



**Horsham
District
Council**



**Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010
Application by Gatwick Airport Limited (“the Applicant”) Seeking Development
Consent for the Proposed Gatwick Airport Northern Runway Scheme [PINS reference:
TR020005]**

17th January 2025

**Response to the Secretary of State’s letter dated 3rd
January 2025**

Crawley Borough Council (GATW-AFP107)

Mid Sussex District Council (20044737)

Reigate and Banstead Borough Council (20044474)

East Sussex County Council (20044514)

Kent County Council (20044780)

Horsham District Council (20044739)

West Sussex County Council (20044715)

Surrey County Council (20044665)

Mole Valley District Council (20044578)

Joint Local Authority Response to Secretary of State Letter dated 3 January requesting comments on responses made on 23 December 2024

Introduction

The JLAs have provided a combined response to the comments from interested parties received on the 23rd December 2024. The comments relate to Schedule 2 (draft Requirements) and are listed numerically. Under each heading is a note of which of the Authorities have made the submitted comment.

Requirement 2: Phasing and “Reasonable Endeavours” Wording -

Submitted on behalf of Crawley Borough Council

Crawley Borough Council is concerned about the “reasonable endeavours” wording added by the Applicant into Requirement 2. This gives too much latitude to the Applicant and could leave the discharging authority limited time to prepare resources for a submission, and therefore not being able to review the material submitted for discharge appropriately within the time limit. Should an exceptional circumstance arise meaning that a submission has to be brought forward, the council will do what it can to work with the Applicant to ensure resources can be deployed in the most effective manner to support an earlier discharge.

Requirement 15: Air Noise Limits

Submitted on behalf of Crawley Borough Council, East Sussex County Council, Horsham District Council, Kent County Council, Mid Sussex District Council, Mole Valley District Council, Reigate and Banstead Borough Council, Surrey County Council, West Sussex County Council

To begin this response, it is considered helpful to provide a reminder regarding the policy requirements for a Noise Envelope.

The concept of Noise Envelopes was introduced in aviation policy at paragraph 3.28 and 3.29 of the 2013 Aviation Policy Framework (APF).

The Airports National Policy Statement (ANPS) sets requirements for a Noise Envelope. As set out within paragraph 1.41 of the ANPS, the Secretary of State considers that the contents of the ANPS will be both important and relevant considerations in the determination of an application, particularly where it relates to London or the southeast of England.

The ANPS states, at paragraph 5.60:

“The applicant should put forward plans for a noise envelope. Such an envelope should be tailored to local priorities and include clear noise performance targets. As such, the design of the envelope should be defined in consultation with local communities and relevant stakeholders, and take account of any independent guidance such as from the Independent Commission on Civil Aviation Noise. The benefits of future technological improvements should be shared between the applicant and its local communities, hence helping to achieve a balance between growth and noise reduction. Suitable review periods should be set in consultation with the parties mentioned above to ensure the noise envelope’s framework remains relevant.”

Following the publication of the ANPS, the Government issued a consultation document, Aviation 2050: The Future of UK Aviation, which set out the draft strategy for the evolution of aviation policy. Aviation 2050 states, at paragraph 3.115:

“The proposed new measures are: ... routinely setting noise caps as part of planning approvals (for increase in passengers or flights).⁷⁷ The aim is to balance noise and growth and to provide future certainty over noise levels to communities. It is important that caps are subject to periodic review to ensure they remain relevant and continue to strike a fair balance by taking account of actual growth and the introduction of new aircraft technology.

It is equally important that there are appropriate compliance mechanisms in case such caps are breached and the government wants to explore mechanisms by which airports could ‘pay for’ additional growth by means of local compensation as an alternative to the current sanctions available.

Footnote 77 from the above paragraph states: 3.2.9:

“A noise cap (also known as a noise envelope) is any measure which restricts noise. In its crudest form this could be a simple movement cap, but the government proposes advocating caps which are based on setting maximum noise exposure levels (such as contour area or noise quota). Noise caps should also consider the effect of night flights, given the health costs associated with sleep disturbance. These costs need to balance the benefits of night flights and any restrictions should be proportionate to local circumstances.”

Based on the policy documents described above, it is therefore considered that, to be compliant with noise policy, a Noise Envelope should:

- a. give certainty to local communities about the levels of noise that can be expected in the future and to give developers certainty on how they can use their airports (through clear noise performance targets);
- b. provide a mechanism to share the benefits of future technological improvements between the airport and its local communities to achieve a balance between growth and noise reduction;
- c. incentivise airlines to introduce the quietest suitable aircraft as quickly as is reasonably practicable;
- d. be defined in consultation with local communities and relevant stakeholders;
- e. take account of any independent guidance;
- f. be subject to periodic review so that noise contour limits remain relevant; and
- g. contain appropriate compliance mechanisms.

Noise Contour Limits

Noise contour limits will provide certainty to local communities regarding the level of noise that can be expected in the future. For clarity, noise contour areas that have been used to define limits throughout the DCO examination along with the Original Central Case contour areas are provided in Table 1 for daytime and

Table 2 for night-time.

Table 1 Daytime Noise Contours Limits

	Commencement of dual runway operations	From the end of the 1st Noise Envelope Period for the period of 5 years (forecast at
--	--	--

		9 years from commencement of dual runway operations)
Original Noise Envelope Limits (based on Slower Transition Fleet) ¹	146.7 km ²	125.7 km ²
Revised Noise Envelope Limits (based on Updated Central Case) ²	135.5 km ²	119.4 km ²
Corresponding Original Central Case contour areas ³	125.1 km ²	113.7 km ²
SoS Noise Contour Limits	125.0 km ²	125.0 km ^{2*}
Applicant's Proposed Noise Contour Limits	135.0 km ²	125.0 km ^{2*}
*from the sixth year of dual runway operations		

Table 2 Night-time Noise Contours Limits

	Commencement of dual runway operations	From the end of the 1st Noise Envelope Period for the period of 5 years (forecast at 9 years from commencement of dual runway operations)
Original Noise Envelope Limits (based on Slower Transition Fleet) ⁴	157.4 km ²	136.1 km ²
Revised Noise Envelope Limits (based on Updated Central Case) ⁵	146.9 km ²	134.6 km ²
Corresponding Original Central Case contour areas ⁶	136.2 km ²	125.8 km ²
SoS Noise Contour Limits	146.0 km ²	135.0 km ^{2*}
Applicant's Proposed Noise Contour Limits	146.0 km ²	135.0 km ^{2*}
*from the sixth year of dual runway operations		

In Appendix 1 to [\[REP5-094\]](#), York Aviation Limited (YAL) responded, on behalf of the JLAs, to the Applicant's Updated Central Case fleet mix [\[REP4-004\]](#) and indicated that it still considered the assumptions made by the Applicant regarding the transition to new

¹ Paragraph 6.1.8 and 6.1.9 of Appendix 14.9.7 [\[APP-177\]](#).

² Paragraph 6.1.8 and 6.1.9 of Appendix 14.9.7 [\[REP10-011\]](#).

³ Table 4.1.5 and Table 4.1.9 of Appendix 14.9.2 [\[APP-172\]](#).

⁴ Paragraph 6.1.8 and 6.1.9 of Appendix 14.9.7 [\[APP-177\]](#).

⁵ Paragraph 6.1.8 and 6.1.9 of Appendix 14.9.7 [\[REP10-011\]](#).

⁶ Table 4.1.6 and Table 4.1.10 of Appendix 14.9.2 [\[APP-172\]](#).

generation aircraft to be overly conservative. As such, the JLAs would support a Noise Envelope that is based on the Original Central Case noise contour areas.

The JLAs consider that the daytime noise contour area limit is appropriately defined for the year when dual runway operations commence at 125 km². However, the noise contour area does not reduce in the future. In this instance, Gatwick could expand, and no benefits of new aviation technology would be shared with local communities. The JLAs' position is that the daytime noise contour areas are not policy compliant and should be amended in line with the Original Central Case.

The JLAs' position is that noise contour limits aligning with the Original Central Case should be adopted, as set out in Table 3.

Table 3 Night-time Noise Contours Limits

Air Noise Contour	Enclosed area from the first to fifth year of dual runway operations	Enclosed area from the sixth year of dual runway operations
51 dB LAeq 16 h	125 km ²	125 115 km ²
45 dB LAeq 8 h	146 136 km ²	135 125 km ²

Extraordinary Reviews

The Applicant has included a mechanism for a review under “extraordinary circumstances”. The Applicant identifies these circumstances in Appendix 14.9.7: The Noise Envelope [[REP10-011](#)] as:

- Air space changes.
- Introduction of low carbon aircraft.
- Force majeure.

Flexibility to increase noise contour area limits does not provide local communities with certainty over the level of noise they would experience in the future. As such, inclusion of extraordinary reviews that allow noise contour area limits to increase means that the Noise Envelope would not be policy compliant.

The JLAs' position is that airspace changes and introduction of low carbon aircraft should not allow the Applicant to trigger a review of the standard mode air noise contour limits. Information on airspace changes and the introduction of new aircraft technology would be understood years in advance of the changes having a material effect on noise contour areas. As such, the Applicant would have sufficient time to adjust their strategies to ensure ongoing compliance with noise contour limits.

Equally the DCO is being sought on the basis that noise levels will not exceed a certain area. If the applicant is in essence able to simply bypass the conditions on which the order is granted at a later date it undermines confidence in the entire planning process.

The JLAs accept that “force majeure” events are outside of the control of the Applicant and, as such, an allowance for a noise contour area limit review is acceptable. However, any increases in noise contour areas that may occur in these circumstances should be temporary and a plan should be adopted to show how airport operations would evolve such that they would return to being compliant with permanent noise contour limits.

The JLAs’ position is that extraordinary reviews provide an unnecessary level of flexibility to airport operations and would not provide local communities with certainty over the level of noise they may experience in future. However, it is accepted that a temporary relaxation of noise contour area limits may be allowable as a result of “force majeure” events.

Requirement 16

Submitted on behalf of Crawley Borough Council, East Sussex County Council, Horsham District Council, Kent County Council, Mid Sussex District Council, Mole Valley District Council, Reigate and Banstead Borough Council, Surrey County Council, West Sussex County Council

The JLAs do not agree with the removal of Requirement 16 as Noise Envelope policy requirements require ongoing review so the Noise Envelope remains relevant. The Noise Envelope is not policy compliant without a requirement for ongoing reviews to ensure that the Noise Envelope remains relevant.

The JLAs position is that a 5-yearly Noise Envelope review period is essential to ensure that the Noise Envelope remains relevant and ensures acoustic benefits of new aircraft technology is shared with local communities. As such, the 5-yearly review should be reinstated through inclusion of the following text from the Requirement 16 of the Draft DCO Template Verification Report [REP10-006]:

“16.—(1) The undertaker shall be required to submit noise envelope review documents to the independent air noise reviewer in accordance with the requirements contained at section 8 of the noise envelope document.

(2) The undertaker must submit a draft of any noise envelope review document to the independent air noise reviewer not less than 42 days before the submission of that noise envelope review document for approval pursuant to sub-paragraph (1) of this requirement.”

All other text from Requirement 16 of the Draft DCO Template Verification Report [[REP10-006](#)] that covers extraordinary reviews has been excluded as this proposal is not supported by the JLAs.

Requirement 18: Receptor Based Noise Mitigation

Submitted on behalf of Crawley Borough Council, East Sussex County Council, Horsham District Council, Kent County Council, Mid Sussex District Council, Mole Valley District Council, Reigate and Banstead Borough Council, Surrey County Council, West Sussex County Council

The JLAs note the point (para 4) in the SoS letter of 9th December that the Applicant is invited “*to propose alternative wording that achieves the same level of protection*”. With the applicant’s proposed revised wording for requirement 18 it is unclear how the revised wording ‘achieves the same level of protection’ as that put forward by the Examining Authority, given the Applicant is proposing a lower level of noise insulation compared to that proposed in Annex A of the letter from the SoS of 9th December 24.

The main issues with the Applicant’s proposal are as follows:

- The thresholds for the noise insulation scheme inner zone should be set at 60dB LAeq 16hr for daytime and 48 LAeq 8hr for nighttime noise exposure.
- Ground noise insulation scheme not extending to the Outer Zone and the use of combined air and ground noise contours.
- No consideration of an overheating assessment as part of the noise insulation scheme.
- No voluntary acquisition scheme for residential properties inside the daytime air noise 69 dB LAeq 16h or night-time air noise 63 dB LAeq 8h contour.

This response details whether these issues have been addressed.

Inner Zone Thresholds at 60dB LAeq 16hr and 48 LAeq 8hr

There have been no amendments to the inner zone thresholds as part of the revised DCO nor the proposed amendments submitted by the Applicant. Whilst the JLAs still aspire to see the noise thresholds reduced, it is noted that the inner zone thresholds of 63dB LAeq 16hr for daytime and 55 LAeq 8hr broadly align with the proposed compensation scheme for the London Luton Airport expansion.

In relation to the sums available for noise insulation, the Applicant has made comparison to the proposed compensation scheme for the London Luton Airport and claimed they compare favourably. However, Luton Airport would offer a contribution of up to £20,000 for residential properties inside the daytime 60 dB LAeq, 16h contour and outside the 63 dB LAeq, 16h contour, which is equivalent to Outer Zone 1. The Applicant proposes to offer

such properties £10,500, which does not compare well against the London Luton Airport compensation scheme.

The JLAs would like to see an improvement to the Outer Zone 1 offer in line with proposed compensation offered by London Luton Airport Expansion.

Ground noise insulation scheme and combined air and ground noise contours

The Applicant had initially proposed to provide insulation for properties exposed to levels of ground noise above the Inner Zone levels of 63 dB LAeq,16h and 55 dB LAeq,8h. Qualification would be determined through monitoring with the exception of a number of properties at which significant ground noise effects were identified.

Monitoring for eligibility would account for combined air noise and ground noise; however, the Applicant did not provide any details regarding how properties would be identified for monitoring nor what the trigger was for undertaking monitoring. As such, a property could be exposed to significant levels of combined air and ground noise for an uncertain period of time before qualification for insulation was identified. In these circumstances, the scheme does not insulate against significant effects and is a compensation scheme.

The Applicant's submission goes some way to rectifying this as it now identifies a potential eligible residence as:

"...a main residence where, following the commencement of dual runway operations, (a) air noise or (b) ground noise [alone or in combination with air noise] which is above ambient noise, is predicted to exceed 54 dB LAeq 16 h or 48 dB LAeq 8 h".

The JLAs welcome this improvement to the noise insulation scheme and welcome the fact that eligibility due to ground noise would be determined by predictions instead of monitoring. However, the Applicant has not provided any detail regarding how ground noise would be implemented into the noise insulation scheme. As such, there is uncertainty about information that would be provided as part of the noise insulation scheme to determine eligibility as a result of ground noise.

The Applicant proposes that a property would only be eligible for noise insulation if the combined air and ground noise level was above the ambient noise level.

The JLAs' position is that this is acceptable in practice; however, the JLAs are of the opinion that the method used to define baseline ambient noise levels at sensitive receptors in the ES ground noise assessment is too coarse. For the ground noise assessment, the Applicant based ambient noise levels at receptors on modelled road traffic noise contours

(JLANVTN-B4 of [REP5-079]), which the JLAs objected to as contours do not provide adequate detail to define ambient noise levels at specific properties.

It is expected that the Applicant would submit an updated version of Appendix 14.10 to cover the updated scheme to include ground noise. The JLAs would like the Applicant to provide information regarding:

- A commitment to provide annual ground noise contours covering Inner and Outer Zone noise thresholds.
- Details on how cumulative air and ground noise levels would be calculated at sensitive receptors.
- A commitment identifying how ambient noise levels at receptors would be defined in order to determine eligibility for insulation.

No information has been provided on ground noise effects during the period when there will be no barrier/ bund in place to screen ground activities, which would particularly impact the community of Charlwood.

The JLAs would like to see identification of properties affected by increased levels of ground noise when the western bund is demolished and a commitment that the identified properties are eligible for insulation prior to any works being undertaken.

The Applicant has made a new commitment at paragraph (12) as follows:

“Subsequent to the commencement of dual runway operations the undertaker and the relevant local planning authority shall review actual noise levels experienced by premises affected by the operation of the airport at least annually to identify additional potentially eligible premises”.

The JLAs’ would like to invite the Applicant to expand on this point. It is not clear what is meant by “actual noise levels” and whether this refers to noise monitoring or noise predictions. If it refers to monitoring, the Applicant should provide a commitment to carry out monitoring including details regarding what the monitoring will entail. If it refers to predictions, can the Applicant provide a commitment to carry out annual air and ground noise predictions and detail how the results would be provided to the local planning authority.

The JLAs would like clarification on what the Applicant means by “actual noise levels” and details on the process through which the local planning authority will review them.

Consideration of overheating issues

The JLAs have been requesting that the Applicant addresses the issue of potential overheating in properties throughout the examination. The JLAs note the Applicant’s

commentary on “methods to reduce solar gain” but there is no reference to overheating with the exception of a commitment to provide a thermal upgrade of roof space. Roof space is just one element of a building that should be considered when addressing overheating risks. The JLAs’ position is that the Applicant should not ignore the fact that, for insulation to work effectively as mitigation, the potential repercussion of overheating should be addressed.

The JLAs’ position is that a requirement that the insulation scheme should include a requirement to provide measures to reduce solar gains. Additionally, reference should be made to ‘Approved Document O: Requirement O1: Overheating Mitigation’⁷ and the Association of Noise Consultants Approved Document O Noise Guide⁸ when considering the thermal environment of a building.

Voluntary acquisition scheme for residential properties inside the daytime air noise 69 dB LAeq 16h or night-time air noise 63 dB LAeq 8h contour

The SoS has provided a requirement relating to voluntary acquisition, as follows:

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

In response, the Applicant states:

“A requirement to offer to purchase properties could only be policy compliant if it related to much higher noise levels (UAEL) i.e. at least 71 dB LAeq 16h. However, the Project would not create new noise affected properties at or above that level”.

The JLAs have disputed the Applicant’s definition of the UAEL of 71 dB LAeq,16h, which was referenced from the Heathrow Third Runway PEIR. The JLAs note that precedent has been set in previous airport expansion projects (Luton, Manston, Bristol, Stansted etc.) and are of the position that the Applicant should adopt a UAEL of 69 dB LAeq,16h and 63 dB

⁷ HM Government (2022), Approved Document O: Requirement O1: Overheating Mitigation. Available at: <https://assets.publishing.service.gov.uk/media/6218c5aad3bf7f4f0b29b624/ADO.pdf>

⁸ Association of Noise Consultants (2024), Approved Document O Noise Guide Version 1.1. Available at: <https://www.association-of-noise-consultants.co.uk/wp-content/uploads/2024/11/ADO-Noise-Guide-v1.1-November-2024.pdf>

L_{Aeq},8h as per the accepted precedent in the identified airport expansion projects for acquisition schemes.

In accordance with the UAEL of 69 dB L_{Aeq},16h and 63 dB L_{Aeq},8h, the Applicant should provide a voluntary acquisition for residential properties inside the daytime air noise 69 dB L_{Aeq},16h or night-time air noise 63 dB L_{Aeq},8h contour. This approach would align with compensation policies set out in the London Luton Airport Expansion DCO and would also align with policy requirements set out in paragraph 3.36 of the Aviation Policy Framework, which is repeated at paragraph 4.37 of 'UK Airspace Policy: A framework for balanced decisions on the design and use of airspace' and paragraph 2.39 of 'Consultation Response on UK Airspace Policy: A framework for balanced decisions on the design and use of airspace'.

The JLAS' position is that a voluntary acquisition scheme should be adopted for properties inside the daytime air noise 69 dB L_{Aeq},16h or night-time air noise 63 dB L_{Aeq},8h contour. This would be in accordance with requirements in the Aviation Policy Framework.

Technical Note to Requirement 18

Paragraph (4): 'Acoustics— Technical Design Manual 4032 Department for Health' (2011) has been withdrawn and the relevant document to be referenced is 'Health Technical Manual 08-01: Acoustics, Department for Health' (2013).

Requirement 19: Movement Cap

Submitted on behalf of Crawley Borough Council, East Sussex County Council, Horsham District Council, Kent County Council, Mid Sussex District Council, Mole Valley District Council, Reigate and Banstead Borough Council, Surrey County Council, West Sussex County Council

In Annex A of the Secretary of State's letter of 9 December, a passenger throughput limit of 80.2mppa is added to the Air Traffic Movement Cap in Requirement 19. In its response, 23 December, the Applicant argues that a passenger throughput limit is not necessary.

The JLAS consider that a passenger throughput cap is important because of the impacts of more passengers on surface access, and because of the noise implications of larger aircraft. Without such a limit the Applicant could operate larger planes, which in turn would lead to a larger number of passenger throughput than was assessed within the Environmental Statement. This larger throughput of passengers could lead to material environmental harms that have not been considered or mitigated for. This includes, for example, the impact on the capacity of wastewater treatment works.

The Applicant's proposed revision to the wording of the passenger cap to exclude infants, should the Secretary of State determine it should remain, is supported by the JLAs.

Requirement 20: Surface Access

Submitted on behalf of Surrey County Council, West Sussex County Council, Crawley Borough Council

As previously stated, Crawley Borough Council (CBC), West Sussex County Council (WSCC) and Surrey County Council (SCC) are supportive of the additional degree of confidence that would be provided by the proposed Requirement 20 in the Secretary of State letter of 9th December. Without such an additional control, dual runway operations could commence even if the modal splits are significantly below the sustainable and active travel targets within the Surface Access Commitments. Modal splits, prior to commencement of dual runway operations, could be of a level where there is no realistic opportunity that the targets in the SACs, as set by the Applicant, can be met. Without this safeguard, dual runway operations could commence, increasing growth at the airport and potentially further exacerbating the situation of non-compliance with the modal split targets.

Our response does not seek to repeat submissions previously made during the examination, but we do wish to provide brief comments on the Applicant's response to the Secretary of State's letter dated 9th December.

We note that the proposed revisions to Requirement 20 in the Secretary of State 9th December letter already preclude use of Car Park Y until 55% of passengers travelling to the airport use public transport. [REP8-114](#), the Applicant's response to Rule 17 Letter – Parking specifies that multistorey car park Y is to provide 3,035 spaces, although this total is not specified in the work description in the draft DCO. From our calculations the additional restriction proposed by the Applicant in Requirement 20 paragraphs 3 and 4 of their letter of 23rd December therefore appears to relate to the potential provision of 1,025 spaces in the interim period before 52.5% passenger public transport mode share is reached. We query how much of an additional restriction these proposals are. As a general point, based on the modelling findings and the ability to achieve the SAC targets, the authorities have queried how much of the additional parking proposed through the scheme is actually needed [[REP5-095](#)].

In response to car parking controls the Applicant states that they will influence their pricing strategy to deter any increase in drop-offs as a result of more limited car parking on campus. There is broad commitment in the SACs (Commitments 9 and 10) to ensure the Applicant charges a level that promotes sustainable modes and meets the mode share commitments, but there is nothing additional in place to require this to happen in the Applicant's letter to the SoS, dated 23rd December. A general point is that reliance on additional on-site car parking caps increases the importance of monitoring and enforcement of unauthorised parking sites and fly parking near to passenger transport nodes on routes into the airport.

For completeness and transparency we feel that Requirement 37 should also specify the number of staff parking spaces.

We have also reviewed Appendix 2 of the Applicant's response to the Secretary of State letter, which relates to the TFSG terms of reference. Changes are largely as suggested by JLAs in [REP9-150] and the authorities have no further comments to make. However, we note that the Applicant is proposing placing additional requirements on the TFSG through Requirement 20, paragraph 6 in assessing whether new environmental effects have been caused. This additional complexity for the TFSG and extra work placed on the group causes concern.

The authorities confirm that we have no comments to make in relation to responses to the Secretary of State letter of 9th December made by National Highways and Network Rail.

Requirement 31: Waste Water

Submitted on behalf of Crawley Borough Council and Reigate and Banstead Borough Council.

The Applicant considers that this Requirement is not necessary, although does propose alternative wording should the Secretary of State conclude that it is needed.

Ensuring sufficient capacity is available for handling wastewater is essential prior to the expansion of passenger numbers at the airport to ensure no problems are created in wastewater treatment. This needs to be assessed in combination with the very significant housing growth anticipated in the area following the publication in December of the updated National Planning Policy Framework 2024 and its more than doubling locally of the housing requirement, and the limited capacity and poor condition of the Horley Water Treatment Works. As there is still no agreement between Thames Water and the Applicant

as to whether or not Thames Water’s existing system has sufficient capacity, or alternatively whether an onsite Water Treatment Works will need to be provided by the Applicant, it is critical that this Requirement remains.

Thames Water in its letter of 19 December proposes alternative wording to 31(6), suggesting that “*The commencement of dual runway operations must not take place until....*” is replaced with “*additional flows cannot be discharged by the authorised development until....*” The Authorities consider the discharge of additional flows would be much more difficult to monitor and enforce, and it would be clearer if dual runway operations are not permitted to commence until the wastewater treatment capacity is in place. The suggested alternative wording for Requirement 31 (6) and (7) proposed by the Applicant is supported.

Requirement 39 : Tree Balance

Submitted on behalf of Crawley Borough Council

Since the proposed wording of the Requirement was drafted by the JLAs [\[REP9-147\]](#) and submitted to the Examination, the Crawley Borough Local Plan 2023-2040 has been adopted (October 2024). It is therefore recommended that reference to this new document is now included within Requirement, the revised proposed wording reflecting the replacement of former policy CH6 with [policy DD4](#). The proposed wording for this Requirement is set out at the end of this section.

The new Local Plan has not changed the planting standards or tree calculations and therefore interpretation of the adopted policy remains as stipulated in the Green Infrastructure SPD which currently remains applicable. With regard to the tree mitigation contribution, the amount per tree quoted in the Planning Obligations Annex of the newly adopted Local Plan (page 291) remains as set out in the Green Infrastructure SPD (adopted in 2016).

CBC considers the wording of Requirement 39 as proposed by the SoS concerning any replacement documentation is reasonable given the extended duration of this project and does not support the wording proposed by the Applicant to Section (4) (c) “tree mitigation contribution formula”. The published tree replacement costs have not been adjusted since the previous Local Plan but the project should reflect any uplift in the tree replacement costs going forward. However, as a compromise CBC would be prepared to

accept the current published tree replacement costs provided these are subject to indexation (this approach is set out on page 289 of the adopted Local Plan) If the latter is considered acceptable to the SoS, the proposed revised wording suggested in Section (4) definitions “tree mitigation contribution” and “tree mitigation contribution formula” have been amended on this basis.

CBC welcomes that the Applicant accepts the principle of the submission of tree balance statements at regular intervals throughout the project given its extended duration. While Policy DD4 applies tree replacement for the project as a whole, the majority of the developments that are subject to the policy are much smaller in scale and duration than this project and a staged approach to tree replacement is considered reasonable in this case. CBC does not accept that early tree calculations and payments are impractical or unreasonable. It is important to understand as early as possible in the process for each Works area / construction compound the number of trees that are likely to require removal, ideally retaining as many as practicable within any final design layout and for the Applicant to identify as early as possible in the process, the potential for replacement planting either on the site or numbers of specimens required elsewhere.

The point that much of the replanting will happen later in the development process is understood, as is the fact that some of the works compound areas have potential to provide replacement planting. The Applicant has provided no indication of how much planting could be provided in these areas and which works areas the trees from the construction compounds would provide mitigation for. CBC would consider a grouping of works areas / construction areas for example, as a basis for the calculation of some elements of the tree balance statement and how this document is presented could be a matter for further discussion. CBC wishes to see mitigation as early as possible (where required) for other works elements that are completed, single payment at a late point in the project does not allow for early delivery of tree mitigation.

The Applicant has provided no rationale for the variation of the trigger dates to post commencement of the dual runway operation although there is no objection to the suggested timings within the 3 month window being suggested. The timing of payments and triggers should remain as drafted by the SoS.

Requirement 39 Proposed revised wording

Tree balance statement

39.—(1) **Within 3 months of commencement** ~~On or before~~ of dual runway operations, and **within 3 months** of the third, sixth and ninth anniversaries of that commencement, a tree balance statement must be submitted to CBC for approval.

(2) The tree balance statement referred to in sub-paragraph (1) shall follow the methodology set out in Policy **DD4 CH6** of the Crawley Borough Council Local Plan ~~2015-2030~~ **2023-2040** and the ~~accompanying~~ Green Infrastructure SPD 2016, and must include –

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

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

(4) In this requirement –

(a) “CBC tree replacement requirement” means the number of replacement trees required on the basis of the number as per paragraph (2)(a), calculated in accordance with the table in Policy ~~CH6 DD4~~ (Tree Planting and Replacement Standards) of ~~the Crawley 2030: Crawley Borough Local Plan 2015-2030~~ **2023-2040** (adopted on 16 ~~December 2015~~ **October 2024**); and

(b) “tree mitigation contribution” means the sum sought pursuant to Policy ~~CH6 DD4 of the CBC development plan (or any replacement policy)~~ **Tree Replacement Standards of the Crawley Borough Local Plan 2023-2040** and calculated in accordance with the tree mitigation formula **including any indexation** to be paid to CBC and used towards the provision of tree planting and maintenance in the borough of Crawley or within the area of any of the host authority which is a district council.

(c) “tree mitigation contribution formula” means the formula as set out in the CBC Green Infrastructure Supplementary Planning document **2016 including any indexation** ~~or any other document replacing it containing a formula for the payment of contributions containing a formula for the payment of contributions towards providing replacement trees.~~