

# **GATWICK AIRPORT NORTHERN RUNWAY DCO**

## **Relevant Representation by Crawley Borough Council**

### **1. Introduction**

- 1.1 Crawley Borough Council (the Council) welcomes the opportunity to submit a Relevant Representation (RR) for the Development Consent Order (DCO) application submitted by Gatwick Airport Limited (GAL) and accepted by the Planning Inspectorate on 3<sup>rd</sup> August 2023 for examination.
- 1.2 The purpose of this RR is to outline the main issues which the Council, as one of the six host authorities, believes should be considered as part of the examination. In this RR, reference is made to "host authorities" and "neighbouring authorities". The host authorities are Crawley Borough Council; Reigate and Banstead Borough Council; Mole Valley District Council; Tandridge District Council; Surrey County Council and West Sussex County Council; the neighbouring authorities are Horsham District Council; Mid Sussex District Council; East Sussex County Council and Kent County Council. The host and neighbouring authorities are collectively referred to as "the Authorities".

### **2. Main Issues**

- 2.1 Whilst the Council and the other host and neighbouring authorities raised the need on the part of GAL for substantive engagement on the scope and approach taken on a range of technical assessment work during the December 2021 Preliminary Environmental Information Report (PEIR) and July 2022 second pre-submission consultation, this engagement did not happen to the extent expected. Having had the opportunity to analyse GAL's DCO submission documents, the Council has significant concerns regarding extensive elements of the assessment work undertaken and included within the DCO submission.
- 2.2 The Council considers that the scope and scale of mitigations proposed are not sufficient to overcome the expected adverse impacts arising from the proposals.
- 2.3 The control mechanisms set out in the draft DCO (dDCO) and the control documents are not sufficiently detailed, effective or enforceable, with much being left to subsequent approvals/discharge of requirements for which there has been no discussion or engagement about the resources, timings and costs involved with addressing these matters.
- 2.4 There is also concern that there is a lack of certainty regarding the scale and timing of the benefits and community compensation arising from the proposals and insufficient confidence in how they will be secured, operated and enforced.

### **3. General Concerns**

- 3.1 The Council has been working in collaboration with the other host and neighbouring authorities and together they have commissioned consultants to review the DCO application documents.

- 3.2 The work to date reflects the limited time available to analyse and respond to the DCO application documents and further technical assessment work may be required to support detailed consideration of the issues involved.
- 3.3 As part of this process, the Council is willing to engage with the Applicant to refine such assessments as necessary. This work will also contribute to refining the Principal Areas of Disagreement Summary Statements (PADSS) with a first draft submitted with this Relevant Representation, as well as informing the drafting of Statements of Common Ground (SoCG), the Council's Written Representations and any responses to the Examining Authority's (ExA) questions during the examination. The Council also recognises the importance of liaising meaningfully with the Applicant on the detail of the dDCO and the s106 Agreement.
- 3.4 In general, the Council believes there are significant shortcomings in GAL's DCO submission including:
- i. Wide-ranging concerns about the drafting of the dDCO.
  - ii. The level of increase in capacity attainable from the project has been overstated by GAL and, as a consequence, levels of usage – the demand forecasts – have been overstated. The methodology by which these forecasts have been derived is not robust, even if the underpinning assumptions as the capacity attainable with two runways in use were correct. The consequence of this overstatement of demand is that the limit size of the noise contour in the Noise Envelope will have been set too large and so provides no effective control or incentive to reduce noise levels at the Airport. It also means the economic benefits are overstated.
  - iii. Significant concerns regarding GAL's approach to the assessment and evaluation of the environmental impacts including defective baseline assessments and furthermore, significant concerns about the scale of those impacts and the inadequacy of mitigation - see detailed topic concerns (paragraphs 5 to 21).
  - iv. Concerns regarding the lack of clarity of the approach taken to the identification, management and enforcement of local impact mitigation and to the funding of that mitigation where applicable, given the longevity of the proposals and the potential for circumstances and potential impacts to change over time.
  - v. The limited scope and scale of the proposals environmental mitigations and community compensation, which are nowhere near commensurate with the likely adverse impacts arising from the proposed development in accordance with the CIL tests and national aviation policy.
  - vi. The lack of effective control mechanisms to ensure that the Airport's growth is contained within expected agreed environmental parameters in the short and longer terms.

- vii. The uncertainty regarding how Crawley’s residents will access the proposal’s future economic benefits, how specifically Crawley’s residents will benefit economically and insufficient confidence in how such economic benefits for Crawley’s residents will be secured and delivered.
- viii. Lack of recognition of the wider socio-economic and environmental context around the Airport and the opportunities for improving links and connectivity beyond the Airport and its immediate environs including active travel, recreation, ecological and landscape connections.
- ix. Concerns that the Council’s adopted and emerging Local Plan policies have not been considered when they are important and relevant. The Council’s emerging Local Plan was submitted to the Secretary of State on 31 July 2023 and uncontested policies in particular now carry significant weight. These will be listed in the Council’s Local Impact Report (LIR) and include policies in relation to noise, air quality, flooding, water stress, design, employment and skills, tree replacement, landscaping and biodiversity, heritage transport and infrastructure. The Planning Policy Compliance tables make no reference to local plan policies, contrasting with the Manston DCO where, in the decision letter, the Secretary of State listed the Thanet Local Plan as an important and relevant matter in the context of policy compliance.

#### **4. Issues Review**

- 4.1 Section 5 below summarises the Council’s concerns with the dDCO. The main issues of concern to the Council in respect of the Applicant’s approach to the assessment and evaluation of environmental impacts are summarised in paragraphs 6 to 21 and concern the following topics: the Planning Statement, the Design and Access Statement (DAS), Project Site and Description, Historic Environment, Landscape, Townscape and Visual Impact, Ecology and Nature Conservation, Arboriculture, Water Environment, Traffic and Transport, Air Quality, Noise and Vibration, Green House Gases and Climate, Local Economic and Socio – Economic Impacts, Health and Well Being, Agricultural Land Use and Recreation, and Cumulative Effects. This RR concludes in paragraph 22 with a summary of the Council’s current position in respect of the application.

#### **5. The drafting of the dDCO**

- 5.1 The Council has wide-ranging concerns about the dDCO. These will be shared with the Applicant in due course and set out in the Council’s LIR. A summary of the Council’s main concerns (which is not exhaustive) is set out below –

- i. the definition of “commencement” and, in particular, the implications arising from certain operations which fall outside that definition and which do not appear to be controlled (article 2(1), interpretation).
- ii. clarification of other definitions relating to various airport and boundary plans listed in the order and extent of operational land.
- iii. the drafting of article 3 (development consent etc. granted by Order).
- iv. the drafting of article 6 (limit of works) which appears to allow GAL to exceed parameters beyond those assessed in the Environment Statement.

- v. the drafting of article 9 (planning permission) and provisions in relation to existing planning conditions and future planning controls (including permitted development rights).
- vi. the drafting of article 25, which concerns trees and hedgerows.
- vii. the drafting of Part 6 (Miscellaneous and General) particularly the impact of article 46 (disapplication of legislative provisions) on drainage and article 48, which provides a defence to statutory nuisance.
- viii. the inclusion of Work Nos. 26, 27, 28 and 29 (which all concern hotels) in Schedule 1 (authorised development).
- ix. the drafting of several requirements (Schedule 2) including: the drafting of “start date” (R.3(2) (time limits and notifications); the 14-day notification period in R3(2); why some documents must be produced “in accordance with” the certified documents and others must be produced either “in general accordance” or “in substantial accordance” with them; the drafting of R.14 (archaeological remains); and of those which concern noise (e.g. R.15 (air noise envelope), R.18 (noise insulation scheme)); the ambiguous drafting in R.19 (airport operations);
- x. concerns regarding Schedule 11, including the proposed timeframe for granting approval for the works, particularly those which are complex and for which limited information has been provided. The lack of any fee proposal for the processing approvals etc. is a matter of genuine concern.
- xi. the limited information contained in the documents listed in Schedule 12 (documents to be certified).

## **6. Planning Statement**

6.1 The Council has the following queries regarding the Planning Statement:

- i. when GAL expects the Civil Aviation Authority to confirm there are no obvious safety-related impediments and to provide a Letter of No Impediment.
- ii. how the runway operation changes mentioned in paragraphs 1.3.7 and 1.3.8 will be secured and appropriately controlled.
- iii. whether there is any legal precedent for the statement that it is “appropriate to use the policy framework of the [Airports National Policy Statement (ANPS)] as the primary framework against which the Project as a whole should be tested” (paragraph 1.5.19).
- iv. when further information regarding the proposed section 106 agreement will come forward and when negotiations will begin in earnest.
- v. how the Flood Resilience Statement will be secured (paragraph 5.5.8 and Table 5.2).
- vi. whether an updated Mitigation Route Map will be prepared (stating, for example, which parts of the dDCO are relevant).
- vii. why highway improvements will not be in place and open to the public until after the northern runway comes into commercial use (paragraph 7.2.9).
- viii. why the dDCO does not make any provision about securing that Site Waste Management Plans following the template in the Construction Resources and Waste Management Plan.
- ix. regarding the proposed flood risk mitigation, it is not clear how the timing of the River Mole works (Work No.39) and Car Park Y attenuation tank (Work No. 30(a)) will be secured; similarly, it is not clear where the culverts and syphons are secured.

- x. section 8.16 (Geology and Ground Conditions) refers to “existing legislative regimes” for spillages and storage facilities. Aside from the Control of Pollution (Oil Storage) (England) Regulations, are any other regimes relevant?
- xi. it is not clear how the mitigation referred to in paragraph 8.17.11 (Artificial Light, Smoke and Steam) will be secured.
- xii. Appendix A – Planning History – is incomplete, inaccurate and misleading providing little information on why the cases listed are of any relevance to the current project. Moreover, there are no details on the current controls and conditions imposed by existing planning permissions and there is no evidence to justify the baseline position being relied upon.

## **7. Design and Access Statement (DAS)**

7.1 The Council’s concerns about the DAS include the following –

- i. most of the DAS is stated as being indicative with references throughout about the concepts not being a ‘design fix’. Appendix A1 of the DAS, which is effectively a control document, is of insufficient detail due to its ambiguous wording and lack of detail.
- ii. it is inconsistent in places with confusion over some definitions, contradicting descriptions, inconsistencies on some of the figures and confusing cross referencing.
- iii. it is not considered comprehensive as, for example, some development is excluded; there is a general lack of detail for character zone analysis; lack of detail on design and visual impact of some works; lack of analysis of the site context, opportunities and constraints and the lack of reference to the Council’s Local Plan and Supplementary Planning Documents.
- iv. it gives insufficient design control for the scheme works. The wording is vague and non-committal and provides no aspirational design or sustainability standards. There is no certainty that the development would be compliant with the Council’s Local Plan standards which the local design and sustainability principles should adhere to.
- v. under section 7, it is of concern that some elements of the project including earth works, landscaping and public realm do not have defined parameters. Figure 52 shows key development without defined parameter drawings including Pentagon Field. The Council questions how the DCO is supposed to control these works and ensure acceptable mitigation and design quality with so little information.
- vi. under section 9, the indicative phasing lacks detail and there is a need for further understanding and explanation of the sequencing and co-dependencies of the various elements of the project in order to ensure appropriate phasing and control of the development. There is no comprehensive commentary to explain the phasing plans. The Council is also concerned about the proposed sequencing and delivery of various elements of the project.
- vii. control documents such as the Outline Landscape and Ecology Management Plan (oLEMP) lack detail on landscape protection measures, mitigation for ecology, heritage, drainage and visual impacts. The zonal approach adopted is considered too vague and the document as worded would not give a local

planning authority adequate control to safeguard these impacts during the project.

## **8. Project Site and Description**

8.1 The Council's concerns include the following –

- i. clarification is needed on how what is shown on the plans relates to the various definitions of the airfield boundaries, DCO limits and operational land for both the current and future Airport.
- ii. the brevity and lack of description accompanying such a substantial site and project. There are no references to footpaths, recreational routes or how the Airport has evolved within its surroundings. The context of the site is absent from the analysis along with any description of the site constraints and opportunities. The lack of context and understanding of the Airport in the wider landscape and environmental constraints is also apparent in the DAS and this raises concerns about how the site has been assessed and the regard (if any) had to the impacts of the development on the wider surroundings.
- iii. the future baseline figures as set out in the chapter are not agreed.
- iv. a general lack of detail, ambition and concerns about the way in which the development can appropriately be delivered in terms of phasing, design quality, mitigation and ensuring future safeguards (controls).
- v. inconsistencies in descriptions between the works and the way they are described with some elements having parameters and others not.
- vi. lack of detail in particular for multi element works or phased works.
- vii. while it is accepted that some details may not be known, it is disappointing there is so little recognition or understanding of the site context, there are no details or analysis of the site areas as they exist today, or of the physical characteristics or constraints of the area. The Council has no comfort that the development would respond positively to the setting of the area and would not result in visual or environmental harm to the character of the area.
- viii. the Council is concerned that there appears to be extensive tree loss within the Borough as a result of this development, in particular in connection with the highway works but also along potentially visually sensitive locations along the southern boundary and land east of the railway. This is not acknowledged in the project description; neither is the need for mitigation.

## **9. Historic Environment**

9.1 The Council's concerns include the following –

- i. the Council is disappointed GAL have excluded the 3 existing listed buildings from the current DCO boundary which are within their ownership and shown as part of the project at both the EIA Scoping Stage and PEIR consultation. Their exclusion limits opportunities to fully consider how the DCO works might facilitate mitigation or enhancement to the setting of these assets.
- ii. the Council remains concerned about the impact on the setting of nearby heritage assets as there is no evidence to show that the setting is not harmed through visual or light impacts. The proposed control documents such as the

- DAS and Lighting Strategy do not appear to address these impacts or propose adequate safeguards for these assets.
- iii. insufficient proposed archaeological evaluation is undertaken or proposed.
  - iv. a more extensive programme of archaeological trial-trenching/test pitting is required in advance of construction to accurately assess the presence and survival of archaeological remains in areas to be impacted by the proposed groundworks and allow the creation of an appropriate mitigation strategy.
  - v. alternatively, an explanation and evidence should be provided to show why certain works are unlikely to impact significant archaeological remains, either due to modern disturbance, foundation design, or other factors. Further photographic evidence of disturbance and similar evidence would be useful in determining the requirement for any archaeological work in these areas.
  - vi. concerns with proposed recording, excavation (and trenching) and proposed mitigations for key archaeological sites.
  - vii. issues with the Code of Construction Practice (CoCP) and the potential impacts on key archaeological sites including the need for a specialist clerk of works and advisors in monitoring and recording sites.

## **10. Landscape, Townscape and Visual Impact**

### 10.1 The Council's concerns include the following –

- i. there are inconsistencies between the documents referenced in the main statement and the corresponding appendices.
- ii. the summary of the Council's concerns and issues is not accurately reflected in Chapter 8 of the ES and have not been addressed adequately.
- iii. a key omission is the absence of any reference to adopted Local Plan Policy CH6 and the requirement for tree mitigation (either on site or payment in lieu). Tree retention and mitigation for any tree loss is not addressed within this chapter, the landscape and ecology strategy or the DAS. As a starting point, mitigation for tree loss should be considered in line with adopted Policy CH6.
- iv. while the Council has no concern with the methodology applied, there is a lack of detail in the DCO documentation to support the conclusions drawn for some of the viewpoints, in particular in respect of assumptions concerning tree screening. There remain concerns that the visual impacts of some works sites, which are visible from nearby public views, are not adequately controlled or mitigated in any of the control documents.
- v. the Council is concerned about the use of Pentagon Field site for the deposition of soil, particularly owing to the absence of any certainty over the visual appearance of the site during and post construction.
- vi. the Council wishes to see more detailed information on the likely landscape and visual impacts from the attenuation features proposed at Car Park X (Work No. 31) and Car Park Y (Work No. 30).
- vii. in the Construction Resources and Waste Management Plan there is no information on the visual impacts from soil excavations or stockpiles on construction compounds or other construction sites, no details on heights or on how such works would be controlled.

## **11. Ecology and Nature Conservation**

11.1 Ecological impacts will extend beyond the DCO Order Limits with potential impacts on bat populations, downstream riparian habitats and the spread of non-native aquatic species. Disturbance and habitat severance within the Airport, including long term construction activities and the removal of mature woodland along the A23 road corridor, will impact the functioning of wildlife corridors, notably Bechstein's bat commuting routes, both within the site and the wider landscape. It is therefore considered that the Applicant should have adopted a landscape scale approach to assess and address ecological impacts. Enhancements to green corridors and improved habitat connectivity should extend beyond the confines of the Airport boundary, along key corridors such as the River Mole and Gatwick Stream.

11.2 The Council's concerns also include the following –

- i. Baseline Information - the Phase 1 Habitat Survey should have extended beyond the project site boundary to identify wildlife corridors and potential enhancement opportunities in the surrounding landscape.
- ii. the scope and detail of the mitigation, compensation and enhancement of key sites and the need for providing off site compensatory habitat and biodiversity net gain.
- iii. there is a lack of clarity on the roles and responsibilities of the Ecological Clerk of Works. These need to be clearly specified within the relevant documents and agreed with local authorities.
- iv. although a worst-case approach has been taken to assessing the impacts upon habitats, the Council would expect to see a reduction of this worst-case impact to these sensitive habitats applied as a key design principle during the detailed design stage. The Council would have expected the design principles presented as part of the DAS to be clearer, more joined up and more detailed. Further consultation on these design principles should be undertaken.

## **12. Arboriculture**

12.1 The Council's concerns include the following –

- i. arboricultural features are a material planning consideration. It is disappointing that a relevant description of such features has not been prepared using recognised survey and assessment techniques. The methodology has not been made clear and survey data has not been provided for all areas impacted by the proposals. Trees have not been assessed at an individual value context and it is unclear how arboricultural features have informed the design for the project. Therefore, the impact and effect on these receptors is incomplete. Further, adequate protection measures for ancient woodland and other retained arboricultural features have not been demonstrated.
- ii. key areas of concern from the information supplied includes potential impact to ancient woodland; drafting of article 25 (felling or lopping of trees and removal of hedgerows) of the dDCO; the net loss of woodland; the resulting fragmentation of habitat connectivity; the cumulative effect from future baselines; and the long-term effect as a result of the time required to establish new planting.



- iii. it is disagreed with that no impact will occur to ancient woodland due to the reasoning provided in sub-paragraphs iv. and v. below.
- iv. the oLEMP and CoCP lack critical detail on outline methodology for tree protection and ancient woodland buffer zones, along with tree protection plans.
- v. the outline content of the proposed LEMP is not provided. Further details on the usual documents required to deliver essential mitigation, compensation should be provided.
- vi. compensatory planting strategies are of concern due to the significant long-term impact due to the time required to establish new planting and the reduced width or offset planting presented.
- vii. tree planting maintenance and aftercare within the oLEMP does not adequately ensure their establishment.

### **13. Water Environment**

#### **13.1** The Council's concerns include the following –

- i. Watercourse Geomorphology - evidence is required to show that the connection between the Museum Field compensation storage area and the River Mole will not have a detrimental effect on the geomorphology of the watercourse bed and, most importantly, that the proposed mitigation measures in relation to flood risk will not have an adverse effect on the geomorphology of the watercourse that will be affected directly or indirectly.
- ii. attenuation features - while it is understood that GAL needs to attenuate water using systems that can be designed to reduce the attraction of birds, the use of a more sustainable approach with reduced carbon footprint will be the preferred option rather than using designs with a high carbon footprint such as mass concrete structures.
- iii. residual risk - GAL has proposed several mitigation strategies for flood risk. The way in which GAL intends to deal with possible residual risks in the event these structures are overwhelmed or if there is a blockage on the watercourse should be identified and proposals put in place to address them.
- iv. ecology - the proposed highway drainage strategy will reduce discharge by 38% to the Gatwick Stream and 50% to the River Mole. It is not clear what effect this reduction in discharge will have on biodiversity and further mitigation may be necessary. Furthermore, there is an overlap between drainage and ecology matters in relation to the North West area and the impact on the River Mole. It would be good to understand the impact of the drainage design and engineering solutions on ecology in relation to matters such as sediment build up, flood overspill, de-icer storage and pollution control measures.
- v. sustainable flood mitigation - GAL has proposed an additional three hectares of carriageway to be created from the proposed work to the highway and three attenuation basins and two oversized pipes have been planned as part of the highway drainage strategy to mitigate the increase in impermeable area. These proposals can be improved, and this should be an opportunity for GAL to improve on the sustainability aspect of the highway design and, in

addition to water quantity, to provide a water quality mitigation strategy in line with the Sustainable Drainage System manual. This should not be a case of just doing the minimum.

- vi. The application states that the physical design would not compromise the ability of Crawley Sewerage Treatment Works to expand, and that the cost of any necessary reinforcement by Thames Water would be recouped from Gatwick. However, discussions with Thames Water are still ongoing, so the impact on capacity of this facility for both this project and other planned development in the Borough remains unclear.
- vii. the Council questions how a new de-icer treatment facility which results in a new source of effluent into Gatwick stream can be considered to have a moderate beneficial impact to water quality.
- viii. the project has no water use targets proposed and as such would not comply with adopted sustainability policy ENV9 in the Local Plan which seeks to mitigate the impact of development in this area of recognised 'water stress'. Positive potential measures to reduce water use are listed in the Water Supply Assessment and the Water Management Plan but there are no commitments to ensure sufficient measures are delivered to mitigate water supply impacts.

#### **14. Traffic and Transport**

14.1 The Council is relying on the technical expertise of West Sussex County Council (WSCC) as the Highway Authority, particularly regarding the transport modelling and mitigation for impacts on the highways, noting that WSCC is still fully assessing the transport modelling and will provide further comment on this aspect as part of the Local Impact Report.

14.2 Other issues raised by the Council are:

- i. the Mode Share Commitments, set out in the Surface Access Commitments, are not considered to be sufficiently ambitious. This is especially the case for passenger travel.
- ii. insufficient mitigation is proposed to encourage substantial modal shift towards active and sustainable travel.
- iii. the focus of mitigation has been upon provision of services rather than implementing measures, within GAL's control, to increase the attractiveness of alternative modes of travel, for example, better locations for and improvements to local bus stops at the Airport, and bus priority measures across the network of routes to deliver journey time savings. Required bus priority measures include those within the Airport itself, and as part of the new highway schemes, as the Council is aware of delays experienced by local bus operators in the immediate environs of the Airport.
- iv. the proposed monitoring framework does not demonstrate how remedial action, should it be necessary if mode share targets are not met, will be secured nor what sanction will be in place should commitments remain unmet.
- v. concerns about the lack of detail and clarity in the CoCP and Outline Construction Traffic Management Plan (oCTMP), for example regarding the

- criteria when contingency routes may be used and the lack of detail about routing for soil deposition on the Pentagon Field.
- vi. the Outline Construction Workforce Travel Plan (oCWTP), whilst promoting positive measures to influence travel behaviour, lacks detail and firm commitments. Further clarification is required.
  - vii. updated Staff Travel Survey: The Council notes that GAL has now received initial results from its updated 2023 staff travel survey. Much of GAL's evidence is relying on data from the 2016 and 2019 staff surveys, and there is a question as to how robust this approach is if the 2023 survey is showing changes in staff travel habits since the earlier surveys.
  - viii. Changes to passenger and staff parking:
    - a. the Council agrees that providing any necessary new parking on-airport, where justified by a demonstrable need, is the most sustainable strategy, as per the approach of Policy GAT3 of the adopted and emerging Crawley Local Plans. However, the methodology used to identify the overall increase in parking numbers, and therefore how the parking numbers fit within the overall strategy and commitments for sustainable surface access, remains unclear.
    - b. GAL has extensive permitted development rights which include the provision of parking, and the Council is concerned that there is no control through the dDCO or proposed s106 agreement to prevent these being used to create an overprovision of parking in the future, undermining the surface access commitments.
    - c. the proposed 1,100 space net increase in passenger spaces for the DCO element of the project appears to come at the expense of staff parking provision, where a loss of 1,150 staff spaces is proposed. We note that no new staff spaces are proposed, leaving 4,940 staff spaces in total. How does this fit with staff sustainable mode share obligations when there will be more staff as a result of the project?
    - d. Environmental Statement Chapter 5 (APP-030) details car parking areas and spaces to be lost and replaced. We note that some 3,345 'Summer Special' spaces would be lost, an offer that is at the more affordable end of GAL's pricing range. Do GAL intend to retain the range of pricing and parking packages that are currently available on-airport?
    - e. the Council has previously explained that it does not agree with GAL's assumption that 2,500 robotic parking spaces can form part of the baseline. There is a significant difference between the current temporary trial period of 100 spaces and GAL's assumption of a 2,500 permanent space increase.
  - ix. The surface access commitments include modal share targets of a minimum of 55% of air passenger journeys to and from the Airport made by public transport, and a minimum of 55% of airport staff journeys to and from the Airport to be made by public transport, shared travel and active modes. It is not clear how commitments are to be secured in the absence of an Airport Surface Access Strategy associated with the DCO.
  - x. parking controls and monitoring: the Council welcomes Commitment 8 that GAL will fund support for effective parking controls and monitoring on

surrounding streets if necessary and support local authorities in enforcing against unauthorised off-airport passenger car parking. The commitment should be clear that this support is offered in the context of GAL achieving its sustainable access targets/commitments.

- xi. the Surface Access Commitments document sets out a commitment from GAL to the continuing use of the Sustainable Transport Fund (STF), calculated from the car park space levy and retaining the current annual increase, to help achieve mode share commitments. The Council welcomes continuation of the STF. However, it is noted that the Airport will have more passengers and fewer spaces (which is consistent with the sustainable mode share obligations) but because the STF is partly linked to the number of passenger spaces, the STF will effectively be receiving less funding as a percentage of passengers at a time when more funding is needed to support sustainable access to the airport to offset that increase in passenger numbers. Paragraph 5.2.12 refers to the forecourt charge continuing to contribute to the SFT, but it no longer refers to monies from Red Route infringements (as is currently the case) contributing. A Transport Mitigation Fund is also proposed to redress impacts after they have occurred, but it is not clear what level of funding this will provide nor the criteria for allocating funding. Given the need to offset increased passenger numbers with improved sustainable transport opportunities, the Council would be concerned if there were to be a proportionate reduction in GAL's financial contribution to sustainable transport.

## **15. Air Quality**

15.1 The Council's concerns include the following –

- i. the Applicant has not provided an Air Quality Action Plan (AQAP) but has instead signposted the carbon action plan and surface access strategy for mitigation measures to address air quality. An AQAP plan is required to ensure the mitigation measures required to cover both the construction phase and operational phase impacts are fully covered.
- ii. no Dust Management Plan (DMP) has been provided. The DMP is promised once detailed design plans are available. However, there is no reason why a DMP or outline DMP cannot be produced at this stage since construction compound locations and transport routes have been provided. A DMP is therefore requested for the examination, and to provide additional confidence in the control measures and monitoring for the construction phase. The same point applies to the provision of a vegetation clearance plan for the construction phase.
- iii. there is a lack of information on the monitoring of the effectiveness of the CTMP and CWTP to understand how any deviation from the plans will be addressed to protect air quality.
- iv. the Council has concerns regarding the measurement accuracy of the AQ Mesh low-cost sensors which the Applicant is proposing to use to monitor operational phase impacts. AQ Mesh monitors are not MCERTS certified nor approved by Defra for the monitoring of air quality in line with Local Air Quality

Monitoring guidelines (equivalence reference method for continuous monitoring). Further information is therefore requested to understand how air quality will be evaluated and reported to local authorities.

- v. the ES does not specifically identify which of the existing local authority continuous air quality monitoring stations on and around the Airport will be funded. The Council is therefore seeking further clarification on the funding of the monitoring stations.
- vi. the future air quality predictions are heavily reliant on modal shift assumptions. Further information is required on how sensitive predictions are to modal shift objectives not being achieved and to understand how much air quality may deteriorate if measures are not successful. The Council has concerns there is insufficient information regarding controls to growth linked to achieving target modal shift and requests further information to understand how this will be achieved.
- vii. there are a number of clarifications required to understand the Assessment Scenarios utilised in the air quality assessment. This is particularly the case for those scenarios where both construction and operational activities are underway at the same time, but the assessment has treated them separately. In addition, there is no operational assessment for the final full-capacity assessment year of 2047, and in the light of the Government's decision to delay the transition to electric vehicles until 2035, an updated assessment of the effect of this is requested. The concern is that the scenarios assessed in the ES do not provide a realistic worst-case assessment.
- viii. linked to concern around the assessment scenarios considered in the air quality assessment, the same concerns apply to the emissions ceiling calculations as to how realistic these are, particularly when there are construction and operational activities ongoing, and the emissions ceiling calculations treat these separately. Additionally, further clarification is needed on some counterintuitive changes predicted in the emissions ceiling calculations.
- ix. the Applicant has not clearly demonstrated regard to Air Quality and Emissions Mitigation Guidance for Sussex (the Sussex Guidance) or Defra's *Air quality appraisal: damage cost guidance* in assessing air quality impacts and mitigation measures, as directed by the Inspectorate in their scoping response. The underlying rationale of the Sussex Guidance is to quantify health damage values associated with the transport emissions from the proposed development (NO<sub>2</sub>, PM<sub>10/2.5</sub>) which are known to be "no threshold" pollutants that impact human health even where pollutant concentrations are not shown to be significant or exceed the AQ standards.
- x. there is no discussion on the health impacts of ultrafine particles (UFPs) from aviation sources within the ES, despite assurances by the Applicant that this would be provided. Given the known health impacts, and emerging evidence that airports are a significant source of UFPs, the Council would like to see a qualitative assessment on the potential health impacts in the vicinity of the Airport and a commitment to ongoing open engagement with regards to monitoring.
- xi. there were continuous issues with odour from the current small waste incineration plant at the CARE facility until it was "mothballed" in 2020 due to

Covid. The odour was associated mainly with the biomass fuel which produced a sweet-smelling aromatic hydrocarbon odour. There are concerns that this may be repeated in the much larger facility and therefore further clarification is requested on the number, type and size of incinerators that will be used and how odour will be controlled.

- xii. clarifications on a range of technical details are required, including on rates of future air quality improvement, pollutants assessed, construction plant (i.e. asphalt plant), heating plant and road traffic modelling. Further information would be required to help understand if a realistic worst case has been assessed. In particular, further information is requested on the large numbers of air quality monitors excluded from the assessment and why a more up to date baseline year of 2022 was not used instead of 2018 (using 2016 extrapolated traffic data).

## **16. Noise and Vibration General**

### **16.1 The Council's concerns include the following –**

- i. local planning policies are listed in Table 14.2.2 of Chapter 14 of the ES but no information is provided on how these policies are addressed in the ES.
- ii. baseline data that feeds into the aircraft noise assessment should be provided, which includes SEL and LASmax data measured by Gatwick's Noise and Track Keeping system that was used to validate the air noise model.
- iii. assessment criteria based around the Lowest Observable Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL) focus on noise effects at residential receptors. Non-residential receptors should be considered on a case-by-case basis with assessment criteria defined depending on the non-residential use.
- iv. for the ground noise and air noise assessments, changes in noise should be identified for receptors/ population experiencing noise levels between LOAEL and SOAEL and for those experiencing noise levels exceeding SOAEL.
- v. for construction noise, no information is provided on how the LOAEL is defined at sensitive receptor locations in accordance with Table 14.4.4.
- vi. it is unclear what construction activities are occurring within each assessment scenario.
- vii. the construction vibration assessment only considers effects from sheet piling and does not consider vibration effects from vibratory compactors and rollers used in highway construction.

### **16.2 Air Noise - The Council's concerns include the following –**

- i. details of the validation and noise modelling processes, along with any assumptions and limitations applied should be provided.
- ii. aircraft fleets are not provided for the 92-day summer period. It is difficult to understand what has been modelled and how fleet transition would occur without provision of aircraft fleets. Aircraft fleets used in noise models should be provided along with how the fleet is split between the two runways.

- iii. no details of the noise modelling or validation process are provided. It is difficult to have any confidence in the noise model without understanding the assumptions and limitation that have been applied in the validation of the noise model and production of noise contours.
- iv. two scenarios are considered (Central Case and Slow-Transition Case) except for when properties exceeding the SOAEL are identified. It should be clarified what scenario has been considered when identifying receptors experiencing noise levels exceeding the SOAEL and the number of receptors for the other scenario should be identified. The number of properties exposed to noise levels exceeding the SOAEL for both the Central Case and the Slow Transition Case should also be identified.
- v. receptors newly experiencing noise levels exceeding the SOAEL are not identified. It is important to identify how many properties are newly exposed to noise levels exceeding the SOAEL to determine compliance with the first aim of the ANPS.
- vi. the assessments of air noise only cover 2032 as it is identified as the worst-case; however, the identification of likely significant effects for all assessment years should be provided.
- vii. context to the aircraft noise assessment is provided through consideration of the secondary metrics; however, no conclusions on how the secondary metrics relate to likely significant effects have been made, so the use of secondary metrics in terms of the overall assessment of likely significant effects is unclear.

**16.3 Ground Noise** - The Council's concerns include the following –

- i. it is not clear if engine ground running, auxiliary power unit and engine around taxi noise is included in LAeq,T ground noise predictions. Consequently, ground noise LAeq,T levels may be understated. All ground noise sources should be included in LAeq,T predictions covering a reasonable worst-case day.
- ii. the ground noise assessment only accounts for the worst-case location (Rowley Cottages) and contextualises the 82 dB LAmax predictions by identifying car pass-by LAmax levels of 80 dB. However, there is no attempt to contextualise LAmax engine ground running noise at any other receptor location. The assessment of engine ground run noise should cover all assessment locations.
- iii. the Central Case has been considered for the ground noise assessment; however, higher levels of ground noise will be identified in the Slower Transition Case. Consequently, there is potential for receptors to experience significant noise effects that are identified in the Central Case assessment. Ground noise emissions during the Slower Transition Case should be assessed.
- iv. it is not clear if fire training activities at the new fire training ground are considered as part of the ground noise assessment. Noise emissions from fire training ground activities should be assessed.
- v. the assessments of ground noise only cover 2032 as it is identified as the worst-case; however, identification of likely significant effects for all assessment years should be provided.

- vi. context to the ground noise assessment is provided through consideration of the secondary metrics; however, no conclusions on how secondary metrics relate to likely significant effects have been made, so the use of secondary metrics in terms of the overall assessment of likely significant effects is unclear.

**16.4 Surface Access Noise** - The Council's concerns include the following –

- i. one 20-minute survey and one 10-minute survey is not sufficient to provide data suitable for validation of the road traffic noise model. There is no validation of the road traffic noise model in terms of measured levels. Long-term monitoring should be undertaken to provide confidence in the road traffic noise model. Consultation on the monitoring methodology should be undertaken with local authorities.

**16.5 Fixed Plant Noise** - The Council's concerns include the following –

- i. no mechanism for securing fixed plant limits for any future assessment of fixed plant noise is provided and fixed plant noise limits should apply to cumulative levels of fixed plant noise and not to "any" fixed plant.

**16.6 Noise Insulation Scheme** - The Council's concerns include the following –

- i. residents of properties within the inner zone will be notified within 6 months of commencement of works of their eligibility for the noise insulation scheme; however, it is not clear what noise contours eligibility would be based upon.
- ii. residents in the outer zone should be offered more flexibility on the type of insulation rather than being restricted to ventilation.
- iii. the noise insulation scheme should extend to community buildings e.g., care homes, places of worship, village halls, hospitals etc.).
- iv. it is not clear if properties that have already received insulation would be eligible for upgraded noise insulation as part of the new scheme.
- v. no details are provided on how monitoring of ground noise would be undertaken and how a property would be identified as appropriate for monitoring of ground noise.

**16.7 Noise Envelope** - The Council's concerns include the following –

- i. it should be demonstrated as part of the Noise Envelope how the noise benefits of future aircraft technology are shared between the Airport and local communities. Demonstrating sharing the benefits is a requirement set out in the Aviation Policy Framework.
- ii. it is not appropriate to use the slow-transition case to define noise contour limits. There is no incentive to push the transition of the fleet to quieter aircraft technology. This means that the Noise Envelope allows for an increase in noise contour area on opening of the Northern Runway.
- iii. the use of annual noise contour limits, in addition to noise limits covering the 92-day summer period, would provide confidence that noise would be controlled outside the 92-day summer period.
- iv. the Noise Envelope should provide certainty about the levels of noise which can be expected in the future in accordance with CAP 1129; however, the



Noise Envelope allows for noise contour limits to increase as a result of airspace changes and new aircraft technology. There should be no allowance for noise contour area limits to increase.

- v. the local authorities should have a role in the Noise Envelope that involves reviewing and approving submissions. This role should allow action to be taken in the event of a breach.
- vi. thresholds should be adopted into the Noise Envelope with the intention that action can be implemented prior to a contour limit breach occurring.
- vii. capacity declaration restrictions are a weak form of noise control as new slots within that capacity can be allocated. Slot restriction measures should be adopted.

## **17. Green House Gases (GHG) and Climate**

17.1 The Council's concerns include the following –

- i. the GHG Assessment in Chapter 15 of the ES fails to consider the risks of the Jet Zero Aviation Policy and how this could compromise the UK's net zero trajectory in alignment with the concerns raised to the UK Government by the Climate Change Committee.
- ii. furthermore, there are fundamental errors in the GHG Assessment, with significant emission sources such as well-to-tank emissions and conversions from CO<sub>2</sub> to CO<sub>2</sub>e not undertaken, which could potentially increase the total emissions by around 20%. Therefore, millions of tonnes of CO<sub>2</sub>e are not accounted for, which is non-compliant with the GHG Protocol Corporate Accounting Standard and GHG accounting best practice.
- iii. additionally, the GHG Assessment does not assess the cumulative impact of the project in the context of the eight of the biggest UK airports planning to increase to approximately 150 million more passengers a year by 2050 relative to 2019 levels.
- iv. the climate impact statements documented in both Chapter 15 of the ES (Climate Change) and Appendix 15.8.1 (Climate Change Resilience Assessment) lack consistency because some are missing an 'impact'. This end result is what should determine the consequence rating and the Applicant's approach might have led to an underestimation of risk. The Applicant should update all climate impact statements to have a clear end impact and risk ratings should be reviewed and revised accordingly.
- v. the lack of identification of additional mitigation / adaptation measures is a key omission from the Climate Change Resilience Assessment and the Urban Heat Island Assessment. Whilst the Applicant may not have assessed any of the risks as 'significant', the identification of further adaptation measures that can increase asset resilience should be noted, especially considering the potential underestimation of risk detailed above. The Applicant should identify and include in a report further adaptation measures that can be implemented in design, construction or operation to further reduce the project's vulnerability to climate change.

- vi. there was a lack of consideration of a number of climate variables including storm events, wildfire and fog, which is a key omission in the Climate Change Resilience Assessment. The Applicant should consider the risks associated with these variables and report on them.
- vii. the Applicant should provide more information around the risk categories and definitions used for the Climate Change Resilience Assessment and Urban Heat Island Assessment and include the relevant risk frameworks in all documents (including the appendices) in which they are referenced.

## **18. Local Economic and Socio – Economic Impacts**

### **18.1 The Council's concerns include the following –**

- i. the wider economic benefits of the project have been overstated due to the failure to adequately distinguish the demand that could be met at Gatwick from the demand which could only be met at Heathrow and the economic value that is specific to operations at Heathrow. The methodology by which the wider catalytic impacts in the local area has been assessed is not robust and little reliance can be placed on this assessment. This is material to assessing the balance between such benefits and any environmental impacts.
- ii. several of the baseline data sources are out of date which is a concern given the reliance on these sources to inform the various assessments. Up-to-date baseline data should be sourced to inform assessments. This should include obtaining relevant data from local authorities.
- iii. the Applicant needs to revisit the approach to estimating construction employment and forecasting availability of temporary accommodation given the reliance on old data and not accounting for local variations.
- iv. clarification is required from the Applicant with regards to its approach and calculations in relation to operational employment.
- v. the Applicant needs to revisit the sensitivity and magnitude gradings for several assessments in the Socio-Economic chapter of the ES (Chapter 17).
- vi. the assessment of socio-economic effects has been undertaken at different geographical levels but has not assessed impacts at a local authority level. This is despite ongoing concerns raised concerning labour supply, housing (including Affordable housing) and temporary accommodation in Crawley. As a result of this approach, the assessment does not identify specific impacts on Crawley.
- vii. the assessment of housing and population relies on older data and should be using up-to-date information given it will impact on labour supply/housing conclusions. The assessment also makes optimistic projections on housing and doesn't appear to fully consider existing constraints.
- viii. the Economic Skills and Business Strategy (ESBS) is generic, lacking detail and clarity and does not provide sufficient detail on, amongst other things, local baseline and additionality; tailored local initiatives aligning with local needs and priorities, including for skills and training, and support to local suppliers and SMEs; measurable targets, specific milestones or outputs;

details of funding; approach to monitoring; and timing and enforceability of the Implementation Plan(s).

- ix. ES Chapter 5 (Project Description) (AAP-030) states that four hotels are proposed as part of the application. Through its emerging Local Plan, the Council recognises Gatwick Airport as a sustainable location for hotels, given the specific accommodation demand it generates. The Council notes that hotels do not represent a formal operational use, and therefore would ask for clarity as to why hotels are considered to fall within the scope of the DCO regime. If hotels are to be included within the DCO, the Council would seek controls, including preventing hotel parking being created in future.
- x. as with hotels, the Council seeks clarity as to why commercial space is considered to fall with the scope of the DCO regime and would expect the use of this space to be restricted to airport-related employment uses only, as well as controls over future parking provision.

## **19. Health and Well Being**

19.1 The Council's concerns include the following –

- i. it is essential to understand how the project may impact different groups and ensure that certain individuals are not put at a disadvantage or discriminated against because of the construction or operation of the project. Owing to this, the lack of an Equality Impact Assessment is surprising.
- ii. data relating to the study area, specifically the feedback from the individual vulnerable groups would be welcomed, to ensure that their feedback had been included in the assumptions made in relation to changes in green space locations, ease of active travel and access to support the wellbeing of the communities affected.
- iii. though primary and secondary care services and the estimated impact from construction staff is set out, the increased footfall of passengers when increased flights are operational, and the impact on emergency attendances for this group within secondary care A&E services, is not clear or evidenced satisfactorily.
- iv. the DCO application does not evidence engagement with the affected communities and how the outcome of those engagements has influenced the Applicant's assumptions used as a basis for the assessment findings and decisions on mitigation measures to reduce impacts.

## **20. Agricultural Land Use and Recreation**

20.1 The Council's concerns include the following –

- i. the proposed enhancements to suggested recreational routes such as Museum Field are limited and lack consideration in the context of the wider surroundings.
- ii. the project does not appear to improve or enhance existing recreational routes in terms of accessibility or surfacing.
- iii. it is not clear how the negative impacts on paths near Pentagon Field from soil deposition would be mitigated during the construction phase.

- iv. it is not clear the replacement open space land to be provided under article 40 (special category land) of dDCO, is appropriate. There is no assessment of the qualitative amenity benefit nor clarity on its function, purpose, use or management.

## **21. Cumulative Effects**

- 21.1 The Transport Assessment, which includes potential future development West of Ifield and at Gatwick Green, shows cumulative adverse impacts on local roads, particularly within the western neighbourhoods of Crawley. GAL's support for the Crawley Western Multi-modal transport link is necessary to enable future developers to alleviate this future impact.

## **22. Conclusion**

- 22.1 The Council's current position is that it has a holding objection to the DCO proposals as it believes the evidence does not currently exist to demonstrate that the Airport can grow and be operated in a responsible manner which contains its adverse environmental impacts within prescribed acceptable, agreed and enforceable limits. It is not considered that effective mechanisms are in place to ensure that the economic benefits from the expansion will be maximised and secured for local residents, or that adequate supporting infrastructure and appropriate community compensation will be provided.
- 22.2 Without prejudice to its holding objection, the Council is willing to engage with the Applicant to review and agree data and analysis and where necessary, co-design any additional or altered controls, mitigations and obligations with a view to making the proposed development more acceptable in planning terms.