

Interested Party Reference number: 20045900

Gatwick Airport Northern Runway Project – Development Consent Order (DCO)
Written Representations for Deadline 6 26th June, 2024

Dear Examining Authority

Please find our further written submissions for the 26th June Deadline 6

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Yours faithfully,

Peter Barclay

Chair, Gatwick Area Conservation Campaign

GACC response at DCO Deadline 6 on 26th June, 2024

1 Noise

Introduction

This submission comments on points made in ISH8 on noise issues (agenda item 6).

Noise context

GACC notes that of the 4,800 relevant representations made to the Authority well over 80% were opposed to expansion of Gatwick. The great majority of those referred to the noise impacts the proposed expansion would have.

GACC further notes that there is overwhelming and growing evidence - which is accepted by both the UK government and the World Health Organisation - that aircraft noise causes regular sleep disturbance, increases the risk of stroke and heart disease, can impede memory and learning in children and has a range of other health and quality of life impacts. Aircraft noise is a serious public health issue.

Noise envelope

Consultation and engagement

The Government's Airport's National Policy Statement (ANPS) requires noise envelopes to be "*defined in consultation with local communities*".

The CAA's guidance on noise envelopes (CAP 1129) says it is "*... essential that agreement is achieved between stakeholders on the envelope's criteria, limit values and means of implementation and enforcement*".

The airport consulted and engaged on its noise envelope proposals in 2021/22.

However, it's engagement was defective in numerous material respects and therefore failed to meet the ANPS and CAP 1129 tests.

First, the airport rejected all engagement process proposals made by community groups and councils. These proposals were designed to align the engagement process with CAA guidance and the ANPS. For example, community groups proposed the engagement should be independently chaired as CAP1129 envisages may be necessary. This was rejected. We note that the airport states in its response to deadline 4 submissions (Rep 5-072, NV.1.9) that "both subgroups of the Noise Envelope Group were independently chaired". That is not true. Numerous other process and timetable proposals were rejected.

The airport then refused to provide additional data and analysis that was essential to effective noise envelope engagement and which only it could provide, rendering meaningful engagement impossible.

Finally, the airport rejected the overwhelming majority of comments on its proposals.

In ISH 8 Mr Sinclair, speaking for the applicant, said he would defy anyone to argue that

the airport had not listened to comments on its noise envelope proposals. The evidence shows clearly that it has not done so. The noise envelope proposed by the airport is (subject to changes alluded to in ISH 8) in all material respects the same as the one described in its 2021 consultation. There have been only two changes of any significance. First the airport proposes to report a number of secondary metrics. Given these will have no limits or enforcement processes associated with them they are of no practical value to communities. Secondly the airport corrected an oversight which might have meant that the noise envelope limit stepdown proposed for the end of the first period (after nine years) was never triggered. This was merely the correction of an error.

The airport's noise envelope engagement process was tokenistic and ineffective. The proposed noise envelope has not been "defined in consultation with local communities" as required by the ANPS and agreement has not been reached on any material aspect of the envelope as required by CAA guidance.

In our view the airport should be required to engage properly, under independent chairmanship, to develop new noise envelope proposals.

Metrics

Gatwick has proposed a single, average noise, (Leq) metric.

It is widely accepted, including by government, the CAA and ICAO, that average noise measures do not portray aircraft noise as experienced by communities. All relevant policy and guidance advises against its use as a sole metric.

*The APF says "... we recommend that average noise contours should **not** be the only measure used Instead the Government encourages airport operators to use alternative measures which better reflect how aircraft noise is experienced in different localities, developing these measures in consultation with their consultative committee and local communities. The objective should be to ensure a better understanding of noise impacts and to inform the development of targeted noise mitigation measures".*

CAA guidance on noise envelopes recommends using a "combination of parameters" and states that "where unilateral agreement cannot be achieved using standard metrics, consideration should be given to designing envelopes using other metrics provided that they are scientifically valid and robust".

Gatwick's envelope, based solely on Leq metrics, does not meet any of those tests. It could not be clearer that an envelope based on a single metric is neither appropriate nor policy compliant.

Policy compliance

Government policy (the 2013 Aviation Policy Framework) says that "as a general principle, the Government expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows. As noise levels fall with technology improvements the aviation industry should be expected to share the benefits from these improvements".

The ANPS says that *“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.”*

Gatwick’s noise envelope proposals do not achieve these policy principles.

For the first noise envelope period, for nine years, the benefits of growth would accrue almost entirely to the airport. It would enjoy a more than 60% increase in passenger capacity while communities would suffer substantial increases in noise. Even if the airport’s revised noise envelope proposals offer a marginal reduction in noise (using Leq metrics solely) from 2019 levels, it will not have met the test that the benefits of growth should be shared in any plausible way.

For the second noise envelope period the noise impacts on communities would continue to be greater than in 2019 once account was taken of the frequency of aircraft, a key measure of community impact. After the second noise envelope period, the proposed review process would potentially allow noise to increase above the 2019 base year level on any measure.

Gatwick’s assessment of benefit sharing, set out in Environmental Statement Appendix 14.9.9: Report on Engagement on the Noise Envelope is misleading and incomplete. The airport has attempted to assess the sharing of benefits arising from technology improvements (i.e. a new fleet), using a single and inappropriate metric, but has made no assessment of whether overall benefits are being shared, as both the Aviation Policy Framework and the ANPS require.

Rather than the airport reducing noise as capacity grows, as policy requires, noise would increase substantially and potentially indefinitely. And rather than the benefits of growth being shared, they would flow almost entirely to the industry.

In summary the noise envelope proposed by Gatwick fails to meet all relevant policy tests and should be rejected.

Noise envelope seasonal coverage

The airport’s proposals only set limits in relation the summer peak period. At all other time of year there would be no noise envelope limits. It would therefore be possible for the noise impacts on communities, and the associated costs, to increase very substantially from current levels for 10 months of the year with no limits or controls.

The Aviation Policy Framework states that *“The Government wishes to pursue the concept of noise envelopes as a means of giving certainty to local communities about the levels of noise which can be expected in the future ...”*.

It is clear that an envelope which only sets limits for a two-month period cannot provide communities with certainty.

The noise envelope must therefore set limits, that adhere to the policy

principles set out above for all periods of the year.

Noise envelope reviews

The airport has proposed noise envelope review, compliance and breach arrangements that are wholly one sided and do not comply with policy.

New review, compliance and breach arrangements should be developed and agreed.

Noise envelope conclusions and next steps

The airport's noise envelope proposals are inadequate in multiple and fundamental respects.

If development consent is to be granted a mechanism needs to be found to develop a new envelope that complies with policy and guidance. Specifically, it must:

- a. ensure that noise reduces as capacity grows, at a pace that achieves a genuine sharing of the benefits of growth between industry and communities;
- b. cover all periods of the year to provide the certainty policy requires;
- c. incentivise noise reduction;
- d. be based on a suite of metrics and limits to be agreed with all stakeholders, not a single average noise metric; and
- e. contain review, compliance and breach arrangements that reflect these principles.

GACC's response to EA question NV.1.10, submitted at deadline 4, proposes a combination of measures for the period 2029 to 2038 that would better achieve government policy. These were as follows:

- a. A Leq 16 hour Day 51 dB peak summer season noise envelope limit of 108.8 km² for the period to 2038; and
- b. A ban on night flights between 11pm and 7am as required by the Airports National Policy Statement; and
- c. A noise envelope limit for the remainder of the summer day period (i.e for the British Summer Time period outside the peak summer season for which Gatwick has proposed the noise envelope should apply) that requires noise to reduce materially in that period; and
- d. A noise envelope limit for the winter day period that require noise to reduce materially in that period; and
- e. Limits on aircraft movements between 10.00 pm to 11.00 pm, a period of high community impact and sensitivity, to no more than operated in 2019; and
- f. Limits on the noisiness of individual aircraft.

Night flights

The ANPS requires a ban on scheduled night flights between 11pm and 7am.

The ANPS is clearly stated to be an important and relevant consideration for applications for any airport nationally significant infrastructure project in the South East of England, not just Heathrow.

The airport's view that current night flight regulation by the Secretary of State is adequate and can be relied upon by the EA in the context of a substantial expansion of the airport is plainly wrong. Parliament voted by a very substantial majority to ban night flights at Heathrow as a condition of any expansion and made clear that a similar approach should be considered for any other airport expansion in the South East of England.

A ban on night flights and a comprehensive package of measures to incentivise the use of the quietest aircraft at night outside the hours of a ban should be conditions of any approval of the DCO.

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2 Climate Impacts

Significance of Climate Impacts of Gatwick Expansion Plans

The Applicant have claimed that the DCO application and their plans to make the Northern Runway operational at Gatwick Airport and increase flights such as to increase passenger numbers from 46 mppa to 80 mppa by 2050 are not significant with respect to their climate impact.

GACC have challenged this assertion. Principally in our main written submission, and subsequently.

On Thursday 20th June the Supreme Court ruled in the case of *Finch v Surrey County Council* that a Project to drill for oil must consider the downstream impacts of burning that oil in its assessment of climate impacts as part of its Environmental Impact Assessment.

GACC believe that this should be applied to the similar link between building a runway that enables increase in flights from an airport.

The judgement clearly states that it doesn't matter if the GHG emissions occur in a different place from the development, they still need to be assessed. In particular we highlight:

1. "There is no principle that, if environmental harm is exported, it may be ignored."
2. "It is wrong ... to treat the impact on climate of GHG emissions as local to the places where the combustion occurs." [paragraph 96 of the judgement].
3. "Climate change is a global problem precisely because there is no correlation between where GHGs are released and where climate change is felt. Wherever GHG emissions occur, they contribute to global warming." [paragraph 97].
4. "The effect of the combustion emissions on climate does not depend on where they occur, and it is thus unnecessary to know where the GHG emissions will occur to assess their environmental impact." [paragraph 114].

The full judgement is attached for consideration of the Planning Inspectorate in Appendix 1

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3 Air Quality- Ultra Fine Particles

A new report was published on Tuesday 25th June 2024 by a leading European transport campaign group, T&E. This report (attached in Appendix 2) finds that ultra-fine particles (UFPs) from aircraft could pose serious health risks to the populations around airports. Using extrapolated data, the report suggests that at the four UK airports studied – London Gatwick, Stansted, Heathrow and Manchester – UFP from aircraft could be associated with, in total, an additional 41,000 cases of high blood pressure, 44,000 cases of diabetes and 2,200 cases of dementia.

The study provides an estimate of the scale of health effects caused by aviation in Europe, by extrapolating data from Schiphol Airport in Amsterdam. It takes into account population exposure at major airports, and adjusts for the health impact of other factors such as noise and other air pollutants in order to identify the harm caused specifically by UFPs. Actual risk for any individual will vary depending on their personal circumstances, the report notes, as well as their 'exposure history' (how long they have lived near the airport, for example).

In the UK, air pollution laws provide some protection from dangerous levels of pollutants such as nitrogen oxides and particulate matter generally (including UFPs), but there are no legal limits focused specifically on levels of UFPs. A growing body of evidence links UFP exposure with various forms of cancer, heart disease, COPD and respiratory diseases.

The AEF has published policy recommendations based on the report findings and which GACC fully support :

The UK is lacking an up to date, comprehensive national review of pollution levels (including UFPs) and health risks of living near major airports. The UK Government should undertake to provide an updated review in these areas.

- Government should follow WHO guidance and integrate UFP monitoring into existing air quality monitoring.
- Airport expansion should be paused, and measures to protect populations near airports must be considered. Suggested precautionary measures include: establishing limit values for UFP exposure and updating PM2.5 and NOx targets to align with the latest WHO guidance and Ella's Law.
- Consider introducing new standards for aviation fuel to reduce the amount of particulate matter release on combustion. Such standards could be supported by processes such as hydrotreatment.

The Examining Authority is asked to review the report and note the AEF/GACC policy recommendations above.

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Water Neutrality

Water neutrality is defined as development that takes place which does not increase the rate of water abstraction for drinking water supplies above existing levels. (Natural England, 14 September 2021)HTC

GACC is concerned that whilst the water utilities are indicating provision of water supplies required for an expanded Gatwick as proposed can be adequately met locally SES Water is promoting the introduction of water meters locally because they note there is a shortage of water availability. Their promotion literature states:

"In addition, climate change is affecting how much water is available for us to supply and it is predicted that droughts will become more common and severe. The water we supply comes from local rivers and underground sources that feed rare chalk streams, which are under threat from climate change.

So, at SES Water, we need to plan to make sure there is enough water for all our customers and to protect the environment, which provides our water supplies.

Reducing the demand for water is an important part of how we will achieve this. Evidence shows that, on average, metered customers use 15 per cent less water, meaning that by having a meter customers are not only using water more efficiently, they are – in most cases - also lowering their bills.

That's why we've started to provide meters for our customers who don't currently have one, in the hope that by 2025 90% of our customers will be on a meter."

The Examining Authority is asked to obtain assurances that the water utility companies categorically do not enter into agreements with GAL that provide it with water supplies to the detriment of local communities. There should be a review of evidence as to the impact of climate change on the water supply in the area surrounding Gatwick.

GACC would note that in the absence of SES Water agreeing to provide water the Examining Authority considers also any application by GAL for water supply from Southern Water and propose suitable conditions on Gatwick that protects local communities in the same way should any DCO permission be granted.

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