



# Gatwick Airport Northern Runway Project

The Applicant's Response to the Examining Authority's  
Written Questions (ExQ1) – Compulsory Acquisition and  
Temporary Possession

**Book 10**

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## 1 Response to the Examining Authority’s Written Questions – Compulsory Acquisition and Temporary Possession

1.1.1 The below table sets out the Applicant’s response to the Examining Authority’s Written Questions relating to Compulsory Acquisition and Temporary Possession.

ExQ1	Question to:	Question:
<b>COMPULSORY ACQUISITION AND TEMPORARY POSSESSION</b>		
CA.1.1	The Applicant	<p><b>Compliance with Department for Communities and Local Government Guidance</b></p> <p>Please advise whether the Book of Reference (BoR) [REP1-009 and REP1-011] is fully compliant with Department for Communities and Local Government (DCLG) Guidance<sup>1</sup> (CA Guidance). If not, please amend as necessary.</p>
		<p>Yes, the Book of Reference is fully compliant with the CA Guidance.</p>
CA.1.2	The Applicant	<p><b>Diligent Enquiry into Land Interests</b></p> <p>Could you summarise where you have not yet been able to identify any persons having an interest in the land, including any rights over unregistered land? What further steps will you be taking to identify any unknown rights during the Examination?</p>
		<p>The Applicant can confirm that there are numerous plots where the Applicant’s appointed specialist surveyors and land referencers, have not yet been able to identify the persons who have an interest.</p>

		<p>Where this is the case it has been marked as "unknown" in the <b>Book of Reference</b> [<a href="#">REP1-009</a> to <a href="#">REP1-011</a>].</p> <p>The unknown interests arise from unregistered titles where the Applicant has been unable, through diligent inquiry, to identify the landowner or those who possess a potential right in the land in question. Other unknown interests marked on the Book of Reference are noted because the relevant HM Land Registry title provides details of rights over plots but does not provide sufficient detail as to who those rights are in favour of to be able to identify the relevant person. Despite conducting diligent inquiry, the Applicant have been unable to identify those that possess these interests.</p> <p>The full process of diligent inquiry is described in Section 7 of the <b>Statement of Reasons</b> [<a href="#">AS-008</a>] . As well as carrying out ongoing investigations to seek to identify the relevant persons the Applicant undertook a full refresh of the HM Land Registry and utility searches in advance of sending the notices required under section 56 of the Planning Act 2008 and in advance of submitting an updated Book of Reference</p> <p>The Applicant has and will continue to engage with known affected parties and their appointed agents to collate any further information about the unknown plots as may be known or become known. Further, the regular refreshes of HM Land Registry and utilities searches may reveal the persons who hold these unknown interests.</p> <p>The Applicant is confident that it has and continues to carry out diligent inquiry to identify persons who hold interests labelled as "unknown" in the Book of Reference.</p>
CA.1.3	The Applicant	<b>Reasonable Alternatives to Compulsory Acquisition</b>

		<p>In the light of the CA Guidance, in particular paragraph 8, please describe:</p> <ul style="list-style-type: none"> <li>a) How the ExA can be assured that all reasonable alternatives to compulsory acquisition (CA) (including modifications to the scheme) have been explored; and</li> <li>b) Set out in summary form, with document references where appropriate, what assessment/ comparison has been made of the alternatives to the proposed acquisition of land or interests in each case.</li> </ul> <p>a. The Applicant has developed the scheme for the Project over a number of years considering alternatives to compulsory acquisition including modifications to the scheme. Paragraphs 6.2.13-6.2.23 of the <b>Statement of Reasons</b> [<a href="#">AS-008</a>] describe how the Applicant has considered alternatives to the development proposals and alternatives to compulsory acquisition. A full description of the alternatives that have been considered, including modifications to the scheme, is set out in <b>ES Chapter 3: Alternatives Considered</b> [<a href="#">APP-028</a>].</p> <p>In terms of alternatives to the development proposals, the development required to enable dual runway operations is primarily within the airport boundary or the strategic road network (SRN). As the development requires changes to the layout of the airport itself or the existing SRN, there are limited alternatives to the location of that development. The alternatives are then further restricted from an operational perspective. There are also limited alternative locations to the proposed works to the SRN. The Applicant has worked with National Highways to develop proposals that comply with the required standards but that also minimise the requirement for additional land.</p> <p>As explained in the <b>Statement of Reasons</b> [<a href="#">AS-008</a>], the Applicant owns the majority of the land over</p>
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which compulsory acquisition powers are sought and National Highways own the majority of the land where the works to the SRN will be carried out. In developing the proposals the Applicant has sought to utilise its existing landholding where possible to reduce the levels of compulsory acquisition required for the Project.

As a result of the majority of the works being carried out on the airport or the SRN, the third party land required for the Project is significantly reduced. For those aspects, the Applicant has further considered alternatives to the proposed scheme noting that these plots are primarily required because of their proximity to either the airport or existing mitigation land or are an output of discussions with National Highways about the required designs for the SRN upgrades. Appendix 3.5.1 identifies where third party land was identified as necessary as part of the alternatives assessment and explains why this was the best option.

As can be seen from the **Book of Reference** [[REP1-009](#) to [REP1-011](#)], there are a significant number of third party interests across the airport. This reflects the complex history and current operating requirements of the airport. In developing its proposals the Applicant has considered how to minimise disruption to these interest-holders and the compulsory acquisition powers required over those rights. Specifically in relation to the terminals and other operational airport buildings on the airport, the Applicant has identified where it could rely on its existing rights in private agreements with the third party interest holders (e.g. leases) to carry out any required works or where it is confident that it can work around that interest. Plots where no powers of compulsory acquisition or temporary possession are required are shown as grey on the **Land Plans** [[AS-015](#)].

In terms of alternatives to the use of compulsory acquisition powers, the Applicant has sought and continues to seek private agreements. The **Land Rights Tracker** (Doc Ref. 8.6 v2) shows the

		<p>progress being made in private negotiations which is the alternative to the use of CA powers that the Applicant is pursuing.</p> <p>b. The Applicant has only sought those powers that are necessary to deliver the Project. Prior to submitting the Application, the Applicant developed the scheme with a preference of avoiding any requirement of relying on the use of CA powers unless absolutely required. This has resulted in the majority of the development being located on the airport within the Applicant's own freeholding or the SRN within National Highways' freeholding. Where, following consideration of alternatives to the scheme discussed in response to part (a) above, third party land is required, the Applicant has sought engagement with those affected parties to understand the impact such acquisition could have on the party and their land and discuss any alternative arrangements that would minimize the impact on their landholding of delivering the Project. Details of negotiations with landowners and progress updates are shown in the <b>Land Rights Tracker</b> (Doc Ref. 8.6 v2). Notwithstanding its preference to acquire all land and/or rights by agreement, GAL still seeks to acquire land and rights compulsorily through the <b>dDCO</b> (Doc Ref. 2.1 v6) in circumstances where the voluntary acquisition of land or rights is ultimately unsuccessful.</p> <p>Detail of the consideration of alternatives to the proposed acquisition of land or interests is set out in response to part a of this question.</p>
CA.1.4	The Applicant	<p><b>Diligent Enquiry into Land Interests</b></p> <p>Do you envisage any changes to the application which might engage The Infrastructure Planning (Compulsory Acquisition) Regulations 2010?</p>

		No, the Applicant does not.
CA.1.5	The Applicant	<p><b>Accuracy of the Book of Reference, Land Plans and Points of Clarification</b></p> <p>What assurance and evidence can the Applicant provide of the accuracy of the land interests identified as submitted? Indicate whether there are likely to be any changes to the land interests, including the identification of further owners/ interests or monitoring and update of changes in interests?</p> <p>The Applicant has described its land referencing methodology in section 7 of the <b>Statement of Reasons</b> <a href="#">[AS-008]</a> and provided further information below to give the ExA assurance of the accuracy of the land interests identified in the BoR.</p> <p>There were a number of differences between those parties listed in the BoR and those served with a Section 56 Notice. This was as a result of updates to the relevant land interest/title information (principally through HMLR refresh) that has occurred since finalisation of the <b>Book of Reference</b> [REP1-009 and REP1-011] for application resulting in some parties listed in the Book of Reference that did not receive a Section 56 Notice and some parties not listed in the Book of Reference but did receive a Section 56 Notice.</p> <p>The Applicant is aware of the ExA receiving confirmation by recipients of the Section 102A Notices of a change of ownership and/or address compared to that listed in the <b>Book of Reference</b> <a href="#">[REP1-009 to REP1-011]</a>. For each update of the Book of Reference the Applicant has and will continue to incorporate any updated information provided to it by the ExA or by affected parties or any other persons and any updated information ascertained through the HM Registry refresh and utility searches and further research carried out as part of carrying out diligent inquiry. The Applicant will continue to ensure that the more than</p>



		<p>29,000 interests listed in the Book of Reference are kept up to date through the examination. The updated Book of Reference submitted at Deadline 1 reflected changes to land interests which were identified since the application was submitted on 6th July 2023. The next version of the Book of Reference will be submitted at Deadline 5 as requested in the Rule 8 letter <a href="#">[PD-011]</a>.</p> <p>At Deadline 2, the Applicant confirmed that it had sent Section 102A Notices to those newly identified landowners. Following instruction from the ExA, the Applicant confirms that it has served a Section 102A Notice on any new parties identified in the updated Book of Reference notifying them of their right to make a request to the ExA to become an interest party.</p> <p>Given the length of the examination, the Applicant believes that it is likely that further new interests will be identified during the course of the examination period and therefore further updates to the Book of Reference are expected to be submitted as requested by the ExA in the Rule 8 letter. For any new parties identified they too will be served a Section 102A Notice notifying them of their right to make a request to the ExA to become an interest party.</p>
CA.1.6	The Applicant	<p><b>Accuracy of the Book of Reference, Land Plans and Points of Clarification</b></p> <p>Please provide an up-to-date list of those plots of land where ownership remains unknown and explain what steps are being taken to identify ownership.</p>
		Please see the Applicant's response to CA.1.2.
CA.1.7	The Applicant	<b>Acquisition of Other Land or Rights</b>

		<p>Are any land or rights acquisitions required in addition to those sought through the draft DCO (dDCO) before the Proposed Development could become operational?</p>
		<p>The Applicant can confirm that there are no additional land or rights acquisitions required in addition to those sought through the <b>dDCO</b> (Doc Ref. 2.1 v6).</p>
<p>CA.1.8</p>	<p>The Applicant</p>	<p><b>Reasonable Alternatives to Compulsory Acquisition</b></p> <p>Paragraph 25 of the CA Guidance states that applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.</p> <p>a) Please demonstrate the Applicant's compliance with this aspect of the CA Guidance.</p> <p>b) Has the Applicant offered full access to alternative dispute resolution techniques for those with concerns about the CA of their land or considered other means of involving those affected?</p> <hr/> <p>a) The <b>Statement of Reasons</b> [<a href="#">AS-008</a>], paragraphs 8.1.1 to 8.1.3 details the Applicant's approach to negotiations with particular landowners, occupiers or statutory undertakers, this approach is in accordance with paragraph 25 of the CA Guidance.</p> <p>The Applicant either has control of or has entered into voluntary agreements or documentation is in an agreed form awaiting signature/completion for 94.3% of land area over which compulsory acquisition powers are sought.</p>

		<p>For the remaining Affected Land, the Applicant has offered to enter into negotiations by engaging with and issuing draft heads of terms for the acquisition of land and rights from the owners of Affected Land. As a result, the Applicant is in active negotiations with all owners of Affected Land. The Applicant has agreed negotiated terms with 5 owners of Affected Land and aims to secure more negotiated settlements by the end of Examination. The Applicant remains optimistic that they can acquire more of the required land and rights by negotiation without the need to exercise the Compulsory Acquisition powers sought within the <b>dDCO</b> (Doc Ref. 2.1 v6).</p> <p>b) The Applicant is in active negotiations with the remaining 5.7% of owners of Affected Land. Terms have been issued to these Affected owners, within which the Applicant is offering to meet the reasonable and proper costs of independent third party professional advice being sought to reach a voluntary agreement. The Applicant does not consider there to be a ‘dispute’ of the nature which would lend itself to ADR at this stage but will remain open to it if circumstances change and may, through ongoing negotiations, offer ADR to Affected parties and their representatives.</p>
CA.1.9	The Applicant	<p><b>Scope and Purpose of Compulsory Acquisition Powers</b></p> <p>Section 5 of the Statement of Reasons (SoR) [AS-008] considers the source and scope of the powers set out in the dDCO (Doc Ref. 2.1). It is stated that land within the Order Limits (OL) will be subject to a statutory authority to override easements and other rights, and to extinguish private rights of way upon the appropriation of the land for the purposes of the DCO.</p> <p>Please explain in further detail:</p> <p>a) The need to seek such a wide-ranging power and why all such rights and easements cannot</p>

		<p>be specifically identified.</p> <p>b) Why it is necessary to include powers of CA as a means of overriding existing rights and interests in or over land, as well as creating new rights over land, and granting the right to take temporary possession (TP) of land?</p> <p>c) The nature and extent of any delay to the project that might otherwise result.</p> <p>d) What alternatives to this approach have been explored?</p> <hr/> <p>a. As detailed design progresses it may be desirable to carry out minor works such as protective works or utility diversion works, and so the Applicant requires to benefit from the corresponding powers within the <b>Draft DCO</b> (Doc Ref. 2.1 v6). Paragraphs 7.15 to 7.17 and Paragraphs 7.21 to 7.23 of the <b>Explanatory Memorandum</b> (Doc Ref. 2.2 v4) justify the context and approach to Articles 30 and 32 respectively. Please also see the response to DCO.1.30.</p> <p>The Applicant has carried out diligent inquiries to identify land ownership and land interests within the Order Limits but due to the nature of historic land records, the Applicant cannot be certain that all rights and easements that affect the land within the Order Limits has been identified (see responses to CA1.2 for details on the steps the Applicant is taking to identify these interests).</p> <p>As detailed designs are progressed the exact location of works and access needed to carry out those works will become known. This is particularly relevant to assets owned by statutory undertakers where the exact location of the existing assets and then the required diversion routes will not be known until detailed design has been carried out and diversion routes agreed with the relevant statutory undertakers. The Applicant need these powers to ensure that the Project can be delivered.</p>
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		<p>Appropriate protection has been included for the statutory undertakers in Schedule 9 of the draft DCO (Doc Ref 2.1) which minimises the risk of any adverse impact on the assets or operations of a statutory undertaker as a result of the Project (see the response to CA.1.17 for further detail of this protections).</p> <p>b. In the event that the existing rights and/or interests in or over land are incompatible with the new rights that are required for the Project, the Applicant will require the power to override such rights and or interests. As the Applicant seeks to reduce the impact of the Project on third-party land, temporary possession powers would allow the Applicant to carry out works on land without retaining any permanent ownership. An example of the use of this power would be temporary possession to carry out surveys where further rights/interest in the land are not required until later in the development or not at all. The granting of this power provides the Applicant with the flexibility to use the least impactful power where appropriate to minimise impact on affected persons. Further justification of these powers is provided within section 7 of the <b>Explanatory Memorandum</b> (Doc Ref. 2.2 v4).</p> <p>c. Without such powers the Applicant may not be able to deliver the Project because existing rights and easements may prohibit the delivery of the works required for the Project.</p> <p>d. The Applicant has sought early engagement with landowners and statutory undertakers to enter into agreement to alleviate the need to rely on CA powers. In relation to alternatives to the use of CA powers, please see the Applicant's response to CA.1.3.</p>
CA.1.10	The Applicant	<p><b>Scope and Purpose of Compulsory Acquisition Powers</b></p> <p>The SoR, paragraph 6.2.6 [AS-008], states that the OL have been defined to allow sufficient flexibility to</p>

		<p>enable the final detailed design of the Proposed Development to be optimal [AS-008]. In addition, paragraph 3.2.3 indicates that flexibility is required particularly for the highways works and some of the runway exit/ entrance taxiways.</p> <p>a) For the avoidance of doubt, please set out and justify the extent of the flexibility that the submitted scheme would allow in terms of Limits of Works and parameters providing dimensions where relevant.</p> <p>b) How would it be ensured that powers of CA would not be exercised in respect of land not ultimately required as a result of the detailed design process?</p> <hr/> <p>a. Article 6 of the <b>draft DCO</b> (Doc Ref. 2.1 v6) sets out the limits of works. The numbered works in Schedule 1 of the draft DCO must be situated within the limits shown in the corresponding numbered area on the <b>Works Plans</b> (Doc Ref. 4.5 v4). Buildings subject to a height parameter have been listed in Article 6(3) and the heights are shown on the corresponding <b>Parameter Plans</b> <a href="#">[AS-131]</a>. Article 6(4) sets out the specific limits for surface access works and Article 6(5) sets out the limits of the exit/entrance taxiways.</p> <p>The detailed designs for the surface access highway works will be informed by further ground investigations and consideration of the relevant guidance and standards at the time. The detailed designs will need to be approved by National Highways. At this stage the exact location of the surface access work cannot be determined and therefore a worst case assessment on the basis of the limits of deviation secured through Article 6(4) has been carried out.</p> <p>The detailed designs for the exit/entrance taxiways (Work Nos 4(b) and 4(e)) will be informed by the</p>
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		<p>guidance and standards of the Civil Aviation Authority. At this stage the exact location of these exit/entrance taxiways cannot be determined and therefore a worst case assessment on the basis of the limits of deviation secured through Article 6(5) has been carried out.</p> <p>b. Article 27 of the draft DCO restricts the use of CA powers to "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".. The Applicant will only exercise powers in respect of the land that is required following detailed design and likely after constructing pursuant to temporary powers. In that way, the Applicant will only acquire land and rights pursuant to Articles 27 and 28 as necessary once the works are complete. Aside from the legality of the article, there's no commercial incentive for the Applicant to pay more through compensation for land which is not required to deliver the scheme. This approach is also why the Applicant has sought authority to use these powers for 10 years under Article 31; the Applicant can then use a lesser power to carry out the construction works knowing that it will have time to exercise permanent acquisition powers over only the extent of the land that is required permanently. If these powers were not available for this length of time, the Applicant may be required to permanently acquire the full extent of the land required for construction as well as the permanent development.</p>
CA.1.11	The Applicant	<p><b>Whether a Compelling Case in the Public Interest Exists</b></p> <p>The SoR, section 6.2 [AS-008], sets out the Applicant's compelling case in the public interest for the proposed CA. Paragraph 6.2.48 asserts that the public benefits of the scheme would outweigh the adverse impacts on the interests of those who would be affected by the proposed use of CA powers.</p> <p>a) What assessment, if any, has been made of the effect upon individual Affected Persons and</p>

		<p>their private loss that would result from the exercise of CA powers in each case?</p> <p>b) What is the clear evidence that the public benefit would outweigh the private loss and how has that balancing exercise between public benefit and private loss been carried out?</p> <hr/> <p>a. As the Applicant has developed the Scheme proposals it has considered the private loss that would result for individual Affected Persons in the event that land outwith its own ownership is required. This private loss is drastically reduced by the majority of the development being carried out on the airport or SRN which are owned by the Applicant and National Highways respectively. For those areas where the Applicant is required to rely on third party land, the Applicant has assessed the private loss through engagement with Affected Persons and consideration of the current uses of the land. Notably, the scheme does not seek to acquire any residential properties (albeit a couple of plots are within the titles of those residential properties, see the response to CA.1.15). The Applicant has also considered any private loss that could occur to commercial operators noting that there are a significant number of commercial operators within the airport itself. Where the Applicant has considered that it can find an alternative to relying on interests in that land it has not sought compulsory acquisition or temporary possession powers over that land: this land is shown outside of the Order Limits and as greyed out plots on the <b>Land Plans</b> <a href="#">[AS-015]</a>. Overall and in this context, the significant public benefits resulting from the Project would clearly outweigh any private losses.</p> <p>b. The public benefit of the Project is set out in the <b>Needs Case</b> <a href="#">[APP-250]</a> and the <b>Planning Statement</b> <a href="#">[APP-245]</a>. The balancing exercise has been carried out in accordance with paragraphs 8 to 10 of the CA Guidance as set out in section 6.2 of the <b>Statement of Reasons</b> <a href="#">[AS-008]</a>.</p>
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CA.1.12	The Applicant	<p><b>Whether a Compelling Case in the Public Interest Exists</b></p> <p>The SoR, paragraph 8.2.1 [AS-008], states that the Applicant has taken steps to engage with these persons through formal consultation to understand the direct and indirect impacts on them. Paragraph 8.2.2 explains that the Applicant has engaged directly with individual landowners and those with an interest in the affected land. As a result of this engagement GAL has had a better understanding of the direct and indirect impacts on individual landowners.</p> <p>Please provide further details, with examples where available:</p> <ul style="list-style-type: none"> <li>a) How has such engagement helped to shape the proposals and enabled the Applicant to make changes to designs to minimise the private loss?</li> <li>b) How has the direct engagement with individual landowners given the Applicant a better understanding of the direct and indirect impacts on them?</li> <li>c) Please provide detail, where available, of the direct and indirect impacts thereby identified.</li> </ul>
		<p>The Applicant has undertaken extensive engagement to understand the impacts of the proposals. In doing so, the Applicant has established a thorough understanding of the likelihood of private loss and the scale/impact of such loss. In response to the questions above, we provide the following:</p> <ul style="list-style-type: none"> <li>a) Feedback received from landowners amongst other consultees in response to the two stages of statutory pre-application consultation is summarised in the <b>Consultation Report Appendices</b></li> </ul>

		<p><b>Part A to C</b> [<a href="#">APP-223</a> to <a href="#">APP-244</a>], which set out the matters raised by the consultees, along with the Applicant’s response and whether it resulted in a change to the Project. Where possible, changes have been made to mitigate impacts on landowners, including a reduction in land take or rights in land and amendments to the proposed development works, including areas which are excluded from the dDCO for the purpose of CA powers, including hotels, cargo terminals and the fuel farm, as well as area within the terminal buildings, petrol filling stations, office accommodation and restaurants. Where development works and design changes have not been able to mitigate the impacts, provision has been made for compensation in the negotiated terms offered to landowners, and the Applicant has entered into active engagement and negotiations to understand the potential losses further. The Property Cost Estimate (see response CA.1.22) makes provision for any compensation which may become due in line with the Compensation Code.</p> <p>b) The Applicant has appointed property specialist Dalcour Maclaren to engage with property owners and businesses impacted by the Project’s proposals, with feedback from meetings being fed back to the Applicant. Due to the complex nature of the properties and businesses, often additional specific specialists have also been employed to support the engagement, ensuring that the impacts can be fully understood to allow for the best understanding of the impacts and potential mitigation; this has included commercial property experts, hotel experts and petrol filling station experts, supported by the engineering, acoustic, traffic, flood and other specialist within the project team, to ensure that the Applicant has a thorough understanding of issues. As an example, additional temporary accommodation works are being proposed to Marathon Asset Management MCAP Global Finance (UK) LLP as detailed in their Written Representation [<a href="#">REP1-221</a>].</p>
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		<p>c) The impacts identified through engagement with landowners and their advisors include concerns over impacts on business operations disruption, potential development losses and access to retained land during construction and following completion of the Project. These impacts have been addressed, where possible, either through modifications or changes to the Project’s proposals or through clarifications given in the negotiation of agreements with landowners and their advisors.</p> <p>As an example, on land at Bayhorne Farm owned by Surrey County Council (SCC) (see Written Representation <a href="#">REP1-096</a>), the Applicant has identified through consultation, engagement, and negotiations that the project’s proposals may have an impact on the potential timings of SCC development aspirations and the Applicant is committing to notifying SCC at relevant milestones in the delivery of the Project.</p> <p>Another example is on land owned by Cheshire West and Chester Borough Council (see Written Representation <a href="#">REP1-128</a>) and Occupier by Q-Park Limited, where the Applicant has, as a result of consultation, engagement, and negotiations identified a direct impact, the Applicant has offered to relocate these interests into like for like brand new facilities in a superior location closer to the airport on land owned and occupied by the Applicant. The details of the appropriate arrangements are currently under negotiation.</p> <p>Where concerns remain, discussions about the nature of the Project's interaction with the property and commercial negotiations will continue.</p>
CA.1.13	The Applicant	<b>Whether a Compelling Case in the Public Interest Exists</b>

		<p>What weight has the Applicant attached to the compensation that would be available to those entitled to claim it under the relevant provisions of the National Compensation Code in its assessment of private loss?</p> <p>In carrying out the assessment of private loss the Applicant has considered that those affected by the exercise of compulsory acquisition or temporary use powers will be entitled to compensation under the National Compensation Code. Further the Applicant has given weight to the confidence that it holds sufficient resources to provide such compensation (for further information see responses to CA.1.19-CA.1.22). Paragraphs 6.2.45 to 6.2.46 of the <b>Statement of Reasons</b> <a href="#">[AS-008]</a> explain how the availability to claim compensation was taken into account with the other factors that informed its assessment of the private loss and the balance of that loss with the wider public benefit in policy terms.</p>
CA.1.14	The Applicant	<p><b>Justification for Interfering with Human Rights of those with an Interest in the Land Affected</b></p> <p>What degree of importance has been attributed to the existing uses of the land proposed to be acquired in assessing whether any interference would be justified, and why?</p> <p>The Applicant has undertaken extensive engagement to understand the impacts of the proposals on Affected persons and in doing so the Applicant has established a thorough understanding of the likelihood of private loss for examples see the response to CA.1.12. This has been taken into account in the type and extent of CA powers sought by the Applicant. The justification for interfering with human rights is set out in paragraphs 6.2.36 to 6.2.46 of the <b>Statement of Reasons</b> <a href="#">[AS-008]</a>.</p>
CA.1.15	The Applicant	<p><b>Justification for Interfering with the Human Rights of those with an Interest in the Land Affected</b></p>

		<p>The SoR, paragraph 6.2.45 [AS-008], acknowledges that the powers of CA sought through the dDCO would engage Article 8 of the European Convention on Human Rights to the extent that homes are to be compulsorily acquired.</p> <p>a) Please identify all those homes which are proposed to be compulsorily acquired and indicate whether any agreement has been reached with those owners/ occupiers affected in this way?</p> <p>b) Please explain separately for each home the necessity and justification for seeking their acquisition and how that acquisition would comply with Article 8(2)?</p>
		<p>No homes are required to be compulsorily acquired or demolished as part of the Project. The Project does, however, propose to take parts of the curtilage of two homes.</p> <p>a) There are two homes in respect of which compulsory acquisition powers (in part) are sought, they are the following dwellings:</p> <ul style="list-style-type: none"> <li>• <b>96 The Crescent, Horley RH6 7NU</b> – there is no requirement for the dwellings to be vacated during construction. An area of 66.9 m<sup>2</sup> of land, as shown on plan Re. 191427_PLN_INFO_43159.1, (<b>Appendix A</b> to this document), is proposed to be acquired on a permanent basis to form part of the surface access Highway Improvement Works (Work No. 37) and is shown in the <b>Land Plans</b> [AS-015] as Plot 1/229. The impact of the works and the acquisition of land is considered minor, with the required land being the furthest point from the residential property. The land to be acquired is shown to immediately adjoin National Highways' existing asset and adopted highway, known as Airport Way. There will not be any displacement</li> </ul>

		<p>of residents from the dwelling, and the Applicant is continuing efforts to engage with the owners, with a view to securing the land required for the Project by private agreement so as to avoid the use of compulsory powers if reasonably possible as detailed in <b>Land Rights Tracker</b> (Doc Ref. 8.6 v2) (Ref. 102271 &amp; 102272).</p> <ul style="list-style-type: none"> <li>• <b>1 Gatwick Dairy Farm Cottages, Reigate Road, Hookwood, Horley, RH6 0AA</b> – There is no requirement for the dwellings to be vacated during construction. An area of 28.2 m2 of land, across two plots and shown on plan Re. 191427_PLN_INFO_43160.1 (<b>Appendix A</b> to this document), is proposed to be acquired on a permanent basis to form part of the surface access Highway Improvement Works (Works No. 37) and are shown in the Land Plans as Plots 1/013A and 1/025. The impact of the works and the acquisition of the land will be considered minor, with the required land forming two slithers of land (up to 1.65m in width) on the property cartilage extremities. The parcels of land to be acquired are shown to immediately adjoin the A217, an adopted highway maintained by Surrey County Council and to adjoin the private access to Gatwick Dairy Farm. There will not be any displacement of residents from the dwelling, and the Applicant has agreed Heads of Terms with the homeowner for the grant of an Option to Purchase the land and will continue efforts to engage with the homeowner with a view to completing that Option to avoid the use of compulsory powers, if reasonably possible.</li> </ul> <p>b) The Applicant is not seeking to acquire any homes but does seek to acquire small areas within the curtilage of two private homes. The necessity and justification for the inclusion for part of the homes are:</p> <ul style="list-style-type: none"> <li>• <b>96 The Crescent, Horley RH6 7NU</b> – As detailed above, an area of 66.9 m2 of land, as shown on plan Re. 191427_PLN_INFO_43159.1 (<b>Appendix A</b> to this document), is proposed to be</li> </ul>
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		<p>acquired on a permanent basis to form part of the surface access Highway Improvement Works (Work No. 37) and is shown in the <b>Land Plans</b> <a href="#">[AS-015]</a> as Plot 1/229.</p> <ul style="list-style-type: none"> <li>• <b>1 Gatwick Dairy Farm Cottages, Reigate Road, Hookwood, Horley, RH6 0AA</b> – As detailed above, an area of 28.2 m2 of land, across two plots, is proposed to be acquired on a permanent basis to form part of the surface access Highway Improvement Works (Works No. 37) and are shown in the <b>Land Plans</b> <a href="#">[AS-015]</a> as Plots 1/013A and 1/025.</li> </ul> <p>In both cases, compliance with Article 8(2) is summarised in response to CA.1.14. In these circumstances, the limited interference with the owner’s Article 8 rights would be lawful and necessary in the interests of the economic well-being of the country, proportionate, and it would, therefore, comply with Article 8(2). Accordingly, the limited extent of acquisition proposed is necessary and has been properly justified and is entirely proportionate to the need it is intended to address. As set out in paragraphs 6.2.36 to 6.2.46 of the <b>Statement of Reasons</b> (SoR) <a href="#">[AS-008]</a> , the expected public benefits of the Applicant’s proposal, which will be substantial, can only be realised if the acquisition of the land required for the Project can be guaranteed in a timely manner. The SoR, paragraph 6.2.39 explains that the proposed interference with human rights would be in accordance with law, proportionate and justified in the public interest.</p>
CA.1.16	The Applicant	<p><b>Justification for Interfering with the Human Rights of those with an Interest in the Land Affected</b></p> <p>In relation to the Applicant’s duties under section 149 of the Equalities Act 2010:</p> <ol style="list-style-type: none"> <li>Please explain how the Applicant has had regard to its public sector equality duty in relation to the powers of CA sought and where this can be identified within the Application.</li> </ol>

		<p>b) Have any Affected Persons been identified as having protected characteristics?</p> <p>a) As explained in the <b>Applicant's Response to Actions from Issue Specific Hearing 3 – Socio-economics</b> [REP1-064], the Applicant agrees with the Joint Local Authorities (JLAs) that an Equality Impact Assessment (EqIA) under the Equality Act 2010 does not apply to the Applicant.</p> <p>However, an <b>Equality Statement</b> (Doc Ref. 10.20) is provided at this Deadline 3 to support the Secretary of State's obligations in discharging the public sector equality duty. This Equality Statement explains how the Applicant has had regard to the public sector equality duty principles.</p> <p>b) The Applicant understands that there will be Affected Parties who have protected characteristics and that are impacted by the Project. However, the Applicant believes that none of these Affected Parties have been disproportionately impacted by the Project, disadvantaged through consultation or via negotiation for the acquisition of land and rights required.</p>
CA.1.17	Statutory Undertakers	<p><b>Acquisition of Statutory Undertakers' Land</b></p> <p>The SoR, paragraph 8.2.5 [AS-008], states that adequate protection for statutory undertakers will be included within protective provisions in the DCO. GAL therefore considers that statutory undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the CA of land or rights over land or powers of TP.</p> <p>For those statutory undertakers who have been sent the draft protective provisions but have not confirmed agreement, please explain for each one why these protective provisions are considered to provide adequate protection and why GAL considers that the land and rights can be acquired without serious</p>



		<p>detriment to the carrying on of the undertaking.</p> <p>Schedule 9 of the <b>draft DCO</b> (Doc Ref 2.1 v6) includes provisions for the protection of electricity, gas, water and sewerage undertakers (Part 1) and provisions for the protection of operators of electronic communications code networks (Part 2).</p> <p>These provisions provide adequate protection for statutory undertakers to ensure that the powers over land that have been sought by the Applicant can be used without serious detriment to the carrying on of the undertaking.</p> <p>The provisions include the following protections:</p> <ul style="list-style-type: none"> <li>• Where a public right of way is stopped up in accordance with article 15 of the draft DCO and a utility undertaker has rights or apparatus in, under, over, or on the land affected, the undertaker must ensure that the utility undertaker enjoys the same powers and rights in respect of that apparatus as they did before the right of way was stopped up (Part 1, paragraph 4(1)).</li> <li>• Where a street is temporary closed under article 14, a utility undertaker retains the right to access such street at all times to do any works necessary to maintain any apparatus within that street (Part 1, paragraph 4(2)).</li> <li>• In carrying out protective works to buildings under article 23, the undertaker must not obstruct or make access to any apparatus any less convenient (Part 1, paragraph 5).</li> <li>• The undertaker is not permitted to acquire any apparatus except by agreement (Part 1, paragraph</li> </ul>
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		<p>6).</p> <ul style="list-style-type: none"> <li>• If the undertaker acquires any interest in land or requires that the utility undertaker's apparatus is relocated or diverted, the undertaker must follow the process of consultation and approval in paragraphs 7 and 8 and the apparatus must not be removed and the utility undertaker's right to maintain that apparatus in the land must not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the utility undertaker.</li> <li>• In respect of apparatus which is not required to be removed but which may be near or affected by works carried out, the undertaker must follow the process of consultation and approval set out in paragraph 9.</li> <li>• The undertaker indemnifies the utility undertakers for expenses related to following the processes in this Part and the cost of making good any damage to any apparatus, alternative apparatus or property of the utility undertaker or in restoring supply to any interrupted service where such damage or interruption is caused by reason of construction under paragraph 10 and 11.</li> <li>• The undertaker must use best endeavours to co-ordinate the execution of works relating to the removal of apparatus or protection or alteration of apparatus in the interests of safety and the efficient and economic execution of the authorised development, and take into account the need to ensure the safe and efficient operation of the utility undertaker's undertaking under paragraph 11.</li> <li>• Similar provisions are included in relation to operators of electronic communications code networks in Part 2 of Schedule 9.</li> </ul>
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		<p>These provisions protect any statutory undertaker that has assets or rights that may be affected by the delivery of the Project. The Land Rights Tracker lists the plots over which each statutory undertaker has land rights or ownership and the status of negotiations with each party about the required protection. For those shown as not having responded, the Applicant is comfortable that the standard provisions provide adequate protection to the assets and rights held by the statutory undertaker so as to ensure that no detriment is caused to the statutory undertaker's ability to carry out its function as a result of the Project. A number of statutory undertakers have sought bespoke protective provisions to align with their internal processes or because specific protections are needed due to the nature of the Project (e.g. Network Rail). The Applicant does not consider that any of the statutory undertakers who have not responded require bespoke protective provisions considering their assets and interests affected by the Project.</p>
CA.1.18	The Applicant	<p><b>Crown Land</b></p> <p>The CA Guidance, paragraphs 39 and 40, provides guidance in relation to Crown Land. It advises that discussions between applicants and the appropriate Crown authority should start as soon as it is clear that such land or interests will be required and that the aim should be to ensure that agreement is in place no later than the time that the application for the project is submitted to the Planning Inspectorate.</p> <p>Please set out when those discussions began and explain why no agreements were in place when the application was submitted.</p> <hr/> <p>The Applicant began consultation with the various Crown Authorities in 2019, and regular engagement has been ongoing since then. Due to the level of detailed design required to enter into specific</p>

		<p>agreements with the various Crown Authorities, this was not completed prior to the submission of the DCO Application. The Applicant is seeking to enter into Memorandums of Understanding (MoUs) where appropriate in order that the Crown Authorities' interests are reasonably protected to allow specific agreements to be entered into at a later date, when the relevant detailed design is available. The Applicant continues to engage with the agents acting on behalf of the Crown Authorities and expects to complete the MoUs, where appropriate, before the end of examination. Correspondence pertaining to s135 consent under the Planning Act 2008 was issued to the relevant Crown Authorities in August 2023, as yet the Applicant has not yet obtained consent from the relevant Crown Authorities, however this consent is a key part of the MoUs and the Applicant is confident that this will be obtained prior to the end of examination.</p>
CA.1.19	The Applicant	<p><b>Whether Adequate Funding is Available</b></p> <p>The CA Guidance, paragraph 17, considers the resource implication of the Proposed Development. In the light of that guidance, please set out the degree to which other bodies (public or private sector) have agreed to make financial contributions or to underwrite the scheme, and the basis upon which any such contributions or underwriting is to be made.</p> <p>No other bodies, whether public or private, are required to or have agreed to make financial contributions to the project or to underwrite it. The Project is proposed to be entirely privately funded. Section 3.2 of the <b>Funding Statement</b> [<a href="#">APP-009</a>], confirms the Applicant proposes to fund the works through a blend of debt, equity and airport charges - on a similar basis to the historical funding of development works at the Airport, which includes over £2.5bn worth of works in the last decade (a figure in excess of the forecast Project costs).</p>

CA.1.20	The Applicant	<p><b>Whether Adequate Funding is Available</b></p> <p>In the light of paragraph 18 of the CA Guidance, what evidence is there to demonstrate that adequate funding is likely to be available to enable the CA within the statutory period following any DCO being made?</p> <p>The Applicant has provided clarification in response to CA.1.19 above on how it proposes to fund the entirety of the NRP costs. The Applicant's response to CA.1.22 below confirms the element of those costs which are attributable to the land acquisition costs, including those which may be attributable to the use of CA powers. The ExA will note that property cost is a comparatively small percentage of the overall development costs and the Applicant considers that historic evidence of its ability to fund major development works and the financial strength of Gatwick and its ownership group (as described in paragraphs 3.1.2 to 3.1.4 of the <b>Funding Statement</b> [<a href="#">APP-009</a>]) should provide the ExA with sufficient confidence that adequate funding will be available to meet the resultant costs attributable to the use of any compulsory acquisition necessary to deliver the Project.</p>
CA.1.21	The Applicant	<p><b>Whether Adequate Funding is Available</b></p> <p>Please summarise the evidence relied upon to support the conclusion that there is a reasonable prospect that the scheme, if granted consent, would actually be taken forward and in what time period?</p> <p>The Applicant has included at paragraphs 8.2.1 to 8.6.2 of <b>The Applicant's Response to Actions – ISH1: The Case for the Proposed Development</b> [<a href="#">REP1-062</a>], a detailed explanation of why it considers the scheme to be fundable and deliverable in the timescales proposed under the Application. That the Applicant has already invested significant funds in the DCO Application process itself is also proof of its</p>

		<p>intent to proceed with the Project. The precise timescales for doing this will naturally be governed by when any consent might be granted and whether any judicial review process follows such a consent. However, it is the Applicant's current intent to pursue the scheme as soon as reasonably practicable and in accordance with the timescales set out in the Application (see in particular paragraphs 5.3.4 to 5.3.9 of the <b>Project Description</b> <a href="#">[REP1-016]</a>).</p>
CA.1.22	The Applicant	<p><b>Whether Adequate Funding is Available</b></p> <p>The Funding Statement, paragraph 3.3.1 [APP-009], states that an estimate of the amounts necessary to cover the payment of compensation associated with the exercise of any CA powers granted has been included in the overall project cost.</p> <p>Please provide a separate estimate of the cost of land acquisition. Please explain further the nature of the expert advice taken in that respect and the basis for and reliability of this estimate?</p> <p>The current Property Cost Estimate for acquisition of land and rights is £121m. This has been calculated overall by property specialists Dalcour Maclaren, with support from a number of experts, including Jones Lang LaSalle (business disruption), Alexander James (petrol station specialists) and Strutt and Parker. It has recently been updated (Feb 2024) to take into account the latest information provided by affected parties in the course of the Applicant's negotiations on acquisition.</p>
CA.1.23	The Applicant	<p><b>Justification for Interfering with the Human Rights of those with an Interest in the Land Affected</b></p> <p>Paragraph 6.2.39 of the SoR [AS-008], states that GAL has carefully considered the balance to be struck</p>

		<p>between individual rights and the wider public interest.</p> <p>Explain more precisely the factors which have been placed in the balance (including references to any paragraphs of the relevant National Policy Statement (NPS) and Government Guidance), the weight attributed to those factors and how this exercise has been undertaken?</p> <p>The Applicant has considered the very significant public benefit arising from the grant of development consent that are set out in the <b>Needs Case</b> <a href="#">[APP-250]</a> and <b>Planning Statement</b> <a href="#">[APP-245]</a>. Both the Needs Case and the Planning Statement provide extensive reference to the National Policy Statements in framing the public benefit that would arise from the grant of development consent. Further, the Applicant has considered that benefit can only be realised if the DCO includes the grant of powers of compulsory acquisition and temporary use. The <b>Statement of Reasons</b> <a href="#">[AS-008]</a> explains the alternatives that the Applicant has considered to both the scheme and the use of CA Powers.</p> <p>The Applicant concluded that the significant public benefits outweigh the effects of the provisions in the <b>Draft DCO</b> (Doc Ref. 2.1 v6) upon persons who own property in the Order land such that there would not be a disproportionate interference with their Article 8 and Article 1, First Protocol rights. The need for the Project is clear and is of national importance. In addition, those affected by the exercise of compulsory acquisition or temporary use powers will be entitled to compensation and the Applicant has the resources to provide such compensation. Further description of the Applicant's consideration of balancing private loss and public gain is set out in response to CA1.11, CA1.12, CA1.13 and CA1.14.</p> <p>The Applicant considered these factors together through the assessment set out in the <b>Statement of Reasons</b> <a href="#">[AS-008]</a> to form its conclusion.</p>
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CA.1.24	The Applicant	<p><b>Justification for Interfering with the Human Rights of those with an Interest in the Land Affected</b></p> <p>Paragraph 6.2.39 of the SoR [AS-008] states that to the extent that the DCO would affect individuals' rights, the proposed interference with those rights would be in accordance with law, proportionate and justified in the public interest.</p> <p>a) How has the proportionality test been undertaken?</p> <p>b) Explain further the proportionate approach which has been taken in relation to each plot?</p> <hr/> <p>a) Paragraphs 6.2.28 to 6.2.31 of the <b>Statement of Reasons</b> [AS-008] explain further how the Applicant carried out the proportionality test.</p> <p>An important factor in the proportionality test has been the limited third-party land over which CA powers have been sought. The proportionality test has been carried out by reference to the private loss compared to the public benefit, whilst also considering any alternatives. The Applicant has sought to understand the nature, extent and scale of any private loss and considered that against the public benefit. Further information is provided in responses to CA.1.11, CA.1.12, CA.1.13 and CA.1.14. Further, the Applicant has considered alternatives as described in the response to CA.1.2.</p> <p>b) In relation to each plot the Applicant has considered the proportionality of the powers sought over each plot and where compulsory acquisition powers were considered disproportionate and only limited rights are required to deliver the Project the Applicant has only sought temporary possession and acquisition of rights (these plots are shown as blue on the <b>Land Plans</b> [AS-015]. Where the Applicant considered that any form of CA or temporary possession powers were disproportionate, the</p>
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		Applicant has excluded those plots from being subject to any such powers. These plots are shown as grey on the Land Plans.
CA.1.25	The Applicant	<p><b>Scope and Purpose of the Compulsory Acquisition Powers</b></p> <p>The SoR, paragraph 5.5.5 [AS-008], states that Art. 24 (authority to survey and investigate the land) would authorise GAL to enter onto any land within the OL or which may be affected by the authorised development (whether or not that land is within the OL) to undertake various survey and investigative works, including trial holes. Art. 24(2) provides for a 14-day notice period to be given to the owner/ occupier of the land.</p> <p>Provide justification for a 14-day notice period and consider whether this is unreasonably short and should be extended to 28 days?</p> <p>Article 24 authorises only limited interference with land in the form of entry onto said land for surveys and investigations. A 14-day notice period is considered fair and adequate given the extent of the interference, particularly given that any longer notice period would introduce unnecessary delay to the progress of survey and investigative works which may then delay the subsequent construction timetable. A shorter period is particularly necessary for these kinds of works as their need is often confirmed as detailed design develops and cannot always be foreseen and planned substantially ahead. Further, follow-on surveys may be deemed necessary after initial investigations have been carried out and (depending on the nature of the surveys) weather conditions may require the rescheduling of the works. In either case a longer notice period would extend the time between surveys and delay progress.</p> <p>It is noted that a 14-day period is well precedented, including in article 16(2) of the Infrastructure Planning</p>

		Model Provisions and in made DCOs including article 26(2) of the A12 Chelmsford to A120 Widening Development Consent Order 2024, article 22(2) of the A38 Derby Junctions Development Consent Order 2023 and article 23(2) of the A47 Wansford to Sutton Development Consent Order 2023.
CA.1.26	The Applicant	<p><b>Scope and Purpose of the Compulsory Acquisition Powers</b></p> <p>Paragraph 5.3.3 of the SoR [AS-008] explains that Art. 28 (compulsory acquisition of rights and imposition of restrictive covenants) would allow GAL to compulsorily acquire existing and new rights, as well as impose restrictive covenants over land. Where GAL only needs to acquire rights over land, it is not required to acquire a greater interest in the land.</p> <p>a) Please provide an indication of the anticipated content and/ or an initial draft of any restrictive covenants intended to be imposed.</p> <p>b) Should a requirement for consultation with relevant owners/ occupiers as regards the drafting of any such restrictive covenants be imposed?</p>
		<p>a. Restrictive covenants could relate to, among other things, retaining specific vegetation or prohibiting specific structures being constructed or certain changes of use without the Applicant's consent. This power allows the Applicant to acquire a lesser right over the land but ensure its use for the Project is retained. For example, the Applicant may be able to take temporary possession of land to deliver planting and by placing a restrictive covenant not to remove the planting, the Applicant could return the land to the landowner. Were the Applicant not to have this power, it would need to acquire the freehold of the land permanently to ensure the planting is maintained.</p>

		<p>b. This is not considered necessary because the consultation will take place as a matter of course in the implementation of CA powers. The Applicant will continue to engage with landowners to reach agreement rather than relying on compulsory acquisition powers. In the event that CA powers are being used it would be a last resort where a private agreement was not able to be reached. In such context, engagement will have been exhausted and any restrictive covenants will be drafted as necessary to deliver the Project.</p>
CA.1.27	The Applicant	<p><b>Statement of Reasons</b></p> <p>Paragraph 5.3.11 of the SoR [AS-008] refers to Art. 35 (rights under or over streets). Should this refer to Art. 36? If so, please amend.</p>
		<p>Yes – this is a typographical error. An update to the <b>Statement of Reasons</b> [AS-008] will be submitted following the CA1 Hearing and this correction will be picked up then.</p>
CA.1.28	The Applicant	<p><b>Scope and Purpose of the Compulsory Acquisition Powers</b></p> <p>Paragraph 5.4.2 of the SoR [AS-008] states, in relation to Art. 37(1)(c) (temporary use of land for carrying out the authorised development), that this article would allow GAL to use temporarily any private road within the OL for the passage of persons or vehicles for the purposes of, or in connection with, the construction of the Proposed Development without the need to obtain an interest (ie right of way) over that land.</p> <p>Please explain why it is necessary to seek this power and identify the private roads to which it is intended</p>

		to apply?
		The Airport is surrounded by a number of private roads and within the time period required to construct the Project additional private roads may be constructed. The Applicant may require this power to enable it to temporarily use private roads for construction which is likely to be on a temporary basis and considering the proportionality test, the Applicant considers that acquiring a right over such private roads would be disproportionate when a lesser power would be sufficient.
CA.1.29	The Applicant	<p><b>Scope and Purpose of the Compulsory Acquisition Powers</b></p> <p>Paragraph 5.4.3 of the SoR [AS-008] explains that Art. 38 (time limit for exercise of authority to temporarily use land for carrying out the authorised development) would provide that GAL must exercise its power to temporarily use land or interests within ten years of the Order being granted. However, this leaves the period of TP open-ended from the date the power is exercised.</p> <p>Should there not also be a time limit after which the TP of the land or interests must cease?</p> <p>Article 37(3) of the dDCO provides that: <i>"The undertaker must not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period [exercised compulsory acquisition powers]"</i>.</p> <p>This provides an appropriate time limit after which temporary possession of the land must cease (either by the permanent acquisition of that land or the giving up of possession by the undertaker).</p>

CA.1.30	RPAs RHAs	<p><b>Scope and Purpose of the Compulsory Acquisition Powers</b></p> <p>As RPAs and RHAs are you aware of:</p> <ul style="list-style-type: none"> <li>a) Any reasonable alternatives to CA or TP for land sought by the Applicant?</li> <li>b) Any areas of land or rights that the Applicant is seeking the powers to acquire that you consider would not be needed? Please identify which plots these are and explain why you consider they would not need to be acquired.</li> </ul>
CA.1.31	The Applicant	<p><b>Scope and Purpose of the Compulsory Acquisition Powers</b></p> <p>Paragraph 5.2.6 of the SoR [AS-008] states that in respect of the 'Grey' plots GAL considers that it either already has sufficient land rights over these plots (the overwhelming majority fall within GAL's freehold ownership) or it can obtain the land rights through private agreement where necessary, and without requiring any powers of CA or TP. Will CA or TP be sought if it is not possible to reach a private agreement?</p> <p>No. The Applicant has assessed that if it is not possible to obtain the land rights within these plots through private agreement it can still deliver the Project with the powers that it has within the <b>draft DCO</b> (Doc Ref. 2.1 v6).</p>

CA.1.32	Affected Persons  IPs	<p><b>Accuracy of the Book of Reference, Land Plans and Points of Clarification</b></p> <p>Are any Affected Persons or IPs aware of any inaccuracies in the BoR [REP1-009 and REP1-011], SoR [AS-008] or Land Plans [AS-015 and AS-016]? If so, please set out what these are and provide the correct details.</p> <p>N/A – this question is not directed to the Applicant.</p>
CA.1.33	Affected Persons	<p><b>Justification for Interfering with the Human Rights of those with an Interest in the Land Affected</b></p> <p>Do any Affected Persons have concerns that they have not yet raised about the legitimacy, proportionality or necessity of the CA or TP powers sought by the Applicant that would affect land that they own or have an interest in?</p> <p>N/A – this question is not directed to the Applicant.</p>
CA.1.34	The Applicant	<p><b>Whether a Compelling Case in the Public Interest Exists</b></p> <p>What weight has the Applicant attached to the compensation that would be available to those entitled to claim it under the relevant provisions of the national Compensation Code in its assessment of private loss?</p> <p>Please see the Applicant’s response to CA.1.13.</p>

CA.1.35	The Applicant	<p><b>Other Matters</b></p> <p>In the light of the CA Guidance, paragraph 19, please demonstrate:</p> <ul style="list-style-type: none"> <li>a) How potential risks or impediments to implementation of the scheme have been properly managed.</li> <li>b) The account taken of any other physical and legal matters pertaining to the application including the programming of any necessary infrastructure accommodation works and the need to obtain any operational and other consents applicable to this type of development.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>a) The Applicant operates with sophisticated risk identification and management systems. Through internal reporting, risks which could be an impediment to the implementation of the Project have been considered and appropriate steps taken to manage those risks.</li> </ul> <p>The <b>List of Other Consents and Licences</b> (Doc Ref. 7.5 v2) has been updated to show the current status of each application. The updates demonstrate that the Applicant is applying for consents early and engaging with the relevant regulatory authorities ahead of the commencement of construction. A detailed analysis has been undertaken of all separate consents, licenses and approvals that are required and it is not envisaged that there will be any impediment to the grant of any such consent, licence or approval and the Applicant is not aware of any reason why they should not be forthcoming.</p> <ul style="list-style-type: none"> <li>b) In terms of operational consent, the Applicant has carried out work on the operational concept development, aerodrome design and safety case for the Project in close discussion with the Civil Aviation Authority (CAA); further detail is in response to CS.1.2. The Applicant is confident that there are no safety-related impediments to why the Project should not progress and expects this to be</li> </ul>
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		<p>confirmed by the CAA directly and through a Letter of No Impediment a draft of which has been submitted at Appendix 2 of the draft <b>Statement of Common Ground between Gatwick Airport Limited and the Civil Aviation Authority</b> (Doc Ref. 10.1.11) at Deadline 3.</p> <p>As the Airport is already operational and works are frequently being carried out, the Applicant has the necessary systems and infrastructure in place to facilitate the Project.</p>			
CA.1.36	The Applicant	<p><b>Other Matters</b></p> <p>Section 9 of the SoR [AS-008] refers to the List of Other Consents and Licences [APP-264] which identifies the other consents, licenses and agreements that are required for the Proposed Development to be implemented. Please indicate whether there are any changes to the status for each consent, licence and agreement listed within that schedule since the application was submitted.</p> <p>Two new consents have been added to the <b>List of Other Consents and Licences</b> (Doc Ref. 7.5 v2) that are likely to be required (<b>Table 1</b>). These relate to the inclusion of the reed beds as Project Change 3 as described in the <b>Change Application Report</b> [<a href="#">AS-139</a>].</p> <p><b>Table 1 New consents added to the List of Other Consents and Licences</b></p> <table border="1" data-bbox="616 1161 1895 1362"> <tr> <td data-bbox="616 1161 860 1362">Discharge Consent</td> <td data-bbox="860 1161 1615 1362">An environmental permit to discharge effluent to the Gatwick Stream from the de-icer treatment facility</td> <td data-bbox="1615 1161 1895 1362">Environment Agency</td> </tr> </table>	Discharge Consent	An environmental permit to discharge effluent to the Gatwick Stream from the de-icer treatment facility	Environment Agency
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		<p>Ordinary Watercourse Consent</p>	<p>Under the Land Drainage Act 1991 works that alter the flow within an ordinary watercourse require an Ordinary Watercourse Consent from the Lead Local Flood Authority.</p> <p>It is proposed to extend an existing culvert on the Haroldslea Stream by approximately 4 metres</p>	<p>Lead Local Flood Authority</p>	
<p>Draft licences for badger and great crested newt have been prepared and shared with Natural England for the purposes of enabling them to issue Letters of No Impediment</p>					
<p>CA.1.37</p>	<p>The Applicant</p>	<p><b>Other Matters</b></p> <p>Article (Art.). 40 (Special category land) of the dDCO [REP1-004] refers to an Open Space Management Plan.</p> <p>Please signpost the location of this plan and how it is to be secured?</p> <hr/> <p>The document referenced – which as of version 6.0 of the <b>dDCO</b> submitted at Deadline 3 (Doc Ref. 2.1 v6) is called an 'Open Space Delivery Plan' – is to be submitted pursuant to Article 40 and will therefore be prepared by the undertaker post-consent before acquiring the special category land referred to in the article.</p> <p>Article 40 of the dDCO provides that, prior to the special category land identified in Part 1 of Schedule 10 to the dDCO vesting in the undertaker, the undertaker must have <i>inter alia</i> submitted an Open Space</p>			

		<p>Delivery Plan for approval to CBC (in consultation with RBBC and MVDC). As per article 40(2), the Open Space Delivery Plan submitted must include a timetable for (a) the submission of a Landscape and Ecology Management Plan pursuant to Requirement 8 in Schedule 2 to the DCO in respect of the replacement open space and (b) the laying out of the replacement open space.</p>
CA.1.38	The Applicant	<p><b>Other Matters</b></p> <p>Please expand the detail contained within Schedule 7 of the dDCO [REP1-004] to include specific detail regarding the purpose for which rights over land may be acquired.</p> <p>Schedule 7 of the <b>draft DCO</b> (Doc Ref. 2.1 v6) explains that the named plots are required for "minor works, including protective works, access or utility diversions". As detailed design is progressed it will become apparent where protective works need to be carried out to buildings or minor works are needed to ensure the efficient and safe construction of the Project. Additionally, the delivery of the Project may require access to deliver works that are consented by the Project but have not yet been designed in detail. There are a number of statutory undertakers who have assets across the Order Limits and the exact location of these will not be known until the detailed design phase. At that point, the Applicant will work with the statutory undertakers to identify the appropriate relocation or diversions for such assets. These are minor works that would not prohibit the use of the land and are not of a nature that would require the Applicant to acquire the freehold in the land.</p>
CA.1.39	Fieldfisher LLP on behalf of British Pipeline	<p><b>Other Matters</b></p> <p>The ExA notes the ongoing negotiations between the Applicant and Fieldfisher LLP on behalf of British Pipeline Agency in respect of the drafting of protective provisions. Additionally, the ExA notes that</p>

	Agency	<p>Fieldfisher LLP stated that in the event that the protective provisions agreement has not been settled 4 weeks following the date of its Deadline 1 submission, a written update on the position will be provided to the ExA [REP1-120].</p> <p>In the event that such a position statement is submitted to the ExA, please ensure the suggested protective provisions wording is included within the position statement.</p>
		<p>Negotiations are ongoing between the Applicant and Fieldfisher LLP on behalf of the BPA and the Applicant remains confident that agreement will be reached before the end of the examination.</p>
CA.1.40	Surrey County Council (SCC) (as Landowners)	<p><b>Other Matters</b></p> <p>In terms of Bayhorne Farm and noting the content of the WR submitted as Deadline 1 [REP1-096], please provide additional detail in respect of what mitigation measures are considered necessary by SCC in order to enable a suitable access from the South Terminal Roundabout and how these would be secured.</p>
		<p>N/A – this question is not directed to the Applicant.</p>
CA.1.41	The Applicant	<p><b>Other Matters</b></p> <p>Please confirm whether Airport Industrial Property Unit Trust and/ or Airport Industrial Nominees Limited should be included in the Land Rights Tracker, as detailed in their Deadline 1 submission [REP1-162]? If this is identified as an omission, please amend it accordingly.</p>

		<p>AIPUT is a limited partner in the Airport Industrial Limited Partnership, the General Partner of which is Airport Industrial GP Limited ('AIGPL'). AIGPL, together with its wholly owned subsidiary Airport Industrial Nominees Limited ('AINL'), own the legal title to the leasehold land and have rights in certain parcels of land to which the DCO Application relates (as described further below).</p> <p>The <b>Land Rights Tracker</b> (Doc Ref. 8.6 v2) was requested by the Examining Authority to capture the data that was within the 'Justification Table and Status of Engagement with Landowners' (Appendix A to the <b>Statement of Reasons</b> [AS-008]) and the 'Status of Engagement with Statutory Undertakers' (Appendix B to the <b>Statement of Reasons</b> [AS-008]) at submission of the Application and then to be updated throughout Examination. The form and content of the Land Rights Tracker was submitted to the ExA for approval prior to submission to the Examination.</p> <p>AIGPL and AINL are leasehold occupiers of land owned freehold by the Applicant and therefore not included in the Land Right Tracker. Notwithstanding the scope of the Land Rights Tracker, the Applicant is engaging with AIGPL and AINL to agree a commercial arrangement with the next meeting arranged for 19<sup>th</sup> April 2024.</p>
CA.1.42	Environment Agency (EA)	<p><b>Other Matters</b></p> <p>Noting your comments regarding protective provision in the Deadline 1 WR [REP1-072], please confirm what additional provisions are considered necessary.</p> <hr/> <p>N/A – this question is not directed to the Applicant.</p>

CA.1.43	The Applicant	<p><b>Objections to Compulsory Acquisition and Temporary Possession Powers</b></p> <p>In respect of Marathon Asset Management MCAP Global Finance (UK) LLP, please clarify whether rights which are proposed to be acquired over Plot 1/062 would have a material impact on the future redevelopment of the land?</p> <hr/> <p>Plot 1/062 is proposed to be land subject to Permanent Acquisition of Rights and temporary possession powers. Subject to detailed design, Plot 1/062 is anticipated to be required for to facilitate the construction of the surface access roads (Work No. 37) and permanent rights may be required for the purposes of accessing and maintaining utility assets.</p> <p>The Applicant will work with Marathon Asset Management MCAP Global Finance (UK) LLP to mitigate the impact on to Plot 1/062. If the area is only required as a temporary construction area, it is anticipated that the acquisition of rights will not have a material impact on the future redevelopment of the land.</p>
CA.1.44	The Applicant	<p><b>Objections to Compulsory Acquisition and Temporary Possession Powers</b></p> <p>Noting the concerns raised by SCC in its WR [REP1-096] in respect of the loss of land associated with Gatwick Dairy Farm, please confirm when the replacement planting in Work No. 40 is to be delivered?</p> <hr/> <p>Prior to the delivery of the Longbridge Roundabout replacement open space area (including the replacement planting), the land is to function as the Longbridge Roundabout contractor compound, as shown on <b>ES Figure 5.2.f</b> [<a href="#">AS-133</a>] and described in the <b>Code of Construction Practice</b> [<a href="#">REP1-021</a>] and <b>ES Chapter 5: Project Description</b> [<a href="#">REP1-016</a>]. The use of this land as the Longbridge Roundabout contractor compound followed by the delivery of the Longbridge Roundabout replacement</p>

		<p>open space area is set out within <b>ES Appendix 5.3.3: Indicative Construction Sequencing</b> [<a href="#">REP2-016</a>] to be carried out between 2028 to 2031.</p> <p>Under Article 40 of the <b>Draft DCO</b> (Doc Ref. 2.1 v6), the Open Space Delivery Plan must include a timetable for the laying out of the replacement land as open space, as shown on the <b>Special Category Land Plans</b> (Doc Ref. 4.4 v3). This will confirm the precise delivery timescales for the Longbridge Roundabout replacement open space. The Open Space Delivery Plan is to be submitted to Crawley Borough Council for approval, in consultation with Reigate and Banstead Borough Council and Mole Valley District Council.</p> <p>As an aside, Surrey County Council (as landowner) in its <b>Written Representations</b> [<a href="#">REP1-096</a>] make reference to 2ha of replacement planting, however the correct extent is 0.52ha as defined in Work No. 40(b) and described in the Project Description (para 5.2.197).</p>
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## Appendix A: Supporting Plans

**Key:**

- Order Limits
- Title Area (2438.25m<sup>2</sup>)
- Land Subject to Permanent Acquisition (66.94m<sup>2</sup>)
- Residential Dwelling
- Adopted Highway

**Notes:**

Coordinate System: British National Grid  
Projection: Transverse Mercator  
Datum: OSGB 1936

**Location:**  
Land lying to the south of The Crescent,  
Horley, RH6 7NU

**Coords:** 528570, 141735

**Scheme Name:**  
Gatwick Airport Land Referencing

**Drawing Name:**  
Information Plan

**Drawing No:** 191427\_PLN\_INFO\_43159.1

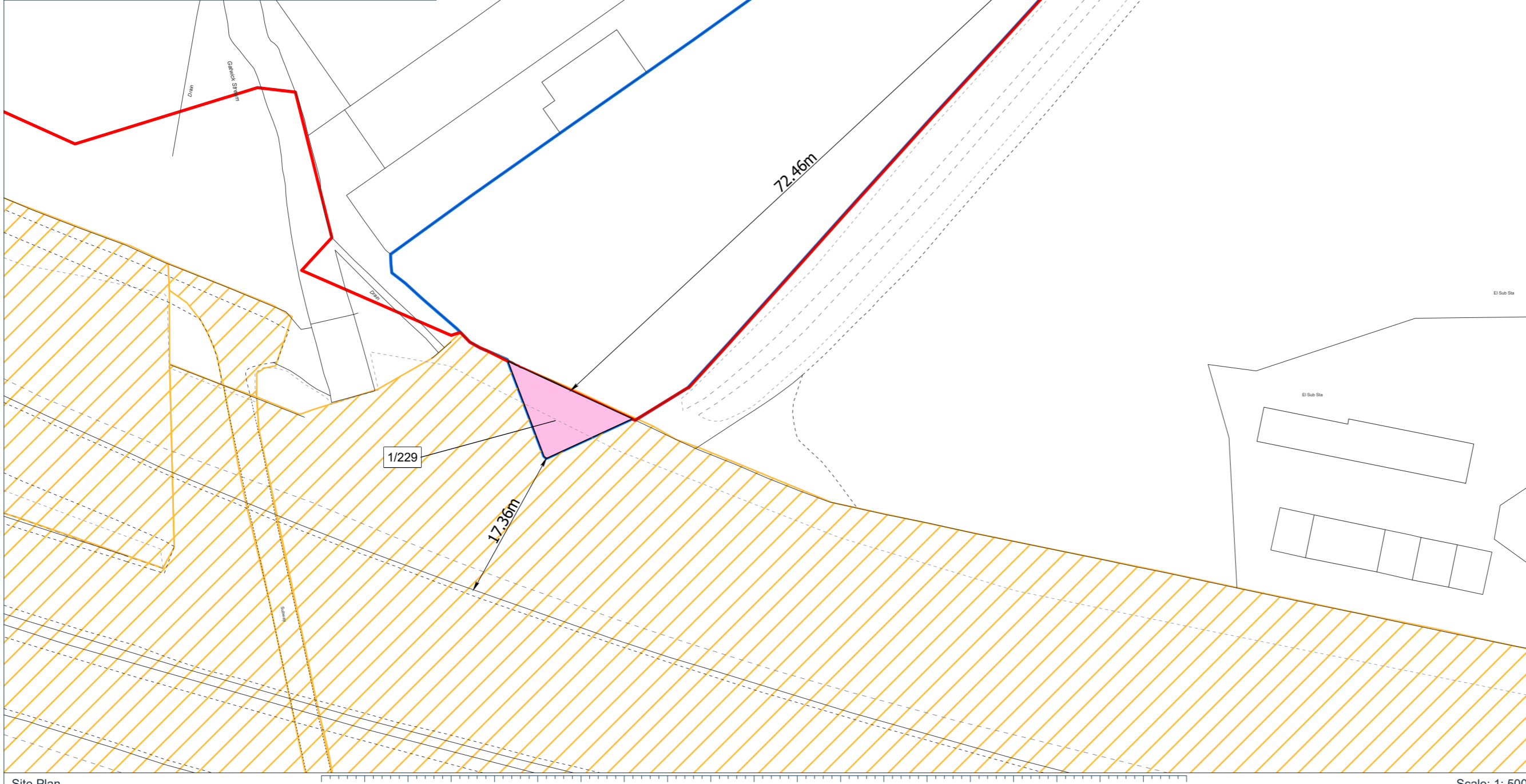
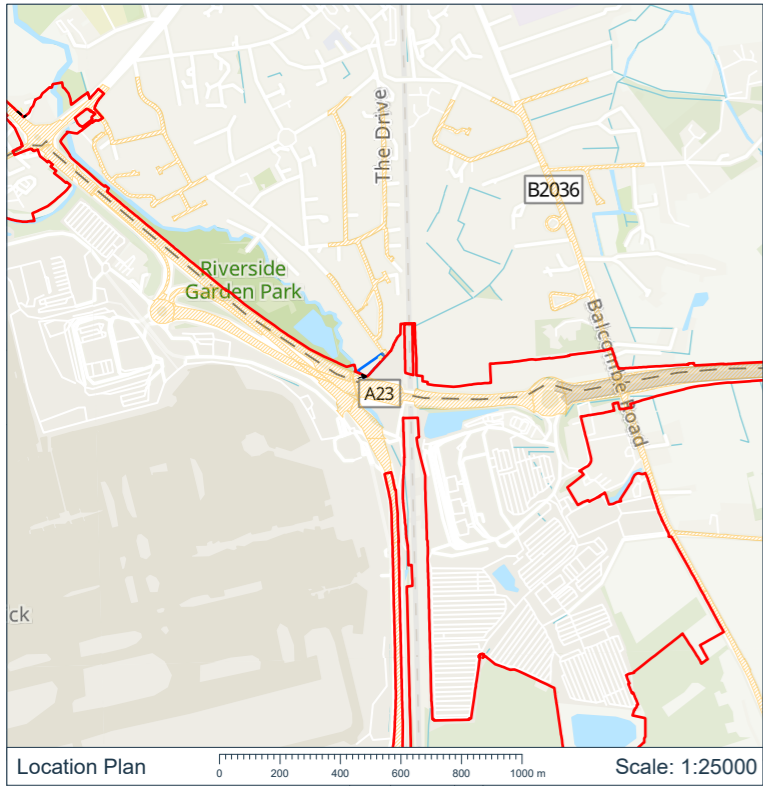
Rev	Date	Description
-	15.04.2024	First Issue

**Drawn:** RA

**Approved:** RA

**Sheet No:** 1 of 1

**Sheet Size:** A3



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**Key:**

- Order Limits
- Title Area (2438.25m<sup>2</sup>)
- Land Subject to Permanent Acquisition (66.94m<sup>2</sup>)
- Residential Dwelling
- Adopted Highway

**Notes:**

Coordinate System: British National Grid  
 Projection: Transverse Mercator  
 Datum: OSGB 1936

**Location:**  
 1 Gatwick Dairy Farm Cottages, Reigate Road, Hookwood, Horley, RH6 0AA

**Coords:** 527396, 142592

**Scheme Name:**  
 Gatwick Airport Land Referencing

**Drawing Name:**  
 Information Plan

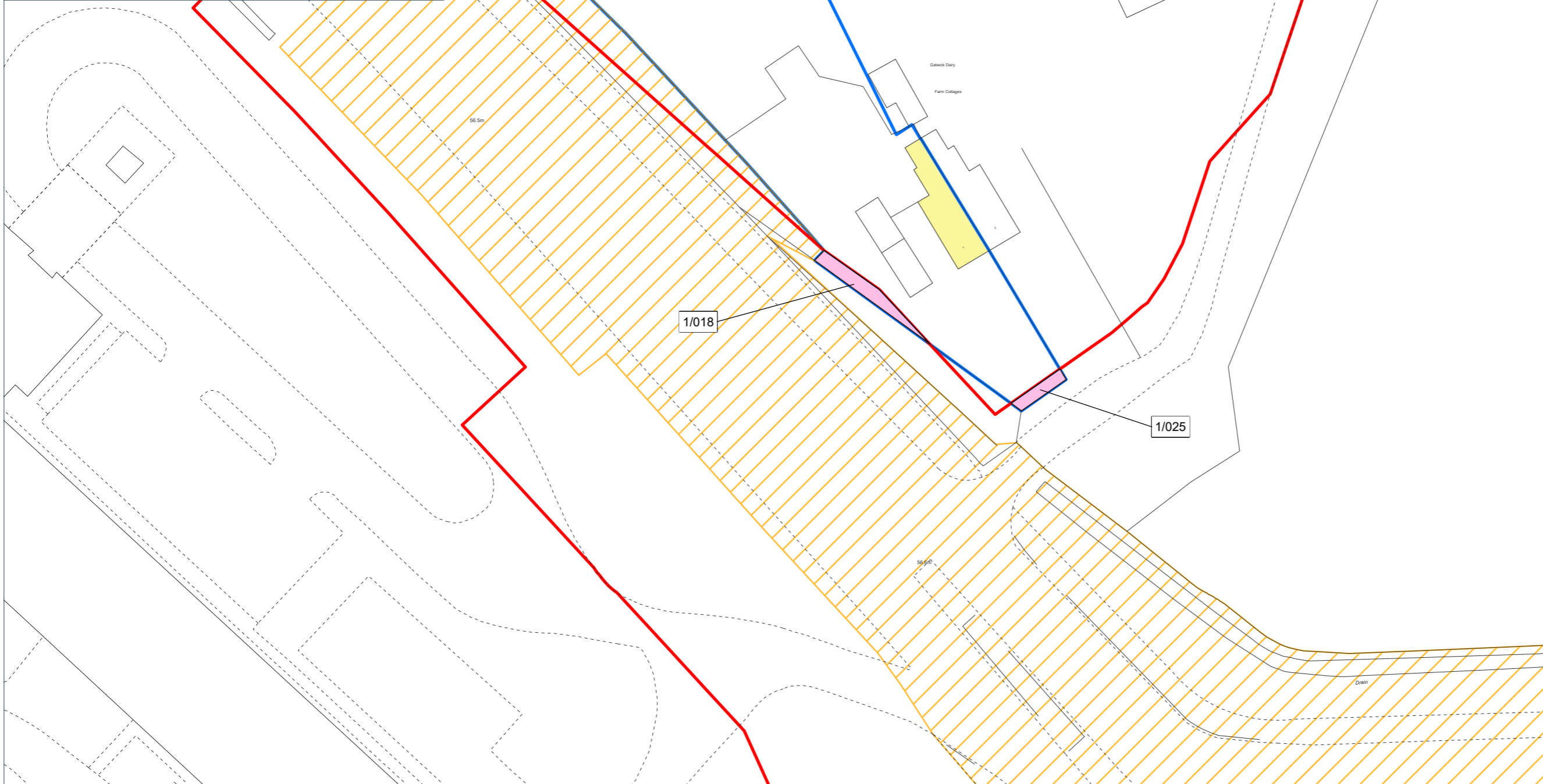
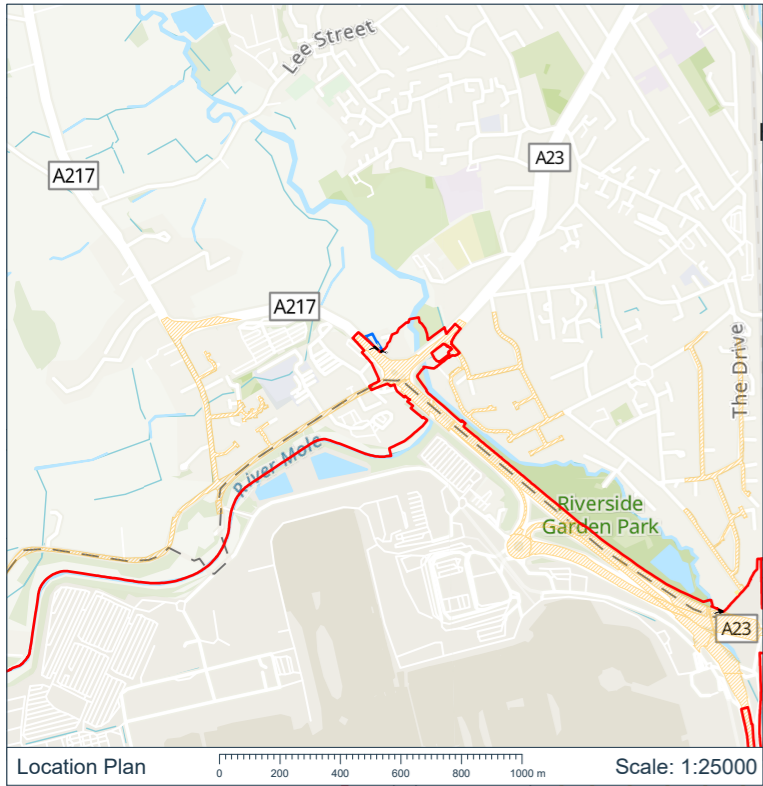
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Rev	Date	Description
-	15.04.2024	First Issue

**Drawn:** RA  
**Approved:** RA  
**Sheet No:** 1 of 1  
**Sheet Size:** A3



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**Site Plan** Scale: 1: 500

Drawing Location: C:\Users\Rowan.Allingham\Documents\GEO\Gatwick DCO Land Referencing\191427 - Geomatics\01 DM Plans\2024\04\10\_191427\_PLN\_INFO\_43160.1.aprx