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Mr Jonathan Deegan  
NRP Programme Lead  
Gatwick Airport Limited

Your Ref:

Our Ref: TR020005/ PD-008

**By email only**

Date: 4 December 2023

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Dear Mr Deegan,

## **Planning Act 2008 – Section 89**

### **Application by Gatwick Airport Limited for an Order Granting Development Consent for the Gatwick Airport Northern Runway Project**

#### **Notice by the Applicant of Intention to Submit a Request to Make Changes to the Application**

Thank you for your letter dated 27 November 2023 [[AS-112](#)] giving notice of the intention of Gatwick Airport Limited (the Applicant) to submit a request to make changes to the Gatwick Airport Northern Runway Project Development Consent Order (DCO) application. This has been published on the [project webpage of the National Infrastructure Planning website](#). Three separate changes are proposed which are described in section 2 of the 'Notification of Proposed Project Changes' [[AS-113](#)] which accompanies the letter. You are seeking advice from the Examining Authority (ExA) on the procedural implications and the scale and nature of the proposed consultation exercise.

Your letter of 27 November 2023 states that the Applicant considers that the proposed changes to the DCO application are, individually and collectively, non-material. It goes on to state that "*none of the changes would involve the inclusion of additional land or require the acquisition of different or new land, nor would any of the changes give rise to any materially new or materially different adverse environmental effects in comparison to those assessed and reported in the Environmental Statement submitted as part of the Application*".

The Notification of Proposed Changes document satisfies Step 1 of the recommended procedure in the Planning Inspectorate's '[Advice Note 16: Requests to change applications after they have been accepted for examination](#)' (version 3) (AN16). The advice which you are requesting from the ExA, in line with Step 2 of AN16, includes the procedural implications of the proposed changes and guidance on the need, scope and nature of the consultation that the Applicant proposes to undertake.

The Notification of Proposed Project Changes document also states that the Applicant intends to carry out consultation prior to making the formal change request. The Applicant proposes that consultation on the changes and updated environmental information would commence on 13 December 2023, continuing until 19 January 2024. Your intention to make a formal change request to the ExA on 1 February 2024 is also noted. This will be accompanied by further information on the proposed changes, updated application documents and additional information as required including the information set out in paragraph 6.1.1 of the Notification of Proposed Project Changes document. Figures 1 and 2b of AN16 set out how to make a request to make a change to an accepted application and the information to include in a request to make a change to an application after it has been accepted for examination.

Your intention is to carry out consultation on all proposed changes with local authorities, landowners/ those with an interest in the land relating to the proposed changes, and prescribed consultees under section 42(a) to (d) of the Planning Act 2008. You have indicated that the consultation will be carried out for at least 30 days. Bearing in mind that the Christmas/ New Year holiday period occurs during your proposed consultation period you may wish to reflect whether this period is sufficient for responses to your consultation. Paragraph 5.2.3 of that document indicates that you will send a copy of the consultation document directly to residents and businesses in close proximity to the land subject to the proposed changes. You should ensure that you satisfy yourself that 'in close proximity' is sufficiently broad to ensure that this includes appropriate consultees.

The scope of consultation activities set out in section 5 of the Notification of Proposed Project Changes document provides an appropriate basis for the non-statutory consultation. Please ensure that consultation responses are sent to you as the Applicant and not to the Planning Inspectorate. The ExA has no other comments to make on the indicative programme set out within section 6 of the Notification of Proposed Project Changes document.

Paragraph 2.1 of AN16 advises that on receipt of a request to make a change to the application, the ExA must initially consider whether the development being proposed is in substance the same as the development which was originally applied for. From the information presented thus far, the ExA is minded to agree with your view that the proposed changes, either individually or cumulatively, would not lead to the Proposed Development being different in nature or substance to that which was originally applied for in July 2023.

If the ExA decides to accept the proposed changes into the Examination all Interested Parties will have an opportunity to make representations on the changed application, in writing or orally at hearings, when the Examination commences.

You are asked to ensure that the change request that is intended to be submitted by 1 February 2024 responds fully to the points made above taking account of AN16.

If you have any queries on these matters, please do not hesitate to contact the Case Team using the contact details at the head of this letter.

Yours sincerely,

*Kevin Gleeson*

**Lead Member of the Examining Authority**

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