

Northern Runway Project

making best use of Gatwick

Post Hearing Submission –

Deadline 8

Gatwick Green Limited

August 2024

Gatwick Airport Northern Runway Project

Post Hearing Submission by Gatwick Green Ltd

1.0 Background

- 1.1 Gatwick Green and the Applicant have reached an agreement, in principle, for Gatwick Green to dispose of the land and rights which the Applicant needs to deliver the proposed development, noting that part of the solution lies outside the proposed Draft DCO order limits.
- 1.2 However, the agreement remains subject to the resolution of the means of access to an existing Balancing Pond, which according to the Applicant may be expanded as part of the highway works. For reference, this Balancing Pond is located within plots 4/463 and 4/467 in relation to Works 35.
- 1.3 Gatwick Green's primary driver in this location (and in particular the acquisition of the freehold at the northern border between the land shown coloured pink and hatched green on diagram 2) is to retain sufficient land ownership and control to maintain access to the field to the north, (which has no other means of access). This will allow for the future maintenance of the track and to deliver potential development to the north and north west.
- 1.4 As stated within CAH2 the Applicant made it clear that, provided there was no impediment to National Highways' (NH) ability to deliver the (as yet unknown works to the Balancing Pond) and access to the Balancing Pond then the Applicant can meet the requirements of NH.
- 1.5 It is Gatwick Green's view that its proposed solution to the northern boundary, set out at diagram 3, allows for the aspirations of both parties to be met in a fair and reasonable way and, (whilst it is appreciated that this is not the forum to discuss compensation), significantly mitigate the likely compensation claim that will follow. It should be noted that the difference between the land acquisition proposed is, in the view of Gatwick Green, de minimis and represents a simple engineering solution to the delivery of the balancing pond.

2.0 Summary of Oral Submission CAH2

- 2.1 Gatwick Green is grateful to both the Applicant and National Highways for the progress made to date in agreeing that the existing track within land owned by Gatwick Green can be used to access the Balancing Pond. The track links Peeks Brook Lane to the balancing Pond and rights will enable National Highways to access land to be permanently and temporarily acquired to expand and maintain their facility.
- 2.2 However, Gatwick Green still has concerns over the following:
 - The extent of the land sought for permanent acquisition, and
 - The extent of the rights which the Applicant is seeking from Gatwick Green over Public Footpath

2.3 Land for Permanent Acquisition

- 2.3.1 Gatwick Green has already stated within Submissions to the Examining Authority (ExA), most recently in TR020005-002815-DL7, that the extent of land sought for permanent acquisition is excessive.
- 2.3.2 This is particularly relevant, as the use of the land to be permanently acquired is for landscaping, for which it remains Gatwick Green's contention, that adequate rights can be provided to enable planting and future maintenance.
- 2.3.3 The Applicant maintains that due to the lack of detailed design, the extent of any works in or around the Balancing Pond cannot at this stage be confirmed. However, Gatwick Green contends that this lack of clarity should not be used by the Applicant to justify the permanent acquisition of land, beyond that which is necessary, and that the Applicant should ensure its intended use is properly described and disclosed.

2.4 Public Footpath

- 2.4.1 The plan below shows the route of PROW-368.

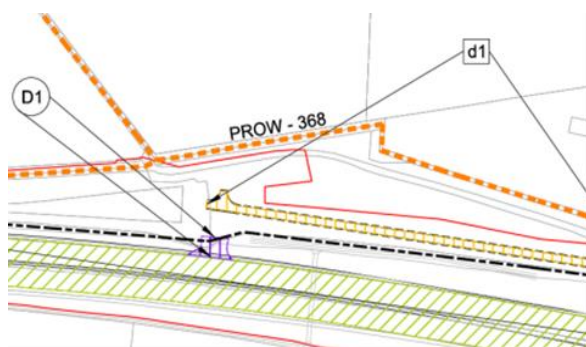


Diagram 1 – PROW plan

- 2.4.2 The plan below is an extract from a submission to Gatwick Green from the agents acting for the Applicant. It illustrates that the green cross hatching extends over PROW-368. The justification for the extension to the green hatching is that *'the public right of way is not sufficient'* for the Applicant *'to gain future vehicle access to the balancing pond.'*

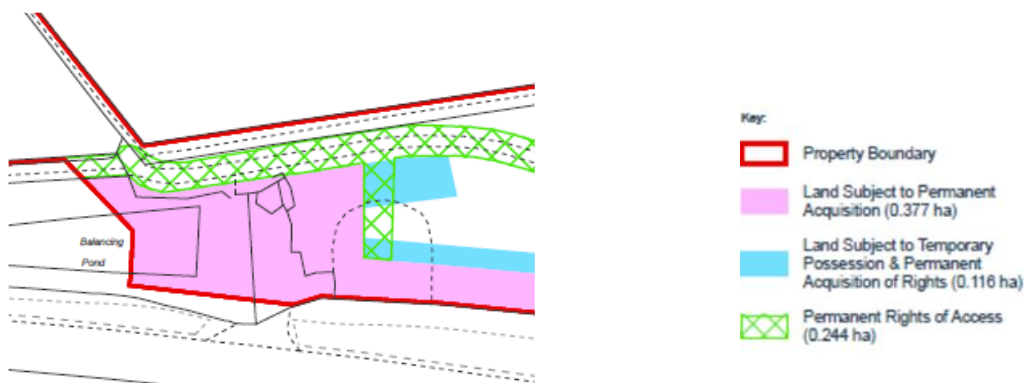


Diagram 2 – GAL suggested solution.

2.4.3 PROW-368 is a designated Foot Path and not a Byway and there is no reference in the draft DCO which indicates that the Applicant is seeking to alter the status of the Foot Path to enable use by vehicles. It is therefore wholly inappropriate for the Applicant to seek to oblige Gatwick Green to grant rights for vehicles over this Foot Path.

2.4.4 During CAH2, representatives of the Applicant suggested that NH would require access on foot to the Balancing Pond. This is already in place via PROW-368 which runs through NH land to the west of the Gatwick Green ownership.

3.0 Updated Proposal

3.1 Below is an extract of a revised Plan submitted to the Applicant by Gatwick Green. This shows the extent of the rights that can be granted by Gatwick Green to the Applicant, whilst respecting the nature and use of the Foot Path. Gatwick Green would ask the ExA to note that an additional area of green hatching has been indicated on this plan to enable direct access, on foot and with vehicles, if required, to the Highways Land to the north of the existing Balancing Pond. The existing access on foot via PROW-368 is not impeded.

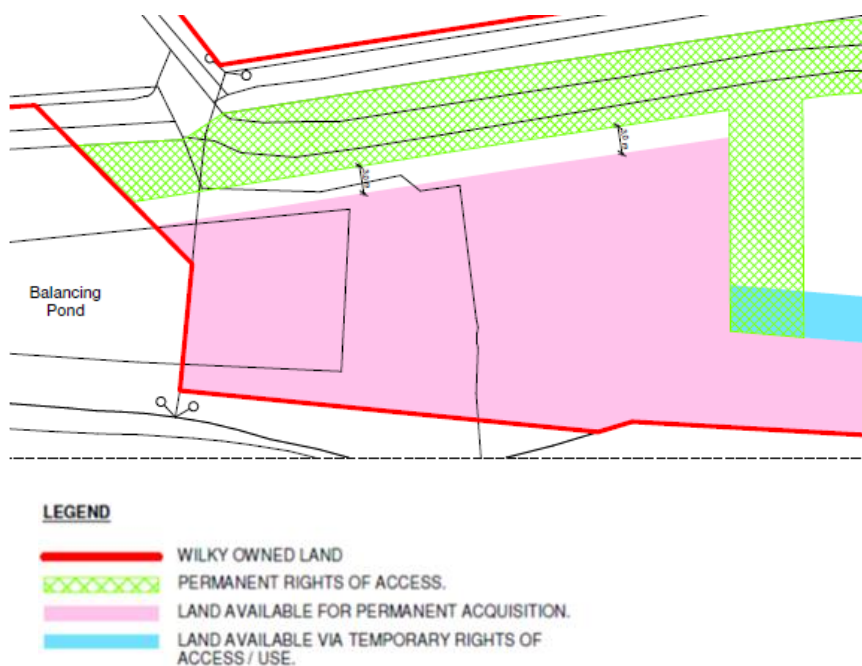


Diagram 3 – GG suggested solution.

3.2 This plan accommodates the extent of the land that the Applicant is seeking for permanent acquisition (Diagram 2 above) and preserves a 3m strip for the delivery of the future development access.

3.3 It is the view of Gatwick Green that this provides ample land for the extension of the balancing pond, and/or a significant area to accommodate the proposed landscaping, together with direct access on foot or with vehicles to the existing Balancing Pond and to the land to be permanently acquired.

4.0 Conclusion

- 4.1 Whilst it is the responsibility of the Applicant to resolve these issues, Gatwick Green is grateful to the ExA for the suggestion of a tri-partite meeting with National Highways and that more explanation in respect of the controls available to limit the impact of Article 27(b) of the draft DCO should be provided by the Applicant. Gatwick Green looks forward to receiving communication from the Applicant to arrange the meeting and provide additional information.
- 4.2 Nonetheless, the fact remains that the Applicant is not able to confirm whether the Balancing Pond requires extension. Therefore, it must be concluded that, at this stage, the Applicant cannot claim that the land is 'necessary'. It then follows that the Applicant is unable to provide 'a compelling case in the public interest' to justify permanent acquisition using Compulsory Purchase powers.
- 4.3 Notwithstanding this, Gatwick Green has made numerous proposals to the Applicant in respect of the boundary of the land to be permanently acquired. Gatwick Green believes that the latest submission, (Diagram 3, above), will neither impede the delivery of the Project nor prevent continual access for National Highways to the Balancing Pond for maintenance and other purposes.