

Dear Sir/Madam.

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

**Interested Party Reference number: 20044812**

**CPRE Sussex response to various matters with a deadline for submissions of 9<sup>th</sup> June 2025**

Thank you for the opportunity to make further comments on the GAL Gatwick Airport Northern Runway proposal. We attach our detailed response as an Annex to this letter. We trust that both this letter and its Annex will receive the attention of the SoS.

Over and above our response to the 9<sup>th</sup> of June deadline we want to point out that GAL have been very critical of the ExA. This has complex implications in our view because in their latest response to the ExA proposals (that are designed to save the Northern Runway project) GAL suggest that the ExA have made numerous mistakes and errors. These remarks appear to imply that overall, the GAL position is that the ExA was not competent. This puts the SoS in a difficult position. If the SoS agrees with GAL in respect of its 'alternative' Requirements - and effectively accepts an un-Examined proposal for the Northern Runway - then her decision might be unsound, and she would at the same time be tending to agree that the DCO process has been improperly conducted and was thus flawed. This is not an easy position to resolve.

**Summary of CPRE Sussex response in relation to the 9<sup>th</sup> June deadline**

**CPRE Sussex remains opposed to the development of a second runway at Gatwick**

CPRE Sussex remain opposed to the development of a second runway at Gatwick as this is outside the scope of the policy on Making Best Use of existing facilities, and against the main thrust of the ANPS which is to focus new runway airport expansion at Heathrow. Also, CPRE Sussex is opposed because a second runway at Gatwick would have unacceptable impacts on the environment in which people live (climate change, noise and air quality considerations) and the wider natural environment (through climate change and impacts on tranquillity and dark skies – these last two particularly relevant to National Landscapes). There are also a number of passenger-related issues that remain unresolved that should surely have been dealt with before examination: surface transport issues (road and rail access considerations) and sewage treatment.

We invite the Secretary of State to reject the application for any new runway at Gatwick as there remain many unresolved issues and the Applicant (GAL) is clearly unwilling to meet the Requirements set out by the ExA with the intention of making the original unacceptable proposal just about acceptable in the eyes of the SoS.

If the SoS is still minded to support the proposed expansion of Gatwick, despite all of the unresolved issues, we would hope that she would recognise that this DCO process is flawed; it is unfair that IPs have, in effect, had to contend with not one proposal but three different ones. In the light of this the SoS might consider re-running the whole process from beginning to end.

If, in spite of such considerations, the SoS does still remain minded to approve the proposals CPRE Sussex hope she will insist that the Requirements set out by the ExA form part of the DCO and will seek to strengthen any Requirements in relation to sewage treatment because, at

present as drafted in the putative agreement between Thames Water and GAL, Thames Water seems to be the final arbiter on this matter.

In addition, CPRE Sussex draws the SoS's attention to the fact that the Requirements are silent - thus far - on the key issue of climate change with respect to aircraft emissions. We believe the ExA said at the Examination that over 1500 representations were received asking for a hearing on climate change when one was not scheduled originally. We believe a Requirement should be inserted in line with the proposals we have already suggested, whereby the greenhouse gas emissions from aircraft are captured from the air or otherwise limited - and that if this is not done then emission limits, progressively reducing over time (a carbon cap), should be imposed as they are done for noise and air quality.

CPRE Sussex does not understand why IPs have not been afforded the opportunity to comment on climate change provisions. Again, this seems unfair to IPs to treat climate change differently from other Requirements when it is such a central issue for many.

Yours faithfully

Prof Dan Osborn,  
Chair CPRE Sussex

## **Annex**

### **CPRE Sussex Substantive Response**

#### **The process for determining the application is flawed, and should be re-run.**

We are deeply concerned that this extended process, seemingly allows the applicant to present entirely new proposals while apparently by-passing examination by the ExA. This process is not fair to any of the IPs as they are not able to see what is now being proposed as part of a complete planning application to be consulted on and examined in the round as part of a formal DCO process.

#### ***We have serious doubts as to whether this process is lawful.***

There were plenty of opportunities at the hearing for GAL to accommodate concerns of the ExA but they were unwilling to do so at the Examination stage. They are apparently still unwilling as they have not accepted an amended DCO as proposed by the ExA. CPRE Sussex feel that very many of these matters (noise, surface transport, sewage, climate change etc) should have been hammered out by the time the Examination began, not after it has been concluded.

The ExA's original conclusions were clearly that the application, as submitted, was unacceptable because they proposed a number of very significant amendments to the draft DCO which GAL are now arguing strenuously against. In doing so, GAL are overturning the very premise on which the Examination took place.

As far as we can ascertain, the proposal we are now being asked to comment on is very different to the one submitted for examination in significant respects (e.g. noise, surface transport, waste water treatment, duty to further the interests of national landscapes, and possibly climate change).

Moreover, IPs have also been put in a very difficult position by the omission from repeated rounds of the supplementary consultation on any opportunities to deal with the core issue of climate change. This issue is core because net zero is a central plank of UK policy and law and developments that will lead to significant emissions from one site need to be fully examined, not tucked away in a corner to be dealt with at the last moment without the level of supplementary consultation afforded to other matters. Again, this renders this DCO process unfair.

#### ***As such, if the SoS is unwilling to reject the proposals for a new Northern Runway at Gatwick, we believe that the only fair approach is for the process to be restarted from the beginning, so that the new proposals can be fully examined in the usual way.***

We would also note that the SoS has made speeches to the aviation sector expressing her favourable view of airport expansion and this surely puts her in a difficult position as arbiter of such a large development as a second runway at Gatwick which was effectively ruled out by the general thrust of the Airports National Policy Statement.

We deal with some of the more high-level detail below:

## **The ANPS**

On the first day of the examination in public GAL and the ExA were in considerable agreement that the ANPS had no effect with respect to the Northern Runway proposal although it remained a relevant document.

Now, in their response to the ExA's suggested amendments to the DCO, GAL are relying heavily (by quoting specific passages) on the ANPS to argue against adopting a number of measures. GAL cannot have this both ways. Either the ANPS has effect, or it does not. If it now does, then a re-examination of a modified proposal is surely required.

## **The relevance of other airport planning decisions**

The applicant also overstates the relevance of other recent planning decisions relating to airports. The scale of expanded operations proposed at Gatwick is significantly greater than in other recent cases, and we continue to maintain that, while proposals elsewhere might be considered as 'Making Best Use' of existing facilities, the Northern Runway effectively involves construction of a new second runway. In any case, each application must of course be taken on its merits; GAL's original proposal has been assessed by the ExA on the merits of the case and that case has been found wanting.

## **The Polluter Pays Principle**

The GAL response to the amendments proposed to the DCO makes it clear on noise and on climate change that they do not wish to meet their responsibilities under the 'polluter pays principle', even though the ExA recommendation is such that it would appear compensation will need to be paid to residents whose vital interests will be damaged by the expanded operations of a two runway airport. An unwillingness to meet obligations with respect to the environmental impact of a second runway at Gatwick is apparent in a number of the responses of GAL to the ExA's proposed amendments.

## **Specific responses of GAL to the proposed DCO amendments – made without prejudice to our views expressed above and in our Summary.**

In considering these, CPRE Sussex note that the application as proposed, was recommended for refusal by the ExA. The ExA's proposed DCO amendments deal, at best, with only some of the inadequacies of the proposal that were judged damaging to local residents.

The applicant's rejection of the ExA's conditions, and attempt to propose new plans outside the scope of the examination, undermines the NSIP process and appears contrary to the policies that the ExA and SoS have been trying to uphold.

## **Wastewater treatment**

It is completely unacceptable that a major development involving millions of passenger movements per year was put forward without any knowledge of how wastewater would be treated. Had this matter been treated seriously, conditions could have been – and should be – attached to the DCO such that any runway cannot be used until there is an operational sewage treatment works capable of handling the level of handling human waste expected. The nature of the Agreement struck between GAL and Thames Water is not adequate to address this issue.

That GAL could not do the required hydrological modelling is not acceptable. This does not involve complex or innovative modelling. The necessary models will be well understood and are available in the consultant engineering sector. There is no reason whatsoever why sewage modelling should not have been completed before the Examination stage, and it is utterly remarkable that it still has not been done. The rather speculative Agreement that has been drawn up between Thames water and GAL ends with a get out clause that means that nothing need be put in place if Thames Water say their infrastructure can cope. This is not a situation that anyone can have any confidence in given the fines levelled on Thames Water for their failures in the area of sewage treatment. There needs to be absolute clarity on this issue. It is a matter of public and environmental health. A Requirement is needed that says a sewage treatment works capable of treating all the wastewater from the airport and its projected passenger numbers MUST be in full operation before any second runway can be used. The current agreement between GAL and Thames does not say that at all.

### **Noise**

CPRE Sussex support the ExA position on noise and limiting harm and damage from noise. CPRE note and support the various points that CAGNE have made on noise. GAL are trying to avoid their responsibilities here by not accepting the ExA view. They now wish to accept industry views on engine noise changes (although they used old fleet replacement data in their original submission). Why are they not willing to accept that people are fed up with noise from aircraft and expect better including sleep undisturbed by aircraft noise? Undisturbed sleep is important for people's health and wellbeing at all ages. GAL have not advanced any reason why they should not accept the ExA position that is underpinned by a British Standard.

### **Surface transport**

Overall, the position on surface transport issues seems unclear in the 'alternative' proposals made by the applicant. We can understand the position of the ExA and the points made by CAGNE and other IPs. We do not understand the position taken by GAL, where they appear to be treating £250m to be spent on roads as a "backstop". We are unclear on what exactly is being proposed to deal with the greatly increased numbers of passengers (and employees) that will need to arrive by public transport in future. For example, what kinds of modes of transport will these people use if they are not arriving by car. We believe exact proposals on sustainable transport modes are required and that this should form part of a Requirement. GAL's expectation appears to be that rail improvements will largely come as a result of public investment. We do not believe the solutions put forward by the applicant address the situation as well as those advanced by the ExA.

### **National Landscapes**

We understand that the duty on the SoS is to seek to ensure that the purposes of the National Landscapes are furthered by any decision that she takes. The harm to National Landscapes has been acknowledged by the ExA; National Landscapes are treasured for their tranquillity, characteristics such as dark skies and their unique combination of settlements, biodiversity and landscape features. Given the inherent harm in the proposals to the National Landscapes, through, for example, climate-changing carbon emissions, noise and light pollution, it is unclear that the legal duty can be met simply through requiring the payment of financial compensation that will not directly address the damage caused. For example, CPRE Sussex is surprised that

some form of payment into a fund for dark skies features in the discussion between parties as an increase in aircraft lights will run counter to the ability to achieve dark skies.

### **Climate change**

It is highly unsatisfactory that draft Requirements in relation to this topic have not yet appeared despite the extensive rounds of discussion and consultation that took place before and during the Examination. This is unfair to all the IPs and local residents who made representations and presented evidence-based views to the Examination on this topic.

At the Examination GAL refused to properly consider the impacts of the airport's full greenhouse gas emissions and non-carbon dioxide related emissions despite the ExA urging them to do so. Importantly here, GAL argued at the beginning of the hearings that the ANPS had no effect in relation their application. Relying, at this stage, on a single paragraph in the ANPS in order to overturn the ExA view on climate-changing emissions, does not therefore appear reasonable. The ANPS wording on this matter, is in any case outdated by virtue of all the work on aviation emissions that has taken place since (e.g. by the independent Climate Change Committee with which the ExA approach is broadly consistent). The extent to which things have moved on from the position adopted in the ANPS is evidenced by the fact that aviation is now covered by the UK's commitments to the UNFCCC under the terms of the Paris Agreement and the outcomes of subsequent COPs. This was not the case when the ANPS was published so its position needs to be set aside.

(The highly questionable position that the ANPS does not 'have effect' in relation to the application, but is nonetheless 'relevant', has created questions about policy compliance throughout the Examination process and beyond. CPRE Sussex has always maintained that the relevance of the ANPS – as emphasised by GAL in its reliance on the document in relation to climate changing emissions – means that the SoS must refuse the application for the Northern Runway as it runs counter to the position in the ANPS to focus additional new runway capacity at Heathrow.)

The absence of specific proposals for additional Requirements in relation to climate from the ExA, the applicant or the SoS, makes additional comment difficult at this stage, though further Requirements are clearly needed, given the ExA's concerns about the climate impacts of the scheme.

Nonetheless, it is necessary to underline the inadequate nature of the current carbon plan that really only covers ground operations. Given the magnitude the ExA have assigned to Gatwick's overall climate change emissions it is vital that controls on those emissions are included amongst the Requirements, if the SoS does not refuse the application. GAL cannot argue that they have no control over aircraft emissions as for the other forms of pollution (air, noise) it is accepted by all parties that the aircraft emissions have to be included in the calculations.

With the current proposal facilitating a wholesale change in the scale of operations *across the airport* it is right that the ExA considered the impact from the whole operation not just the extra flights that will be caused by the northern runway. Given the scale of non-CO2 impacts, it is right that the ExA afforded these considerable weight, and unacceptable that GAL continue to downplay their effects. CPRE Sussex has already suggested that Net Zero principles could be applied through a range of Requirements, including onsite direct air capture of all relevant emissions, or through a carbon cap that would link use of the runway or number of aircraft movements to successful compliance with an appropriately falling emissions pathway. If the

applicant and the government are confident that technology (e.g. Sustainable Aviation Fuels) will genuinely deliver, then accepting a Requirement with such a cap will pose no problem for the development.

In conclusion, on the basis of the difficulties being experienced by IPs with this particular DCO process, including the changes to the nature of the proposition before us, and the failure of GAL to take into account the planning and pollution control principles alluded to above, CPRE Sussex believe the best course of action is to refuse this NSIP application and ask GAL to come forward with a more appropriate proposal that uses the latest evidence on air quality, surface transport options, waste water treatment and climate change. This will not damage GAL's business unduly as they already have stated that the business can still expand considerably without the second runway.