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Mr Jonathan Deegan  
NRP Programme Lead  
Gatwick Airport Limited

Your Ref:

Our Ref: TR020005/ PD-019

**By email only**

Date: 13 May 2024

Dear Mr Deegan,

## Planning Act 2008 – Section 89

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

#### Notice by the Applicant of Intention to Submit a Request to Make Changes to the Application

Thank you for your letter dated 7 May 2024 [[AS-145](#)] giving notice of the intention of Gatwick Airport Limited (the Applicant) to submit a request to make a change to the Gatwick Airport Northern Runway Project Development Consent Order (DCO) application. This has been published on the [project webpage of the National Infrastructure Planning website](#). The proposed change (Project Change 4) is described in section 2 of the 'Second Notification of a Proposed Project Change' [[AS-146](#)] which accompanies the letter as an on-airport Wastewater Treatment Works facility. You are seeking advice from the Examining Authority (ExA) on the procedural implications and the scale and nature of the proposed consultation exercise.

The ExA is surprised to receive this change request less than a week after Issue Specific Hearing 7 (ISH7) on Other Environmental Matters which took place on 1 May 2024. As you know, one of the agenda items was Water and Flooding which was attended by representatives of Thames Water as well as the Applicant. We recognise that Project Change 4 is being presented as an alternative option to manage wastewater generated by the Project due to ongoing uncertainty regarding Thames Water's long-term wastewater treatment capacity in the local area. Nevertheless, some indication that this alternative was under consideration would have been of benefit to the discussion at ISH7.

Your letter of 7 May 2024 states that 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 or require the acquisition of different or new land, nor would the change give rise to any materially new or materially different adverse environmental*

*effects in comparison to those assessed and reported in the Environmental Statement submitted as part of the Application”.*

The Second Notification of a Proposed Change document satisfies Step 1 of the recommended procedure in the Planning Inspectorate’s ‘[Advice Note 16: Requests to change applications after they have been accepted for examination](#)’ (version 3) (AN16). The advice which you are requesting from the ExA, in line with Step 2 of AN16, includes the procedural implications of the proposed changes and guidance on the need, scope and nature of the consultation that the Applicant proposes to undertake.

The Second Notification of a Proposed Project Change document also states that the Applicant intends to carry out consultation prior to making the formal change request. The Applicant proposes that consultation on the change and updated environmental information would commence on 14 May 2024, continuing until 11 June 2024. Your intention to make a formal change request to the ExA no later than 26 June 2024 is also noted. This will be accompanied by further information on the proposed change, updated application documents and additional information as required including the information set out in paragraph 6.1.1 of the Second Notification of a Proposed Project Change document. Figures 1 and 2b of AN16 set out how to make a request to make a change to an accepted application and the information to include in a request to make a change to an application after it has been accepted for examination.

Your intention is to carry out consultation on all proposed changes with local authorities, landowners/ those with an interest in the land relating to the proposed changes, and prescribed consultees under section 42(a) to (d) of the Planning Act 2008. You have indicated that the consultation period will be of 28 days duration. Paragraph 5.2.2 of the Second Notification of a Proposed Project Change document indicates that you will send a letter and consultation leaflet setting out the Proposed Change and directing stakeholders to the online consultation feedback form. The Applicant will also invite comments from members of the public through the online publication of the consultation leaflet and the consultation feedback form on Gatwick Airport’s website. You should ensure that you satisfy yourself that appropriate consultees are invited to comment.

The scope of consultation activities set out in section 5 of the Second Notification of a Proposed Project Change document provides an appropriate basis for the non-statutory consultation. Please ensure that consultation responses are sent to you as the Applicant and not to the Planning Inspectorate. The ExA has no other comments to make on the indicative programme set out within Table 2, section 6 of the Second Notification of a Proposed Project Change document.

Paragraph 2.1 of AN16 advises that on receipt of a request to make a change to the application, the ExA must initially consider whether the development being proposed is in substance the same as the development which was originally applied for. From the information presented thus far, the ExA is minded to agree with your view that the proposed change would not lead to the Proposed Development being different in nature or substance to that which was originally applied for in July 2023.

If the ExA decides to accept the proposed change into the Examination all Interested Parties will have an opportunity to make representations on the changed application, during the Examination.

You are asked to ensure that the change request that is intended to be submitted no later than 26 June 2024 responds fully to the points made above taking account of AN16.

If you have any queries on these matters, please do not hesitate to contact the Case Team using the contact details at the head of this letter.

Yours sincerely,

*Kevin Gleeson*

**Lead Member of the Examining Authority**

This communication does not constitute legal advice.

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