

Secretary of State
Department for Transport
Great Minster House
33 Horseferry Road
London, SW1P 4DR
15 January, 2025

Interested Party Reference number: 20045900

Application by Gatwick Airport Limited Seeking Development Consent for the Proposed Gatwick Airport Northern Runway Project (Ref: TR020005)

Comments on the Secretary of State's letter dated 9 December 2024 and responses thereto

We refer to the letter dated 9 December 2024 sent on behalf of the Secretary of State for Transport ("SoS") and the response to that letter from the applicant and others.

Requirements 1 - 14

GACC note the Requirements 1 to 14 inclusive and have no comment on these.

Requirements 15 and 16- Air Noise Limits

We are extremely concerned about the wording associated with proposed Requirement 15 and the removal of Requirement 16.

In particular we consider that the requirement as drafted is a gross departure from national aircraft noise policy in both the short and long terms and would have extensive harmful effects for local communities and those under flight paths.

In our view the SoS's proposals fail to comply with policy in the following key respects.

Sharing of benefits

The Aviation Policy Framework (APF) states that "*as a general principle, the Government therefore 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.*"

In addition, the ANPS says that noise envelopes must "... *achieve a balance between growth and noise reduction*".

The SoS's noise envelope proposals do not achieve the APF policy principles or achieve a balance between growth and noise reduction as required by the ANPS.

The applicant's Central Case baseline forecast is that the 2029 Leq 16 hour Day 51 dB contour will cover 120.1 km², whereas the SoS's proposal is for a limit of 125 km², an increase on the baseline position. Given the SoS has not proposed any offsetting noise benefits, it follows that the policy requirements for noise to reduce as capacity grows and for the benefits of growth to be shared would not be achieved by her proposals.

In order to be policy compliant day and night period noise limits should either reduce from the baseline position at a pace and to an extent that achieves the required balance (consistent with GACC's previous proposals [[Dead Line – Para 10](#)]) or mandate offsetting noise benefits, such as a ban on night flights. In the absence of either proposal, the SoS's requirement could not in our view survive scrutiny against the tests set out in the APF and the ANPS.

Noise level certainty

We understand that the SoS's noise limit proposals relate to the 92-day summer period 16 June to 15 September inclusive. If that is the case, they do not satisfy the APF requirement that noise envelopes should give communities certainty about future levels of noise, because there would be no restrictions on noise outside the core summer period. Instead noise levels would be completely unlimited for 75% of the year including extremely busy times such as Easter, Christmas and the Autumn holidays. That would be both wholly unacceptable to communities and wholly non-compliant with policy.

The noise envelope requirements should cover all periods of the year, providing for policy compliant reduction in noise and benefit sharing at all times, or delivering alternative benefits, such as a ban on night flights.

Inappropriate metrics

The SoS's proposed noise envelope uses a single, average noise, metric, Leq. It is widely accepted that Leq does not portray aircraft noise as experienced by communities, and 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 when airports seek to explain how locations under flight paths are affected by aircraft noise.*"

The CAA's noise envelope guidance, CAP 1129, 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”.

The ANPS requires noise envelopes to be tailored to local priorities and to be defined in consultation with local communities.

The SoS’s proposed noise envelope metrics do not meet any of these tests. Any noise envelope should include a suite of metrics and limits to be agreed with all stakeholders.

Noise envelope limit reviews

The SoS has proposed noise limits that would apply from the sixth year of dual runway operations but removed any provision for reviews of those limits thereafter.

That is an extraordinary position for the SoS to take. Every stakeholder involved in the inquiry, including the applicant, advocated that there should be a process for renewing noise envelope limits periodically with a general expectation that limits would reduce over time. The Examining Authority endorsed that view and made specific recommendations in that respect.

Failure to mandate a review mechanism would mean that the noise limits at Gatwick would become out of date and ineffective with no means for updating them. That would be a wholly irresponsible approach to policy delivery and entirely unacceptable to communities around the airport.

Requirement 18 - Receptor based noise mitigation

GACC support the SoS proposals as outlined in Items 1 - 7

Requirement 19 - Airport operations

(1) If the application is accepted, we strongly support the need for a cap on both passenger numbers and aircraft movements. In our view the caps should be set at levels well below the applicant’s forecasts to allow planning authorities and the government to assess the actual impacts of expanding the airport.

-(2) Night flights

The SoS has proposed night period noise limits broadly consistent with those suggested by the applicant. If these limits were implemented the SoS would have removed the possibility of banning night flights as a means of striking a balance between the aviation industry and local communities, and made it virtually impossible to achieve outcomes consistent with government noise policy.

We note that the ANPS requires a ban on scheduled night flights between 11pm and 7am if Heathrow was to develop a third runway and that 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.

We also note that the proposed summer night period limits provide headroom for additional night flights in the summer period and offer no protection in the winter period. By making specific reference to a night flight ban in the ANPS Parliament has made clear that relying solely on future government night flight restrictions is not a sufficient measure and does not provide sufficient community protection where an airport is seeking consent for major expansion.

The SoS should mandate a ban on night flights as a condition to any approval of the DCO. In addition, the SoS should require that a comprehensive package of measures is put in place to incentivise the use of the quietest aircraft at night outside the hours of a ban, as also required by the ANPS.

Requirement 20 – Surface Access

GACC supports the proposed Requirement 20, whilst maintaining our position that the mode share targets in the DCO are too weak as they include continued growth in car use.

GACC disagree with the response from London Gatwick. On the one hand GAL claims a “track record of investing in public transport initiatives” but on the other hand are concerned about the effect of not meeting the mode share target. GAL is concerned that small non-achievement of the target would prevent operation of the airport. If GAL regard non-achievement as a plausible scenario, then GAL should have represented this position in the DCO application and hearings, and presented a target that they were confident could be delivered. GACC, and other participants, would have responded accordingly. GAL’s response to Requirement 20 raises questions about the validity of their DCO application.

In its response to Requirement 20, GAL notes the following: “*The Applicant would also expect the Government to continue to play its part in improving rail services, including facilitating resilient and reliable rail connections to Gatwick Airport to encourage sustainable travel...*”. In effect, this appears that GAL wish for responsibility to be placed for the investment needed to deliver the mode share targets onto the Government whereas, in our view, it should be the responsibility of GAL as the Applicant to ensure that the infrastructure is in place to meet the project targets.

If the Applicant had doubts about the delivery of the rail services needed then either it should have excluded these rail investments from its modelling or provided the necessary funding to ensure the required rail service improvements would be delivered.

Requirement 21 - Carbon Action Plan

In reviewing the comments received with respect to the first DfT letter (9 December 2024), GACC were surprised to see no changes proposed with regard to Clause 21, which is currently the sole reference to carbon emissions in the entire Schedule 2

requirements as to how future Gatwick Airport operations are proposed to be governed.

GACC remain of the strong view that the Gatwick Northern Runway DCO should be refused permission by the Secretary of State (SoS) as the climate change objection to the project is insurmountable and cannot be mitigated. Notwithstanding that, and without prejudice to that view, GACC contend that the SoS should significantly strengthen the way in which climate change is proposed to be governed in the future at Gatwick, regardless of whether the DCO is permitted or not, with regard to the scope, monitoring and enforcement of the Airport's climate impact.

Schedule 2 only references the CAP to be agreed with CBC in Clause 21. GACC contend that governance of the Climate Action Plan (CAP) should not solely be a matter for GAL and Crawley Borough Council (CBC). GACC strongly believe that the DCO agreement should: i) clearly outline the operational objectives and parameters that the CAP is required to deliver; ii) that its scope should extend from ABAGO to include the GHG emissions associated with surface access and flights; and iii) that governance of the CAP should involve national regulator such as CAA as well as CBC, and advised by the Climate Change Committee (CCC).

i) Include operational parameters

While operational parameters are set for noise in Schedule 2, such as through noise contours and night flights no comparable parameters are proposed for climate change in Schedule 2 itself. Thus, noise from aircraft, which is analogous to scope 3 GHG emission from flights, is built into Schedule 2. But, climate change, is still not. Without inclusion of parameters it is not clear how the DCO will ensure that an effective framework, such as through the CAP, is established to control greenhouse gas emissions

This sets no parameters, nor sets requirements as to what the CAP should contain. Given the UK's government commitment to reduce greenhouse gas emissions, including for international aviation and shipping in the Sixth Carbon Budget, GACC would expect this clause to guide, inform and bind the airport to deliver on what ever greenhouse gas emission budget is set for the airport within whatever overall aviation sector cap on greenhouse gas emissions is set by Government each five years.

ii) Extend scope to include flights

In the DCO inquiry the inspectors proposed that enforceability on climate is limited to emissions that occur relating to the Airport itself (ABAGO emissions). However, the climate impact, as highlighted in the Environmental Statement includes greenhouse gas emissions associated with surface transport, waste disposal and flights (full flight impact including cruise, not just take-offs and landings), which GACC and others called on to be included within the CAP during the DCO examination.

Without such inclusion there is no meaningful link between records of actual aviation (flight) emissions associated with each airport against carbon budgets (currently only tracked with respect to use of bunker fuels).

It is not clear how, without this link for inclusion within the DCO Schedule 2 for Gatwick, and similar for all airports, the government will be able to properly monitor let alone actively manage down aviation's greenhouse gas emissions.

iii) National level governance and advice required

In addition, GACC would propose that the approval and oversight of the CAP is not the sole responsibility of CBC. CBC does not have sufficient expertise, with regard to full flight or surface transport emissions, to be the body to have sole responsibility for governing Gatwick's climate impact. Therefore, GACC would expect this clause to be revised such that the CAP is governed by a national regulatory body, in receipt of advice from the UK Government's Climate Change Committee. GACC believe that alongside links to CBC a national regulator should have a role in determining the adequacy and efficacy of the CAP, in addition to its monitoring and enforcement.

GACC argue that the CAP should allow national bodies to track actual aviation emissions associated with Gatwick Airport, to provide active feedback to/from Government aviation and climate policy.

Requirements 22 through to 39 - GACC have no comment.

Yours faithfully,

Peter Barclay
for GACC

