

The Planning Inspectorate  
National Infrastructure Applications Team  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

FAO: Kevin Gleeson (Lead Member of the Examining Authority)  
27 August 2024

Dear Mr Gleeson,

**Application for a Development Consent Order by Gatwick Airport Limited for the Gatwick Airport Northern Runway Project (Ref. TR020005) – Deadline 10 Submission**

As set out in its Rule 8 letter [\[PD-011\]](#), the Examining Authority (ExA) has requested the following information of relevance to the Applicant to be submitted at Deadline 10:

- Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010.

Further, the Applicant has submitted the following documents at Deadline 10:

- Finalised Statements of Common Ground (SoCGs)
- Finalised Statement of Commonality for the SoCGs
- Completed Section 106 Agreement
- Draft DCO in SI Template and Verification Report
- Updated Navigation Document
- Consolidated Environmental Statement (ES)
- Financial Results for the period ended 30 June 2024

**Any further information requested by the ExA under Rule 17**

The ExA issued a Requests for Further Information under Rule 17 [\[PD-030\]](#) on 20 August 2024 requesting written comments. The Applicant has provided responses in the following submissions:

- **The Applicant's Response to the Rule 17 Letter (f)** (Doc Ref. 10.88) which is accompanied by **Appendix A: Comments on the London City Airport Decision.**

The ExA also invited comments at this Deadline 10 in response to the submissions made by relevant parties at Deadline 9 in response to the ExA's previous Rule 17 letters of 14 and 15 August 2024 [\[PD-027, PD-029\]](#). The Applicant has reviewed such responses and does not consider there to be any material new information

raised by other Interested Parties which its **Closing Submission** (Doc Ref. 10.73) does not already address, and so does not propose to duplicate such submissions in this response.

The ExA has not invited comments at this deadline on the closing submissions submitted by interested parties at Deadline 9 and accordingly the Applicant does not address/comment upon those closing submissions as part of this response. The Applicant considers its own closing submissions clearly sets out its position in response to the key matters raised by the various interested parties in any case; however, to the extent the SoS considers any additional clarification is necessary (informed as appropriate by the ExA's recommendation report), or to the extent any new/material information is raised by Interested Parties as part of their further Deadline 10 submissions (and the Applicant notes the stated intention to do so by CAGNE and the New Economics Foundation), then the Applicant respectfully requests the opportunity to respond and make further submission during the decision stage.

The ExA also notified the Applicant of a late submission from easyJet published today (27 August), which the Applicant understands to be in response to R17d.1 of the ExA's Rule 17 letter of 14 August 2024 (such response having been due at Deadline 9). Clearly the Applicant's ability to engage with/respond to easyJet's submissions have been compromised by this late submission, which is frustrating; however, the Applicant considers its responses to the examination and within its closing submissions on such matters have addressed the substance of the matters raised by easyJet. As above, should further information nevertheless be considered necessary/helpful by the SoS, then the Applicant would be happy to provide such response during the decision stage as appropriate.

### **Completed Section 106 Agreement and Implications/Planning Balance**

The Applicant has included a copy of the completed **Section 106 Agreement** (Doc Ref 10.11 v4) signed by Gatwick Airport Limited, Crawley Borough Council, West Sussex County Council, Reigate and Banstead Borough Council and Surrey County Council. A few minor manuscript amendments were agreed to the engrossment version submitted at Deadline 9. These are to clarify the land being bound by agreement and clarify that the planning performance agreements are to cover any discharges made under articles of the DCO as well as requirements of the DCO.

The ExA will be aware from the Deadline 9 submissions that the effect of the section 106 Agreement is such that a significant number of matters which had previously been debated between the JLAs and the Applicant during the examination have now been resolved. The parties' agreed commentary on the implication of the s106 Agreement is recorded in the Joint Position Statement submitted at Deadline 9 (Doc Ref. 10.82).

In that context, however, disagreements remain in some areas, particularly over the need for the additional controls which the JLAs say are necessary. The Applicant disagrees and has set out its position throughout the examination and in closing submissions. It would not be appropriate to repeat those submissions here. However, the emphasis in the JLAs' closing submissions is that those additional controls are now said to be justified because otherwise, the adverse effects of the Project would outweigh its benefits. Paragraph 3.8 of their closing submissions states:

*"The JLAs' position at the end of the Examination is that the scale of the claimed economic benefits has not been adequately or robustly demonstrated (and there has been a failure to assess whether there are countervailing disbenefits at the local authority level), and that there are residual adverse impacts that have not been appropriately mitigated or compensated for, such that the planning balance is against the making of the DCO, unless the SoS puts in place the additional controls and mitigations put forward by the JLAs."*

The Applicant disagrees with both limbs of the JLAs' position – in relation both to the scale of the benefits and the mitigation of adverse effects (the Applicant's closing submissions sets out its position). However, even if the JLAs' arguments on these matters had been soundly made, and with evidence to support them, it is not open to the JLAs to simply assert that the balance therefore lies against the application but would suddenly be resolved if the JLAs (unnecessary) additional controls were put in place – without actually explaining what the adjusted scale of benefits and adverse effects is said to be.

The Applicant is concerned that the closing submission was the first time the JLAs had asserted that the planning balance was to be struck against the grant of consent. But even then, in the Applicant's view, it would have been fair and reasonably expected of the JLAs for them to recognise that the evidence shows that balance to be overwhelmingly positive, even if the JLAs' concerns expressed at the margins of the case were valid.

The JLAs assert (at paragraph 2.17 of their closings) that there is no requirement on them to provide detailed evidence to corroborate their concerns. The Applicant does not disagree that it is for the Secretary of State to assess the evidence that has been placed before her, including that presented by the Applicant in support of its application. However, the weight that can be placed on any criticism by the JLAs of the Applicant's approach must be affected in circumstances where they do not substantiate any adverse impact which they claim may exist, or otherwise fail to reflect fairly the outcome of the detailed evidence that has been provided.

### **Finalised Statements of Common Ground (SoCGs)**

The Applicant has submitted the following finalised copies of SoCGs with the following stakeholders at Deadline 10:

- **Statement of Common Ground between Gatwick Airport Limited and the Environment Agency** (Doc Ref. 10.1.12 v3).
- **Statement of Common Ground between Gatwick Airport Limited and National Highways** (Doc Ref. 10.1.14 v4).

The Applicant has also updated the **Construction Dust Management Strategy** (Doc Ref. 5.3 v3) to reflect commitments made within the SoCGs submitted at Deadline 9.

### **Finalised Statement of Commonality for the SoCGs.**

The Applicant has submitted an updated **Statement of Commonality** (Doc Ref. 10.1 v7) at Deadline 10 to reflect the two updated SoCGs submitted at Deadline 10.

### **Draft DCO**

Following submission of the Draft DCO at Deadline 9, the Applicant has made minor amendments as follows:

- Minor fixes to capitalisation of some words and the addition of the full statutory provision name to certain cross-references;
- Document versions updated for the **Consolidated Environmental Statement** (Doc Ref. 10.66 v2), **Construction Dust Management Strategy** (Doc Ref. 5.3 v3) and **Land Plans** (Doc Ref. 4.2 v5) to reflect documents submitted at Deadline 10; and

- Update to the defined term "Order land" to refer to the additional 'green' coloured plots added to the **Land Plans** (Doc Ref. 4.2 v5) at Deadline 7.

Given the minor nature of these amendments, no **Schedule of Changes** (Doc Ref. 2.1) has been prepared in addition to the summary above, nor is any amendment to the **Explanatory Memorandum to the Draft Development Consent Order** (Doc Ref. 2.2 v9) required.

The Applicant has submitted a final version of the **Draft DCO** (Doc Ref. 2.1 v12) (tracked and clean) in PDF and a final clean version in Word in the SI Template. The Applicant has also submitted a successful Validation Report. Please note that placeholder dates were used so that the validation check could complete successfully but these dates have been deleted and replaced with square brackets in the Word document submitted to the Examining Authority.

#### Update on protective provisions for Thames Water Utilities Limited

In Chapter 26 of its **Closing Submissions** (Doc Ref. 10.73) at e-page 542, the Applicant noted that two matters remained not agreed in respect of the protective provisions for Thames Water Utilities Limited ("TWUL") in the draft DCO. The Applicant and TWUL have not managed to reach agreement on these points in the limited time since Deadline 9 but the following is provided by way of a brief update given that TWUL has now submitted its proposed wording and justification as its **Deadline 9 submission - Outstanding matters of asset protection** (no examination reference at time of writing).

Overall, the Applicant maintains its position as set out in its Closing Submissions but makes the following by way of brief remarks on TWUL's submission:

- The Applicant welcomes TWUL's acceptance that an indemnity cap of some form is appropriate to be included in the protective provisions and the Applicant is amenable to the proposed quantum of £20 million and the proposal that the cap rises in line with inflation, should the Examining Authority / Secretary of State consider this justified. However, the Applicant notes that TWUL's proposed cap applies per discrete event that impacts TWUL's network. The Applicant continues to require that there be an overarching cap (potentially at a higher level) to ensure that the indemnity is not cumulatively open-ended.
- In relation to the bond, the Applicant notes TWUL's confirmation that the requirement for a bond is a "*standard TWUL requirement **outside of the DCO regime**...*" (emphasis added). The Applicant maintains its Closing Submissions on the lack of necessity or justification for the inclusion of such drafting in the present DCO context. Whilst the drafting of the bond provisions is improved from the earlier version shared with the Applicant, it remains unacceptably uncertain in application and is therefore resisted on the basis that it could cause delay in carrying out the authorised development where there is or may be an interface with TWUL apparatus.

#### Update on s135 consent in relation to Crown Land

The Secretary of State for Transport wrote to the Applicant on 23 August 2024 confirming its consent pursuant to section 135 of the Planning Act 2008 in relation to plot no 3/442. The Applicant understands that a copy of the letter containing this consent was/is also being submitted to the ExA; however, the Applicant has submitted a copy at this Deadline for completeness (Doc Ref. 10.90).

### **Updated Navigation Document**

The Applicant has submitted an updated version of the **Navigation Document** (Doc Ref. 1.3 v17) to reflect the submissions made at this deadline.

### **Consolidated Environmental Statement**

At Deadline 8, the Applicant submitted its **Consolidated Environmental Statement** [REP8-120]. The Applicant has provided an updated version at Deadline 10 (Doc Ref. 10.66 v2). At the time of preparing and finalising the updated document, the examination library had not yet been updated to reflect the Deadline 9 submissions and, as such, those document references to the latest versions have not yet been incorporated. The Applicant will produce a further update to this document to incorporate such references (along with the additional Deadline 10 reference in respect of the latest version of the Construction Dust Management Strategy submitted at this Deadline) and submit to the SoS ahead of the decision stage for completeness.

### **Financial Results for the period ended 30 June 2024**

At the end of ISH9, the ExA requested the Applicant to submit any updated financial results that might become available before the end of the examination. In response, the Applicant encloses the half-yearly results report for Gatwick Airport that was published last week for the period ended 30 June 2024.

The report demonstrates a strong start to the year. 19.9 million passengers travelled through Gatwick between January and June 2024, up from 18.5m in 2023, a notable 7.7% growth vs 2023 and 90% of the equivalent period in 2019. Every month of the year to date has delivered year-on-year growth and we will continue to see increases in passenger numbers every month for the remainder of the year. In particular, Gatwick has seen a very strong start to the peak summer season with short-haul traffic continuing to recover and reaching 2019 levels in July and new long-haul airlines starting operations.

By sector, short-haul traffic continued to perform strongly in the first half of the year – easyJet reached 105% of 2019 traffic levels in June and BA Euroflyer, Wizz Air and Vueling all increased their volumes significantly. As we look forward to 2025, we expect this to continue with BA, for example, adding three Gatwick based aircraft in March and Wizz adding to Gatwick based aircraft flying long haul routes.

Long-haul traffic recovery has continued to pick up speed in the last 6 months, 23% up on 2023 at 3.0 million passengers. The Asian market saw the strongest growth, enhancing connectivity between London and India and Central and East Asia. The 2025 outlook is very positive as new carriers in 2024, such as Singapore and China Southern, consolidate their annual programs. We expect to announce new carriers from the Middle East, Africa and Asia at the end of September and these new services, plus growth from our existing three Chinese carriers will bring our long-haul program back to its 2019 levels.

Thorough planning and preparation, along with the hard work of our frontline colleagues, helped ensure that our passengers enjoyed good service and more reliable journeys in the first half of the year. This was evidenced by our airport meeting all its agreed service metrics during the period.

We are pleased that our first half-year results show that we have continued to recover in line with our expectations and we remain confident that 2025 will see a return to 2019 traffic levels and provide a strong foundation for future growth.

**Errata**

At Deadline 9, the Applicant omitted the submission of the Land Plans in error. These were updated to reflect discussions with National Highways and align with the Book of Reference and Draft DCO submitted at Deadline 9.

Further, the Applicant has submitted an updated copy of the **Noise Envelope** (Doc Ref. 5.3 v6) to correct a drafting error in paragraph 7.3.1 to align with the draft DCO as updated at Deadline 9.

**Submission of Updated and Additional Documents**

The table below sets out the updated application documents and additional documents submitted as part of Deadline 10 for ease of reference, including the reason for submission.

<b>Updated or New Document</b>	<b>Document Title</b>	<b>Reference</b>	<b>Reason for Submission</b>
Updated	Navigation Document (clean and tracked versions)	Doc Ref. 1.3 v17	Includes the updated and additional documents submitted by the Applicant at this Deadline.
Updated	Draft Development Consent Order (clean and tracked versions in PDF) (clean version in SI Template)	Doc Ref. 2.1 v12	Copy of the Draft DCO in an SI Template as requested by the ExA in its Rule 8 Letter.
Updated	Draft Development Consent Order Validation Report (clean only)	Doc Ref. 2.3 v2	Validation Report as requested by the ExA in its Rule 8 Letter
Updated	Land Plans	Doc Ref. 4.2 v5	Omitted in error at Deadline 9. Updated following discussions with National Highways.
Updated	Land Plans – Schedule of Changes	Doc Ref. 4.2 v3	Omitted in error at Deadline 9.
Updated	ES Appendix 5.3.2: Code of Construction Practice – Annex 9 - Construction Dust Management Strategy (clean and tracked versions)	Doc Ref. 5.3 v3	Updated to reflect commitments within the SoCGs.

Updated	ES Appendix 14.9.7: The Noise Envelope (clean and tracked versions)	Doc Ref. 5.3 v6	Updated to correct a drafting error in paragraph 7.3.1 to align with the draft DCO as updated at Deadline 9.
Updated	Statement of Commonality (clean and tracked versions)	Doc Ref. 10.1 v7	Updated to reflect the final status of the SoCGs at the close of examination.
Updated	Statement of Common Ground between Gatwick Airport Limited and the Environment Agency (clean and tracked versions)	Doc Ref. 10.1.12 v3	Updated to reflect the final status of matters at the close of examination.
Updated	Statement of Common Ground between Gatwick Airport Limited and National Highways (clean and tracked versions)	Doc Ref. 10.1.14 v4	Updated to reflect the final status of matters at the close of examination.
Updated	Section 106 Agreement	Doc Ref. 10.11 v4	Completed (signed) copy of the Section 106 Agreement.
Updated	Consolidated Environmental Statement (clean and tracked versions)	Doc Ref. 10.66 v2	Updated to reflect the final version of the ES at the close of examination.
New	The Applicant's Response to the Rule 17 Letter (f)	Doc Ref. 10.88	In response to the ExA's Rule 17 request as requested by the ExA in its Rule 8 Letter.
New	Appendix A: Comments on the London City Airport Decision	Doc Ref. 10.88	In response to the ExA's Rule 17 request as requested by the ExA in its Rule 8 Letter.
New	Ivy Holdco Limited Interim Financial Statements 30 June 2024	Doc Ref. 10.89	In response to actions at ISH9.
New	Section 135 Consent from the Secretary of State for Transport	Doc Ref. 10.90	For completeness.

At this final deadline, the Applicant would like to thank the ExA, the Planning Inspectorate Case Team and all Interested Parties for their participation in the examination. If the Applicant can be of any further assistance or the ExA considers any further clarification is required in response to the information and documentation submitted as part of this submission, please do not hesitate to contact the Applicant using the details already provided.

Yours sincerely,



**Jonathan Deegan**  
**NRP Programme Lead**  
**Gatwick Airport Limited**