

Network Rail Infrastructure Limited (Network Rail)
Reference Number: 20044102

Network Rail's response to Secretary of State's letter dated 9 December 2024

In the Secretary of State's letter dated 9 December 2024, organisations including Network Rail, were invited to provide views on a new proposed requirement 20, which was set out at Annex A to that letter.

The surface access commitments include Commitments 14A and Commitment 14B which relate specifically to railway-related measures. In summary.

- Commitment 14A relates to the Rail Enhancement Fund and commits the applicant to carry out certain works, and take specified steps, to mitigate the impact of the proposals on the rail network, including making available the sum of £10 million.
- Commitment 14B requires the applicant, from the date on which works are commenced pursuant to the DCO, to prepare a rail monitoring and enhancement plan for approval by Network Rail (in consultation with the relevant rail operators). Paragraph (2) specifies that the airport must be operated in accordance with the rail monitoring and enhancement plan unless otherwise agreed in writing with Network Rail (in consultation with the relevant rail operators).

In light of the above Network Rail has two concerns about paragraph (1) of requirement 20:

- a) The current drafting would allow CBC and National Highways (in consultation with Surrey County Council and West Sussex County Council) to agree that the applicant does not need to comply with the above commitments, or potentially allow compliance with the commitments in a varied form. The above commitments are critical to mitigating the impact on the rail network and any relaxation of these rail-specific commitments should only be permitted where agreed in writing by Network Rail.
- b) The current drafting states that the "*operation of the airport must be carried out in accordance with the surface access commitments*". However, several of the measures in the surface access commitments (including but not limited to Commitments 14A and 14B) do not strictly relate to operation of the airport itself (by way of example, the commitment, prior to the commencement of dual runway operations, to instruct and cover the costs of an independent consultant undertaking a gateline capacity review). It would be appropriate for the wording in paragraph (1) to impose on the applicant a broader requirement to comply with surface access commitments, and to operate the airport in accordance with those commitments.

Proposed drafting amendments to address the above points are set out in track changes to requirement 20 in the Annex to this letter.

Network Rail does not have any comments on paragraph (2) of requirement 20.

ANNEX

Surface access

20.—(1) From the date on which the authorised development begins the undertaker must comply with the measures in, and carry out of the operation of the airport ~~must be carried out~~ in accordance with, the surface access commitments unless otherwise agreed in writing with:

(a) Network Rail in respect of commitments 14A and 14B¹; and

(b) CBC and National Highways (in consultation with Surrey County Council and West Sussex County Council) in respect of all other commitments.

(2) First use of the following airport facilities shall not be permitted until the mode shares set out below have been demonstrated to have been achieved in the Annual Monitoring Report unless otherwise permitted by CBC.

(a) at least 54% of passengers travelling to the airport used public transport in the monitored year. Should this public transport mode share not be achieved then the Undertaker shall not use the following:

- (i) Simultaneous operational use of the northern runway; and
- (ii) Pier 7 and associated stands.

(b) At least 55% of passengers travelling to the airport used public transport in the monitored year. Should this public transport mode share not be achieved then the Undertaker shall not use the following:

- (i) The South Terminal Hotel Phase 2 on the former car park H; and
- (ii) The use of multi storey car park Y

(c) Not more than 44.9% of staff travelling to the airport were car drivers in the monitored year. Should this car driver mode share be exceeded then the Undertaker shall not use the South Terminal Office (on former car park H).

¹ Or in the alternative, the drafting could refer to commitments which expressly relate to rail-related measures.