



National Infrastructure
Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer
Services: 0303 444 5000
Email: GatwickAirport@planninginspectorate.gov.uk

Jonathan Deegan
Gatwick Airport Limited

Your Ref:

By email only

Our Ref: TR020005

Date: 3 August 2023

Dear Mr Deegan,

Planning Act 2008 (as amended) – Section 51

Application by Gatwick Airport Limited for an Order Granting Development Consent for the Gatwick Airport Northern Runway project

Advice following issue of decision to accept the application for examination

On 3 August 2023 the Secretary of State decided that the application for the above project satisfied the Acceptance tests under section (s) 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's (the Inspectorate) Acceptance checklist and the application documents have been published and made available on the project webpage of the National Infrastructure Planning website.

In undertaking checks at the Acceptance stage, the Inspectorate has made some initial observations in relation to the application. This letter comprises advice to the Applicant provided under s51 of the PA2008 in respect of these initial observations. The Applicant should pay attention to its content and consider the appropriate action to take.

Submission of updated documents

With regards to items 2, 4, 5 and 8 listed below, it is strongly suggested that you revise the documents or submit the information requested before the commencement of the Relevant Representation period. This will then assist Interested Parties (IP) by allowing all parties the opportunity to understand more clearly the effects of the Proposed Development.

With regards to items 1, 6, 7, 9 and 10, it would be helpful and assist the examination process if the information or amendments to application documents were submitted to the Inspectorate no later than 10 working days before the Preliminary Meeting (PM), to enable them to be published on the project webpage of the National Infrastructure Planning website before the PM.

1. Adequacy of Consultation Representations

The Inspectorate is satisfied that the Applicant has complied with its duties under Chapter 2 of Part 5 of the PA2008, however it is noted that several local authorities have raised various concerns as part of their Adequacy of Consultation Representations (AoCR). For example, the AoCR of the Joint Local Authorities highlights their wish for more effective engagement with the Applicant and to progress work on Statements of Common Ground, Principal Areas of Disagreement Summary Statements and s106 agreements. The Applicant is advised to review and consider these AoCRs in detail, along with any original comments referred to therein, with a view to constructive engagement with host and neighbouring authorities to progress these documents.

2. Local authority issues tracker

In their AoCR the Joint Local Authorities indicated that a document for tracking progress on issues raised as part of the Applicant's statutory pre-application consultation would have been of benefit. The Applicant's Consultation Report (Doc 6.1) (paragraph 3.4.49) also indicated that it would be produced. The Applicant is advised to discuss with the Joint Local Authorities (and others, as necessary) to explore whether such an issues tracker would still be of benefit. Should this idea still have support, the Applicant is requested to prepare such a tracker for submission into the Examination prior to the start of the Relevant Representation period. If required, the document should take account of key issues raised by relevant local authorities from the Pre-application stage onwards, and progress made in resolving them. This should be kept up to date and be in a format suitable for publication, as any appointed Examining Authority may wish for updated versions to be submitted into the Examination at regular intervals.

3. Consultees identified on a precautionary basis

Given the individual circumstances of this case, the Inspectorate advises taking a precautionary approach to consultation under s42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in, the application are given the opportunity to participate fully in the Examination of the application. On this basis, the Applicant may wish to serve notice on the bodies listed in Box 6 of the s55 checklist when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.

4. Category 3 interests

A significant number of Category 3 interests have been identified. Whilst these are listed in the Book of Reference (Doc 3.3), given the number of entries it is considered that this has the potential to be difficult for IPs to navigate. To facilitate the Relevant Representations process, it is recommended that a plan on an Ordnance Survey base be provided, overlaid with the relevant noise contours. This will enable IPs to easily identify those properties that have been categorised as Category 3 and could be eligible for insulation/ compensation.

5. Land plot descriptions

Some plot descriptions in the Book of Reference (Doc 3.3) appear to be inaccurate, a specific example of which is included in Box 30 of the s55 checklist. The Applicant is requested to undertake a review of the Book of Reference (Doc 3.3) and ensure all land

plot descriptions are accurate and updated where necessary. An amended Book of Reference (Doc 3.3) should be submitted to the Inspectorate before the commencement of the Relevant Representation period.

6. Plots where no Compulsory Acquisition/ Temporary Possession powers are sought

The Land Plans (Doc 4.2) and Book of Reference (Doc 3.3) depict several plots which are shaded grey and have the prefix 'E'. These are not being sought for Compulsory Acquisition or Temporary Possession, but have been included within the Order limits on the basis that the Applicant may wish to carry out minor works such as protective works or utility diversion works within these areas, and therefore may seek to acquire rights over some of them via private agreement. The Applicant is advised to provide further explanation within the Statement of Reasons (Doc 3.2) as to the need for such plots within the DCO.

7. Missing work numbers

The Inspectorate notes that Work No. 21 has been omitted from the Works Plans (Doc 4.5) and draft DCO (Doc 2.1), despite Environmental Statement (ES) Chapter 5 (Doc 5.1) referring to this work number as being an "*internal road*". The Parameter Plans (Doc 4.7) also refer to Work Nos. 35(m) to 35(z), 36(r) to 36(z), and 37(h) to 37(n). None of these sub-works is included in Schedule 1 of the draft DCO (Doc 2.1). The Applicant is advised to investigate these anomalies and update the relevant application documents where necessary, including the draft DCO (Doc 2.1) and Works Plans (Doc 4.5).

8. Plans

Several apparently unlabelled plots have been identified on the Land Plans (Doc 4.2), as noted in Box 30 of the s55 checklist. These are as follows:

- To the southeast of Plot E/11 on Sheet 1.
- To the northeast of Plot E/11 on Sheet 1.
- Between Plot 1/173 and 1/191 on Sheet 1.
- Between Plot 1/226A and Plot 1/226B on Sheet 1.
- To the north of Plot 1/241 on Sheet 1.
- On the north end of Woodroyd Avenue on Sheet 1.
- To the south of Plot 1/214 on Sheet 1.
- To the north of Plot 5/675 on Sheet 5.
- To the northeast of Plot 6/714 on Sheet 6.
- To the west of 6/739 on Sheet 6.

The Applicant should investigate these specific areas; carefully review the Land Plans (Doc 4.2) to identify any similar issues; and update any relevant documentation.

As noted in Box 30 of the s55 checklist, the Land Plans (Doc 4.2) and Special Category Land Plans (Doc 4.4) are unclear in places due to a lack of plan insets and drawing anomalies. The Applicant should review the plans in detail to address the specific examples highlighted in the checklist and identify any similar issues. Updated plans including insets should be provided where appropriate. The Applicant should also consider where general improvements to readability and clarity can be made.

Article 6 of the draft Development Consent Order (DCO) (Doc 2.1) indicates that the limits of deviation for works are illustrated on the Works Plans (Doc 4.5) via a corresponding numbered area. While the Planning Statement (Doc 7.1) (paragraph 4.4.2) indicates that the Parameter Plans (Doc 4.7) define the limits of deviation, the Works Plans (Doc 4.5) key refers to these areas as “*Works Area Extent*” but does not cite the term ‘limits of deviation’. It is therefore unclear whether ‘Works Area Extent’ is intended to depict limits of deviation. The Applicant is advised to revise the Works Plans (Doc 4.5) to clearly depict limits of deviation using standard terminology consistent with the draft DCO (Doc 2.1).

The Applicant is advised to consider the other minor errors and omissions detailed in Box 30 of the s55 acceptance checklist when submitting any updated plans.

9. Description of the Proposed Development

The Inspectorate notes that the Proposed Development is described in several ways within and between application documents. For example, Work No. 43 in the draft DCO (Doc 2.1) relates to “*Works to construct water treatment works*”. The corresponding work description in paragraph 5.2.3 of the ES Chapter 5 describes the “*provision of an additional water treatment facility*”, and Table 5.2.1 in ES Chapter 5 does not appear to reference this work.

Descriptions of works should, wherever possible, be consistent; this assists understanding and the examination of the application documents. The Applicant is requested to consider the description of the Proposed Development in relevant documents including the ES (Doc 5.1 – 5.3) and the draft DCO (Doc 2.1) and to ensure that further submissions throughout the Examination, both oral and written, utilise consistent phrasing in describing the works.

10. Minor errors and omissions

There are minor errors and omissions, as detailed in Box 30 of the s55 checklist. An Examining Authority, once appointed, may ask questions regarding these matters or request updated documents unless these are provided. It is also recommended that the Applicant undertakes a general review of the documents identified for consistency and grammar.

Please pay close attention to the advice set out in this letter and act on it accordingly. This will contribute towards a more efficient Examination and give any future Examining Authority comfort that the documentation is complete and accurate.

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

George Harrold

**George Harrold
Case Manager**

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