

Secretary of State for Transport  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

FAO: Transport Infrastructure Planning Unit

24 April 2025

Dear Secretary of State

**Application by Gatwick Airport Limited Seeking Development Consent for the Proposed Gatwick Airport Northern Runway Project (Ref: TR020005)**

**Response to the Secretary of State's letter dated 27<sup>th</sup> February 2025**

We refer to the letter dated 27 February 2025 sent on your behalf stating that you are minded to grant consent for the Northern Runway Project (NRP), subject to being satisfied on a number of matters. The letter provided Gatwick Airport Limited (GAL), as the applicant, the opportunity to submit comments on those matters and this letter (together with its annexes) is our response.

GAL's response to the Examining Authority's (ExA's) recommended revised requirements in relation to air noise limits (Requirement 15), receptor based noise mitigation (Requirement 18) and surface access (Requirement 20) is summarised below, with more detailed information contained within Annexes 1-3. This response also summarises our position on other matters referred to in the Secretary of State's (SoS) letter, including in relation to Protected Landscapes, sustainable design, compliance with Regulation (EU) No. 598/2014 and other points raised in the conclusions reached by the ExA, some of which the SoS indicated she was minded to agree. Details on these points are provided in Annex 4.

Whilst we do have detailed comments to make on the draft Requirements recommended by the ExA, which are more stringent than have been imposed on other airport projects, in overall terms, GAL recognises, respects and agrees with the SoS's objective to ensure that environmental interests are properly protected. We explain further below how we have reflected on the SoS's objectives and we propose detailed changes to the position we put forward at the examination, to meet them. These suggested changes are also intended to bring more clarity, as well as certainty that the scheme is investable and can be implemented whilst also minimising impacts on local communities.

## **1. Air Noise Limits (Requirement 15)**

The ExA has suggested modifications to GAL's proposed Requirement 15 such that the area within the 51dB daytime air noise contour, which must not be exceeded from the first to the fifth year of dual runway operations, is 125km<sup>2</sup>, rather than the 135km<sup>2</sup> suggested by GAL.

GAL would be more willing to accept the proposed limitation of the 51dB noise contour area to 125km<sup>2</sup> if required by the SoS, if it can be shown to be based on evidence which was before the examination and is correctly reasoned. As explained in Annex 1, we consider that the ExA has mis-understood the basis of GAL's case and has therefore incorrectly applied the "original DCO central case" for fleet transition. This case was created pre-pandemic and was therefore updated during the Examination to a new 'Updated Central Case' using the latest available fleet transition information. The original central case is therefore no longer correct or valid.

The imposition by the ExA of the 125km<sup>2</sup> contour area under Requirement 15 was based on three erroneous assumptions by the ExA: a) actual fleet transition since 2019 being faster than GAL suggested – we address this point in detail in Annex 1 and show that the ExA's use of data was selective and incorrect, b) a misunderstanding by the ExA (and therefore exaggeration) of the degree to which 'next generation' aircraft will be quieter and c) the assumption by the ExA that if annual ATMs were to be lower, as they were inclined to believe, that this would necessarily make an air noise limit (which is measured in peak months) easier to comply with – this is not necessarily correct.

Adopting this flawed reasoning to support the introduction of an initial 125km<sup>2</sup> contour area limit would be highly likely to constrain growth, especially long-haul connectivity in the first years after the commencement of dual runway operations. The SoS should be aware of this in taking any decision to impose a requirement in this form and the effect it would have on facilitating the Government's growth agenda.

In addition, GAL has also considered the process which might apply to any request for a revision to the air noise contour in circumstances outside GAL's control (as suggested at paragraph 180 of the SoS's letter). The mechanism proposed by GAL is set out in Appendix 1 of Annex 1. We believe the review mechanism is simple and self-explanatory.

## **2. Receptor Based Noise Mitigation (Noise Insulation Scheme) (Requirement 18)**

GAL accepts the principle of the requirement set out in the SoS's letter that, in particular, the mitigation offered should ensure that the Proposed Development avoids significant adverse effects on health and quality of life in line with existing Government noise and aviation policy. GAL is also mindful of the way in which this policy requirement has been

applied in other airport related decisions, including the recent decision taken by the SoS in relation to the London Luton Airport Expansion DCO (dated 3<sup>rd</sup> April 2025) which has also proposed, and had accepted, a noise insulation scheme to meet that same requirement.

GAL has significantly amended its previous position and moved towards the requirement suggested in the ExA's revised draft DCO. GAL's revised position, which is similar in nature to the scheme approved at London Luton, provides full mitigation (i.e. with no financial cap) for all residential properties in the 60dB contour and above (known as the 'inner' zone) and proposes a tiered scheme providing financial contributions for those properties within the 'outer zone', i.e. from 60dB down to the 54dB contour.

For residential properties between 54 and 57dB and between 57 and 60dB, GAL is offering a financial contribution towards a package of mitigation measures which follows the tiered approach approved at London Luton, but with the GAL scheme having more generous levels of funding contributions. GAL considers that, in line with the existing and long established practice at the airport, the specific details of the mitigation to be installed in the residential property should be agreed between GAL and the householder and that, in the unlikely event that no agreement is reached on any property concerning the precise detail of noise insulation, that a rapid expert-led disputes resolution process, independent of GAL, be established. This would provide a fair and transparent process and ensure all matters are properly considered. The ExA's remedy in the event of disagreement about the detail of individual property insulation schemes (requiring that GAL should offer to buy the property) is entirely disproportionate and without precedent, justification or any basis in policy.

Based on what was approved by the SoS at London Luton, GAL now puts forward an updated package of measures which is enhanced compared to the existing scheme at Gatwick. The scheme goes well beyond any minimum or expressed requirements for mitigation set out in government policy so that it meets and exceeds the SoS's stated intentions.

We accept that detailed requirements should be considered on a case by case basis. For the reasons set out in Annex 2, however, we can see nothing in the ExA's Report which provides any analysis or explanation that there is anything specific to London Gatwick which would justify a different approach to other airports.<sup>1</sup> This means that a decision by the SoS to accept the ExA's approach for London Gatwick would reset policy, creating an unlevel playing field with significant implications for the growth of other airports and Noise Action Plans across the country.

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<sup>1</sup> The ExA's analysis was based on its assessment of British Standards and national surveys of attitudes to noise. Its findings, if adopted, would have national implications.

### **3. Surface Access (Requirement 20)**

GAL has carefully considered the position of the ExA and the section on 'Traffic and Transport' in the SoS's letter (paras 81 – 121) and has set out its position in Annex 3. Whilst GAL is clear that GAL's future baseline assessment is accurate and therefore the degree of traffic change and the impacts on highway and junction capacities have not been underestimated, we share the objective that expansion at London Gatwick should not create additional stress on the highway network which could lead to congestion on the roads leading to the airport (see SoS letter para 121). Indeed, in order to provide mitigation and additional road capacity, our Proposed Development includes a number of highway improvement works in and around the airport, an investment totalling over £350m (at 2022 prices) which is agreed with National Highways as well as a comprehensive package of mitigations proposed within our Surface Access Commitments (SACs).

We also wish to stress that GAL's objection to the ExA's recommended form of Requirement 20 is not borne out of any reluctance to embrace or prioritise sustainable transport methods or investment in these. GAL has a strong track record of investing in public transport initiatives, including the recently improved Gatwick Airport Railway Station to which GAL contributed over £40m. GAL's objection derives from the fact that, having read the ExA's Report, it is clear that the ExA's recommendation is based on a number of misunderstandings of relevant issues and does not reflect the full extent of the proposed mitigation. GAL's position on these issues is set out in section 3 of Annex 3.

During the Examination, GAL put forward a comprehensive set of SACs to mitigate the impacts of road traffic at the airport, including a commitment to traffic monitoring (see Commitment 16 which requires the first monitoring report to be produced before the commencement of the Airfield Works). This will ensure that any required interventions can be applied in a timely manner and their effects monitored, several years before the start of dual runway operations, to help reach the stated objectives of the SAC. The SoS should also be aware (although not mentioned by the ExA on this point) that GAL signed a s106 Agreement with a number of local authorities, including the local highway authorities, which also provides a further measure in the form of funds (£10m) to respond to and / or address the unknown or unintended impacts of the Project (known as the 'Transport Mitigation Fund'). Nonetheless, GAL recognises that the SoS is minded to agree with the ExA that control is required over first use of some of the land use elements of the Proposed Development (namely commencement of dual runway operations, Work No. 6(a) (Pier 7), Work Nos. 28(a) (hotel on Car Park H site), 28(b) (office on Car Park H site) and 30(b) (Car Park Y)) in order to avoid highway impacts occurring significantly beyond those considered in GAL's Transport Assessment (TA).

GAL maintains its original position, as set out in its letter dated 23<sup>rd</sup> December 2024, that the amendments to Requirement 20 proposed by the ExA are unnecessary. However,

should a revised condition be imposed, which requires GAL to meet a certain mode share target before first use of the Northern Runway, then the SoS is asked to recognise that achievement of the required mode share is not entirely within GAL's control and relies heavily on the actions of third parties – a point that was clearly made in the SAC (see for example para 5.1.1). Whilst GAL will carry out all the measures within the SACs and take any necessary additional action within its control (for example, parking and forecourt drop-off pricing), there are other factors which will have an influence on the exact public transport mode share achieved. Reasonable expectations include for example, DfT approving the re-instatement of the full Gatwick Express service, integrated ticketing that promotes sustainable transport options, maintaining the real cost of train travel by not increasing fares above inflation and delivering timetabling and capacity improvements consistent with demand growth.

Given this, it is not fair or reasonable to condition use of the Northern Runway project in the way proposed by the ExA's requirement. Instead, as mode share is an indirect way of trying to limit traffic impacts, we consider a more direct and effective mechanism would be an amendment which involves limiting passenger vehicles to the levels assessed at runway opening. This would involve a 'passenger cars on the road' limit of no more than 24 million cars per year (the level forecast in the TA). This measure, unlike mode share, is more directly in GAL's control. A further amendment that GAL also proposes is a final test involving the completion of the highway improvement works prior to first use of the northern runway. This also provides assurance that the traffic and transport effects in the ES are not significantly exceeded, additional highway capacity is provided and congestion is avoided.

Therefore, to meet the SoS's concerns, GAL has put forward an amended Requirement (20) which:

- Accepts a mode share commitment for passengers using public transport in the year prior to dual runway operations, similar to that proposed by the ExA.
- If the mode share commitment is not achieved but air passenger vehicle traffic on the highway network is lower than the level assessed by GAL, then first use of the northern runway would be allowed.
- If neither test is met, then dual runway operations would only be allowed once the highway improvement works are complete. In those circumstances the evidence is clear that additional passenger traffic flows from the project can be easily accommodated with the highway works in place to mitigate environmental effects.

The highway improvement works will therefore act as a backstop measure, allowing the use of the runway once they are in place. Importantly, the provision and application of this mechanism would allow GAL to make the significant investment which the project requires, whilst also giving the SoS additional confidence that congestion will be avoided and that the traffic and transport effects will be contained within the envelope assessed by the TA and Environmental Statement.

It should also be noted that any residual concern that the SoS may have that a lower future baseline may produce greater junction impacts than the ES has assessed, is already appropriately mitigated by the provision of a £10m Transport Mitigation Fund (secured in Schedule 3, clause 8 of the s106 Agreement [REP10-019] dated 22 August 2024) and Commitment 14 in the SACs) and further, already agreed amounts, provided for National Highways' sole use, as set out in the Framework Agreement signed between GAL and National Highways and for Network Rail (contained in Commitment 14A of the SACs). Revised wording for Requirement 20 to reflect the above is contained in Annex 3.

#### **4. Matters raised by SoS at Paragraph 15**

The SoS raised several other matters in Paragraph 15 of her letter. GAL's position is summarised below and set out more fully in Annex 4.

##### *Protected Landscapes*

GAL notes that neither Natural England nor the ExA considered that any mitigation for the project's limited effects is necessary. Nevertheless, GAL is aware that the duty lies with the SoS to seek to further the purpose of conserving and enhancing the natural beauty of the National Landscapes. To assist, and as requested, GAL has engaged with the four National/Protected Landscape Authorities (Natural England having advised that it did not need to be involved).

As a result of that engagement, GAL and the National Landscape Authorities have discussed the principle of a potential funding arrangement to fulfil the duty. As a consequence, GAL has offered £320,000 to the four Authorities based on a proposal from South Downs National Park for a dark night skies project described as costing £80,000. We believe this project (or other similar and appropriate projects) could be supported on the same basis across each of the Authorities to ensure fulfilment of the SoS's duty. Wording for a new Requirement on this basis is included in Annex 4 section 2.

##### *Sustainable Design*

The SoS has also invited the Applicant to set out what further measures could be brought forward to prioritise sustainable design and in turn reduce carbon during construction and operational phases of the project. GAL's current approach for new buildings is to commit to BREEAM Excellent rating within the Water Category only. This approach complements the stretching, behaviour-driving outcomes of the Carbon Action Plan, which GAL must comply with throughout construction and operation. Most specifically, in relation to design, the Carbon Action Plan requires GAL to drive down Scope 1 and 2 GHG emissions. For the outcomes in the Carbon Action Plan to be achieved, GAL will need to prioritise sustainable design across the Project.



Nonetheless, GAL proposes amending Design Principle BF4 to provide a direct commitment to the same standard as has been approved in relation to the London Luton Airport Expansion Order 2025. This provides for new buildings to be designed to meet the standards for BREEAM 'Excellent' rating (or equivalent at the time of concept design), except where the building typology dictates that it is not practical. Details are also set out in Annex 4 section 3.

#### *Regulation (EU) No 598/2014*

In terms of compliance with Regulation (EU) No 598/2014, if the SoS is minded to accept the ExA's recommendation for a lower limit of 125km<sup>2</sup>, then in GAL's view, this would be an operating restriction and consultation on this limit would need to be carried out.

If the SoS is minded to adopt the ExA's version of Requirement 15, and subject to the SoS's own legal advice, GAL considers consultation could be undertaken in parallel with any consultation the SoS invites in relation to this response, as part of the final stage of the DCO process. In any event, GAL requests that any consultation undertaken in relation to this Regulation, happens as soon as practicable so that a final decision on the Proposed Development can be taken without any further delay. Further details are set out in Annex 4 section 4.

## **5. Other matters**

GAL also wishes to take up the opportunity offered in paragraph 232 of the SoS's letter to raise a limited number of other points, particularly in relation to Thames Water, the weight attached to Policy, Need and Benefits, greenhouse gas emissions and impacts on the rail network. These are summarised below, with further detail provided in Annex 4 sections 5 to 8. Annex 4 section 9 contains a consolidated summary of the proposed amendments to requirements.

#### *Requirement 31 and Wastewater*

The Applicant is pleased to report that it has reached agreement with Thames Water on a revised form of words for Requirement 31; this is included in Annex 4 section 5.

#### *Policy, Need and Benefits*

When it comes to the weight to be attached to policy, need and the benefits of the project – either in their own right or in the planning balance to be struck, GAL does not understand why the report of the ExA and the SoS letter are very different from, and not consistent with other recent airport planning decisions.

By attributing only ‘moderate weight’ GAL considers the ExA significantly underestimated the weight that should be attached to national policy support for aviation and the benefits of airport expansion. Recent airport planning decisions such as at London Luton (April 2025), London City (August 2024), London Luton (October 2024), Manston Airport (August 2022) and London Stansted (May 2021) all show that considerable and significant or substantial weight should be attached to the national need for airport expansion, particularly given its critical role in economic growth. If anything, the SoS’s recent speeches and government policy announcements have reinforced that imperative.

Importantly, the assessed benefits of the Proposed Development at Gatwick are greater than the benefits assessed for any of the projects cited above. These include not only the increased resilience which a fully functioning second runway at Gatwick provides to the airport system in the South East, it also includes very substantial economic benefits, the scale of which cannot reasonably be described as moderate. Therefore, we respectfully request that the SoS considers these matters again in deciding what weight to attach to them in the overall planning balance. Further details are contained in Annex 4 section 6.

### *Greenhouse Gas Emissions*

The SoS’s letter confirms that she will set out her full consideration of matters including Greenhouse Gas Emissions in her final decision. With that in mind, the SoS should note what appears to be an error in the ExA’s analysis of the greenhouse gas emissions arising from the Proposed Development.

The ExA appears to conclude (in particular in paragraphs 8.5.13 and 23.2.2) that the Proposed Development’s emissions would have a material impact on the Government’s ability to comply with its carbon reduction targets and so would be contrary to paragraph 5.82 of the ANPS.

There are two principal components of that assessment, namely that:

- Gatwick will contribute 3.459% to the sixth carbon budget (para. 8.4.106); and
- when “*other elements that cannot be contextualised against the UK carbon budgets*” are added, “*the 5% threshold is likely to be reached for the Project as a whole*”, which could push the project above the 5% threshold, which IEMA consider to be an indication of a significant effect (although even that would be no basis for concluding that the project would have a material impact on the ability of Government to meet its carbon reduction targets).

GAL has concerns with both components as set out in Annex 4 section 7. However, we have now seen the way in which the SoS addressed the relevance and effect of “other elements” in her recent decision at London Luton (particularly at paragraphs 257 to 277). The SoS is clearly aware of the inappropriateness of conflating these matters in the



context of the ANPS policy requirement and the GAL's position on this is set out in Annex 4 section 7.

The first component of the ExA's conclusion, however, contains a serious error. The figure of 3.459% relied on by the ExA is derived from revised Table 16.9.13 of GAL's GHG Technical Note [\[REP9-120\]](#). That figure, however, relates to Gatwick Airport as a whole with the benefit of the NRP. It does not relate to the project for which development consent is sought (the NRP), for which the figure is given as 0.657% in the next column of the same table. The latter is the figure that relates to 'the increase in carbon emissions resulting from the project' for the purposes of the ANPS paragraph 5.82.

### *Impacts on the Rail network*

GAL respectfully invites the SoS to consider the weight to be given to the conclusion reached at para 5.3.23 of the ExA's Report given that no issues remained in contention by the end of the examination between GAL and Network Rail (NR). NR withdrew its objection [\[REP10-031\]](#) and at the end of the examination confirmed that it did not object to the Proposed Development on the basis of the package of measures proposed by GAL to address concerns relating to rail network capacity, including congestion and passenger crowding issues (see Annex 4 section 8).

## **6. Conclusion**

GAL has given very careful consideration to both the ExA's Report and the SoS's letter and we hope that the contents of this letter and the attached annexes are clear, appropriately address the matters raised by the SoS and demonstrate GAL's commitment to providing appropriate mitigation which limits environmental and community impacts whilst allowing major investment and the delivery of important national infrastructure. To assist the SoS a summary document of the key points is attached below for information and ease of understanding, which makes reference to the 4 more detailed annexes.

Should you require any further information or clarification, then please do not hesitate to contact me.

Your sincerely,



**Chief Planning Officer  
London Gatwick**

**GATWICK AIRPORT LIMITED**  
**NORTHERN RUNWAY PROJECT DEVELOPMENT CONSENT APPLICATION**  
**THE APPLICANT'S RESPONSE TO THE SECRETARY OF STATE'S 'MINDED TO' LETTER OF**  
**27 FEBRUARY 2025**

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**1. INTRODUCTION**

- 1.1 The Secretary of State for Transport's ("**SoS**") 'minded to' letter of 27 February 2025 ("**MTL**")<sup>1</sup> confirmed that she is minded to grant consent for the Northern Runway Project (the "**Proposed Development**") subject to further comments from Gatwick Airport Limited (the "**Applicant**") on the Examining Authority's ("**ExA**") recommended amended requirements and the additional matters noted at MTL 15 and 211. The SoS has published the ExA's Recommendation Report ("**ExAR**")<sup>2</sup> to assist the Applicant in providing its comments.
- 1.2 This response is submitted by the Applicant and addresses each of the issues on which the SoS sought comments in turn, each in a separate Annex:
- 1.2.1 **Annex 1** – requirement 15 (air noise limits);
- 1.2.2 **Annex 2** – requirement 18 (receptor based noise mitigation);
- 1.2.3 **Annex 3** – requirement 20 (surface access);
- 1.2.4 **Annex 4** – other matters

**2. SUMMARY OF THE APPLICANT'S POSITION**

- 2.1 The below table summarises the Applicant's position on the matters discussed in this Response, for the SoS' ease of reference:

Issue	Summary of Applicant's position	Location of discussion
Requirement 15 (air noise limits)	The ExA's imposition of a 125 km <sup>2</sup> air noise contour enclosed area for the first to fifth years post-CDRO is based on erroneous reasoning – the SoS is requested to only impose this if satisfied that it is necessary, reasonable and supported by evidence.	Annex 1, paras. 2.1 – 2.5; Section 3
	The SoS is invited to include a mechanism in requirement 15 by which the Applicant can apply to the SoS for an amendment to the air noise limits in circumstances outside the Applicant's control. The Applicant's proposed drafting is set out in Appendix 1 to Annex 1.	Annex 1, paras. 2.7 – 2.8 Appendix 1 to Annex 1
	The SoS is invited to include drafting in requirement 15 specifying that exceedances of the air noise limits in emergency circumstances will not breach the DCO. The Applicant's proposed drafting is set out in Appendix 1 to Annex 1 (taken from the Luton DCO)	Annex 1, para. 2.9 Appendix 1 to Annex 1

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<sup>1</sup> References to paragraphs of the MTL in the annexes are in the format "MTL [x]" where "x" is the paragraph number.

<sup>2</sup> References to paragraphs of the ExAR in the annexes are in the format "ExAR [y]" where "y" is the paragraph number.

Requirement 18 (receptor-based noise mitigation)	The ExA's conclusions on LOAEL and SOAEL are novel, based on unsound reasoning and are a significant departure from established noise policy and planning precedent. They could have significant and far-reaching consequences if adopted by the SoS. The SoS is requested not to endorse the ExA's LOAEL and SOAEL values.	Annex 2, Sections 2 and 3
	The ExA's form of requirement 18 is not necessary, enforceable, precise or reasonable, contrary to paragraph 4.9 of the ANPS. The SoS is requested not to adopt it.	Annex 2, Section 4
	The SoS is invited to adopt the Applicant's enhanced form of requirement 18, that builds upon the ExA's drafting and the Applicant's previous revision in its Dec Response and clearly satisfies the relevant tests in the ANPS and NPSE and the SoS' intentions as expressed in MTL 159.	Annex 2, Section 5; Appendix 1 to Annex 2
Requirement 20 (surface access)	The SACs, properly understood, provide sufficient assurance that the public transport mode share commitments will be achieved and allow ample opportunity for interventions by the Applicant, TFSG and SoS in pursuit of this aim. The SoS is invited to disregard the unnecessary and unjustified additional constraints in the ExA's form of requirement 20.	Annex 3, Sections 2 and 3
	<i>If the SoS cannot reach that conclusion:</i> The SoS is invited to adopt the Applicant's alternative form of requirement 20 in place of the ExA's drafting.	Annex 3, Section 5
	The SoS is requested to note and reflect the Applicant's additional commentary on the ExA's conclusions on the future baseline in her decision.	Annex 3, Section 4
Protected landscape duties	The Applicant has proposed a new article/requirement that provides for a financial contribution to the protected landscape bodies, for inclusion in the DCO if the SoS concludes that this is necessary to ensure that she has satisfied the CRoW and NPACA duties.	Annex 4, Section 2
Sustainable design	The Applicant will supplement the Design Principles prior to certification to address the SoS' request.	Annex 4, Section 3
Reg 598	The SoS is advised to take her own legal advice, but the Applicant suggests a potential approach to further Reg 598 consultation.	Annex 4, Section 4
Wastewater	The SoS is invited to adopt the form of requirement 31 (construction sequencing) that has been agreed with Thames Water Utilities Limited.	Annex 4, Section 5

Policy, need and benefits	The SoS is requested to consider the Applicant's further commentary in relation to the weight to be attributed to policy, need and benefits of the Proposed Development.	Annex 4, Section 6
Greenhouse gases	The SoS is requested to take into account the Applicant's additional commentary on this point in her decision letter.	Annex 4, Section 7
Rail mitigation and enhancement fund	The SoS is requested to take into account the Applicant's additional commentary on this point in her decision letter.	Annex 4, Section 8
Other amendments to the DCO	The SoS is requested to note the amendments to the DCO proposed by the Applicant post-examination, as summarised in the table.	Annex 4, Section 9