

Network Rail's response to the further information submitted by Gatwick Airport Limited on 24 April 2025

In the Secretary of State's letter dated 28 April 2025, all Interested Parties, were invited to comment on the additional information submitted by Gatwick Airport Limited (**GAL**) on 24 April 2025 (the **Additional Information**). This is the response of Network Rail to the Additional Information.

GAL state that "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 dropoff 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."

In light of this GAL do not consider that it is fair or reasonable to condition use of the Northern Runway in the way proposed by ExA. In the event that the Secretary of State concludes that a mode share should be conditioned, GAL propose an alternative Requirement 20 which:

- (a) Accepts a mode share commitment for passengers using public transport in the year prior to dual runway operations (provided that this demonstrates at least 54% of airport passengers' journeys to and from the airport were by public transport)
- (b) 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.
- (c) 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.

Network Rail supports the use of the rail network as a sustainable mode of transportation to the airport and has chosen not to previously comment on mode share commitments or targets proposed as part of the application.

We recognise that GAL's preferred position is that no mode share commitment is imposed. However, in the scenario where a condition is to be imposed both the Secretary of State and GAL appear to agree that at commencement of dual runway operations (**CDRO**) at least 54% of passengers travelling to the airport should arrive by public transport. The difference in views relates to the steps required to demonstrate compliance with that target, and the restrictions which apply if the target is not met. Network Rail does not make any comment on the specific target, and the controls which surround this are not a matter for Network Rail.

However, it is notable that the "reasonable expectation" measures that GAL refer to above as being out of its control (e.g. the re-instatement of the full Gatwick Express service, capping train fares, timetabling and capacity improvements) are all rail-related matters. Neither Network Rail nor the rail industry is currently funded – either via DfT or GAL – to deliver these specific improvements. Network Rail notes that Surface Access Commitment 14A includes commitments by GAL (amongst other things) to:

- (a) Instruct and cover the costs of an independent consultant undertaking a gateline capacity review at Gatwick Railway Station and to fund the delivery of recommended measures to mitigate queueing associated with future airport passenger numbers ;
- (b) Engage constructively and in good faith with Network Rail on timetable consultations;
- (c) Participate in planning and consultation of network upgrades to improve performance and reliability on Brighton Mainline near Gatwick; and
- (d) Instruct and cover the costs of Network Rail undertaking an analysis of the benefits from signalling upgrades to allow more morning/late night trains.

So whilst Network Rail is not funded to deliver the specific improvements noted by GAL in its response Network Rail is open to discussions on schemes to address capacity on the busy Brighton Mainline as and when funding is made available (which is likely to be beyond CDRO). As a result, Network Rail considers that the focus should be on ensuring the impacts of the proposed development remain within the levels assessed in the Environmental Statement, rather than being rigidly tied to the mode share as a control.

Revised wording of Requirement 20

Network Rail's response dated 9 December 2024 set out a revised form of wording for requirement 20, paragraph 1. This wording makes clear that any operation of the authorised development otherwise than in accordance with surface commitments 14A and 14B must be agreed with Network Rail. Neither the Examining Authority nor Secretary of State appear to have had regard to this amendment requested by Network Rail.

This wording has, however, been incorporated into both versions of requirement 20 put forward by GAL. Network Rail supports the inclusion of the following in requirement 20 as set in GAL's Appendix 1 and 2 to Annex 3:

"From the date on which the authorised development begins the undertaker must comply with, and 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 Infrastructure Limited in respect of commitments 14A and 14B; or*
- (b) CBC and National Highways (in consultation with Surrey County Council and West Sussex County Council) in respect of any other commitment or matter.*