

The Planning Inspectorate
 National Infrastructure Applications Team
 Temple Quay House
 Temple Quay
 Bristol
 BS1 6PN

FAO: George Harrold (Case Manager)
 24 August 2023

Dear Mr Harrold,

Application for a development consent order by Gatwick Airport Limited for the Gatwick Airport Northern Runway project (Ref. TR020005) – Response to advice received from the Planning Inspectorate under section 51 of the Planning Act 2008

On behalf of the Secretary of State, the Planning Inspectorate issued a decision to accept the above application for examination on 03 August 2023. Following this decision, the Planning Inspectorate helpfully provided Gatwick Airport Limited (the "**Applicant**") with advice under section 51 of the Planning Act 2008 [PD-003] (the "**section 51 advice**"). Please find enclosed the Applicant's response to each point raised in the section 51 advice including the comments within Box 30 of the section 55 checklist [PD-002] ("**section 55 checklist**") provided by the Planning Inspectorate on 03 August 2023.

Submission of updated and additional documents

The Applicant has updated a number of the application documents and produced the additional documents requested in accordance with the section 51 advice and section 55 checklist. The table below sets out the updated and additional documents submitted for ease of reference, including the reason for submission.

| Updated or Additional Document | Document Title and Reference | Reason for Submission |
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| Updated | Navigation Document (tracked change version Doc Ref. 1.3 v2 and clean version Doc Ref. 1.3 v2) | To include the omission of the Consultation Report Appendices- Part B - Volume 19 [APP-242] referred to within Box 30 of the section 55 checklist and to include any updated or additional documents referred to within this response. To note, the references to 5.2 ES Non-Technical Summary Figures and ES Appendix 19.6.3: Recreational User Survey - Annex 1 have been removed as these |

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| | | were not submitted as part of the DCO application, |
| Updated | Draft Development Consent Order (tracked change version Doc Ref. 2.1 v2 and clean version Doc Ref. 2.1 v2) | As set out at Item 7 of this letter, in response to the section 51 advice and to correct omissions identified within Box 30 of the section 55 checklist. Additional typographical and stylistic points have also been corrected by the Applicant. |
| Updated | Explanatory Memorandum to the Draft Development Consent Order (tracked change version Doc Ref. 2.2 v2 and clean version Doc Ref. 2.2 v2) | To amend the typographical inconsistencies referred to in Box 30 of the section 55 checklist. Additional typographical and stylistic points have also been corrected by the Applicant. |
| Updated | Statement of Reasons (tracked change version Doc Ref. 3.2 v2 and clean version Doc Ref. 3.2 v2) | As set out at Item 6 of this letter, in response to the section 51 advice and to correct omissions identified within Box 30 of the section 55 checklist. |
| Updated | Book of Reference (tracked change version Doc Ref. 3.3 v2 and clean version Doc Ref. 3.3 v2) | As set out at Item 5 of this letter, in response to the section 51 advice and to correct omissions identified within Box 30 of the section 55 checklist. |
| Updated | Land Plans (Doc Ref. 4.2 v2) | As set out at Item 8 of this letter, in response to the section 51 advice and to correct omissions identified within Box 30 of the section 55 checklist. |
| Updated | Special Category Land Plans (Doc Ref. 4.4 v2) | As set out at Item 8 of this letter, in response to the section 51 advice and to correct omissions identified within Box 30 of the section 55 checklist. |
| Updated | Works Plans (Doc Ref. 4.5 v2) | As set out at Items 7 and 8 of this letter, in response to the section 51 advice. |
| Updated | Traffic Regulation Plans – Classification of Roads (Doc Ref. 4.9.2 v2) | To amend the omission identified within Box 30 of the section 55 checklist on Sheet 1A of the Classification of Roads plans. |

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| Additional | Ordnance Survey Base Map Identifying Category 3 Boundary (Doc Ref. 8.1) | As set out at Item 4 of this letter, in response to the section 51 advice. |
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For the Planning Inspectorate's ease of reference, the Applicant has adopted the same heading and item numbers below as utilised in the section 51 advice.

1. Adequacy of Consultation Representation

The Applicant has reviewed and considered the Adequacy of Consultation Representations ("**AoCR**") submitted by the local authorities in detail alongside any original comments referred to within these documents. The Applicant will continue to seek to constructively engage with the host and neighbouring authorities to address the comments and concerns raised in their AoCRs, including by way of regular meetings in order to progress the Statements of Common Ground ("**SoCG**"), Principal Areas of Disagreement ("**PAD**") Summary Statements and section 106 agreement. Additional detail on the proposed engagement approach is provided in response to Item 2 below.

2. Local authority issues tracker

Subsequent to receipt of the section 51 advice, the Applicant has engaged with the "Joint Local Authorities" ("**JLAs**") in response to the Planning Inspectorate's suggestion that the parties should discuss whether an Issues Tracker (recording the issues raised by the JLAs during pre-application consultation, and progress made in their respect) would still be of benefit.

The Applicant initially suggested to the JLAs that it considered it would be more effective and efficient to structure and track the outputs of engagement going forward via the SoCG process that was already underway between the parties (supplemented, where necessary, within any PAD Summary Statements); however, the JLAs confirmed they were of the view that an Issues Tracker would still be welcomed, and that such an Issues Tracker must be finalised before there can be any further discussion about SoCGs.

The JLAs requested that the tracker include:

- (i) the key issues raised by the JLAs from the pre-application stage, and particularly those identified in consultation responses and raised through the Topic Working Groups (TWGs),
- (ii) the Applicant's position in response, and
- (iii) signposting to where the Applicant considers the DCO application addresses such matters.

As such and in response to this request, the Applicant prepared and submitted to the JLAs on Friday 18 August 2023:

- (i) A list of the key issues identified in August 2022 following the pre-application consultations, which informed the subsequent TWGs. The Applicant's responses to such issues were shared with the JLAs at that point in time and have now been superseded by subsequent discussions between the parties in certain instances, but that original list and the responses have been retained for completeness (to ensure an accurate tracking of such issues/responses) and supplemented with additional signposting to where the issue is considered in the Application documentation; and
- (ii) A list of the issues/outstanding information requested in Appendix E to the JLAs adequacy of consultation representation. This list substantially overlaps with a list of issues raised/information requested by the JLAs in the build up to the submission of Application, including a specific 'transport issues' tracker provided by Surrey County Council, but also included certain additional matters and these have been identified in the correspondence with the JLAs. The Applicant had engaged with the JLAs in the TWGs on responses to these matters prior to the submission of the Application; however, a number required the finalisation of the Application documentation and the Applicant's responses to such matters also includes correlative signposting to the Application documentation.

As the 'issues' identified have been discussed/requested at different stages of the pre-application consultation, the Applicant has captured the aggregate of the issues in four distinct trackers at this stage to mirror the forum/manner in which the issues were raised. There is some inevitable duplication across such trackers; however, the Applicant considered this a preferable starting position to avoid any concern by the JLAs that some issues would have been lost in an attempt to pre-emptively consolidate the issues into a single tracker. In addition, whilst the Applicant considers the trackers to capture all the key issues identified by the JLAs in pre-application, the Applicant has confirmed to the JLAs that they would be very happy to discuss and supplement with any additional matters considered necessary.

Whilst the content of and approach regarding the Issues Tracker will be subject to discussion and engagement with the JLAs, it remains the Applicant's view that the trackers should be used to inform the development of SoCGs (and where necessary, PADs), rather than representing a separate, additional workstream and document to be submitted into the Examination and potentially updated at regular intervals in the manner considered in the section 51 advice. Once commonality has been reached on the list of the key issues, the Applicant considers that it would be preferable to instead capture the key issues and progress on them in the SoCG and for that document to inform the Examination in the normal way. The alternative would seem to invite duplication of information, with correlative resource implications for the Applicant and the JLAs, which would not seem proportionate or efficient in the circumstances.

The Applicant will continue to engage with the JLAs on this matter and anticipates providing a further update to the Examining Authority on the proposed approach ahead of the Preliminary Meeting or sooner if required. The Applicant considers this interim period will allow an appropriate period of time for the parties to discuss, and hopefully agree, their preferred approach to recording and tracking key issues going forward. However, should the Examining Authority prefer to receive an earlier update, or indeed a copy of the Issues Trackers provided to the JLAs, the Applicant will of course be happy to provide this.

3. Consultees identified on a precautionary basis

The Applicant confirms that it will be serving notice on the bodies listed in Box 6 of the section 55 checklist when it serves notice of the accepted application under section 56(2)(a) of the Planning Act 2008.

4. Category 3 interests

The Applicant has produced and provided an Ordnance Survey Base Map Identifying the Category 3 Boundary and has included this document as part of this submission (Doc Ref. 8.1). As requested, the plan shows the Category 3 boundary used for land referencing purposes with an OS map background and is provided to assist interested parties in identifying the location of their properties relative to the Category 3 boundary. Section 7.2 of the Statement of Reasons (Doc Ref. 3.2 v2) describes how the Category 3 boundary was set and how those persons with the appropriate land interest were identified. The names and addresses (if known by the Applicant) of each person within Category 3, as defined by section 57 of the Planning Act 2008, are listed in Part 2 of the Book of Reference (Doc Ref. 3.3 v2).

Please note that this plan does not set out the entitlement for the noise insulation schemes. For details on the noise insulation schemes please see the Code of Construction Practice [\[APP-082\]](#) and the Noise Insulation Scheme [\[APP-180\]](#).

5. Land plot descriptions

As requested, the Applicant has reviewed the Book of Reference [\[APP-011\]](#) and [\[APP-012\]](#) submitted as part of the application to ensure that all land plot descriptions (including the specific example included in Box 30 of the section 55 checklist) are accurate and updated any which needed to be corrected. The Applicant has submitted an updated Book of Reference as part of this submission (Doc Ref. 3.3 v2).

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

The Applicant notes the request to provide further explanation within the Statement of Reasons [\[APP-010\]](#) on the plots where no compulsory acquisition or temporary possession powers are sought but where rights

may be acquired by private agreement for minor works. The Applicant has provided this further explanation at section 5.2 within an updated Statement of Reasons (Doc Ref. 3.2 v2).

In addition, and in response to the Planning Inspectorate's comments made in respect of the Statement of Reasons in Box 30 of the section 55 checklist, the Applicant has also identified and corrected further minor errata in Appendix A: Justification Table and Status of Engagement with Landowners to the Statement of Reasons, principally relating to the plot number cross-referencing provided in Table A to that Appendix, together with the consequential updates to reflect the same from the surrounding text.

7. Missing work numbers

It is correct that there are no works identified as "Work No. 21" and therefore it should not have been referred to within Chapter 5 of the Environmental Statement [APP-030]. As set out at Item 9 below, the Applicant will consider and review the description of the Proposed Development within the Application documents (including the ES and the draft DCO), and will ensure consistent phrasing when describing the proposed works in submissions going forward. As noted in respect of Item 9 below, the Applicant will update the Examining Authority on this point ahead of the Preliminary Meeting as requested.

The Applicant has corrected the typographical errors in the numbering to Work Nos. 35, 36 and 37 in Schedule 1 of the draft DCO [APP-006] to ensure their individual sub-paragraphs run sequentially and which are now consistent with the labels to the same Works Nos. provided in the Parameter Plans [APP-019] as identified by the Planning Inspectorate in the section 51 advice. The Applicant has also identified and corrected errata in respect of Work No. 22 on the Key Plan and Sheets 2 and 3 of the Works Plans [APP-017] by removing the reference to the sub-paragraphs to Work No. 22 which had previously been incorrectly included and also removed an errant duplicate labelling of Work No. 34 to the same Works Area limit on Sheet 3. To confirm, the changes are to the labelling on the plans only, rather than to any of the Works Areas limits themselves, which remain unchanged.

8. Plans

The Land Plans [APP-014] and Special Category Land Plans [APP-016] have been reviewed and updated by the Applicant where necessary in accordance with the direction provided in the section 51 advice and Box 30 of the section 55 checklist, and the revised plans have been included in this submission (Doc Ref. 4.2 v2 and Doc Ref. 4.4 v2).

The plots identified in the section 51 advice and Box 30 of the section 55 checklist as being unlabelled each form part of an existing and labelled plot currently shown on those plans and therefore no new plot numbers are required. Insets have been provided to show the full extent of the plot and labels have been revised to clearly identify the extent of each plot and to seek to remove any residual ambiguity in this respect.

Article 6(1) of the draft DCO [APP-006] specifies that each work must be carried out within the "limits" shown on the works plans. The Applicant has amended the key of the Works Plans (Doc Ref. 4.5 v2) to refer to "work area limit". As explained in the Planning Statement [APP-245] specific "limits of deviation" are shown on the Parameter Plans [APP-019]. The limits of deviation apply to specific works that are specified in Article 6(3) and 6(4).

9. Description of the Proposed Development

As requested, the Applicant will consider and review the description of the Proposed Development in the Application documents, including the ES (particularly Chapter 5, the Project Description) and draft DCO, and will ensure that further submissions made into the Examination, both orally and in writing, utilise consistent phrasing when describing the proposed works. The Applicant does not consider, at this stage, that any amendments are required to the draft DCO in this respect; however, will update the Examining Authority ahead of the Preliminary Meeting on this point as requested.

10. Minor errors and omissions

The Applicant notes the Planning Inspectorate's reference to minor errors and omissions within Box 30 of the Section 55 checklist and has sought to correct these through the updated and additional documents submitted in this response as set out in the table above.

Relevant Representations period

In view of the above and the information provided, it is the Applicant's intention to commence the relevant representations period on 4 September and to set a representations deadline of 29 October 2023. This will allow an approximate 8-week period for representations to be made (such deadline falling approximately 12 weeks after acceptance of the DCO application for examination, and publication of the documentation). The Applicant has purposely both delayed the start of the representations period and extended the deadline in which representations can be made to allow extra time for the JLAs to review the documentation (including the Issues Tracker) before submitting their representation.

The Applicant considers that the above addresses the advice provided by the Planning Inspectorate in the letter dated 03 August 2023. If the Applicant can be of any further assistance or the Planning Inspectorate considers any further clarification is required in response to the information and documentation submitted as part of this response, please do not hesitate to contact the Applicant using the details already provided.

Should you require any hard copies of the submitted documents identified above please let the Applicant know.

Yours sincerely,

Jonathan Deegan

Planning & Environment Lead

Gatwick Airport Limited