



National Infrastructure Planning
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To:
All Interested Parties

Your Ref:

Our Ref: TR020005/ PD-023

Date: 10 July 2024

Dear Sir/ Madam,

Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17

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

Request for Proposed Changes to the Gatwick Airport (Northern Runway Project) Development Consent Order Application

We are writing to inform you of the Procedural Decision made by the Examining Authority (ExA) following the change request made by Gatwick Airport Limited (the Applicant) dated 26 June 2024 [Examination Library References REP6-001, REP6-009 to REP6-011, REP6-013 to REP6-016, REP6-057, REP6-058 and REP6-072 to REP6-077]. Paragraph 1.2.1 of the Second Change Application Report [REP6-072] summarises the proposed change (Project Change 4) which comprises the provision of an On-airport Wastewater Treatment Works. This is in addition to the changes already accepted by the ExA on 8 March 2024 [PD-011].

This formal change request follows the Applicant's letter dated 7 May 2024 [AS-145] 'Applicant's second notification to submit a request for a proposed change to the application for development consent' which identified the nature of the change proposed. The ExA provided advice on the procedural implications and the scale and nature of the proposed consultation exercise through a letter dated 13 May 2024 [PD-019].

The ExA has reviewed the information provided and assessed the Applicant's request against paragraphs 109 to 115 of the DCLG Guidance 'Planning Act 2008: Examination of Applications for Development Consent'¹ and the Planning Inspectorate's Advice Note 16².

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-__final_for_publication.pdf

² <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/07/Advice-note16.pdf>

The Applicant considers that the proposed change to the DCO application is non-material. It states that *“The change would not involve the inclusion of additional land within the Order Limits or require the acquisition of different or new rights over land, nor would the change give rise to any materially new or materially different environmental effects in comparison to those assessed and reported in the Environmental Statement [APP-026 to APP-217]. As such, The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (“CA Regulations”) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (“EIA Regulations”) are not engaged by the Proposed Change”*.

Additionally, the Applicant considers that *“the Proposed Change would not be so substantial as to constitute a materially different project in nature or substance than that originally applied for.”*

The ExA is satisfied that the information provided as part of the second change request is of a satisfactory standard for examination and that there is sufficient time within the Examination for the proposed changes to be properly and fairly examined. The consultation procedures and timetable established as part of the Examination are also considered to meet the requirement for consultation in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

On this basis, the ExA agrees with the Applicant that the proposed changes are non-material, are not so substantial as to constitute a materially different project and can therefore be accepted into the Examination.

Please provide any representations on the proposed changes by Deadline 8 (7 August 2024) and any comments on these representations by Deadline 9 (21 August 2024).

Yours faithfully,

Kevin Gleeson

Lead Member of the Examining Authority

This communication does not constitute legal advice.

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