



**LONDON
GATWICK**



Gatwick Airport Northern Runway Project

The Applicant's Written Summary of Oral Submissions
ISH 8: Draft Development Consent Order

Book 10

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1 Introduction

- 1.1.1 This document contains Gatwick Airport Limited's (the "**Applicant**") summary of its oral evidence and post hearing comments on its submissions made regarding Agenda Item 8: the draft Development Consent Order and Agenda Item 10: Any other business at Issue Specific Hearing 8 ("**ISH 8**") held on 19 June 2024. Where the comment is a post-hearing comment, this is indicated. The Applicant has separately submitted at Deadline 6 (Doc Ref. 10.50.6) its response to the Examining Authority's ("**ExA**") action points arising from ISH 8, which were published on 20 June 2024 [[EV17-018](#)].
- 1.1.2 This document uses the headings for each item in the agenda published for ISH 8 by the ExA on 11 June 2024 [[EV17-001](#)].
- 1.1.3 The Applicant, which is promoting the Gatwick Airport Northern Runway Project (the "**Project**") was represented at ISH 8 by Scott Lyness KC, who introduced the following persons to the ExA:
- Ian Mack, Senior Associate, Herbert Smith Freehills LLP.

2 Agenda Item 8: The draft Development Consent Order (dDCO)

2.1. Preliminary matters

- 2.1.1 The ExA queried whether the parties are aware of the latest DLUHC guidance on the content of a DCO and whether this has been taken into account.
- 2.1.2 The Applicant confirmed that it was aware of the guidance and that it has been taken into account as necessary, but that it is continuing to review and if further changes were required these would be made at a future deadline.

2.2. **8.2 The Applicant and Joint Local Authorities will be asked about their positions regarding the level of detail for individual Work Numbers contained in Schedule 1 of the dDCO.**

- 2.2.1 The ExA queried whether agreement is likely to be reached between the parties on the wording of Work No. 1 as regards "reposition" or "realign".
- 2.2.2 The JLAs confirmed that, following additions to the **Design Principles** (Doc Ref. 7.3), the JLAs are now content with the wording of that Work No.
- 2.2.3 The ExA queried whether the JLAs are content with the level of detail in the work description.

- 2.2.4 The JLAs noted that, given further information provided by the Applicant during the examination regarding e.g. the drainage for the runway, they are satisfied with the current level of detail in the work description. There had previously been discussion regarding whether, given the level of drainage works, the works were alteration to a runway or the replacement of the runway. Given the information provided, the JLAs are reassured that the works are an alteration.
- 2.2.5 The Applicant welcomed the clarification on the broader policy-related point regarding the nature of the works to the runway.
- 2.2.6 The ExA queried whether there needs to be a definition of 'runway access track' in Work No. 2.
- 2.2.7 The Applicant confirmed that this phrase relates to an existing feature at the airport and should be readily understood, but that the Applicant will consider whether any further clarification is required.
- 2.2.8 **[Post-hearing note:** the Applicant considers that the phrase is sufficiently clear without further definition, but has amended Schedule 1 of the dDCO to remove unnecessary capitalisation that may introduce confusion.]
- 2.2.9 The ExA queried whether the JLAs are generally happy with the level of detail used in Schedule 1 for Work Nos. 1 – 7.
- 2.2.10 The JLAs confirmed that they were not when the works are read in conjunction with the **Works Plans** (Doc Ref. 4.5). There is concern with Work Nos. 4 – 7. For e.g. Work No. 4, the **Works Plans** (Doc Ref. 4.5) show a composite which is difficult to understand. The JLAs noted that it would be helpful if the sub-works could be more clearly marked on the plans.
- 2.2.11 The Applicant confirmed that the Applicant has added reference to the sub-works to the **Works Plans** (Doc Ref. 4.5) to the extent possible, but that the Applicant will discuss this outside the examination with the JLAs.
- 2.2.12 The ExA referred to Work Nos. 8 – 20 and asked the JLAs if they were content with the level of detail in the work descriptions.
- 2.2.13 The JLAs confirmed that they were in principle, provided that the **Works Plans** (Doc Ref. 4.5) identify the individual components. In respect of Work No. 18, the JLAs would like to see more detail to ensure that the sequencing of the removal of the noise bund and its replacement will be controlled and any impacts mitigated.
- 2.2.14 The Applicant confirmed that it is happy to discuss the sequencing of the removal of the noise bund and its replacement outside of the examination but noted that it

is not a point on the drafting of the work description of Work No. 18 in Schedule 1.

- 2.2.15 The ExA noted that the Examining Authority for the Luton DCO application has submitted its recommendation report and recommended form of development consent order to the Secretary of State. Whilst recognising that this is not publicly available and has not been seen by the ExA, the ExA requested that the Applicant and the JLAs submit representations on whether or not the detail in Schedule 1 of the Luton draft DCO at deadline 10 of the Luton examination would be appropriate for the Gatwick NRP DCO.
- 2.2.16 The Applicant noted that there is not much outstanding between it and the JLAs regarding the works descriptions in Schedule 1 and commented that each project is different and the drafting of one DCO does not necessarily carry over to another DCO.
- 2.2.1 **[Post-Hearing Note:** the Applicant has responded to this query in its separate responses to the ExA's action points arising from ISH 8 on the draft DCO (Doc Ref. 10.50.5), in response to **Action Point 24]**
- 2.2.2 The ExA asked the JLAs whether an adequate level of detail is provided for Work Nos. 22 – 25.
- 2.2.3 The Applicant confirmed that it does not consider changes to be necessary to the work descriptions for these works to contain details on floorspace or car parking spaces. There are already the **Parameter Plans** (Doc Ref. 4.7), with vertical limits, and **Works Plans** (Doc Ref. 4.5), with lateral limits, as well as the **Design Principles** (Doc Ref. 7.3). If the JLAs wish for further details to be included in the **Design Principles** the Applicant is willing to consider that, but it does not think that adding further detail to the work descriptions in Schedule 1 is appropriate.
- 2.2.4 The ExA asked the JLAs whether further detail was needed in the descriptions for Work Nos. 28 – 34.
- 2.2.5 The Applicant repeated that the level of detail in the work descriptions is sufficient and that the extent of such development is controlled through the **Parameter Plans** (Doc Ref. 4.7) and article 6 of the draft DCO, the **Design Principles** (Doc Ref. 7.3) and (for listed works) detailed design approval pursuant to requirement 4. The Applicant is willing to consider further detail for the **Design Principles** but further information is not appropriate for Schedule 1.
- 2.2.6 The JLAs flagged the concern they raised regarding Work No. 39 in their **Responses to ExQ1** [[REP3-135](#)].

- 2.2.7 The Applicant acknowledged this concern but noted that it is unlikely to require a change to the wording of the work description but took away to confirm a response.
- 2.2.8 **[Post-Hearing Note:** the Applicant has responded to this query in its separate responses to the ExA's action points arising from ISH 8 on the draft DCO (Doc Ref. 10.50.5), in response to **Action Point 25]**
- 2.2.9 The ExA queried whether agreement has been reached on the wording included in the definition of 'ancillary or related development' in Schedule 1.
- 2.2.10 The JLAs reiterated their comments from their **Responses to ExQ1** [\[REP3-135\]](#) that certain of the activities specified in this definition could be substantial and should be independent work numbers.
- 2.2.11 The Applicant noted that the appropriate place for controls is in the control documents and that changes are not necessary to Schedule 1 of the draft DCO.
- 2.2.12 The ExA asked why the Order limits have been drawn so widely around the actual work areas.
- 2.2.13 The Applicant noted that the land has been included as existing car parking which forms part of the existing operational land of the airport.
- 2.2.14 The ExA noted the Applicant's response to including a schedule of parameters that this is best controlled by the **Parameter Plans** (Doc Ref. 4.7), but that the Applicant has now included an informative schedule of maximum heights in Schedule 13 of the **draft DCO** [\[REP5-005\]](#). The ExA asked the JLAs' view on this.
- 2.2.15 The Applicant explained that it cannot be prescriptive in a schedule as to maximum heights given the complexity of the height restrictions shown for each work area in the **Parameter Plans** (Doc Ref. 4.7), and that this is why Schedule 13 is informative. The addition of the schedule was in response to comments from the JLAs.
- 2.3. 8.3 The Applicant and Joint Local Authorities will be asked about unresolved matters within Schedule 2 of the dDCO – Requirements.**
- 2.3.1 The ExA queried what the difference is between "commence" in article 2 and "begin" in paragraph 1 of Schedule 2.
- 2.3.2 The Applicant explained that certain activities captured by "begin" are excluded from the definition of "commence" and thus the wording is to make clear the distinction between when the DCO has "begun" (which thus triggers the

implementation of the DCO in terms of requirement 3(1) of the draft DCO) and when development has "commenced", the latter of which triggers certain additional obligations linked to that term in the requirements in Schedule 2 to the draft DCO. More simply, "begin" is before "commence" in a chronological sense of their corresponding activities.

- 2.3.3 The ExA noted that the CAA remains the "independent air noise reviewer" in the draft DCO and asked if the Applicant can provide confirmation to the examination that the CAA has agreed to that function.
- 2.3.4 The Applicant confirmed that there is a Statement of Common Ground with the CAA that will be signed by the close of examination.
- 2.3.5 The ExA queried whether the JLAs will be responding to changes to requirement 15 (air noise envelope) at Deadline 6.
- 2.3.6 The Applicant confirmed that the changes made to requirement 15 at the last deadline followed input from the CAA.
- 2.3.7 The ExA noted that additional requirements have been suggested by various parties throughout the examination, including a requirement for an odour management plan. The ExA queried whether this has been addressed.
- 2.3.8 The Applicant noted that it understood that the need for that requirement has dropped away due to modifications that have been made to the scheme but will respond in writing.
- 2.3.9 **[Post-Hearing Note:** the Applicant has responded to this query in its separate responses to the ExA's action points arising from ISH 8 on the draft DCO (Doc Ref. 10.50.5), in response to **Action Point 27]**
- 2.3.10 The ExA invited comments from Interested Parties.
- 2.3.11 National Highways updated that National Highways and the Applicant have been working productively and that National Highways is broadly pleased with progress on a side agreement. National Highways flagged concerns with the timing in requirement 6(3) and queried when an agreed requirement to secure the 'BAU signalisation works' will be added to the draft DCO. National Highways noted ongoing discussions with the Applicant regarding BNG on the highway network.
- 2.3.12 The Applicant welcomed and shared the characterisation of the discussions as positive. Points raised by NH will form part of those continuing discussions.

2.3.13 [**Post-Hearing Note:** the Applicant has added new requirement 33 (North and South Terminal roundabouts BAU improvement scheme) in version 8 of the **draft DCO** submitted at Deadline 6 (Doc Ref. 2.1) and has submitted the **North and South Terminal roundabouts BAU improvement scheme plans** (Doc Ref. 4.10) which are referred to in this new requirement.]

2.4. 8.1 The Applicant and Joint Local Authorities will be asked about specific articles and schedules of the dDCO (excluding Schedules 1 and 2) where agreement is unlikely to be reached by the close of the Examination.

2.4.1 The ExA asked whether any party wished to raise anything on this now.

2.4.2 The Applicant confirmed that it has had two productive meetings with the JLAs since Deadline 5 on the drafting of the DCO and, as far as the Applicant is concerned, there is no in-principle reason why the drafting of the DCO cannot be agreed before the close of the examination, subject to the wider disagreement between the parties on broader points, such as environmentally managed growth (EMG) and listed works. The Applicant considers that the differences on listed works are not so fundamental so as to prevent agreement, but EMG will not be agreed.

2.4.3 The JLAs confirmed that, broadly speaking, on the drafting there has been constructive dialogue and negotiations are ongoing. At this stage of the examination, both sides feel that most issues should be able to come to a satisfactory resolution before the close of the examination.

3 Agenda Item 10.1: Any other business

3.1. Examination Closing Statements

3.1.1 The Applicant stated that subject to any further direction from the ExA it proposed to prepare a closing statement which focussed on any main issues that remained in dispute under the topics covered in the examination, with appropriate cross-references to existing documents the contents of which did not need to be repeated.

3.2. Agenda Item 10.2: Consolidated Environmental Statement

3.2.1 The Applicant explained that the Applicant proposed to deal with this request by providing a sign-posting schedule document which identifies the relevant chapters and other aspects of the ES submitted as part of the DCO Application, and then identifies where any aspect of the ES as submitted needed to be read subject to other documents that had been submitted during the examination. This

signposting document would itself be a certified document under article 52 (certification of documents, etc.) and Schedule 14 (documents to be certified) to the draft DCO to ensure clarity on what documents constituted the 'Environmental Statement' for future ease of reference.

3.3. Other business

- 3.3.1 Local resident Nigel Tanner raised wide-ranging concerns about the Project. The Applicant noted the remarks and confirmed that it would consider whether any response is required beyond the materials already submitted to the examination.
- 3.3.2 **[Post-Hearing Note:** the Applicant considers that Mr Tanner's comments were addressed in its thematic responses in the **Relevant Representations Report** [\[REP1-048\]](#)]