



Gatwick Airport Northern Runway Project

Draft Development Consent Order – Schedule of Changes

Book 2

VERSION: 2.0

DATE: APRIL 2024

Application Document Ref: 2.1

PINS Reference Number: TR020005

References to **ExQ1** are to the **Examining Authority's Written Questions** [[PD-012](#)]

Row	Provision	Change	Reasoning
Deadline 3			
51.	Article 2 (interpretation)	"airport" means London Gatwick Airport, an airport within the meaning given in section 66 (airports) Part 4 of the Civil Aviation Act 2012...	Amended for greater specificity at the request of the West Sussex Joint Local Authorities in their Comments on any submissions received by Deadline 1 [REP2-042].
52.	Article 2 (interpretation)	New definition: "special category land" means land forming part of a common, open space or fuel or field garden allotment, as identified shaded orange and blue on the special category land plans;	New definition added for clarity in response to ExQ1 DCO 1.11.
53.	Article 2 (interpretation)	New separate definitions: "surface access general arrangements"; "surface access engineering section drawings"; and "surface access structure section drawings" as the documents certified as such by the Secretary of State under article 52 (certification of documents, etc.);	These definitions have been added to article 2 instead of the interpretation paragraph in Schedule 2 (requirements) as they are now referenced in article 6 (limits of works). Whereas these plans were previously defined as one consolidated document set, they are now defined and will be certified independently, as they are now referenced independently in article 6 and Schedule 2.
54.	Article 2 (interpretation)	New definitions: "existing northern runway" means the airport's northern runway as configured and used at the date of this Order; "main runway" means the airport's main runway at the date of this Order, being the runway located immediately to the south of the existing northern runway and which is used for routine take-offs and landings of aircraft; "repositioned northern runway" means the existing northern runway as amended by Work No. 1;	New definitions added for clarity in response to ExQ1 DCO 1.39.

55.	Article 2 (interpretation)	(6) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the plans to which the reference applies relevant plans.	Amended for clarity in response to ExQ1 DCO 1.14.
56.	Article 6 (limits of works)	(3) In constructing Work Nos. 6, 9, 10, 11, 12, 13, 15, 16, 22, 23, 26, 27, 28, 30, 31, 32 and 43 the undertaker may not deviate vertically from the levels shown or noted on the parameter plans except as approved pursuant to requirement 4.	<p>The list of Work Nos. has been updated to ensure that all Work Nos. for which vertical parameters are specified in the Parameter Plans [AS-131] are listed and controlled by this article.</p> <p>The reference to requirement 4 has been omitted to make clear that deviations from the parameters can only be authorised by CBC certifying that the works proposed to exceed the parameters would not give rise to materially new or materially different environmental effects, pursuant to article 6(6).</p> <p>Requirement 4 has been amended accordingly (see (see row 83 below).</p>
57.	Article 6 (limits of works)	(4) In constructing Work Nos. 35, 36 and 37 (surface access works), the undertaker may deviate— (a) vertically from the levels shown or noted on the surface access engineering section drawings parameter plans to a maximum of 1.5 metres upwards and to a maximum of 2 metres downwards; and (b) laterally within the 'Surface Access Works Lateral Limits' to the extent shown or noted on the parameter plans or as otherwise approved pursuant to requirement 5 or 6(1) (as relevant).	<p>The references to the plans which show (a) the preliminary vertical levels of the highway structures and (b) the lateral limits for the highway works detailed design have been updated for greater specificity.</p> <p>The reference to requirements 5 and 6 has been omitted to make clear that deviations from the parameters can only be authorised by the relevant highway authority certifying that the works proposed to exceed the parameters would not give rise to materially new or materially different environmental effects, pursuant to article 6(7).</p> <p>Requirements 5 and 6 have been amended accordingly (see rows 85 and 86 below).</p>

58.	Article 8 (consent to transfer benefit of Order)	New paragraph: (5) The undertaker must notify National Highways in the event that it exercises the power in paragraph (1) to transfer or grant to a person other than National Highways the benefit of the Order in respect of national highway works.	Added to ensure that National Highways is notified of transfers of benefit that may affect the national highway works, in response to National Highways' comment on article 8 in its Comments on any submissions received by Deadline 1 [REP2-055] .
59.	Article 11 (street works)	(b) drill , tunnel or bore under the street; (c) place and keep apparatus in the street;	Added for completeness in response to ExQ1 DCO 1.22.
60.	Article 12 (power to alter layout, etc., of streets) Article 14 (temporary closure of streets) Article 16 (access to works) Article 18 (traffic regulations) Article 24 (authority to survey and investigate the land)	Article 56 (deemed consent) applies to an If a street authority which receives a valid application to the street authority for consent under paragraph (3) fails to notify the undertaker of its decision before the end of the period of 56 days beginning with the date on which the application was made, it is deemed to have granted consent.	The approach to deeming provisions has been amended for clarity and to ensure efficient drafting. The operative drafting of the deeming provisions has been consolidated in a separate article, article 56 (deemed consent), which incorporates the drafting requested in row 10 of Appendix M to the Joint West Sussex Local Impact Report [REP1-069] . Each article for which deemed consent is provided then refers to the operative provisions in article 56 rather than repeating the deemed consent drafting in each of the separate articles.

<p>61.</p>	<p>Article 15 (public rights of way – creation, diversion and stopping up)</p>	<p>(a) stop-up divert each of the public rights of way specified in columns (1) and (2) of Part 1 of Schedule 4 (public rights of way to be permanently stopped-up diverted for which a substitute is to be provided) to the extent specified in column (3) of that Part of that Schedule;</p> <p>[...]</p> <p>(c) temporarily stop-up close public rights of way to the extent agreed with the relevant highway authority and provide substitute temporary public rights of way between terminus points, on an alignment to be agreed with the relevant highway authority (in both respects agreement not to be unreasonably withheld or delayed); and</p> <p>(2) No public right of way may be stopped-up diverted pursuant to paragraph (1)(a) unless the respective substitute public right of way has first been provided pursuant to paragraph (1)(b) to the reasonable satisfaction of the relevant highway authority.</p> <p>(3) No public right of way may be stopped-up closed pursuant to paragraph (1)(c) unless the substitute temporary public right of way agreed with the relevant highway authority has been provided to the reasonable satisfaction of the relevant highway authority.</p>	<p>Minor amendments to terminology to incorporate requests in row 19 of Appendix M to the Joint West Sussex Local Impact Report [REP1-069].</p> <p>These amendments do not affect the powers sought or the effect of the provision.</p>
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<p>62.</p>	<p>Article 16 (access to works)</p>	<p>16.—(1) Subject to paragraphs (2) and (3), the undertaker may, for the purposes of the authorised development and with the consent of the street authority (such consent not to be unreasonably withheld or delayed and no consent to be required in respect of airport roads), form and layout means of access, or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.</p> <p>(2) The power in paragraph (1) may only be exercised with the consent of the street authority in consultation with the relevant planning authority (such consent not to be unreasonably withheld or delayed) provided that no consent is required in respect of airport roads.</p>	<p>These changes respond to ExQ1 DCO.1.24, which proposed that the relevant planning authority be consulted by the street authority on applications for consent to form or improve accesses.</p> <p>To avoid an unwieldy paragraph (1), the consent requirement has been separated into a separate paragraph (2) which details the consenting and consulted entities, the need to act reasonably and the exception for airport roads.</p>
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<p>63.</p>	<p>Article 18 (traffic regulations)</p>	<p>18.—(1) Subject to the provisions of this article, from the date determined by the undertaker...</p> <p>[...]</p> <p>(4) The undertaker must not exercise the powers conferred by paragraphs (1), (2) and or (3) of this article unless it has—</p> <p>[...]</p> <p>(5) Before complying with the process in paragraph (4) in respect of the exercise of the power conferred by paragraph (3), the undertaker must consult—</p> <p>[...]</p> <p>(6) The undertaker must not exercise the power conferred by paragraph (3) of this article without obtained the consent of the traffic authority (such consent not to be unreasonably withheld or delayed) to the proposed exercise of powers.</p> <p>(7) Any prohibition, restriction or other provision made by the undertaker under paragraphs (1), (2) or and (3)...</p> <p>[...]</p> <p>(8) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers of paragraphs (1), (2) and or (3) at any time.</p> <p>[...]</p> <p>(12) In respect of airport roads, paragraphs (4)(b), (5)(b) and (6) (5)(e) do not apply and paragraph 54(a) shall be read as if it does not contain the words “and to the traffic authority”.</p>	<p>The changes to this article are to:</p> <ul style="list-style-type: none"> clarify that the exercise of powers under <u>any</u> of paragraphs (1) [variations or revocations of existing traffic orders], (2) [new speed limits] or (3) [new unspecified traffic orders] must be notified to the chief officer of police and (where relevant) the traffic authority and advertised in the necessary manner in accordance with paragraph (4); clarify in relocated paragraph (5) that consultation with the listed entities is only required for new traffic measures implemented pursuant to paragraph (3) (these being measures not specified in schedules to the DCO and which therefore have not already been scrutinised through the DCO examination, unlike those referenced by paragraphs (1) and (2)); and clarify in paragraph (6) that traffic authority consent is only required (where relevant) to the exercise of the power in paragraph (3) for the same reason.
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64.	Article 22 (discharge of water)	(5) Article 56 (deemed consent) applies to Where the person to whom the watercourse, sewer or drain belongs receives an application for consent under paragraph (3) or approval under paragraph (4)(a) and "the authority" in article 56 shall in this case refer to the person to whom the watercourse, sewer or drain belongs and fails to notify the undertaker of its decision within 28 days of receiving an application, that person will be deemed to have granted consent or given approval, as the case may be.	This wording has been amended for the reasons set out in row 60 above but includes additional wording to confirm that article 56 (deemed consent) applies to a "person" from whom consent is required under article 22 in the same manner as consent is required from various "authorities" under the other articles to which article 56 applies.
65.	Article 25 (felling or lopping of trees and removal of hedgerows)	(5) In this article "hedgerow" has the same meaning as in the Hedgerow Regulations 1997 and includes important hedgerows.	The reference to "important hedgerows" has been removed on the basis that ES Appendix 9.6.2: Ecology Survey Report [APP-125] confirms that none of the hedgerows surveyed for the Project were found to be important hedgerows. This responds to row 31 of Appendix M to the Joint West Sussex Local Impact Report [REP1-069] .
66.	Article 26 (removal of human remains)	New paragraph: (13) In the case of remains in relation to which paragraph (12) applies, the undertaker— (a) may remove the remains; (b) must apply for direction from the Secretary of State under paragraph (14) as to their subsequent treatment; and (c) must deal with the remains in such manner, and subject to such conditions, as the Secretary of State directs.	This new paragraph (13) has been added as an additional safeguard in the event that the undertaker needs to remove human remains interred more than 100 years prior where the undertaker is satisfied that no relative or personal representative of the deceased is likely to object, pursuant to paragraph (12). The new wording requires the undertaker to apply for a direction from the Secretary of State as to how to subsequently treat the remains. This responds to ExQ1 DCO.1.28 .

67.	Article 32 (private rights of way)	(6) Paragraphs (1) to (3)(4) have effect subject to—	Amended to clarify that the entitlement to compensation in paragraph (4) of this article is not affected by the undertaker's compliance with the procedure in paragraph (6). This responds to row 34 of Appendix M to the Joint West Sussex Local Impact Report [REP1-069] .
68.	Article 37 (temporary use of land for carrying out the authorised development)	(2) Not less than 14 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and explain the purpose for which entry is taken.	Wording added for consistency with article 39(3) (temporary use of land for maintaining the authorised development) and to address row 36 of Appendix M to the Joint West Sussex Local Impact Report [REP1-069] .
69.	Article 40 (special category land)	References to "open space management plan" replaced with "open space delivery plan" (2) The open space management delivery plan submitted under paragraph (1) must be substantially in accordance with the outline landscape and ecology management plan and must include a timetable for: (a) the submission of a landscape and ecology management plan pursuant to requirement 8 (landscape and ecology management plan) for each part of the replacement land; and (b) the laying out of each part of the replacement land as open space.	Article 40 has been amended to clarify the nature and function of the plan to be submitted pursuant to article 40(1) prior to the special category land vesting in the undertaker. Prior to commencement of works on the replacement land, Landscape and Ecology Management Plans (LEMPs) must be submitted and approved for that land pursuant to requirement 8. These plans must be substantially in accordance with the Outline Landscape and Ecology Management Plan (oLEMP), pursuant to requirement 8(3). Therefore, the open space delivery plan submitted and approved under article 40 does not, itself, need to be substantially in accordance with the oLEMP but should provide a timetable for the delivery of the replacement open space, including a commitment on the timing for submission of LEMPs for that land.

70.	Article 47 (disapplication of legislative provisions)	(a) section 23 (prohibition of obstructions etc. in watercourses) ; 30 (authorisation of drainage works in connection with a ditch) and 32 (variation of awards) of the Land Drainage Act 1991; and	The disapplication of section 23 of the Land Drainage Act 1991 has been removed following further consideration of the extent to which the Applicant would otherwise require ordinary watercourse consent for the Project. The Applicant only anticipates requiring one such consent and is content for the existing regime for ordinary watercourse consent to apply in respect of this instance.
71.	Article 53 (service of notices)	(7) Any consent to the use of electronic communication transmission given by a person may be revoked by that person in accordance with paragraph (8). [...] (9) Where a notice or document is sent by electronic transmission after 5:00pm, it is deemed served on the next working day.	The former amendment is for consistency with the other paragraphs in article 53. New paragraph (9) responds to ExQ1 DCO.1.38 and confirms how notice by electronic transmission is to be treated when sent after 5:00pm.
72.	Article 56 (deemed consent)	New article: Deemed consent 56.—(1) If an authority which receives a valid application for consent or approval to which this article applies fails to notify the undertaker of its decision before the end of the period of 56 days beginning with the date on which the application was made, it is deemed to have granted consent or approval (as relevant). (2) Any application for consent or approval to which this article applies must include a statement that paragraph (1) applies to that application. (3) If an application for consent or approval to which this article applies does not include the statement required under paragraph (2) then paragraph (1) will not apply to that application.	As per the explanation in row 60 above, the operative drafting of the deeming provisions has been consolidated into this separate article, which incorporates in paragraphs (2) and (3) the drafting requested in row 10 of Appendix M to the Joint West Sussex Local Impact Report [REP1-069] .

73.	Schedule 1 (authorised development)	Work No. 12 (a) an open vehicle storage shed;	Added for greater specificity in response to ExQ1 DCO.1.39.
74.	Schedule 1 (authorised development)	Work No. 30 (a) earthworks and works to construct an attenuation storage facility with a capacity of up to approximately 32,000m³ ; Work No. 31 (b) construction of a flood compensation area with a capacity of approximately 55,000m³ ; Work No. 38 (a) construct a flood compensation area with a capacity of approximately 57,600m³ ;	Approximate capacity figures added to Work Nos. 31 and 38 for greater specificity at the request of the Environment Agency in its Written Representation [REP1-072] and an ancillary change to wording made to Work No. 30 for consistency. The final capacity of each work will be approved by the Environment Agency through Flood Risk Activity Permits.
75.	Schedule 1 (authorised development)	Work No. 40 (b) deliver approximately no less than 0.52ha of planting;	Amended in response to ExQ1 DCO.1.39.
76.	Schedule 1 (authorised development)	Work No. 41 Works to create an ecological area at Pentagon Field including landscaping and tree planting works to— (a) deliver approximately 1ha of planting ; (b) plant a tree belt approximately 15 metres in length	Added for greater specificity in response to ExQ1 DCO.1.39.
77.	Schedule 2, paragraph 1 (interpretation)	New definitions: "operational waste management strategy" [...] "water treatment works footpath plan" [...] means the document of that description certified by the Secretary of State under article 52 (certification of documents, etc.)	Added due to the addition of new requirements 25 (operational waste management plan) and 26 (water treatment works footpath).

78.	Schedule 2, paragraph 1 (interpretation)	Relocated definition: “surface access general arrangements, engineering and structure section drawings”;	Relocated to article 2 (interpretation) – see row 53 above.
79.	Schedule 2, paragraph 1 (interpretation)	“commencement of dual runway operations” means the first day on which commercial air transport movements are scheduled to depart from both the repositioned northern runway (Work No. 1), and the main southern runway (being the airport’s main runway at the date this Order is made), which for the avoidance of doubt shall exclude any days on which both runways are used by the undertaker to test dual operations following approval by the Civil Aviation Authority for dual operations;	The references to the "northern runway" and "southern runway" have been amended for clarity, in accordance with row 54 above.
80.	Schedule 2, paragraph 1 (interpretation)	New paragraph: (3) Where submitted details or actions can be "otherwise agreed" by a discharging authority pursuant to requirements 4(2)(a), 4(3), 5(2)(a), 5(3), 7, 8(4), 10(3), 11(3), 12(3), 13(3), 14(1), 14(2), 20, 21, 22(3), 23(2), 24 and 25(3) such agreement is not to be given by the discharging authority save where it has been demonstrated to the satisfaction of the discharging authority that the departure from the previously certified or approved document or details does not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement.	New paragraph (3) has been added for the reasons explained in the Applicant's response to DCO.1.40 in its Response to ExQ1 (Doc Ref. 10.16).
81.	Requirement 3 (time limit and notifications)	"days of" amended to "days after" in (2)(a), (c) and e) (e) within 7 working days after the actual commencement of dual runway operations (d) at least 30 working days prior to the anticipated date of commencement of dual runway operations;	Amendments made to clarify that notifications within X days "of" an event mean X days "after" that event. Addition of a new notification requirement at least 30 working days prior to the anticipated date of commencement of dual runway operations, to address ExQ1 DCO.1.40.

82.	Requirement 4 (detailed design)	<p>Addition in (1) and (3) of: "... [agreed/approved] in writing by CBC (in consultation with MVDC and RBBC to the extent that they are the relevant planning authority for any land to which the details relate)"</p>	<p>Added to ensure that MVDC and RBBC are only consulted where the details being submitted are relevant to land within their administrative boundary.</p>
83.	Requirement 4 (detailed design)	<p>(2) The details referred to in sub-paragraph (1) must: (a) be in accordance with the design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with CBC (in consultation with MVDC and RBBC to the extent that they are the relevant planning authority for any land to which the details relate); and (b) demonstrate that in carrying out the part of the authorised development to which the submitted details relate the undertaker would comply with article 6 (limits of works), including detailing any reliance by the undertaker on article 6(6). (2) in accordance with the design principles in appendix 1 of the design and access statement and subject to article 6 (limits of works) be within the limits shown on the works plans unless otherwise agreed in writing with CBC (in consultation with MVDC and RBBC).</p>	<p>These provisions have been amended to clarify the operation of requirement 4 and make clear that design details submitted for approval must be consistent with the limits set out in article 6 (limits of works) within which the works must be constructed.</p> <p>The revisions make express that the only route by which the undertaker can carry out works in excess of these limits is by reliance on article 6(6), which only has effect where CBC is satisfied that such works would not give rise to materially new or materially different environmental effects.</p>
84.	Requirement 4 (detailed design)	<p>(4) No excepted development may be carried out until CBC has been consulted on that development, with this consultation to take place in the same manner as if taking place pursuant to paragraph F.2. of Part 8 of Schedule 2 to the 2015 Regulations.</p>	<p>Wording added to clarify that consultation with CBC on "excepted development" should take place following the same process as is currently followed by the Applicant when it exercises its permitted development rights. This responds to ExQ1 DCO.1.40.</p>

<p>85.</p>	<p>Requirement 5 (local highway works – detailed design)</p>	<p>(2) The details referred to in sub-paragraph (1) must:</p> <p>(a) be in accordance with the design principles in appendix 1 of the design and access statement and the surface access general arrangements, engineering and structure section drawings unless otherwise agreed in writing with the relevant highway authority; and, and subject to article 6 (limits of works) be within the limits shown on the works plans unless otherwise agreed in writing with the relevant highway authority.</p> <p>(b) be in accordance with the surface access general arrangements, surface access engineering section drawings and surface access structure section drawings or otherwise demonstrate that in carrying out the part of the authorised development to which the submitted details relate the undertaker would comply with article 6 (limits of works), including detailing any reliance by the undertaker on article 6(7).</p>	<p>These provisions have been amended for the same purpose as described in row 83 above.</p> <p>Sub-paragraph (2)(b) reflects that the surface access general arrangements, surface access engineering section drawings and surface access structure section drawings show a preliminary design for the highway works comprising the Proejct, in accordance with which the detailed design must be save to the extent that deviations are provided for in article 6 (limits of works).</p>
<p>86.</p>	<p>Requirement 6 (national highway works)</p>	<p>New paragraph:</p> <p>(2) Design details submitted to National Highways pursuant to paragraph 5(1)(c) of Part 3 of Schedule 9 to this Order must:</p> <p>(a) be in accordance with the design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with National Highways; and</p> <p>(b) be in accordance with the surface access general arrangements, surface access engineering section drawings and surface access structure section drawings or otherwise demonstrate that in carrying out the part of the authorised development to which the submitted details relate the undertaker would comply with article 6 (limits of works), including detailing any reliance by the undertaker on article 6(7).</p>	<p>This paragraph ensures that the details for the national highway works are controlled in the same manner as the local highway works, with the process for approval of details and subsequent matters being dealt with in the National Highway protective provisions in Part 3 of Schedule 9.</p>

87.	Requirement 9 (contaminated land and groundwater)	(3) Where the undertaker's risk assessment determines that remediation of contamination identified in, on, or under land from detailed site investigations, or as an unexpected discovery, is necessary [...]	Clarificatory wording added at the request of the Environment Agency in its Written Representation [REP1-072] .
88.	Requirement 10 (surface and foul water drainage)	(4) No excepted development involving surface or foul water drainage may be carried out until CBC has been consulted on that development, with this consultation to take place in the same manner as if taking place pursuant to paragraph F.2. of Part 8 of Schedule 2 to the 2015 Regulations.	Wording added to clarify that consultation with CBC on "excepted development" should take place following the same process as is currently followed by the Applicant when it exercises its permitted development rights. This responds to ExQ1 DCO.1.40 .
89.	Requirement 14 (archaeological remains)	(2) Any part of the authorised development in West Sussex must be carried out in accordance with the written scheme of investigation for West Sussex, unless otherwise agreed in writing with West Sussex County Council CBC .	ES Appendix 7.8.2: Written Scheme of Investigation for Post-Consent Archaeological Investigations and Historic Building Recording – West Sussex [APP-106] refers to Crawley Borough Council as the entity coordinating archaeological matters within its administrative boundary as regards the Project – see e.g. paragraph 1.1.11. Requirement 14(2) has therefore been amended to reflect this, subject to any comments from the local authorities.
90.	Requirement 14 (archaeological remains)	(7) In this requirement, the "relevant authority" means: (a) in respect of any land in West Sussex, CBC; and (b) in respect of any land in Surrey, Surrey County Council. Amendments throughout requirement 14 to refer to "relevant planning authority"	Greater specificity has been included in this requirement regarding the relevant entities for archaeological matters. The amendments reflect the point above at row 89 and the comment from the Joint Surrey Councils at DCO2 in their Local Impact Report [REP1-097] .

91.	Requirement 19 (airport operations)	(2) The repositioned northern runway (Work No. 1) must not be routinely used between the hours of 23:00 – 06:00 but may be used between these hours where the main southern runway (being the airport's main runway at the date this Order is made) is not available for use for any reason.	"Routinely" omitted for clarity and to address ExQ1 DCO.1.40 and East Sussex County Council's Local Impact Report [REP1-070] . This change is not considered to alter the application of the requirement. The references to the "northern runway" and "southern runway" have been amended for clarity, in accordance with row 54 above.
92.	Requirement 19 (airport operations)	New paragraphs: (3) Subject to paragraph (4), the repositioned northern runway must not be used: (a) for aircraft landings; or (b) for departures of aircraft larger than Code C aircraft. (4) Paragraph (3) does not apply and the repositioned northern runway may be used in one or both of the ways stated in that paragraph: (a) where the main runway is not available for use for any reason; or (b) as agreed in writing between the undertaker and the Secretary of State (following consultation with the CAA and CBC). (5) In this requirement "Code C aircraft" means aircraft with dimensions meeting the maximum specifications of code letter C in the Aerodrome Reference Code table in Annex 14, Volume I to the Convention on International Civil Aviation, as amended from time to time.	New wording added for the purpose given in response to DCO.1.40 in the Applicant's Responses to ExQ1 (Doc Ref. 10.16). This also addresses row 36 of Appendix M to the Joint West Sussex Local Impact Report [REP1-069] .
93.	Requirement 20 (surface access)	20. From the date of the commencement of dual runway operations the operation of the authorised development must be carried out in accordance with the surface access commitments unless otherwise agreed with CBC (in consultation with National Highways).	Added in response to a request from National Highways in its Comments on any submissions received by Deadline 1 [REP2-055] .

<p>94.</p>	<p>Requirement 23 (flood compensation delivery plan)</p>	<p>23.—(1) Prior to the commencement of the first of Work Nos. 4(a), 4(b), 4(f), 4(g), 4(h), 4(i), 4(j), 14, 23(a), 25, 36(a), 36(b), 36(c), or 37(a), 37(b), 37(f)-(j) or 37(l), a flood compensation delivery plan setting out the timeframe for delivering Work Nos. 30(a) (earthworks and works to construct an attenuation storage facility), 31(b) (constructing a flood compensation area at Car Park X) and 38(a) (constructing a flood compensation area at Museum Field) and 39(a) (divert and extend River Mole course works associated with the River Mole) must be submitted to and approved by CBC in consultation with the Environment Agency.</p>	<p>In response to written representations the Applicant has refined the Work Nos. to be included in this requirement.</p> <p>The works which may not be commenced until a Flood Compensation Delivery Plan (FCDP) is in place are those works that are located in the floodplain, could conceivably remove floodplain and therefore increase flood risk.</p> <p>The works that must be described in the FCDP are those works which are measures proposed to compensate for the loss of floodplain due to the project and ensure no increase flood risk to other parties.</p>
<p>95.</p>	<p>Requirement 25 (operational waste management plan)</p>	<p>New requirement:</p> <p>Operational waste management plan</p> <p>25.—(1) Within six months after the commencement of dual runway operations the undertaker must submit an operational waste management plan to CBC for approval.</p> <p>(2) The operational waste management plan submitted under sub-paragraph (1) must be substantially in accordance with the operational waste management strategy.</p> <p>(3) The airport must be operated in accordance with the operational waste management plan approved by CBC unless otherwise agreed in writing with CBC.</p>	<p>The Applicant has been asked to provide details of how operational waste from the Project will be managed, including details of the technologies within the new CARE facility. However, the design of the Project is not at the detailed stage to provide this information. This new requirement is necessary to secure the commitment that an Operational Waste Management Plan will be prepared for the Airport (to include waste from the Project) and that the Plan will be in accordance with the Operational Waste Management Strategy submitted at Deadline 3.</p>

96.	Requirement 26 (water treatment works footpath)	<p>New requirement:</p> <p>Water treatment works footpath</p> <p>26.—(1) Prior to the commencement of Work No. 43 (water treatment works) a public access by foot must be provided between the locations marked "A" and "B" on the water treatment works footpath plan.</p> <p>(2) The public access by foot described in subparagraph (1) must not be removed until construction of Work No. 43 (water treatment works) is complete.</p>	<p>Added in connection with the Applicant's change request of 13 February 2024. The current route of footpath West Sussex 360_1sy follows the alignment of the vehicular access route to the Crawley Sewage Treatment Works. There would be additional vehicle movements along this access road route during the construction of the reed beds over the period of approximately 1 year. The inclusion of the additional footpath route provides pedestrians the opportunity to follow a vehicle-free route along the access road during the construction period between from the junction with Radford Road north to Upper Pickett's Wood. New requirement 26 secures the delivery of this route.</p>
97.	Schedule 3 (stopping up of streets and private means of access & provisions of new streets and private means of access)	<p>Headings updated to:</p> <p>Stopping up of Highways Streets and Private Means of Access & Provisions of New Highways Streets and Private Means of Access</p> <p>HIGHWAYS STREETS TO BE STOPPED UP AND SUBSTITUTE HIGHWAYS STREETS AND NEW HIGHWAYS STREETS TO BE PROVIDED</p> <p>Table column headers updated for consistency</p>	<p>Amended for consistency with the terminology used in article 13 (stopping up of streets) and in response to ExQ1 DCO.1.41.</p>
98.	Schedule 3 (stopping up of streets and private means of access & provisions of new streets and private means of access)	<p>Proposed new highway; A23 London Road Northbound Left-in Diverge to North Terminal Roundabout, within the area marked a24 for a distance of approximately 380m 325m as shown on Sheet 1 of the rights of way and access plans, shown by green striped hatching.</p>	<p>Amended to address comments from the Joint West Sussex Authorities.</p>

99.	Schedule 3 (stopping up of streets and private means of access & provisions of new streets and private means of access)	The newly proposed private means of access for the extents marked as d1 which provides access to an existing Pond to the east of Peeks Brook Lane for a distance of approximately 230m 220m on Sheet 2 of the rights of way and access plans shown by orange striped hatching.	Amended to address the comment from the Joint Surrey Councils in section 21 of their Local Impact Report [REP1-097] .
100.	Schedule 4 (public rights of way, footways and cycle tracks to be stopped up)	Header for Part 1 amended to: PUBLIC RIGHTS OF WAY TO BE PERMANENTLY STOPPED-UP-DIVERTED FOR WHICH A SUBSTITUTE IS TO BE PROVIDED	Minor amendment made in response to row 19 of Appendix M to the Joint West Sussex Local Impact Report [REP1-069] .
101.	Schedule 4 (public rights of way, footways and cycle tracks to be stopped up)	Minor wording tweaks to column headers and contents.	Minor amendments for consistency and to correct typographical errors.
102.	Schedule 6 (traffic regulations)	New rows in Part 2 and Part 3	Updated to reflect parking restriction information that has recently been updated on the Surrey County Council parking restrictions web portal.

103.	Schedule 11 (procedures for approvals, consents and appeals)	<p>New paragraph:</p> <p>(1) Where an application is made to a discharging authority for agreement, endorsement or approval in respect of a requirement to which this Part of this Schedule applies, the fee contained in regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(1) (as may be amended or replaced from time to time) is to apply and must be paid to that authority for each application.</p> <p>(2) Any fee paid under this Schedule must be refunded to the undertaker within a period of 35 days of—</p> <p>(a) the application being rejected as invalidly made; or</p> <p>(b) the discharging authority failing to determine the application within the decision period specified in paragraph (1) of this Part, unless within that period the undertaker agrees in writing that the fee may be retained by the discharging authority and credited in respect of a future application.</p>	<p>New paragraph added for the reason given in response to DCO.1.7 in the Applicant's Response to ExQ1 (Doc Ref. 10.16).</p>
104.	Schedule 12 (documents to be certified)	<p>Addition of "operational waste management strategy" and "water treatment works footpath plan".</p>	<p>To reflect the addition of new requirements 25 (operational waste management plan) and 26 (water treatment works footpath).</p>
105.	Throughout	<p>Various references to "agreed" specified to be "agreed in writing".</p>	<p>Added for consistency with other references to agreement in writing, and in response to ExQ1 DCO 1.20 and DCO.1.40.</p>
106.	Throughout	<p>Cross-references updated. Minor typographical corrections.</p>	<p>To correct errors.</p>

Deadline 1		
1.	Recitals	<p>The Secretary of State is satisfied that replacement land (as that term is defined in section 131(12) of the 2008 Act) has been or will be given in exchange for the special category land identified in Part 1A of Schedule 10 to this Order within the Order limits to be permanently acquired, and that the replacement land has been or will be vested in the person or persons in whom the that special category land is vested and subject to the same rights, trusts and incidents as attach to the that special category land, and that, accordingly, section 131(4) of the 2008 Act applies in respect of that land;</p> <p>The Secretary of State is satisfied that the special category land identified in Part 1B of Schedule 10 to this Order is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway and the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public, and that accordingly section 131(5) of the 2008 Act applies in respect of that land;</p> <p>The Secretary of State is also satisfied that, in respect of the parcels of open space land within the Order limits over which rights will be acquired The Secretary of State is satisfied that rights to be acquired over the land identified in Part 3A of Schedule 10 to this Order will be the rights being acquired are for a temporary (although possibly long-lived) purpose, and that accordingly section 132(4B) of the 2008 Act applies in respect of that land; and</p> <p>The Secretary of State is satisfied that rights to be acquired over the land identified in Part 3B of Schedule</p> <p>Sections 131 and 132 of the Planning Act 2008 (the "2008 Act") apply where a DCO authorises the compulsory acquisition of land, or rights over land, which is part of a common, open space or fuel or field garden allotment. Such an order is subject to special parliamentary procedure ("SPP") unless the Secretary of State is satisfied that an exception set out in those sections applies.</p> <p>Following further analysis of the current land ownership of the special category land and refinement of the design proposals for the replacement open space, GAL has adjusted the provisions of sections 131 and 132 on which it intends for the Secretary of State to rely such that SPP is not required. This change is set out in the revised recital to the DCO.</p>

		10 to this Order, or when imposed on the relevant open space land, will leave that land no less advantageous than it was before to the persons in whom it is vested, other persons, if any, entitled to rights of common or other rights and the public, and that accordingly, sections 132(4B) and 132(3) (respectively) of the 2008 Act applies in respect of that land.	
2.	Recitals	The Secretary of State, in exercise of the powers conferred by sections 114, 115, 117, 120, and 122 and 123 of the 2008 Act, makes the following Order—	For completeness, section 123 of the 2008 Act has been added to the provisions referenced in this recital.
3.	Article 2 (interpretation)	“airport” means London Gatwick Airport, an airport within has the same meaning given as in Part 1 of the Civil Aviation Act 2012 (b) and is located within comprised of the area shown on the airport boundary plan;	This definition has been amended for clarity, to emphasise that references to the "airport" refer specifically to London Gatwick Airport. The definition continues to refer to the airport boundary plan.
4.	Article 2 (interpretation)	Deletion of definition of "approved plans" and addition of definition of "parameter plans": “parameter plans” means the plans certified as such by the Secretary of State under article 52 (certification of documents, etc.)	References to "approved plans" have been amended to refer to specific named plans which will be listed in Schedule 12 (documents to be certified) and be certified by the Secretary of State, most notably the "parameter plans" which specify the limits for the purpose of article 6 (limits of works). The term "approved plans" is no longer used in the draft DCO and the definition has been deleted.
5.	Article 2 (interpretation)	New definitions for local authorities: "CBC" means Crawley Borough Council; "MVDC" means Mole Valley District Council; "RBBC" means Reigate and Banstead Borough Council; "TDC" means Tandridge District Council;	References to specific authorities have been included throughout the draft DCO in place of references to the "relevant planning authority", to provide certainty as to the body which is intended to exercise particular functions (including discharge of requirements). These definitions have been added to facilitate these changes.
6.	Article 2 (interpretation)	Relocation of definition:	This definition has been relocated from article 40 (special category land) to article 2 (interpretation) given its wider relevance throughout the draft DCO.

		<p>“outline landscape and ecology management plan” means the document certified as such by the Secretary of State under article 52 (certification of documents, etc.)</p>	
7.	Article 2 (interpretation)	<p>Amendments to the following definitions:</p> <p>“relevant highway authority” means, in any given provision of this Order, the highway authority for the highway to which the provision refers or relates;</p> <p>“relevant planning authority” means in any given provision of this Order, the planning authority for the area of land to which the provision refers or relates;</p>	<p>Minor amendments have been made to these definitions to clarify the manner in which they are intended to apply.</p>
8.	Article 2 (interpretation)	<p>New definition:</p> <p>“requirement” means a requirement set out in Schedule 2 (requirements), and a reference to a numbered requirement is a reference to the requirement set out in the paragraph of the same number in that Schedule;</p>	<p>This definition has been added for ease of cross-referencing in the body of the draft DCO to the requirements in Schedule 2 (requirements).</p>
9.	Article 2 (interpretation)	<p>New definition:</p> <p>"substantially in accordance with" means that the plan or detail to be submitted should in the main accord with the outline document and where it varies from the outline document should not give rise to any new or any materially different environmental effects in comparison with those reported in the environmental statement.</p>	<p>In response to representations from the joint local authorities, this definition has been added to clarify the meaning of "substantially in accordance with", which is used in article 40 (special category land) and requirements 7, 8, 11, 12, 13 and 22 of the draft DCO.</p>
10.	Article 6 (limits of works)	<p>(1) Subject to paragraph (2), each numbered work must be situated within the limits of the corresponding numbered area shown on the works plans.</p> <p>(2) Any of Work Nos. 35, 36 or 37 (surface access works) may be situated within the limits shown on the works plans of Work Nos. 35, 36 and 37 taken as a whole.</p> <p>(3) In constructing Work Nos. 6, 9, 10, 11, 12, 15, 16, 22, 23, 26, 27, 28, 30 and 31 the undertaker may not deviate vertically from the levels shown or noted on the approved parameter plans except as approved pursuant to requirement 4 Schedule 2 (requirements).</p>	<p>Changes have been made to these paragraphs of this article to:</p> <ul style="list-style-type: none"> clarify that the plans which specify the levels to which the works are limited are the parameter plans (as newly defined and included in Schedule 12 (documents to be certified), rather than the broader term "approved plans"; specify the relevant requirements in Schedule 2 (requirements) pursuant to which detailed designs

		<p>(4) In constructing Work Nos. 35, 36 and 37 (surface access works), the undertaker may deviate—</p> <p>(a) vertically from the levels shown or noted on the approved parameter plans to a maximum of 1.5 metres upwards and to a maximum of 2 metres downwards; and</p> <p>(b) laterally to the extent shown or noted on the approved parameter plans or as otherwise approved pursuant to requirement 5 or 6(1) (as relevant) Schedule 2 (requirements).</p> <p>(5) In constructing Work Nos. 4(b) and 4(e) (exit/entrance taxiways), the undertaker—</p> <p>(a) may deviate laterally to the extent shown or noted on the approved parameter plans; but</p> <p>(b) where an area is specified in square metres on the approved parameter plans for a component of these works, must not exceed that area,</p> <p>(c) unless otherwise approved pursuant to Schedule 2 (requirements)</p>	<p>which deviate from the specified limits can be approved, in response to representations from National Highways; and</p> <ul style="list-style-type: none"> remove the final sentence of paragraph (5) given that Work Nos. 4(b) and 4(e) are excepted development (as defined) and are therefore not subject to detailed design approval pursuant to the requirements.
11.	Article 6 (limits of works)	<p>(6) The limits set out in paragraphs (1), (3) and (5) do not apply where it is demonstrated by the undertaker to CBC's the relevant planning authority's satisfaction and the relevant planning authority CBC certifies accordingly that works in excess of these limits would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</p>	<p>In this and several other provisions throughout the draft DCO (all noted below), references to "relevant planning authority" have been replaced with references to specific authorities which GAL considers best placed to exercise those functions / discharge those requirements.</p> <p>Given CBC's role as the local planning authority for the majority of the land within the Order limits, GAL considers that CBC should exercise (or at least lead) in exercising most functions allocated to such an authority under the draft DCO.</p> <p>This article is one such example where the function (allowing deviations from the limits of works) has been allocated to CBC.</p>

12.	Article 9 (planning permission)	(5) Nothing in this Order restricts undertaker any person from seeking or implementing, or the relevant planning authority from granting, planning permission for development within the Order limits.	Entities other than the undertaker may need to seek and implement planning permissions for development within the Order limits. Such entities include NATS, which operates air traffic services; airline operators, which operate aircraft hangars and other facilities; and hotel operators. This change clarifies that such entities are not restricted from seeking or implementing planning permission.
13.	Article 11 (street works)	(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets as are within the Order limits and may— (a) break up or open the street, or any sewer, drain or tunnel within or under it;	The minor amendment has been made for clarification.
14.	Article 13 (stopping up of streets)	(2) No street specified in columns (1) and (2) of Part 1 of Schedule 3 is to be wholly or partly stopped up under this article unless— (a) the new street to be substituted for it, which is specified in column (4) of that Part of that Schedule, has been completed to the reasonable satisfaction of the relevant street authority and is open for use; or (b) a temporary alternative route for the passage of such traffic as could have used the street to be stopped up is first provided to the reasonable satisfaction of the relevant street authority and subsequently maintained by the undertaker between the commencement and termination points for the stopping up of the street until the completion and opening of the new street in accordance with sub-paragraph (a).	This change has been made at the request of the joint local authorities, to specify that temporary alternative routes provided in place of stopped-up streets must be to the reasonable satisfaction of the relevant street authority, in the same manner as permanent replacement streets.
15.	Article 16 (access to works)	16.—(1) The undertaker may, for the purposes of the authorised development and with the consent of the street authority (such consent not to be unreasonably withheld or delayed and no consent to be required in	This change has been made at the request of the joint local authorities, to reflect that this article confers powers in respect of streets other than airport roads. In respect of such roads, GAL is willing to accept that

		<p>respect of airport roads), form and layout means of access, or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.</p> <p>(2) The private means of access set out in columns (1) and (2) of Part 2 of Schedule 3 (private means of access to be stopped up and substitute private means and new private means) may be removed by the undertaker to the extent specified in column (3) of that Part of that Schedule and if removed must be replaced by the means of access as set out in column (4) of that Part of that Schedule.</p> <p>(3) If a street authority which receives a valid application for consent under paragraph (1) fails to notify the undertaker of its decision before the end of the period of 56 days beginning with the date on which the application was made, it is deemed to have granted consent.</p>	<p>the consent of the relevant street authority should be obtained before forming or improving means of access, to ensure that this has no unacceptable impact on the street in question.</p> <p>Paragraph (3), which mirrors similar provision in other articles in the draft DCO, is a necessary inclusion to enable the undertaker to exercise the power conferred by this article and undertake works in an efficient and expedient manner. The deemed approval provision does not remove the street authority's ability to refuse the application but imposes a deadline by which it must exercise the function allocated to it.</p>
16.	Article 22 (discharge of water)	<p>Addition of:</p> <p>(11) A sewerage undertaker is deemed to have granted consent to the discharge of trade effluent into a public sewer under paragraph (3) where the public sewer belongs to the sewerage undertaker and consent under section 118 (consent required for discharge of trade effluent into public sewer) of the Water Industry Act 1991 has been granted in respect of the discharge.</p>	<p>This wording has been added to ensure that, if a sewerage undertaker grants consent to the discharge of trade effluent under the Water Industry Act 1991, a separate approval is not also needed under article 22(3) to facilitate the discharge of this effluent.</p>
17.	Article 25 (felling and lopping of trees and removal of hedgerows)	<p>(1) The undertaker may fell, or lop or remove any tree, or shrub or hedgerow within or overhanging land within the Order limits, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree, or shrub or hedgerow—</p> <p>(a) from obstructing or interfering with the construction, maintenance or operation of the authorised development</p>	<p>Changes have been made to this article to consolidate the provisions on (i) trees and shrubs and (ii) hedgerows, which were previously dealt with under separate paragraphs. This ensures that works to any tree, shrub or hedgerow are subject to the constraints in paragraph (2) and clarifies the operation of the article.</p>

		<p>or any apparatus used in connection with the authorised development; or</p> <p>(b) from constituting an imminent danger to persons using the authorised development, or property within the authorised development.</p> <p>(2) In carrying out any activity authorised by paragraph (1), the undertaker must:</p> <p>(a) insofar as relevant, act in accordance with British Standard 3998:2010 (Tree work – Recommendations) or any British Standard which supersedes it;</p> <p>(b) do no unnecessary damage to any tree, or shrub or hedgerow; and must</p> <p>(c) pay compensation to any person for any loss or damage arising from such activity.</p> <p>(3) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of compensation, is to be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.</p> <p>(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2), remove any hedgerow within the Order limits that is required to be removed.</p> <p>(4) The powers conferred by paragraphs (1) and (4) removes any obligation upon the undertaker to secure any consent under the Hedgerow Regulations 1997(a) in undertaking works pursuant to paragraphs (1) or (4).</p> <p>(5) In this article “hedgerow” has the same meaning as in the Hedgerow Regulations 1997 and includes important hedgerows.</p>	<p>An additional provision has been included in paragraph (2) following representations from the joint local authorities, requiring the undertaker to comply with the relevant British Standard insofar as that is relevant to works being carried out under this article. GAL is content to commit to this in this article.</p>
18.	Article 27 (compulsory)	The undertaker may—	This wording has been added following representations from the joint local authorities, for

	acquisition of land)	(a) acquire compulsorily so much of the Order land as is required for the construction, operation or maintenance of the authorised development, or to facilitate it, or is incidental to it, or is required as replacement land; and	greater clarity. It is not considered that this inclusion materially affects the operation of this article.
19.	Article 33 (modification of the 1965 Act)	(1)(a)(ii) for “the three-year applicable period mentioned in for the purposes of section 4” substitute “the period of ten years as set out in article 31 (time limit for exercise of authority to acquire land compulsorily) of the Gatwick Airport (Northern Runway Project) Development Consent Order 202[]”.	This change has been made to reflect the recent amendment to the statutory provision referred to (section 5B of the 1981 Act) by section 185(2)(b) of the Levelling-up and Regeneration Act 2023.
20.	Article 34 (application of the 1981 Act and modifications of the 2017 Regulations)	(8)(b) for “the three-year applicable period mentioned in for the purposes of section 5A” substitute “the period of ten years as set out in article 31 (time limit for exercise of authority to acquire land compulsorily) of the Gatwick Airport (Northern Runway Project) Development Consent Order 202[]”.	This change has been made to reflect the recent amendment to the statutory provision referred to (section 5B of the 1981 Act) by section 185(3)(b) of the Levelling-up and Regeneration Act 2023.
21.	Article 39 (temporary use of land for maintaining the authorised development)	(3) Not less than 14 28 days before entering upon and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and explain the purpose for which entry is taken.	This change has been made following representations from the joint local authorities. The amended period of 28 days is considered reasonable and proportionate and is preceded in many recently made DCOs including the Manston Airport (article 30), A38 Derby Junctions (article 34), A303 (Amesbury to Berwick Down) (article 30) and Longfield Solar (article 28) DCOs.
22.	Article 40 (special category land)	(1) On the exercise by the undertaker of the Order rights, the special category land identified in Part 1 of Schedule 10 (special category land to be permanently acquired and for which replacement land is provided) is not to vest in the undertaker until the undertaker has acquired the replacement land identified in Part 2 of Schedule 10 (replacement land) (to the extent not already in its ownership) and an open space management plan has been submitted to, and approved	Changes have been made to article 40 (special category land) to reflect the revised application of sections 131 and 132 of the 2008 Act, as described in row 1 of this table above. The special category land subject to the Order has been divided in Schedule 10 by reference to which limb of sections 131 or 132 of the 2008 Act applies, and changes have been made to the cross-references in this article accordingly.

		<p>in writing by, the relevant planning authority CBC (in consultation with RBBC and MVDC).</p> <p>(2) The open space management plan submitted under paragraph (1) must be substantially in general accordance with the outline landscape and ecology management plan and must include a timetable for the laying out of the replacement land as open space.</p> <p>(3) On the requirements of paragraph (1) being satisfied, the special category land identified in Part 1 of Schedule 10 is to vest in the undertaker (or any specified person) and be discharged from all rights, trusts and incidents to which it was previously subject.</p> <p>(4) The undertaker must implement the open space management plan approved by the relevant planning authority CBC under paragraph (1) and on the date on which the replacement land is laid out and provided in accordance with that plan, the replacement land is to vest in RBBC the persons in whom the special category land specified in paragraph (1) was vested on the date of the exercise of the Order powers (if the replacement land is not already owned by these persons RBBC) and is to be subject to the same rights, trusts and incidents as attached to the special category land previously in the ownership of RBBC.</p> <p>(5) Article 55 (procedure in relation to certain approvals etc.) and Schedule 11 (procedure for approvals, consents and appeals) shall apply to the approval by CBC of the open space management plan under paragraph (1) as if CBC were the "discharging authority" and this article were a "requirement".</p> <p>(6) In this article—</p> <p>“Order rights” means rights and powers exercisable over the special category land by the undertaker under article 27 (compulsory acquisition of land) and article 28</p>	<p>Paragraph (2) has been amended as part of the rationalisation throughout the draft DCO to remove any references to "general accordance" and replace these with "substantially in accordance", which as a phrase has been clarified by the introduction of the new definition noted at row 10 of this table above.</p> <p>To provide reassurance as to the content of the open space management plan, it has been included in paragraph (2) that this plan will include a timetable for the laying out of the replacement land as open space.</p> <p>Paragraph (1) has been amended to allocate the approval process to CBC, albeit that it must discharge this function in consultation with RBBC and MVDC given that the replacement land sits partially outside CBC's administrative boundary.</p> <p>New paragraph (5) has been added to ensure that the decision-making and appeal provisions in Schedule 11 apply to the submission and approval of an open space management plan under this article in the same manner as if this provision were a requirement, despite article 55 referring specifically to requirements and discharging authority.</p>
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		<p>(compulsory acquisition of rights and imposition of restrictive covenants);</p> <p>“outline landscape and ecology management plan” means the document certified as such by the Secretary of State under article 51 (certification of documents, etc.); and</p> <p>“specified person” means a person other than the undertaker for whose benefit the replacement land or rights are being acquired.</p>	
23.	<p>Article 46 (disregard of certain improvements, etc.)</p>	<p>Addition of new article:</p> <p>(1) In assessing the compensation payable to any person on the acquisition from that person of any land or right over any land under this Order, the tribunal must not take into account—</p> <p>(a) any interest in land; or</p> <p>(b) any enhancement of the value of any interest in land by reason of any building erected, works carried out or improvement or alteration made on the relevant land, if the tribunal is satisfied that the creation of the interest, the erection of the building, the carrying out of the works or the making of the improvement or alteration as part of the authorised development was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.</p> <p>(2) In paragraph (1) “relevant land” means the land acquired from the person concerned or any other land with which that person is, or was at the time when the building was erected, the works constructed or the improvement or alteration made as part of the authorised development, directly or indirectly concerned.</p>	<p>This article provides for the tribunal to disregard certain interests in and enhancements to the value of land in assessing compensation arising out of that land's compulsory acquisition where the creation of the interest or the making of the enhancement was undertaken with a view to obtaining compensation or increased compensation.</p> <p>The wording of this article mirrors section 4 (assessment of compensation) of the Acquisition of Land Act 1981 (the "1981 Act"). It is necessary to replicate the wording of that section in the Order because section 4 of the 1981 Act only applies to a compulsory purchase where another statutory instrument has applied its provisions. The 2008 Act does not do so, so section 4 of the 1981 Act would not apply to compulsory acquisition authorised by a DCO in the absence of wording such as in this article. Sections 120(3), 120(5)(a) and Schedule 5 (by virtue of section 120(3)) of the 2008 Act allow the application in a DCO of statutory provisions which relate to the payment of compensation.</p> <p>This article complies with section 126 of the 2008 Act as it does not have the effect of modifying or excluding the application of an existing provision relating to compulsory purchase compensation. The article has precedent in Article 38 of the Boston Alternative</p>

			Energy Facility Order 2023, Article 44 of the A47 Wansford to Sutton Development Consent Order 2023 and Article 50 of the M25 Junction 28 Development Consent Order 2022.
24.	Schedule 2 (requirements), paragraph 1 (interpretation)	Addition of new definitions: "flood resilience statement"; [and] "surface access engineering drawings and sections"; means the document of that description certified by the Secretary of State under article 52 (certification of documents, etc.);	These documents are now referenced in the requirements and have therefore been defined as documents / plans to be certified by the Secretary of State under article 52 (certification of documents, etc.).
25.	Schedule 2 (requirements), paragraph 1 (interpretation)	Addition of new definition: "begin" has the meaning given in section 155 (when development begins) of the 2008 Act and shall have a meaning distinct to "commence" in this Order;	This definition has been added in relation to the changes to requirement 3 (time limit and notifications).
26.	Schedule 2 (requirements), paragraph 1 (interpretation)	"emergency flights" means planned air transport movements which do not carry commercial passengers, which include but are not restricted to-- [...]	This definition has been amended to clarify that emergency flights will not necessarily be 'planned' given their emergency nature.
27.	Schedule 2 (requirements), various	"following consultation with..." has been replaced with "in consultation with..."	This minor change has been made for consistency throughout the requirements and to clarify that the discharging authority should approve the submitted plan / details in consultation with the other body, rather than the other body needing to be consulted on the plan / details by the undertaker before it is submitted to the discharging authority.
28.	Requirement 3 (time limit and notifications)	(1) The authorised development must commence begin no later than the expiration of five years beginning on the start date. (2) No part of the authorised development is to commence until a written notice of the works comprising	This requirement has been amended to replace "commence" with "begin" in sub-paragraph (1), with the latter term being defined by reference to section 155 of the 2008 Act. This aims to ensure that the carrying out of any material operation (including those carved out of the

		<p>that part is given to the relevant planning authority 14 days prior to the commencement of that part.</p> <p>(2) The undertaker must notify CBC:</p> <p>(a) within 10 working days of the date on which the authorised development begins;</p> <p>(b) at least 30 working days prior to the anticipated date of commencement, provided that commencement may still lawfully occur if notice is not served in accordance with this sub-paragraph;</p> <p>(c) within 10 working days of the actual date of commencement; and</p> <p>(d) within 7 working days of the commencement of dual runway operations.</p>	<p>definition of "commence" in the DCO) will satisfy requirement 3 and ensure that the DCO does not lapse despite material operations having been carried out pursuant thereto.</p> <p>Additional notification requirements have been introduced into sub-paragraph (2), to ensure that CBC is made aware when key project milestones are approaching and/or have taken place. This will assist CBC in monitoring compliance with other requirements which are by reference to these milestones.</p>
29.	<p>Requirement 4 (detailed design)</p>	<p>(1) No part of the authorised development (except for the highway works and excepted development) is to commence until details of the layout, siting, scale and external appearance of the buildings, structures and works within that part have been submitted to and approved in writing by the relevant planning authority CBC (in consultation with MVDC and RBBC).</p> <p>(2) The details referred to in sub-paragraph (1) must be in accordance with the design principles in appendix 1 of the design and access statement and engineering drawings and sections, and subject to article 6 (limits of works) be within the limits shown on the works plans unless otherwise agreed in writing with the relevant planning authority CBC (in consultation with MVDC and RBBC).</p> <p>(3) The authorised development must be carried out in accordance with the details approved by the relevant planning authority CBC under sub-paragraph (1) unless otherwise agreed in writing with the relevant planning authority CBC (in consultation with MVDC and RBBC).</p>	<p>The following changes have been made to this requirement:</p> <ul style="list-style-type: none"> • a discharging authority and consultees have been specified in place of the "relevant planning authority", for certainty; • the reference to "engineering drawings and sections" in sub-paragraph (2) has been deleted as these drawings and sections are only relevant to highway works, which are dealt with under requirements 5 and 6 rather than requirement 4; and • by way of commitment to design control over excepted development, given that this will be exempted from detailed design approval under requirement 4, a new commitment has been added that excepted development will be carried out in accordance with the Project's design principles unless otherwise agreed.

		<p>(4) No excepted development may be carried out until the relevant planning authority CBC has been consulted on that development.</p> <p>(5) Excepted development must be carried out in accordance with the design principles in appendix 1 of the design and access statement unless otherwise agreed with CBC.</p>	
30.	Requirement 5 (local highway works – detailed design)	<p>(2) The details referred to in sub-paragraph (1) must be in accordance with the approved plans, the design principles in appendix 1 of the design and access statement and the surface access general arrangements, engineering and structure section drawings engineering drawings and sections, and subject to article 6 (limits of works) be within the limits shown on the works plans unless otherwise agreed in writing with the relevant highway authority.</p>	The documents in accordance with which the detailed design for the local highway works must be submitted have been clarified.
31.	Requirement 7 (code of construction practice)	<p>Construction of the authorised development must be carried out substantially in accordance with the code of construction practice unless otherwise agreed with the relevant planning authority CBC.</p>	<p>This requirement has been amended following representations from the joint local authorities, to specify that the authorised development must be carried out in accordance with the code of construction practice.</p> <p>As described at row 10 above, a specific discharging authority has been included in place of "relevant planning authority".</p>
32.	Requirement 8 (landscape and ecology management plan)	<p>(1) Prior to commencement of any No part of the authorised development is to commence until a landscape and ecology management plan for that part must be has been submitted to and approved in writing by the relevant planning authority CBC (in consultation with RBBC, MVDC or TDC to the extent that they are the relevant planning authority for any land to which the submitted plan relates).</p>	<p>The following changes have been made to this requirement:</p> <ul style="list-style-type: none"> the syntax of the requirement has been amended for consistency with other pre-commencement requirements; a specific discharging authority and consultees have been included in place of "relevant planning authority" for certainty;

		<p>(2) Where a landscape and ecology management plan submitted pursuant to sub-paragraph (1) relates to highways works, the relevant planning authority CBC must approve it also in consultation with the relevant highway authority.</p> <p>(3) Each landscape and ecology management plan submitted pursuant to sub-paragraph (1) must be substantially in general accordance with the outline landscape and ecology management plan and must include a timetable for the implementation of the landscaping works it contains.</p> <p>(4) The relevant part of the authorised development must be carried out substantially in accordance with the relevant landscape and ecology management plan approved pursuant to sub-paragraph (1) unless otherwise agreed with CBC.</p>	<ul style="list-style-type: none"> the use of "in general accordance" has been replaced with "substantially in accordance" for clarity; and "substantially" has been removed from the sub-paragraph requiring compliance with the approved plan to ensure adequate control of activities.
33.	Requirement 10 (surface and foul water drainage)	<p>(1) No part of the authorised development (except for the highway works and excepted development) is to commence until written details of the surface and foul water drainage for that part, including means of pollution control and monitoring, have been submitted to and approved in writing by the lead local flood authority CBC (in consultation with West Sussex County Council, the Environment Agency and Thames Water Utilities Limited).</p> <p>(2) The drainage details approved pursuant to sub-paragraph (1) must be in general accordance with the drainage design principles in appendix 1 of the design and access statement.</p> <p>(3) The authorised development must be constructed in accordance with the details approved under sub-paragraph (1) unless otherwise agreed in writing by CBC (in consultation with West Sussex County Council,</p>	<p>The following changes have been made to this requirement:</p> <ul style="list-style-type: none"> a specific discharging authority and consultees have been included in place of the "lead local flood authority", for certainty; following representations from Thames Water Utilities Limited, they have been included as a body to be consulted by the discharging authority; to remove reference to "general accordance"; and by way of commitment to design control over excepted development, given that this will be exempted from detailed drainage design approval under requirement 10, a new commitment has been added that excepted development will be carried out in accordance with the Project's drainage design principles unless otherwise agreed.

		<p>the Environment Agency and Thames Water Utilities Limited) the lead local flood authority.</p> <p>(4) No excepted development involving surface or foul water drainage may be carried out until the relevant planning authority CBC has been consulted on that development.</p> <p>(5) Excepted development involving surface or foul water drainage must be carried out in accordance with the drainage design principles in appendix 1 of the design and access statement unless otherwise agreed with CBC.</p>	
34.	Requirement 11 (local highway surface water drainage)	<p>(1) No part of the local highway works is to commence until written details of the surface water drainage for that part, including means of pollution control and monitoring, have been submitted to and approved in writing by the relevant highway authority (following in consultation with the Environment Agency and the relevant lead local flood authority).</p> <p>(2) The drainage details approved pursuant to subparagraph (1) must be substantially in general accordance with the surface access drainage strategy.</p> <p>(3) The local highway works must be constructed in accordance with the details approved under subparagraph (1) unless otherwise agreed in writing by the relevant highway authority (following in consultation with the Environment Agency and the relevant lead local flood authority).</p>	Minor changes have been made to this requirement for consistency with the changes detailed above, including replacing the use of "general accordance" with the defined term "substantially in accordance".
35.	Requirement 12 (construction traffic management plan)	<p>(1) No part of the authorised development is to commence until a construction traffic management plan has been submitted to and approved in writing by the relevant highway authority CBC, (following in consultation with West Sussex County Council, Surrey County Council and National Highways the relevant</p>	In response to representations from the joint local authorities, the discharging authority and consultees for this requirement have been updated and specified.

		<p>planning authority on matters related to its their function).</p> <p>(2) The construction traffic management plan submitted under sub-paragraph (1) must be substantially in accordance with the outline construction traffic management plan.</p> <p>(3) The authorised development must be constructed in accordance with the construction traffic management plan referred to in sub-paragraph (1), unless otherwise agreed in writing with the relevant highway authority CBC (following in consultation with West Sussex County Council, Surrey County Council and National Highways on matters related to their function) the relevant planning authority on matters related to its function.</p>	
36.	<p>Requirement 13 (construction workforce travel plan)</p>	<p>(1) No part of the authorised development is to commence until a construction workforce travel plan has been submitted to and approved in writing by the relevant highway authority CBC, (following in consultation with West Sussex County Council, Surrey County Council and National Highways the relevant planning authority on matters related to its their function).</p> <p>(2) The construction workforce travel plan submitted under sub-paragraph (1) must be substantially in accordance with the outline construction workforce travel plan.</p> <p>(3) The authorised development must be constructed in accordance with the construction workforce travel plan referred to in sub-paragraph (1), unless otherwise agreed in writing with the relevant highway authority CBC (following in consultation with West Sussex County Council, Surrey County Council and National Highways the relevant planning authority on matters related to its their function).</p>	<p>In response to representations from the joint local authorities, the discharging authority and consultees for this requirement have been updated and specified.</p>

37.	Requirement 14 (archaeological remains)	(2) The Any part of the authorised development in West Sussex (other than Work No. 34(b)) must be carried out in accordance with the written scheme of investigation for West Sussex, unless otherwise agreed in writing with West Sussex County Council.	This sub-paragraph of the requirement has been updated to clarify that only parts of the authorised development within West Sussex should be subject to the written scheme of investigation agreed with West Sussex County Council. For areas within Surrey, the only written scheme of investigation that is considered necessary following discussions with Surrey County Council is the scheme in respect of Work No. 34(b).
38.	Requirement 18 (noise insulation scheme)	(1) Within not more than 3 months following the commencement of any of Work Nos. 1 – 7 (inclusive) the undertaker shall submit to each relevant planning authority CBC details of how the noise insulation scheme is to be promoted and administered to persons considered to be vulnerable to noise related effects to ensure equitable access to the noise insulation scheme and once approved the undertaker shall comply with the approved details when promoting and administering the noise insulation scheme.	A specific discharging authority has been included in place of "relevant planning authority", for certainty.
39.	Requirement 19 (airport operations)	Relocation of: (1) The undertaker must serve notice on the relevant planning authority no later than 7 days after the commencement of dual runway operations informing of the same.	This has been relocated to requirement 3 (time limit and notifications).
40.	Requirements 20 (surface access) and 21 (carbon action plan)	"relevant planning authority" has been replaced with "CBC"	A specific discharging authority has been included in place of "relevant planning authority", for certainty.
41.	Requirement 22 (public rights of way)	(1) No development of any new or diverted public right of way listed in Part 3 of Schedule 4 (footways and cycle tracks) may be carried out until a public rights of way implementation plan for that public right of way has been	Given that public rights of way are managed by the highway authority for an area rather than the planning authority, the discharging authority has been amended

		<p>submitted to and approved by the relevant highway authority the relevant planning authority.</p> <p>(2) Each public rights of way implementation plan submitted pursuant to sub-paragraph (1) must be substantially in general accordance with the public rights of way management strategy and in accordance with the rights of way and access plans.</p> <p>(3) The development of any new or diverted public right of way listed in Part 3 of Schedule 4 must be carried out substantially in accordance with the relevant public rights of way implementation plan approved pursuant to sub-paragraph (1) unless otherwise agreed with the relevant highway authority.</p>	<p>such that the discharging authority better reflects existing authority functions.</p> <p>The other changes, regarding "substantially in accordance" and the addition of "unless otherwise agreed", have been made for consistency with the changes described above and other requirements.</p>
42.	Requirement 23 (flood compensation delivery plan)	<p>(1) Prior to the commencement of the first of Work Nos. 4(a), 4(b), 4(f), 4(g), 4(h), 4(i), 4(j), 14, 23(a), 25, 36(a), 36(b) or 37(a), a flood compensation delivery plan setting out the timeframe for delivering Work Nos. 30(a) (earthworks to enable provision of a water attenuation facility storage tank), 31(b) (constructing a flood compensation area at Car Park X), and Work No. 38(a) (constructing a flood compensation area at Museum Field) and 39 (works associated with the River Mole) must be submitted to and approved by the relevant planning authority CBC in consultation with the Environment Agency.</p> <p>(2) The authorised development must be constructed in accordance with the flood compensation delivery plan referred to in sub-paragraph (1), unless otherwise agreed in writing with the relevant planning authority CBC in consultation with the Environment Agency.</p>	<p>Following representations from West Sussex County Council, the works which are required to form part of the flood compensation delivery plan to be submitted pursuant to this requirement have been amended to include the other works which form part of the Project's flood mitigation.</p> <p>A specific discharging authority has been included in place of "relevant planning authority", for certainty.</p>
43.	Requirement 24 (flood resilience statement)	<p>Addition of new requirement: Flood resilience statement</p>	<p>Following representations from the joint local authorities, GAL has added this new requirement to secure the flood resilience statement.</p>

		24. The authorised development must be carried out in accordance with the flood resilience statement unless otherwise agreed with CBC.	
44.	Schedule 3	Permanent Stopping Up of Highways and Private Means of Access & Provisions of New Highways and Private Means of Access	By its nature, stopping up is permanent. The word "permanent" has been deleted from the schedule heading due to redundancy.
45.	Schedules 4 – 7	Minor referencing changes throughout.	Changes have been made to these schedules to correct typographical and cross-referencing errors and reflect updated colour schemes on the underlying plans.
46.	Schedule 9, Part 1 (protective provisions for the protection of electricity, gas, water and sewage undertakers)	Minor amendments to paragraph 2, 4 and 9.	These changes have been made to aid clarity in interpretation and correct typographical errors.
47.	Schedule 10 (special category land)	Changes to the table structure in this Schedule.	These changes have been made to reflect the updated approach to special category land and the revised recitals and article 40 (special category land).
48.	Schedule 12 (documents to be certified)	Changes to the structure of, and description of documents in, the table.	These changes have been made to align the plans submitted into the examination (and which will ultimately be certified by the Secretary of State) with the defined terms for these documents in the draft DCO and ensure that only documents which are secured or referenced in the DCO are included in Schedule 12.
49.	Throughout	Correction of various cross-references throughout.	These changes have been made to reflect the revised numbering of articles and requirements.
50.	Throughout	"at least" replaced with "no less than"	This minor change has been implemented for clarity.

