
FAO

Secretary of State
Great Minster House
33 Horseferry Road
London
SW1P 4DR

YOUR REF:

OUR REF: JBB/JEK/00206566/1

DATED: 17 January 2025

Dear Secretary of State

**Application for Gatwick Airport Limited seeking Development Consent for the
Proposed Gatwick Airport Northern Runway Project (ref: TR020005) – Response to
consultation letter dated 3 January 2025**

1. We write on behalf of the interested party, Communities Against Noise and Emissions (“CAGNE”, interested party reference: 20045369) in relation to the proposed amended DCO requirements set out in Schedule 2 (requirements) of the draft DCO as annexed to the Secretary of State’s consultation letter of 9 December 2024 (“Schedule 2”), and the responses submitted by the Applicant and Thames Water Utilities Limited on 24 December 2024.
2. Please find below and enclosed CAGNE’s response. For the avoidance of doubt, CAGNE continues to maintain the points it has raised previously during this Examination, and particularly CAGNE’s proposed draft requirements ([REP2-072](#)) and Closing Submissions ([REP9-223](#)).

Requirements relating to noise

3. Please find enclosed at Appendix 1 a report prepared by expert, Suono, in response to the three revised noise DCO requirements, requirements 15, 18 and 19, as set out in Schedule 2.

Requirements relating to surface transport

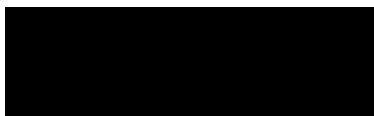
4. Please find enclosed at Appendix 2 a report prepared by Sterling Transport Consultancy on the proposed revised DCO requirements relating to surface transport, requirements 18, 20, 31 and 37, as set out in Schedule 2.

Requirement 31 (construction sequencing)

5. CAGNE continues to maintain that it is entirely appropriate and necessary for the Secretary of State to impose a phasing requirement preventing additional growth in passengers until the proposed Wastewater Treatment Works (“WWTW”) are constructed. CAGNE has explained the legal basis for such a requirement at §§58-80 of its Closing Submissions ([REP 9-223](#)).

6. CAGNE is concerned that the effect of the draft wording proposed by the Secretary of State at proposed requirement 31(5) is to prevent the WWTW from coming forward in circumstances where it is nonetheless required to accommodate the additional flows.
7. Requirement 31(5) reads as follows:
(5) The commencement of Work No 44 (wastewater treatment works) must not take place until and unless Thames Water Utilities Limited confirm in writing within two years of the making of this Order that following review of the development phasing plan its infrastructure will not be able to accommodate the additional foul water flows for the ten-year period after the commencement of dual runway operations.
8. On the approach of proposed 31(5), the WWTW could only come forward if Thames Water ("TW") positively confirms within two years of making the order that following review of the development phasing plan its infrastructure will not be able to accommodate the additional foul water flows. The WWTW could not come forward if TW remains uncertain about its capacity.
9. However, as TW has explained [in its response](#) to the Secretary of State, a fundamental reason that TW is still unclear about the capacity of its infrastructure to accommodate additional flows is that Gatwick has, to date, not paid for the requisite survey work. The new draft requirement 31 incentivises Gatwick to delay for a further two years and to not pay for the surveys, because if TW cannot positively say within two years that it cannot accommodate the additional flows, then Gatwick no longer has to build the WTWW.
10. As such, the draft requirement 31 provides an incentive for Gatwick to frustrate TW's analysis of its capacity. That is an unacceptable result. The conclusion may be that Gatwick is not required to build the WTWW, in circumstances where the WTWW are needed but TW has simply not been able to complete the analysis to prove the same.
11. Accordingly, CAGNE is strongly opposed to the inclusion of requirement 31(5) as currently drafted, and supports the amendments tabled by TW to resolve this concern.
12. Finally, CAGNE supports the Secretary of State's approach of linking the commencement of the DCO with the provision of the WTWW, per the proposed requirement 31(6). However, as detailed in previous representations, the final 'tailpiece' sentence of proposed 31(6) is unlawful, as it allows Gatwick to resile from providing the WTWW without any hypothetical alternative having been properly assessed as part of the Examination. CAGNE refers the Secretary of State to its legal representations that explain the planning basis for requiring the WTWW to be in place prior to the increase in flows ([REP 9-223](#) at §§58-80).

Yours faithfully



Leigh Day



Note

Title	Noise Response to Secretary of State's Letter		
Project	Gatwick Airport DCO		
Reference	28AD.NT.10.0	Author(s)	BHo
Date	10 January 2025	Reviewer	VC

Overview

1. This note sets out Suono's response to the noise-related aspects of the comments requested in the Secretary of State's letter, dated 3rd January 2025.
2. This response covers the three altered noise DCO Requirements set out in Schedule 2, which are Requirements 15 (Air Noise Limits); Requirement 18 (Receptor Based Noise Mitigation); and Requirement 19 (Airport Operations).
3. Throughout the DCO, Suono have set out matters that have not been addressed by Gatwick and find that the SoS's proposals would generally remove or ameliorate the identified issues. Where Suono believe that further amendments would improve the proposed Requirements, these have been set out.

Requirement 15 – Air Noise Limits

4. In the letter dated 9th December 2024, the SoS sets out proposed air noise limits in Table 1. The requirement is written in a way which concurs with the air noise contour limits in place at multiple international airports in England. It also removes the need for the noise envelope framework set out by the Applicant, such as can be seen in APP-177.
5. To seek to avoid repetition of the matters already raised during the DCO, we note that we have previously raised the following points:
 - Air noise limits should be based on the Central Case, to align with national aviation noise policy [as can be seen in, e.g. REP2-070 and REP9-223].
 - Air noise limits should not be allowed to increase in 14 years due to potential changes in policy [as can be seen in, e.g. REP4-099].
6. As written, the mechanisms of the SoS's proposed Requirement could alleviate both matters.
7. Taking the Central Case air noise contour values from Table 14.9.6 of APP-039 (the ES Noise Chapter), Table 1 of Schedule 2 proposed by SoS would update to the values seen in Table 1 of this note, below.
8. An extra column has been added for future operations at Gatwick, nominally some 11 years from beginning of dual runway operations. This is to ensure that the future noise reductions expected by Gatwick, based on their own assessment, are secured in the DCO. Such an addition would be in line with policy through demonstrating a sharing of benefits, such that growth is being accompanied by noise reduction.

9. Where lower limits appear to have been agreed between Gatwick and SoS, as set out in Gatwick's response to SoS's letter dated 23rd December 2024, these have been put into the table.

Table 1 Air noise limits

Air noise contour	Enclosed area from the first to the fifth year of dual runway operations	Enclosed area from the sixth year of dual runway operations	Enclosed area from the eleventh year of dual runway operations
51 dB $L_{Aeq,16h}$	125	125	114
45 dB $L_{Aeq,8h}$	142	135	126

10. To summarise the positions set out in the previous DCO documents listed in para.6 above, using the limits suggested in Table 1 would, in our opinion, be in line with aviation noise policy for the following reasons:

- Certainty on future noise levels is provided to the local community;
- Noise limits are in line with the noise assessment undertaken in APP-039 (which represents the only scenario that has been assessed);
- The number of people significantly affected by aircraft noise would be reduced, compared to Gatwick's other proposed scenarios;
- The limits would limit, and where possible reduce, the total adverse impacts on health and quality of life from aviation noise, compared to Gatwick's other proposed scenarios;
- The limits would allow Gatwick Airport to achieve what is being applied for, as they are derived from their Central Case.

11. Suono therefore support the direction of the SoS's amendments, including the use of the Central Case during the daytime in the first five years of limits and have suggested amendments to further improve the Requirement.

Requirement 18 – Receptor Based Noise Mitigation

Avoiding Significant Effects

12. In the letter dated 9th December 2024, the SoS sets out new recommendations for the proposed Noise Insulation Scheme (NIS). Gatwick have then proposed revisions to their previous NIS.

13. Suono have previously raised matters relating to the NIS, such as is set out in REP9-223 and do not wish to repeat these points. We note that these matters appear unaddressed in Gatwick's most recent proposals.

14. In order for receptor-based noise mitigation to be mitigation, it must be in place before the noise effects occur. It does not appear that Gatwick's proposals allow for premises to be protected before the additional runway is in operation and thus they are putting forwards compensation instead.

15. We note that the SoS's proposals would be in place before the noise effects would occur, as they are required to be completed beforehand. This approach was also taken at Dublin Airport when the new runway was built there, with the runway not being able to become operational before the NIS was in place.

Ambient Noise

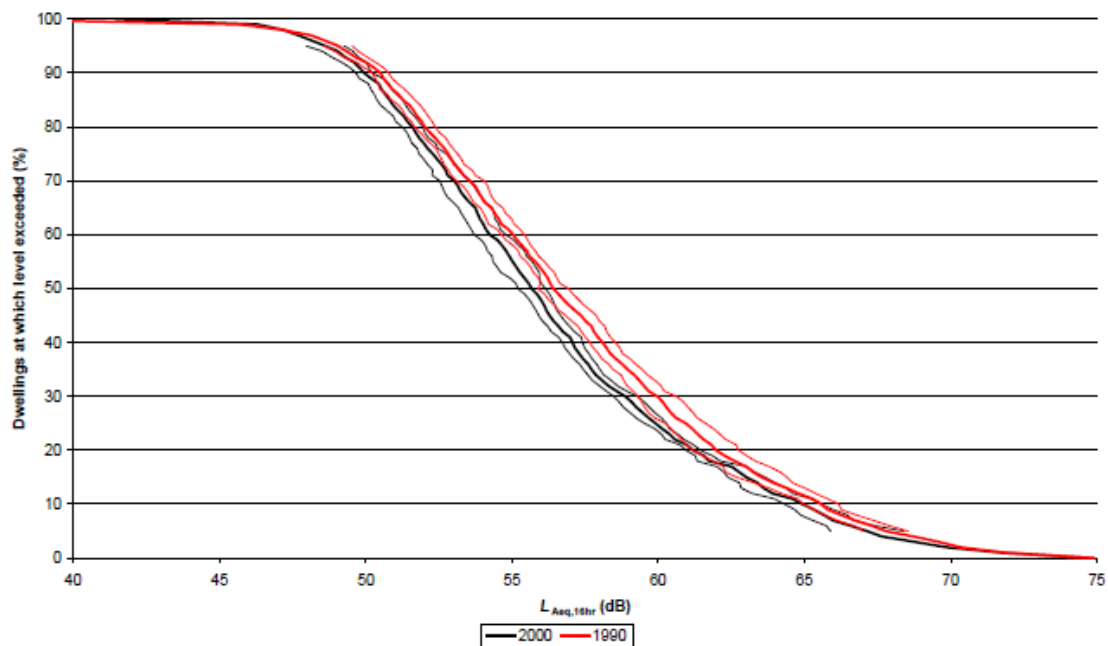
16. Gatwick's response to SoS's letter, dated 23rd December 2024, states:

"[(7) For eligible residential premises where ground noise in combination with air noise exceeds the relevant qualifying levels as stated in sub-paragraph (14)(j) and is higher than ambient noise, the package of receptor-based mitigation measures shall only be required for any facades to noise sensitive rooms.]"

17. "Ambient noise" is not adequately defined in the Requirements and should not be considered in the provision of mitigation.

18. The BRE National Noise Incidence Study from 2000 sets out the most recent survey of national noise levels. Figure 7.5 from that report provides the statistical information on the range and incidence of ambient noise levels throughout the country in the form of a cumulative distribution of daytime (07h00 to 23h00) L_{Aeq} noise levels, as can be seen below.

7.5 Figure 5 – Cumulative distribution for 16hr L_{Aeq} (0700 – 2300)



19. Were Gatwick to not include premises where noise levels are in line with the thresholds proposed (51 dB $L_{Aeq,16hr}$), the above figure suggests that over 90% of all premises might not be eligible.

20. It is unacceptable to omit more than 90% of premises on the basis that they already experience some level of noise.

21. Indeed, should these premises already benefit from noise mitigation and insulation measures installed, then Gatwick would not need to improve on them if they already meet the proposed specification. The same outcome would therefore be reached without excluding premises which are not already insulated as well.

22. There is also uncertainty around use of the word “commissioned”, which is stated several times in Gatwick’s current proposals, as this is not defined anywhere nor was it raised during the DCO.

23. The SoS’s proposal does not include any such caveat and as such is supported by Suono.

Requirement 19 – Airport Operations

24. The SoS has proposed to introduce a passenger throughput limit. As set out in REP9-223, Suono support such an approach.

25. Gatwick have responded, stating:

“...a passenger limit and the restriction it imposes would neither be necessary nor justified from the evidence available to the examination.”

26. We do not take a passenger throughput limit to be unjustified. Such a limit is in use at numerous UK international airports; reporting on the throughput against the limit provides all parties with a clear understanding of how the airport is performing against its aspirations and constraints in an understandable manner.

27. Further, it is identified in CAP1129 (Noise Envelopes) as a useful control, especially when combined with other parameters, such as those proposed in Requirement 15.



CAGNE Response to Consultation 2: Proposed Requirements

Sterling Transport Consultancy Limited

17 January 2025

Introduction

Sterling Transport Consultancy has reviewed on behalf of CAGNE the proposed revised set of Requirements for the Gatwick Airport DCO application.

The proposal of a complete revised set of Requirements by the SoS appears to be unique in DCO applications. We note that no “tracked changes” version appears to be available which makes informed comment on the SoS proposed wording challenging

This commentary covers the effects of the SoS’s proposed requirements on surface access matters.

Receptor based noise mitigation - requirement 18.

We note that the eventual noise mitigation required could be the purchase and potentially repurposing of property adversely affected by aircraft noise. The implications for surface transport in such a scenario is not currently codified nor considered in the ES. Whilst a practical approach to removing dwellings from the noise envelope and unacceptable consequences of aircraft overflying the proposed approach leaves significant unmeasured impacts that are not capable of recognition through the current environmental controls applied in the dDCO.

Surface access - requirement 20

The surface access requirement provided much debate at the examination hearings. We along with other IPs (e.g. the joint legal local authorities) have provided detailed evidence to conclude that the Surface Access Commitments (SACs) are meaningless without a clear baseline transport mode share profile being in place prior to the commencement of dual runway operations. The proposed revisions to wording of Requirement 20 go part way to addressing this deficiency. We are unclear why this applies to “first use of airport facilities” rather than at the point of dual runway operations commencing. The SoS worded Requirement 20 would still allow dual runway operation to commence irrespective of the Airport’s mode share performance at that date. As the operation of the dual runway is the prime trigger for increasing passenger numbers we believe that the mode share starting position should be measured at that point. This also reflects the base position that applies to the ES.

We note that the baseline mode shares proposed by the SoS are unambitious given that the dual runway is unlikely to be operational until the early 2030s and that the Airport consistently referred to their “proactive approach” to surface access matters during the examination hearings.

Construction sequencing plan - requirement 31

We note that this requirement is designed to control the conduct of works in relation to the airport foul drainage system. We welcome that dual runway operations will not be permitted until suitable on-site management of foul water is in place. Should this requirement not be imposed the surface access issue of moving unspecified volumes of foul water off-site would be significant and not assessed in the ES.

Carparking - requirement 37

The quantum of parking to be provided under the DCO proposals was the subject of strong debate at the examination. Only late in the day was clarity provided by the applicant on parking quantum in the without- and with- DCO development scenarios. The caps now proposed by the SoS bring a suitable level of clarity to the DCO on-airport position but fail to:

- (i) Engage with the issue of off-airport parking and how the additional aviation demand created by the application scheme would increase off-airport parking and rogue operation of unapproved parking facilities nearby.
- (ii) Put in place a suitable mechanism to control additional parking that may be sought by the airport in response to DCO scheme passenger and staff demand for parking. The SoS draft requirement names CBC as the appropriate body to determine future car parking impacts. We would consider that this requirement should read “CBC in conjunction with National Highways and the local highway authority” in order to ensure that surface access impacts are fully investigated during any approval process.