear that the expansion of any airport must meet our climate change obligations. Any planning application submitted by an airport will be judged by the relevant planning authority, taking careful account of all relevant considerations, including environmental impacts and proposed mitigations. We will review our Jet Zero Strategy every five years to ensure the aviation sector is on track to achieve net zero by 2050, and, if appropriate, we will consider reviewing our policy frameworks for airport planning to ensure they remain compatible with achieving our net zero target.”</i></p> <p>The Applicant and other IPs are invited to comment on how the Government response on this issue or others referred to in their submission may affect their previous submissions.</p>	<p>However, the Applicant does not directly commit to any of these measures by labelling them as ‘potential’. Therefore, it is viewed that the Applicant has not done enough to meet the Jet Zero Strategy commitments. Therefore, a stronger commitment is necessary to ensure that the Applicant actively supports these initiatives, enabling the UK Government to maintain its trajectory towards achieving net zero emissions.</p> <p>If any or all of the mitigation measures outlined in the Jet Zero Strategy's High Ambition scenario are not fully realised, it's necessary to recognise that market-based mechanisms such as the UK Emissions Trading Scheme (UK ETS) and the Carbon Offsetting and Reduction Scheme for International Aviation (CORSA) will persist as regulatory tools. These mechanisms are designed to maintain control of aviation emissions, ensuring they do not surpass carbon budgets or, as applicable, 'in-sector' targets.</p> <p>All flights covered by the UK ETS i.e. flights between the UK and Europe, are limited by the emissions cap imposed by that scheme, and as the cap reduction is consistent with the UK achieving net zero by 2050, the emissions of all emitters regulated by the UK ETS must also fall in line with the cap.</p> <p>In addition to the UK ETS, there is also CORSA which includes flights between the UK and other non-EU destinations. Within CORSA, aircraft operators are compelled to purchase carbon credits to offset any emissions that exceed a specified baseline, which will help decarbonise emissions in line with the UK net zero trajectory.</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>Therefore, these mechanisms, along with commitments set out in the UK Jet Zero Strategy, provide control measures to manage aviation emissions at a national level in line with UK Government policy, and consistent with the UK’s legally binding emissions reduction targets.</p> <p>While it is acknowledged that aviation emissions are regulated by the appropriate mechanisms as discussed above, it is recognised that the Applicant lacks adequate measures to monitor and control local emissions stemming from construction, surface access transportation, and operational energy usage.</p> <p>Hence, it’s suggested that a control mechanism similar to the Green Controlled Growth Framework, submitted as part of the London Luton Airport Expansion Application, should be considered.</p> <p>Implementing such a framework would make sure that the Applicant demonstrates sustainable growth while effectively managing its environmental impact. Within this document, the Applicant should define monitoring and reporting requirements for GHG emissions for the Applicant’s construction activities, airport operations and surface access transportation. Similar to the London Luton Airport Green Controlled Growth Framework, emission limits and thresholds for pertinent project stages should be established. Should any exceedances of these defined limits occur, the Applicant must cease project activities. Where appropriate, the Applicant should undertake emission offsetting in accordance with the Airport Carbon Accreditation Offset Guidance Document to comply with this mechanism.</p> <p>In addition, and where reasonably practical, the airport will seek to utilise local offsetting schemes that can deliver environmental benefits to the area and local</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>community around the airport. Offsets should align with the following key offsetting principles and should be:</p> <ul style="list-style-type: none"> • Additional i.e. they would not have occurred in the absence of the project; • Monitored, reported and verified; • Permanent and irreversible; • Without leakage in that they don't increase emissions outside of the proposed development; • Have a robust accounting system to avoid double counting; and • Be without negative environmental or social externalities.
CC.1.7	The Applicant CBC	<p>CAP – Implementation Timetable</p> <p>Table 3-2 of the CAP [APP-091] sets out direct potential measures targeting airport buildings and ground operations.</p> <p>Is the implementation timescale precise enough or ambitious enough? Is the final column (Potential Deliverable) ambitious enough? What are the consequences if the measures are not achieved?</p>	<p>The definitions of the timescales used are defined on Page 6 in CAP [APP-091] as summarised below:</p> <ul style="list-style-type: none"> • Short term – measures implemented and delivered by 2025, • Medium term – measures implemented and delivered by 2030, and • Long term – measures implemented and delivered by 2040. <p>The timeframes used in the CAP in Table 3-2 for managing direct potential measures targeting airport buildings and ground operations align with the Jet Zero Strategy commitments, which aim to achieve zero emissions for GAL Scope 1 and 2 GHG emissions by 2040.</p> <p>However, the Applicant does not directly commit to any of these measures by labelling them as ‘potential’. Therefore, it is viewed that the Applicant has not done enough to commit to net zero operations in line with the Jet Zero Strategy commitments.</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>As discussed in EXQ1 CC. 1.1 the Applicant should implement a framework that would make sure that the Applicant demonstrates sustainable growth while effectively managing its environmental impact in alignment with the Jet Zero Strategy and broader UK Government net zero commitments.</p>
CC.1.8	<p>The Applicant CBC</p>	<p>CAP – Implementation Timetable Measure AB28 in Table 3-2 of the CAP [APP-091] is to deliver a plan for recharging infrastructure for Zero Emission Vehicle airside fleet by 2030 with recharging infrastructure to facilitate all Zero Emission Vehicle ground fleet. Should this be more ambitious in terms of delivering recharging infrastructure?</p>	<p>The Applicant must fully commit to achieving zero emissions in its operations by 2040, in alignment with the Jet Zero Strategy commitments. Consequently, it will need to establish an adequate charging infrastructure to support the transition of its electric vehicle fleet.</p> <p>Furthermore, the Applicant will be required to ensure the presence of sufficient infrastructure for charging surface access transportation vehicles. Additionally, it must implement systems that encourage a shift towards active travel and public transportation modes.</p> <p>Therefore, as discussed in EXQ1 CC. 1.1 the Applicant should implement a framework that would make sure that the Applicant demonstrates sustainable growth while effectively managing its environmental impact in alignment with the Jet Zero Strategy and broader UK Government net zero commitments.</p> <p>Furthermore, the Applicant must commit to providing the essential infrastructure needed to facilitate zero-emission aircraft and promote the adoption of SAFs, in accordance with the UK Jet Zero Strategy. Therefore, a more substantial commitment is necessary to ensure that the Applicant actively supports these initiatives, enabling the UK Government to maintain its trajectory towards achieving net zero emissions.</p>
COMPULSORY ACQUISITION AND TEMPORARY POSSESSION			
CA.1.30	<p>RPA's RHA's</p>	<p>Scope and Purpose of the Compulsory Acquisition Powers</p>	

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>As RPAs and RHAs are you aware of:</p> <ul style="list-style-type: none"> a) Any reasonable alternatives to CA or TP for land sought by the Applicant? b) Any areas of land or rights that the Applicant is seeking the powers to acquire that you consider would not be needed? Please identify which plots these are and explain why you consider they would not need to be acquired. 	<p>Highway Authorities’ Response</p> <p>a) It is the view of the Highway Authorities that Compulsory Acquisition should be a last resort. The relevant compulsory acquisition guidance (Planning Act 2008: procedures for the compulsory acquisition of land (September 2013 Department for Communities and Local Government) is clear that the applicant should be, “... <i>able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored. The applicant will also need to demonstrate that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate.</i>” The Highway Authorities are of the view that freehold land, that is currently designated as part of the maintainable highway does not need to be acquired. There are statutory provisions for works to the highway e.g. Section 278 of the Highways Act 1980, that could be exercised by whoever owns the underlying freehold. WSCC and SCC would therefore look to the Applicant to engage with them to address the outstanding technical matters in relation to the highway works, as set out in the West Sussex LIR [REP1-068]and Surrey LIR [REP1-098]. The preference would be for the Highway Authorities and Applicant to be in a position where they are agreeable to the necessary highway works and a template S278 agreement is entered into. The Applicant could alternatively seek to agree temporary possession of any land within the Highway Authority ownership, that is required for the construction of the project.</p> <p>If there are areas of land that require permanent rights over Highway Authority ownership, these would have to be considered and the Applicant would have to provide a clear justification demonstrating the need for permanent rights being acquired. In this instance, and notwithstanding the points raised above, if permanent rights are required, WSCC and SCC would require suitably worded protective provisions (or a legal agreement) to protect their interests in this land.</p> <p>For any land outside of the boundary of the maintainable highway that the Applicant wishes to acquire for highway purposes, the County Councils would be</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>prepared to consider a negotiated transfer of the freehold (subject to contract), no discussions have currently taken place with the Applicant in relation to this.</p> <p>The Highway Authorities are not aware of any land that the Applicant is seeking within their administrative boundary that is considered not needed in order to deliver the Project. However, as highlighted in response to part a) of this question, we do not consider that the compulsory acquisition of all WSCC land is required in every instance and that an alternative approach (ie temporary possession) should be agreed.</p> <p>RBBC – a) We would welcome the opportunity to discuss the CA because it seems there are instances where only rights to access land. Also, the application is unclear on the mechanisms for when land/ rights would be transferred and the condition of land (perimeter treatments, planting and other infrastructure provision) at transfer.</p> <p>b) Subject to the points raised in a) being satisfied, we consider all the plots in Reigate & Banstead’s ownership would be required for the proposal.</p>
CA.1.32	Affected Persons IPs	<p>Accuracy of the Book of Reference, Land Plans and Points of Clarification</p> <p>Are any Affected Persons or IPs aware of any inaccuracies in the BoR [REP1-009 and REP1-011], SoR [AS-008] or Land Plans [AS-015 and AS-016]? If so, please set out what these are and provide the correct details.</p>	<p>RBBC are not aware of any inaccuracies in these documents.</p> <p>WSCC are not aware of any inaccuracies in these documents; however, the Surrey LIR [REP1-098] at 21.1 raises some queries in relation to Rights of Way and Access Plans.</p>
CA.1.33	Affected Persons	<p>Justification for Interfering with the Human Rights of those with an Interest in the Land Affected</p> <p>Do any Affected Persons have concerns that they have not yet raised about the legitimacy, proportionality or necessity of the CA or TP powers sought by the</p>	<p>Neither the West Sussex LIR [REP1-068] nor the SCC LIR [REP1-97] have raised human rights concerns in respect of these powers.</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		Applicant that would affect land that they own or have an interest in?	
CUMULATIVE EFFECTS			
CE.1.1	The Applicant RPAs RHAs Heathrow Airport Limited	<p>ES Chapter 20 Cumulative Effects</p> <p>Does the ES Chapter 20 Cumulative Effects [APP-045] fully account for the cumulative effects of the Proposed Development and the delivery of a third runway at Heathrow Airport?</p>	<p>The Authorities consider the Applicant has not adequately assessed the cumulative impacts that would result from the delivery of the project, other development likely to come forward, and a third runway (“R3”) at Heathrow Airport. The Authorities’ position on the status of a third runway at Heathrow has been discussed in the Joint West Sussex [REP1-068] and Surrey LIRs, for example, paragraph 2.31 of the Joint Surrey LIR [REP1-097] and in the Legal Partnership Authorities’ Post Hearing Submission under Agenda Item 1.1 [REP1-211].</p> <p>The West Sussex LIR Chapter 19 discusses the broad concerns the Authorities have about the cumulative assessment beyond the treatment of Heathrow R3, and this is also discussed where relevant in the topic chapters themselves. The Surrey LIR deals with the quality of cumulative impacts and their assessment within the relevant topic chapters.</p> <p><u>Exclusion of Heathrow R3 from Overall Cumulative Effects Assessment</u></p> <p>Paragraph 4.1.4 of the Forecast Data Book [APP-075] states that an approach using forecasts which do not include a third runway at Heathrow is considered to be robust on the basis that:</p> <p><i>“If Heathrow R3 was to come forward, air traffic levels at Gatwick would be likely to decline in the period immediately following the opening of Heathrow R3. This would mean that the environmental impacts of the Project, including in relation to noise, air traffic and emissions, may have been understated were the assessment to assume that Heathrow R3 was operational. In the longer term, the scale of forecast demand is such that, even with Heathrow R3, Gatwick’s traffic would subsequently return to</i></p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p><i>levels forecast in the longer term, albeit with some changes to the traffic characteristics.”</i></p> <p>In Table 20.3.1 of ES Chapter 20 [APP-045] the Applicant, in response to an instruction from PINS that the implications of expansion at Heathrow alongside the Project are explored during construction and operation phases, states that the third runway has not been included in the main cumulative effects assessment, but instead a sensitivity test has been included (in Table 20.7.2).</p> <p>Under the Noise and Vibration section of Table 20.7.2 of ES Chapter 20 [APP-045] the Applicant acknowledges that no assessment of aircraft noise has been carried out because of the uncertainty around flight paths, and states that any cumulative effects would be assessed as a part of Airspace Change. The Authorities’ view is that the Applicant should (i) demonstrate there would not be any unacceptable impacts should the two expansion projects be delivered and (ii) propose mitigation for aircraft noise where necessary and not rely on the Airspace Change process to mitigate cumulative impacts resulting from the Project, R3 and other development. Similarly, under the Landscape heading of the same table the Applicant has deferred to the Airspace Change Proposal to mitigate any cumulative impacts and has stated that a cumulative assessment cannot be undertaken. The Authorities do not consider that uncertainty is justification for failing to consider the potential environmental implications of two significant expansion proposals taking place in the region.</p> <p><u>Transport Modelling</u></p> <p>In relation to transport modelling, the Authorities are concerned that the assessment does not consider any overlap between the Project and a third runway at Heathrow in highways terms, either in construction or operation phases. The Applicant has assumed that the expansion of Heathrow is likely to reduce</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>passenger demand at Gatwick, and therefore its omission from the modelling is likely to provide a worst-case scenario, in terms of highway impact.</p> <p>GAL have stated in ES Chapter 12: Traffic and Transport [APP-037] para 12.11.79 that the modelling work assumes growth at Heathrow with two runways, based on the material published by Heathrow about its own future baseline during its DCO consultation. Para 12.11.80 states that if Heathrow R3 was to come forward by 2047, there would be little difference between air passenger demand at Gatwick with or without Heathrow R3.</p> <p>If the growth at Heathrow does occur, then the impacts of the extra traffic associated with that development will not be included in the baseline conditions.</p> <p><u>Passenger Numbers and Aircraft Movements</u></p> <p>Annex 4 of the Forecast Data Book [APP-075] deals with passenger numbers and aircraft movements. However, the authorities do not consider that the Applicant has robustly considered the implications of Heathrow bringing forward plans for a third runway, or any other increase in capacity, on its demand forecasts as set out in paragraphs 45 and 49-56 of the Appendix B to the Local Impact Report [REP1-099].</p> <p>The Authorities do not consider that the interaction between the two projects, and alongside other development coming forward, has been demonstrated by the Applicant. There is no clear assessment of what cumulative impacts will be during construction or operation phases. Furthermore, the authorities are not satisfied that evidence demonstrating a reduction in environmental impacts in a with-Heathrow R3 scenario has been presented by the Applicant. Further evidence which either justifies the Applicant’s assumptions about whether the with- or without Heathrow R3 scenario should be provided and the data shared with the</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>ExA and other interested parties, or a cumulative effects assessment which takes Heathrow R3 into consideration, should be carried out and shared.</p> <p>Furthermore, the assessment of the wider UK level benefits of the NRP have been presented by the Applicant [APP-251] on the basis that no additional capacity is brought forward at Heathrow or any other airport serving London over the period to 2047. Hence, the benefits of the NRP development are overstated to the extent that at least some of the projected demand growth in the case assessed would in practice take place at other airports.</p>
DEVELOPMENT CONSENT ORDER AND CONTROL DOCUMENTS			
<p>Please note: all references to the dDCO and the Explanatory Memorandum (EM) are to the versions submitted at Deadline 1 [REP1-005 and REP1-007] respectively unless otherwise indicated.</p>			
DCO.1.1	IPs	<p>Potential Changes to the DCO and Control Documents</p> <p>At ISH2 the ExA asked all parties to propose matters which they would wish to see in the DCO, any other control document or a legal agreement early in the Examination.</p> <p>Where an IP wishes to see a change to the dDCO, any control document or the draft s106 agreement (when published) they are asked to specify, as precisely as possible, the amended wording they would wish to be included.</p>	<p>The Authorities have set out their proposed changes to the dDCO in the following documents: “Appendix M: Comments on the draft Development Consent Order” (which forms part of the Appendices to the West Sussex LIR [REP1-069]) and in the “Comments on the Applicant’s Deadline 1 Submission Development Consent Order – Schedule of Changes” [REP2-042].</p> <p>Proposed changes to control documents are described in the WSCC LIR [REP1-068] and SCC LIR [REP1-097].</p>
DCO.1.7	The Applicant	<p>Role of Discharging Authorities</p> <p>Paragraph 5.5.13 of the Planning Statement [APP-245] recognises that there will be different discharging</p>	<p>Since the requirements place additional obligations upon the Authorities, the Authorities are not adequately resourced for the purposes of discharging requirements or indeed the other applications which must be determined under the</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
	RPAs RHAs Natural England (NE) EA	<p>authorities for DCO requirements depending on the works and the nature of the requirement.</p> <p>Do the discharging authorities and relevant consultees have sufficient resources to discharge requirements and will the Applicant be providing support for this work?</p>	<p>dDCO. (For instance, the applications to: alter the layout etc. of streets under article 12; temporarily alter etc. the use of any street under article 14; form and layout means of access under article 16; make traffic regulations under article 18 etc.).</p> <p>Paragraph 3 (fees) of Schedule 11 (procedures for approvals, consents and appeals) of the dDCO provides that where an application is made in respect of a requirement, a fee must be paid to the discharging authority; however, paragraph 3 states the level of fee is “to be inserted”. This is despite the fact the Authorities have raised with the Applicant the need for their costs to be covered.</p> <p>It is hoped the provision will be populated when the next version of the DCO is provided at Deadline 3. In any event, and as stated in Appendix M to the West Sussex LIR [REP1-069], the Authorities consider the provision should go beyond the payment of a fee in respect of a requirement and should also apply to the payment of a fee in respect of the granting of any other consent under the Order.</p> <p>Absent an appropriate fee in paragraph 3 of Schedule 11, the cost of discharging (and, as consultee, commenting on) a requirement and any other consent should be covered by a PPA. The Authorities consider discussions on the form and content of the PPA should begin as soon as possible.</p> <p>If appropriate funding is not in place, it is difficult to see how the Authorities will be able to meet the (strict) deadlines for discharging commitments under the dDCO, meaning the risk of refusal (and appeal) is greater. It is the interests of the Applicant and the Authorities for fair funding arrangement (whether in Schedule 11 or a PPA) to be in place.</p> <p>CBC would be the discharging authority for the majority of the requirements in the event that the DCO is consented. The burden placed on the Authority and the various specialists it employs to provide the expertise and advice to discharge the requirements for the numerous works would be significant and additional resourcing will be required. As an example, the Development Management Team would need additional staff to deal with the work generated by the Project and</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>sufficient funding to cover the costs of any specialist advisors. It would be helpful if the Applicant provided more detail on the likely Project timescales / phasing and how the various requirements are intended to be grouped for submission in order to understand better the potential impacts this would have on resourcing and delivery to meet the required timeframes.</p>
DCO.1.1 7	The Applicant IPs	<p>Art. 3 (Development consent etc. granted by Order) Explain/ justify the inclusion of 'or adjacent' in (2). Paragraph 4.1 of the EM explains why 'within the Order Limits' has not been included – are IPs content with this?</p>	<p>The Authorities note the inclusion of “or adjacent” in the precedents cited in paragraph 4.2 of the EM and that that paragraph states: “This provision has been included and is necessary in order to ensure that there are no acts of a local or other nature that would hinder the construction and operation of the authorised development”. It would be helpful if the Applicant could confirm which “acts of a local or other nature” might be relevant here.</p> <p>Paragraph 4.1 identifies articles 18 (traffic regulations) and 23 (protective works to buildings) as provisions which provide for activities to be carried out beyond the Order limits. Article 3 could be amended so that article 3(1) includes the words “within the Order Limits” and a new paragraph (3) added to state the requirement to construct etc. the authorised development within the Order Limits does not apply to activities under articles 18 or 23. For example -</p> <p>“3.—(1) Subject to the provisions of this Order including the requirements in Schedule 2 (requirements), the undertaker is granted development consent to construct, operate and use the authorised development within the Order limits.</p> <p>(2) Any enactment applying to land within or adjacent to the Order limits has effect subject to the provisions of this Order.</p> <p>(3) The activities to be carried out under articles 18 (traffic regulations) and 23 (protective works to buildings) are not limited to being carried out within the Order limits.”</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
DCO.1.2 2	The Applicant RHAs	<p>Art. 11 (Street works)</p> <p>Should (1) be modified to include the following after ‘as are’: ‘specified in column (2) of Schedule X (Streets subject to street works) as is within the OL for the relevant site specified in column (1) of Schedule X and may’ to be more specific.</p> <p>Similarly:</p> <p>(b) Add ‘drill,’ before ‘tunnel’.</p> <p>(c) Add ‘and keep’ after ‘place’.</p> <p>Add (after (1)): (2) Without limiting the scope of the powers conferred by paragraph (1) but subject to the consent of the street authority, which consent must not be unreasonably withheld, the undertaker may, for the purposes of the authorised development, enter on so much of any other street whether or not within the Order Limits, for the purposes of carrying out the works set out at paragraph (1) above.</p> <p>EM paragraph 5.9 states that Art. 11 is based on Model Provisions but departs from it in that it authorises interference with any street within the OL, rather than just those specified in a schedule. While paragraph 5.18 provides some explanation, please explain why it is necessary to interfere with any street within the OL.</p>	<p>As stated in the West Sussex LIR, Appendix M [REP1-069] and SCC PADSS [REP2-064], the local authorities are concerned that the article departs from most precedents by authorising interference with any street within the Order limits, rather than those specified in a schedule. The Authorities consider the usual cross-reference should be included. The Authorities therefore welcome the proposed amendments to (1).</p> <p>Regarding the proposed new paragraph (2), this is similar to the provision suggested in column 8 of Appendix M to the West Sussex LIR [REP1-069].</p> <p>The Authorities consider new paragraph (2) is acceptable provided the suggested amendments to paragraph (1) are made.</p>
DCO.1.2 3	The Applicant	Art. 15 (Public Rights of Way-creation, diversion and stopping up)	Schedule 4 Part 2 of the draft DCO [Response to s51 advice – 2.1 Draft Development Consent Order [Tracked] Version 2 [AS-005]] proposes to extinguish

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
	RHAs	EM paragraph 5.36 states: “ <i>Schedule 4 Part 2 identifies the single existing public right of way which will be permanently stopped up for which no substitute is to be provided.</i> ” Why is no substitute provided?	<p>Footpath 346_2Sy, Reference B2. This is shown on Sheet 1 of the Rights of Way & Access Plans [APP-018] and is indicated by a red dashed line and reference B2.</p> <p>The Highway Authority (WSCC) understands the Applicant’s position to be that the section of footpath FP346/2sy referenced B2 that is being extinguished, is being replaced by a new shared footway and pedestrian route, which is being provided as an alternative. This alternative route is indicated on Sheet 1 of the Rights of Way & Access Plans [APP-018] and is indicated by a pink line and references C2 to C8.</p> <p>If this alternative route is falling within the publicly maintainable highway, then it would be considered an extinguishment of the PRow rather than a diversion. As a PRow could not be diverted onto a highway and an alternative publicly accessible route would be provided.</p> <p>However, it is the Highway Authority’s understanding that these routes are not to be publicly adopted highway but will sit within GAL’s control. Therefore, the proposed extinguishment is removing the public right of access without providing an alternative public right of way. The Applicant therefore has three potential options to ensure this newly proposed route [Reference C2 to C8 shown in pink on Rights of Way & Access Plans [APP-018]] has suitable public access rights, they are:</p> <ul style="list-style-type: none"> • Proposed full bridleway status of the route and ensure it is suitably designed to cater for all potential users • Propose footpath status, but alternative provision for cyclists would need to be considered • Footpath but with permissive cycle route

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
DCO.1.2 4	The Applicant RPAs RHAs	<p>Art. 16 (Access to Works)</p> <p>Is ‘at such locations within the Order Limits as the undertaker reasonably requires for the purposes of the authorised development’ precise enough?</p> <p>Should (1) be ‘subject to sub-paragraph (2)’ and ‘with the consent of the street authority (such consent not to be unreasonably withheld or delayed) following consultation by the street authority with the relevant planning authority’?</p> <p>Paragraph 5.43 of the EM cites precedent for this Article. Explain any differences between the precedent cases and the proposed Article.</p>	<p>The words “at such locations within the Order Limits as the undertaker reasonably requires for the purposes of the authorised development” are preceded by several DCOs. For example –</p> <ul style="list-style-type: none"> • Southampton to London Pipeline Development Consent Order 2020 (SI 2020/1099) (article 15), • Immingham Open Cycle Gas Turbine Order 2020 (SI 2020/847) (article 12), • Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 (SI 2022/1396) (article 12) <p>In each of these, the power is restricted by requiring the consent of the street authority and such a restriction should be included in this article.</p> <p>The Authorities note article 16(1) of the latest version of the dDCO [REP1-004] requires the undertaker to obtain street authority consent for any street which is not an airport road. The Authorities consider this is acceptable; however, for the reasons set out in Appendix M to the West Sussex LIR [REP1-069] (see columns 9 to 12), the Authorities do not consider new paragraph (3) (which includes a 56-day deeming provision) is necessary, especially since paragraph (1) has been amended to state consent cannot be unreasonably withheld or delayed.</p>
DCO.1.3 9	The Applicant CBC	<p>Schedule 1 (authorised development)</p> <p>While the questions about Schedule 1 are primarily directed at the Applicant, the ExA would welcome the views of CBC as the RPA for the majority of the works.</p> <p>Work No. 1</p> <p>Does ‘reposition ... 12 metres (m) to the north’ adequately describe the new location?</p>	<p>Work No.1</p> <p>The Authorities consider that ‘<i>realign</i>’ more accurately describes the location than ‘re-position’.</p> <p>The description of the works is also brief. As clarified by GAL in its response to ISH1 Action points 4 and 5, the works themselves entail a number of construction elements [see paragraph 4.1.3 REP1-062] which should be included in the description of works.</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>Do the Works Plans [AS-129] provide adequate detail to show the new position?</p> <p>Should ‘northern runway’ be defined?</p>	<p>The Authorities suggest Work No 1 is revised to read:</p> <p><i>Works to realign the existing northern runway 12 metres to the north (measured from the centreline of the existing northern runway) including:</i></p> <ol style="list-style-type: none"> <i>(1) Removal of a 12 metre strip of hardstanding (part runway, part shoulder) on the southern side of the existing northern runway and reinstatement of land as grass</i> <i>(2) Reconstruction of the existing northern shoulder to bring this to runway standard;</i> <i>(3) Construction of a new 12m strip of hardstanding (part runway, part shoulder), to the northern side of the existing northern runway;</i> <i>(4) Replacement of drainage to served grassed area, northern runway and shoulders and re-installation of Airfield Ground Lighting;</i> <i>(5) Resurfacing of the repositioned northern runway.</i> <p>The works plans [AS-129] do not show sufficient detail to reflect the extent of the development envisaged under Work No 1. A clear base map would assist in showing the precise extent of the existing northern runway and this could be marked as a dotted line. Work No. 1 should be more precise showing the extent of the new runway including its shoulders. Written dimensions on the plans would also be helpful. The current plan seems to show other works overlapping the northern runway. For example, Work No. 4 is overlapping taxiways while at the far western end the northern runway seems to stop short of the taxiways. The Authorities see no reason why GAL cannot provide a detailed drawing showing an exact layout design of the runway as proposed to be configured at this stage. Given the extent of the engineering operation a further method statement explaining the runway construction specification and the proposed construction approach to deal with the impact on ground conditions such as drainage and archaeology could also be provided to better explain how this impacts of these site constraints. There is no parameter plan to accompany this works plan and no</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>Work No. 2</p> <p>Should ‘main runway’ be defined? Note that R1(1) “commencement of dual runway operations” uses the term ‘southern runway’.</p>	<p>control documents to control the design detail of and alterations to the existing northern runway. It is considered that if precise details (to include sections of drainage and cross section of the construction details) are not provided now, they should be provided as part of the application under Requirement 4. Moreover, further details concerning the design principles for the runway and taxiway construction should be included in Appendix 1 to the Design and Access Statement [REP2-038].</p> <p>It is considered there should be a definition of ‘Northern Runway’ and ‘Existing Northern Runway’ within the DCO (as well as the Southern Runway – see comments for this under Work No.2).</p> <p>The ‘Existing Northern Runway’ refers to the runway as exists at the date this order was made which is located xm north of the Southern Runway (measured between the centrelines of both) and measures x m long. This runway cannot be used simultaneously with the Southern Runway. (these could be marked on a plan)</p> <p>The ‘Northern Runway’ refers to the repositioned runway (the works for which are granted by this Order) which is located Xm north of the current Southern runway (measured between the centrelines of both) and measures x m long.</p> <p>Work No. 2</p> <p>The definition of ‘Main Runway’ relates to the Southern runway, and it is suggested the term ‘Southern Runway’ is referenced throughout the document rather than ‘Main Runway’.</p> <p>The ‘Southern Runway’ could be defined as <i>“the current operational runway at Gatwick Airport which measures x metres long and is shown marked on plan number X”</i>.</p> <p>Work No. 3</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>Work No. 3</p> <p>Which three existing stands does this refer to?</p> <p>Work No. 4</p> <p>Do the taxiways need defining/ certifying on a plan?</p> <p>Similarly, should clarification be provided in respect of the location of substation BJ, pumping station 7a, which stand is (c) (iii), Hangar 7 etc?</p> <p>Alternatively/ additionally, why are letters not used on Works Plans as for Work No. 22?</p> <p>Work No. 4 occurs in multiple places on the Works Plans resulting in a lack of clarity. Please review the numbering on the Works Plans.</p> <p>Work No. 5</p> <p>‘Including’ is not exclusive. Should this be tightened eg comprising? (‘Including’ is used in many Work Nos.)</p> <p>The descriptions at (a) to (g) are very broad and not specified in terms of locations on Works Plans. Should the descriptions be more specific and/ or highlighted individually on the Works Plans.</p> <p>Work No. 6</p> <p>As for Work No. 5.</p>	<p>Response needed from GAL.</p> <p>Work No. 4</p> <p>The Authorities consider all the works listed (including the various taxiways) need to be clearly identified on a plan to establish the extent and geographical location of each. As referenced in this response for Work No.1, it is considered all these works should be described in greater detail in the absence of any parameter plans or any relevant information included in the certified documents listed in Schedule 12 to the dDCO. There is little information on the extent of the construction or alterations that need to take place.</p> <p>The Authorities do not accept GAL’s position that ‘Excepted development’ is excluded from the detailed design controls for Works proposed in the dDCO under Requirements 4 or 10. Please refer to the Post Hearing Submission for ISH2 - Response to question 4.2 [REP1-212] for further detail on this point.</p> <p>Work Nos. 5, 6 and 7</p> <p>The Authorities would wish to see the wording tightened and agree that ‘<i>comprising</i>’ should replace ‘<i>including</i>’. The works descriptions for each element should be expanded and better detailed and locations more clearly defined. It is considered each element listed in (a) to (g) of Work No. 5, (a) to (f) of Work No. 6 and (a) to (c) of Work No. 7 should be clearly identified on the Works Plans. (Similarly, each component of Work No.4 should be clearly identified on the Works Plans).</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>Work No. 7 As for Work No. 5.</p> <p>Work No. 8 As for Work No. 5. The Works Plans show Work Nos. 7 and 8 combined. Why? Why can the proposals not be more locationally specific?</p> <p>Work No. 9 As for Work No. 5.</p> <p>Work No. 10 As for Work No. 5.</p> <p>Work No. 11 As for Work No. 5.</p> <p>Work No. 12</p>	<p>Work No.8 These works relate to the demolition of existing buildings and facilities to enable the delivery of new development identified at Works No 7. The areas do overlap. The Applicant should consider a clearer works plan for such areas, perhaps with a different colour code so it is clear which elements are for demolition and which aspects are new build. As a minimum there should a clear plan showing definitive works elements for both (each polygon works area on separate base map). The Authorities note that for the whole Project there seems to be a lot of overlap of the proposed works areas. While it is understood that GAL wish to keep flexibility over the works, some overlaps seem excessively generous for example Works 22(b) where the parameter and works plans overlap into Piers 4 and 5 [see document AS-131 drawing 9900111 rev P02]. It is suggested that works area has a clear boundary plan for approval and in cases where works overlap these should be plotted on separate clear base plans.</p> <p>Work Nos.9, 10 and 14 The general comments made for Work Nos. 5,6 and 7 are considered applicable to Work Nos 9, 10 and 14.</p> <p>Works No.11 and 12 The Authorities consider that the works areas for 11 and 12 should be made more locationally specific. It is clear from the submitted Parameter Plan [drawing number GA 990116 Rev PO1 AS-131] which combines these works areas that the extent of the works areas has been considered in terms of building height and</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>As for Work No. 5.</p> <p>The Works Plans show Work Nos. 11 and 12 combined. Why? Why can the proposals not be more locationally specific?</p> <p>Work No. 14</p> <p>As for Work No. 5.</p> <p>Work No. 18</p> <p>‘Reconfigure’ is vague. Within what parameters?</p> <p>Work No. 20</p>	<p>therefore the Authorities see no reason why GAL cannot detail on the Works Plans of the locational extent of both elements.</p> <p>Work No.18</p> <p>These works are proposed to the western noise mitigation bund, the amended wording is not considered sufficiently clear and the Authorities consider that there needs be mitigation put in place to ensure that an effective noise barrier is maintained for nearby properties throughout the construction process. This mitigation may need to be included in the works description. This noise bund is controlled under condition 4 of application CR/125/179 (further detail in response to question 4.2 [REP1-212]). The Authorities are concerned about the lack of detail about the design and delivery of this noise bund, there is no parameter plan or information on construction / sequencing information within any of the proposed DCO Schedule 12 documents. The limited ‘indicative’ detail provided on this feature is found at section 3.2.10 in the DAS [REP2-033] but there is no comfort at this stage that the design of the redesigned feature would be fit for purpose. Without such detail the Authorities consider a specific ‘requirement’ would be needed to agree the design detail which must ensure the acoustic effectiveness of this bund.</p> <p>Work No.20</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>'Relocate' is vague. What happens to the original?</p> <p>Work No. 22 Highlight (a) to (g) individually on the Works Plans.</p> <p>Work No. 23 Highlight (a) to (d) individually on the Works Plans.</p> <p>Work No. 26 Within what parameters?</p> <p>Work No. 27 Within what parameters?</p> <p>Work No. 28 Within what parameters? Highlight (a) to (e) individually on the Works Plans. There are a range of developments within this work. How would the site be configured in terms of heights for individual developments and what proportion of the work would be taken up by each individual building type?</p>	<p>The Authorities agree with this comment and await GAL's response.</p> <p>Work No.22 and Work No.23</p> <p>The Authorities agree with this suggestion and would also suggest that a maximum amount of new floorspace to be provided within each Terminal extension is specified given the generous limits set by the parameter and works plans. The works descriptions should be more detailed and for car parks should include the maximum number of car parking spaces as set out in the Applicants project description ES Chapter 5 [REP1-017]. All works for car parks should specify the maximum number of spaces: see Work no.22 (g) and Work Nos. 26, 28(c), 30(b), 30 (e), 30(f), 32, 33(d).</p> <p>Work Nos. 26, 27 and 28</p> <p>As for Work nos. 22 and 23 above, the Authorities consider that a clearer description of these work elements should be provided. For the hotels, the parameter plans and works plans show generous site areas and with no clear description, the works could be well in excess of the amount set out in the environmental statement and there appear to be no controls in the description to limit the works to the scale envisaged in the project description [referenced at 5.2.114 in [AS-134] Chapter 5 of the ES]. It is suggested that the maximum number of rooms per hotel should be specified. A maximum amount of office floorspace should also be specified.</p> <p>Work No.31</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>Work No. 31 Within what parameters? Highlight (a) to (f) individually on the Works Plans.</p> <p>Work No. 32 Within what parameters?</p> <p>Work No. 33 Should the number of parking spaces be specified?</p> <p>Work No. 38 Should more detail for individual elements be provided at this stage?</p>	<p>The Authorities consider this description needs to be much clearer. Concerns with the extent of the works and the parameter plans were highlighted in paragraph 8.43 and 24.65 in the West Sussex LIR [REP1-068]. Where there are considerable below ground works, other than building foundations, the maximum depth of excavation should be specified.</p> <p>Work No.32</p> <p>The Authorities consider that GAL should make clear on any parameter drawings for car parks whether the overall building height includes any lighting columns for the top deck. The level of detail on the submitted plans for Work No. 32 are highlighted as points of concern in paragraphs 7.40, 7.41, 8.43 and 8.56 in the West Sussex LIR [REP1-068].</p> <p>Work No.33</p> <p>Please see response to Work No.22 and 23.</p> <p>Work No 38</p> <p>The Authorities consider that further detail should be provided on the works proposed for Museum Field as this an integral part of the drainage strategy for the Project. There are no parameter plans provided and only limited sketch information on figure 1.2.1 in the OLEMP [REP2-021] on the design and appearance of the flood compensation area. Overall heights and gradients of the water attenuation feature are not specified in detail and there is currently no certainty as worded that the feature would provide sufficient flood compensation. This needs to be considered by GAL and incorporated within the works description,</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>Work No. 39</p> <p>Should more detail for individual elements be provided at this stage?</p> <p>Specify the locations of Ponds A and M.</p> <p>Work No. 40</p> <p>Should more detail for individual elements be provided at this stage?</p> <p>Should (b) specify ‘no less than’?</p> <p>Work No. 41</p> <p>Should more detail for individual elements be provided at this stage?</p>	<p>provided on a parameter plan to be agreed. It is unclear where some of the elements listed in the works are located.</p> <p>Work No.39</p> <p>The Authorities consider that GAL should provide further detail to demonstrate how these works when delivered address the assumptions and mitigations to address drainage and ecological issues.</p> <p>Work No 40.</p> <p>The Authorities consider that further detail should be provided on the works proposed. There is only a sketch landscape concept provided on figure 1.2.3 in the OLEMP [REP2-021]. No detail is provided in relation to the specification of the footbridge to be provided. We agree that the work description should specify “no less than 2ha of planting”. JJ, SCC, 15/4</p> <p>Work No 41.</p> <p>The Authorities consider this description of works is wholly inadequate. GAL fail to acknowledge the considerable volumes of soil that are to be deposited on the land considerably altering its topography and appearance. See paragraphs 8.38-8.40, 8.54 and 8.66 in the West Sussex LIR [REP1-068] for further information on what information is necessary. The works description should include the soil deposition and be clear on other measures such as temporary access, hardsurfacing and plant or equipment that may be stored on the site to facilitate this and provide further detail on the final land form.</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>Work No. 42</p> <p>Should more detail for individual elements be provided at this stage?</p> <p>Work No. 43</p> <p>Should more detail for individual elements be provided at this stage?</p> <p>Ancillary or Related Development</p> <p>How would (p) work in conjunction with Art. 25 to ensure that felling as only undertaken where necessary?</p> <p>Is there duplication between elements within (e) and within (q)?</p> <p>Order Limits</p> <p>Why are the OL, particularly on Sheets 4 and 7, drawn so broadly when the work areas on these sheets are so small by comparison?</p>	<p>Work No 42.</p> <p>The Authorities consider that the Works Plans should clearly identify the location of the weir and the fish pass. These Works elements could be listed under separate subheadings if they are distinct engineering operations. GAL should consider if the works need to have a minimum specification in the description to ensure the design complies with the drainage strategy.</p> <p>Work No 43</p> <p>The Authorities consider the description of works are inaccurate and do not seem to have been updated to reflect GAL’s project change 3. A detailed description should be based on the revised proposal as set out section 5.1 of the Change Application report [AS-139].</p> <p>Ancillary or Related Development</p> <p>The Authorities await GAL’s response.</p> <p>In the meantime, the Authorities note that many different types of work, some of which are substantial in their own rights, have been included in this category.</p> <p>Certain of these substantial works should be listed as numbered works in Schedule 1; for example, the construction compounds listed in sub-paragraphs (c) and (q). The Authorities will expand on this point at Deadline 4.</p> <p>Order Limits</p> <p>The Authorities await GALs response and will comment as necessary.</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
DCO.1.4 0	The Applicant RPAs RHAs	<p>Schedule 2 (Requirements)</p> <p>R1 - Interpretation</p> <p><i>“commencement of dual runway operations”</i>: Where is the control to ensure that the northern runway is only used for departures and not arrivals?</p> <p>Similarly, where is the control to ensure that the northern runway is only used for aircraft up to Code C size?</p> <p>Sub-paragraph (2) of R1 does not appear to relate to the description of paragraph (2) in paragraph 9.5 of the EM. Additionally, it does not appear that paragraph (2) has been used in the cited cases. Please respond.</p> <p>R2 - Anticipatory steps towards compliance with any requirement</p> <p>The justification for this Requirement (EM paragraph 9.5) appears to have been provided in relation to paragraph (2) instead of Requirement 2. Please clarify.</p>	<p><u>R1 - Interpretation</u></p> <p>“commencement of dual runway operations”: Where is the control to ensure that the northern runway is only used for departures and not arrivals?</p> <p>It seems to the Councils that this question is directed primarily at the Applicant. The Councils will consider the Applicant’s response to this question and reserve their right to provide additional information once they have seen that response.</p> <p>In any event, the dDCO does not seem to include an explicit control to ensure the northern runway is only used for departures and not arrivals. The Councils note the definition of “commencement of dual runway operations” refers to commercial air transport movements departing from the northern runway (as well as the southern runway); however, neither the definition or the provisions within which it is included provide the control mentioned in the question.</p> <p>Similarly, where is the control to ensure that the northern runway is only used for aircraft up to Code C size?</p> <p>It seems to the Councils that this question is directed primarily at the Applicant. The Councils will consider the Applicant’s response to this question and reserve their right to provide additional information once they have seen that response. In any event, the dDCO does not seem to include a control to ensure the northern runway is only used for aircraft up to Code C size.</p> <p>Sub-paragraph (2) of R1 does not appear to relate to the description of paragraph (2) in paragraph 9.5 of the EM. Additionally, it does not appear that paragraph (2) has been used in the cited cases. Please respond.</p> <p>It seems to the Councils that this question is directed primarily at the Applicant. The Councils will consider the Applicant’s response to this question and reserve their right to provide additional information once they have seen that response.</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>In any event, it seems to the Councils that the reference in paragraph 9.5 of the EM to “paragraph (2)” is referring to Requirement 2 (anticipatory steps towards compliance with any requirement) rather than (as suggested by the question) sub-paragraph (2) of Requirement 2. Perhaps paragraph 9.5 of the EM would be clearer if references to “Paragraph (1)” and “Paragraph (2)” were replaced, respectively, with “Paragraph 1 (interpretation)” and “Paragraph 2 (anticipatory steps towards compliance with any requirement)”</p>
		<p>R3 – Time limit and notifications</p> <p>Why should the serving of notice occur once the dual runway operation has commenced and not before?</p>	<p><u>R3 – Time limit and notifications</u></p> <p>Why should the serving of notice occur once the dual runway operation has commenced and not before?</p> <p>It seems to the Councils that this question is directed primarily at the Applicant. The Councils will consider the Applicant’s response to this question and reserve their right to provide additional information once they have seen that response.</p> <p>In any event, and as mentioned in Appendix M: Comments on the draft Development Consent Order of West Sussex County Council’s LIR [REP1-069] (“Appendix M”), WSCC considers a more generous notice period for the commencement of each part of the authorised development should be provided. Moreover, the local highway authority, which is also a discharging authority for certain requirements, should also be notified of commencement.</p> <p>One of the difficulties for the Councils in identifying an appropriate notice period for the commencement of each part of the development is that the Councils do not know which part will come forward when; indeed, it is not clear what constitutes a “part” and so it is not clear what information will be provided in any notice. The Councils consider it would be more appropriate if, before Requirement 3, there was a requirement which provided that no part of the authorised development can</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>commence until a masterplan(s) for each part of the development has been submitted to and approved by the relevant planning authority.</p> <p>The masterplan-approach was adopted by the applicant of the Manston Airport Development Consent Order 2022 (SI 2022/922). For completeness, Requirement 3 (development masterplans) of that Order states –</p> <p>“(1) No part of the authorised development is to be commenced until there has been submitted to and approved by the relevant planning authority in consultation with Kent County Council and Historic England—</p> <p style="padding-left: 40px;">(a) where the authorised development is to be constructed in a single part, a masterplan in respect of the entire authorised development; or</p> <p style="padding-left: 40px;">(b) where the authorised development is to be constructed in two or more parts, a masterplan for the relevant part of the authorised development.</p> <p>(2) The masterplan must—</p> <p style="padding-left: 40px;">(a) where the development is to be constructed in a single part, include a masterplan illustrating the entire authorised development; or</p> <p style="padding-left: 40px;">(b) where the authorised development is to be constructed in two or more parts, include—</p> <p style="padding-left: 80px;">(i) those elements of the authorised development which are to be developed in that part;</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>(ii) where it is the plan for the first part, the identification of the elements or areas of the authorised development which are to be constructed at a later date;</p> <p>(c) include an outline programme setting out the anticipated programme for construction of those elements of the authorised development comprised in the relevant masterplan; and</p> <p>(d) be substantially in accordance with the certified masterplan referred to in Schedule 10 of this Order.</p> <p>...</p> <p>(4) Where a masterplan has been submitted to and approved by the relevant planning authority for a particular part of the authorised development—</p> <p>(a) the details to be submitted to the relevant planning authority to discharge any requirement may relate to that part only, in order that the construction and/or operation of that part may commence in accordance with the approved details; and</p> <p>(b) construction of that part must not commence until the relevant part of any requirement has been discharged.</p> <p>(5) The authorised development must be carried out in accordance with the relevant approved masterplan”.</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>R4 – Detailed design</p> <p>Is <i>“unless otherwise agreed in writing with CBC...”</i> at the end of (2) and (3) a tailpiece?</p> <p>(4) How would consultation with CBC operate? What is the timescale, procedure and what would happen if CBC provided comments which the undertaker did not agree with? Would the Schedule 11 procedures need to be amended? The term ‘discharging authority’ does not appear to encompass this situation.</p> <p>(5) Add ‘in writing’ after ‘agreed’.</p>	<p>R4 – Detailed design</p> <p>Is <i>“unless otherwise agreed in writing with CBC...”</i> at the end of (2) and (3) a tailpiece?</p> <p>The wording could be considered a tailpiece (i.e. a mechanism inserted into a Requirement) providing for its own variation). The Authorities are aware such a mechanism should not allow the discharging authority to approve details which stray outside the parameters set for the development.</p> <p>The Authorities note that paragraph 1(3) of Schedule 3 to the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (SI 2014/2384) states –</p> <p>“(3) Where an approval is required under the terms of any requirement or a document referred to in a requirement, or any requirement specifies “unless otherwise approved” or “unless otherwise agreed” by the discharging authority or requires the applicant to demonstrate the existence of exceptional circumstances such approval shall not be given or exceptional circumstances agreed except in relation to minor or immaterial changes where it has been demonstrated to the satisfaction of the discharging authority that the subject-matter of the approval sought or the undertaker’s proposed response to exceptional circumstances is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement. This is not to be used to avoid or circumvent submission, discharge or consideration of matters properly to be dealt with through and in accordance with Schedule 17”.</p> <p>A similar provision is included in paragraph 1(4) of Schedule 2 to the Hinkley Point C (Nuclear Generating Station) Order 2013 (SI 2013/648).</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>The Authorities consider a similar provision could be included in Schedule 2 (requirements) of the instant dDCO.</p> <p>(4) How would consultation with CBC operate? What is the timescale, procedure and what would happen if CBC provided comments which the undertaker did not agree with? Would the Schedule 11 procedures need to be amended? The term ‘discharging authority’ does not appear to encompass this situation.</p> <p>It seems to the Councils that this question is directed primarily at the Applicant. The Councils will consider the Applicant’s response to this question and reserve their right to provide additional information once they have seen that response.</p> <p>(5) Add ‘in writing’ after ‘agreed’.</p> <p>The Councils agree that “in writing” should be added after “agreed” in paragraph (5) of Requirement 4.</p>
		<p>R5 - Local highway works – detailed design</p> <p>Is “<i>unless otherwise agreed in writing with the relevant planning authority</i>” at the end of (3) a tailpiece?</p>	<p>R5 - Local highway works – detailed design</p> <p>Is “unless otherwise agreed in writing with the relevant planning authority” at the end of (3) a tailpiece?</p> <p>Please see the reply to Requirement 4(2) and (3).</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>R6 – National highway works</p> <p>In paragraph (2) is ‘the third anniversary of the commencement of dual runway operations’ an appropriate timescale?</p>	<p>R6 – National highway works</p> <p>In paragraph (2) is ‘the third anniversary of the commencement of dual runway operations’ an appropriate timescale?</p> <p>The Councils defer to National Highways in respect of this question.</p>
		<p>R7 – Code of construction practice</p> <p>Is ‘unless otherwise agreed with CBC’ a tailpiece? If acceptable, insert ‘in writing’ after ‘agreed’.</p>	<p>R7 – Code of construction practice</p> <p>Is ‘unless otherwise agreed with CBC’ a tailpiece? If acceptable, insert ‘in writing’ after ‘agreed’.</p> <p>Please see the reply to Requirement 4(2) and (3).</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>R8 – Landscape and ecology management plan</p> <p>How would this requirement operate where potentially the Landscape and Ecology Management Plan (LEMP) did not included land where CBC was the RPA?</p> <p>R8 provides for a LEMP to be submitted for ‘any part of the authorised development’. It is not clear how many LEMPs are likely to be produced.</p> <p>Explain what is meant by ‘part of the development’?</p> <p>Does it relate to the zones 1-8 of the development or does it relate to sequence in which the construction will take place?</p> <p>If the latter, will construction impacts be covered by a LEMP in addition to the CoCP?</p>	<p>R8 – Landscape and ecology management plan</p> <p>How would this requirement operate where potentially the Landscape and Ecology Management Plan (LEMP) did not included land where CBC was the RPA?</p> <p>R8 provides for a LEMP to be submitted for ‘any part of the authorised development’. It is not clear how many LEMPs are likely to be produced.</p> <p>Explain what is meant by ‘part of the development’?</p> <p>Does it relate to the zones 1-8 of the development or does it relate to sequence in which the construction will take place?</p> <p>If the latter, will construction impacts be covered by a LEMP in addition to the CoCP?</p> <p>At least one of the local authorities mentioned in this Requirement is dissatisfied with the way it is currently drafted, particularly in respect of the discharging arrangements. The Authorities are seeking to agree a common position in respect of the discharging arrangements and will revert to the ExA and Applicant once they have done so.</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>R9 – Contaminated land and groundwater</p> <p>In sub-paragraph (1) how would low risk be determined?</p>	<p>R9 – Contaminated land and groundwater</p> <p>In sub-paragraph (1) how would low risk be determined?</p> <p>It seems to the Councils that this question is directed primarily at the Applicant. The Councils will consider the Applicant’s response to this question and reserve their right to provide additional information once they have seen that response. In any event, the Councils note that the EM does not explain how risk would be determined.</p>
		<p>R10 – Surface and foul water drainage</p> <p>In sub-paragraph (3) is ‘unless otherwise agreed in writing by the lead local flood authority’ a tailpiece?</p>	<p>R10 – Surface and foul water drainage</p> <p>In sub-paragraph (3) is ‘unless otherwise agreed in writing by the lead local flood authority’ a tailpiece?</p> <p>Please see the reply to Requirement 4(2) and (3).</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>R14 – Archaeological remains</p> <p>Is ‘unless otherwise agreed in writing...’ in paragraphs (1) and (2) a tailpiece?</p>	<p>R14 – Archaeological remains</p> <p>Is ‘unless otherwise agreed in writing...’ in paragraphs (1) and (2) a tailpiece?</p> <p>Please see the reply to Requirement 4(2) and (3).</p>
		<p>R15 – Air noise envelope</p> <p>How would this requirement work alongside existing controls?</p> <p>Has the concept of an air noise envelope been used to control noise in other airport developments?</p> <p>What are the different circumstances which might be envisaged under sub-paragraphs (3) and (5)(a)?</p> <p>Why has the timescale of 45 days be identified in paragraph (4)?</p> <p>What does ‘declare any further capacity’ mean in paragraph (5)?</p> <p>In sub-paragraph (5)(a) is approval required or can the undertaker declare further capacity ‘when submitted’?</p>	<p>R15 – Air noise envelope</p> <p><u>How would this requirement work alongside existing controls?</u></p> <p>As the applicant’s noise assessment is based around existing noise controls, they should be secured as part of the DCO. These existing measures may be restated and incorporated as part of the Noise Envelope or secured through the DCO as part of an Air Noise Management Plan.</p> <p><u>Has the concept of an air noise envelope been used to control noise in other airport developments?</u></p> <p>Whilst other airports have a suite of control measures and limits that may be loosely described as a noise envelope, Luton Airport is the only airport that has submitted a policy compliant noise envelope, which was part of their DCO for their proposed expansion. (See, for example, section 3 of the Green Controlled Growth Framework document [REP11-013] relating to the London Luton Airport Expansion DCO).</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p><u>What are the different circumstances which might be envisaged under sub-paragraphs (3) and (5)(a)?</u></p> <p>The Noise Envelope allows GAL to appeal to the Secretary of State to approve an Annual Monitoring and Forecasting Report if the CAA do not approve it. Different circumstances account for whether approval has been received from the CAA or the Secretary of State.</p> <p><u>Why has the timescale of 45 days be identified in paragraph (4)?</u></p> <p>We defer to the applicant to explain their scheme and will comment as appropriate in response at Deadline 4.</p> <p><u>What does ‘declare any further capacity’ mean in paragraph (5)?</u></p> <p>We defer to the applicant to explain their scheme and will comment as appropriate in response at Deadline 4.</p> <p><u>In sub-paragraph (5)(a) is approval required or can the undertaker declare further capacity ‘when submitted’?</u></p> <p>We defer to the applicant to explain their scheme and will comment as appropriate in response at Deadline 4.</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>R16 – Air noise envelope reviews</p> <p>In sub-paragraph (2) why has the timeframe of 42 days been chosen? R15 (4) includes 45 days as does R16 (6) and R17.</p>	<p>R16 – Air noise envelope reviews</p> <p><u>In sub-paragraph (2) why has the timeframe of 42 days been chosen? R15 (4) includes 45 days as does R16 (6) and R17.</u></p> <p>We defer to the applicant to explain their scheme and will comment as appropriate in response at Deadline 4.</p>
		<p>R18 – Noise insulation scheme</p> <p>Should this control relate to the coming into operation of Work Nos. 1-7 rather than the commencement of works?</p> <p>Clarify the explanation provided in paragraph 9.27 of the EM.</p>	<p>R18 – Noise insulation scheme</p> <p><u>Should this control relate to the coming into operation of Work Nos. 1-7 rather than the commencement of works?</u></p> <p>No. Upon granting of consent, the scheme of noise insulation should commence with the aim of protecting as many people as possible to mitigate against the significant effects that will otherwise occur. This is in accordance with the objectives of the Noise Policy Statement for England. GAL should provide a market feasibility study to identify how long it would take for properties in the Inner Zone and the Outer Zone to be insulated and the release of capacity should be linked to the delivery of the scheme.</p> <p><u>Clarify the explanation provided in paragraph 9.27 of the EM</u></p> <p>Insulation is based on the worst-case year of 2032 (or three years after opening); however, the Noise Envelope includes caveats for noise contour area limits to increase. As such, unless the Noise Envelope is changed to remove these caveats, there is uncertainty as to what the worst-case year would be. The Noise Insulation Scheme should be updated to reflect this.</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>R19 – Airport operations</p> <p>Would it be appropriate to be more precise in sub-paragraph (2) with the removal of ‘routinely’ and clarification of the reasons why the southern/ main runway is not available?</p> <p>The comments made in ISH2, and the written summary contained within [REP1-057] regarding a potential passenger limit are noted. However, given justification for the need case provided through the introduction of larger planes and increasing load factors, could there be a case where 386,000 commercial air transport movements equates to more than 80.2 million passengers per annum, potentially to a level not mitigated for through the Surface Access Commitments [APP-090], and if so should the passenger levels not be controlled through R19 as well?</p> <p>How would it be ensured that Commitment 14 of the Surface Access Commitments is adequate to deal with such a scenario?</p> <p>How realistic are anticipated rates of aircraft fleet transition contained within the ES when dealing with projected demand levels for 2047, some 20 years in the future?</p>	<p>R19 – Airport Operations</p> <p>The authorities have reviewed and commented on the Environmental Statement and Transport Assessment based on an assumed level of growth. We have repeatedly stated that the adopted approach contains considerable uncertainty. Should larger aircraft and greater load factors increase mppa then we would be very concerned that the impacts would not have been assessed and adequately mitigated. It is for this reason that we support a Green Controlled Growth approach.</p>
DCO.1.4 2	The Applicant IPs	<p>Approach to Tracking Mitigation</p> <p>The Mitigation Route Map [APP-078] has been prepared to demonstrate that all necessary controls, mitigation</p>	<p>The Authorities acknowledge the submission of the Mitigation Route Map [APP-078], but disagree with the level of detail provided, especially with regards the securing mechanism column. The Authorities would like to see the development of the Route Map from its current form, into a Register of Environmental Actions</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>and commitments of enhancement have been identified and secured.</p> <p>Why is the Mitigation Route Map submitted for information only?</p> <p>Would it be more effective for IPs for the Mitigation Route Map to be developed as a Register of Environmental Actions and Commitments to track progress of the commitments and record outcomes and evidence of the actions taken, as well as recording and addressing any additional environmental issues that arise during construction?</p>	<p>and Commitments (REAC) document. This would be an effective way to track progress against commitments made, which could then be secured through the DCO, rather than just for information, as currently proposed by the Applicant.</p>
DCO.1.4 5	The Applicant RPAs	<p>Approach to Securing Mitigation</p> <p>The Applicant proposed to use a CoCP [REP1-021] to mitigate construction phase impacts.</p> <p>Why has a CoCP approach been adopted rather than a Construction Environmental Management Plan that is subject to local authority approval to mitigate construction impacts? RPAs are invited to comment on the alternative approaches.</p>	<p>The Authorities’ view is that the CoCP should be considered an overarching construction management plan that sets out the principles for the construction of the Project. The CoCP should be an outline document that sets out specific management plans the Applicant should prepare (see DCO 1.46).</p> <p>The CEMP approach could then be adopted for each individual stage/works number, to provide the relevant suite of construction information to inform the mitigation required during construction for distinct geographical areas.</p>
DCO.1.4 6	The Applicant RPAs	<p>Status of CoCP</p> <p>Table 9.8.1 of ES Chapter 9 refers to the CoCP [REP1-021] as an ‘outline CoCP’.</p> <p>Is the CoCP an outline document? And if it is, should it be subject to local authority approval when more detail is available?</p>	<p>The Authorities have considerable concerns about the level of detail provided in the CoCP, irrespective of its status. Even if the document is an outline document, the Authorities consider that there are a number of topic areas for which sufficient detail is not provided, as set out in the Authorities’ submissions to the examination (e.g. the West Sussex and SCC LIRs [REP1-068 and REP1-097]. This includes requiring further detail around the mitigation of construction phase impacts, including, but not limited to;</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>If the CoCP is not an outline document, do the RPAs consider that the CoCP is sufficiently detailed to mitigate construction phase impacts?</p>	<ul style="list-style-type: none"> • visual impact of construction compounds – tree loss, design and layout, lighting, stockpiles. • visual impact and management of the works on site and in relation to nearby footpaths and ancient woodland within the CoCP in relation to Pentagon Field. • measures within CoCP to ensure no construction activity is undertaken within ancient woodland and their minimum buffer zone. • tree protection measures/ arboricultural impact assessment • measures within CoCP to protect the biodiversity areas, including vegetation retention plans and protective fencing. • impact on safeguarded minerals, and potential to avoid needless sterilisation. • Dust Management Plan • Odour Management Plan • Noise management and monitoring proposals • construction traffic and non-road mobile machinery emissions • construction noise and vibration, including from changes in road traffic noise levels due to construction traffic. • Online noise and dust reporting including for local communities • Self-service portal for complaint recording and monitoring • construction engagement. <p>The Authorities’ view is that it would be prudent for the CoCP to be an outline document, given that detailed design has not been undertaken and that a principal contractor is yet to be appointed by the Applicant. The CoCP should be updated accordingly as construction elements evolve, with approval required by the relevant authorities</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
DCO.1.4 9	The Applicant RPAs	<p>Approval of Construction Phasing</p> <p>The Indicative Construction Sequencing [APP-088] is not included in the CoCP.</p> <p>Should the phasing of the construction programme be subject to RPA approval and secured by a Requirement in the DCO?</p>	<p>The Authorities acknowledge the indicative construction sequencing information submitted by the Applicant [APP-088] and [REP2-105]. Due to the complex nature and substantial length of the construction period proposed, the phasing of the construction programme should be subject to approvals and secured through a Requirement in the DCO.</p>
DCO.1.5 3	CBC HDC MSDC WSCC	<p>Community Funding</p> <p>Paragraph 4.14 of the Joint West Sussex LIR [REP1-068] addresses the 2022 s106 agreement. It indicates that the authorities do not consider that the sums generated by the Community Fund will be proportionate to the environmental harm caused by airport expansion as was the Government’s expectation in the ANPS. It notes that the sums proposed by the Airports Commissions were far greater than those proposed by the Applicant.</p> <p>Please confirm what sums were proposed by the Airports Commission and how these compare with those proposed by the Applicant.</p>	<p>In its Final Report, July 2015 [REP1-142] the Airports Commission was clear that community compensation should be provided by airport operators in addition to other necessary mitigations proposed, paragraph 14.49 states <i>“The impacts of expansion, particularly environmental factors such as noise, will spread over a wider area just the airport’s immediate vicinity.....Whilst developers have statutory duties to provide specific mitigations or compensation in certain circumstances, it is good practice and socially responsible behaviour for developers to make a wider compensation offer in discussion with local communities and authorities.”</i></p> <p>The Airports Commission’s suggested mechanism was a noise levy based on the noise footprint of the airport. In recognising the levy should be proportionate and affordable, the Commission suggested that a proportionately equivalent figure to the 50p per passenger at Heathrow, raising the same amount per resident affected at Gatwick or Stansted may only cost around 2p per passenger because of the smaller noise footprints (paragraph 14.58). It is recognised that this was based on GAL’s second runway being a wide-spaced runway located to the south of the current Main Runway but the passenger numbers forecast for the NRP are only 16% less than the 95mppa proposed for proposed wide-spaced Southern Runway. Even the low figure of 2p per passenger would still generate considerably more funding than is currently being proposed by GAL for the Community Fund. A comparative table is set out below.</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response								
			<p>In its consideration of the Airports Commission’s recommendation for a noise levy, the Government in drafting the Airports National Policy Statement recommended a similar amount should be paid instead into a community compensation fund, proportionate to the impact of the airport. Paragraph 5.247 states “Government expects that the size of the community compensation fund will be proportionate to the environmental harm caused by expansion of the airport. The Government notes that, in its consideration of a noise levy, the Airports Commission considered that a sum of £50 million per annum could be an appropriate amount at an expanded Heathrow Airport and that over a 15 year period, a community compensation fund could therefore distribute £750million to local communities.”</p> <p>The Table below compares, for each 10mppa, the respective amounts which would be paid into the Community Fund according to the existing s106, the draft NRP s106 and a minimum figure per year if 2p per passenger was sought.</p> <p>Comparison Community Fund Figures:</p> <table border="1" data-bbox="1178 1023 2045 1396"> <thead> <tr> <th data-bbox="1178 1023 1397 1246">Mppa</th> <th data-bbox="1397 1023 1615 1246">2022 s106</th> <th data-bbox="1615 1023 1832 1246">Draft NRP s106</th> <th data-bbox="1832 1023 2045 1246">2p per passenger (Airports Commission) (Min per year)</th> </tr> </thead> <tbody> <tr> <td data-bbox="1178 1246 1397 1396">Up to 10 mppa</td> <td data-bbox="1397 1246 1615 1396">£50,000</td> <td data-bbox="1615 1246 1832 1396">£50,000</td> <td data-bbox="1832 1246 2045 1396">£100,000 (at 5mppa)</td> </tr> </tbody> </table>	Mppa	2022 s106	Draft NRP s106	2p per passenger (Airports Commission) (Min per year)	Up to 10 mppa	£50,000	£50,000	£100,000 (at 5mppa)
Mppa	2022 s106	Draft NRP s106	2p per passenger (Airports Commission) (Min per year)								
Up to 10 mppa	£50,000	£50,000	£100,000 (at 5mppa)								

Legal Partnership Authorities responses to Examining Authority’s written questions and requests for information (ExQ1)

ExQ1	Question to:	Question:	Legal Partnership Authorities Response			
			10-20mppa	£100,000	£100,000	£200,000
			20-30 mppa	£150,000	£150,000	£400,000
			30-40 mppa	£200,000	£200,000	£600,000
			40-50 mppa	£250,000	£250,000	£800,000
			50-60mppa	(50+mppa) £300,000	£300,000	£1,000,000
			60-70mppa		£400,000	£1,200,000
			70-80mppa		£600,000	£1,400,000
			80+mppa		£1,000,000	£1,600,000
			<p>As a further comparison, Luton Airport’s s106 supporting its DCO application (TR020001) proposes a Community Fund obligation (Schedule 8) of £100,000 per annum plus any noise and track violation payments. This is accompanied by an <u>additional</u> Compensation Policies, Measures and Community First obligation in the s106 which includes an annual payment of £1 per passenger for growth above 19mppa (to a maximum of 32mppa) (Schedule 7 and Appendix 5). This amounts to £13million per year once the 32mppa capacity is reached. Should a similar approach be taken at Gatwick, even accounting just for growth above the Applicant’s future baseline of 67mppa to 80.2mppa, the figures at Gatwick would be very significantly higher than GAL are proposing and would also reach £13million per year at maximum capacity.</p>			

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
DCO.1.5 4	CBC HDC MSDC WSCC	<p>CoCP – Potential Amendments</p> <p>Paragraphs 21.6 and 21.37 of the Joint West Sussex LIR [REP1-068] state that R7 does not specify the follow-up management plans that require completion and approval as part of the CoCP.</p> <p>Specifically, what amendments would the West Sussex Authorities wish to see to R7?</p>	<p>Requirement 7 of the DCO should be strengthened, specifically the follow-up management plans that require completion and approval as part of the CoCP, including the Dust Management Plan, that should be provided as an outline document as part of the examination.</p> <p>If the CoCP is not an outline document, the Authorities have considerable concerns about the level of detail provided, across a number of topic areas, as set out in the Authorities’ submissions to the examination.</p> <p>It is noted that the applicant for the London Luton Airport Expansion DCO has followed such an approach and Requirement 8 (Code of Construction Practice) of that dDCO is set out below. A similarly drafted provision which included the management plans mentioned in the response to question DCO 1.46 would be acceptable to the Authorities. Examples of made DCOs which include comprehensive COCP requirements are legion. For completeness Requirement 7 (Code of Construction Practice) of the Hornsea One Offshore Wind Farm Order 2014 (SI 2014/3331) is also set out below.</p> <p><u>Requirement 8 of the draft London Luton Airport Expansion DCO</u></p> <p>“(1) The authorised development must be carried out in accordance with the code of construction practice and with the management plans approved under subparagraphs (2) and (3).</p> <p>(2) No part of the authorised development may commence until the following management plans have been developed for that part, substantially in accordance with the outlines of those plans referred to or provided in the code of construction practice, and approved in writing by the relevant planning authority—</p> <p style="padding-left: 40px;">(a) framework materials management plan;</p> <p style="padding-left: 40px;">(b) carbon efficiency plan;</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>(c) construction surface water management strategy;</p> <p>(d) construction noise and vibration management plan;</p> <p>(e) community engagement plan;</p> <p>(f) emergency plan;</p> <p>(g) pollution incident control plan;</p> <p>(h) dust management plan;</p> <p>(i) site waste management plan (to be substantially in accordance with the outline site waste management plan); and</p> <p>(j) soil management plan (to be substantially in accordance with the outline soil management plan).</p> <p>(3) No part of the authorised development may commence until a construction site lighting plan for that part, substantially in accordance with the lighting measures contained in the code of construction practice, and including detailed measures to minimise light spillage, has been submitted to and approved in writing by the relevant planning authority”.</p> <p><u>Requirement 7 of the Hornsea One Offshore Wind Farm Order 2014 (SI 2014/3331)</u></p> <p>“(1) No part of the authorised development above MLWS is to commence within the area of a local planning authority until a code of construction practice relating to the works authorised above MLWS based on the draft code of construction practice contained in volume 4 of the Environmental Statement has been submitted to and approved by the local planning authority such approval to be provided in the case of any construction traffic management plan submitted pursuant to sub-paragraph (e), and any travel plan submitted pursuant to sub-</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>paragraph (l) in consultation with the relevant highway authority and the Highways Agency. The code of construction practice must include—</p> <ul style="list-style-type: none"> (a) an external lighting scheme for the construction phase; (b) construction noise and vibration monitoring and management measures; (c) air quality and dust monitoring and management measures during construction; (d) a site waste management plan detailing sustainable site waste management measures; (e) a construction traffic management plan; (f) measures to prevent and control spillage of oil, chemicals and other potentially harmful liquids; (g) details of the storage of materials during construction; (h) measures for the protection of surface and ground water during construction; (i) a communication plan; j) a Health and Safety Plan including details of how health and safety risks are identified and managed during construction; (k) details of screening and fencing to be installed during construction; (l) a travel plan for the construction workforce to include details of— <ul style="list-style-type: none"> (i) expected means of travel to and from the construction sites;

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>(ii) numbers of construction staff, working hours and modal split;</p> <p>(iii) details of the number of car parking spaces to be provided on sites and if appropriate a car park management plan;</p> <p>(iv) specification of measures to encourage sustainable travel to and from the construction site for construction staff;</p> <p>(v) responsibility and timescales for implementing proposed measures;</p> <p>(vi) targets for vehicle trips and modal splits;</p> <p>(vii) formal monitoring regime for those targets; and</p> <p>(viii) details of mess/canteen facilities for staff.</p> <p>(2) All construction works must be undertaken in accordance with the approved code”.</p>
DCO.1.5 5	CBC HDC MSDC WSCC	<p>Outline Operational Waste Management Plan</p> <p>Paragraph 22.4 of the Joint West Sussex LIR [REP1-068] states that the dDCO should include a requirement for an outline operational waste management plan.</p> <p>Specifically, what would the West Sussex Authorities wish to see in such a requirement? Does this relate to the request for an Odour Management and Monitoring Plan referenced in Appendix M [REP1-069]?</p>	<p>Including a requirement for an outline operational waste management plan would ensure that operational waste arising from the development will contribute towards achieving national and local targets for waste minimisation, recycling, and reuse, and meet the requirements of the West Sussex Waste Local Plan (2014) and Airports ANPS Paragraphs 4.70, 5.80, 5.136, 5.137, 5.138, 5.141, 5.143, 5.145, 5.146. The requirement should prevent the Applicant from commencing any part of the development until it has submitted to the relevant waste planning authority for approval, for that part, an operational waste management plan which is in accordance with the outline plan. It is envisaged therefore that the outline operational waste management plan would be produced during the Examination, allowing its contents to be considered by interested parties and the ExA.</p> <p>Draft Requirement 35 (operational waste management plan) of the draft London Luton Airport Expansion DCO provides a precedent [REP11-091] acceptable to airport applicants elsewhere and it is noted that the outline operational waste</p>

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			<p>management plan [APP-134] referred to in draft Requirement 35 is a concise document of 21 pages. The Councils also note that requirement 42 (waste management – construction and operational waste) of the Ferrybridge Multifuel 2 Power Station Order 2015 (SI 2015/1832) is an example of an operational waste management plan requirement satisfactory to the Secretary of State.</p> <p>It should be noted that the Outline Operational Waste Management Plan does not relate to the request for an Odour Management and Monitoring Plan, which relates to construction activities and the CoCP.</p> <p>The Councils consider the proposed requirement should be drafted as follows -</p> <p>“(1) No part of the authorised development is to commence until an operational waste management plan for the operation of the authorised development has been submitted to and approved in writing by WSCC. (2) The operational waste management plan submitted under sub-paragraph (1) must be in accordance with the outline operational waste management plan. (3) The authorised development must be operated in accordance with the approved operational waste management plan referred to in paragraph (1)”.</p>
DCO.1.5 6	CBC HDC MSDC WSCC	<p>Detailed Design Controls</p> <p>Table 24.1 of the Joint West Sussex LIR [REP1-068] outlines the need for a suitably detailed design control document setting clear design principles for the Project as a whole but also addressing design controls for specific Works areas including clear parameter and works plans (Appendix 1 of the DAS).</p> <p>Specifically, what would the West Sussex Authorities wish to see in such a document and a requirement to secure this? How would this relate to R4?</p>	<p>The Authorities consider that the following areas need to be modified:</p> <p><u>Schedule 1 to the DCO – description of works</u></p> <p>The Authorities consider these need to be more detailed and precise. (Please see the Authorities’ ExAQ1 Deadline 3 response to question GEN 1.39).</p> <p><u>Works Plans</u></p> <p>Please see the response to GEN 1.39 (above) regarding the Works Plans.</p> <p><u>Parameter Plans</u></p> <p>These should be refined as the blocks shown are considerably larger than the areas identified for the proposed development. The Authorities consider that the</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>extent of built form for some works such as decked car parks should be broadly known by the Applicant and a reduction in the size and extent of the parameter drawing with a more carefully drawn boundary would assist in understanding the likely building form on a site and how the structure may relate to its built and natural surroundings. The parameter plans require additional information such as site levels and it is considered important that below ground parameters are also illustrated, particularly where these could impact upon nearby trees or watercourses. Further detail on this point has been provided based on the works numbers listed in the Deadline 3 response to question GEN 1.39 referenced above.</p> <p><u>Additional plans</u></p> <p>Where particular features such as tree belts and drainage features are within or nearby the site it would be helpful to understand the relationship of that feature with the proposed works on drawings. The drawings should have sufficient definition and show precise site boundaries in order to for the Authorities to understand whether important features such as landscaping and root protection areas will be impacted.</p> <p>The submission of existing levels and survey plans for the works areas would provide useful background information for the desired design document mentioned in the response to question Gen 1.21 (above). This would be most helpful for works around the perimeter of the Project boundary where adjoining features or third-party land may be affected. For some works, the Authorities consider the extent or configuration of the structure might be known in more detail by the Applicant. For example, Car Park X, where the access point and drainage feature along with the deck could all be better displayed on the parameter plan or on a supporting drawing. Where this information is currently available, the Authorities would welcome the relevant plan being updated to reflect this.</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p><u>Further design detail in the DAS control document</u></p> <p>This information is set out under response to question GEN 1.21 c)</p> <p><u>Design review panel / Stakeholder engagement</u></p> <p>Detail of the Authorities’ suggested approach is explained in response to question GEN 1.21. Such an approach would require a Planning Performance Agreement.</p>
EN.1.10	<p>The Applicant</p> <p>RHAs</p>	<p>Maintenance of Landscape Adopted by Highway Authorities</p> <p>Paragraph 9.1.1 of the Outline LEMP [APP-113] states that the landscape and ecological proposals that form part of the adoptable highway will be adopted and maintained by the local highway authority or NH.</p> <p>Can the Applicant explain how the ongoing maintenance of these areas is secured in the dDCO? The RHAs may wish to comment.</p>	<p>Within Surrey all planting schemes within adoptable highways must conform with the guidance in the relevant Healthy Streets for Surrey Design Code chapter and the SCC Tree Strategy. Proposals should include a detailed and viable maintenance management plan which is subject to approval by the Highway Authority. Provision must be made for five years of comprehensive aftercare for the establishment of trees which must include replacement for any dead trees and weed control. This is to be followed by a management plan for new planting and commuted sums, in line with the relevant authorities’ Commuted Sums Policies, to cover the ongoing maintenance of any landscaping proposed. This is to be secured through the relevant highway authorities S278 agreements.</p>
EN.1.11	<p>NE</p> <p>RPAAs</p>	<p>Securing of Mitigation Measures</p> <p>Are NE and the RPAAs satisfied that mitigation measures outlined in Table 9.8.1: Mitigation and Enhancement Measures of ES Chapter 9 [APP-034] are appropriately secured in the dDCO?</p>	<p>The Authorities wish to emphasise that the mitigation and enhancement measures presented in Table 9.8.1 alone are not considered sufficient. Inadequacies include the lack of off-site compensation to mitigate impacts on wildlife corridors including bat commuting routes, no compensation for loss of ponds, insufficient tree and woodland planting to mitigate impacts whilst new habitats establish, and failure to explore further opportunities for biodiversity enhancement within the DCO Limits. In addition, further bat survey work is required for trees proposed for removal. Without these results, it is impossible to identify what further mitigation is required and how it will be secured.</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>Regarding the mitigation and enhancement measures presented in Table 9.8.1 [APP-034], whilst many of the principles are secured, the detail is often lacking. For example, it is proposed to translocate great crested newt and grass snake to prepared receptor areas as secured through the OLEMP and DCO Requirement. However, the location of these receptor areas is not specified or secured.</p> <p>Table 9.8.1 states that ‘<i>At detailed design stage, existing features of ecological value will be reviewed to see if they can be incorporated within the design</i>’. However, it is unclear how this will be secured. Whilst the design principles will be secured through a DCO Requirement, this aspect does not appear to be included within the design principles. Therefore, the West Sussex LIR [REP1-068, Section 9.74] has requested that the design principles, presented in the DAS [APP-253-257], include measures to minimise impacts at the detailed design stage.</p> <p>Although the CoCP (secured by a DCO Requirement in Schedule 2) intends to provide measures to protect ancient woodlands, the Tree Removal and Protection Plan (Sheet 9 of Appendix 5.3.2 Annex 6 [REP1-024]) indicates that tree removal within designated ancient woodland and its buffer zone (Horleyland Wood) will be assessed during detailed design, and services will be routed around the woodland only if possible. Further, no tree protection measures are shown to be in place adjacent Horleyland Wood or its buffer zone. This contradicts the suggestions within table 9.8.1 that ancient woodland is avoided, in addition, it does not demonstrate that a 15m fenced buffer can be provided for the installation of services. Owing to these factors, the CoCP does not adequately secure the mitigation measures stated.</p> <p>Whilst most existing retained trees and hedgerow will be protected with fencing during the construction phase of the project, it is worth identifying that fencing is only one measure required to protect trees during construction. Further detail of measures which are required will be provided in writing by WSCC at Deadline 4.</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>The replacement of an existing hedgerow between the A23 London Road and Perimeter Road East is shown on the Illustrative Landscape Overview and Key Plan (figure 1.1.1) of the OLEMP [REP2-021] which is secured by a DCO Requirement (R8) in Schedule 2. This plan only shows the hedgerows partial replacement, with 250m to its northern extremities not replaced. Further, section 5.4 of the OLEMP states that hedgerows adjacent to the highway, including this hedgerow, will be maintained at 600mm in height; maintaining the hedge at such a low height in this location provides limited ecological benefit and limited screening from the A23. It is worth noting that the removal of this hedgerow has not been considered within the arboricultural impact assessments [REP1-027, 028, 029, 030] nor identified within Tree Removal and Protection Plans (Appendix 5.3.2 Annex 6 [REP1-024]) which as a control document within the DCO, enables the hedgerows’ removal.</p> <p>The only reference to Biodiversity Net Gain (BNG) within Table 9.8.1 is in the ‘monitoring’ section. There is no mention of how BNG will be secured. Concerns over how BNG will be secured and managed in the long term have been raised in the West Sussex LIR [REP1-068, Section 9.91] which states that the Authorities seek the draft DCO Requirements are amended to secure the commitment to the delivery and long-term management of BNG.</p>
LAND USE AND RECREATION			
LU.1.5	RPAs	<p>Soil Management Approach</p> <p>RPAs are asked whether the approach and content of the CoCP [REP1-021] and associated appendices (eg the SMS [APP-086]) in respect of the management of potential effects on soil resources is appropriate? If not, please detail additional methods and/ or mitigation</p>	<p>A specific Soil Management Strategy (SMS) appears to be proposed for each of the compound areas and this is welcomed. The principles set out in the generalised scheme are acceptable and are based on the Institute of Quarrying (IoQ) best practice guidance (as recommended by the MWPA’s to be used on our mineral sites) as well as the DEFRA Code of Practice on Sustainable Use of Soils</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>measures considered necessary. In addition, please confirm whether you are satisfied that soils would be suitable for the required end use and the appropriateness of the proposed soil restoration methods.</p>	<p>in Construction Sites. These should be tailored and incorporated into the site-specific scheme.</p> <p>The Mineral and Waste Planning Authorities do have a number of additional comments as set out below. SCC has specific interest as soil stripping is planned on the two proposed SCC owned construction compounds.</p> <ul style="list-style-type: none"> • The existing soil profile should be detailed (type/characteristics/depth of topsoil & subsoil as well as the depths and volumes to be stripped), as well as the current land use and area affected and shown on a plan. • The soils in general appear to have been identified as heavy clay loams, which are the most vulnerable to damage during stripping, handling, storage and replacement operations. We would therefore expect the most stringent standards to apply to avoid compaction and loss of soil structure. • Particularly important will be the timing of these operations – the document states that in general no such activity should take place between November and March when the soils are mostly likely to be wet. We would recommend that this is provided and that outside of this period the ground and weather conditions in 8.3 and the soil moisture and consistency tests in 8.4 should be applied as stated. • The document indicates that topsoil will be stripped down to a depth of 25mm but doesn’t mention any stripping of subsoil. It also talks about avoiding excessive trafficking of subsoil on haul routes. However, later on it mentions storage of subsoil, so clarification is needed. It is unclear whether the proposal is to protect the subsoil with a geotextile mesh or, as the soils are clay, for the subsoils to also be stripped to provide additional protection. • Soils (topsoils and ideally subsoils also) should be stripped from haul routes as well as from the compound area. Traffic should be restricted to these designated haul routes. The SMS should state how these will be marked out – both on a plan and on the ground to prevent contractors straying onto adjoining areas or taking shortcuts across adjoining land.

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<ul style="list-style-type: none"> • If subsoils are to be stripped also, these should be stored separately from the topsoil. Topsoil should be stripped from beneath subsoil storage mounds so that soils are stored like upon like to avoid soil mixing. These should all be marked on a plan as part of the SMS and should be updated once the soils are stripped to check volumes match those predicted and that soils are being stored as agreed. • Storage mounds should be seeded as soon as possible after formation (the document states they'll be seeded in the autumn, but if they are formed in the spring and there is then a wet summer the soil might all get washed away). • The specific soil stripping/ storage mound forming/ soil replacement method and machinery combination to be used should be specified and justified in the SMS. (A list of possible methods/ machinery combinations is currently given. Given the clay nature of the soils we would expect stripping operations to follow Sheet A of the IoQ guidance, storage mound formation to follow sheet B, excavation of storage mounds to follow sheet C and replacement of soils to follow Sheet D, as these cause the least damage. The practicality of these methods might depend on the size of the compound however and manoeuvrability of machinery around it, so if not possible the site specific SMS should explain and justify why a different method is to be used). • The document mentions how subsoil will be de-compacted before replacing topsoil but if subsoils are to be stripped also the SMS will need to state how the ground beneath the soil layers will be de-compacted before replacing the soil. • If soils are handled correctly there should be no need for decompaction of the soil layers themselves as they are replaced or afterwards, but the SMS should make provision for assessing this and to de-compact the layers if necessary.

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			<ul style="list-style-type: none"> • The SMS should contain provision for stone picking (that might e.g. work their way to the surface) and removal of any non-soil debris that might have got mixed up in the soil. • Ideally there should be evidence provided that the soil profile has been put back to the same profile as it was pre-development (photographs/ records/ soil scientist sign off), or pits can be dug afterwards to check this. This is required before agreeing that aftercare can start. • There should be no trafficking of newly replaced soils by machinery/ vehicles and the area should not be used for further storage of materials etc. • It is not clarified when the individual SMS for specific areas will be produced and agreed. This will need to be in advance of any soil stripping. SCC would also want to be consulted on these for sites in their ownership. <p>An aftercare period is mentioned but no duration is given, although it does say land will be handed back to the landowner as soon as possible following implementation of the aftercare plan. For example, for agricultural sites it is generally accepted that it takes about 5 years to re-instate the soils so something like amenity grassland would be the same. A site-specific aftercare plan should be submitted and agreed – we’d suggest this should be 3 or even 6 months prior to replacement of soils, rather than 3 months prior to the start of the aftercare period as indicated in the document. The aftercare scheme should also include provision for a sign off that the land has been re-instated to an agreed standard prior to being handed back to the landowner.</p>
NV.1.10	IPs	<p>Noise Envelopes</p> <p>Recognising that concerns have been expressed by some IPs about noise envelopes, what would other IPs propose for the initial (2029) areas of the 51 dB L_{Aeq, 16hr}</p>	<p>To achieve policy requirements, the Noise Envelope should be defined through consultation with local communities and relevant stakeholders. The Authorities raised concerns over the envelope design process at the statutory consultation when the Applicant produced a fully developed proposal with metrics and limits in the PEIR that had not been designed in conjunction with community groups and</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>contour and the 45 dB $L_{Aeq, 8hr}$ contour and any other noise envelopes, including the use of other metrics?</p> <p>What is the basis for the proposed values with reference to policy and guidance?</p>	<p>local authorities. Following the consultation, the Applicant set up a Noise Envelope Group (NEG) that included a separate Local Sub-Group for community stakeholders and local authorities and another separate Aviation Sub-Group for aviation stakeholders. The NEG was chaired by the Applicant unlike both Heathrow’s and Luton’s Noise Envelope Design Groups, which were independently chaired. This was somewhat surprising given the significant concerns of the local authorities and community groups over the process up to that point.</p> <p>The key stages in a noise envelope design based on CAP 1129 are set out in Appendix 14.9.5 [APP-175]:</p> <ul style="list-style-type: none"> • to identify stakeholders, • set up a design envelope team from the stakeholders, • and produce a proposal. <p>GAL undertook none of these steps and simply produced its own proposal and undertook Noise Envelope consultation with a proposal already in place. As a result, the process largely consisted of the airport telling stakeholders (community groups and Authorities) why they were wrong. As such, the Authorities request that the following noise control measures are included in the Noise Envelope.</p> <p>Noise Contour Limits Based on Leqs</p> <p>Paragraph 2.4.32 of Appendix 14.9.5 [APP-175] identifies that that it is unlikely that the SOAEL contour area would increase as the LOAEL contour area decreases throughout the lifespan of the project. On this basis, GAL has rejected the Local Authority request to have noise contour area limits at the SOAEL as well as the LOAEL. Whilst GAL argue that properties within SOAEL are accounted for through provision of noise insulation, it is preferable that communities are not exposed to noise levels exceeding SOAEL as insulation does not mitigate significant effects in external amenity areas. As such, the Authorities are of the opinion that a noise contour area control at the higher levels of noise than the levels proposed would</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>provide additional confidence that GAL could comply with the first aim of the ANPS, to avoid significant adverse impacts on health and quality of life and would like to see noise contour area limits set at 60 dB LAeq,16h and 55 dB LAeq,8h in addition to the contour area limits proposed at 51 dB LAeq,16h and 45 dB LAeq,8h.</p> <p>Noise Contour Thresholds</p> <p>Certainty should be provided to local communities and the local authorities (who have to make development plan decisions) by ensuring that the Noise Envelope contour limits are not exceeded. Action would only be taken retrospectively if the Annual Monitoring and Forecasting Report (AMFR) identifies a breach for the previous year. Five-year forward-looking forecasts would be undertaken to try and guide compliance for the previous year of operation; however, there has been no information provided on how accurate forecasts are in comparison to actuals. The Authorities request that GAL provide a study showing the margin of uncertainty of forecasts when compared with noise contours based on actual movements. This would allow a noise contour threshold to be defined based on the margin of uncertainty that would provide more confidence in forecasting as a means to prevent a breach of noise contour area limits.</p> <p>Quota Counts</p> <p>Noise quota budget may be set to permit a limited amount of growth, i.e. to share the benefits of improving aircraft technology. A Quota Count (QC) budget should be applied to the annual movement cap. This Quota Count budget would reduce in size in the 5-year Noise Envelope review as the fleet transition to quieter aircraft.</p> <p>The proposed London Luton Airport expansion provides confidence that noise contour area limits would not be breached through use of Quota Count budgeting. Analysis of the historical relationship between the QC and contours areas calculated from actual movements allowed a relationship between QCs and contour areas to be determined. This relationship allowed the Noise Envelope</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>contour area limits to be converted to QC budgets. It was proposed that the QC budgets could be applied during scheduling so that contour area limits were inherently considered in the scheduling process^[1]. This approach provided confidence that the Noise Envelope contour limits could be achieved through a forward-looking approach rather than relying on retrospective testing of noise contours.</p> <p>QC budgets offer further advantage as they can also be measured and monitored during the specific QC budget accounting period and as a result provide operational flexibility and control in year or early indication of a breach allowing appropriate action to avert a breach in the successive period.</p> <p>The Authorities suggest that a similar approach could be adopted by GAL such that there would not be a reliance on forecasting, which contains inherent levels of fleet uncertainty, to achieve compliance for the previous year of operation.</p> <p>Annual Noise Controls</p> <p>The LAeq,T noise metric only controls noise during the 92-day summer period. Consequently, there is allowance for noise increases outside the 92-day summer period to be unrestricted. Paragraph 14.9.139 [APP-039] identifies that, in 2032, increases in Lden contours are the same as the increase in LAeq,16h noise contours; however, Lnight contours increase by 11-12%, which is larger than the increase in LAeq,8h contours. This suggests that there is a larger increase in annual night-time movements than in the 92-day summer period. As such, a control on annual Lnight noise contours should also be included in the Noise Envelope.</p> <p>Awakenings</p> <p>The DfT in its 2017 impact assessment of night flight restrictions^[2] stated ‘average indicators are insufficient to fully predict sleep disturbance and sleep quality’. This</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>statement was based on work by Basner et al. 13^[3], which found that sleep stage change risk - which impacts on health - may be lower than estimated from average Lnight noise dose where events are noisy but relatively few, but higher, where events are relatively quiet, but more numerous.</p> <p>Given at Gatwick the airport is moving to a higher number of less noisy aircraft movements i.e. a situation with a potentially higher health impact which ‘average’ based contours are likely to fail to reflect, the noise envelope needs a primary control metric based on an event-based contour to complement the LAeq,T contours especially at night.</p> <p>WIZAD Departure Route Controls</p> <p>There is concern amongst the JLAs that communities along the WIZAD route are effectively newly overflowed and are not being considered as such. It is a tactical offload route and cannot be flight planned. There is potential for the severe intensification of air traffic along the WIZAD route; however, GAL have yet to provide any information on the number of aircraft movements that are forecast to use the WIZAD route in future scenarios so it is difficult to have any real understanding regarding how communities along the WIZAD route would be affected by noise.</p> <p>The impact of aircraft movements at communities along the WIZAD route can be seen through comparison of LAeq,16h noise contours in Figure 14.9.2 [APP-064], which compares the 2032 baseline and with project noise contours for the slower transition case. Despite the increase in aircraft movements along the WIZAD route, there is no material change in the 51 dB LAeq,16h noise contour. As such, the LAeq,16h does not properly describe how communities would be affected as a result of the proposed expansion.</p> <p>The Number Above N65 contours show more clearly how communities would be affected by increased movements along the WIZAD route. Comparison of Figure</p>

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			<p>14.6.3 [APP-063] with Figure 14.9.15 shows [APP-064] a new ‘arm’ along the WIZAD route and indicates that there are somewhere between 20 and 50 movements per day forecast along the WIZAD route for the 2032 average 92-day summer period. The comparison demonstrates that the N65 metric is better at illustrating the effect of a severe intensification of route use.</p> <p>The JLAs do not consider that the assumption of the use of this route can be separated from the airspace change proposals that are underway and as such until such time as the airspace change proposals are approved (assuming that this route is a preferred option) the most appropriate method is, under the noise envelope, to limit the ATMs along this route to somewhere near the 2019 baseline, of 300 ATMs, during the day period only. This would provide certainty for affected communities on how they would be affected by aircraft noise if the proposed expansion was consented.</p> <p><u>References</u></p> <p>^[1] TR020001-001706-8.36 Noise Envelope - Improvements and worked example.pdf (planninginspectorate.gov.uk)</p> <p>^[2] DfT (2017) Night Flight Restrictions at the designated airports 2017-2022 Impact Assessment DfT00370 Page 26 2nd to last paragraph.</p> <p>^[3] Basner, M. & Samel, (2006) Aircraft noise effects on sleep: Application of the results of a large polysomnographic field study, Journal of Acoustical Society of America, 119(5), p.2772-2784, May 2006.</p>
SOCIO-ECONOMIC EFFECTS			

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
SE.1.15	RPAs	<p>Affordable Housing – Additional Funding</p> <p>The ExA notes that, in respect of affordable housing, the Joint West Sussex LIR (paragraph 18.4 [REP1-068]) considers that further mitigation is required in the form of funding from the Applicant, to help meet increased demand for affordable housing.</p> <p>Can the Joint West Sussex Authorities provide further detail on the reasoning for such mitigation and the level of funding required. Please also confirm whether discussions with the Applicant regarding this issue have been held?</p>	<p><u>Affordable Housing Need in the Local Study Area – Housing Mitigation Fund Justification</u></p> <p><i>Affordable Housing Delivery in North West Sussex Housing Market Area</i></p> <p>The North West Sussex Housing Market Area (HMA) is made up of Crawley Borough Council, Horsham District Council and Mid Sussex District Council. The boundaries of the HMA have been defined in Local Plan evidence, including joint Strategic Housing Market Area Assessments (SHMA) since 2009.</p> <p>The Applicant appears not to have made what is an important distinction between overall housing delivery (market and affordable) and the delivery of affordable housing. The Applicant has not undertaken a robust assessment of affordable housing need versus supply within the HMA, and the Local Authorities wish to reiterate that when taking account of overall affordable housing need against actual and anticipated delivery, there is significant unmet affordable housing need for Crawley. This will not be met in full through the Local Plans of neighbouring authorities, and the Local Authorities remain concerned that the NRP DCO will place further pressures on what is already a substantial unmet affordable housing need.</p> <p>In (APP-201) Table 7.3.3 the Applicant indicates that the increased pressure on social rented accommodation, as a result of the project is 4% (13% to 17%).</p> <p>In (APP- 201) Table 7.4.1. the Applicant indicates that 21% of the total housing delivered has been affordable. From this the applicant concludes that actual delivery is above that generated by the project, therefore the project “is not expected to place any additional pressure on affordable housing delivery beyond that which might be expected” (APP-201 paragraph 7.4.3).</p> <p>However, the conclusions drawn by the Applicant do not give a true account of how affordable housing delivery relates to actual affordable housing need i.e. if there is a shortfall of delivery against overall need. A robust assessment of affordable</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response																								
			<p>housing delivery against affordable housing requirement and Local Plan policy show that the overall need is far outstripping supply.</p> <p>In (APP-201) Table 7.4.2 and Table 7.4.3 the Applicant looks at the affordable housing need that has been assessed through the SHMAs prepared to inform the preparation of the Local Plans. At paragraph 7.4.23 the Applicant has looked at pipeline supply on allocated sites.</p> <p>However, the Applicant’s analysis does not look at whether the demand in the SHMA has been translated into Local Plan policy. In the case of Crawley and Mid Sussex and Horsham, Local Plan affordable housing policies in emerging Local Plans will not deliver the full amount of affordable housing to meet identified needs, as set out below:</p> <table border="1" data-bbox="1178 767 2085 1002"> <thead> <tr> <th></th> <th>SHMA requirement</th> <th>Local Plan policy</th> </tr> </thead> <tbody> <tr> <td>Crawley</td> <td>98%</td> <td>40% (outside town centre) 25% (town centre)</td> </tr> <tr> <td>Mid Sussex</td> <td>43%</td> <td>30%</td> </tr> <tr> <td>Horsham</td> <td>52%</td> <td>45%</td> </tr> </tbody> </table> <p>(Note: for direction comparison with the Applicant’s evidence Mid Sussex Submission Plan (Jan 2024) has been used.)</p> <p>The position in the adopted Local Plans is similar.</p> <table border="1" data-bbox="1178 1155 2085 1390"> <thead> <tr> <th></th> <th>Requirement as set out in Local Plan evidence (SHMA)</th> <th>Local Plan policy</th> </tr> </thead> <tbody> <tr> <td>Crawley</td> <td>Up to 78%</td> <td>40%</td> </tr> <tr> <td>Mid Sussex</td> <td>44%</td> <td>30%</td> </tr> <tr> <td>Horsham</td> <td>Up to 40%</td> <td>35%</td> </tr> </tbody> </table>		SHMA requirement	Local Plan policy	Crawley	98%	40% (outside town centre) 25% (town centre)	Mid Sussex	43%	30%	Horsham	52%	45%		Requirement as set out in Local Plan evidence (SHMA)	Local Plan policy	Crawley	Up to 78%	40%	Mid Sussex	44%	30%	Horsham	Up to 40%	35%
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			<p>The Applicant has not considered why Local Plan policy is not able to seek the delivery of the full amount of affordable housing need, nor explored what the barriers are to affordable housing delivery.</p> <p>At paragraph 7.5.2, the Applicant concludes “...it can be concluded that the potential tenure demands associated with the project... are unlikely to have any impact on affordable housing demands beyond what is already emerging or being planned for. Authorities recognise that future affordable housing needs are well above the level of affordable housing in the existing stock, and policies along with emerging large scale schemes are broadly planning for this.”</p> <p>It is acknowledged that it is not the role of the Applicant to resolve problems with affordable housing delivery in the HMA. However, the applicant has acknowledged (APP-201 table 7.3.3) that the project will put an additional pressure on affordable housing demand. It therefore follows that the Applicant should be taking some action to mitigate the additional pressure the Project will put on demand for affordable housing, in a Housing Market Area that is already unable to meet the affordable housing need.</p> <p><u>The following sections explain the locally specific issues for each authority in the North West Sussex HMA.</u></p> <p><u>Crawley</u></p> <p>Crawley has a very important role in the sub-regional economy, being well located to support the delivery of economic growth. Much of the workforce in the lower-paid, but essential, jobs locally, including at Gatwick Airport, also reside within the borough. This forms a critical relationship with the housing stock.</p> <p>Evidence in CBC’s published Authority Monitoring Reports (AMR) published in respect of the period 2015-2022 records the delivery of 1131 net affordable homes</p>

Legal Partnership Authorities responses to Examining Authority’s written questions and requests for information (ExQ1)

ExQ1	Question to:	Question:	Legal Partnership Authorities Response																				
			<p>(162 per annum on average). These represented a relatively high proportion of total net residential completions (33%, or 46% if ‘prior approval’ schemes not subject to affordable housing requirements are excluded). However, it fell well short of Crawley’s total affordable housing need, which was identified as falling within a range of 197-527 dwellings per annum in the North West Sussex Housing Market Area Affordable Housing Needs Model Update 2014.</p> <p>As discussed at 18.78 of the West Sussex LIR, and shown in the table below, <u>Crawley’s affordable housing need (739dpa) is only marginally less than its total housing need (755dpa)</u>. The draft Local Plan requirement is for 40% affordable housing, except within the town centre where a 25% requirement is set for reasons of viability. Further detail is provided in the table below, but the key point to reiterate is that only 17% of Crawley’s identified affordable housing need can be met within the Borough.</p> <table border="1" data-bbox="1182 874 2069 1273"> <thead> <tr> <th></th> <th>Full Need (2024 – 2040)</th> <th>Provision in Crawley Borough Local Plan (2024 – 2040)</th> <th>Unmet Needs (2024 – 2040)</th> </tr> </thead> <tbody> <tr> <td>Overall Housing Need</td> <td>12,080 dwellings (755dpa)</td> <td>5,030 dwellings (314dpa)</td> <td>7,050 dwellings (441dpa)</td> </tr> <tr> <td>Affordable Housing Need (40%)</td> <td>11,824 dwellings (739 dpa)</td> <td>2,012 dwellings (126 dpa)</td> <td>9,812 dwellings (613 dpa)</td> </tr> <tr> <td>Affordable Rental Housing Needs (30%)</td> <td>8,868 dwellings (554.25 dpa)</td> <td>1,509 dwellings (94 dpa)</td> <td>7,359 dwellings (460 dpa)</td> </tr> <tr> <td>Affordable Intermediate Housing Needs (10%)</td> <td>2,956 dwellings (184.75 dpa)</td> <td>503 dwellings (32 dpa)</td> <td>2,453 dwellings (153 dpa)</td> </tr> </tbody> </table> <p>To meet Crawley’s affordable housing need in full using the standard method as a total housing requirement, 98% of all housing development in Crawley would need</p>		Full Need (2024 – 2040)	Provision in Crawley Borough Local Plan (2024 – 2040)	Unmet Needs (2024 – 2040)	Overall Housing Need	12,080 dwellings (755dpa)	5,030 dwellings (314dpa)	7,050 dwellings (441dpa)	Affordable Housing Need (40%)	11,824 dwellings (739 dpa)	2,012 dwellings (126 dpa)	9,812 dwellings (613 dpa)	Affordable Rental Housing Needs (30%)	8,868 dwellings (554.25 dpa)	1,509 dwellings (94 dpa)	7,359 dwellings (460 dpa)	Affordable Intermediate Housing Needs (10%)	2,956 dwellings (184.75 dpa)	503 dwellings (32 dpa)	2,453 dwellings (153 dpa)
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ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>to be provided as affordable tenures. Alternatively, retaining the 40% requirement across all new residential developments within the borough, to meet the full affordable housing requirement, the total number of dwellings required per annum would be 1,848. Neither is a realistic or viable option for the Local Plan.</p> <p>Meeting the needs of private market housing is not confined by boundaries, and buyers have the freedom to choose where they wish to buy. By contrast, affordable housing is confined to within the borough, with insufficient cross-boundary nominations available, meaning that meeting local affordable housing needs is almost entirely reliant on securing the necessary 40% quota on all residential developments within the borough, and is otherwise dependent on neighbouring authorities formally agreeing to assist in meeting this evidenced affordable housing shortfall. As such, CBC is not disputing that there is sufficient planned overall housing supply across the LSA to meet needs associated with the NRP, although it must be noted that water neutrality has had an effect in stalling housing delivery. The council does however remain concerned that there will be local implications on the increased demand for affordable housing.</p> <p>CBC note that the EXa question does not specifically refer to temporary accommodation, but CBC wish to reiterate that there is a link between the significant need for affordable housing (this being much greater than the amount deliverable through Local Plans) and our concerns regarding the lack of supply in short to medium-term accommodation. Although the Council has delivered over 1600 affordable units in past 10 years, affordable housing supply remains below demand, and the number of people on the affordable housing waiting list continues to grow. At the time of writing 2,450 applicants are on the council’s housing register awaiting permanent accommodation. This includes 501 households in temporary accommodation, of which 273 are in nightly-paid accommodation, and 87 of these are being placed out-of-borough due to the lack of supply within Crawley.</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>There is a responsibility placed on the council to ensure those at risk of homelessness and with the greatest need for accommodation are housed, and this is through necessity achieved through making placements into short- or medium-term temporary accommodation. As discussed through West Sussex LIR Paragraphs 18.55 and 18.56, there is insufficient temporary accommodation within the council's portfolio, meaning that the council is needing to rely on nightly-paid accommodation within the Private Rented Sector, and in some cases (as a result of the significant need) using properties outside of the borough’s boundary. It is for this reason that CBC has declared a Housing Emergency.</p> <p>Further, it is why CBC has expressed significant concerns that the NRP temporary construction workforce will place further demand (including increased rents) on properties that are needed by the council to provide temporary accommodation for those in greatest housing need.</p> <p><u>Horsham</u></p> <p>The latest SMHA (2019) prepared as part of the evidence base for the emerging Horsham District Local Plan 2023-2040 sets the net affordable housing need at 503 units per annum, across both rented and affordable ownership properties (paragraph 7.57). Based on the affordable housing policy requirements in the current Local Plan this would require delivery of 1,400 units of housing per annum all delivering a policy compliant level of affordable housing to meeting the affordable housing need in the District. Horsham’s affordable housing completions data was most recently published in the 2021/2022 Authority Monitoring Report and showed that in the period from 2016 to 2022 the mix of affordable housing delivery on site was 22.1% (an average of 220 units per annum). This peaked in 2020/2021 at 26.7% (226 units) and was at its lowest in 2021/2022 at 12% (80 units).</p>

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			<p>themselves qualify for housing through Horsham District Council’s housing register, however any increased demand on the affordable housing market in Horsham District, and the wider HMA, will lead to further pressure on available affordable units, and has the potential to increase the number of residents forced to seek accommodation through HDC’s housing team.</p> <p><u>Mid Sussex</u></p> <p>The Strategic Housing Market Assessment (2021) prepared to support the emerging District Plan Review 2021 - 2039 concludes that “..the analysis identified a notable need for affordable housing, and it is clear that provision of new affordable housing is an important and pressing issues in the District.” (paragraph 7.64) The SHMA states that 470 social/affordable rented homes are needed per year to meet the need (paragraph 7.62). This would equate to 43% of the minimum local housing need of 1,093 homes per annum. This is in the context of an existing and emerging local plan policy that set an affordable housing requirement of 30% on sites of 11 units or more. The Local Plan housing requirement will be met in part from sites delivering below the affordable housing threshold, sites consented under the prior approval regime, and sites where it can be demonstrated unviable to deliver affordable housing, resulting in an undersupply of affordable housing against the total need.</p> <p>The Mid Sussex Authority monitoring (2023) report shows that historical affordable housing delivery rates as:</p> <table border="1" data-bbox="1178 1171 2047 1248"> <thead> <tr> <th>2017/18</th> <th>2018/19</th> <th>2019/20</th> <th>2020/21</th> <th>2021/22</th> <th>2022/23</th> </tr> </thead> <tbody> <tr> <td>97</td> <td>102</td> <td>214</td> <td>245</td> <td>349</td> <td>369</td> </tr> </tbody> </table> <p>Whilst future delivery of affordable housing is likely to increase in line with the increase in the total housing requirement in the emerging Mid Sussex District Plan, the delivery of 470 affordable homes a year will require a significant step change.</p>	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	97	102	214	245	349	369
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ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>There are pressures within the private rented sector in Mid Sussex. There has been significant growth in the number of people living in private rented accommodation, with an increase in of 85% between 2001 and 2011 (SHMA, paragraph 7.92). Access to owner occupation is being restricted by high house prices, mortgage restrictions and access to capital for deposits. The private rented sector accounted for 18% of all housing stock in 2011, when compared to 20% for the South East. Over 50% of Universal Credit claimants are housed in private rented accommodation.</p> <p>It is clear that the project will place additional pressure on affordable housing due to the types of jobs that the project will generate and the correlated demands on the type of accommodation workers in those sectors will require, as evidenced in (APP-201). It follows that workers in the lower paid jobs, i.e. those likely to generate social housing need, will want to be located nearer the airport to reduce the financial pressures of travel costs. Mid Sussex is concerned that the project will put additional pressure on the demand for affordable housing, including in the private rented sector in an area which is already unable to meet the Mid Sussex affordable housing need in full.</p> <p><u>Conclusion</u></p> <p>It has not been possible to deliver sufficient affordable housing to meet Crawley’s full affordable housing needs under the adopted Local Plan, and significant under-delivery (when compared to the overall affordable housing need) is anticipated under the emerging Local Plan. The emerging Local Plans of HDC and MSDC will not be able to meet Crawley’s unmet affordable housing needs in full. The Applicant has acknowledged at paragraph 17.9.68 of the Environmental Statement (APP-042) that potential tenure demands associated with the Project are likely to be slightly skewed more towards affordable housing than the existing employment</p>

ExQ1	Question to:	Question: Legal Partnership Authorities Response
		<p>base. The West Sussex Local Authorities therefore retain concerns that existing need for affordable housing will be further exacerbated by the Northern Runway Project should the DCO be granted, unless mitigation can be provided. It is for this reason that funding is sought from the applicant through a Housing Mitigation Fund, to assist the Local Authorities in expanding the supply of affordable properties in those areas closest to the airport.</p> <p>Short Term Accommodation: As explained above, there is a direct relationship between the affordable housing need and the increasing waiting lists, hence the further requirement for additional properties available in the market for short- and medium-term letting. This will assist the Councils in reducing their reliance on nightly-paid accommodation through the expansion of affordable short term accommodation properties. The Housing Mitigation Fund would be used to create more temporary accommodation in the immediately adjacent area, both by working with and incentivising HMO and PRS operators to expand their rental stock, and secondly to expand the Councils’ temporary accommodation stock to free-up B&Bs and Hotels that are currently being used as emergency accommodation, for these to be available back to the market. Alternatively, GAL could directly negotiate block bookings with existing hotels and/or build one of the airport hotels (possibly as an apart-hotel) early for construction workforce, later use for aircrew.</p> <p><u>Discussion with the Applicant.</u></p> <p>This matter has been raised previously at Topic Working Groups and through formal representations made by the Local Authorities. Some limited discussions have been held with the applicant on this matter as part of ongoing negotiation on the S106 agreement relating to the DCO. However, the applicant has indicated that it does not consider contribution towards a Housing Mitigation Fund to be necessary, a position the Local Authorities disagree with.</p> <p><u>Level of Funding Required</u></p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p><u>Short-term Accommodation</u></p> <p>As the demand for short term (construction) housing created by the Project will lead to higher rents, the aim of any funding towards Housing would be to increase the provision of additional short term PRS/HMO accommodation in the market by incentivising HMO and PRS providers to enhance their stock and provide a net growth.</p> <p>Taking the Crawley Affordable Housing Calculator as a starting point, for an average 4 bed property costing approximately £450,000 - £480,000, a Housing Association would pay 50-55% of the cost of the unit, and therefore the commuted sum required would be approximately £56,000 per person (if taking the lowest end of the range).</p> <p>Given the need arising from the Project is to incentivise the delivery of the private market, in the region of £30,000 per person would be needed to incentivise delivery. This figure is lower as it recognises that rents would be higher and therefore less subsidy would be required.</p> <p>Based on this, with the “peak construction workforce” at 1,357 in 2027, the peak NHB workers (as identified by the Applicant) for the immediate area around the Airport (Crawley, Reigate & Banstead, Mid Sussex and Horsham) is 234. As a starting point, 234 x £30,000 would lead to a figure of approximately £7million.</p> <p>Alternatively, as previously mentioned, the Applicant could directly provide accommodation to increase the pool of available short-term market accommodation.</p> <p><u>Affordable Housing</u></p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>The Assessment of Population and Housing Effects Report – Appendix 17.9.3 [APP-201] sets out at Table 7.3.2 that within the Gatwick adjacent authorities area, 17% of the jobs will be filled by people requiring social rented accommodation. This represents an increase of 4%, up from 13% (as set out in Table 7.3.1). The Applicant should be mitigating this increased pressure/demand for affordable housing.</p> <p>The Applicant has acknowledged that the implied tenure mix arising from the Project is more skewed towards social rented housing compared with the existing stock in each of the areas, and therefore the Authorities would wish to discuss with the Applicant a suitable and proportionate mechanism to support the delivery of additional affordable housing in the area surrounding the Airport. For context, Crawley’s Affordable Housing calculator calculates commuted sum values relative to unit size, a contribution towards a 1-bed/studio affordable unit would be £32,375 per unit for off-site affordable housing or £53,375 for a 2-bed unit. This provides a starting point for a financial contribution which could then be multiplied by the number of jobs the 4% uplift equates to, and the consequential additional demand for affordable housing.</p>
TRAFFIC AND TRANSPORT			
TT.1.17	NH CBC WSCC	Table 12.2.1 lists the major highway schemes included in the future baseline scenarios. Is this a definitive list of schemes? Provide a status update of the schemes listed.	<p>Table 12.2.1 within the Transport Assessment [APP-258] lists the major highway schemes included in the future baseline scenario, within the SATURN model. Further information as to the full list of highway schemes is included within Appendix B of the Transport Assessment Annex B – Strategic Transport Modelling Report [APP-260].</p> <p>The Local Highway Authorities’ understanding of the current status of the major highways schemes listed in Table 12.2.1, of as April 2024, is included within the below table. Not all schemes from the table are included as the others are best</p>

Legal Partnership Authorities responses to Examining Authority’s written questions and requests for information (ExQ1)

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			responded to by National Highways, as they are the scheme promoter for the other highway works on the Strategic Road Network.															
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						National Highways to deliver this scheme.
			Radford Road approach to Gatwick Road	Crawley Borough Council	2023	Scheme secured from planning permissions but not currently implemented. S278 agreement is in place with the developer and likely to be delivered this year.
			Burgess Hill Northern Arc Land – Highways (A2300), bridges	WSCC	2029	These works relate to the Northern Arc development in Burgess Hill (outline planning consent DM/18/5114). From the description it is not readily apparent as to what specifically the works relate to.

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						<p>However, if it relates to the development’s spine road between A2300 and Maple Drive these works are to be delivered in phases in the coming years. Currently the Highway Authority has section 38 agreements in for sections of the spine road between A2300 and Jane Murray Way (A273) and between Isaac’s Lane and Maple Drive, Burgess Hill.</p>
			<p>In addition to the above, WSCC as Highway Authority, has the following comments to make in relation to the full list of highway schemes included within Appendix B of the Transport Assessment Annex B – Strategic Transport Modelling Report [APP-260].</p>			

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<ul style="list-style-type: none"> • Index 28 Three Bridges Station Access Improvements – Likelihood of delivery has increased since the information was included in the uncertainty log, as the scheme has achieved planning consent and is being progressed by Crawley BC. The scheme has re-routing impacts due to a right turn ban from Williams Way to Haslett Ave East which may affect the surrounding area, in addition to being intended to benefit non-motorised road users accessing the station. • Index 44 Steers Lane/Balcombe Road signals – these works are complete and operational. • Index 68 Broadbridge Heath major highways improvements – new link & 69 Land south of Broadbridge Heath – provision of grade separated junction on the A24 – these works are complete but not included in the highway model. However, they would likely only have limited impact on the wider assignment, mainly relating to congestion relief on Farthings Hill interchange. • Index 94 A24/A264 Great Daux roundabout – this is now an optimistic assumption to deem the scheme more than likely to come forward. The funding obtained for this from the North Horsham development is not sufficient to deliver the improvement. A sensitivity test on the current Horsham local Plan review is addressing this and could result in need for developer contributions to close the funding gap, but not at all guaranteed at this time. • Index 136 A22/A264 Felbridge – the junction highway improvement design has not been agreed here. The A22/A264 corridor study work, jointly between SCC & WSCC, is still in progress. • Index 170 Brook North, Horsham Parkway rail station – considered to be highly optimistic to include Parkway rail station, as it is unlikely to be delivered.

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>Transport Assessment [APP-258] table 12.2.1 lists the major highway schemes included in the future baseline scenario. There are no major highway schemes that SCC wish to add and as they are not any in SCC there is no need to provide a status update.</p> <p>However, SCC would like to highlight that the “<i>Accounting for Covid-19 in Transport Modelling</i>” documents [AS-121 and AS-122] which contain an update on major highway schemes and thus SCC consider that this modelled scenario is more up to date and accurate, while GAL’s assessment is based on that outlined in the TA.</p>
TT.1.21	RHAs	<p>Paragraph 13.5.7 states that the model outputs confirm that in the 2032 future baseline the level of congestion is becoming more extensive, increasing the potential for wider impacts on the highway network, indicating insufficient capacity to accommodate Project demand without the highway works.</p> <p>In 2032 the future baseline traffic levels are expected to be 59.2 mppa and the terminal roundabout works have been done and no more mitigation is planned in this future baseline scenario. This is compounded by the findings set out in paragraphs 13.5.13 to 13.5.15 concerning the 2047 period. Also, in paragraph 13.6.3 it is stated that “<i>the Project prevents unacceptable highway conditions arising</i>”. Given “<i>the significant congestion highlighted at key locations, both within the Airport network and on the strategic and local network</i>” relating to the future baseline. Does this suggest that the</p>	<p>The Local Highway Authorities accept the principle of the Applicant’s position that there is a future baseline scenario that could occur from the growth of a single runway airport, without the need for planning permission. This is because there are currently no existing planning controls that prevent the expansion and increase in passenger throughput of the airport as a single runway operation. However, based on the transport modelling, and as identified within both the ExA’s question and the Applicant’s submitted Transport Assessment [APP-258], the future baseline scenarios of 59.4mppa in 2032 and 67.2mppa in 2047, with the dDCO not being granted, are likely to result in increased congestion and insufficient capacity on parts of the strategic and local road network. This scenario would clearly not be welcomed by the Highway Authorities and would result in increased delay and congestion.</p> <p>However, whilst the Local Highway Authorities recognise the principle of a future baseline scenario, where single runway operations increase above existing levels, concerns remain as to how this has been forecast by the Applicant. There are concerns that the level of growth assumed by the Applicant is too high, these concerns are supported by the assessment made by York Aviation. The Authorities have previously expressed concerns about the realism of the capacity achievable in both the Future Baseline and the with-Project scenarios, and do not consider</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		67.2 mppa would be a realistic and robust future scenario in the event the dDCO would not be granted?	<p>that it has been adequately demonstrated that the difference between them will not exceed 13 mppa as a reasonable ‘worst case’ for assessment purposes. Therefore, the future 2047 baseline scenario of 67.2mppa is not considered to be realistic or the methodologies to derive the future year demand forecasts considered to be robust. The Local Highway Authorities would therefore look for the Applicant to address the concerns raised by York Aviation in relation to future growth and upon doing so, update forecasts as necessary. This is yet another example of the potential importance of GAL adopting a Green Controlled Growth approach to developing the airport so that we can be sure that the impacts of developing the airport are understood and appropriately mitigated before growth accelerates</p> <p>Should the 67.2mppa future scenario occur in the event the dDCO is not granted, SCC are concerned with the unmitigated conditions on the road network both beyond SCC, see [REP1-098 Para 10.143], as displaced traffic will affect SCC’s network, as well as at the Longbridge Roundabout in particular, as follows:</p> <ul style="list-style-type: none"> • 2032 future baseline – queues apparent on the A217 approach, Povey Cross Road and the A23 northbound approach; and • 2047 future baseline – increased congestion on the A217 and Povey Cross Road approaches compared to the 2032 future baseline, especially in the PM peak, where significant queuing and delay is highlighted.
TRAFFIC AND TRANSPORT			
TT.1.37	The Applicant WSCC	Sussex Border Path Sheet 1 of the Rights of Way and Access Plans [APP-018] shows the existing route of the Sussex Border Path (PRoW 346-2sy). Explain why when the proposed	It is assumed by the Highway Authority (WSCC) that the section of footpath 346_2Sy being referred to within the question by the ExA is that shown by a pink line on Sheet 1 of the Rights of Way & Access Plans [APP-018] and is indicated by references C2 to C8.

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
		<p>dDCO realignment does not include formal realignment of the elements of the path not coincident with the existing footpaths within the airport site.</p> <p>The existing alignment shown on the plans seems to follow an alignment in part along carriageways which is unlikely to be the practical route for those using the PRoW. Given the formal diversions being asked for within the dDCO this would seem to be an opportunity to formally divert the path within the airport to follow established pedestrian routes on the site. Should this form part of the PRoW diversion within the dDCO?</p>	<p>Given this enquiry is for the Applicant as designer to comment upon the Highway Authority will await comment from the Applicant before formally responding.</p> <p>The Highway Authority’s views in relation to the formal status of this route, as set out within their response to ExA question DCO.1.23 should be considered and addressed.</p>
TT.1.40	The Applicant RHAs RPAs	<p>Car Parking Strategy</p> <p>Paragraph 3.5.5 states that authorised parking demand is calculated to a maximum practical occupancy of 87.5%. Could the approval for future increases in parking not be done on an as and when required basis, linked to mode share targets, to ensure the parking supply is managed on actual demand and not long term forecasting? We note that in paragraph 3.1.1 that this approach is already used to identify, plan consult on and implement any additional car parking.</p>	<p>The Authorities note that the ExA has asked further questions of the Applicant in relation to the Car Parking Strategy. The Local Authorities have also asked further questions relating to the Car Parking Strategy through the Deadline 2 Submission - Comments on any submissions received by Deadline 1 [REP2-042] and in response to the Applicant’s Response to Actions - ISHs 2-5 [REP2-005].</p> <p>The Local Authorities require certainty that the Surface Access Commitments will be delivered by the Applicant. Achieving this will require an appropriate balance to be struck by the Applicant in providing sufficient on-airport passenger parking to meet the needs of those who choose or need to travel to the airport by private vehicle, whilst ensuring that there is not over-provision of passenger parking such that access by sustainable transport modes is discouraged.</p> <p>In terms of how this balance is achieved, the Authorities consider it helpful that the Applicant is setting out up front the number of spaces it anticipates being required to cater for increased passenger numbers. This provides a level of certainty that</p>

ExQ1	Question to:	Question:	Legal Partnership Authorities Response
			<p>the required amount of car parking can be delivered on-airport, which is important as on-airport locations represent the most sustainable location for the car parking that is required. On-airport locations are preferable to off-airport locations in sustainability terms.</p> <p>The Local Authorities note the Inspectors’ question regarding approval for future increases in parking coming forward on an as and when required basis, linked to mode share targets. It would be helpful if the Applicant could define how such an approach would work in practice.</p>
WATER ENVIRONMENT			
WE.1.4	EA Lead Local Flood Authoritie s	<p>Flood Risk Assessment</p> <p>Do you agree that the correct climate change allowances have been used in the Flood Risk Assessment (FRA) [AS-078]?</p>	<p>The LLFAs are responding to this question from a surface water perspective (the EA are the authority for fluvial flood risk). The climate change allowances used for the surface water hydraulic model reflect the design life proposed by GAL for specific Project elements (surface access works 100 years and airfield works 40 years). However, there is not agreement that the correct design life has been used for the airfield works, including terminal extensions and additional hotels. The Surrey authorities have requested further justification as to why a 40-year design life has been used, Surrey LIR, Chapter 9, Paragraph 9.42 [REP1-097] and the West Sussex authorities consider that an adopted design life of 100 years should be used for the airfield works, and as such the climate change allowance for the airfield works should be increased from 25% to 40%. This is detailed in the West Sussex LIR, Chapter 10, Paragraph 10.38 [REP1-068] JJ, SCC 5/4</p>

Appendix 1 | Hazelwick AQMA Boundary Plan, as extended (Question AQ.1.13)

