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21 September 2025

Gatwick Airport Limited
Destinations Place
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West Sussex
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Dear Sir/Madam,

PLANNING ACT 2008

APPLICATION FOR THE GATWICK AIRPORT NORTHERN RUNWAY PROJECT DEVELOPMENT CONSENT ORDER

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to say that consideration has been given to:

    - The report dated 27 November 2024 ("the Report") of the Examining Authority ("ExA") comprised of Kevin Gleeson BA MCD MRTPI, Philip Brewer PhD BSc (Hons) MIOA, Helen Cassini BA (Hons) DipTp MRTPI, Jonathan Hockley BA (Hons) DipTp MRTPI and Neil Humphrey BSc (Hons) CEng FICE MTPS who conducted an Examination into the application made by Gatwick Airport Limited ("the Applicant") for the Gatwick Airport (Northern Runway Project) Development Consent Order ("DCO") ("the Application") under section 37 of the Planning Act 2008 as amended ("the 2008 Act");
    - The responses to the further consultations undertaken by the Secretary of State following the close of the Examination, including responses to her letter of 27 February 2025; and
    - Any late representations received by the Secretary of State following the close of the Examination.

2. On 27 February 2025, the Secretary of State issued a letter ("the minded to letter") in which she stated that as the ExA's report was novel, in that it recommended a revised DCO which included a range of additional controls on the operation of the Proposed Development (the detail of the Order for the Proposed Development is contained in

paragraph 5 of the minded to letter). The Secretary of State was mindful that not all of the additional controls had been considered during the Examination, and at that point she was unable to make a final decision on whether to accept the ExA's recommendations. However, having considered the recommended revised DCO, the evidence provided by the Applicant, and responses to that evidence from other Interested Parties, she considered that on balance, she was minded to agree with the ExA that the Proposed Development would meet the need for aviation development, as identified in the Airports National Policy Statement ("ANPS") and other policies, and that the controls introduced by the ExA would reduce and mitigate negative impacts from the Proposed Development, particularly in relation to noise and traffic, which would be more likely to stay within the modelled values. She was therefore minded to grant consent subject to the Applicant providing additional or updated views on the ExA's recommended revised requirements, following both consideration of the ExA's Report and noting the Secretary of State's initial position.

3. The Applicant was asked to provide this information by no later than 24 April 2025. In addition, the Secretary of State set out a number of matters on which she would need to be satisfied prior to reaching her final decision. These matters concerned the discharging of the duty under section 85 of the Countryside and Rights of Way Act 2000 ("CRoW Act") in relation to National Landscapes (which has been extended to include Section 11A(1A) of the National Parks and Access to the Countryside Act 1949 in relation to National Parks, as detailed in the Landscape and Townscape section of this letter); the Applicant setting out further measures to prioritise sustainable design and in turn reduce carbon emissions from the Proposed Development; and compliance with the assimilated Regulation (EU) No. 598/2014 of the European Parliament and of the Council of 16 April 2014 ("Regulation 598") with regards to noise operating provisions. In order to give other Interested Parties an opportunity to comment on the Applicant's response to the revised requirements before the Secretary of State made a final decision on the Application, the statutory deadline for the decision was extended to 27 October 2025.

4. A copy of the Report was published alongside the minded to letter on the Planning Inspectorate website. All "ER" references are to the specified paragraph in the Report. Paragraph numbers in the Report are quoted in the form "ER XX.XX.XX" as appropriate.

SUMMARY OF EXAMINING AUTHORITY'S RECOMMENDATION

5. As set out in the minded to letter, the ExA made two different recommendations to the Secretary of State, for the reasons detailed in their Report [ER 23.3.1].

6. Firstly, the ExA found that the Proposed Development, as reflected in the DCO proposed by the Applicant, failed to meet the tests in sections 104 and 105 of the 2008 Act and recommended that development consent should not be granted [ER 23.3.2].

7. Secondly, that subject to the necessary Crown approvals being granted, consent could be granted for the DCO recommended by the ExA as adverse effects arising from the Proposed Development would not outweigh its benefits. The ExA was satisfied that with the recommended DCO the Proposed Development would meet the tests in sections 104 and 105 of the 2008 Act and the case for development consent has been made [ER 23.3.3].

SUMMARY OF THE SECRETARY OF STATE'S DECISION

8. After full consideration of all the evidence now before her, the Secretary of State has decided under section 114 of the 2008 Act to make, with modifications, an Order granting development consent for the proposals in this Application.

9. The Secretary of State's position on some of the issues covered by the minded to letter remains the same. This is particularly the case for the legislative and policy considerations already referred to. For the sake of clarity, some of her conclusions may be restated in this letter however unless otherwise stated, her position remains as set out in the minded to letter. For the avoidance of any doubt, this letter contains the Secretary of State's final conclusions and decision on the Application. This letter is the statement of reasons for the Secretary of State's decision for the purposes of section 116 of the 2008 Act and regulation 31(2) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the 2017 Regulations").

The SECRETARY OF STATE'S CONSIDERATIONS

10. The Secretary of State's final consideration of the Report, responses to her consultations of 9 December 2024, 3 January 2025 and 28 April 2025, responses to the minded to letter of 27 February 2025, representations received after the close of Examination and all other material considerations are set out in the following paragraphs. Where consultation responses and late representations are not otherwise mentioned in this letter, it is the Secretary of State's view that these representations do not raise any new issues that were not considered by the ExA and do not give rise to an alternative conclusion or decision on the Order.

11. Where not otherwise stated in this letter, the Secretary of State can be taken to agree with the findings, conclusions and recommendations as set out in the Report and the reasons given for the Secretary of State's decision are those given by the ExA in support of the conclusions and recommendations.

The Principle of the Proposed Development and the Need Case

12. As set out in paragraphs 28 to 80 of her minded to letter of 27 February 2025, the Secretary of State has considered the Applicant's assessment of the principle of, and the need for, the Proposed Development and was minded to agree with the overall conclusions reached by the ExA. The Secretary of State has now considered the representations made by Interested Parties following her minded to letter, alongside the Applicant's responses to the concerns raised therein and has set out further views here. Save for where indicated otherwise, the Secretary of State does not consider that any of the representations changes the position she adopted in her minded to letter.

Policy background and compliance

13. The Secretary of State notes that the primary concerns relating to policy matters are that the Proposed Development is outside of the scope of the Government's policy for 'Making best use of existing runways' ("MBU") and is also outside of the ANPS which was designated for Heathrow Airport.

14. The Secretary of State particularly notes CPRE Sussex's letter in response to her consultation of 28 April 2025, which states that the Proposed Development effectively involves construction of a new second runway, as opposed to bringing an existing

runway into regular use. However, as detailed at paragraph 34 of the minded to letter, the ExA considered this matter and found that neither the movement of the existing northern runway by 12m nor the other works required to reconfigure taxiways and provide new pier and stands, would constitute the creation of a new runway [ER 4.2.27 and 4.2.30]. The ExA noted that the northern runway is fully CAA certified, and can be used fully when the southern runway is closed, and that at present the airport has two runways but for operational and safety reasons both runways cannot be used simultaneously [ER 4.2.24]. On this basis, the ExA was content that the Proposed Development constituted works to an existing runway [ER 4.2.32]. The ExA was additionally content that as MBU does not restrict the size of a proposed project, the scale of the Proposed Development would fall within the MBU policy [ER 4.2.42]. The Secretary of State is likewise content and is satisfied on this point.

15. It is recognised by the ExA and the Secretary of State that while there is no requirement for MBU developments to demonstrate a need for their proposals [ER 4.2.56], the scale and size of Gatwick (and that of the Proposed Development) and its proximity to Heathrow means that to benefit from policy support, it is necessary to demonstrate a need additional to, or different from, any Heathrow scheme, a position supported at paragraph 1.42 of the ANPS [ER 4.2.59]. The Need Case is considered further below.

16. With regards to the ANPS, there is no dispute that the ANPS only has effect in relation to Heathrow Airport [ER 3.5.2]. Nonetheless, paragraph 1.41 of the ANPS confirms this is still an important and relevant consideration in the determination of airport-related developments, particularly where it relates to London or the south-east of England. The Secretary of State notes that in its letter of 9 June 2025, Gatwick Area Conservation Campaign ("GACC") raised concerns that the use of the ANPS is outdated, due to the introduction of the Government's legally binding environmental obligations (the inclusion of aviation in carbon budgets and net zero targets) which mean aviation demand must be more carefully managed or reduced. GACC highlighted that the ANPS does not reflect recent airport expansions granted at Luton, Stansted, London City, Bristol and Southampton Airports, meaning that the analysis underpinning the ANPS and the need for aviation development in the south-east of England cannot now be rationally relied upon.

17. While the Secretary of State determines each application on its own merits and consideration of this Application will be based on the particular facts of this case, she agrees that other airport decisions may provide relevant context. It is clear that throughout its considerations on the need for the Proposed Development, the ExA has taken account of recent airport decisions, in particular those of Stansted, Southend, London City [ER 4.3.26] and Luton (where a final decision was still awaited at the close of Examination [ER 4.3.28]) even if/where the ExA's overall conclusion then differs. It found that based on forecasts, there remained a shortfall in capacity at London airports to accommodate the need [ER 4.5.2]. Additionally, the ExA set out at [ER 4.3.1] that the demand forecasts used had been updated post pandemic, as part of the Jet Zero Strategy ("JZS"). The Secretary of State agrees with the ExA's conclusions at [ER 4.3.6 - 4.3.7] and she is satisfied that the evidence took appropriate account of the Government's environmental policies and strategies, including the JZS [ER 4.3.3]. Furthermore, she is satisfied that all impacts of the Proposed Development have been considered by the ExA within the relevant sections of the Report, taking account of all relevant legislation and policy requirements, outside of, and in addition to, the ANPS. The ExA's consideration of the specific legislation and policy in relation to carbon

budgets, including the Committee on Climate Change's ("CCC") recommendations, is primarily contained within Chapter 8 of the Report and the Secretary of State's conclusions in the Greenhouse Gas Emissions section of this letter.

The Need Case

18. In her minded to letter, the Secretary of State set out that she was minded to agree with the ExA that there remains a nationally recognised need for aviation development, particularly in the south of England, which has not only been demonstrated by the ANPS but by the Airports Commission and by the DfT forecasts from 2017, 2022 and 2023, for which the current capacity at London airports fall short [ER 4.5.2]. The Secretary of State has had regard to the subsequent responses from Interested Parties, including Stuart Spencer, Christopher Weekes and the Langton Green Village Society Committee, who stated that the need for development is unlikely to continue as Heathrow's expansion will reduce demand at Gatwick and the Government's need to meet its net zero targets. The Langton Green Village Society Committee in particular highlighted that the need in the south-east of England is for business flight capacity, whereas Gatwick is seen as the largest 'leisure' flight airport.

19. The Secretary of State is content that the ExA considered the most recent Government forecasts available at the time, which show a significant increase in aviation demand in London up to 2050, which the Applicant predicts could not be met by any future Heathrow scheme alone [ER 4.3.7 - 4.3.8]. The ExA also considered evidence presented by Airport Coordination Limited, supported by the evidence of the Legal Partnership Authorities and easyJet, that the demand specific to Gatwick is significantly outstripping its supply at certain times of the year [ER 4.3.29 - 4.3.31]. The ExA noted that the markets served by Heathrow and Gatwick, while similar in some ways, are very different in others, including by reference to the proportion of the low-cost carrier market, and rate of passengers transferring flights [ER 4.3.33 – 4.3.35] and so conceivably meet a different demand. Transfers are expected to remain a small sector demand compared to Heathrow [ER 4.3.16 - 4.3.17] therefore the Proposed Development is unlikely to affect the 'hub' status of Heathrow long term [ER 4.3.37]. While noting the concern that Gatwick is primarily a leisure flight airport, the Secretary of State has had regard to the Applicant's Planning Statement, confirming the trend for low-cost carrier airlines (which dominate Gatwick's traffic [ER 4.3.12]), which have opened up new routes and destinations to both business and leisure travellers [Planning Statement (APP-245), 2.4.17].

20. The Secretary of State has additionally had regard to the comments of GACC in their letter of 9 June 2025 that the expansion of Eurostar routes by 2030 may also decrease demand for air travel as there is larger capacity for passengers to reach Europe by train. However, as this proposed expansion is at an early stage of development, the Secretary of State has no information before her on which to make any meaningful assessment of any impact.

21. Taking all information into account, the Secretary of State is satisfied that a need for the Proposed Development remains and she has not been presented with any new evidence that changes her position from that set out in the minded to letter. As outlined above, the Secretary of State is content that relevant Government environment policies and strategies, including obligations for net zero, have been appropriately considered within the Examination and this decision. The Secretary of State agrees with the ExA that in line with the ANPS, the need demonstrated is largely additional to, and different from, the need that would be met by the Heathrow scheme [ER 4.5.3].

Capacity and capability

22. The Secretary of State has further considered matters of capacity and capability in light of the Applicant's response of 24 April 2025. In Annex 4 to that response, the Applicant restated its argument that the assessed benefits of the Proposed Development at Gatwick are greater than the benefits assessed for any of the other airport decisions referenced in the Report, not only from an economic perspective, but from the increased resilience that the fully functioning repositioned northern runway would provide to the airport system in the south-east [Annex 4, 6.14]. The Secretary of State notes that ER 4.4.1 and 4.4.4 drew attention to the Applicant's resilience initiatives, which are designed to improve the airport's ability to respond to disruption, and reduce the delays currently experienced because of capacity issues. However, the ExA also found that the concerns raised by operators at the airport, including easyJet and British Airways, carried weight and led it to doubt that airfield infrastructure would be able to efficiently deal with the forecasted traffic [ER 4.4.9]. On balance, the Secretary of State considers that the resilience of the Proposed Development may be overstated, and she is not persuaded that this strengthens the need case. The Secretary of State is satisfied the conclusions drawn in paragraphs 72 - 73 of her minded to letter still stand.

Airspace

23. While the Secretary of State acknowledges that representations received since her minded to letter, including from easyJet, have raised concerns about the need for airspace change proposals to accommodate the results of the Proposed Development, she reiterates that both the Civil Aviation Authority ("CAA") and NATS En-Route Limited confirm that no airspace change is required because of the Proposed Development [ER 4.4.33]. As the CAA airspace change process is a separate regulatory regime to this Application, further consideration here is not appropriate [ER 4.4.34].

The Secretary of State's Conclusions on the Principle of the Proposed Development and the Need Case

24. Overall, the Secretary of State agrees with the ExA that there is a need for aviation capacity as outlined and supported by the ANPS, and that the Applicant has demonstrated sufficient need for the Proposed Development that would partially satisfy, would be additional to, and different from the need met by the Heathrow scheme [ER 4.5.12]. She also acknowledges the support received for the need for the scheme, particularly from local businesses Gatwick Diamond Business, Develop Croydon Forum and the Sussex and Surrey Chambers of Commerce, which were received following publication of her minded to letter. The Secretary of State considers she has not been presented with any new evidence that changes her position from that set out in the minded to letter and like the ExA, considers the Principle of the Proposed Development and the Need Case carries moderate weight in favour of the Order being made [ER 4.5.12].

Traffic and Transport

25. Paragraph 83 of the minded to letter dated 27 February 2025, highlighted the issues that the ExA considered to be the main matters for the Examination together with consideration of these matters which are covered in paragraphs 84 to 120. Save for where indicated otherwise, the Secretary of State does not consider that any of the

representations subsequently made, changes the position she adopted and set out in paragraph 121 of that letter. However, to provide context to her consideration of requirement 20, which deals with surface access, there is some repetition of matters set out previously in her minded to letter.

Surface Access

26. Mode shares are the basis of the Applicant's control over traffic effects. By the time of commencement of dual runway operations, a significant improvement in mode share must be achieved. The ExA considered through their proposed amendment to requirement 20 that surface access impacts would be managed by the introduction of land use controls that would restrict the first use of particular elements of the Proposed Development until the Applicant had demonstrated that they had achieved the mode share targets that would accord with the levels of traffic assessed in the Transport Assessment and Environmental Statement ("ES") [ER 5.3.61 – 5.3.62].

27. The ExA expressed concern about the Applicant's Surface Access Commitments ("SAC") and the potentially retrospective mitigations proposed by the Applicant that could be implemented should mode share targets not be met, may not be able to ensure that the traffic and transport effects are within the envelope assessed within the Transport Assessment and ES. The ExA did not accept that the Applicant's approach would necessarily control the likely significant effects to the envelope assessed in the Applicant's submission [ER 5.3.79]. The ExA considered that with the additional controls recommended, greater certainty would be provided that the impacts would stay within those modelled in the Transport Assessment. Even with the additional controls in place, the ExA considered that the Proposed Development would still generate additional movements across the already congested transport networks. The ExA concluded that, on the basis of the additional controls recommended, traffic and transport matters should be given slight negative weight in the overall planning balance [ER 5.4.5].

28. The Secretary of State was previously minded to agree with the ExA's version of requirement 20 [ER 5.3.61 – 5.3.68], which included a revised governance structure and acknowledged the role of third party delivery in implementing surface access measures [5.3.65 and 5.3.80]. The consideration of requirement 20 was set out in paragraphs 98 and 100 of the minded to letter. Paragraph 103 of the minded to letter provided the Applicant with a final opportunity to provide views and/or propose alternative wording for requirement 20 so as to achieve the same level of assurance or to provide evidence as to why this was not achievable.

The Applicant's response dated 24 April 2025

29. In response to the Secretary of State's invitation to comment on the ExA's proposed requirement 20, the Applicant proposed two revised versions set out in Appendix 2 to its Annex 3 response dated 24 April 2025. The 'alternative' revised version retains a conditionality mechanism, but introduces a tiered fallback structure, under which dual runway operations may commence if any one of the following conditions is met:

    1. Mode share targets set out in the SACs are achieved;
    2. Highway traffic levels remain within levels assessed in the Transport Assessment;
    3. The specified highway improvement works are completed; or
    4. Written agreement to vary surface access commitments is obtained from:

a. National Highways and Crawley Borough Council ("CBC"), in consultation with Surrey County Council ("SCC") and West Sussex County Council ("WSCC"), in respect of all other surface access commitments; and
b. Network Rail in respect of Commitments 14A and 14B (rail-related commitments).

30. In paragraph 3.30 of Annex 3, the Applicant set out that the SACs have been designed to bring about the committed public transport mode share; deliver a comprehensive package of commitments underlying the overarching mode share commitments proposed by the Applicant; and allow the Applicant to adopt measures within its control. The Applicant stated that it must be acknowledged that public transport usage and supply is not entirely within its control, particularly in relation to rail services, timetables and fares. The Applicant in its response (page 5 of the covering letter) stated that if a revised requirement 20 is imposed, which requires it to meet a certain mode share target then the Secretary of State is asked to recognise that the achievement of the required mode share is not entirely within the Applicant's control and relies heavily on third party actions. The Applicant highlighted that there are other factors outside of its control which will have an influence on the exact public transport mode share achieved. Such factors include key rail improvements, such as reinstating the full Gatwick Express, integrated ticketing that promotes sustainable transport options, maintaining the real cost of train travel by not increasing fares above inflation, and delivering timetable and capacity improvements consistent with demand growth. In paragraph 2.2 of Annex 3, the Applicant also emphasised that London Gatwick has consistently out-performed other major UK airports over the last 10-15 years in overseeing considerable growth in its sustainable transport mode share, with page 5 proposing a more flexible, tiered fallback mechanism to manage surface access impacts.

31. The Applicant set out in sub-paragraph (2) of its proposed requirement that commencement of dual runway operations and first use of Pier 7 would be prevented unless and until a public transport mode share had been met [paragraph 5.3.2 of Annex 3].

32. The Applicant further proposed that the first use of Pier 7 (Work No. 6(a)) be subject to the same conditionality mechanism as commencement of dual runway operations. Specifically, the use of Pier 7 would only be permitted if one of the following conditions is met:

    1. the public transport mode share target of 54% is achieved;
    2. the number of airport passenger vehicle trips is below the assessed threshold of 24 million; or
    3. the national highway works are completed and certified [paragraph 5.3.3 of Annex 3].

33. In addition, the Applicant proposed that first use of Work No. 28(a) (hotel on Car Park H site), Work No. 28(b) (office on Car Park H site), and Work No. 30(b) (Car Park Y) be conditional on completion of the national highway works. These proposals are intended to ensure that the use of these facilities does not give rise to unassessed surface access impacts [paragraph 5.20 of Annex 3].

Interested Parties responses

34. The Secretary of State has considered the representations received from Interested Parties in relation to this matter and notes the following in particular:

- National Highways response dated 6 June 2025

35. National Highways confirmed that, subject to the protections secured in the Framework Agreement signed with the Applicant, the SACs, and the Applicant's proposed alternative requirement 20, it was satisfied that the Strategic Road Network would be appropriately protected.

- Network Rail response dated 9 June 2025

36. Network Rail supported the Applicant's revised requirement 20, particularly the requirement for written agreement on any deviation from SACs 14A and 14B. It emphasised that the potential rail improvements referenced by the Applicant (the re-instatement of the full Gatwick Express service, capping train fares, timetabling and capacity improvements) are not currently funded. Network Rail set out that it was open to discussion on schemes to address capacity on the busy Brighton mainline as and when funding became available but considered that the focus should be on ensuring impacts of the Proposed Development remain within the levels assessed in the ES.

- Joint Local Authorities ("JLA") response dated 9 June 2025

37. The JLA supported the ExA's version of requirement 20, stating it provides greater confidence that sustainable transport mode share targets will be met prior to the commencement of dual runway operations. They cautioned that the Applicant's alternative wording could permit growth even if those targets are missed and urged that any final version of the requirement must align with paragraph 5.5 of the ANPS by maximising access via sustainable modes.

- Kent County Council ("KCC") response dated 9 June 2025

38. KCC described the Applicant's coach patronage forecasts as over-ambitious and warned that fallback reliance on road network upgrades could increase car use.

- Communities Against Gatwick Noise and Emissions ("CAGNE") response dated 9 June 2025

39. CAGNE supported the principles underlying the ExA's revision of requirement 20 but reiterated that the Applicant's surface access management and mitigation package is inadequate (paragraph 8). In a report by Sterling Transport Consultancy Limited which was annexed to CAGNE's letter, the Applicant's "monitor and manage" approach is described as flawed (paragraph 9), there is criticism of the lack of a suitable contractual structure and funding for rail commitments (paragraph 4), and concern is expressed that mitigation was being treated as "an afterthought or a nice to have" (paragraph 10). Their report called for a meaningful, contracted and fully funded enhancement to rail services to be secured prior to operation (paragraph 15).

- Gatwick Area Conservation Campaign (GACC) response dated 12 June 2025

40. GACC strongly supported the ExA's recommended form of requirement 20 and objected to the alternative wording proposed by the Applicant, stating it is "an inadequate alternative" that does not necessarily deliver the target mode shares (page

18). They argue that the Applicant's approach lacks sufficient funding for rail capacity improvements and relies on factors not within its control, which GACC disputes as "disingenuous" (page 17). GACC calls for stronger mechanisms to ensure the SACs are met and reasserts that compliance with them, carbon budgets, and noise limits should be linked to slot allocation (pages 19–20).

Other representations

41. Several individuals also expressed concern about vehicle trips on local roads. Concerns about overspill traffic and the capacity of local roads to accommodate increased airport-related journeys were raised in multiple representations. Kathleen Foster (15 May 2025) noted that local roads are already congested and unlikely to cope with further demand, warning that infrastructure upgrades must not become a financial burden for taxpayers. Alan Mitchell (9 June 2025) similarly highlighted inadequate road infrastructure, parking, and public transport services, stating that the area cannot support the additional traffic and workforce associated with expansion. The Mole Valley Cycling Forum (9 June 2025), represented by Roger Troughton, emphasised the risks to pedestrian and cyclist safety from increased road traffic, and called for a dedicated fund for non-vehicle infrastructure improvements such as footpaths and bridleways. These submissions reflect widespread concern that Gatwick's expansion would exacerbate congestion and road safety issues, particularly in areas already under pressure.

Conclusion on Traffic and Transport

42. The Secretary of State acknowledges the concerns raised about requirement 20 having to operate in conjunction with the SACs to ensure that surface access impacts remain with the levels assessed in the ES. While the Applicant's revised approach introduces more flexibility, it must also provide sufficient assurance that target mode shares will be met. If those targets are not achieved, there is a risk that additional significant effects could arise which have not been assessed. It is therefore essential that requirement 20 secures the delivery of the SACs in a way that remains within the levels assessed in the ES.

43. The Secretary of State considers that the inclusion of the statutory consultee sign off, with Network Rail's role limited to rail-related commitments and National Highways and CBC (in consultation with the local transport authorities) covering all other SACs, provides a meaningful safeguard to ensure that any changes to the commitments are subject to appropriate oversight. The mechanism is intended to help ensure that the commitments regarding transport mode share remain in place, and that any variation is subject to written agreement that limits deviate from the levels assessed in the ES. However, she also recognises that the test for the completion of highways works, as currently framed in sub-paragraphs (4) and (5) of the Applicant's proposed wording, may not provide the same level of certainty for local highways networks as the wording contained in the ExA's proposal.

44. Having considered all the relevant representations dealing with surface access issues, the Secretary of State is persuaded that the Applicant's proposed fallback mechanism should be refined to remove the highway works test as a standalone trigger for commencement of dual runway operations. She considers that in doing so, this approach better aligns with paragraphs 5.9 - 5.18 of the ANPS and enables requirement 20 to better meet the National Planning Policy Framework's expectation

at 114a of prioritising appropriate opportunities to promote sustainable transport modes, thereby enhancing the enforceability of the SACs.

45. She considers that the remaining elements of the Applicant's proposal, mode share compliance; traffic level thresholds; and written agreement from statutory consultees, together form a structure that is proportionate in recognising delivery constraints while still maintaining environmental safeguards. Mode share compliance ensures that alignment with the SAC's traffic thresholds provide a measurable check on impacts, and the written agreement introduces a mechanism for oversight and controlled variation. In this context, the car parking cap set out in requirement 37 plays a complementary role by limiting the potential for unassessed impacts arising from increased car use. As set out in paragraphs 111 to 113 of the Secretary of State's minded to letter, the cap on air passenger parking spaces provides a safeguard against uncontrolled expansion of parking provision, and the Secretary of State was minded to accept the ExA's proposed amendments to ensure effective control over parking provision. She remains of the view that requirement 37, as revised by the ExA, is appropriate. Therefore, requirement 20, together with requirement 37, offers a framework that supports deliverability and accountability, helping to ensure that any future adjustments remain within the scope of what was assessed in the ES.

46. However, the Secretary of State accepts the Applicant's proposals for the first use of Pier 7 and the associated hotel, office, and car park facilities. In paragraphs 5.18-5.20 of the Applicant's response on requirement 20, it indicated that Work Nos. 28(a), 28(b) and 30(b) will have a negligible impact on the amount of overall vehicular traffic and the amount of employee vehicular traffic travelling to the airport, particularly in relation to the latter as most employees will not be based at the new office on Car Park H site. As such, their use is not expected to materially affect mode share or traffic volumes, and the majority of staff will continue to work in existing on-airport facilities. The proposed conditionality in this case, for the completion of highway works, ensures that infrastructure capacity is in place before these facilities are brought into use.

47. The Secretary of State also notes that the Applicant does not propose any increase in staff car parking provision as part of the Proposed Development [REP9-043, SACs Commitment 11]. This commitment aligns with the wider strategy to encourage sustainable travel among airport employees, including commitments to active travel, car sharing, and public transport incentives, as reflected in Commitment 2A which the Applicant must achieve by the first anniversary of the commencement of dual runway operations and Commitment 2 which must be achieved by the third anniversary of the commencement of dual runway operations [REP9-043, paragraphs 4.3.1 and 4.2.1]. The SACs provide a commitment to implement and follow a specified monitoring and reporting process in relation to the SACs to provide assurance that there is compliance with the commitments [REP9-043, third bullet of paragraph 3.1.2]. The Secretary of State considers that ongoing monitoring of airport staff journeys and staff parking usage, as set out in the SACs [REP0-043, SACs Commitment 15], provides an appropriate mechanism to assess in relation to staff parking as to whether the retained staff car parking capacity remains justified. She expects the applicant to keep parking under review and, should evidence indicate that staff parking is consistently under-utilised, she would expect that the Applicant review the provision with a view to reducing overall staff parking capacity. The Secretary of State is of the view that this would support the Applicant's long-term aspiration for a minimum of 60% of airport staff journeys to be made by public transport, shared travel and active modes [REP9-043, SACs 7.1.3]. This would help to reinforce mode shift objectives and minimise the

potential for unnecessary car use in relation to staff travel in conjunction with Commitments 2 and 2A.

48. In response to representations from Interested Parties seeking clearer commitments on public reporting, monitoring of local road impacts and coordination with local authorities, the Secretary of State considers the inclusion of statutory consultee sign off for deviation from the SACs, as detailed above, is sufficient to ensure compliance with the impacts assessed in the ES. These matters should be addressed through ongoing engagement with local authorities and the Transport Forum Steering Group. She also expects that the Applicant works in partnership with other organisations, particularly local authorities, public transport operators and other service providers to achieve longer-term aspirations that go beyond the committed mode shares in the SACs where this is possible, in line with its wider aspirations for sustainable aviation and in line with the Government's JZS [REP9-043, SACs 7.1.2-7.1.4].

49. On balance, the Secretary of State considers that a slightly revised requirement 20 combined with requirement 37 will provide sufficient assurance that surface access impacts will be managed effectively and remain within the levels assessed in the ES. She therefore attributes slight negative weight to surface access matters in the overall planning balance.

Noise and Vibration

50. Paragraphs 122 - 125 of the minded to letter set out that the Secretary of State has had regard to both the Applicant's assessment of noise and vibration in the ES and supporting documents, and to the ExA's considerations on the principal issues of aircraft noise, construction noise and vibration, and road traffic noise; noting the ExA's application of established concepts set out in the ANPS and the Noise Policy Statement for England ("NPSE").

51. The views of Interested Parties, the ExA's conclusions and the Secretary of State's interim conclusions on the principal issues are at paragraphs 126 - 184 of the minded to letter. The Secretary of State does not intend to repeat or to restate these matters in full here except where it is helpful to provide context to the matters considered. Following the minded to letter, the Applicant responded to the Secretary of State's request to further consider the revised Order requirements recommended by the ExA, taking into account the Secretary of State's initial views. Interested Parties were also given an opportunity to provide further views by way of her letter of 28 April 2025. After careful consideration of all the responses received, the Secretary of State has identified the key areas for further consideration as being Air Noise Limits and Receptor-based noise mitigation. The Secretary of State has therefore set out her final consideration and conclusion on these issues below. Unless otherwise stated, her position on all other issues concerning noise and vibration remains the same as set out in the paragraphs 122-184 of the minded to letter.

Aircraft Noise Assessment

52. The Secretary of State notes the Applicant's representation of the 24 April 2025, in response to her minded to letter. Annex 2 provides the Applicant's response on requirement 18 (receptor based noise mitigation), with all further references provided by the Applicant relating to this Annex.

Daytime and Night-Time LOAELs (Lowest Observable Adverse Effect Levels)

53. The differences in the LOAEL figures applied by the Applicant and the ExA in relation to the Proposed Development were set out by the Applicant in paragraph 3.6 of Annex 2 (see Table 1 below).

Table 1: Comparison of the Applicant and ExA's proposed LOAELs

	LOAEL LAeq 16 h	*LOAEL LAeq 8 h*
Applicant	*51 decibels ("dB")*	*45dB*
ExA	*45dB*	*40dB*

54. The Secretary of State notes the information contained in paragraphs 3.7-3.9, on which the Applicant has based its argument regarding the setting of the LOAELs. The Applicant set out that its LOAEL values were taken directly from Government policy, set out in its 'Consultation Response on UK Airspace Policy: A Framework for Balanced Decision on the Design and Use of Airspace', at paragraph 2.72. The Applicant stated that this policy (and the LOAEL values) had been examined and used consistently in recent aviation planning decisions. The Applicant argued that the ExA's justification for its LOAELs had nothing to do with the characteristics of Gatwick, instead deriving an opinion about the necessary internal environment of any residential properties based on British Standard 8233, and then applying a 5dB reduction derived from British Standard 4142.The Applicant's position is that if the Secretary of State were to adopt the ExA's conclusions on the LOAEL values, it would have precedential application to a wide range of projects across the UK, and effectively reset existing national noise policy.

55. The Secretary of State notes the representations provided by the JLA and CAGNE on the issue of LOAELs. The JLA, at paragraph 4.2 of its submission from the 9 June 2025, stated that Gatwick has significantly more night flights than London Heathrow or London Stansted, and that the night-time LOAEL proposed by the ExA matches that proposed by the JLAs during the Examination. CAGNE provided submissions by expert consultants Suono at Appendix 2 of its representation of the 9 June 2025. At paragraph 17, Suono noted that if the ExA's proposed LOAEL thresholds are to be taken as the relevant thresholds for Gatwick Airport, then the noise chapter and associated appendices of the ES should be updated, accompanied by a full further consultation. At paragraph 18, Suono stated that if the ExA's proposed thresholds are not progressed, there is clear benefit in undertaking another consultation, due to the amount of time given to LOAELs during the Examination. This is highlighted by several matters contained in Appendix A of [REP8-145] which were not covered in detail during the Examination, and which gave rise to serious concerns with regards to noise effects related to the scheme, namely:

- lack of up to date ES noise chapter (addressed at paragraph 115)
- details of implementing the noise insulation scheme (addressed at paragraphs 62 - 92)
- errors with the fixed mechanical plant noise assessment (addressed at paragraphs 127 - 128), and
- myriad issues with the ground noise assessment, including missing noise results and contours (addressed at paragraphs 124 - 126)

56. The Secretary of State has considered the arguments provided by the Applicant and Interested Parties regarding the issue of daytime and night-time LOAELs. She was initially minded to accept the LOAEL values proposed by the ExA (see paragraph 143 of her minded-to letter). However, in light of the further reasoning and justification provided by the Applicant, the Secretary of State now considers that the values proposed by the Applicant are appropriate and consistent with policy. She agrees that the Applicant's approach to adopt the LOAELs, as set out at paragraph 2.72 of the 'Consultation Response on UK Airspace Policy: A Framework for Balanced Decision on the Design and Use of Airspace', is appropriate, with the Applicant having regard to the noise assessment principles set out in the national policy on airspace, as stated at paragraph 5.53 of the ANPS. She notes that the LOAELs have been set at the same level in recent aviation planning decisions for London Stansted, London City and London Luton. The Secretary of State notes the arguments put forward by CAGNE, and having had regard to information contained in the Noise and Vibration chapter of the ES, she is satisfied that it sufficiently supports the adoption of the Applicant's LOAELs and considers that it addresses the significant effects of the Proposed Development and that Interested Parties have had a sufficient opportunity to comment on them.

Daytime and Night-Time SOAELs (Significant Observable Adverse Effect Levels)

57. The Applicant in paragraph 3.6 of Annex 2 to its response has set out the difference between the SOAEL values applied by it and the ExA in relation to the Proposed Development (see Table 2 below).

Table 2: Comparison of the Applicant and ExA's proposed SOAELs

	SOAEL LAeq 16 h	*SOAEL LAeq 8 h*
Applicant	*63dB*	*55dB*
ExA	*54dB*	*48dB*

58. The Secretary of State notes paragraph 2.22 of the NPSE, which states that it is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. Not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available. The Applicant set out its understanding of established policy with regard to SOAELs at paragraphs 3.13-3.17. The Applicant set out, at paragraph 3.13, that the Applicant in part defined SOAEL by reference to Government expectations of compensation and noise insulation schemes and the Government has set out what noise insulation it considers necessary and in this respect the Aviation Policy Framework (APF) remains the only definitive statement of Government policy. The Applicant highlighted paragraph 3.39 of the APF, which states that "as a minimum the Government would expect airport operators to offer financial assistance towards acoustic insulation to residential properties which experience an increase in noise of 3dB or more, which leaves them exposed to levels of noise of 63 dB LAeq,16h or more." At paragraph 3.16 of Annex 2 of its representation, it highlighted the policy paper Aviation 2050: the Future of UK Aviation, which consulted on extending the noise insulation policy threshold beyond the current 63dB LAeq 16hr (daytime) contour to 60dB LAeq 16hr (daytime). The Applicant stated

that this policy remains in draft and set out that it does not redefine daytime SOAEL at 60dB. However, the Applicant explained that its Noise Insulation Scheme (NIS) already significantly exceeded that draft policy expectation, providing contributions for mitigation measures for properties in the 54 dB LAeq 16 h contour. Further to it setting out its understanding of established policy, the Applicant highlighted in paragraph 3.18 precedent in recent aviation planning decisions of London Stansted, Bristol and London Luton, in which all three applications adopted the SOAEL limits of 63 dB LAeq 16 has put forward by the Applicant. The Applicant concluded, at paragraph 3.35, that the NIS proposed by the Applicant met and substantially exceeded the expectations of published and draft policy, and significantly exceeded any existing package of noise mitigation at other airports.

59. The JLA, at paragraph 4.2 of their 9 June 2025 response, considered that one awakening contour is also a SOAEL, a view that is reflected in their London Heathrow Airport's June 2019 Noise Insultation Policy. The JLA highlighted CAP 2251, which suggested that the one awakening contour at Gatwick equates to the 48 dB LAeq 8hr (night-time) noise level. The JLAs, therefore, were in agreement with the ExA that a night-time SOAEL can be aligned with the 48 dB LAeq 8hr (night-time) contour.

60. The Secretary of State notes London Heathrow Airport's June 2019 Noise Insulation Policy, which outlines SOAEL values of 63 dB LAeq 16 hr (daytime) and 55 dB LAeq 8 hr (night-time), as well as one additional awakening per night (using 92-day summer averages as a measurement tool). The Secretary of State notes that the London Heathrow's June 2019 Noise Insulation Policy document was consulted upon as part of the airport's proposals to expand, but the document was a draft and the expansion proposals were not implemented. The Applicant modelled additional awakenings that would be produced by the Proposed Development at ES Chapter 14: Noise and Vibration [APP-039]. At paragraph 14.12.20, the Applicant measured that in the slow fleet transition scenario, the effect of the Proposed Development is to increase awakenings in 2032 by an average of 0.11 additional awakenings per person. The extent of increased awakenings will be higher where the additional flights are closest to populations. The Applicant in its Air Noise Modelling considered the area, where the additional 12 night flights are forecast in 2032 as a result of the Proposed Development. The Applicant anticipated this would create the highest noise levels across the study area on an average summer night and concluded that in this location the effect of the change in L_{max} levels when summed across all aircraft would create an average 0.8 additional awakenings per night per person. The Applicant highlighted that there is a relatively small population who will experience these 12 additional flights [paragraph 7.4.7, APP-172]. The Secretary of State notes that through the Applicant's Noise Insulation Scheme Document ("NISD"), the properties are forecast to be within the "inner zone" and therefore will have access to the full suite of receptor-based mitigation measures. The Secretary of State therefore considers that it would be disproportionate to adopt the SOAELs proposed by the JLA, given the minimal effect the Proposed Development would have on awakenings across the majority of the study area.

61. The Secretary of State acknowledges that there are differences in view between the Applicant, ExA and Interested Parties on the appropriate figure for noise limit values and that she was initially minded to accept the SOAEL values proposed by the ExA (see paragraph 143 of her minded-to letter). However, in light of the further reasoning and justification provided by the Applicant summarised above, the Secretary of State now considers that the values proposed by the Applicant are appropriate and

consistent with policy. She further notes that recent aviation planning decisions have used the same approach and arrived at similar limits to those proposed by the Applicant.

Noise Insulation Scheme ("NIS")

62. The Applicant, at Annex 2, Section 4, paragraph 4.37 of its response of the 24 April 2025, considered the ExA's recommended requirement 18 to be completely inappropriate, and that it is contrary to paragraph 4.9 of the ANPS and established planning policy on conditions and requirements.

63. The Applicant's view (paragraph 5.1) is that the NIS submitted with the DCO and developed through the Examination is fully policy compliant. It set out its concerns in section 4 regarding the drafting of the ExA's recommended requirement 18 for receptor-based mitigation, which included:

- the definition of potentially eligible premises (paragraphs 4.6 – 4.15),
- involvement of the local planning authority (paragraphs 4.16 – 4.24),
- timing and process (paragraphs 4.25 – 4.31), and
- the requirement to buy property (paragraphs 4.32 – 4.36).

64. The Applicant considered what further enhancements it can make in Section 5 to the form of the requirement, to give comfort to the Secretary of State that the proposal meets the policy requirement in paragraph 5.68 of the ANPS (paragraph 5.1). The Applicant proposed a revised NISD (Appendix 2 to Annex 2), and a re-drafted requirement 18 to secure this.

Potentially eligible premises

65. At paragraphs 4.8-4.9, the Applicant outlined that the ExA defined a single group of properties by reference to its chosen SOAELs (as set out in Table 2). The Applicant set out that the ExA's SOAELs are unprecedented and unjustified. As discussed at paragraphs 57 - 61 above, the Secretary of State agrees with the Applicant, and has defined the SOAELs as 63dB LAeq 16 hr (daytime) and 55dB LAeq 8 hr (night-time). Therefore, she is satisfied that the Applicant has utilised SOAEL limits which will comply with paragraph 5.68 of the ANPS, as part of its revised NISD.

66. The Secretary of State notes that the Applicant, as part of its revised NISD (paragraphs 14-15), included other noise-sensitive non-residential buildings (hospitals, libraries, places of worship and noise sensitive community buildings) (paragraph 11) affected by a LAeq 16 h 63 dB (daytime) noise level, either from air noise, or ground noise alone or in combination with air noise, which is above ambient noise. The mitigation for non-residential premises will be approved by the relevant LPA, with the relevant measures being defined in the revised NISD. The Secretary of State is satisfied that the Applicant has included this provision, providing greater comfort to local communities.

67. At paragraphs 4.11-4.15, the Applicant outlined its approach to ground noise. The Applicant had previously explained why ground noise did not need to be included in the NIS. This was in part because ambient noise, mainly from road traffic, in much of the relevant area near Gatwick Airport is higher. Suono, in Appendix 2 of CAGNE's representation of the 9 June 2025, set out that were the Applicant to not include premises where ambient noise levels are in line with the thresholds proposed by the ExA (LAeq 16 h 63 dB (daytime)), over 90% of all premises might not be eligible for

noise mitigation (paragraph 31). The Applicant welcomed the JLA's acceptance, as set out on page 9 of its representation of 17 January 2025, that a property should only be eligible for noise insulation if the combined air and ground noise level is above the ambient noise level (paragraph 4.13 of Appendix 2). Furthermore, the Applicant outlined it would undertake an extensive road traffic noise modelling exercise to quantify ambient noise in determining eligibility (paragraph 4.14 and the revised NISD, paragraph 19). The Secretary of State agrees with this approach, noting the JLA's acceptance.

Involvement of the Local Planning Authority (LPA)

68. The Applicant set out why it thought it would be inappropriate for LPA involvement. The Applicant highlighted that the standard approach, repeated through numerous (DCO and non-DCO) planning decisions is for the consent to set out the terms of the insulation scheme, and to require its implementation in terms which are enforceable. Ordinarily, implementation would involve engagement with individual homeowners, rather than case-by-case negotiation with the LPAs (paragraph 4.18). The Applicant queried the need or benefit for LPA approval of each package of measures to be provided to a particular premises, and to impose that requirement exceptionally here would require a specific justification if it were to meet the relevant tests of necessity and reasonableness (paragraph 4.19). As there are more than 4,000 properties in scope, the Applicant further asked the Secretary of State to consider the scale of resources that LPAs would need to undertake this task in a timely manner and ask whether that is proportionate or necessary (paragraph 4.20).

69. In its revised NISD, the Applicant clarified that measures will only be installed where agreed by the relevant homeowner (paragraph 5.3.6). If a homeowner considered that the offered package does not meet the standard set out in the revised NISD, they can refer this to a new, independent dispute resolution panel. The Applicant set out that this strikes a proportionate balance between ensuring oversight and accountability on the measures offered by the Applicant to eligible premises, whilst not requiring unduly burdensome and resource-intensive LPA approval of each package of measures (paragraph 5.3.2).

70. The Applicant argued that the ExA's proposed requirement provides drafting that fails the tests of precision and enforceability required of planning conditions and requirements (paragraph 4.23). The Applicant highlighted sub-paragraph (4) of the ExA's requirement, which requires submitted mitigation designs to "have due regard" to certain, specified guidance but also "other guidance as relevant." The Applicant stated that this is unhelpfully vague and does not specify to what degree that guidance must inform the designs, nor does it indicate what types of material may constitute other guidance leaving significant scope for disagreement (paragraph 4.21). Furthermore, sub-paragraph (5) indicates that the LPA can refuse to approve a design for the main residence "because it considers internal living conditions would be unacceptable". The Applicant has set out that this confers unacceptably broad and unconstrained discretion on the LPA, allowing it to refuse a design based on its own consideration (paragraph 4.22).

71. In Section A of its revised NISD, the Applicant outlined it aimed at providing a reduction in aircraft noise from outside a home to inside of 35dB using relevant acoustic measures (paragraph 3), and that the specification of these have regard to industry guidance and British Standards 8223 (paragraph 4). The Secretary of State is satisfied, therefore, that the Applicant has clearly defined the noise reduction that will be

delivered through its revised NISD, and the industry guidance and standards it will follow to achieve this.

Timing and Process

72. The Applicant set out that the ExA's proposal was clearly unfeasible to insulate more than 4,000 properties in the approximately 4 years before commencement of dual runway operations, particularly if extensive time is required to agree the mitigation package for every home with the LPA. As a result, the Applicant concluded that this nationally significant infrastructure would inevitably be seriously delayed (paragraph 4.26), and the scale of this work would pose an unacceptable risk to the DCO programme (paragraph 4.28).

73. The Applicant, in its revised requirement 18 NISD, set out a revised timeline. The Applicant will submit a list of eligible premises to the local planning authority within 3 months of the commencement of Works Nos. 1, 2 and 18, and in the following 3 months, notify the owners and occupiers of all eligible premises. Following this, the Applicant considered it preferable to prioritise installation at those properties that will experience higher noise levels sooner, rather than unrealistically requiring a survey of all properties above the 54dB contour within the same timescale (paragraph 4.29), and proposed to accelerate the time period within which the Applicant must survey eligible premises from 24 months to 12 months for premises in the LAeq 16 h 60 dB (daytime) contour or above, to reflect the new wider scope of the 'inner zone' as redefined (paragraph 5.3.5).

74. Subject to a homeowner having made a timely application and agreed the package of measures, as well as any necessary consents, the Applicant must install and commission measures before the later of the commencement of dual runway operations, or the year in which the premises is forecast to experience the level of noise that renders it a potentially eligible premise. The Applicant explained that this ensures that no premises will experience significant adverse effects from noise due to a delay installation of mitigation measures (paragraph 5.3.8). The Secretary of State is content that this presents a more proportionate approach for the Applicant to be able to deliver the noise mitigation measures at scale, whilst also ensuring that significant adverse impacts on health and quality of life from noise are avoided, in line with paragraph 5.68 of the ANPS.

75. The Applicant highlighted that no financial limits are set by the ExA for the extent of insultation works to any property, in contrast to other schemes which define the necessary works and provide for full insulation of properties most affected, and tiered, reduced contributions at lower levels of noise. The Applicant set out that the ExA's recommended requirement is potentially open ended and goes far beyond the requirements of paragraph 5.68 of the ANPS which requires only that significant adverse impacts are avoided and other adverse impacts are mitigated and minimised (paragraph 4.30).

76. In its revised NISD, the Applicant has removed the financial cap for insulation for all eligible residential premises in the LAeq 16 h 60 dB (daytime) contour or above (now defined as the inner zone, alongside the LAeq 8 h 55 dB (night-time) contour). The Applicant stated that this ensures that there is no financial limit for the mitigation for all residential premises at or above the SOAEL established by the Applicant and set out in the APF, but also for those in the 60 dB contour, which the Applicant submits are below the SOAEL. The Applicant explained that this seeks to provide additional

comfort that significant adverse effects will be avoided and, even where there are not significant adverse effects, that the Applicant will contribute to the improvement of health and quality of life by providing uncapped mitigation to those in the 60 dB contour (paragraph 5.3.4). The Secretary of State is content that this approach is compliant with paragraph 5.68 of the ANPS, and the Applicant has made efforts to contribute to improvements to health and quality of life.

The Requirement to Buy Property

77. The Applicant highlighted that if agreement is not reached on any property about the precise detail of noise insulation, no clear recourse is provided, with the Applicant being obliged to buy the property instead. The Applicant set out that given that more than 4,000 properties are caught by this requirement, this represents an extremely significant potential financial liability (paragraph 4.31). Airports UK, in its letter of the 24 July 2025, agreed, stating that the requirement on the airport to potentially purchase properties is well beyond necessity and proportionality.

78. As highlighted at paragraph 5.3.2, and further discussed at paragraph 5.3.7 of the Applicant's response, the Applicant proposed a dispute resolution mechanism independent of the Applicant or the LPA, which would allow the Applicant, homeowners, and/or the relevant LPA to refer specified matters to a "noise insulation scheme independent panel" where there is disagreement, allowing independent arbiters with relevant expertise to determine what is required by reference to the terms of the requirement and the revised NISD. The Secretary of State agrees that this is a reasonable inclusion that would allow for the fair determination of the suitability of noise mitigation measures and allow for confirmation to be provided to the Applicant, homeowners and the LPA that the measures offered comply with the Applicant's obligations.

79. The Applicant highlighted that sub-paragraph (5) of the ExA's recommended requirement provides that, if agreement cannot be reached between the Applicant and LPA on the design of receptor-based mitigation, the Applicant must offer to buy the premises at open market rate and pay reasonable moving expenses, fees and costs incurred by the owner. The Applicant considered that no cap is put on these costs, and as outlined above, no process is provided for mediating disputes over it being justified to mandate purchase nor the value or costs of the purchase (paragraph 4.32). The Applicant made the point that the ExA's drafting of this requirement is an entirely unjustified recommendation with no policy basis, and that it is well-established that planning conditions (and therefore requirements) that place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness (Use of planning conditions, MHCLG (updated July 2019)) (paragraph 4.33). The Applicant set out that it is only at the highest levels of noise impact that Planning Policy Guidance on noise requires noise impacts to be "prevented," and that the well-established industry standard approach is offer a home relocation assistance scheme, not a property purchase scheme (paragraph 4.35). The Applicant, in its revised requirement 18, maintained its approach to moving costs, as proposed in its submission of the 23 December 2024.

80. The Secretary of State is satisfied that the Applicant's revised NISD and re-drafted requirement 18 brings forward further enhancements which would ensure compliance with paragraph 5.68 of the ANPS, providing additional comfort to local communities that the effects of aircraft noise from the Proposed Development would be mitigated.

81. The Secretary of State consulted on the Applicant's revised NISD and requirement 18 as part of her consultation letter of the 28 April 2025. The Secretary of State notes the JLA's representation of the 9 June 2025, which highlighted several concerns regarding the Applicant's wording of its proposed requirement 18, which included:

    - Trigger Requirements
    - Inner Zone Definitions
    - Moving Costs
    - Planning Authority Interaction
    - Overheating
    - Review of Actual Noise Levels
    - Independent Panel

    Trigger Requirements

82. The JLA noted at paragraph 4.5 that reference to Work Nos. 1-7 (as defined at ER 1.3.13 as airfield works) had been used throughout the DCO process as the trigger by both the Applicant, and the ExA in their recommended DCO. The JLA saw no reason for this to be deleted by the Applicant at this stage in the process. The Applicant's addition of Work No.18 (for the replacement of the western noise mitigation bund) as a trigger was welcomed by the JLA, as this had been raised as a concern throughout the DCO process. The Secretary of State is content to agree with the JLA, and include this provision within the re-drafted requirement 18, to ensure the prompt timing of the installation of noise mitigation.

    Inner Zone Definitions

83. The JLA maintained their position, as set out in their closing statement of the Examination [REP9-151], that the inner zone should be defined at 60 dB LAeq 16 h (daytime) and 48 dB LAeq 8 h (night-time) for noise exposure (paragraph 4.6), as they believe that the Applicant's proposal does not offer adequate protection to residents of properties within the 48 dB LAeq 8 h (night-time) contour (paragraph 4.7). The JLA highlighted throughout the Examination process their concerns regarding impacts on residents living within the one additional awakening contour, which the JLA consider a SOAEL in line with London Heathrow Airport's June 2019 Noise Insulation Policy. The JLA considered the 48 dB LAeq 8 h (nighttime) contour as representative of the one additional awakening contour, and strongly recommended the Applicant consider this as part of its revised NISD, that includes the 48 dB LAeq 8 h (nighttime) contour as part of the Inner Zone (paragraph 4.8). The JLA outlined they would be amenable to a "sub-Inner Zone" or "Inner Zone 2", that could be applied to the range between 48 and 55 dB LAeq 8 h that provides no limit to insulation costs for bedrooms only as an alternative to the Inner Zone, which provides no limit of costs for insulation to all habitable rooms of a property (paragraph 4.9). This position was supported by Tunbridge Wells Borough Council, in its representation dated 6 June 2025. As noted at paragraph 60, London Heathrow's June 2019 Noise Insulation Policy document was consulted upon as part of the airport's proposals to expand, but the policy was a draft and the expansion proposals were not implemented. The Secretary of State notes that the limits proposed by the JLA would go far beyond the SOAEL limits proposed by the Applicant. She considers that the Applicant's adopted SOAELs aligned with recent aviation planning decisions which have used the same approach, and with

Government's noise policy. The Secretary of State therefore concludes that the inner zone definitions provided by the JLA would place a disproportionate financial burden on the Applicant to deliver noise mitigation measures beyond the position set out in policy.

Moving Costs

84. The JLA noted that the Applicant's requirement 18 would cap total moving costs at £40,000. The JLA outlined that anyone selling a property over £750,000 will be out of pocket (paragraph 4.12), as the level of stamp duty and estate agent fees would exceed the amount proposed by the Applicant. The JLA suggested that the Applicant's requirement be rewritten to state that stamp duty and estate agent fees will be met in full (up to 1% of the purchase price), as well any other reasonable moving costs e.g. removals and storage (paragraph 4.13). The Secretary of State notes that whilst this would require a further financial contribution from the Applicant, she is satisfied that that this would be proportionate to the scale of the Proposed Development, given the reasonably small number of eligible premises that will be affected by the LAeq 16 h 66 dB (daytime) air noise contour.

Planning Authority Interaction

85. The JLA suggested that the timescales put forward by the Applicant in sub-paragraph (10)(a) of its revised requirement 18 should be amended from 6 weeks to 8 weeks, to align with the normal planning process (paragraph 4.15). The Secretary of State agrees with this amendment.

86. The JLA proposed a change to the wording of sub-paragraph (13) of the Applicant's revised requirement, so that it would be clear that air modelling of airport related noise will be undertaken by the Applicant and with the addition that the undertaker with the relevant planning authority will identify additional potentially eligible premises or adjustments to the specification of the measures provided, and the addition of annually is in line with the ExA's wording at sub-paragraph (7) of the recommended DCO (paragraph 4.17). The Secretary of State is content with this amendment.

Overheating

87. The JLA outlined that the highest noise levels occur at Gatwick in the summer months (paragraph 4.19). Given the performance of the noise insulation is dependent on windows being kept shut in the summer months, the JLA maintain that the Applicant must commit to undertake and provide a dynamic thermal modelling report, which assumes windows are shut, for properties within the Inner Zone. The dynamic thermal modelling report should be undertaken in line with the requirements set out in the Chartered Institution of Building Services Engineer's TM59 'Design methodology for the assessment of overheating risk in homes' (2017) (paragraph 4.20). This would ensure that adequate overheating mitigation measures are applied to individual properties, so occupants can maintain good internal temperatures while keeping windows closed to mitigate against aircraft noise (paragraph 4.21). The Secretary of State agrees that it is reasonable to adopt this approach for eligible properties within the inner zone, to ensure that measures for those properties most affected by aircraft noise avoid significant adverse impacts to health and quality of life caused by overheating.

Review of Actual Noise Levels

88. The JLA wished to see the Applicant include a commentary on internal noise levels with reference to the design requirements in BS 8233. The commentary would be expected to include reference to predicted external noise levels from the Applicant's noise models and the measured façade performance. The JLA would welcome the opportunity to review and approve testing reports for individual properties subject to developing a suitably streamlined approach (paragraph 4.25). The Secretary of State noted above that the Applicant's revised NISD and requirement 18 will consider industry guidance and British Standards in the provision and installation of its noise mitigation measures. The Secretary of State is therefore satisfied the Applicant has already provided for this, and that any disagreements as to whether the Applicant is meeting this requirement can be brought forward to the NIS independent panel.

Independent Panel

89. The JLA noted the NIS independent panel and suggested that there is one representative from the local authorities on this panel, and/or suitable consultation is undertaken with the JLA in selecting members of the NIS panel (paragraph 4.26). The Secretary of State agrees that the JLAs' input into selecting members would be an invaluable part of maintaining the independence of the panel and therefore agrees that the JLA are consulted in relation to its formation.

Conclusion on Receptor Based Mitigation

90. The Secretary of State agrees with the Applicant's approach to LOAELs, as they are well-established in aviation policy, and have been used in several recent aviation planning decisions.

91. The Secretary of State also agrees with the Applicant's approach to SOAELs, as they have been used in several recent aviation planning decisions. Whilst she has noted the JLA proposals that the nighttime SOAEL is reduced to 48 dB LAeq 8 h (nighttime), and the agreement of Interested Parties with the ExA's proposed SOAELs, she notes that these proposals would far exceed established policy as set out in the APF and Aviation 2050.

92. The Secretary of State is satisfied that the Applicant's revised NISD and requirement 18 would allow consent to be granted, as it meets the aims for the effective management and control of noise within the context of Government policy of sustainable development, as set out at paragraph 5.68 of the ANPS. Furthermore, she considers that the amendments suggested by the JLA regarding trigger requirements, planning authority interaction, overheating and the assembly of the independent panel in the revised NISD and requirement 18 would provide further security and comfort for local communities.

Air Noise Limits

93. The Applicant originally proposed air noise limits based on its Central Case ("CC") fleet transition forecast, later revised during the Examination to an updated Central Case ("UCC") reflecting a slower transition post-COVID, in which the rate of fleet transition was delayed by about five years and which would result in higher noise levels than the CC [ER 6.3.25].

94. The CC set out the Applicant's air noise limit proposals within a noise envelope, based on what it considered to be the most likely rate of fleet transition from current aircraft

to the quieter and more fuel-efficient 'next generation' aircraft [ER 6.3.24]. The CC calculated the air noise limits and the air noise contour (the area enclosed by the noise limit) for the end of the first year of dual runway operations as 51 dB during the 16 hour day period, with a contour of 146.7 km^2 and 45 dB during the 8 hour night period, with a contour of 157.4 km^2 [APP-039, paragraph 14.9.192]. This was based on the average noise levels during the 92-day summer season because it represents the season when the Airport would be at its busiest and hence noisiest.

95. Paragraph 160 of the minded to letter details the Applicant's proposed air noise limits and contours based on the UCC, which for the opening year to year 9 was 16 hour day period 51 dB = 135.5 km^2 and 8 hour night period 45 dB = 146.9 km^2 [REP10-011, paragraph 6.1.8], to be monitored annually by an independent air noise reviewer to report and identify any breaches [REP10-011, paragraph 7.1.2]. As with the CC, this would be substantially stepped down after year 9 of dual runway operations or when the Airport reached 382,000 air traffic movements. Under the UCC, the Applicant noted that the air noise contours would experience equivalent noise levels in future years as they did in 2019 when only one runway was in operation [REP10-011, paragraph 1.1.7]. The Secretary of State notes that the Applicant themselves have selected 51 dB and 45 dB as appropriate noise level values [Environmental Appendix 14.9.5 (APP-175), 2.5.14].

96. The ExA did not accept the Applicant's position that data supported a slowing in fleet transition following the pandemic; which the ExA considered to favour the position of the Legal Partnership Authorities ("LePAs") that the CC should be used. After further exploring this matter during Examination, the ExA considered that the original CC remained the most appropriate basis for setting air noise limits and contours. Specifically, the ExA recommended a daytime air noise contour of 125km^2 for the first five years of dual runway operations, which it felt best reflected CAA data that showed a continued upward trend in fleet transition during summer periods [ER 6.4.117 - 6.4.118].

97. The ExA also considered that these limits and contours would more appropriately share the benefits of noise reduction from new technology with local communities and more effectively mitigate and minimise adverse noise impacts on health and quality of life, in line with paragraph 5.60 of the ANPS and paragraph 3.29 of the APF [ER 6.4.129 - 6.4.130]. As a result, the ExA proposed a revision to requirement 15 of the Order, to reflect its recommended air noise limits and contours, with the Applicant required to report on these annually. Although the air noise contours were stepped down in the Applicant's proposals, the ExA's showed that after the initial five years, only the nighttime air noise contour would reduce, with the daytime remaining at 125km^2. On reviewing the ExA's assessment, the Secretary of State recognised that the revised air noise contours were not properly tested with parties during Examination. She therefore sought the Applicant's further consideration of the proposed requirement via her consultation letter of 9 December 2024 and then again in her minded to letter of 27 February 2025.

98. In its responses of 23 December 2024, 24 April 2025 and 6 June 2025, the Applicant stated that remaining within the initial limits and contour set by the ExA may require significant operating restrictions [Annex 1 of response dated 24 April 2025, paragraph 2.6]. The Applicant set out that this would restrict both capacity and growth, leading to a delay in the benefits of the Proposed Development; at odds with Government aims of securing growth for the UK [response dated 23 December 2024, page 2]. With the

benefit of the Report, the Applicant's response of 24 April 2025 considered that the ExA had determined the air noise limits and contours based on flawed conclusions regarding both fleet transition and future growth, with the ExA predicting fewer future air traffic movements than the Applicant and then equating this to the potential for lower noise levels. However, any reduction in air traffic movements would be unlikely to occur in summer, which is the period over which noise impacts are measured. The Applicant further submitted that potential misinterpretation by the ExA may have led it to rely on the out-of-date CC and inappropriately propose the initial 5-year air noise contour of 125km^2 in recommended requirement 15.

99. The Applicant provided further evidence in the form of the CAA's Noise Exposure Contours for Gatwick Airport 2024 ERCD Report 2502 ("the ERCD Report"), annexed to the response dated 6 June 2025. The Applicant argued that the ERCD Report supports a slower rate of fleet transition and therefore justifies the use of the UCC for calculating air noise limits and contours [Response dated 6 June 2025, final paragraph on page 1]. Most notably, the Applicant explained that the ERCD Report measures the number of aircraft meeting the latest International Civil Aviation Organisation ("ICAO") Chapter 14 Noise Standards; many of which are current generation aircraft that operate at Gatwick but not considered 'next generation' aircraft within the fleet mix at Gatwick. As a result, the Applicant contends that the ExA's comparisons between ERCD Report data that refer to the number of aircraft that met the latest Chapter 14 Noise Standards and its own figures on next generation aircraft in the fleet mix, as referenced at ER 6.4.116 - 6.4.118, did not use comparable data.

100. The Applicant further explains that during the pandemic, older, noisier and less efficient aircraft were temporarily withdrawn from service, resulting in a quieter operating fleet than pre-COVID-19. However, as air traffic recovered, these relatively older, noisier aircraft have returned to operation, and the ERCD Report data shows a subsequent decrease in the proportion of Chapter 14-compliant aircraft. The Applicant therefore maintains that the overall fleet at Gatwick has not continued transitioning to quieter 'next generation' aircraft compared to the 2019 baseline [Annex 1 to response dated 25 April 2025, paragraph 3.8].

101. The Applicant's case remains that the UCC fleet transition is most likely and that as this forecasts a 16 hour day period 51 dB = 135.5 km^2 contour area in 2032, this is the most appropriate contour limit [Annex 1 to response dated 25 April 2025, paragraph 2.4]. However, the Applicant did accept the ExA's suggestion to shorten the first air noise contour period to five years from its proposed nine-year period [Response dated 23 December 2024, page 10]. As set out in the ES, the Applicant notes there would be no changes to the conclusions on the assessment of likely significant effects should the UCC be adopted [Annex 1 to response dated 25 April 2025, paragraph 2.4].

102. When the Secretary of State queried this matter with the ExA on 14 May 2025, the ExA confirmed its position and reasoning remained as per the Report, without providing any additional clarification.

103. The Secretary of State has noted the other representations received, including those from the JLA, the Gatwick Area Conservation Campaign ("GACC") and Communities Against Gatwick Noise Emissions ("CAGNE"). The JLA response dated 9 June 2025 is generally supportive of the ExA's proposed air noise contours in requirement 15 which they view as being in line with the Applicant's CC scenario [paragraph 3.4]. They note in particular that the Applicant's response is reverting to its original proposals for the area of the noise envelope, with none of the benefits that were introduced as a

result of discussion throughout the Examination such as a reduction in the noise envelope in 2038 / 382,000 commercial air traffic movements and as such represents the worst case scenario. This would provide fewer assurances and protections from the detrimental noise effects from the Proposed Development [paragraph 3.9].

104. However, the main comment from the JLA on the ExA's proposed requirement is the loss of a review mechanism for the noise envelope and their suggestion of inserting an addition to allow for a review of the air noise contour area nine years from opening or when the airport reaches 384,000 air traffic movements, whichever occurs first [paragraph 3.5]. The JLA also note that the current drafting of the ExA's proposed requirement 15 is retrospective and does not allow a forward-looking mechanism which would allow action to be taken before exceedances are identified. As drafted, the proposed requirement 15 would only identify exceedances to the air noise limits and contours retrospectively (based on the previous year's operations) [paragraph 3.6]. In summary, the JLA have suggested two amendments to the ExA's proposal to link slot release to forward looking noise modelling to ensure no breach of the noise contour and a review of the noise envelope after nine years, with a view to reducing the air noise contours [paragraph 3.23].

105. The loss of a review mechanism for the noise envelope was also raised by GACC. In its response of 9 June 2025, GACC stated that every stakeholder involved in the Examination, including the Applicant, proposed that there should be a process for renewing the noise envelope periodically, with a general expectation that limits would reduce over time. Without a mechanism to require longer term noise reductions, there would be no incentive for the Applicant to continue to reduce noise, which does not align with the ANPS to ensure that the noise envelopment would remain relevant.

106. The Secretary of State notes that GACC's primary concern is that the air noise limits and contours, as proposed by both the Applicant and the ExA, go against the expectations of the ANPS and APF regarding the sharing of benefits. GACC's position is that the test in the APF that noise should reduce as capacity grows is not met. They point out that the future baseline case (without the Proposed Development), encloses a lower contour area than either the Applicant or the ExA have proposed from first operation of the Proposed Development.

107. The Secretary of State is aware that the Report highlighted paragraph 3.12 of the APF which states that, "Government's overall policy on aircraft noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry" [ER 6.4.93]. It also referenced paragraph 3.29 of the APF and paragraph 5.60 of the ANPS, which set out that the benefits of future technological improvements should be shared between the airport and its local communities to achieve a balance between growth and noise reduction [ER 6.4.94 - 6.4.95]. The Secretary of State notes the ExA also reference the OANPS at ER 6.4.96, detailing the government's overarching policy on aircraft noise.

108. While acknowledging GACC's concerns, the Secretary of State is mindful of the wording in the APF and ANPS, which is that there is a balance to be reached between growth and noise reduction. She also considers the wording in the OANPS to be particularly relevant, in that *"the impact of aircraft noise must be mitigated as much as is practicable and realistic to do so, limiting, and where possible reducing, the total adverse impacts on health and quality of life from aircraft noise."* It is clear the aim of the policy is to ensure significant adverse effects from noise are avoided and remaining

adverse effects from noise are mitigated and minimised as much as possible, not to remove additional noise completely. The specific policies regarding the sharing of benefits ensures the balance can be delivered by aligning any benefits to the Applicant from growth, to benefits to the community from reducing noise effects, for example as new aircraft technology advances, but does not state that these must happen at the same time but rather as soon as reasonably practical. There is also a connection to noise receptor mitigations, as set out below, which are part of the overall approach to noise and which work to mitigate the impacts of aircraft noise. The Secretary of State will set out her conclusions on the compliance with policy requirements, in relation to this Application, in the conclusion paragraph below.

109. CAGNE's representation of May 2025, appended detailed submissions regarding noise from its instructed noise expert consultants Suono. In respect of air noise limits, Suono agree with the approach of using the Applicant's original CC to establish the limits and contours given this was provided as part of the core Application documents in 2023, sometime after the pandemic, indicating the Applicant was confident it was still relevant. While agreeing with the ExA on air noise limits in the main, Suono state there is a clear need for the noise chapter and associated appendices of the ES to be updated to account for any new requirements, thresholds and information that make up the reasons why the ExA is recommending approval of the Proposed Development [paragraph 53].

The Secretary of State's Conclusions on air noise limits and contours

110. After fully reviewing all of the representations received and evidence provided, the Secretary of State has determined that the air noise limits and contours should be set as follows:

Air Noise Limit	Contour from the first to fifth year of dual runway operations	Contour from the sixth year of dual runway operations
51 dB (daytime)	135km^2	125km^2
45 dB (nighttime)	146km^2	135km^2

111. This will be supported by a provision that the Applicant will review the limits every five years following the ninth year of dual runway operations or when commercial air traffic movements reach 382,000, whichever is sooner.[1] To address concerns raised by the JLA and other Interested Parties, the Secretary of State confirms that the Applicant will be required to produce five-year forecasts of compliance with the air noise limits.

[1] The figure of 382,000 is the figure proposed in the Applicant's noise envelope document [REP10-011]. In its response dated 23 December 2024, the Applicant referred to a figure of 380,000 but the reasons for using this figure were not explained and the Secretary of State considers it appropriate to use the figure that reflects the Applicant's updated central case.

112. The CAA will act as the independent assessor of both annual compliance and five-year forecasts. Its role will be to verify the Applicant's data and provide assurance to stakeholders that noise limits are being met and future projections are credible.

113. The Secretary of State considers that there is merit to the Applicant's argument that a comparison of different aircraft data could have led to an unintentional miscalculation regarding fleet transition. She agrees with the Applicant that the ERCD Report supports a slower transition than that assumed by the ExA. In light of this, the Secretary of State has revised her position from that set out in her minded to letter and, on review of evidence set out by the Applicant, now accepts that the UCC is the most appropriate basis to reflect the particular circumstances of this Application. She has therefore agreed that the air noise contours provided by the Applicant in its responses of 23 December 2024 and 24 April 2025 should be used as detailed above.

114. The Secretary of State acknowledges that there are differences in view between the Applicant, ExA and Interested Parties on the appropriate figure for noise limit values and that she was initially minded to accept the values and drafting of requirement 15 proposed by the ExA (see paragraph 181 of her minded to letter). However, in light of the further reasoning and justification provided by the Applicant in response to her minded to letter, the Secretary of State now considers that the limits proposed by the Applicant are appropriate and consistent with policy. The Secretary of State has reflected on the importance of enabling the best use of the proposed infrastructure improvements, seeking the acknowledged policy aim of a balance between growth and noise reduction. She feels that this approach best strikes that balance, especially in a holistic consideration of the approach to noise issues. Whilst proceeding with the Applicant's proposed limits, she has ensured that the noise receptor mitigation package available to the affected community is strengthened, appropriately mitigating where noise impacts are felt.

115. Noting that there is a need for consistency in decision-making, the Secretary of State is content with the noise level values for the limits that were proposed by the Applicant. She notes that individual airports will have different considerations, and that is reflected in a consistent but not identical approach to noise envelopes. The Secretary of State is further satisfied with the Applicant's response that the use of the UCC does not materially alter the assessment of likely significant effects presented in the ES. She therefore also considers that it is not necessary to update the ES.

116. The Secretary of State acknowledges and agrees with the concerns raised by the JLA, GACC and other Interested Parties regarding the need for a robust review mechanism. This is to ensure the air noise limits and contours remain relevant over time, particularly as technological advances in aircraft design are realised. The Secretary of State agrees with GACC that this is consistent with paragraph 5.60 of the ANPS, which states that "*suitable review periods should be set in consultation with the parties mentioned above (local communities and relevant stakeholders) to ensure that the noise envelope's framework remains relevant*". She also acknowledges GACC's concern that failure to incorporate such a review mechanism could lead to unacceptable consequences for communities around the airport. As such, the Secretary of State has determined that the final air noise limits and contours will be accompanied by a formal review provision. This will include a provision for the Applicant to produce forward-looking projections on compliance, which will be subject to independent assessment by the CAA. She considers that this approach will provide all parties with assurance that air noise limits and contours continue to be relevant and

remain responsive to change so that benefits of quieter technology will be shared with the communities as appropriate.

117. As set out at paragraphs 173 - 181 of the minded to letter, the Secretary of State noted the Applicant's request to include a clause within its proposal to be able to amend the noise contours in relation to any extraordinary review circumstances, which would include circumstances outside of the Airport's control. The Secretary of State also noted the opposition to this, including from the JLA, on the basis that this would go against policy by not providing certainty for communities over noise levels [paragraph 3.13 of the JLA response dated 9 June]. In her minded to letter, the Secretary of State therefore invited views from the Applicant on how such a process would work, and how relevant parties could be involved in the process. In its response of 24 April 2025 (Appendix 1 to Annex 1), the Applicant detailed its proposed wording for a revised requirement 15.

118. The Secretary of State is satisfied that the Applicant's proposed wording for the process is reasonable and notes this is similar to the provisions within the London Luton Airport DCO for amending air noise contours in extraordinary circumstances. However, to ensure clarity and certainty for those affected, the Secretary of State considers changes should be made to this wording to provide for greater detail in relation to the application for a review of the contour and the expected time limits/scales for this. She has therefore directed that any application for a review of the air noise contour in extraordinary circumstances is accompanied by such details of the circumstances surrounding the request and the expected timeframe for resolution, for the Secretary of State's consideration. She has also directed a period of 4 weeks for consultation, which could be varied upon request from the Applicant and where the Secretary of State considers the circumstances appropriate to do so.

119. Overall, the Secretary of State is satisfied that her revisions to requirement 15 are necessary to achieve a balance between allowing the Airport to grow, with the associated economic benefits through infrastructure improvement, and mitigating and minimising adverse impacts of noise on health and quality of life on local residents. She is further satisfied that the inclusion of a review mechanism ensures any noise reduction benefits, particularly those arising from technological advancements, are shared with the local community. With her amendments to requirement 15 in place the Secretary of State has been able to reach a different conclusion both on air noise limits and contours and on compliance with policy requirements than those reached by the ExA and set out by the ExA at [ER 6.4.129 - 6.4.130]. The Secretary of State considers that her adopted approach will ensure compliance with the policy requirements set out in paragraphs 3.29 of the APF and 5.60 of the ANPS to sufficiently share the benefits and further considers that the approach aligns with the aims of the OANPS and the aims at paragraph 5.68 of the ANPS to mitigate and minimise adverse impacts on health and quality of life. Requirement 15 of the Order will secure appropriate monitoring and reviewing of the air noise limits and contours, to both identify issues of projected non-compliance in advance, but also to ensure the limits and contours remain appropriate at key points in the Airport's growth so that as dual runway operations progress, the impacts are lessened or mitigated as much as is practicable to do so. The detail of the amendments to requirement 15 are set out in Schedule 2 to the DCO and in the Development Consent Order and Related Matters section of this letter.

120. In coming to this conclusion, the Secretary of State has had due regard to all information available and is content that this information has also been presented to all parties, either during Examination or in the Secretary of State's subsequent letters, including those of 3 January 2025 and 28 April 2025 which invited comments from Interested Parties. The Secretary of State is satisfied that the final air noise limits and contours are not so significantly or materially different as to require a new Application as these have been proposed by the Applicant and Interested Parties have had the opportunity to comment on them in response to the 'minded to' letter. She is therefore satisfied that appropriate opportunities have been provided to allow all parties to comment on any aspect of the proposals, and that no party has been disadvantaged.

Assimilated (EU) Regulation 598/14

121. The assimilated European Regulation 598/2014 ("Regulation 598") requires the Secretary of State, as the competent authority, to ensure rules and procedures are followed before introducing a noise-related operating restriction at an airport, in accordance with the International Civil Aviation Organisation's Balanced Approach to Aircraft Noise Management. The air noise limits and contours proposed as a requirement of the granting of development consent for this Application is considered to be a noise-related operating restriction, which is required to be considered under Regulation 598. The report detailing that consideration is therefore annexed to this letter.

Outdoor Noise

122. The Secretary of State notes the letter from Chris Coghlan MP dated 15 July 2025 raising concerns on behalf of two of his constituents living at a property within the SOAEL area. In particular, the letter raises the issue of outdoor noise and impact on amenity. The Applicant's ES assessment and LOAEL and SOAEL values were based on the totality of impacts for residential properties, that is, inside and outside the property if it includes outside space ([APP-039], ES Chapter 14, paragraph 14.4.68) and the overall conclusion was that, in respect of the properties referred to in the MP's letter, there would be major adverse significant effects ([APP-039], ES paragraph 14.9.104). These properties qualify for the "inner zone" of noise insulation, and therefore there is no financial limit on the mitigation measures such properties can receive. The ES sets out that noise insulation does not reduce noise levels outside and so some disturbance in outside activities is likely for properties with outdoor space (APP-039, ES paragraph14.9.199) and attributes a moderate adverse significant effect (APP-039, ES paragraph 14.13.22). Non-residential noise sensitive receptors were also considered in the Applicant's ES at, for example, ES 14.4.11, ES 14.4.57-59, ES 14.4.69 and ES 14.13.23. The Secretary of State has no reason to doubt the assessments carried out or conclusions reached on likely significant effects on both residential and non-residential properties.

123. The issue of outdoor noise was not raised further in the ExA's report outside of the study areas for heritage assets [ER 13.3.2], or in the various consultations and responses before the MP's letter referred to above. Nonetheless, the Secretary of State considers that a small number of properties may experience significant adverse noise effects outdoors (APP-039, ES paragraph 14.13.20). However, given the small number of properties affected and that noise effects are likely to be lower at night due to existing night flight restrictions (APP-039 ES paragraph 14.13.21), the Secretary of State ascribes these impacts on amenities with limited negative weight in the overall planning balance.

Ground Noise

124. The Secretary of State notes CAGNE's representation of the 9 June 2025, which included Suono's submission at Appendix 2. At paragraph 37, Suono highlighted that they had made extensive criticisms of the Applicant's ground noise assessment throughout the Examination, and that this topic was largely absent from the ExA's report. At paragraph 41, Suono stated the Applicant had not modelled the average summer day metric within their ground noise assessment, but rather the 100% mode summer day metric. Suono outlined that as these are clearly distinct indices in aviation noise modelling, they do not directly correlate to each other and produce results covering different areas (and therefore different dwellings), and at paragraph 43, Suono asserted that all of the Applicant's evidence is presented using the wrong index, and must be given little to no weight if paragraph 142 of the Secretary of State's minded to letter is followed. Furthermore, Suono highlighted, at paragraph 42, that the ground noise assessments only considered the UCC. Suono concluded, at paragraphs 44-45, that there was a need to update the noise chapter and associated appendices, accompanied by a full further consultation, as without this update, there is no possibility of identifying significant adverse effects from whichever scheme is progressed.

125. The Secretary of State notes paragraph 5.52 of the ANPS, which states that the Applicant is required to provide a noise assessment, which includes the characteristics of the existing noise environment, including noise from aircraft, noise exposure maps, and from surface transport and ground operations associated with the project, the latter during both the construction and operational phase of the project. She notes that the ExA did not provide a final conclusion on the Applicant's assessment of ground noise. The Applicant explained at paragraph 3.1.3 of [REP6-065], that there is no clear guidance on noise standards for ground noise so the LOAEL and SOAEL values have been drawn from guidance on air noise. The air noise LOAEL and SOAEL values apply to an average summer day. Ground noise has been modelled on the basis of the air traffic forecast for the same average summer day, but the noise contours presented are for easterly or westerly operating days/nights (single mode of operation), rather than the average of easterly and westerly used for air noise assessment. The Applicant concluded that the noise contours presented at the SOAEL values can therefore be considered as precautionary, since they represent single mode of operation rather than the average. The Secretary of State agrees that this is an appropriate method of assessment, given it models a conservative scenario, relative to the average method used for the assessment of air noise. As noted at paragraph 113 the Secretary of State considers that the Applicant's usage of the UCC to model ground noise was appropriate, based on the information provided in the ERCD report.

126. The Secretary of State is content to conclude that the Applicant's approach to the assessment of ground noise is appropriate, and in line with paragraph 5.53 of the ANPS.

Fixed Plant Noise

127. The Secretary of State notes CAGNE's representation of the 9 June 2025, which included Suono's submission at Appendix 2. Suono stated at paragraph 47 that there is no reference to fixed plant noise within the ExA's report, and that during the Examination they highlighted basic errors in the Applicant's fixed plant noise assessment, and concluded that it was not clear how this noise source had been determined to not have a significant adverse effect. Section 3 of [REP2-070] further set out Souno's position during the Examination. The Applicant outlined its approach

to assessing fixed plant noise at section 7 of [APP-173, ES Appendix 14.9.3 Ground noise modelling].

128. The Secretary of State set out in paragraph 182 of the minded to letter the issue of construction noise and vibration. Whilst she notes that the ExA did not specifically address the issue of fixed plant noise within the report, the ExA concluded at [ER 6.4.138] that the Applicant's approach to assessment and mitigation of construction noise and vibration was in line with paragraph 5.53 of the ANPS. The ExA considered that the regulatory regime outlined at [ER 6.4.136-7] was sufficient to the extent that this would achieve policy compliance [ER 6.4.139].

Overall conclusion on Noise and Vibration

129. In accordance with paragraph 5.53 of the ANPS, the Secretary of State is content that the Applicant has appropriately assessed operational noise, with respect to human receptors, using the principles of the relevant British Standards and other guidance. In assessing the likely significant impacts of aircraft noise, she is satisfied that the Applicant has had regard to the noise assessment principles, including noise metrics, set out in the national policy on airspace. As set out above, the Secretary of State agrees with the Applicant's approach to the setting of the LOAELs and SOAELs.

130. With regard to the assessment of construction noise, in accordance with paragraph 5.53 of the ANPS, the Secretary of State is satisfied that the Applicant has undertaken a prediction, assessment and management of construction noise in accordance with British Standards and other guidance. She agrees that the Applicant's approach to assessment and mitigation, as set out at paragraph 182 of the minded to letter, is appropriate, and that there are existing regulatory regimes that will enable any outstanding concerns that a LPA might have in relation to policy compliance to be addressed [ER 6.4.138 - 6.4.139].

131. As set out at paragraphs 110 - 120 of this letter, the Secretary of State has reached an alternative conclusion on air noise limits and compliance with policy requirements to those reached by the ExA. The Secretary of State considers that her adopted approach will ensure compliance with paragraph 5.60 of the ANPS, allowing the benefits of future technological improvements to be shared between the Applicant and its local communities, helping to achieve a balance between growth and noise reduction. Requirement 15 of the Order will secure an appropriate monitoring and review mechanism of the air noise limits.

132. As set out at paragraph 71, the Secretary of State is satisfied that the Applicant's revised NISD and requirement 18 meets the aims for the effective management and control of noise, as set out at paragraph 5.68 of the ANPS. She considers that the amendments suggested by the JLA, which she has incorporated into requirement 18, would provide further security and comfort for local communities.

133. In conclusion, having taken into account national policy on aviation noise, relevant sections of the NPSE, National Planning Policy Framework ("NPPF") and the Government's associated planning guidance on noise, as well as the ANPS as the primary policy on noise, in accordance with paragraph 5.67 of the ANPS, the Secretary of State is satisfied that the overall proposals will meet the aims for the effective management and control of noise, within the context of Government policy on sustainable development, as set out at paragraph 5.68:

- Avoid significant adverse impacts on health and quality of life from noise;

- Mitigate and minimise adverse impacts on health and quality of life from noise; and
- Where possible, contribute to improvements to health and quality of life.

134. The Secretary of State therefore concludes that neutral weight should be given to the issue of noise and vibration in the overall planning balance of the Proposed Development (with the exception of outdoor noise, to which she has given limited negative weight).

Air Quality

135. The Secretary of State has had regard to the Applicant's assessment of air quality matters, set out in Chapter 13 of the ES [ER 7.3.1] and notes the consideration given to the potential effects on air quality during construction and operation by the Applicant [ER 7.3.3 - ER 7.3.4].

136. The Secretary of State notes that with the implementation of the mitigation measures set out in the Code of Construction Practice ("CoCP") and secured in the draft Order, the Applicant concluded that the construction and operation of the Proposed Development would not cause any significant residual air quality effects [ER 7.3.7 and 7.3.14].

Issues considered during the Examination

137. The Secretary of State notes that the Joint Surrey Councils and the Joint West Sussex Local Authorities ("JWSLA") raised a number of concerns in their Local Impact Report ("LIR") relating to air quality, including the matters set out at [ER 7.4.1].

138. In response to the ExA's first written questions (ExQ1) on air quality matters [ER 7.4.2], the Applicant stated that:

- The delay in the ban of petrol and diesel cars would not change their assessment's conclusions;
- No local authority would be required to extend or create any new Air Quality Management Areas as the national air quality standards would not be exceeded as a result of the Proposed Development; and
- They will include a dust management plan as an annex to the CoCP alongside other measures which align with best practice industry guidance [ER 7.4.3].

139. The Secretary of State is aware that the Legal Partnership Authorities (LePAs) raised a number of further concerns on the Applicant's CoCP in that they wish to see more detail on air quality matters including dust monitoring and management measures [ER 7.4.4]. In response to the Applicant's answers to ExQ1 the LePAs raised more concerns regarding ongoing monitoring, the variability of air quality readings and the potential for 'hot spots' [ER 7.4.5]. While the Secretary of State notes that the LePAs remained in disagreement on a number of matters relating to the Applicant's air quality assessment and proposed mitigation measures, she is aware that it did not disagree with the Applicant's overall conclusion that the operation of the Proposed Development would not cause significant air quality effects [ER 7.4.9 – 7.4.10]. She is also aware that by the end of the Examination, the Applicant and the LePAs agreed on air quality arrangements, set out in their section 106 agreement [ER 7.4.11].

140. The Secretary of State notes the recognition by the ExA regarding the practical difficulties in the measurement and monitoring of odour during construction and

operation. In the context of considering air quality issues against the ANPS and that the ExA considered the Applicant's proposals to be sufficient [ER 7.4.12].

141. The Secretary of State also agrees with the ExA that the Applicant's revised article 47 in the draft Order is appropriate [ER 7.4.13], and sees no reason to disagree with the ExA's conclusion that discrepancies in the baseline (present and future) would be different to the values calculated in the ES, and, therefore, no significant residual effects in relation to air quality can be concluded [ER 7.5.2].

142. In response to her fourth consultation, the Secretary of State notes CAGNE's response dated 9 June 2025 in relation to air quality. In this submission and others during the Examination [REP9-223 and REP8-145], CAGNE have made clear that in their opinion the Applicant's air quality modelling in relation to road traffic emissions was not fit for purpose, and that the ExA failed to address this issue during the Examination [paragraph 29 of its response]. CAGNE have commissioned a separate assessment on the ExA's approach to the air quality section of the ER, authored by Kalaco (June 2025), that sets out their principal issues and provides further recommendations that include new requirements in the DCO for additional air quality monitoring and an associated air quality action plan to limit impacts on human health [paragraph 30]. The Secretary of State notes that CPRE (Sussex and Kent), Warnham Parish Council, the South East Coast Ambulance Service NHS Foundation Trust and a number of individual representations to the Secretary of State's consultations also expressed concern in relation to air quality and human health.

143. In line with the conclusions of the ExA, the Secretary of State is content that Schedule 1 to the section 106 agreement with the LePAs [REP10-019] sufficiently addresses issues raised in relation to air quality, with the inclusion of an air quality monitoring, an air quality action plan, annual meetings with the local authorities and further work into Ultra Fine Particles [ER 7.5.3].

The Secretary of State's Conclusions on Air Quality

144. The Secretary of State agrees with the ExA's conclusion that no evidence has been put forward which refutes the Applicant's conclusion that the construction and operation of the Proposed Development would not cause any significant adverse air quality effects [ER 7.5.1]. She also notes that while the ExA considered that there would be a larger change in traffic volume due to inaccuracies with the Applicant's assessment baseline (explored further in the Traffic and Transport section), it concluded that there would still be no significant residual air quality effects due to the predicted total concentrations remaining the same [ER 7.5.2]. The Secretary of State sees no reason to disagree with this.

145. The Secretary of State agrees with the ExA's conclusion that the outstanding areas of disagreement between the LePAs and the Applicant would not result in the Proposed Development failing to align with the requirements set out in paragraphs 5.33 and 5.43 of the ANPS [ER 7.5.4]. The Secretary of State therefore agrees with the ExA's recommendation that the Proposed Development's impact on air quality matters should be considered as neutral and weigh neither for nor against the making of the Order [ER 7.5.5].

Greenhouse Gas Emissions

Policy and Legislative Context

146. The Secretary of State has had regard to the Applicant's assessment of greenhouse gas ("GHG") emissions, as set out in Chapter 16 of the ES [ER 8.1.1], with supporting figures and appendices as detailed at ER 8.3.1 – 8.3.2 together with detail of the assessment methodology [ER 8.3.3 - 8.3.10], assessment of effects [ER 8.3.11 - 8.3.23], cumulative effects [ER 8.3.24 – 8.3.25] and the Applicant's conclusion [ER 8.3.26].

147. The Secretary of State notes the overview of the policy and legal considerations relating to this matter [ER 8.2.1 – 8.2.5]. The amended section 1 of the Climate Change Act 2008 ("CCA2008") sets a legally binding GHG emissions reduction target for the UK of 100% by 2050, compared to a 1990 baseline. The Climate Change Committee ("CCC") recommends five-year national carbon budgets [ER 8.2.2], which are to be set 12 years in advance to meet the 2050 target. Six carbon budgets have been adopted. The time periods covering the fourth ("4CB"), fifth ("5CB") and sixth ("6CB") carbon budgets are 2023-2027, 2028-2032 and 2033-2037 respectively. The 6CB was the first to fully reflect the revised net zero target for 2050 and formally includes emissions from international aviation [ER 8.2.3].

148. The Secretary of States notes the representations provided by CAGNE in relation to the consideration of the seventh carbon budget ("7CB"). On the 26 February 2025, the CCC provided its statutory report for the 7CB, covering the period 2038-2042 to the UK Government, which recommended a non-binding amount of 535 million tons of carbon dioxide equivalent ("MtCO2e"). The Secretary of State notes that the CCC's position is a recommendation to Government only and that the level of the 7CB (535 MtCO2e) has not yet been set. The 7CB must be set by 30 June 2026 by the Secretary of State for Energy Security and Net Zero through secondary legislation, following approval by Parliament.

149. The Secretary of State has had regard to the relevant policy, as set out at ER 8.2.4 – 8.2.9. The Secretary of State has noted CPRE Sussex's response of 9 June 2025 to the Secretary of State's consultation letter of the 28 April 2025, which set out that the ANPS wording with regards to GHG emissions is outdated by all the work on aviation emissions since its designation. As set out in the minded to letter at paragraphs 20-21 and noted by the ExA at ER 3.5.13, the ANPS is the primary policy against which the Proposed Development as a whole should be tested. The Secretary of State does not agree that the policy in the ANPS with regard to GHG emissions is outdated and notes that the recently adopted National Networks National Policy Statement ("NNNPS" which was adopted in May 2024 following a review of changes in climate change law and policy) reflects the same principles for decision-making.

150. The 'Decarbonising Transport – A Better, Greener Britain' (2021) ("TDP") sets out Government's commitments and the actions needed to decarbonise the entire transport system in the UK. It sets out the pathway to net zero transport in the UK, the wider benefits net zero transport can deliver and the principles that underpin the Government's approach to delivering net zero transport (TDP, page 18). The TDP recognises that the technology pathway to zero emissions is not yet certain for aviation (TDP, page 30) and accepts that where positive emissions remain in transport sectors, these will need to be offset by negative emissions elsewhere across the economy (TDP, page 46). However, it also highlights that with the right investment and the

emergence of new zero emission technologies, it could be possible for achieving even deeper cuts in greenhouse gas emissions from aviation (TDP, page 46).

151. The JZS sets out the Government's strategy and policy for decarbonising the aviation industry. It states that Jet Zero can be achieved without Government intervention to directly limit aviation growth (JZS, paragraph 3.57). It sets out policies that will influence the level of aviation emissions the sector can emit and maximise in-sector emissions reductions through a mix of measures that will ensure the UK aviation sector reaches net zero by 2050 (JZS, paragraph 3.1). These measures include improving the efficiency of the existing aviation system; sustainable fuels; new technology; markets and removals; sustainable travel choices for consumers; and addressing non-CO2 emissions (JZS, page 26). The JZS also sets out how the aviation sector will achieve net zero aviation by 2050 and introduces a carbon emission reduction trajectory that sees UK aviation emissions peak in 2019, with residual emissions of 19.3 MtCO2e in 2050, compared to 23 MtCO2e residual emissions in the CCC's Net Zero Balanced Pathway (JZS, paragraph 3.58). The "JZS: One Year on" (July 2023) policy paper sets out progress and achievements made since the launch of the JZS and the next steps to deliver net zero aviation by 2050. The JZS modelling includes the Proposed Development as a capacity assumption (see paragraphs 3.17, 3.18 and Annex D of the Jet Zero modelling framework) [ER 4.2.41].

The Applicant's assessment of carbon emissions

152. Paragraphs 5.76-5.77 of the ANPS, and paragraph 5.17 of the NNNPS, set out the necessary requirements of the Applicant's assessment of carbon emissions. Paragraphs 5.31-5.35 of the NNNPS 2024 are also relevant considerations.

153. The Applicant's assessment of carbon emissions divided emissions streams into construction, airport buildings and ground operations ("ABAGO"), surface access and air traffic movements [ER 8.3.1] with all emissions reported as million tons of carbon dioxide equivalent ("$MtCO_2e$").

154. The Secretary of State notes the Applicant set out, in Revised Table 16.9.13 in the Greenhouse Gases Technical Note, that the total contribution of the Proposed Development would result in an impact of 0.032% of CB4 (0.627 $MtCO_2e$), 0.055% of CB5 (0.945 $MtCO_2e$) and 0.657% of CB6 (6.344 $MtCO_2e$). This would take the airport's overall contribution to 0.293% of CB4 (5.722 $MtCO_2e$), 0.323% of CB5 (5.580 $MtCO_2e$) and 3.459% of CB6 (33.382 $MtCO_2e$) [REP9-120, Table 3, Revised Table 16.9.13 of the ES Chapter 16].

155. For aviation emissions, the Applicant's assessment in the Greenhouse Gases Technical Note concluded that the contribution to CB6 of the Proposed Development's aviation emissions would be 0.578% (5.577 $MtCO_2e$), based on the JZS High-ambition scenario assumptions. For the airport's overall aviation emissions, a contribution of 3.092% to CB6 (29.841 $MtCO_2e$) is assessed [REP9-120, Table 1, Revised Table 16.9.10 of the ES Chapter 16]. ER Figure 8.221 compares residual emissions on a with-Project basis (comprising all airport aviation including Jet Zero assumptions) with the Jet Zero High Ambition scenario trajectory. This shows emissions from Gatwick flights increase out to 2032 under the with-Project scenario before emissions begin to decrease on a downward trajectory to 2050. The Applicant concluded that aviation emissions would result in a minor adverse, not significant effect, given the context of emissions from Gatwick compared to UK carbon budgets [ER 8.3.17].

156. The Applicant considered it was appropriate to rely on the Jet Zero High-ambition scenario as it represented current Government policy on aviation [REP4-005, paragraph 16.2.25]. GACC, in its representation of 9 June 2025, argued that emissions are uncertain (due to the assumptions in the JZS) and it is also uncertain that they will be mitigated (by carbon removal technologies). In part, GACC stated this is because the High Ambition scenario used by the Applicant to estimate future GHG emissions is not the worst-case and that a likely or expected scenario should also have been considered (page 10). The Secretary of State acknowledges that there is uncertainty given the JZS includes reliance on new and emerging technology but notes paragraph 1.10 of the JZS, which sets out that the Government is committed to the Jet Zero High-ambition scenario, and the Secretary of State agrees with the Applicant and the ExA that this is a reasonable approach for it to adopt.

157. In accordance with paragraph 5.77 of the ANPS the Applicant's assessment in the ES includes a GHG worst-case assessment, which the Applicant has interpreted as both the year of highest aggregated emissions and the year in which emissions differ to the greatest extent from the baseline. The worst-case emissions are shown in ES Table 16.9.12 of REP4-005 [ER 8.3.21]. The Applicant submitted a sensitivity case, which also considered the Slow Fleet Transition ("SFT") scenario under which newer aircraft are not brought into service as quickly as the core-case scenario [ER 8.3.4]. The Applicant noted the difference in net aviation emissions arising from the Proposed Development is an increase of 0.586% (5.654 $MtCO_2e$) in CB6 under the SFT scenario, compared to an increase of 0.578% (5.577 $MtCO_2e$) under the core-case scenario set out in REP9-120, Revised Tables 16.9.10 and 16.9.11 [ER 8.3.19]. The Applicant considered that due to the minor scale of change arising from the SFT, its assessed future aviation emissions would align with the Government's trajectory as presented in the JZS. On this basis, the Applicant concluded that the SFT scenario would result in a minor adverse, not significant effect [ER 8.3.20 and REP4-005, paragraph 16.9.84].

158. For construction emissions, the assessment shows that for all periods construction emissions are higher than those in the future baseline but do not exceed 0.1% of total emissions in any carbon budget period. Reflecting the commitments to mitigate emissions (Carbon Action Plan (CAP) APP-091), the Applicant concluded that construction impacts would result in a minor adverse not significant effect [ER 8.3.13 and REP4-005, Table 16.9.4].

159. For ABAGO emissions, the GHG assessment shows that these emissions increase from the baseline position under the with-Project scenario. Comparison of ABAGO emissions to the carbon budget show that they are very small for all periods and do not exceed 0.01% of the total emissions for any budget period. The Applicant concluded that ABAGO would result in a minor adverse not significant effect [ER 8.3.14 and REP4-005, Table 16.9.6].

160. For surface access, the GHG assessment set out that the comparison of surface access emissions to the carbon budgets indicate that they do not exceed 0.1% of the total emissions for any budget period. Surface access emissions increase from the baseline position but broadly align with a decarbonisation trajectory out to 2050 from the CCC Balanced Net Zero Pathway for surface transport. The Applicant concluded that surface access would result in a minor adverse not significant effect [ER 8.3.15 and REP4-005, Table 16.9.8].

161. The Applicant's ES stated that an assessment to examine how the impacts arising from the Proposed Development might cumulatively impact upon individual receptors is not appropriate for the assessment of GHG emissions, as impacts arising from GHG emissions have the same impact whether they are located near to Gatwick or in another region/country [ER 8.3.24]. The inappropriateness of undertaking a cumulative assessment is reflected in the IEMA Guidance, and the comparison of each emissions category to the UK carbon budgets, and to a sector-based net zero trajectory, provides the cumulative assessment. Additionally, the overall comparison of emissions from all aggregated sources to the carbon budgets provides a cumulative appraisal [ER 8.3.25]. The Secretary of State agrees. The Secretary of State considers that the inclusion of any third runway at Heathrow as part of a cumulative assessment would be inappropriate, given that the proposed scheme is early within the planning stage, no application for a DCO has been submitted, there is presently no detail of the likely GHG impacts of any third runway proposal available and, in any event, the Government's position is that all Heathrow proposals should demonstrate how they are compatible with the UK's legal, environmental and climate obligations.

162. In aggregating the appraisal of the GHG emissions the Applicant concluded that the Proposed Development's contribution to the UK's carbon budgets was very small for all periods except for CB6, where it assumes the application of policy to deliver net zero aviation by 2050, and support for the decarbonisation of the aviation section, to achieve this [ER 8.3.23]. Additionally, the Applicant concluded that the overall impacts arising from the Proposed Development are not so significant that the Proposed Development would have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets [ER 8.3.26], and aligns with paragraph 5.82 of the ANPS. On this basis, the Applicant's overall assessment concluded that the Proposed Development has a minor adverse, not significant impact [ER 8.3.26].

Issues raised during the Examination

Policy Context

163. The ExA noted that the many of the issues raised by Interested Parties during the Examination questioned how GHG emissions generated by the Proposed Development should be addressed in policy terms, which were in fact questioning Government policy. In the ExA's opinion, these are matters that extend beyond the Applicant's DCO application and on which it was not necessary or appropriate for the ExA to reach a conclusion [ER 8.4.13]. The Secretary of State agrees.

164. The ExA noted an issue raised by several Interested Parties was in respect of the CCC's recommendation, as part of its 2023 progress report, to stop airport expansion without a UK-wide capacity management framework. The Government subsequently determined that demand management is not necessary [ER 8.4.8]. The Secretary of State notes that the CCC's 2024 progress report repeated that recommendation (Table 4.2), with the Government responding on 17 December 2024 that it recognised a role for airport expansion where it provides economic growth and is compatible with our legally binding net zero target and strict environmental standards [R202 3-037]. The CCC, in its statutory report providing advice to the Government for CB7, presented limiting airport expansion as playing a supplementary role. [The Seventh Carbon Budget, Box 7.6.2]. The Secretary of State notes that the CCC's position is to advise Government, which the Government is not required to accept and that the Government's policy position (as set out in the JZS and confirmed in a subsequent

decision taken by the Secretary of State for Transport in October 2023) is that it is not necessary to limit aviation growth in order to achieve its net zero targets.

165. Paragraph 5.38 of the NNNPS 2024 sets out that the Secretary of State for Energy Security and Net Zero regularly assesses whether the UK has sufficient policies and proposals to meet the UK carbon budgets, with a view to meeting the net zero target [ER 8.4.9], as required by section 13 of the CCA2008. This is reflected in the Carbon Budget Delivery Plan ("CBDP"). The Secretary of State notes that there has been a successful challenge to the CBDP and that the Government is required to produce a revised CBDP within the next 12 months *(see R (Friends of the Earth) v Secretary of State for Energy Security and Net Zero [2024] EWHC 995).* This date was subsequently amended to 29 October 2025. The CBDP was not quashed, remains government policy and sets out the Government's commitment to comply with carbon budgets and the nationally defined contribution in the Paris Agreement.

166. The Secretary of State has taken account of the concerns of Interested Parties about the uncertainty surrounding the means to achieve the objectives in the JZS, however, she notes the ExA's view that the policy itself is robust and that there are mechanisms to review and adjust the policy as necessary [ER 8.4.11]. Consequently, there is no reason why the weight given to the JZS trajectory should be reduced and that the policy must be considered in the context of the CCA2008, and the requirement to meet national GHG emission reduction targets [ER 8.4.10 – 8.4.12].

167. The Secretary of State has had regard to the representation made by GACC dated 9 June 2025, which sets out that the increase in GHG emissions arising from expanded airport weigh significantly against approval, particularly given the uncertainty arising from the Jet Zero High-ambition scenario and the need to align with 1.5 degrees of warming. GACC argued that no account appeared to have been taken of the economic harm on other parts of the economy that will be required to cut GHG emissions faster and harder as a result of the Proposed Development. The Secretary of State notes that each planning application is decided on its merits at the time it is determined and is not persuaded that the analysis sought (but not provided) by GACC would provide information that would assist her in determining the application.

Non-CO_2 Emissions

168. The Applicant considered its approach to non-CO_2 emissions reflected the guidance in the JZS [ER 8.4.14]. The Applicant's assessment noted the likelihood of non-CO_2 emissions contributing to changes in climate, but given that there is no well-established methodology for quantifying non-CO_2 emissions impacts, and uncertainty on how to identify the magnitude of impact, the Applicant's assessment does not attempt to quantity them [ER 8.4.15 and REP4-005, paragraphs 16.4.12 – 16.4.14].

169. New Economics Foundation ("NEF"), Gatwick Obviously Not, Aviation Environment Federation ("AEF") and GACC shared the view that the Applicant should have modelled the non-CO_2 impacts of the Proposed Development using the multiplier for company reporting [ER 8.4.19]. The Department for Energy Security and Net Zero ("DESNZ") in "Government Greenhouse Gas Conversion Factors for Company Reporting", recognises the non-CO_2 effects from aviation and that there is currently no better way of taking these effects into account than applying an aggregate multiplier and a multiplier of 1.7 is recommended based on the best available scientific evidence [ER 8.4.17]. NEF noted that in the aviation unit of DfT Transport Analysis Guidance (TAG), DfT suggested that this 1.7 multiplier can also be applied as a sensitivity test

in a scheme's core socioeconomic assessment [REP1-241, paragraph 3.5]. CAGNE argued that the judgement of the High Court in *Bristol Airport Action Network v SSLUHC [2023] EWHC 171 (Admin)* ("Bristol Airport") did not conclude that non-CO_2 emissions should be ignored by decision makers, nor did it find that the lack of a settled methodology prevented the use of a valid methodology to provide helpful information [ER 8.4.20].

170. The Applicant noted the uncertainty over the magnitude of non-CO_2 impacts, and that a multiplier is not a straightforward CO_2 equivalent metric, which does not reflect accurately the different relative contributions to climate change over time. Consequently, the use of a 1.7 multiplier had to be seen in the context of significant and acknowledged uncertainties in this area [ER 8.4.22].

171. Furthermore, the Applicant argued a modified emissions estimate could not be contextualised, as directed by the IEMA guidance, as there is no recognised benchmark against which to compare the impact of non-CO_2 emissions. Additionally, the uncertainties about their assessment meant that modelling is not part of the information that is reasonably required in the ES. The Applicant has committed within the Carbon Action Plan ("CAP"), secured within the DCO, to monitor and respond to emerging policy relating to non-CO_2 emissions as this comes forward [ER 8.4.23]. The Applicant quoted the High Court judgment in Bristol Airport, which stated in respect of the BEIS multiplier of 1.9 that was in issue in that case: "*there is very far from being any scientific consensus that it is a relevant tool in determining non-CO_2 emissions from aviation other than in company reporting"* [ER 8.2.24].

172. NEF [REP1-241] also indicated that the benefit-cost assessment had not included non-carbon GHG emissions, which delivered most of aviation's negative impacts on the climate, and would significantly increase the scheme's cost. At close of the Examination, NEF identified the cost of non-CO_2 emissions would increase the environmental cost of the scheme from £5.1 billion to £9 billion. This assessment was based on adjustments, which took account of DfT's TAG, and DESNZ guidance on GHG emissions company reporting. As this evidence was submitted at the close of the Examination, the Applicant did not have an opportunity to respond to it [ER 8.4.25].

173. The Applicant's response to NEF earlier in the Examination referenced the Needs Case Appendix 1 – National Economic Impact Assessment [APP-251], which addressed the rationale behind the exclusion of non-CO_2 effects from the environmental costs modelled. This impact assessment recognised that due to significant uncertainty around the magnitude of these impacts, the costs arising from non-CO_2 pollutants were not quantified. The Applicant noted that the approach followed the latest DfT guidance, suggesting that a qualitative approach was more appropriate [ER 8.4.26 and REP3-076, paragraphs 2.1.5-2.1.6].

174. The ExA highlighted that non-CO_2 impacts from aviation are recognised and referenced in the 6CB, the JZS and the Applicant's ES. The likelihood of non-CO_2 emissions contributing to climate change is also acknowledged, but there is no agreed methodology for quantifying impacts, or the magnitude of impacts. There was no agreement between Interested Parties to the application about whether any multiplier appropriately addresses the magnitude of non-CO_2 impacts let alone what multiplier should be applied, and difficulties also occur in contextualising impacts as set out in the IEMA guidance [ER 8.4.27]. The ExA were unconvinced that non-CO_2 impacts should be excluded from the overall assessment given its potential scale, and whilst recognising the possibility of further research and action as set out in the JZS and

CAP, concluded that this does not assist in determining the impact of non-CO_2 emissions on climate change arising from the Proposed Development. The ExA also stated concerns that when taking into account the full costs of non-CO_2 emissions presented by NEF, the full impact of non-CO_2 emissions had not been addressed [ER 8.4.28]. The ExA agreed with CAGNE's comment that the lack of a settled methodology does not prevent the use of a valid methodology but that any methodology needs to produce plausible outcomes and too many uncertainties create problems for quantifying results. The ExA concluded that in the consideration of the effect of non-CO_2 emissions caused by the Proposed Development, a qualitative judgement would be more appropriate. In line with DfT advice, the ExA considered that that these emissions would mean that the Proposed Development would add to the magnitude of effects and likely have a net warming effect [ER 8.4.29]. The Secretary of State agrees that a qualitative judgement would be more appropriate for assessing the economic cost of non-CO_2, given the uncertainties for quantifying the results.

175. The Secretary of State notes the representations made by CAGNE, NEF and GACC in response to her consultation letter of the 28 April 2025 regarding non-CO_2 emissions. CAGNE, in its response of the 9 June 2025, set out four arguments as to why the Secretary of State should adopt a quantitative, as well as qualitative assessment:

a. The ExA and the Secretary of State accepted in the London Luton Airport Expansion DCO decision that it is methodologically possible to assess the extent of non-CO_2 emissions. CAGNE argued that non-CO_2 emissions are effects of the Proposed Development, which can be contextualised in the same way as Scope 3 emissions. CAGNE stated that, the assumption of, and reliance on, future controls was directly contrary to paragraph 108 of the *R (on the application of Finch on behalf of the Weald Action Group) (Appellant) v Surrey County Council and others (Respondents) [2024] UKSC 20* ("Finch") judgment, which CAGNE submits precludes reliance on the assumption that other pollution control regimes will address an impact as a basis for excluding assessment of that impact.

b. CAGNE noted the CCC's advice on the 7CB report, that while the report still accepts that there are uncertainties (non-CO_2 emissions), it nevertheless takes a different approach to evaluating non-CO_2 emissions compared to that used in the 6CB report, on the basis that "non-CO_2 effects likely make up the dominant part of the UK aviation sector's contribution to current global warming". CAGNE argued that a proper, precautionary approach, compliant with legal obligations under the precautionary principle (and now reflected in the CCC's approach) can no longer rely on uncertainties to avoid assessment and consideration of non-CO_2 emissions, particularly given the methodological approaches now available.

c. CAGNE noted that as of 1st January 2025, aircraft operators under the purview of the EU Emissions Trading Scheme are now obliged to monitor and report non-CO_2 effects. The European Commission published guidance in February 2025, which CAGNE argued provided a clear methodology by which emitters

can themselves monitor and determine non-CO_2 impacts, supporting the quantitative approach.

d. CAGNE noted the December 2024 update to the NPPF that now makes expressively clear at paragraph 163 that "the need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts." CAGNE argued that "the full range" clearly includes non-CO_2 emissions.

176. CAGNE concluded that given the scientific consensus around the significant impact of non-CO_2 emissions from aviation, the ExA were wholly correct to conclude these could not be left out of account, and that further evidence points in favour of going beyond a qualitative approach and requiring a quantitative approach to assessment. NEF, similarly, cited the IEMA guidance when contextualising non-carbon emissions, which states "where quantified carbon budgets or a net zero trajectory is lacking, a more qualitative or policy based approach to contextualising emissions to evaluate significance may be necessary. In these instances, uncertainty and the likelihood of effect should be discussed." Annex 1 to GACC's representation attempted to quantity the effect of non-CO_2 emissions and compare it to the UK's carbon budgets.

177. The Secretary of State notes the ExA's conclusions, and the representations following the publication of the minded to letter. In reaching her conclusion, she has taken into account CAGNE's submissions as summarised above. She has also taken into account paragraph 3.64 of the JZS, which highlights "that roughly two thirds of aviation's historical climate impacts are due to non-CO_2, and that, whilst non-CO_2 emissions can have both warming and cooling effects, the net warming rate is likely to be around three times that of CO_2." The Secretary of State recognises the impact of non-CO_2 emissions, and therefore has noted the three strategic objectives, on page 57 of the JZS, which includes developing and implementing policies to address and reduce non-CO_2 impacts.

178. In response to representations arguing that the Applicant should quantify non-CO_2 emissions, the Secretary of State is disappointed that the Applicant did not take a precautionary approach and attempt to quantify these, in line with the developing guidance produced by DESNZ or DfT. However, she notes that there is no established methodology, as cited within the Bristol Airport judgment, where scientific consensus would guide the quantifying of these emissions in relation to a planning decision. She therefore agrees that a qualitative assessment is appropriate in the circumstances and agrees with the ExA's conclusion at ER 8.4.29] that non-CO_2 emissions produced by the Proposed Development would add to the magnitude of impacts and likely have a net warming effect. However, the Secretary of State is content that through the strategic objectives set out within the JZS, and the commitments made within the CAP, the Applicant will monitor and respond to emerging policy relating to non-CO_2 emissions as this comes forward and be able to mitigate these effects. She therefore considers that, contrary to NEF's representations, the impacts of non-CO_2 emissions have now been taken into account insofar as it is possible to do so.

Finch Case and Downstream Effects

179. The Secretary of State notes the Supreme Court judgement in the case of Finch was handed down on 20 June 2024, and comments on this ruling were provided by the

Applicant, LePAs and CAGNE [ER 8.4.30 – 8.4.31]. The Applicant's approach to the implications of Finch took the view that representations on this matter covered three areas: a) the need to assess carbon emissions from inbound flights; b) the relationship between indirect economic effects and the assessment of carbon effects; and c) the need to include Well-To-Tank ("WTT") emissions, related to the creation of aircraft fuel, within the carbon assessment [ER 8.4.32]. The Secretary of State agrees with the Applicant's assessment of the representations.

180. On point a) the Applicant's position at the start of the Examination was that the ES had appropriately assessed the emissions from outbound aircraft (both domestic and international) but not inbound flights [ER 8.4.33]. The Applicant indicated that the standard international approach was for aviation emissions to be accounted for at the source location. (As set out in Government guidance "*Technical note: A comparison of aviation emissions methodologies"*).[2] Inbound flights had been excluded to provide context against the UK's GHG inventory, and against the JZS, to be consistent with the methodology used to calculate and set the carbon budgets [ER 8.4.34 and REP9-120].

181. In response to the Finch judgement, the Applicant accepted that the Proposed Development may give rise to significant downstream GHG emissions in respect of inbound flights and provided evidence for this consideration alongside its original ES [ER 8.4.48]. The Applicant provided an assessment of total inbound emissions, based on a simple doubling of emissions associated with outbound flights [ER 8.4.38]. This revised assessment disregarded geographic boundaries by including international emissions, ignoring the potential for double-counting of emissions [ER 8.4.48]. The Applicant outlined that carbon emissions from domestic inbound flights are extremely small and would reduce substantially over time as a result of the JZS, but they do fall within the scope of the UK's carbon budgets [ER 8.4.39]. However, the Applicant explained that inbound international emissions were not within the scope of the JZS and contextualising them against the UK's carbon budgets would not be meaningful and was inconsistent with IEMA Guidance (which advises assessment against a trajectory towards net zero, which in the UK is statutory carbon budgets). The Applicant also referred to the principle set out in the Finch judgment that a reason not to assess carbon emissions could be that they were reasonably judged not to be significant. Nonetheless, the Applicant provided a contextualisation of total aviation emissions against an ICAO sector-based scenario, which models similar levers and aligns with the Jet Zero High-Ambition scenario [ER 8.4.38, REP7-079, paragraphs 37-47 and REP9-120, paragraphs 2.3.1-2.3.5]. The Applicant concluded that modelling outbound and inbound emissions in this way, the total of 1.022 $MtCO_2e$ would represent 0.11% of 2050 global international aviation emissions, and an even smaller proportion of global emissions, and that this proportion was "minimal" [paragraphs 2.3.8 and 2.3.9, REP9-120]. The Applicant further highlighted that with WTT emissions included, this would account for 0.13% of 2050 global international aviation emissions, which the Applicant regarded as "*plainly insignificant"* [ER 8.4.100]. The ExA stated at ER 8.4.108 that contextualising international inbound aviation emissions against an ICAO sector-based scenario, indicating a contribution of 0.13% with WTT, which for a single project did not appear to be insignificant, but doubts about using ICAO are not unreasonable.

[2] As the Government guidance explains, the UN Framework Convention on Climate Change guidelines assign all emissions from flights leaving airports to the country of departure.

182. The Secretary of State notes the representations made by the Applicant, the ExA and Interested Parties, and acknowledges that there is a need to take into account the effect of inbound international emissions following the Finch judgment. She agrees with the Applicant's argument that these are not in the scope of the JZS, and that contextualising them against the UK's carbon budgets would not be meaningful and would be inconsistent with the IEMA guidance. While the Secretary of State notes the usage of the ICAO sector-based scenario, which provides contextualisation at a global level, she considers that there was not sufficient evidence provided by the Applicant that would allow the Secretary of State to utilise it as an appropriate benchmark to assess the impact of international inbound emissions. In coming to this judgement, she notes paragraph 81 of the judgment of *R (on the application of Andrew Boswell) v The Secretary of State for Energy Security and Net Zero [2025] EWCA Civ 669 (22 May 2025),* which states "*nor is there any legal principle which requires a public authority deciding whether to grant a development consent to "contextualise" the GHG emissions or to compare them with a benchmark. It is not unlawful for the decision-maker, for example, to conclude, as in this case, that the GHG emissions will be managed across the economy to ensure consistency with carbon budgets and the 2050 net zero target."* The Secretary of State considers that it is not possible to carry out a meaningful assessment of significance on a quantitative basis using a national, international or sectoral benchmark because there is a lack of an appropriate and justified international benchmark and it is inappropriate to assess against the UK's carbon budgets (as per the IEMA Guidance). The Secretary of State has, however, given further consideration to these emissions insofar as it is possible to do so in her overall conclusions as set out at paragraphs 207 - 211 below.

183. On point b), the Applicant acknowledged there would be direct economic effects that produce carbon effects which can be assessed. However, while indirect and induced economic effects, may involve a range of activities which can be assessed financially, in relation to potential carbon emissions they were beyond any realistic assessment [ER 8.4.45]. The Applicant considered that, as set out in its response to ExQ2.CC.2.1 [REP7-079, paragraphs 12-36] and the Greenhouse Gases Technical Note [REP9-120, section 3.1], it did not envisage that any further assessment of emissions resulting from economic activity would lead to a conclusion of any significant effect [ER 8.4.46]. The ExA considered that in respect of the indirect economic effects, while there may be effects which can be assessed financially, potential carbon emissions would not be capable of meaningful assessment and the possibility of an environmental effect being demonstrated was not likely. Consequently, the ExA concurred that no further assessment, beyond that which had already been carried out, was required [ER 8.4.50]. The Secretary of State agrees.

184. On point c), various representations and LIRs commented that the carbon assessment should adopt a whole life carbon approach. Following discussion at ISH6 [EV11-001] the Applicant explained [REP4-036] how a whole life carbon assessment had been applied in the submission through Supporting Greenhouse Gas Technical Notes: Appendix A – Whole Life Carbon Considerations [REP4-020]. It confirmed that the assessment took account of the extent of available information, and that the assessment was aligned with the IEMA Guidance in informing the assessment of significance, which remained unchanged [ES 8.4.51].

185. When WTT emissions are added to those for construction, ABAGO, surface access and aviation for the Proposed Development between 2018 and 2050 an increase from 20.063MtCO_2e to 24.041MtCO_2e would occur, equating to an increase of 19.83%

[REP4-020, Table 1]. With 64% of WTT emissions associated with aviation fuel produced outside the UK in 2022, and therefore outside of the scope of UK carbon budgets, the increase in the portion of WTT emissions from aviation fuel produced within the UK was 7.55%. When contextualised against UK carbon budgets the effect of including domestic WTT emissions increased the contribution of the Proposed Development to CB6 from 0.604% to 0.649% that is an increase of less than 0.05% of the carbon budget for this period. This was considered by the Applicant to be not significant [REP4-020, paragraphs 1.4.6-1.5.1]. Additionally, with the inclusion of inbound flight emissions incorporating WTT emissions there would be no material difference to the contextualisation against global aviation emissions. The Applicant therefore concluded that aviation emissions with WTT emissions would not be significant [ER 8.4.57 and REP7-079, paragraphs 48-53]. The Secretary of State agrees with the Applicant that the inclusion of WTT emissions does not materially affect her conclusions on significance.

186. In response to the Secretary of State's consultation letter of the 28 April 2025, NEF and GACC provided representations regarding the Finch judgement, and the uplift on the scheme's overall carbon emission output. The Secretary of State notes the ExA's conclusion that although neither the ANPS nor the NNNPS refer to whole life carbon impacts, the NNNPS 2024, which is capable of being an important and relevant matter does address the issue. It confirms at paragraph 5.31 that national networks infrastructure projects should include a whole life carbon assessment at critical stages in the project lifecycle, referencing both TAG and PAS2080. The ExA found that the Applicant's approach to whole life carbon to date, and going forward, is both appropriate and proportionate [ER 8.4.58]. The ExA noted that evidence had been provided clarifying the effect of including WTT emissions for domestic aviation fuel, whilst excluding the much larger proportion of imported fuel. The effect of including WTT emissions on the overall assessment is addressed below [ER 8.4.59].

Mitigation and Aviation Emissions Controls

Carbon Action Plan ("CAP")

187. The Secretary of State notes the concerns raised by Interested Parties regarding the effectiveness of the measures in the Applicant's CAP [ER 8.4.60]. Paragraph 5.83 of the ANPS requires evidence of appropriate mitigation measures to demonstrate that the carbon footprint is not unnecessarily high. The Applicant set out that the CAP would be secured through requirement 21 of the DCO, and that it had been developed to commit to specific climate mitigation "outcomes" for construction, ABAGO and aviation. In respect of aviation emissions, the primary action would arise from Government strategy at a sectoral scale, rather than directly through the influence of individual airport operators [ER 8.4.61]. The Applicant noted that its commitments as part of the CAP were in line with Government policy, particularly its commitments in respect of Scope 1 and 2 ABAGO emissions to be net zero by 2030, and to achieve zero emissions by 2040 [ER 8.4.62]. The Applicant noted the IEMA guidance (section 6.5) requires assessments to consider the certainty of mitigation proposals and whether they are realistic and achievable. The CAP requires the Applicant to publish annual monitoring reports. If CAP commitments are not met, the Applicant must prepare an action plan and submit a copy to the Secretary of State and CBC for information [ER 8.4.64].

188. The Applicant, in its closing submissions, stated that the primary action to reduce emissions from aircraft will arise from Government strategy at a sectoral scale and that

the Applicant's role was to actively support the transition. Its position was that where the Government considered the Applicant had not adequately addressed/incorporated any relevant updates from Government aviation and climate change policy through the review exercise, it is envisaged that it would notify the Applicant and direct such updates as necessary consistent with the Government's general obligations and responsibility to ensure the decarbonisation of the aviation sector in line with the JZS and its legally binding net zero targets [ER 8.4.64 and REP9-112, paragraph 8.4.86]. A failure to comply with the outcomes committed in the CAP would represent an impediment to the Government's implementation of the JZS, and other carbon reduction commitments, which would be matters for enforcement by Government through the governance arrangements under the JZS [ER 8.4.64 and REP8-054, paragraphs 4.4.7-4.4.9].

189. The ExA noted the concerns raised by Interested Parties, however, the ExA accepted that the approach of not having prescriptive measures and allowing flexibility is appropriate. The Secretary of State is content that the CAP is secured through requirement 21 of the DCO, and she has a major role in overseeing its effectiveness [ER 8.4.78].

Environmentally Managed Growth ("EMG"), Aviation Emission Controls and Carbon Cap

190. The JLA proposed an EMG Framework, to ensure that the growth of the airport is managed in line with its impacts [ER 8.4.67]. They proposed the EMG Framework should manage the environmental effects in relation to ABAGO and surface access transport. The Applicant considered the EMG Framework, in respect of control over GHG emissions at a local authority level, to be unjustified and unnecessary [ER 8.4.68]. The ExA concluded that the JLA's EMG Framework proposed to control GHG emissions in respect of ABAGO and surface access would largely duplicate the Applicant's approach, as secured through the CAP and requirement 21. The Secretary of State agrees with this conclusion. In respect of aviation emissions, the Secretary of State notes the JLA accepted that these are matters for Government, and no other Interested Parties provided a cogent reason why aviation emissions should be controlled at a local level. The ExA concluded that controls at a national level are appropriate as is the CAP, and the Secretary of State agrees [ER 8.4.79].

191. Several Interested Parties raised concerns about the lack of Government controls over emissions at Gatwick [ER 8.4.70], with the AEF, CAGNE, GACC, and CPRE Sussex supporting a cap for annual emissions [ER 8.4.72 – 8.4.76]. The Secretary of State notes the Applicant's response that CAGNE's proposed carbon cap would be more onerous than the EMG Framework proposed by the JLA, as a carbon cap contemplates scope 3 aviation emissions to fall within the scope, which the JLA acknowledged are matters for Government [ER 8.4.77 and REP9-121, Table 1, row R17d.10]. The Secretary of State has taken into account the representations made by CPRE Sussex and CAGNE, in response to her consultation letter of the 28 April 2025, arguing for the inclusion of a carbon cap within the DCO. She notes paragraph 3.57 of the JZS, which states that Jet Zero can be achieved without Government intervention to directly limit aviation growth.

Carbon Trading and Offsetting Schemes

192. Several representations questioned whether Carbon Offsetting and Reduction Scheme for International Aviation ("CORSIA") and the UK Emissions Trading Scheme

("UK ETS") should be relied upon as mechanisms to control aviation emissions [ER 8.4.80]. The Applicant noted that the UK ETS and CORSIA are widely recognised as appropriate measures to mitigate impacts [ER 8.4.81]. It also noted that, it is important to view the CORSIA and ETS regimes as sitting within the existing government strategy to meet Jet Zero in the aviation sector, which itself has been set out within the broader legal obligation to meet net zero by 2050 [ER 8.4.81 and REP9-112, paragraph 8.4.91].

193. The ExA accepted that there is uncertainty around CORSIA. However, the Government has committed to either roll forward, or replace CORSIA, and has a legal obligation to do so. As separate pollution control regimes, the UK ETS and CORSIA can be assumed to operate effectively and therefore in accordance with the NPPF and can be relied on as relevant mitigation [ER 8.4.83]. The Secretary of State agrees and notes that the policy measures set out on page 26 of the JZS outlines in relation to markets and removals that "the implementation of carbon markets…. is vital to achieving Jet Zero."

The Significance of Emissions

194. The Applicant's assessment criteria are based on IEMA guidance and contextualised against national carbon budgets [ER 8.4.104]. A representation by RBBC [REP5-110] argued that contextualisation should be against CCC's Balanced Net Zero Pathway [ER 8.4.87]. The ExA concluded [ER 8.4.104] and the Secretary of State agrees, that basing the assessment criteria on IEMA Guidance and contextualising against national carbon budgets where possible means there is no reason to contextualise against the CCC Balanced Net Zero Pathway. Additionally, assessing the Proposed Development against UK carbon budgets means that an assessment is made against Paris Treaty obligations as carbon budgets are linked to those obligations. [ER 8.4.104]. The ExA further considered that the there is no reason to assess effects at a local level, as it is not a requirement of legislation or national policy [ER 8.4.105]. The Secretary of State agrees.

195. The ExA set out that the Applicant had revised its findings about the contribution which the Proposed Development makes to UK carbon budgets throughout the Examination, with an increased contribution when domestic inbound flight emissions, WTT emissions and emissions from waste incineration are taken into account. The Applicant's revised assessment indicated that the Proposed Development's total emission contribution to CB6 is 0.657% [REP9-120, Table 3, Revised Table 16.9.13 of the ES Chapter 16], and that Gatwick Airport's total emissions contribution to CB6 is 3.459%. Both figures do not include inbound international flights, fuel produced outside of the UK, or non-CO_2 emissions, as these cannot be contextualised against the UK's carbon budgets. The Applicant has assessed until the end of the CB6 (2037), and not the period up to 2050 [ER 8.4.106].

196. The ExA stated that the test of significance is not governed by an increase in emissions, but by alignment with net zero [ER 8.4.105] (which reflects the IEMA guidance). Section 6.3 of the IEMA guidance sets out that the indicative threshold of 5% of the UK's carbon budget over an applicable time period, at which the magnitude of GHG emissions irrespective of any reductions is likely to be significant. [ER 8.4.86]. The ExA noted that no definitive evidence was provided by Interested Parties to demonstrate that the indicative threshold of 5% has been reached, however, considerable doubts were raised about the Applicant's assessment that the Gatwick Airport's total, future emissions (including the Proposed Development) would result in

a 3.459% contribution to CB6. The ExA's judgement was that when other elements which cannot be contextualised against UK carbon budgets are considered, the 5% threshold is likely to be reached for Gatwick Airport as a whole and a rise beyond 2037 could push the Proposed Development to being a significant adverse effect in EIA terms [ER 8.4.109].

197. The Applicant, at paragraph 7.6 of its 24 April 2025 (Annex 4) response to the Secretary of State's minded to letter, highlighted that the 3.459% figure represents the airport as a whole, and does not relate to the increase in emissions attributable to the Proposed Development and is contrary to IEMA Guidance. The Applicant highlighted its Revised Table 16.9.13 of [REP9-120], which states that the highest contribution the Proposed Development would make to 6CB is 0.657%, but noting at paragraph 7.3 that this was the figure that relates to 'the increase in carbon emissions resulting from the project' for the purposes of paragraph 5.82 of the ANPS. The Applicant therefore concluded that there is no reason to believe that, even factoring in the other emissions that the ExA considered not to have been quantified and contextualised against UK carbon budgets, the IEMA threshold of 5% of the UK carbon budget would be exceeded (paragraph 7.6). At paragraph 7.12, the Applicant considered that the correct approach is to conclude that the increase in carbon emissions resulting from the project is clearly not so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets. At paragraph 7.13 the Applicant submitted that the ExA's conclusion of moderate adverse weight in relation to GHG emissions was unsound.

198. The Secretary of State notes the representations provided by NEF, GACC and CAGNE, in response to her consultation of the 28 April 2025, regarding the significance of emissions. CAGNE's representation, of the 9 June 2025, highlighted the ExA were aware that the 3.459% figure was in relation to the entire airport's emissions, as demonstrated by the text at ER 8.5.12. Furthermore, at paragraph 23, CAGNE highlighted four elements of the ExA's approach:

    a. At [ER 8.4.106] the ExA cited the Applicant's 3.459% figure, but then set out several matters which the Applicant's assessment excluded;
    b. At [ER 8.4.109] the ExA set out that Interested Parties had raised doubts about the Applicant's assessment that the Project would result in a 3.459% contribution in relation to 6CB, which the ExA accepted as a matter of judgement open to the ExA on the facts;
    c. The ExA did the best it could on the available information and took an overall qualitative approach to come to a determination about the likelihood of that the 5% indicative threshold would be reached for the Proposed Development as a whole;
    d. At [ER 8.5.10] where the ExA explicitly reiterates "our doubts regarding the Applicant's assessment of the contribution of the Proposed Development to the 6CB and carbon budgets" when coming to the other assessment provided for in the IEMA guidance as to whether a GHG impact will be major or moderate adverse.

199. CAGNE stated at paragraph 23, that the ExA had come to an overall qualitative approach. They argued that given the uncertainties around future aviation emissions, non-CO_2 effects (at that point), and the UK's net zero trajectory, the ExA took a properly precautionary approach. CAGNE set out that this is what the IEMA guidance

recommends where there are difficulties contextualising against carbon budgets or a net zero trajectory. CAGNE concluded at paragraph 24 that the Proposed Development unlocks existing capacity, as well as changing the scale of the airport overall, altering demand levels and airline behaviour across the entire operation, it would have been appropriate for the ExA to take the total airport's emissions into account when seeking to assess the overall significance of the scheme.

200. NEF's representation stated at paragraph 2.12 that the Proposed Development would lead to one of the largest net negative impacts on the climate of any decision taken in the UK. NEF set out that given there were no mitigations proposed that would remove that impact, and no mitigations at all are in place for non-carbon GHGs, NEF believed that the impact should be assigned "major" weight against the Proposed Development. GACC's representation of 9 June 2025 provided a similar argument that the Proposed Development increase emissions by a significant amount and should be judged as major adverse and given major weight against the Proposed Development in the planning balance.

201. Taking into account the views provided by the Applicant, the ExA and Interested Parties during the Examination and throughout the decision stage, the Secretary of State considers that it is appropriate to assess significance on the basis of the Proposed Development's contribution to CB6, which would be 0.657%. She agrees with the Applicant's statement at Annex 4, paragraph 7.3, of its representation of 24 April 2025, that the figure addresses "the increase in carbon emissions resulting from the Project (Proposed Development)", for the purposes of paragraph 5.82 of the ANPS. The Secretary of State notes this is also consistent with paragraph 5.2 of the IEMA guidance, which states "the assessment should seek to quantify the difference in GHG emissions between the proposed project and the baseline scenario (the alternative project/solution in place of the proposed project)." The Secretary of State therefore disagrees with the ExA that it is appropriate to use the figure for the emissions arising from the airport as a whole (as set out at ER 8.4.109) because the assessment carried out by the ExA does not reflect the applicable policy or IEMA Guidance. An overall consideration of the Secretary of State's assessment of significance is set out in the conclusion below.

The Secretary of State's Conclusions on Greenhouse Gas Emissions

202. The Secretary of State notes that the Applicant undertook an assessment of the likely significant climate factors, assessing the carbon impact of four emissions streams, and assessed worst-case scenarios in accordance with paragraph 5.77 of the ANPS. This has been done before and after mitigation, as required by paragraph 5.76 of the ANPS [ER 8.5.5]. The Secretary of State is therefore satisfied with the methodology adopted for the Applicant's assessment of GHG emissions.

203. The Secretary of State is aware that all emissions contribute to climate change. Whilst the Proposed Development will result in an increase in carbon emissions, as set out above, the Secretary of State considers that the Proposed Development needs to be considered in the context of existing and emerging policy and legal requirements to achieve the UK's trajectory towards net zero.

204. The Secretary of State notes that approximately 95% of the emissions from the Proposed Development are attributable to aviation emissions. These are regulated at a national and international level, with potential reductions driven by a range of national aviation policy statements and activities, including the Jet Zero High-ambition

scenario, and the TDP [ER 8.5.8]. The Secretary of State, therefore, considers that over time the net carbon emissions resulting from the Proposed Development's operation will decrease as measures to reduce emissions from aviation are delivered.

205. The Secretary of State notes the Applicant's evidence that direct aviation emissions are doubled to 44.689MtCO_2e when inbound flights and WTT are included, and that the inclusion of WTT emissions increases the total emissions by over 20% between 2018 and 2050, which the ExA noted was a substantial change [ER 8.4.107]. She notes the Applicant's reasoning for contextualising inbound international aviation emissions against an ICAO sector-based scenario; however, she agrees with the ExA's statement at ER 8.4.108 that doubts about using ICAO are not unreasonable and further considers that the use of the ICAO benchmark has not been sufficiently justified by the Applicant. The Secretary of State, as outlined earlier, agrees with the Applicant that inbound international emissions are not within the scope of the JZS, however, contextualising them against ICAO's sector-based scenario would not be meaningful, and no other benchmarks for international aviation emissions were set out during the Examination or decision stage. She therefore concludes that whilst inbound international emissions are an effect, it is not possible to carry out a meaningful quantitative assessment against a relevant benchmark. However, taking into account the quantum of emissions produced and the fact that these emissions will, as with outbound emissions, reduce over time following aircraft technology improvements, the impact of decarbonisation policies in the JZS and the Sustainable Aviation Fuel Mandate, introduced on the 1 January 2025, the Secretary of State does not consider that the effects of inbound flight emissions materially affect her overall conclusions on significance and are not on their own or in combination with the total GHG emissions of a scale to justify refusing consent. The Secretary of State is further satisfied that although inbound emissions are not accounted for in UK carbon budgets, where applicable they will be managed and mitigated through emissions trading schemes such as UK ETS and CORSIA, which covers States that have volunteered to participate in it and represents nearly 80% of international aviation activity (page 48, JZS). Furthermore, the adoption of a global goal for international aviation of net zero CO_2 emissions by 2050 places the sector on a trajectory firmly aligned with the Paris Agreement's 1.5C global temperature target (page 6, JZS: one year on).

206. The Secretary of State is aware that there are uncertainties regarding non-CO_2 emissions. Paragraph 3.64 of the JZS states that non-CO_2 impacts from aviation on climate are eight times more uncertain than those resulting from CO_2, and although non-CO_2 emissions can have both warming and cooling effects, the net warming rate is likely to be around three times that of CO_2. The Secretary of State welcomes the Applicant's commitment with the CAP to monitor the development of Government policy regarding non-CO_2 emissions and reflect such policy in mitigating non-carbon effects accordingly in future updates to the CAP [paragraph 4.3.3, APP-091]. The Secretary of State notes the strategic objectives outlined on page 57 of the JZS, for Government to:

- Work closely with academia and industry, and monitor global developments in this area, to better develop our understanding of non-CO_2 impacts and potential mitigations,
- Develop and implement policies to address and reduce non-CO_2 impacts.
- Work with industry and academia, including the CCC, to explore a means of estimating and tracking non-CO_2 emissions from the UK aviation industry.

207. The Secretary of State is satisfied that the Applicant has adopted an appropriate approach with regard to non-CO_2 emissions, however, she agrees with the ExA at ER 8.4.29 that a qualitative assessment is appropriate and that these emissions would mean that the Proposed Development would add to the magnitude of impacts and likely have a net warming effect.

208. The Secretary of States considers the Applicant has put forward sufficient mitigation measures to limit the carbon impact of the Proposed Development through the CAP and SAC, which are secured in the DCO, and include controls to be exercised by the Secretary of State and relevant local authorities. She is satisfied that the Applicant has complied with paragraph 5.78 of the ANPS, and 5.19 of the NNNPS.

209. The Secretary of State notes the representation made by the Applicant, at paragraph 7.13, Annex 4 of its 24 April 2025 response that the ExA's conclusion of moderate, weight against the Proposed Development for GHG emissions is unsound. She notes the Applicant's overall assessment concluded that the Proposed Development has a minor adverse, not significant impact [ER 8.3.26].

210. Regarding significance, the Secretary of State has considered Box 3 of the IEMA Guidance, which provides practitioners with examples of how to distinguish different levels of significance. She considers that the Applicant has been fully consistent with applicable existing policy and has provided flexibility and scope within its CAP to adapt to emerging policy, and the Proposed Development would be fully consistent with good practice design standards for projects of this type. The Secretary of State considers that the Proposed Development would lead to an increase in GHGs, both carbon and non-CO_2, and that the scale of the effects from the Proposed Development would fall short of fully contributing to the UK's trajectory towards net zero, although this would be mitigated in the long-term by the policies brought forward in the JZS.

211. Paragraph 5.82 of the ANPS states "any increase in carbon emissions alone is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the project is so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets." [ER 8.5.12]. The magnitude of the increase in carbon emissions resulting from the Proposed Development is predicted to be a maximum of 0.657% of any carbon budget [ER 8.4.103].

212. The Secretary of State is satisfied that the Proposed Development is compatible with the Government's JZS, and that the Proposed Development can be managed within Government's overall strategy for meeting net zero, and the relevant carbon budgets. The Proposed Development will not materially impact the Government's ability to meet its net zero targets in accordance with paragraph 5.82 of the ANPS and 5.18 of the NNNPS, nor will it lead to a breach of any international obligations that result from the Paris Agreement or Government's own polices and legislation relating to net zero. Therefore, the Secretary of State considers that while the effects of the Proposed Development are significant, they do not meet the threshold for a major, significant adverse effect, and she has therefore placed moderate, adverse weight against the making of the Order.

Climate Change

Climate Change Resilience

213. The Secretary of State has had regard to the Applicant's assessment of the potential effects of current and future climate change on the Proposed Development set out in Chapter 15 of the ES [ER 9.2.1]. She is aware that the potential effects on, and the contribution of the Proposed Development to the climate was set out separately in Chapter 16 of the ES: Greenhouse Gases [ER 9.2.2] which she has considered in the Greenhouse Gas Emissions section of this letter.

214. The Applicant's climate change resilience ("CCR") assessment considered how the resilience of the Proposed Development may be impacted by climate change [ER 9.2.8]. With the implementation of the embedded mitigation measures listed in Table 15.8.4 of the ES [APP-040], the Applicant's CCR assessment concluded that there would be no high or very high risks in both the construction and operational periods. The CCR assessment therefore stated that no further mitigation was required, and no monitoring was proposed as the existing and embedded mitigation was considered by the Applicant to be sufficient (paragraph 1.1.3, [APP-187]) [ER 9.2.12 – 9.2.13].

215. The Applicant's in-combination climate change impacts ("ICCI") assessment considered the extent to which climate change exacerbates a potential effect of the Proposed Development on an environmental receptor [ER 9.2.15]. The ICCI assessment concluded that no significant impacts were identified during the construction or operational periods given the embedded mitigation proposed, which is set out in Table 15.9.1 of the ES. As with the CCR assessment, no monitoring was proposed as the existing and embedded mitigation identified was considered by the Applicant to be sufficient (paragraph 1.1.8, [APP-188]) [ER 9.2.18].

216. In response to the concerns raised by Interested Parties on climate change matters, the Secretary of State notes that the Applicant produced a number of Supporting Climate Change Technical Notes [ER 9.3.3]. These are considered in the following four paragraphs.

Assessment Methodology in the Climate Impact Assessments

217. CBC and WSCC raised concerns that the climate impact statements provided by the Applicant lacked consistency as the statements had a cause but no end 'impact' [ER 9.3.4]. The Secretary of State notes that as a result of the Applicant clarifying in the Climate Change Technical Note [Appendix B, REP4-039] that the end 'impact' is presented as an overall combined consequence rating, both CBC and WSCC considered their concerns to be addressed in their Statements of Common Ground [ER 9.3.5 – 9.3.6].

Wildfire and Fog

218. The Secretary of State is aware that CBC and WSCC raised concerns that the Applicant's assessment had not considered wildfire as a possible climate hazard and the potential risks associated with fog were also not included in the assessment [ER 9.3.7]. The Climate Change Technical Note concerning wildfire and fog submitted by the Applicant [Appendix A, REP4-039] clarified that no further mitigation was required as the CCR Assessment did not identify any high or very high risks for wildfire during construction or operation [ER 9.3.8]. The Secretary of State notes the Statements of Common Ground between the Applicant, CBC and WSCC on this matter and is satisfied that these concerns have been addressed [ER 9.3.9].

Adverse Weather Plan

219. CBC, WSCC, Reigate and Banstead Borough Council ("RBBC") and SCC raised concerns that the Applicant had not undertaken a detailed identification and assessment of construction-related climate risks and had not distinguished areas that are particularly vulnerable which may require specific adaptation measures to be in place [ER 9.3.10]. In response to the concerns, the Applicant confirmed that they would be implementing the measures recommended by the Climate Change Technical Note concerning the adverse weather plan [Appendix C, REP4-039] which would be in line with relevant good practice documents [ER 9.3.11]. The Secretary of State notes the Statements of Common Ground between the Applicant, CBC, WSCC, RBBC and SCC on this matter and is satisfied that these concerns have been addressed [ER 9.3.12].

Drainage, Flood Resilience and Water Environment

220. CAGNE raised concerns on the impact of increased rainfall as a result of climate change and how this would affect flooding in the area. The Applicant's response explained that the Proposed Development was not expected to increase flood risk, and this was demonstrated by the Applicant's flood risk assessment [ER 9.3.13]. As set out in the Water Environment section, the Secretary of State agrees with the ExA that the requirements proposed in the recommended Order would result in no outstanding or operational flood risk caused by the Proposed Development [ER 11.4.1]. The Secretary of State is therefore satisfied that the concerns raised by CAGNE have been addressed via these requirements. Full consideration of flood risk matters is set out in Chapter 11 of the ExA's report and under the Water Environment section of this letter.

221. The Secretary of State notes that while National Highways ("NH") raised a concern on the lack of proposed operational preparedness or embedded mitigation set out in the ICCI Assessment, it was confirmed by NH in the signed Statement of Common Ground between NH and the Applicant that the Framework Agreement signed by the parties afforded NH the necessary level of protection to ensure that its concerns regarding drainage infrastructure and flood resilience can be agreed for the purposes of the Examination [ER 9.3.15 – 9.3.16]. She also notes that the signed Statement of Common Ground between the Environment Agency and the Applicant set out that there were no issues relating to climate change and that in respect of the water environment all issues were agreed [ER 9.3.17].

Overheating Relating to Noise Insulation Scheme

222. The Secretary of State has considered the concerns raised by the JWSLA and Mole Valley District Council on the Noise Insulation Scheme under the Health and Wellbeing section of this letter.

The Secretary of State's Conclusions on Climate Change

223. The Secretary of State agrees with the ExA's conclusion that the Applicant's assessment of the impact of climate change on the Proposed Development is appropriate and accords with the requirements of the ANPS and other relevant legislation and policies [ER 9.4.1].

224. The ExA also concluded that there are unlikely to be any significant effects associated with climate change. The ExA were satisfied that there are no features of the design critical to the operation of the Proposed Development which may be seriously affected by more radical changes to the climate beyond that projected [ER 9.4.1]. While noting the Applicant's acknowledgement of the inherent uncertainty in

long-term climate projections [APP-040, section 15.6], the Secretary of State sees no reason to disagree with the conclusion reached by the ExA on this matter.

225. Like the ExA, the Secretary of State is satisfied that the Proposed Development would accord with the requirements set out in paragraphs 4.46-4.52 of the ANPS and paragraph 4.37 of the NNNPS in respect of climate change. She therefore agrees with the ExA's conclusion that the impact of climate change on the Proposed Development should be considered as neutral in the planning balance [ER 9.4.3].

Socioeconomics

226. The Secretary of State notes the Applicant's assessment of socioeconomic matters are primarily set out at Chapter 17 of the ES [ER 10.1.1] and summarised by the ExA at ER 10.1.8 - 10.1.12. The ExA identified that the main issues for further examination were:

- Socioeconomic assessment methodology;
- Economic effects and benefits;
- Effects on the housing market;
- Section 106 agreement (Schedule 5 and Appendix 6); and
- Gatwick Community Fund [ER 10.2.2].

Socioeconomic assessment methodology

227. The Secretary of State notes the concerns raised by several local authorities that given the absence of an impact assessment to identify effects at local authority level there was a risk of impacts at that level which may not have been assessed [ER 10.2.6 - 10.2.7].

228. The Secretary of State considers that the matters set out by the ExA at ER 10.2.3 - 10.2.5, regarding the absence of UK legislation or guidance to prepare a socioeconomic assessment, and the information it set out at ER 10.2.8 - 10.2.20 regarding the approach taken by the Applicant for their assessment, explains why the Applicant adopted this approach and how they consider it appropriate and proportionate, particularly when the socioeconomic impacts for the local economies around Gatwick are all highly interconnected [ER 10.2.9]. Noting the Applicant's response, the Secretary of State agrees with the ExA that the ANPS does not specifically require an assessment at local authority level [ER 10.2.22]. The Secretary of State further agrees the Applicant has undertaken an appropriate assessment in terms of socioeconomics and that the assessment adequately identifies effects arising from the Proposed Development [ER 10.2.23].

Economic effects and benefits

Catalytic Employment Assessment

229. The ExA states that a number of local authorities raised concerns regarding the methodology by which catalytic effects of the Proposed Development had been assessed [ER 10.2.27] and that the main unresolved area of disagreement was the scale of catalytic employment and the methodology used to assess the catalytic employment benefits [ER 10.2.25]. The ExA also highlighted that this topic was identified as an issue in several of the LIRs [ER 10.2.29]. The Secretary of State notes

the concerns raised by KCC about whether the wider benefits expected as a result of the Proposed Development had been overstated [ER 10.2.28].

230. The ExA reports that the matter of catalytic impacts was widely discussed throughout the Examination. The Secretary of State has considered the ExA's extensive summary of these discussions, and the additional evidence submitted by the Applicant and other Interested Parties, such as York Aviation ("YA") [ER 10.2.30 - 10.2.48].

231. The APF accepts that while there is broad agreement that aviation benefits the UK economy, both at a national and a regional level, views can differ on the exact value of this benefit depending on the assumptions and definitions used [APF, paragraph 1.3]. Having taken these differing opinions into account, the ExA concluded that the Applicant had sufficiently justified their approach and that the approach addresses the issues of displacement and causality [ER 10.2.50]. The Secretary of State agrees.

Sensitivity Analysis

232. As discussed in both the Need and Traffic and Transport sections of this letter, the ExA shared concerns about the Applicant's future baseline figures within the Transport Assessment. Therefore, the ExA requested that the Applicant undertake a sensitivity analysis, based on a range of potential future baseline scenarios provided by the JLA, to test any change in the magnitude of impact assessed within the Transport Assessment [ER 10.2.53]. The range of forecasts provided by the JLA, as prepared by YA, were:

- the 'York low' case, which proposed a 56.8mppa future baseline and 74.8mppa Proposed Development scenario in 2047; and
- the 'York high' case, which proposed a 60.5mppa future baseline and 80.2mppa Proposed Development scenario in 2047 [ER 10.2.54].

233. Although the Applicant did not consider either the York low or high cases to be realistic, the ExA noted that the Applicant provided a Future Baseline Sensitivity Analysis on a without prejudice basis, in addition to a further scenario consisting of a 60.1mppa future baseline and 75.3mppa Proposed Development scenario in 2047 [ER 10.2.55]. The Applicant's analysis found that there would be a slower increase in employment numbers initially in 2029 and 2032, when using the York scenarios, but that direct employment figures for 2038 and 2047 would be higher than those in the Applicant's ES [ER 10.2.56].

234. When using the Applicant's own further scenario, the employment increase would be higher initially than the York scenarios for 2029 and 2032 but would be lower than the York scenarios in 2038 and 2047 [ER 10.2.58].

235. The Applicant assessed that if the York figures were applied, a minor beneficial effect would be experienced rather than a moderate beneficial effect resulting from the original assessment forecasts in 2029 and 2032. However, for the 2036 and 2047 assessment years the overall impact would remain as major beneficial and the actual employment impacts would be higher [ER 10.2.57]. At a high-level summary, the Applicant reported that the assessments found that the differences in environmental effects between the scenarios would be relatively limited [ER 10.2.59].

236. Although acknowledging they do not have the expertise or tools that the Applicant or YA do, the ExA's view is based on all available evidence, and considers the more likely scenario at 2047 would be in the region of 60 - 61mppa for the future baseline and 76

- 77mppa with the Proposed Development. This results in a difference of 16 - 17mppa which is larger than the 13mppa assessed by the Applicant [ER 10.2.60].

237. The ExA considered that while the Applicant could achieve their forecasted passenger level of 80.2mppa sometime after 2047, the ExA was of the view that this is unlikely to cause any significant difference as ultimately, if it takes longer to reach the expected level of growth, then effects from this will also take longer to reach the expected level of growth, then effects from this will also take longer to materialise, or could potentially reduce should there be technological advances in the interim [ER 10.2.61].

Effects on the housing market

Construction Phase

238. The Secretary of State notes that Chapter 17 of the ES recognises that there may be a temporary increase in the need for housing during the construction phase of the Proposed Development, as some of the temporary construction workforce may choose to live locally while working [ER 10.2.62]. The Applicant's assessment of housing need assumed a maximum of 20% of the workers would require temporary accommodation [ER 10.2.63], which would peak in February 2027 (when the total workforce was expected to be at its maximum of 1400), and that the vast majority of the temporary accommodation would be required in the areas of Crawley and Reigate and Banstead. The nature of the accommodation was largely dependent on the duration of the worker's role and the income they have available to spend on housing [ER 10.2.66]. The Applicant stated this demand for temporary accommodation was unlikely to cause significant effects as even the peak number of workers would only represent a small proportion of the potential sources of supply that might meet this demand [ER 10.2.67].

239. Concerns were raised regarding the Applicant's use of out-of-date data within their assessment [ER 10.2.68 - 10.2.71] and a lack of affordable housing around the Airport restricting the ability of workers to afford to live locally. The Secretary of State notes that the ExA asked the Applicant to review the implications of using 2021 Census data for the assessment of housing need during construction as opposed to the 2011 data which was used for the assessment [ER 10.2.72 - 10.2.73].

240. The Applicant confirmed that a review had been undertaken and provided equivalent 2021 data. It stated that the overall impacts and conclusions of the socioeconomics assessment would be unchanged, if not strengthened, if the 2021 Census data was considered in place of the 2011 data [ER 10.2.74], including on the demand for temporary accommodation [ER 10.2.75]. CBC and the JWSLA disagreed with the Applicant's assessment [ER 10.2.78].

241. The Secretary of State is satisfied that the ExA sufficiently explored this matter, in addition to the further concerns of CBC regarding the post-covid deviation from long-term trends [ER 10.2.76 - 10.2.80]. Overall, the ExA was satisfied that the Applicant had adequately addressed the concerns regarding the use of out-of-date data and that the additional information provided by the Applicant confirmed that the impacts and conclusions of the socioeconomics assessment would be unchanged based on the 2021 Census data [ER 10.2.98]. The Secretary of State agrees.

242. During the Examination, further concerns were raised by CBC following their recent declaration of a 'housing emergency' due to a significant temporary accommodation and homelessness problem. The LePAs considered that if temporary workers contributed to the demand for short-term accommodation such as bed and breakfasts, hotels or local room-lets, that this would have implications for the overall cost of

existing temporary accommodation due to rising demand [ER 10.2.81]. Furthermore, the LePAs felt that the Proposed Development would put additional pressure on affordable housing demand [ER 10.2.84]; suggesting that this may be mitigated by the Applicant providing a Housing Mitigation Fund which could be used to create more temporary accommodation by incentivising houses in multiple occupation or expanding the stock of the private rental sector, freeing up bed and breakfast or hotel rooms being used as emergency accommodation [ER 10.2.85].

243. The Secretary of State acknowledges the Applicant's position that it does not consider the relatively limited number of construction workers requiring temporary accommodation would materially impact CBC's position regarding the declaration of a housing emergency. Any increase in housing demand attributable to the temporary construction workers would be negligible and transitory in nature and would not impact the demand for temporary, emergency accommodation [ER 10.2.83]. She also notes the Applicant's statements in relation to affordable housing, in that the Proposed Development would only increase demand if it attracted significant numbers of additional people to the area who met the criteria for affordable housing, which in the case of CBC is a five-year connection to the area. This would therefore be unlikely to apply to temporary construction workers but be more likely to apply to people living locally, employed in the jobs created by the Proposed Development. The Applicant therefore did not consider there to be any justification for a Housing Mitigation Fund [ER 10.2.86 - 10.2.87].

244. The ExA agreed with the Applicant that given the small proportion of workers requiring temporary accommodation, there would be no significant adverse effects on the availability of affordable housing or privately rented accommodation [ER 10.2.99]. However, during the Examination, the ExA proposed an addition to the Order requirements for the provision of a Housing Fund, which it considered necessary given the concerns raised regarding the pressures on affordable, temporary and emergency housing [ER 10.2.88]. The Applicant did not accept the rationale for such a fund whereas the LePAs were supportive of the requirement, although they required further detail on the content of the required housing fund plan to ensure it was deliverable and that it adequately mitigated the affordable and temporary housing issues [ER 10.2.89 - 10.2.90]. The Secretary of State notes that despite the Applicant maintaining their position that mitigation was not necessary, within their closing submission, the Applicant then provided an updated section 106 agreement containing a new schedule for a Homelessness Prevention Fund [ER 10.2.91], which is discussed below.

Homelessness Prevention Fund

245. In response to the ExA's queries regarding the addition of the Homelessness Prevention Fund, the Applicant acknowledged the change in circumstances in respect of homelessness since the start of the Examination [ER 10.2.93] and the potential for an increase in demand for short term accommodation from workers associated with the Proposed Development. The Applicant confirmed that the Fund was therefore aimed at providing housing support if needed [ER 10.2.92] and would only be used if evidence of increased homelessness because of additional demand from construction workers was provided [ER 10.2.94]. The Applicant's closing submission [REP9-112] acknowledged the JLA concern about direct costs accruing to them during the construction phase as a result of their statutory homeless duties [10.3.21, REP9-112] and the Applicant had therefore agreed to a contingency fund to be used in the event of evidence of impacts from the Proposed Development on the housing market and

homelessness that may otherwise lead to increased costs for the JLA [10.3.22, REP9-112]. The Homelessness Prevention Fund was capped at £1 million and would only be available during the construction phase of the Proposed Development, as the JLA had agreed that no housing impact would occur during the operational phase [ER 10.2.94].

246. Like the ExA, the Secretary of State is mindful of the housing emergency faced by CBC [ER 10.2.100] and, although she considers there would be no significant adverse effects on the availability of affordable housing or privately rented accommodation [ER 10.2.99], she agrees with the ExA that the provision of the Homelessness Prevention Fund could provide a necessary mechanism to address any potential housing effects [ER 10.2.101]. Although the Secretary of State has had regard to CAGNE's comments in their closing statement that the provision of a Homelessness Prevention Fund would not address the lack of land in Crawley that is available to build on [ER 10.2.96], she considers the primary purpose of the Fund is to, where necessitated as a result of the Proposed Development, financially support CBC where there is insufficient supply of short term or nightly paid accommodation [ER 10.2.92]. Noting the Applicant and local authorities are in agreement, the Secretary of State agrees with the ExA that this can be appropriately secured via the section 106 agreement rather than by a requirement in the Order [ER 10.2.101]. Further, as the Applicant has identified an appropriate measure to compensate for potential adverse effects, the Secretary of State agrees with the ExA that this complies with the objectives in the ANPS [ER 10.2.102].

Operational Phase

247. Chapter 17 of the ES notes that it is unlikely there would be additional pressure on housing supply during the operational phase of the Proposed Development. It was also noted that any operational employment generated by the Proposed Development was unlikely to result in more housing being required [ER 10.2.64]. As the ES concluded there would be no significant adverse effects in respect of housing supply, including the provision of temporary accommodation, the Applicant did not consider any specific socioeconomic mitigation was necessary during this phase [ER 10.2.65].

248. The Secretary of State notes that in its Statement of Common Ground, CBC agreed that any housing impacts from the operational phase would not cause significant adverse effects and so did not need to be mitigated [ER 10.2.97]. The Secretary of State therefore finds no reason to disagree with the Applicant's conclusions.

Section 106 agreement (Schedule 5 and Appendix 6)

249. As part of their Application, the Applicant submitted an Employment, Skills and Business Strategy ("ESBS"), the purpose of which was to set out how they would maximise the economic benefits brought about by the Proposed Development by creating conditions for 'sustainable employment, skills development and career progression for communities, and enhancements to the productivity and growth of businesses' [ER 10.2.103]. In addition to the strategy, an accompanying fund of £20 million is also proposed, with the aim of enhancing the benefits set out in the ESBS and increasing the significance of the effects by supporting local businesses and residents. The Secretary of State notes that the ESBS and accompanying fund is expected to be secured via a section 106 agreement [ER 10.2.108]. Appendices 5 and 6 of Schedule 5 to the section 106 agreement detail the ESBS and draft Implementation Plan respectively [ER 10.2.104]; the Implementation Plan being the

control for delivering the proposed measures, which would be approved by an ESBS Steering Group [ER 10.2.107].

250. The ExA highlighted four main issues linked to the ESBS that were considered during the Examination:

- the securing mechanism for the ESBS Implementation Plan;
- the content;
- how the ESBS benefits health and wellbeing; and
- justification for the size of the fund [ER 10.2.109].

Securing mechanism

251. The Secretary of State notes the discussion during Examination about whether the ESBS Implementation Plan would be best secured via an Order requirement or by the section 106 agreement. She has had regard to all parties' views on this matter and to the potential wording of any Order requirement as set out at ER 10.2.110 - 10.2.118. However, as noted at ER 10.2.119 - 10.2.120, the Applicant and the JLA reached an agreement that the ESBS is most suitably provided for within a section 106 agreement and that such an agreement had subsequently been signed by all relevant parties. Given this, the ExA was content that the section 106 agreement was an appropriate securing mechanism rather than the use of an Order requirement [ER 10.2.143]. The Secretary of State is likewise content.

Content

252. The LePAs raised concerns over the initial iteration of the ESBS and Implementation Plan which they felt had not provided adequate information on the baseline of the local area and that it was not evident whether the Applicant had conducted an adequate review of the current baseline or arrangements for skills and training within the local areas, and therefore may not have identified existing skills gaps [ER 10.2.121]. The LePAs also raised concerns regarding the absence of a coherent and fully formed Implementation Plan, which they considered was necessary so that the final version could be something which would be capable of being implemented at the earliest opportunity, should the Proposed Development be consented. This was considered particularly important so as to ensure benefits for the local labour force and local businesses could be secured from the outset of the Proposed Development [ER 10.2.122]. As highlighted at ER 10.2.123, similar concerns were expressed by the local authorities in their LIRs and Statements of Common Grounds regarding the content of the ESBS.

253. The Secretary of State is aware that the ESBS Implementation Plan continued to be developed during the Examination and that this was done in consultation with the LePAs, as well as other local authorities and key stakeholders [ER 10.2.124 - 10.2.127]. The Secretary of State notes that by the close of Examination, the joint position statement of the Applicant and the JLA confirmed that “the parties agree that all issues raised/submissions made in relation to Employment, Skills and Business elements of the socioeconomics topic area during the examination have been adequately addressed” [ER 10.2.128]. After a review of this, the ExA was satisfied that the amendments and additional provisions the Applicant had made to the ESBS and Implementation Plan, including the tailoring of delivery to local needs [ER 10.2.124], could provide suitable conditions for delivering sustainable employment, skills development and career progression for communities as well as enhancements

in productivity and growth of businesses [ER 10.2.142]. The Secretary of State finds no reason to disagree and is satisfied that the Applicant has provided a mechanism for maximising the economic benefits and opportunities created by the Proposed Development [ER 10.2.137].

Health and Wellbeing

254. The Secretary of State notes that Chapter 18 of the Applicant's ES concludes that the ESBS would help reduce adverse health effects for vulnerable groups, as it includes a commitment to advertise and interview for jobs within the local area, specifically promoting employment opportunities through channels accessible by vulnerable groups [ER 10.2.129]. Furthermore, with a sustained intervention targeting those with existing disadvantages (such as young adults not in education, employment or training), the ES concluded that in 2032, 2038 and 2047, the residual operational benefits would be significant and the inequalities for vulnerable groups would be improved [ER 10.2.130].

255. The ExA considered that the initiatives set out in the ESBS at Appendix 5 of the section 106 agreement would aid in removing barriers to employment and enable greater accessibility to employment for vulnerable groups in the local area, promoting and increasing health equity [ER 10.2.140]. In addition, the ExA considered the ESBS an appropriate measure to compensate for potential adverse health effects and therefore the Applicant has complied with objectives in the ANPS [ER 10.2.141]. The Secretary of State agrees with the ExA and recognises that good quality employment can have positive influences on overall health and wellbeing [ER 10.2.139].

Justification for the size of the fund

256. Although the LIRs for the JWSLA and Joint Surrey Councils ("JSCs") initially questioned the level of funding for the ESBS, which the Applicant had set at £14 million, the ExA noted that the Applicant did not provide any real justification for this figure or how it would support the delivery of the objectives within the ESBS [ER 10.2.131 - 10.2.134]. The Explanatory Memorandum to the section 106 agreement submitted during the Examination confirmed that the fund had increased to £20 million but again did not provide justification, neither for the increase nor for how the final financial contributions had been arrived at [ER 10.2.135 - 10.2.136]. Noting the Applicant's assertion that the value of the fund was agreed between the Applicant and the JLA [ER 10.2.135] and also noting that the section 106 agreement has been signed by all parties [ER 10.2.120], the Secretary of State believes that this does not warrant any further consideration. Despite the justification for the size of the fund being unclear, the Secretary of State has set out above why she is satisfied that in terms of the ESBS, the Applicant has provided a mechanism for maximising the economic benefits and opportunities created by the Proposed Development [ER 10.2.137].

Gatwick Community Fund

257. The Applicant proposed the Gatwick Community Fund as a measure to mitigate the intangible and residual effects of the Proposed Development on the quality of life of those most affected by the operation of the Airport [ER 10.2.144]. It is proposed that the total fund would comprise three distinct area funds, administered through the existing Community Foundations in Sussex, Surrey and Kent with governance through a decision-making panel comprising representatives of the Airport, the Community Foundations and the relevant county authority. The fund would be secured via Schedule 4 of the section 106 agreement [ER 10.2.145].

258. The Secretary of State has noted the ExA's exploration and consideration of the level of the proposed funding, following concerns raised in the LIRs, which is set out at ER 10.2.146 - 10.2.153. The Secretary of State notes that ultimately, the Applicant and the JLA have reached an agreement on the terms of the Gatwick Community Fund and agree that this will be appropriately provided for within the section 106 agreement [ER 10.2.154]. Having reviewed the key principles and proposed governance arrangements of the Gatwick Community Fund, the ExA considered them to be appropriate and that they would respond directly to the prolonged effects of the Proposed Development [ER 10.2.155]. As the ExA considered the Gatwick Community Fund a proportionate response to the potential community effects identified, they are satisfied this accords with paragraph 5.247 of the ANPS [ER 10.2.156]. The Secretary of State agrees.

The Secretary of State's Conclusions on Socioeconomics

259. For the reasons set out in Section 10 of the Report, the ExA considered that socioeconomic matters attract moderate weight in favour of the Order being made [ER 10.3.6]. In reaching this conclusion, the ExA recognised there is not a standardised methodology for socioeconomic assessment nor is there a test to assess significance of socioeconomic effects [ER 10.3.1]. However, the Applicant's socioeconomic assessment was conducted in line with the Inspectorate's '*Annex to Advice Note 7'* and the policies within the ANPS [ER 10.2.22 and 10.3.5]. Furthermore, the ExA was satisfied that this assessment adequately identifies effects arising from the Proposed Development [ER 10.2.23 and 10.3.3].

260. The Secretary of State notes the representations of GACC and NEF (June 2025), which state that the Applicant has overstated the level of economic wealth benefit that would arise from the Proposed Development, as they consider expansion would take further spending abroad rather than into the UK and contribute to a growing tourism deficit. However, the Secretary of State has noted that the APF sets out that there is broad agreement that aviation benefits the UK economy both at a national and local level with significant economic benefits. She is content that the APF allows for different views on the exact value of economic benefits, and these benefits can extend beyond tourism or direct contribution to UK wealth [APF, paragraphs 1.1 - 1.49]. She has additionally noted the support for the Proposed Development in the Sussex Chamber of Commerce's email of 10 June 2025, for the benefits that the project will bring to the region and wider UK. They consider that Gatwick Airport has generated economic growth for the region and that the Proposed Development offers global business connections, the jobs and skills growth and a significant economic boost to the area which will support the economy and increase resilience and job prosperity. This will strengthen the diversity of the area and success of the region.

261. While accepting that uncertainties exist within the socioeconomic assessment the Secretary of State notes that the ExA were satisfied that the Proposed Development would provide significant beneficial effects in terms of availability of labour due to the airport attracting additional staff and direct, indirect and induced employment. The ExA further noted that Gatwick Airport is already an important employer in the area and currently supports a significant level of local employment and the potential benefits from the Proposed Development if realised would undoubtedly result in both local and national economic growth [ER 10.3.2]. Along with the significant employment benefits created by the Proposed Development, the Secretary of State has noted the initiatives that would be secured by the ESBS and Implementation Plan and that would assist in

maximising the employment and skills development opportunities created by the Proposed Development [ER 10.2.138]. The ExA took account that the availability of employment lies at the heart of inclusive economic growth and the alleviation of poverty and the wide acceptance that good quality employment can have positive influences on an individual's overall health and wellbeing [ER 10.2.139]. The ExA noted that the initiatives set out in section 8.6 of the ESBS at Appendix 5 of the section 106 agreement would both promote and increase health equity by enabling greater accessibility to employment for local vulnerable groups and such measures would assist in removing barriers to employment [ER 10.2.140].

262. The ExA considered that the key principles of the proposed Gatwick Community Fund were appropriate and that the proposed governance arrangements would allow affected communities to be part of the process in delivering the benefits that would come from the fund and that this would respond directly to the effects of the development over a prolonged period and in line with paragraph 5.247 of the ANPS the ExA were satisfied that the proposed fund was a proportionate response [ER 10.2.155 and 10.2.156].

263. Taking everything into account, the Secretary of State considers that the beneficial effects that flow from the ESBS, the £20 million ESBS Fund, the Homelessness Prevention Fund and the Gatwick Community Fund provide a comprehensive and targeted package of socioeconomic mitigation and enhancement. She considers that these measures are appropriately tailored to local needs, support vulnerable groups, and offer mechanisms to address both temporary and long-term impacts on housing, employment and community wellbeing.

264. Overall, the Secretary of State agrees with the ExA that the Applicant's assessment shows that significant beneficial effects of direct, indirect and induced employment would be brought about by the Proposed Development that would support both local and national economic growth [ER 10.3.2 and 10.3.4]. However, she also believes that taken together, these provisions represent a proactive strategy to maximise the socioeconomic benefits, and the Secretary of State attaches great weight to the overall effect of these benefits arising from the Proposed Development. Accordingly, the Secretary of State disagrees with the conclusion reached by the ExA on weight and considers that this attracts great positive weight in the overall planning balance.

Water Environment

265. The main issues examined by the ExA relating to the water environment concerned flood risk, wastewater, water supply and water quality which are set out at ER 11.3.1 – 11.3.46. As explained in the minded to letter, the Secretary of State has considered the Applicant's assessment of the water environment contained in Chapter 11 of its ES and supporting documents and measures to mitigate potential impacts on the water environment during construction and operation [ER 11.2.1 - 11.2.5]. She has further considered the concerns raised by interested parties during and after the Examination, alongside the Applicant's responses to those concerns. As set out in paragraphs 185 - 217 of her 27 February 2025 letter, the Secretary of State was minded to agree with the conclusions of the ExA in relation to the water environment. However, she requested further information in relation to the agreement between the Applicant and Thames Water Utilities Limited ("TWUL") on TWUL's wastewater treatment capacity.

266. In its response on 24 April 2025, the Applicant set out confirmation from TWUL the unlikelihood that the required hydraulic modelling, confirming whether wastewater

flows could be accommodated by its existing infrastructure, would be completed prior to the revised statutory deadline of 27 October 2025. The Secretary of State notes that as a result of this, the Applicant and TWUL have reached an agreement on the wording of requirement 31. This wording confirms that the commencement of dual runway operations cannot take place until either TWUL have confirmed the existing wastewater treatment works can accommodate the additional flows from the airport or that the on-site wastewater treatments works have been completed and the application for the necessary permits submitted to the Environment Agency ("EA"). The Secretary of State notes the representation made by CAGNE on 9 June 2025 that wastewater treatment should be fully operational prior to dual runway operations. However, she is content that in the event an on-site wastewater treatment works is needed, the timescales included within the requirement wording allows a sufficient period for the EA to consider potential impacts on the receiving watercourse and set appropriate permit limits to protect the environment accordingly. The Secretary of State notes the matter of wastewater was agreed between the Applicant and the EA in their Statement of Common Ground, and the ExA reported that this was EA's preferred approach [ER 11.3.33] indicating the EA foresee no issue or adverse effect resulting from wastewater. The Secretary of State is satisfied that the outstanding concerns regarding the management of wastewater have now been addressed.

267. Noting the agreement between the Applicant and TWUL on wastewater management, the Secretary of State agrees with the ExA's conclusion that the Proposed Development accords with the ANPS, NNNPS and other relevant policy requirements and legislation and therefore agrees that water environment matters should be given neutral weight in the overall planning balance [ER 11.4.5].

268. In her further consideration of the Water Environment, the Secretary of State also notes that since the Examination, new Flood and Coastal Erosion Risk Data was produced by the EA following the release of its 'National assessment of flood and coastal erosion risk in England 2024' report. The new data relevant to planning was published on 28 January 2025, with additional data published on 25 March 2025 and further updates to flood risk datasets being produced every 3 months and coastal erosion datasets every 12 months thereafter. The Secretary of State expects the Applicant to work with the EA to consider what impact, if any, the new data may have and to produce any revised assessments as required. She has also inserted a new requirement in Schedule 2 of the Order to require the Applicant to consider the EA's flood risk and coastal erosion data in its flood risk assessment. The Secretary of State has provided further detail in the 'Draft Development Consent Order and Related Matters' section in this letter.

Landscape and Townscape

269. This section should be read as an addendum to the Secretary of State's minded to letter dated 27 February 2025 [paragraphs 218 to 226].

270. The Secretary of State notes that the main topics for discussion during the Examination included [ER 12.3.14 - 12.3.27]:

- Details of construction compounds;
- Pentagon Field;
- Landscaping proposals for proposed car parks X, Y, purple parking and North Terminal;

- Effects on residents of Longbridge, Balcombe Road and others identified in the LIRs;
- Mitigation for vegetation loss during highway works;
- Use of WIZAD / Noise Preferential Route 9; and
- Effects upon Nationally Designated Areas (both National Landscapes (‘’NL’’) and National Parks (“NP”) and the proposed extension to the Surrey Hills National Landscape [ER 12.3.13].

271. The impacts are considered below and weighed in the overall balance in the conclusion section.

Construction/Contractor Compounds

272. Both WSCC and Joint Surrey Councils LIRs raised concerns about the visual impact of construction/contractor compounds, particularly for walkers and cyclists [ER 12.3.4 and 12.3.6]. In the Applicant’s responses, they confirm that the Code of Construction Practice (“CoCP”) sets out measures to minimise the visual impact from construction compounds, with appropriate positioning of furniture and lighting within the compound and with boundary treatments retaining visually significant vegetation where possible [ER 12.3.10 and 12.3.12]. Further, the Applicant states that there are general measures within the CoCP and the Public Rights of Way Management Strategy to mitigate the impacts on public footpaths during construction [ER 12.3.11]. The ExA explored this further with the Applicant and obtained further details regarding the likely lighting details, height and colour of the cabins, stockpile heights and areas where the compounds may be visible from [ER 12.4.5]. The Secretary of State notes that Reigate and Banstead Borough Council appear to have outstanding concerns regarding the proposed construction compound at Car Park B, however the ExA is satisfied that the information provided by the Applicant provides sufficient comfort on this issue [ER 12.4.6]. The Secretary of State sees no reason to disagree.

Pentagon Field

273. Pentagon Field lies on the eastern edge of the Airport, with airport car parking areas surrounding its northern and western sides [ER 12.4.7]. The Secretary of State notes that the Applicant intends to use the field initially as a spoil receptor site which would later be landscaped [ER 12.4.8] but that the Legal Partnership Authorities have fundamental concerns over the lack of controlled soil deposition, soil volume and height, flood risk and impact on footpath No.359/Sy [ER 12.4.9]. This echoes concerns raised in the LIR of the joint Crawley Borough, Horsham and Mid Sussex District Councils and the WSCC [ER 12.3.4]. The Applicant confirmed that 4.6ha of the 8.8ha field would be used for spoil arisings and that requirement 29, requirement 8 and Schedule 12 of the draft Order would ensure works followed a soil management plan and detailed design would be in line with the agreed Design Principles document [ER 12.4.10].

274. Although harm will arise during construction works and mitigation planting may take time to establish, the Secretary of State agrees with the ExA that there would be sufficient control for the relevant authorities through the Order to manage the use of Pentagon Field for spoil deposition and to ensure that the field is appropriately landscaped post construction [ER 12.4.11].

Proposed car parks

275. The Secretary of State notes concerns were raised by Interested Parties regarding visual impacts from car parks as a result of the substantial amounts of new built form [ER 12.3.7], tree loss [ER 12.3.4], and visual impacts from construction [ER 12.3.27]. The Secretary of State notes that the ExA requested further information on landscaping proposals for the proposed car parks X, Y, Purple and the North Terminal Long Stay car park [ER 12.3.13].

Purple parking

276. The ExA concluded that the design controls within the Design Principles [REP9-062] and the consultation requirements under requirement 4 of the draft Order would be adequate to control the design of the Purple car park and ensure that no landscape or townscape harm would arise from this aspect of the Proposed Development [ER 12.4.17].

North Terminal Long Stay car park

277. The Secretary of State notes the proposal to change the existing north terminal surface car park into a decked two-level car park and the concerns raised over the potential visual effect of the decked car park on Charlwood Park Farmhouse, a Grade II* listed building. As concluded in the Historic Environment section of this letter, the Secretary of State agrees with the ExA that the proposed North Terminal Long Stay car park would cause harm to this listed building and that harm would equally be caused to the landscape. The Secretary of State notes that as landscaping matures the visual effects would lessen, but it is likely that harm from higher level lighting would largely endure [ER 12.4.18].

Car Park X

278. Car Park X is an existing, reasonably substantial linear surface level car park, and the Proposed Development would retain surface level parking on the western side with the eastern end having two levels of decked car parking. There is currently a thin line of landscaping between the car park and Charlwood Road, and it is proposed to retain this apart from some removal for access. [ER 12.4.19]. The Secretary of State agrees with the ExA that although additional planting is proposed to bolster the existing landscaping in the area closest to Charlwood House, the proposed Car Park X would cause harm to the setting of Charlwood House, and would equally cause harm to the landscape, particularly from the height of the proposed decked car park and associated lighting [ER 12.4.20].

Car Park Y

279. The Secretary of State agrees with the ExA that the proposed substantial multi storey Car Park Y of six floors would be highly visible to staff and visitors to the airport site as well as people travelling on the A23 and potentially to the residential area beyond. The scale and size of the car park would cause harm to the local landscape and townscape [ER 12.4.21].

Requirement 4(8) Developments (previously Schedule 12 in the rDCO)

280. Having reviewed the impact of the proposed car parks on landscape and townscape, the Secretary of State agrees with the ExA that Car Park X, Y and the North Terminal Long Stay car park should be contained within requirement 4(8) of the Order. This would allow for works to be subject to design approval from CBC, giving the local

planning authority design control over the developments within this requirement [ER 12.4.22-12.4.24]. As such, the Secretary of State is content to agree with the ExA that effects may lessen over time due to landscaping proposals, with the exception of Car Park Y, where effects will only be softened at the local level through landscaping.

Living Conditions of Nearby Residents

281. The Secretary of State notes the concerns raised regarding the visual effects of the Proposed Development on the living conditions of residents on the residential edges of Horley [ER 12.4.25]. In response to the ExA the Applicant provided an assessment on several properties which concluded that there would be a moderate to minor adverse effect to the properties assessed during the period 2024-2038 and largely negligible effects after this period. The Secretary of State notes the exception to this was number 74 Longbridge Road, for which the residents are forecast to experience major adverse effects between 2024 and 2038 [ER 12.4.26].

282. The Secretary of State agrees with the ExA that although the CoCP would assist in mitigating effects from construction works residual harm would remain [ER 12.4.27].

A23 Margins, Replacement Planting and Crawley Borough Council Policy CH6

283. The Secretary of State has considered the matter of the proposed replacement planting mitigation for the loss of vegetation, and the compliance with CBC Policy CH6, in the Ecology section of this letter.

284. The Secretary of State agrees with the ExA and SCC that tree planting and other vegetation-based mitigation would take time to establish and, in the meantime, landscape harm would be caused as a result of the highway works proposed as part of the Proposed Development. The revised requirement 39 would assist to a certain degree on this matter but harm would remain until landscaping matured [ER 12.4.32].

Use of WIZAD

285. The Applicant acknowledges that the flight path WIZAD would be used more as a result of the Proposed Development [ER 12.4.37] but that no new flight paths would be created directly because of the Proposed Development [ER 12.4.36]. The concerns regarding airspace were considered by the Secretary of State at paragraphs 78 and 79 of the minded to letter and she remains of the view that the CAA airspace change process is a separate regulatory regime to the DCO Application, and that this will consider the environmental implications of any such airspace changes [ER 4.4.34].

Effects on Nationally Designated Areas

286. Section 85(A1) of the Countryside and Rights of Way Act 2000 places a duty on the Secretary of State, as the relevant authority, 'to seek to further' the statutory purposes of a NL. Three NLs are affected by the Proposed Development, namely Surrey Hills ("SHNL"), Kent Downs ("KDNL") and High Weald ("HWNL"). Section 11A(1A) of the National Parks and Access to the Countryside Act 1949 places a similar duty on the Secretary of State with regard to NPs. South Downs National Park ("SDNP") would also be affected by the Proposed Development.

287. In its report, the ExA concluded that the Proposed Development would not compromise the purposes of designation of the relevant nationally designated areas. With regard to the duty under section 85 of the Countryside and Rights of Way Act 2000 (as amended by section 245 of the Levelling Up and Regeneration Act 2023),

the ExA considered that the Proposed Development would conserve such areas but would not enhance them [ER 12.4.40]**.**

288. The Secretary of State has considered the statutory duties under section 85(A1) of the Countryside and Rights of Way Act 2000 and section 11A(1A) of the National Parks and Access to the Countryside Act 1949. These require her to seek to further the statutory purposes of NL and NP, respectively.

289. Since the ExA's Report, the Court has considered the duty to "conserve and enhance" in section 85 and concluded that, by analogy with the positive duty to "*preserve or enhance*" a historic building or conservation area, the duty in section 85 is discharged where development leaves the relevant landscape unharmed (see *New Forest NPA v SSCLG* [2025] EWHC 726 at paragraphs 82-83).

290. In light of the case law, the issues for the Secretary of State are (1) whether the proposed development interferes with the fulfilment of the purposes of the nationally designated areas; (2) if so, whether and if so why approval of the Application is justified; and (3) whether and if so how the Proposed Development might be mitigated in order to address the identified conflict with the statutory purposes, including consideration of whether any compensatory measures are available which might offset the identified conflict with the statutory purposes.

Fulfilment of the purposes of Nationally Designated Areas

291. The ExA set out that on the Applicant's evidence, it is clear that on a worst-case basis, the Proposed Development would result in a 20% increase in overflights over HWNL and SHNL and although there are increased flights over the SDNP, the planes would be at a higher level at this point [ER 12.4.34]. The Secretary of State agrees with the ExA that a 20% increase is not insignificant and that the noise and visual effects of the increased planes that would be generated would adversely affect the tranquillity of the nationally designated areas, although in reaching this conclusion she recognises that such effects would be reasonably limited due to the height of the planes in general and the frequency of them [ER 12.4.35]. Therefore, the Secretary of State accepts that limited harm will be experienced to the tranquillity and dark skies of the nationally designated areas. The Secretary of State therefore does not consider that the Proposed Development would be consistent with the statutory duty to seek to further the statutory purposes of the designated landscapes in that the harm will diminish opportunities for the understanding and enjoyment of the nationally designated landscapes.

292. The Secretary of State has taken note of the final Statement of Common Ground between the Applicant and Natural England ("NE") which amongst other matters confirmed that the increase in overflights over nationally designated areas is negligible, resulting in minor adverse impact that would not require mitigating [ER 12.4.39]. The Secretary of State has also taken account of the ExA's review in drawing together the issues concerning nationally designated landscapes. She notes its view that the increase in overflights that the Proposed Development would generate is low and that additional harm would be minimal and does not require mitigating. The effects on HWNL are slightly higher given its proximity and the projected increase in flights on specific flight paths, but that the adverse effects would still be low. She further notes the view of the ExA that the Proposed Development would not compromise the purposes of the designation of the relevant nationally designated areas [ER 12.4.40].

Whether approval is justified

293. The Secretary of State acknowledges that while there is harm to the nationally designated areas that harm has been assessed as low and she notes no additional mitigation is required. This is an assessment on which NE has agreed. The Secretary of State will conclude whether approval is justified, notwithstanding the harm identified, in the planning balance.

Mitigation and Compensation

294. While the Secretary of State has accepted that no additional mitigation is required, she has taken the view that it would be appropriate for the Applicant to make a financial contribution to the nationally designated areas to promote matters set out in their management plans, in particular regarding tranquillity and the dark skies.

295. On 27 February 2025, the Secretary of State requested that the Interested Parties came together to reach agreement on what might be needed to meet this duty and provide any agreed provisions to be included in the Order. In its response dated 24 April 2025, the Applicant confirmed that it had met with SHNL, KDNL and SDNP to attempt to reach a resolution in relation to the duty. Through these meetings it was suggested that contributions to aid in delivering the respective Management Plans with a particular focus on dark skies and tranquillity would help to meet the amended duty. A Dark Skies Initiative costing approximately £80,000 per each designated landscapes would include the funding of a dark skies assessment, associated programme of advice and guidance for the public (paragraph 2.27). The Applicant has suggested a one-off financial contribution of £320,000, to be provided to SDNP for onward distribution to the other NL bodies as agreed between them (paragraph 2.25). In its letter dated 10 April 2025 the High Weald Joint Advisory Committee stated that they had declined to participate in further discussions regarding the measures which might be necessary as they did not believe it appropriate for them to be involved because they did not believe that demonstrating the duty has been applied could be achieved by identifying some enhancement measures. High Weald Joint Advisory Committee also set out the Defra guidance which they considered required the Secretary of State to firstly be demonstrably satisfied that harms are avoided/minimised/mitigated, prior to considering any compensatory enhancement measures necessary to address any residual harms. Other responses to the Secretary of State's consultation including those from CPRE (Kent and Sussex) and CAGNE, support the line of thought that a financial contribution is not appropriate in this instance, on the basis that steps to avoid, minimise and mitigate harm should be explored before compensatory measures are considered.

296. In further consultation responses received on 23 April 2025, the KDNL and SHNL stated that there remained disagreement on the level of financial contribution required to ensure the duty has been met and proposed a minimum figure of £750,000 to be shared between each of the authorities. SDNP, KDNL and SHNL consider this to be proportionate given the amount that was secured in the London Luton Airport Development Consent Order (£250,000) for the Chilterns NL. SDNP, KDNL and SHNL argue that as four designated landscapes are to be impacted in this instance, the £750,000 identified is more appropriate in relation to the impacts identified. The Applicant disagrees, citing the increased impact assessed on the NL in the Luton case, in comparison to the identified impacts within this Application justifies the smaller figure (per NL). The Applicant considers that impacts are demonstrably small in scale and considers their figure of £320,000 to be proportionate in this instance. In addition to

this, in its letter to the Secretary of State of 4 June 2025, the SHNL explained that after further consultation with the Chair of the Board for the SHNL, their view was that the £750,000 figure was not high enough to ensure the duty would be met. The letter states the reasoning for this as being the long-term impact of the new runway, the degree of harm from the Proposed Development on tranquillity on the SHNL, the large area that the NLs cover that will be impacted by the runway, the relative proportion of the contribution vs the total cost of the project, and that £750,000 is not a meaningful contribution between the four NLs and that a figure of £4,000,000 is more appropriate.

297. In their response (dated 6 June 2025) to the Secretary of State's further consultation, the Applicant set out numerous reasons why it considered that a financial contribution of £320,000 would be sufficient to ensure the Secretary of State could fulfil her duty in this instance. The Applicant highlighted that SDNP had suggested a contribution of £80,000 per NL to fund dark skies and tranquillity studies (which amounted to a total of £320,000 across the four designated landscapes). The Applicant refuted the arguments that compared the payment with the contribution made to the Chilterns Conservation Board in relation to the London Luton Airport Development Consent Order. The Applicant rejected claims that the Proposed Development will generate noise impacts over a much larger area compared with Luton, that there is a higher volume of air traffic associated with this Proposed Development and the fact that the level of harm is not increased due to there being four NL affected (compared to one in Luton). The Applicant additionally notes the position of the HWNL but explains that no amendments to the noise management controls or additional controls have been suggested by the HWNL to limit the harm. In any case, the Applicant recognises the additional controls proposed through the Order, including the cap on aircraft movements, the noise envelope and a detailed regime of receptor-based noise mitigation associated with the Proposed Development. Without any specific additional proposals from HWNL, the Applicant's view was that it was not possible or appropriate to conclude that these measures in addition to the relevant existing regimes to regulate noise at Gatwick Airport are not already effective and consistent with both policy and the legal duties which fall to the Government. As pointed out in their response, the Applicant considered that the duty would be observed in granting the Order, particularly with the inclusion of an additional requirement which would secure a contribution of £320,000 towards one or more projects that further the purposes of conserving or enhancing the relevant protected landscape; and in a manner consistent with the management plan in effect from time to time.

298. In line with the Defra guidance issued in December 2024 and given the scale and impact of the Proposed Development on each of the nationally designated areas, the Secretary of State considers that in this particular case, the identified harms have been mitigated insofar as it is possible to do so but, in addition, a financial contribution to support the delivery of the Management Plans for the four designated landscapes is sufficient and necessary to meet the respective duties under section 11A(1A) of the National Parks and Access to the Countryside Act 1949 and section 85(A1) of the Countryside and Rights of Way Act 2000. Noting the comments from various parties on this matter, the Secretary of State is aware that there remains disagreement on the amount of the financial contribution and that the amounts currently proposed by the Applicant and the NL bodies are quite far apart. As noted above there are a range of figures from £320,000 to £4,000,000. The Secretary of State's preliminary view is that, on balance, she considers that a figure towards the lower end of that range to be appropriate, as the figures proposed are proportionate to the scale of the harm and

have been arrived at by reference to specific proposals for work that could be done to compensate for the harm to tranquillity that has been identified. Without pre-judging the outcome of any further discussions or adjudication, the Secretary of State is currently of the view that a contribution of £750,000 would seem to represent an appropriate figure, for the reasons given by SDNP, KDNL and SHNL. However, the Secretary of State also recognises that the parties may wish to discuss matters further in light of her conclusions and that specific considerations may arise for each NL. She has therefore added a provision to the Order to allow the financial amount to be agreed by all parties (reflecting a similar provision at article 65 of the Lower Thames Crossing DCO). Should a dispute arise, the Secretary of State considers this is best addressed by dedicated arbitrators or an independent assessor, as agreed by parties, who will have the necessary skills and expertise to manage such a matter and provide a recommendation to the Secretary of State to enable her to make a final decision on the amount. Costs involved in the resolution of any dispute are to be covered by the Applicant including reasonable costs incurred by the NL bodies. With the inclusion of article 54, the Secretary of State is satisfied that the respective duties under section 11A(1A) of the National Parks and Access to the Countryside Act 1949 and section 85(A1) of the Countryside and Rights of Way Act 2000 have been met.

299. The Secretary of State is content that the Order requirement secures that the financial contribution will be used to contribute to the aims and objectives of the respective Management Plans of the nationally designated areas, with an intended focus on measures that respond to the specific harms arising from the Proposed Development (tranquillity and dark skies have been particularly mentioned, however the wording of the proposed requirement allows for a degree of flexibility for other projects within the respective Management Plans to be considered). In their letter dated 24 June 2025, the SDNP stated that the contribution would be used to address policy 3, contributing to the conservation of the Dark Skies Reserve through allocation towards light monitoring and reporting, the Annual Dark Night Skies Festival, and the creation of a Dark Night Skies Engagement Lead role. Alongside the Dark Skies Initiative, the SHNL would fund a tranquillity assessment and associated programme of advice, guidance and public engagement. SHNL explained in their 4 June 2025 letter that the contribution would be directed and administrated by the Surrey Hills Trust Fund, the trustees of which would consider how best to invest donations and contributions to projects that will enhance the NL in line with the aims and objectives of the Management Plan. The Secretary of State is content that with this provision in place, the respective duties will be satisfied.

Secretary of State's conclusion on Landscape and Townscape

300. The Secretary of State is content that the correct assessment in relation to landscape and visual effects has been undertaken in accordance with the relevant sections of the ANPS, the NPPF and the NNNPS. The Secretary of State agrees with the ExA and the conclusions of the Applicant's ES in relation to the adverse effects of the Proposed Development on locations/receptors listed in table 12.5 of the Report [ER 12.4.45]. She also agrees with the ExA that harm would be caused at; Pentagon Fields, North Terminal Long Stay Car Park, Car Park X, Car Park Y, and the A23 Highways works [ER 12.4.46 and 20.2.33].

301. In addition, some harm would be caused to the SHNL (and its proposed extension areas), the KDNL, and the SDNP. Slightly higher, but still minor, levels of harm would be caused to the HWNL. The Secretary of State considers that those harms have been

mitigated as far as possible through the measures secured by the Order which mitigate for noise impacts. For the reasons set out above, the Secretary of State does not consider that the Proposed Development conserves or enhances the designated national landscapes. However, the Secretary of State is satisfied that as the relevant authority in this regard, a financial contribution to the aforementioned Management Plans of the NLs and NP will meet the section 11A(1A) and section 85(A1) duties. This is in line with paragraph 189 of the NPPF.

302. The Secretary of State is aware that paragraph 189 of the NPPF requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Parks and National Landscapes which have the highest status of protection. The Secretary of State is aware that various Interested Parties have suggested that no measures have been taken by the Applicant to reduce the impacts on these designated landscapes but for the reasons set out above, the Secretary of State considers that the relevant statutory duties and national policy have been complied with.

303. Therefore, although she has reached her own conclusions on the impacts on national landscapes and compensation, and having given greater weight to the need to conserve and enhance landscape and scenic beauty in NL and NPs, the Secretary of State agrees with the ExA that overall little harm on matters relating to landscape and townscape should be ascribed against the making of the Order [ER 20.2.36].

Historic Environment

304. The ExA's consideration of archaeology and the historic environment is set out in Chapter 13 of the Report. The Secretary of State notes the Applicant's assessment of the historic environment is set out in Chapter 7 of the Environmental Statement ("ES") and accompanying appendices [ER 13.3.1]. The ExA have summarised the Historic Environment Baseline Report [ES Appendix 7.6.1] at ER 13.3.3 - 13.3.11 and have set out in Tables 13.2 - 13.4 works which the Applicant has concluded will have a significance of effect on heritage assets, that are higher than negligible, over specific time periods during construction and operation [ER 13.3.12-13.3.14].

305. The Secretary of State notes that the Applicant's ES concluded at 7.13.27 that none of the identified impacts on heritage assets would represent substantial harm and that designated heritage assets would experience less than substantial harm to their significance.

306. The Secretary of State has had regard to the representations made during the Examination regarding the historic environment, primarily concerning the noise and disturbance from increased flights and the effect of this on the settings of heritage assets [ER 13.4.1]. She has also had regard to the conclusions in the LIR; the Statement of Common Ground with Historic England ("HE"); the comments from Hever Castle; and the Applicant's responses to these as summarised by the ExA [ER 13.4.2 - 13.4.16]. Additionally, the Secretary of State has noted the additional representations made by Hever Castle Ltd concerning the adverse impact of increased aircraft noise on the significance of Hever Castle, given its status as a Grade I listed building set within a Grade I registered historic park and garden, which were made in response to the Secretary of State's minded to letter of 27 February 2025 and her consultation letter of 28 April 2025.

307. The Secretary of State agrees with the ExA's evaluation of the main outstanding areas of disagreement at ER 13.4.17 and notes that these were given further consideration during the Examination under the following headings:

- Archaeology; and
- Other heritage assets.

Archaeology

308. The Secretary of State notes the evolvement of the Written Schemes of Investigation ("WSIs") for archaeological investigations in Surrey and West Sussex and that, at the close of the Examination, all details were agreed aside from an outstanding query relating to pre-construction trial trenching at Car Park H [ER 13.4.17 and 13.5.2].

309. The ExA observed that the electrical services and drainage documents provided by the Applicant, in addition to the document '*The Historical Development of Gatwick Airport Including a Review of the Extent of Past Ground Disturbance*', showed any surviving archaeological features in the area of Car Park H would likely be truncated due to previous drainage and surface works. As such, the ExA agreed with the Applicant's conclusions that this site was likely to have low archaeological potential and so considered that pre-construction trial trenching was not required [ER 13.5.3 - 13.5.4]. The Secretary of State finds no reason to disagree. Further, she is content that requirement 14 of the draft Order secures post-consent archaeological investigations for Surrey and West Sussex, ensuring works are to be carried out in line with the WSIs [ER 13.3.16]; that the WSIs are themselves certified documents under the Order; and that such documents provide adequate control and mitigation for archaeological purposes [ER 13.5.5].

Other heritage assets

310. While the ExA predominantly agreed with the conclusions in the ES relating to heritage assets, they considered that harm would still occur to Charlwood House and Charlwood Park Farmhouse. The Applicant updated the Design Principles document to recommend further design details are included for proposed works near Charlwood Park Farmhouse. However, the ExA considered that the proposed works for construction of substantial new car parks in their vicinity, particularly the North Terminal Long Stay car park, would still adversely affect their setting, both visually and audibly, during construction. The Secretary of State acknowledges that planting mitigation will lessen the visual effects in the longer term but agrees with the ExA that harm would still occur [ER 13.5.6].

311. KCC and other interested parties highlighted the potential effects of increased air traffic over significant heritage assets in Kent, which are under flight paths, and the Secretary of State notes that the ExA observed current noise effects at these locations during site visits. However, the ExA concluded that the Applicant had correctly carried out the appropriate HE noise metric test and, on the basis of the test results and the conclusions of HE, the ExA considered that the Proposed Development would not increase harm to the setting of the heritage assets. The Secretary of State agrees with these conclusions and is satisfied that the Applicant has complied with the requirements of the ANPS [ER 13.5.7].

312. Although Historic Parks and Gardens within the High Weald National Landscape were not defined within the Examination, assessment of noise impacts on the High

Weald National Landscape is considered within the Landscape and Townscape section of this letter [ER 13.5.8].

The Secretary of State's Conclusions on Historic Environment

313. Like the ExA, the Secretary of State has had regard to the requirements of relevant legislation and local and national policies and is satisfied that the Applicant has provided a suitable description of the significance of the heritage assets affected by the Proposed Development as well as the contribution of their setting to that significance [ER 13.5.1].

314. Notwithstanding the Applicant's proposed mitigation measures outlined in the ES, the Secretary of State agrees with the ExA that harm would occur to the heritage assets as summarised in Table 13.5 [ER 13.5.9]. The harm to the assets identified here would be less than substantial, and the ExA is satisfied that the Proposed Development would not result in substantial harm to any designated or non-designated heritage assets [ER 13.5.10]. Within the range of less than substantial harm, harm would be at the lower end of the scale, for all identified assets and with some of the assets the harm would only be temporary. Nevertheless, where there is harm, the Secretary of State must give that harm considerable importance and weight [ER 13.5.11]. Due to the number of assets identified where harm would occur, the ExA considered that this attracts moderate weight against the making of the Order [ER 13.5.13]. The Secretary of State agrees. In accordance with paragraphs 5.191 - 5.192 and 5.200 - 5.205 of the ANPS, this harm will be weighed against the public benefits of the Proposed Development.

Ecology

315. The Secretary of State has noted the scope and methods adopted by the Applicant in assessing impacts on ecology as set out within Chapter 9 of the ES [ER 14.2.1].

316. The Secretary of State has considered the proposed mitigation and compensation measures set out in the final versions of the Outline Landscape and Ecology Management Plan ("oLEMP"), the CoCP, the Biodiversity Net Gain ("BNG") Statement and the environmental commitments contained within the Register of Environmental Actions and Commitments ("REAC") [ER 14.2.3].

317. The Secretary of State notes that the ExA identified the following issues as requiring further consideration through the Examination:

- BNG;
- Loss of woodland habitat;
- Landscape scale approach;
- Statutory designated sites;
- Protected habitats and species; and
- Loss of pond habitats and invasive species.

BNG

318. The Secretary of State notes the ExA's consideration of the Applicant's approach to its BNG calculation and, in particular:

- that the approach taken by the Applicant does not align with the Defra guidance, '*Calculate biodiversity value with the statutory biodiversity metric*',

which states that on-site calculation will need to include *"everything that exists within a development's red line boundary*" [ER 14.3.6]; and

- that habitat trading rules, which are set to prevent a net gain being delivered through the incorporation of large areas of low value habitat at the expense of higher value habitats, had not been adhered to [ER 14.3.12].

319. If the Applicant had applied the Defra guidance on calculating biodiversity value, the Proposed Development would achieve 7% BNG instead of the claimed 20% BNG [ER 14.3.1 and 14.3.5], with the net loss of woodland habitat units being replaced with grassland, heathland, shrub and wetland units [ER 14.3.12].

320. The Secretary of State notes that NE confirmed in its Statement of Common Ground [REP0-090] that the mandatory BNG with which the Defra guidance is concerned does not yet apply to NSIPs [ER 14.3.3], and that in any event the proposed habitat trading units for the loss of woodland habitat were deemed to be acceptable in this instance due to the interest of aircraft and public safety so that new areas of woodland should not be planted within the Order limits [ER 14.3.14].

321. As NSIPs are not yet subject to mandatory BNG, the Secretary of State agrees with the Applicant and the Legal Partnership Authorities ("LePAs") that the section 106 agreement for a landscape and ecology enhancement fund and associated dedicated officer is adequate to resolve any concerns surrounding BNG, along with the submission of the oLEMP sets out that each LEMP submitted to the relevant for approval for each part of the Proposed Development will include an explanation of how the plan will contribute to BNG which is secured through requirement 8 of the recommended Order [ER 14.3.8 and 14.3.10].

322. However, the Secretary of State also recognises that BNG commitments have not been secured within a requirement in the proposed Order, against the advice from NE and the Sussex Wildlife Trust (in a letter dated 06 June 2025 to the Secretary of State's consultation) which reduces the benefit of BNG which NE and the LePAs were seeking [ER 14.3.18].

Loss of woodland habitat

323. The Secretary of State notes the various issues in relation to the loss of woodland habitat that were raised during the Examination by a number of Interested Parties namely:

- restrictions in relation to the creation of woodland habitat within the Order limits [ER 14.3.19 and 14.3.20];
- a realistic worst-case scenario for the loss of trees [ER 14.3.21 to 14.3.24];
- the time delay associated with the maturing of habitat planting [ER 14.3.25 to 14.3.29]; and
- the replacement tree planting [ER 14.3.30 to 14.3.35].

324. At the close of the Examination, the key remaining concerns of the LePAs were the failure to provide adequate mitigation or compensation for the loss of 3.12ha of woodland and the failure to demonstrate a worst-case approach to tree loss during the design had been applied [ER 14.3.35]. The Secretary of State agrees with the ExA that the time delay between the loss of habitat and the subsequent provision would result in moderate adverse effects until the replacement planting matures [ER 14.3.37],

which is expected to be in 2060 [APP-034, ES Chapter 9, paragraph 9.9.66] at which point the effect would fall below the level of significance.

325. The Secretary of State is content that the following proposed measures are required as the magnitude of the tree loss will cause significant effects that cannot be avoided:

- Requirement 28 and the submission of an arboricultural and vegetation method statement ("AVMS") for approval before vegetation clearance takes place;
- Requirement 8 and the submission of a LEMP to identify areas of advanced planting;
- Requirement 39 and the calculation of the number of trees to be provided based on how many are to be lost, in accordance with Policy CH6 of CBC's Local Plan; and
- A contribution to the Gatwick Greenspace Partnership.

326. The Secretary of State further agrees with the ExA and the LePAs that the revised version of requirement 39 would secure the replacement tree planting in line with Policy CH9 of the CBC Local Plan as proposed within the recommended Order [ER 13.3.38 - 13.3.39].

A landscape scale approach and biodiversity opportunity areas

327. The Secretary of State has noted the concerns of the JLA regarding the need for a landscape scale approach to assessing and addressing ecological impacts and the associated mitigation [ER 14.3.40-14.3.44].

328. The Secretary of State notes that the Applicant did provide an assessment of ecological impacts beyond the Order Limits and that the section 106 agreement with the JLA satisfies their concerns through the creation of a landscape and ecology enhancement fund with a dedicated officer having strategic oversight as to where this fund may be directed to address landscape scale impacts of the Proposed Development. The Applicant demonstrated that it had considered a study area beyond the application site. The Secretary of State therefore agrees with the ExA that this concern has been addressed [ER 14.3.60].

329. The Secretary of State further agrees with the ExA that the aims of paragraph 5.104 of the ANPS and paragraph 5.33 of the NNNPS which requires her to consider whether opportunities for building in beneficial biodiversity in and around developments have been maximised have not been met [ER 14.3.61]. This is also in line with the new statutory commitment in section 104 of the Environment Act 2021 as identified by the Joint Surrey Councils in their Local Nature Recovery Strategies. The emerging Surrey Local Nature Recovery Strategy is to be heavily based on Biodiversity Opportunity Areas ("BOAs"), and within Surrey the Joint Surrey Councils would be keen for habitat creation and ecological enhancements and offsetting to take place in these areas [ER 14.3.46].

330. Like the ExA, the Secretary of State feels that more could be done on a strategic level to maximise biodiversity, in particular by improving nearby BOAs that are not included in the proposed site improvements within the Order Limits. However, the ExA suggested that the section 106 agreement – which includes the employment of an associated ecologist in respect of the distribution fund through WSCC or CBC - could be sufficient to maximise biodiversity over a wider area in line with the ANPS and the NNNPS [ER 14.3.61]. Given the JLA's confirmation that their concerns regarding a

landscape scale approach have been addressed by the section 106 agreement [ER 14.3.60], the Secretary of State agrees that it is reasonable to consider that the aims of the relevant paragraphs of the ANPS and NNNPS have been met.

Statutory designated sites

331. The Secretary of State notes the concerns raised by NE in relation to the assessment of air pollution impacts on nationally designated sites [ER 14.3.63-14.3.64] and responses to her consultation from the Wealden District Council in a letter dated 8 June 2025. However, at the close of the Examination, NE confirmed in their Statement of Common Ground that they were satisfied with the results of the additional assessments undertaken by the Applicant of SSSIs within 200 m of the Affected Road Network ("ARN"), including on Westerham Wood SSSI which is adjacent to the M25. The Statements of Common Ground between the Applicant and NE showed that NE confirmed that there will be no significant impacts on the SSSIs included within the assessment [ER 14.3.65-14.3.66].

332. No other Interested Parties raised concerns surrounding air quality on nationally designated sites from the Proposed Development [ER 13.6.67] and the Secretary of State has no further concerns on this issue.

Protected habitats and species

Ancient woodland

333. The Secretary of State is content that the measures within the oAVMS and requirement 7 and requirement 28 of the Order prevents impacts upon ancient woodland and provides protection for retained trees, therefore addressing concerns from Interested Parties about the protection of ancient woodland during the construction phase [ER 14.3.68 - 14.3.71].

Protected species

334. The Secretary of State notes that Letters of No Impediment ("LoNIs") have been issued in relation to great crested newts and badgers [REP9-126 and REP9-127] and that NE confirmed in both LoNIs that it saw no impediment to a licence being issued should the Order be granted. She is therefore satisfied that no barriers to issuing licences should arise in relation to these protected species [ER 14.3.72].

335. In relation to bats, the Secretary of State notes that the issues discussed included loss of habitat, noise impacts and pre-construction surveys leading to impacts on commuting, foraging and roosting activity of bats [ER 14.3.74]. Multiple Interested Parties raised concerns about the volume of woodland habitat that is to be lost [ER 14.3.87. However, the Secretary of State is satisfied that the section 106 agreement regarding the Landscape and Ecology Enhancement Fund would help mitigate these impacts [ER 14.3.76]. The Secretary of State is further satisfied with the measures included in the CoCP to ensure that a dark corridor along the Gatwick Stream and connectivity for bats is maintained [ER 14.3.75].

336. The Secretary of State also notes that the Applicant has undertaken further survey work to better understand noise impacts on bats to the satisfaction of NE [ER 14.3.83 and 14.3.85], and has committed to pre-commencement surveys for trees that are to be felled in order to mitigate impacts on bats on advice from the Ecological Clerk of Work ("ECoW") [ER 14.3.86]. As the proposed mitigation would be secured through requirement 7 and requirement 8 of the recommended Order, the Secretary of State is satisfied that the concerns regarding bats have been addressed [ER 14.3.87].

Other matters

337. The Secretary of State notes that the loss of pond habitats without compensation was a concern raised by the JWSLA and other Interested Parties [ER 14.3.88] in line with paragraph 5.105 of the ANPS.

338. The Secretary of State notes that Chapter 9 of the Applicants ES indicates that Ponds A, F and FFJ are not NERC section 41 Habitat and that the Applicant stated in response to the LIRs [REP3-078] that the two ponds (pond A and F) impacted by the Proposed Development are surface water management features, not section 41 Priority ponds, which are considered to have local ecological value. The loss of these ponds was considered to be a minor adverse effect [ER 14.3.89].

339. The Secretary of State notes and agrees with the ExA's conclusion that it is reasonable for the Applicant not to provide replacement ponds considering that the BNG Statement identifies a net gain of 10 units in relation to wetland habitat [ER 14.3.92].

340. In relation to invasive non-native species ("INNS"), the Secretary of State notes that the Applicant submitted an INNS Management Strategy in response to concerns from the EA that biosecurity or INNS management had not been included in the CoCP [ER 14.3.93]. The EA confirmed in its Statement of Common Ground [REP10-015] that all matters relating to INNS had been agreed. No other Interested Parties raised concerns regarding INNS [ER 14.3.94]. The INNS Management Strategy must be submitted to and approved by CBC and forms part of the CoCP which is secured by requirement 7 in the DCO. The ExA considered that the Applicant's approach to INNS management is acceptable [14.3.95] and the Secretary of State considers that this issue has therefore been resolved.

The Secretary of State's Conclusions on Ecology

341. The Secretary of State is satisfied that the Applicant's assessment is sufficient for the purposes of decision making. The Secretary of State is also satisfied that the CoCP, the environmental commitments in the REAC, Schedule 6 of the section 106 agreement and requirements 7, 8, 28 and 39 of the recommended Order would ensure that construction impacts on biodiversity will be minimised in accordance with the relevant legislation and policy within the ANPS and other policy requirements [ER 14.4.1 and 14.4.4].

342. The Secretary of State notes that agreement was reached between Interested Parties and the Applicant on most other matters including protected habitats and species, statutory designated sites and INNS. NE also had no outstanding issues in relation to biodiversity as per their Statement of Common Ground [REP9-090] and LONIs [ER 14.3.72]. The Secretary of State has also taken the responses to her consultations held post-examination into account when drawing conclusions in relation to ecology.

343. Little positive weight has been attributed to the provision of BNG due to the lack of any commitment to its delivery within a requirement in the Order and the issues surrounding habitat trading and establishing the BNG baseline. Factors weighing against the grant of development consent are the significant time lag between habitat loss and the maturing of compensatory habitats. Although these effects are inevitable, the period of time is significant. Overall, the Secretary of State agrees with the ExA's conclusion that little weight should be ascribed against the Order in relation to Ecology [ER14.4.5].

Health and Wellbeing

344. The Secretary of State has had regard to the Applicant's assessment of health and wellbeing as primarily contained within Chapter 18 of the ES with supporting appendices [ER 15.1.1 - 15.1.2].

345. With the implementation of the mitigation measures listed in Table 18.7.1 of the ES and the Mitigation Route Map, the Applicant considered that the Proposed Development would not give rise to any residual significant adverse effects [ER 15.1.3 - 15.1.4]. The Applicant did, however, identify a residual significant beneficial effect due to the operational increase in direct, indirect and induced employment opportunities which it reported to be long-term, permanent and applying to years 2032, 2038 and 2047 [ER 15.1.4].

346. The ExA were satisfied based on the Applicant's application documents that they had satisfactorily assessed health and wellbeing impacts [ER 15.2.1] but the ExA noted that over 550 relevant representations still raised concerns about impacts from the Proposed Development on health and wellbeing. The ExA considered the following issues should be further considered:

- the need for a standalone Health Impact Assessment;
- section 106 agreement – Schedule 7: Hardship Fund;
- air quality - ultrafine particles; and
- Noise Insulation Scheme – overheating and ventilation [ER 15.2.2].

Health Impact Assessment

347. The Secretary of State notes that the LIRs of the JWSLA, the ESCC and JSCs raised concerns that the separate local authorities could not understand the specific health impacts on each local authority population because the Applicant had not completed a standalone health impact assessment or integrated a health impact assessment to the same quality, scope and scale as a standalone assessment [ER 15.2.4 - 15.2.5]. As the health impacts would vary across authority areas, the Councils argued that separate health impact assessments were required and should have been presented transparently rather than being integrated within an existing ES Chapter [ER 15.2.5].

348. The Secretary of State notes the consideration given to this matter by the ExA at ER 15.2.6 and 15.2.9 together with the Applicant's response [ER 15.2.10]. The ExA was satisfied that the Applicant's Health Impact Assessment adequately assessed the potential effects on human health as a result of the Proposed Development and considered that the assessment applied recognised health impact assessment guidance, combined with the regulatory requirements defined for equality impact assessments, to investigate, inform, assess and effectively communicate how and where health issues and opportunities are addressed [ER 15.2.12]. The Secretary of State agrees with this conclusion.

349. WSCC maintained that a standalone health impact assessment was necessary, notwithstanding the Equality Statement prepared by the Applicant [ER 15.2.11]. In response, the Applicant stated that a standalone assessment was not deemed necessary as:

- the geographic reporting of an assessment by impact related study area rather than by individual local authority was a proportionate approach;

- The assessment findings were based on the local evidence base for each local authority, and not an average;
- the results were not an averaged effect that relied on multiple local authorities to be assessed together to avoid significant adverse effects; and
- adverse effects would not become more or less significant if a local authority was considered individually [ER 15.2.9].

350. Given that the assessment findings were based on local evidence data sets for each local authority, and results were not averaged, the ExA was content that the scale of the Health Impact Assessment was appropriate [ER 15.2.13]. The Secretary of State has no reason to disagree.

351. While the Equality Act 2010 sets out the need for an equality impact assessment, like the ExA, the Secretary of State is satisfied that this only applies to public sector organisations or authorities who must comply with the Public Sector Equality Duty and that it was therefore not necessary for the Applicant to undertake such an assessment [ER 15.2.14]. The Secretary of State's full consideration of the Public Sector Equality Duty is set out in the Equality Act 2010 and Public Sector Equality Duty section of this letter.

352. The ExA concluded that the Health Impact Assessment complied with paragraph 4.72 of the ANPS and paragraph 4.81 of the NNNPS insofar as the assessment undertaken identified and set out any likely significant health impacts [ER 15.2.15]. The Secretary of State agrees with this conclusion.

Section 106 Agreement – Schedule 7: Hardship Scheme

353. The Secretary of State has had regard to the Hardship Scheme included in Schedule 7 of the updated version of the draft section 106 agreement [ER 15.2.16], which states that a fund will be made available up to and including 31 December 2047 and would be available on an annual basis for the purpose of mitigating hardship suffered by individuals living in relevant areas because of the Proposed Development. Schedule 7 sets out the eligibility criteria for the fund, the intended purpose of the funding and the proposed amount of funding per annum [ER 15.2.17].

354. The Secretary of State notes the consideration given by the ExA to the content of Schedule 7 [ER 15.2.18 - 15.2.21] and that the Legal Partnership Authorities considered that there should be an increase in the quantum of the overall fund and they emphasised the need for a better package than that currently proposed [ER 15.2.22]. In response to the comments made by the Legal Partnership Authorities, the Applicant then confirmed an increased level of funding being made available [ER 15.2.23].

355. While the ExA stated that it was pleased with the introduction of the Hardship Fund, it considered that the rationale behind the proposed level of funding was unclear and that the justification in the '*Section 106 Agreement – Explanatory Memorandum*' [REP9-106] subsequently provided by the Applicant failed to provide clarification for the final financial contributions [ER 15.2.26-15.2.29]. The Secretary of State concurs. However, as the Local Authorities who were signatories to the section 106 agreement had agreed with the monies proposed by the Applicant [ER 15.2.29], the ExA concluded that it was satisfied that the provision of the Hardship Scheme and associated funding could provide a mechanism for the mitigation of potential health impacts on vulnerable residents [ER 15.2.30].

356. While the Secretary of State considers that further clarification would have been helpful to assist her understanding of the rationale behind the proposed level of funding, given that the Local Authorities were content with the amount of funding proposed, she is of the view that it is reasonable to conclude that the Hardship Scheme and associated funding would be sufficient to mitigate the potential health impacts on vulnerable residents.

357. With regard to whether the use of a requirement to secure the Hardship Fund would have been more appropriate than a section 106 agreement, the Secretary of State agrees with the ExA that the use of a section 106 agreement is an appropriate approach in view of the agreement between the Applicant and Joint Local Authorities [ER 15.2.30] and taking into account the guidance on the use of requirements and development consent obligations in paragraphs 4.9 and 4.10 of the ANPS and paragraph 4.11 of the NNNPS.

358. The ExA concluded that the provision of the Hardship Scheme, as agreed with the Local Authorities, complied with the ANPS and NNNPS objectives insofar as the Applicant had identified an appropriate measure to compensate for potential adverse health effects [ER 15.2.31]. The Secretary of State agrees with this conclusion.

Air quality – Ultrafine particulates

359. The Secretary of State has had regard to the concerns raised in both the JSC LIR and the JWSLA LIR regarding the changes in $PM_{2.5}$ concentrations not being a good indicator of the general risk associated with exposure to fine and ultrafine particulates [ER 15.2.32]. In addition, the issue of air quality and particularly ultrafine particulates was an issue of concern for several interested parties throughout the Examination [ER 15.2.33]. The Secretary of State has also considered the concerns raised throughout the Examination in respect of the possible links between air pollution and health effects [ER 15.2.40].

360. The ExA noted the representations from the United Kingdom Health Security Agency and the Office for Health Improvement and Disparities which clearly stated their view that the Proposed Development would not result in any significant adverse impacts on public health. The ExA concluded that there was no evidence which would lead them to disagree with this view in relation to ultrafine particulates [ER 15.2.41]. The Secretary of State concurs.

361. At the close of Examination, disagreement remained between the Applicant and Mole Valley District Council, Tandridge District Council and Reigate and Banstead Borough Council [ER 15.2.38] as the Councils were concerned that while the Applicant had agreed to increase funding for air quality monitoring, this would not be implemented prior to particulate matter standards being published and the funding would not cover the costs of equipment purchase and operation. The Councils further considered that proactive monitoring in advance of standards should be undertaken by the Applicant to gather a set of baseline data [ER 15.2.39].

362. The ExA concluded that the Councils' concerns were not sufficient to compromise the Proposed Development when compared to the requirements of paragraphs 1.37 and 4.73 of the ANPS and paragraph 4.82 of the NNNPS and considered that it was not necessary to recommend any changes to the Requirements in Schedule 2 of the draft Order with regard to ultrafine particulates [ER 15.2.42]. The Secretary of State finds no reason to disagree with this conclusion and considers air quality further in the Air Quality section of this letter.

Noise Insulation Scheme – overheating and ventilation

363. The Secretary of State has noted the concerns expressed by several Local Authorities, Interested Parties and the Legal Partnership Authorities with regard to the Applicant's proposed Noise Insulation Scheme [ER 15.2.44 – 15.2.45]. The Secretary of State's consideration of the adequacy of the Applicant's Noise Insulation Scheme (including the specific concerns listed at ER 15.2.45), are more fully detailed in the Noise and Vibration section of this letter.

364. The Secretary of State has had regard to the concerns raised in the JWSLA LIR that no provision had been made to prevent overheating in the residential properties subject to noise insulation measures as part of the NIS, and to Mole Valley District Council's ("MVDC") request that the Applicant undertake an overheating assessment [ER 15.2.47] to demonstrate adequacy of the ventilation scheme [ER 15.2.49]. The Secretary of State has also noted the Applicant's position that due to the diverse range of housing stock it would not be feasible to carry out any meaningful assessment of the risk of overheating of all affected properties and that the potential for internal rooms to overheat because of noise insulation would be reduced due to the ventilation measures and the Applicant's comments in its Closing Submissions that ventilators do not completely negate the need to open windows in certain circumstances [REP9-112] [ER 15.2.48].

365. The ExA concluded that they could not be certain that the concerns regarding overheating would be adequately addressed by the provisions in the Applicant's final draft Order because acoustic ventilators would not address the wish or need for occupants to open windows in certain circumstances [ER 15.2.51] and did not find the Applicant's preferred approach to be satisfactory overall [ER 15.3.2]. However, the ExA considered that the adoption of its revised requirement 18 in the recommended DCO would satisfactorily address any issues [ER 15.2.52]. The Secretary of State notes the ExA's recommended requirement suggested that for approved premises, the package of measures could also include methods to reduce solar gain to achieve an internal living environment consistent with guidance [ER Table 22.1].

366. In response to the Secretary of State's consultation letter dated 9 December 2024, the Applicant, in its 23 December 2024 response, stated that it disagreed with the proposed wording of requirement 18 and proposed an alternative version. With specific regard to overheating, the Applicant maintained that the noise insulation scheme provides three measures to address overheating, which are all consistent with Government policy on both noise and sustainable development. The Secretary of State requested further information as part of her minded to letter of the 27 February 2025, and she notes the Applicant's response of 24 April 2025, which set out an enhanced requirement 18 at Annex 2 of its response, to be supported by a new Noise Insulation Scheme Document set out in Appendix 2 to Annex 2. Section B of the Noise Insulation Scheme Document set out the package of measures to be offered to eligible residential premises included '*Low solar gain glass – within acoustic double glazing to windows in full sun to reduce overheating'* in addition to the acoustic ventilators, thermal insulation of roof spaces and blinds previously provided. The Applicant was content that its enhanced requirement 18 built upon the ExA's drafting of their recommended requirement and which clearly satisfied the policy tests in the NPSE and ANPS [paragraph 2.5 of Annex 2].

367. As set out in further detail at paragraph 87, the JLA's representation of the 9 June 2025, the JLA maintained that the Applicant must commit to undertake and provide a

dynamic thermal modelling report, which assumes windows are shut, for properties within the inner zone. This should be undertaken in line with the requirements set out in the Chartered Institution of Building Services Engineer's TM59 'Design methodology for the assessment of overheating risk in homes' (2017) (paragraph 4.20). This would ensure that adequate overheating mitigation measures are applied to individual properties, so occupants can maintain good internal temperatures while keeping windows closed to mitigate against aircraft noise (paragraph 4.21). The Secretary of State notes this adopts a similar approach to that used by the ExA in its revised requirement 18.

368. The Secretary of State is assured that with the specific measures outlined by the Applicant, and included in its Noise Insulation Scheme Document, which will mitigate overheating, and the additional check of a dynamic thermal modelling report for inner zone eligible properties most affected by aircraft noise, as proposed by the JLA and the ExA, significant adverse impacts to health and quality of life caused by overheating will be avoided.

The Secretary of State's Conclusions on Health and Wellbeing

369. The Secretary of State found no reason to disagree with the ExA that the Applicant's assessment of health and wellbeing was appropriate and accords with the requirements of paragraphs 4.70 - 4.73 of the ANPS and paragraphs 4.81 - 4.82, 5.7 and 5.195 of the NNNPS [ER 15.3.1]. She is content that the amendments provided by the Applicant and the JLA that have been incorporated into requirement 18 are appropriate and provide her and local communities with assurance that overheating effects will be addressed. Like the ExA, the Secretary of State is satisfied that the Proposed Development would accord with the ANPS, the NNNPS, other relevant legislation and policy requirements [ER 15.3.3].

370. Although the Secretary of State has taken a different approach to the ExA in accepting the revised requirement 18 which incorporates comments from the Applicant and JLA, she nonetheless agrees with the ExA's original conclusion that the health and wellbeing effects of the Proposed Development should be considered as neutral and would weigh neither for nor against the making of the Order [ER 15.3.4].

Land Use and Recreation

371. The Secretary of State has had regard to the Applicant's assessment of land use and recreation, set out in Chapter 19 of the ES [ER 16.1.1] and supported by the documents listed in ER 16.1.2.

372. The ExA considered the following issues should be examined in greater detail:

- agricultural land and soil resources;
- replacement open space; and
- Museum Field located at the Gatwick Aviation Museum, Charlwood [ER 16.2.2].

Agricultural Land and Soil Resources

373. The Secretary of State notes that the construction of the South Terminal roundabout improvements would require a mix of both permanent and temporary agricultural land take:

- temporary loss of 12.1 hectares of lower quality subgrade 3b land [ER 16.2.3];

- 10.1 hectares of permanent land take associated with ground lowering to create a flood compensation area in Museum Field [ER 16.2.4]; and
- permanent loss of agricultural land from six land holdings [ER 16.2.6] but the Applicant confirmed that the loss would not result in any significant adverse effects in respect of existing farming activities [ER 16.2.7].

374. The Applicant confirmed that no Best and Most Versatile Land resources would be affected by both the temporary and permanent agricultural land take [ER 16.2.5]. A Soil Management Plan would also be required prior to the commencement of the construction which would be secured by requirement 29(1) and must be substantially in accordance with the Soil Management Strategy [ER 16.2.10].

375. The Secretary of State acknowledges that while the Proposed Development would result in some elements of permanent agricultural land loss, this would be relatively minimal in scale and would not result in any loss of Best and Most Versatile Land [ER 16.2.11]. She therefore agrees with the ExA's conclusion that in accordance with the requirements set out in paragraphs 5.168 of the NNNPS and 5.115 of the ANPS the Applicant has sought to minimise impacts on Best and Most Versatile agricultural land by utilising poorer quality land [ER 16.2.12].

376. The Secretary of State also agrees with the ExA's conclusion that the Soil Management Plan secured through requirement 29 of the Order represents a reasonable approach to ensure safeguarding of soil resources during construction operations and that the areas of temporary land take would be properly managed post-construction [ER 16.2.13].

Replacement Open Space

377. The Secretary of State notes the areas of open space which the Applicant confirmed would need to be acquired permanently for the delivery of the Proposed Development, which are summarised at ER 16.2.14. Additionally, the Applicant sought acquisition rights over open space land for the delivery of the Proposed Development, as summarised at ER 16.2.16. The Secretary of State notes that the majority of the rights to be acquired would be required in respect of the delivery of the highway improvement works. As these are only required temporarily, the ExA was satisfied that section 132(4B) of the 2008 Act is satisfied, and no replacement land would be required [ER 16.2.17]. The Secretary of State agrees.

378. The Applicant set out land which would be developed as replacement open space as part of the Proposed Development, which is summarised at ER 16.2.15. The ExA was satisfied that the areas of replacement open space would be in proximity to those areas of land being acquired and thus would be accessible to those communities currently served by the existing open space, and the provision of the proposed footpath link and the provision of a pedestrian footpath would ensure that accessibility by foot is also maintained [ER 16.2.21]. The ExA also noted that the replacement open space would comprise a significantly larger area of open space when compared to the areas which would be permanently acquired for the Proposed Development [ER 16.2.22].

379. The ExA highlighted the replacement open space would be delivered in accordance with the open space delivery plan, which is required to be submitted to, and approved in writing by, CBC under article 39 of the Order. Further details in respect of the proposed landscaping and planting for each of the open space area are provided within the oLEMP, secured through requirement 8 of the Order [ER 16.2.23]. The ExA was satisfied that the Applicant's proposal satisfied paragraph 5.123 of the ANPS [ER

16.2.25]. The Secretary of State agrees and considers this also satisfies paragraph 5.181 of the NNNPS (5.194 of the 2024 NNNPS) [ER 16.2.24]. The Secretary of State notes that the Applicant is not relying on the provision of "replacement land" under section 131(4) of the 2008 Act [ER 16.2.24], however, she is content that the giving of other land in exchange is not necessary, as set out under section 131(5) of the 2008 Act, given that the new, highway owners will not suffer a net loss in land under their control and, following discussions with the JLA, they have communicated that they do not wish to be vested with the replacement open space [section 2.2 of REP9-104]. The ExA were satisfied that an appropriate resolution between Interested Parties and the Applicant had been reached by the close of the Examination and considered the wording of article 39 of the Order to be appropriately drafted and secured [ER 16.2.26].

Museum Field

380. There would be permanent land take associated with the provision of the flood compensation area in Museum Field. The Applicant proposed the provision of a new circular recreational route around the flood compensation area to the east of Museum Field. The commitment to the provision of the footpath in included at paragraph 4.4.2 of the oLEMP which is secured by requirement 8 of the Order [ER 16.2.27]. CBC raised concerns throughout the Examination, stating that due to the relatively poor condition of the current permissive path to the site, the Applicant should consider the creation of a new path to allow the Museum Field to be more readily accessible to nearby residents, and assist in the connectivity of newly created wildlife and recreational assets [ER 16.2.28]. At the close of the Examination, this issue remained unresolved between parties [ER 16.2.32]. The Secretary of State notes the ExA's observation that any further submission from CBC or the Applicant after the close of the Examination may be available to the Secretary of State who may wish to follow up the matter prior to making a decision [ER 16.2.34]. The Secretary of State considers that the release of her minded to letter and the ExA's report on the 27 February 2025, has provided sufficient time for the Applicant or CBC to provide further information regarding this issue. Whilst the issue remains unresolved, the Secretary of State notes that there is a clear commitment in the oLEMP to provide a circular route to the existing permissive path by the Applicant, which is adequately secured within the Order. The Secretary of State, therefore, is satisfied to agree with the ExA that the existing accessibility situation would not be degraded because of the Proposed Development [ER 16.2.33].

The Secretary of State's Conclusions on Land Use and Recreation

381. The ExA found that the Proposed Development, in respect of land use and recreation, would accord with the ANPS, NNNPS and other relevant legislation and policy requirements. [ER 16.3.4]. The Secretary of State agrees with this conclusion. The Secretary of State agrees with the ExA's weight that land use and recreation effects of the Proposed Development can be considered neutral, and do not weigh for or against the making of the Order [ER 16.3.5].

Other Matters

382. The Secretary of State notes the ExA's consideration of the section of the Report entitled 'Other Matters' where topics with no significant issues were identified. This included the consideration of alternatives, geology, ground conditions, health and well-being, major accidents and disasters, resource and waste management and cumulative combined effects [ER 17.1.1]. The Secretary of State has considered these topics, as set out below.

Consideration of Alternatives

383. Consideration of Alternatives were addressed in ER 17.2 and was not a topic that was explored in detail during the Examination. Interested Parties raised issues in relation to MBU and the validity of the proposal in relation to the potential London Heathrow North West Runway ("LHR NWR") and these points have been considered further under the 'cumulative effects' section below [ER 17.2.13], as well as continued safeguarding of land for a future southern runway [ER 17.2.15]. The Secretary of State notes the Local Plan Inspector's conclusion of 31 January 2024 that the land safeguarded for future runway capacity is in line with national policy [ER 17.2.16 and REP7-083, row "GEN2.1"] and sees no reason to disagree. Along with the conclusions drawn in relation to interactions with the LHR NWR project below, the Secretary of State agrees with the ExA that the consideration of site selection and alternatives would weigh neither for nor against the Order being made [ER 17.2.22].

Geology and Ground Conditions

384. The Secretary of State notes the ExA's consideration of potential effects of the Proposed Development on geology and ground conditions at ER 17.3. The Applicant considered the effects associated with geology and ground conditions during construction and operation of the Proposed Development in Chapter 10 of its ES [ER 17.3.2] and that the Applicant concluded in Table 10.13.1 of APP-035 that any effects during construction and operation were not significant [ER 17.3.3].

385. The JWSLA raised concerns with regard to the potential sterilisation of safeguarded clay, and whether the suggested mitigation measures were sufficient to meet the requirements of paragraph 5.121 of the ANPS for appropriate mitigation [ER 17.3.4]. WSCC's Statement of Common Ground with the Applicant confirmed that the Construction Resources and Waste Management Plan appended to the CoCP [REP9-031] had been sufficiently updated to include mineral safeguarding policies to protect the Weald clay formation and LePA's Closing Statement contained no references to outstanding geology and ground condition matters. [ER 17.3.8 – 17.3.9]. The Secretary of State, like the ExA, is content to consider that the CoCP, as secured by requirement 7, is sufficient to address effects relating to geology and ground conditions. She therefore agrees with the ExA that neutral weight should be given to the issue of geology and ground conditions in the overall planning balance [ER 17.3.10].

Major Accidents and Disasters

386. The ExA considered the potential effects of the Proposed Development in relation to major accidents and disasters at ER 17.4, and the Secretary of State notes that the main issues covered in the Examination include the loss of the 'emergency runway', increased chances of terrorism and safety issues associated with dual runway operations [ER 17.4.3]. In the JWSLA LIR, the Councils asked for consideration of the potential impact of the Proposed Development on the West Sussex Fire and Rescue Service and the Applicant stated that during construction the contractor would comply with the requirements of the local fire service and that specific fire prevention measures would be developed as set out in section 4.10 of the CoCP [ER 17.4.5]. The Statement of Common Ground between WSCC and the Applicant records that concerns in relation to fire safety were agreed and the ongoing engagement would take place with the West Sussex Fire and Rescue Service during development of the detailed design and construction [ER 17.4.6].

387. The Secretary of State acknowledges that in regard to overall aircraft safety and the threat of terrorism, the Applicant confirmed that existing emergency response arrangements will be extended to cover the Northern Runway and the Proposed Development would not introduce fundamentally new or bigger hazards than those already taken into account in the airport's emergency planning [ER 17.4.7]. On the loss of the 'emergency' runway, the Secretary of State is aware that it is not a CAA requirement to have a standby runway, and has noted the response provided by the CAA that Gatwick, as with all airports, has established procedures in place should a runway need to be closed, and these are not solely reliant on the use of its northern runway [ER 17.4.8].

388. The Secretary of State has noted the ExA's understanding that in terms of major accidents and disasters the Proposed Development would not introduce any new risks that could not be dealt with by the airport's existing emergency procedures and that the loss of the standby runway would not present any new additional risks [ER 17.4.10]. The Secretary of State sees no reason to disagree with the ExA's conclusion that the Proposed Development would accord with the ANPS and other relevant legislation and policy requirements and she therefore accepts the ExA's conclusion that major accidents and disasters should have neutral weight in the planning balance [ER 17.4.14].

Resource and Waste Management

389. The Secretary of State notes the Applicant's consideration of resource and waste management matters were not included in the ES, but instead the Scoping Report set out that a waste management strategy including a Site Waste Management Plan ("SWMP") would be produced and included as a technical appendix to the ES [ER 17.5.1].The Applicant acknowledged in their Construction Resources and Waste Management Plan that as waste forecasts for the Proposed Development have not been defined, it cannot be predicted whether waste facilities in West Sussex would be capable of managing waste from the Proposed Development in line with the principle of net self-sufficiency [ER 17.5.13]. It is also noted that a new Central Area Recycling Enclosure ("CARE") facility will replace the existing food waste to energy plant on site and will operate as a waste sorting facility only [ER 17.5.14 and 17.5.17].

390. During the Examination, the Applicant was questioned on why likely significant effects in relation to waste management were not assessed in the ES as well as why there was not an estimate of the type and quantity of all expected waste during the construction phase [ER 17.5.18]. The Applicant's response outlined that the management of waste had been referenced across the ES, and any potential residual effects would be addressed through the SWMP [ER 17.5.19]. The Secretary of State is aware that the Applicant provided a Waste Management Signposting Document [REP6-017] to help set out where the effects of construction waste have been considered across the ES [ER 17.5.21].

391. The Secretary of State notes that requirement 30 of the dDCO was added by the Applicant [ER 17.5.23]. It requires the approval of the SWMP by the relevant waste authority, allowing them appropriate input into how likely significant effects in this regard can be avoided. Similarly, requirement 25 requires that an Operational Waste Management Plan is submitted to and approved by the relevant planning authority to ensure control over operational waste management is handled appropriately [ER 17.5.33 and 17.5.34].

392. Further topics considered during the Examination in relation to waste management included the Project Change 2 (removal of biomass CARE facility for a sorting facility), the design of the new facility, and transporting operational waste and how this may impact traffic assessments within the ES [ER 17.5.24 - 17.5.30 and 17.5.35 - 17.5.37]. The Secretary of State agrees with the ExA's conclusions that the Applicant's assessment of resource and waste management has been appropriately undertaken in line with the ANPS and NNNPS. She also agrees that the mitigation provided through requirements 25 and 30 of the DCO will minimise the amount of waste sent to landfill and would control negative environmental effects of the new waste facility. Subsequently, the Secretary of State is content to agree with the ExA that matters relating to resource and waste management weigh neutrally in the planning balance [ER 17.5.38].

Cumulative Effects

393. The Secretary of State notes that the Applicant's assessment on cumulative and combined effects is set out in Chapter 23 of the ES and the ExA's consideration of these matters is set out at ER 17.6. This included the assessment of the potential for in-combination effects of the project with the potential LHR NWR, assuming that that runway would be operational by the mid-2030s. However, the Secretary of State understands that a full cumulative assessment pursuant to Advice Note 17 ("Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment") cannot be undertaken as sufficient information on the LHR NWR project is not currently available [ER 17.6.4]. Despite concerns from local authorities that cumulative impacts had not been properly considered by the Applicant, the Secretary of State notes that the Applicant had, as far as possible, undertaken a qualitative assessment of the impact of LHR NWR [ER 17.6.4] and is content to agree with the ExA that the approach is reasonable in the circumstances that an official application in relation to Heathrow Airport has not been put forward at the time of assessment [ER 17.6.16]. She also notes that in the final Statement of Common Ground with WSCC no issue relating to cumulative effects was recorded, although the Statement of Common Ground with Horsham District Council recorded that they still had concerns about cumulative impact that had not been addressed [ER 17.6.15].

394. Similarly, the Secretary of State sees no reason to disagree with the conclusions drawn by the ExA that the cumulative effects of local development sites have also been properly considered in relation to traffic [ER 17.6.19]. As a result of the mitigation measures proposed, the Applicant's assessment concluded that there would be no further significant residual cumulative effects than those identified in the Landscape and Townscape section. The Secretary of State therefore agrees with the ExA that cumulative effects should be given neutral weight within the planning balance [ER 17.6.20].

Good Design

395. The Secretary of State recognises that good design covers a wide range of matters and is considered within various chapters of the Applicant's ES. The Secretary of State has had regard to this and to the Applicant's specific Design and Access Statement ("DAS") [ER 18.2.1]. A summary of the content of the five volumes of the DAS is provided by the ExA at ER 18.2.2 - 18.2.8.

396. The Secretary of State notes the relevant representations did not mention good design, preferring to concentrate on the individual elements of the Proposed

Development, which may or may not fall under the wider umbrella of good design. WSCC noted that the design principles on which the detailed design of the Proposed Development would be secured had no stakeholder input, were insufficiently detailed and contained ambiguous wording. It also viewed the DAS as not being comprehensive as some development was excluded and that there was a general lack of detail for some of the works, site context and no comprehensive commentary of the phasing plans [ER 18.3.1]. The LIR of the JWSLA considered that there had been little meaningful engagement on design matters and that the level of information provided on the proposed plans and the level of detail contained in the control document would give the authorities insufficient control over design details [ER 18.3.3 - 18.3.4]. The Secretary of State notes that the ExA thoroughly explored this matter during Examination, as set out at ER 18.3.5 - 18.3.28, and highlighted the following matters as requiring further consideration:

- Design Detail
- Design Controls
- Other Works (raised by the LePAs)
- Other Design Matters

Design Detail

397. Design details are primarily contained in the DAS and Appendix 1 (Design Principles) [ER 18.4.1] and are supplemented by various plans and documents [ER 18.4.2], which were updated during Examination in response to comments received and changes made to the Proposed Development [ER 18.4.3]. In considering the range of documents provided and the revisions made during the Examination, the ExA concluded that it was content that the level of design detail was sufficient [ER 18.4.5]. The Secretary of State is likewise content and agrees that in accordance with the ANPS, the Applicant has demonstrated how the design process was conducted and how the proposed design evolved, taking into account alternatives [ER 18.4.5]. While the ExA considered that the design of various elements of the Proposed Development could be more detailed, it concluded that it was reasonable for the Applicant to maintain some design flexibility for the Proposed Development for the reasons set out at ER 18.4.6. The Secretary of State agrees.

398. While the Secretary of State notes the concern of the LePAs who considered that the relevant design sections of the documents set out at ER 18.4.1 - 18.4.2 should be joined to form one coherent design document, like the ExA she is satisfied that it is reasonably clear to read across the various documents and no harm arises from design advice falling within the different documents [ER 18.4.7 and 18.4.33].

Design Controls

399. The Secretary of State notes that control over the design of the Proposed Development is secured within the Order with the relevant documents to be certified contained in Schedule 12 [ER 18.4.8]. Like the ExA, the Secretary of State is reassured that the inclusion of requirement 5 providing detailed design for local highway works and requirement 6 providing detailed design for national highway works in the Order will ensure that the highway elements of the Proposed Developments are subject to the level of control required and secure good design. In accordance with the ANPS this should ensure that both functionality and aesthetics will be considered. With regard to design controls for surface and foul water drainage, the Secretary of State agrees

with the ExA that requirements 10 and 11 will ensure these details will be carried out in accordance with approved details and subject to the Design Principles [ER 18.4.9].

400. The Secretary of State notes that in addition to individual elements of the Proposed Development having their own requirements related to detailed design, requirement 4 also specifically confirms that no part of the Proposed Development can be commenced until CBC has been consulted on the design. Specific works listed within requirement 4(8) (previously Schedule 12 in the rDCO) would also require additional details to be submitted and approved by the relevant planning authority [ER 18.4.10]. The Secretary of State notes that the ExA agreed with the list of works in Schedule 12 for the reasons set out at ER 18.4.12 but recommended the addition of the works for the North Terminal Long Stay Car Park. As considered in the matters of Landscape and Townscape and Historic Environment, the ExA found that the North Terminal Long Stay Car Park could have an adverse effect on the landscape and on the setting of the Grade II listed Charlwood Park Farmhouse. Given the proximity of this building to the Order limits, the ExA considered that it warrants extra control and its inclusion within requirement 4(8) would help to ensure that any adverse effect was minimised through good design [ER 18.4.13]. The Secretary of State agrees.

401. While the ExA considers that a Design Review Panel for wider elements of the Proposed Development would have been of benefit, it noted that the works listed at ER 18.4.11 would fall within the remit of a "suitably qualified and experienced independent Design Advisor" who would review designs, consult with relevant bodies, and provide recommendations for improvement, prior to details being submitted to the local authority. Details of the review and response to recommendations would be included in the details to the relevant planning or highway authority under requirements 4, 5 and 6 [ER 18.4.11]. Like the ExA, the Secretary of State welcomes the introduction of a Design Advisor and agrees that the potential advisor selected by the Applicant could have a considerable positive effect on the works listed at paragraph 1.4.1 of Annex A of REP9-062 [ER 18.4.14].

Other Works (raised by the LePAs)

402. Concerns over several other elements of works were raised by the LePAs, and where appropriate, are considered by the ExA in the relevant sections of the Report [ER 18.4.15]. A summary of the ExA's consideration and the outcome of each issue is provided at ER 18.4.16 - 18.4.24. For the avoidance of doubt, the Secretary of State agrees with the conclusions reached by the ExA.

Other Design Matters

403. In her consideration of good design, the Secretary of State has had due regard to the aims of the ANPS, and to the NNNPS with regard to the highway related elements of the Proposed Development, as detailed at ER 18.4.25. The Secretary of State notes the ExA gave further consideration to: terminal facilities; noise; flooding; surface access and sustainability under the remit of good design: [ER 18.4.26 - 18.4.31]. The Secretary of State agrees with the conclusions reached by the ExA on each of these issues. Although she has set out elsewhere in this letter where she has chosen a revised view to the ExA in terms of the requirements for noise and surface access, the Secretary of State is satisfied the revisions do not alter the overall conclusion that this will mitigate and minimise adverse impacts on health and quality of life in the context of sustainable development. With regard to flooding, the Secretary of State's

consideration of the new Flood and Coastal Erosion Risk Data can be found in the Water Environment section of this letter.

404. In the minded to letter dated 27 February 2025, the Secretary of State noted that in relation to the design of the Proposed Development, that Building Research Establishment Environmental Assessment Method (‘‘BREEAM’’) certification had not been pursued for sustainability and energy assessment categories for the built environment and invited the Applicant to set out what further measures could be brought forward to prioritise sustainable design and in turn reduce carbon emissions during construction and operational phases of the Proposed Development. In its response dated 24 April 2025 the Applicant confirmed that it would amend Design Principle BF4 in the Design Principles [REP9-062] to obtain an ‘Excellent’ rating for BREEAM energy in relation to new building design to include the following: *"New buildings will be designed to maximise energy and water efficiency and 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. The requirements will be fixed to the most recent version of BREEAM available at concept design stage."*

405. The Secretary of State notes that the Applicant will make this minor amendment to the final version of the Design Principles before it submits that document for certification in accordance with article 50 of the Order. She is satisfied that with this amendment these measures will prioritise sustainable design and in turn reduce carbon emission during construction and operational phases of the Proposed Development. This is in line with the requirements in paragraph 4.32 of the ANPS which states that sustainable design is an important and relevant consideration in decision making, and paragraph 159(b) of the NPPF (2023) which provides that new development should be planned in ways that reduce GHG emissions. Like the ExA, the Secretary of State is content that the Proposed Development satisfies the provisions of the ANPS and the NNNPS in relation to good design [ER 18.4.36].

Conclusion on Good Design

406. The ExA concluded that, taking into consideration the matters set out at ER 18.4.34, the inclusion of the North Terminal Long Stay Car Park to requirement 4(8) of the recommended Order, further requirements in the recommended Order for noise and surface access and the Applicant’s proposed controls for flooding, sustainability and surface access, the Proposed Development would meet the provisions of the ANPS and the NNNPSN in relation to wider matters of good design [ER 18.4.35].

407. The ExA considered that the Proposed Development would be as sustainable, and as aesthetically sensitive, durable, adaptable and resilient as it could reasonably be, having regard to regulatory and other constraints and including accounting for natural hazards [ER 18.4.36].

408. The Secretary of State agrees with the ExA’s conclusions on good design and is satisfied that her revisions to the requirements for noise and surface access do not alter these conclusions. In reaching her decision, the Secretary of State, like the ExA, has considered the ultimate purpose of the infrastructure and the operational, safety and security standards which the design has to satisfy [ER 18.4.36], together with the Applicant’s commitment to achieving BREEAM ‘Excellent’ in relation to energy in building design.

409. The ExA set out that it considered that the Proposed Development presented an opportunity to deliver a substantially improved urban environment at the airport and its

surrounds [ER 18.4.37] and stated that should the Secretary of State decide to grant consent, it would strongly urge the Applicant to adopt the approach of the former Beehive terminal to put passenger comfort as a priority [ER 18.4.37]. The Secretary of State endorses this position.

410. Like the ExA, the Secretary of State is content that matters of good design should attract a little positive weight towards the making of the Order, which is subject to the North Terminal Long Stay Car Park being included in requirement 4(8) [ER 18.4.39].

Habitats Regulations Assessment

411. This section should be read alongside the Secretary of State's Habitats Regulations Assessment for an Application under the 2008 Act – Gatwick Airport Northern Runway Project (21 September 2025).

412. Under regulation 63 of the Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 ("the Habitats Regulations"), the Secretary of State as the competent authority is required to consider whether the Proposed Development (which is a project for the purpose of the Habitats Regulations) would be likely, either alone or in combination with other plans and projects, to have a significant effect on a European site. The purpose of the likely significant effects ("LSE") test is to identify the need for an 'appropriate assessment' ("AA") and the activities, sites or plans and projects to be included for further consideration in any AA.

413. Where LSE cannot be ruled out, the Secretary of State must undertake an AA under regulation 63(1) of the Habitats Regulations to assess potential adverse effects on site integrity. Such an assessment must be made before any decision is made on undertaking a plan or project or any decision giving consent, permission or other authorisation to that plan or project. In light of any such assessment, the Secretary of State may grant development consent only if it has been ascertained that the plan or project will not, either on its own or in combination with other plans and projects, adversely affect the integrity of such a site, unless there are no feasible alternatives and imperative reasons of overriding public interest apply (regulation 64).

414. The Secretary of State has considered the application in line with her duty under the Habitats Regulations. The Secretary of State agrees with the ExA that the Proposed Development is not directly connected with, or necessary for the conservation management of a European site [ER 19.1.10].

415. She has considered the potential impact of the Proposed Development on seven European protected sites which have been scoped into the Habitats Regulations assessment using methodology set out at section 1 of the Applicant's HRA Report [REP3-043].

416. The sites are Mole Gap to Reigate Escarpment Special Area of Conservation (''SAoC''), the Ashdown Forest SAoC and Special Protection Area (''SPA''), the Mens SAoC, the Ebernoe Common SAoC, the Thames Basin Heaths SPA and the Thursley, Ash, Pirbright and Chobham SAoC [ER 19.2.2]. The Secretary of State notes the qualifying features and pathways for effects on these sites as set out in Tables A1.1 to A1.7 in Annex 1 of the Report on Implications of European Sites [PD-026] [ER19.2.3]. No interested parties, including Natural England, identified any other European sites or additional qualifying features for inclusion in the screening assessment [ER 19.2.5].

417. The Secretary of State has taken note of the conclusions of the ExA and the Applicant that likely significant effects alone or in combination with other plans or projects may be excluded beyond reasonable scientific doubt on the qualifying features of the Mens SAoC, Ebernoe Common SAoC and Mole Gap to Reigate Escarpment SAoC. The Secretary of State notes that this conclusion was agreed by Natural England [RR-3223] [ER 19.2.11 and 19.2.12].

418. Based on the Applicant's information the Secretary of State agrees with the ExA and the Applicant that likely significant effects cannot be excluded from; Thames Basin Heaths SPA, Thursley, Ash, Pirbright and Chobham SAoC, Ashdown Forest SPA and Ashdown Forest SAoC as a result of air quality impacts from the Development [ER 19.5.3].

419. The Secretary of State therefore considered that an AA should be undertaken to discharge her obligations under the Habitats Regulations.

420. The European sites and qualifying features for which LSE were identified were further assessed by the Applicant to determine if they could be subject to adverse effects on integrity ("AEoI") from the Development, either alone or in combination. The outcomes of the Applicant's assessment of effects on integrity are summarised in Table 5.3.1 of the Applicant's HRA Report [REP3-043]. The Applicant concluded that the Proposed Development would not adversely affect the integrity of any of the European sites and features assessed, either alone or in combination with other projects or plans. No mitigation measures were relied on to reach the conclusions of no AEoI [ER 19.4.13]. The Secretary of State has noted that Natural England and the ExA agree with the Applicant's conclusion of no AEoI in respect of the above European sites [RR-3223 and ER 19.4.15].

The Secretary of State's Conclusions on the Habitats Regulations Assessment

421. The Secretary of State is satisfied that the Development would not result in any implications for the achievement of the conservation objectives for all of the European sites identified from the Development alone and in combination with other plans or projects.

422. The Secretary of State, as the competent authority for the purposes of the Habitats Regulations has therefore concluded that it is permissible for her to grant development consent for the Development.

Planning Balance

423. The ExA's consideration of the planning balance and its recommended weightings, in respect of both the Applicant's draft Order and the ExA's recommended Order, was set out at paragraphs 228 - 229 of the minded to letter.

424. The Secretary of State's final view on the planning balance and her final weightings on the matters examined is set out in the following paragraphs.

425. The Secretary of State has carefully considered the matters listed immediately below and she agrees with the ExA's conclusions and the recommended weighting for each listed matter. Therefore, in the planning balance, the Secretary of State has applied the same weight to these matters as the ExA, following the findings and reasoning set out in the relevant sections of the Report. Should any additional reasoning have been set out by the Secretary of State within this letter, it will be referenced as [paragraph XX].

- The principle of the Proposed Development and the Need case - moderate positive weight on the basis of the clear need for additional airport capacity set out in the ANPS, and that the need that the Proposed Development would partially satisfy would be additional to, or different from that which would be met by any Heathrow scheme [ER 20.2.5];
- Air Quality - neutral weight [ER 20.2.13];
- Greenhouse Gas Emissions - moderate negative weight [ER 8.5.14]
- Climate Change - neutral weight [ER 20.2.23];
- Water Environment - neutral weight [ER 20.2.32] and [paragraph 267];
- Historic Environment - moderate negative weight due to the number of heritage assets that will experience harm as a result of the Proposed Development [ER 20.2.42];
- Ecology - slight negative weight on the basis of the long-term timeframe for the mitigation measures to produce a beneficial effect [ER 20.2.47];
- Land Use and Recreation - neutral weight [ER 20.2.53];
- Other Matters (including consideration of alternatives, geology and ground conditions, major accidents and disasters, resource and waste management, and cumulative effects) - neutral weight [ER 20.2.54 – 20.2.61]; and
- Design - slight positive weight as the Proposed Development satisfies the provisions of the ANPS in relation to good design, and the additional controls introduced in the Order in relation to design of specific elements of the Proposed Development, are more demanding than under the provisions of the Town and Country Planning (General Permitted Development) Order 2015. The Applicant's amendments to the Design Principles, particularly in relation to new buildings meeting the standards of an 'excellent' rating for BREEAM are also welcomed [ER 20.2.63 - 20.2.65] and [paragraph 410].

426. In addition, the Secretary of State has reached a different conclusion on the following matters, for the reasons given within the relevant sections of this letter:

- Traffic and Transport - slight negative weight on the basis that increased traffic from the Proposed Development would create additional stress on already congested networks but which will be reduced due to the additional controls introduced in the Order requirements [Paragraphs 42 - 49];
- Noise and Vibration - neutral weight [Paragraphs 129 - 134];
- Landscape and Townscape - slight negative weight on the basis of adverse effects on certain locations and receptors, including nationally designated areas [Paragraphs 302 - 305]; and
- Socioeconomics – great positive weight to reflect the overall effects of these benefits arising from the Proposed Development in supporting economic growth both locally and nationally. This includes the significant positive effects from the availability of labour, direct, indirect and induced employment [ER 10.3.2 and 20.2.28 - 20.2.29], which is at the heart of inclusive economic growth and the alleviation of poverty [ER 10.2.138]. Together with the significant employment benefits, the beneficial effects provided by targeted measures such as the Employment, Skills and Business Strategy, the Homelessness Prevention Fund, and the Gatwick Community Fund, all enhance the overall significance and reach of the socioeconomic impacts;
- Health and wellbeing - neutral weight [Paragraphs 369 - 370].

The Secretary of State's Conclusions on the Planning Balance

427. Having carefully considered all matters and the additional information received, the Secretary of State is satisfied that the need for the Proposed Development has been established and that this need should be afforded moderately positive weight given the contribution it would make to increasing aviation capacity, outlined in the ANPS. The Secretary of State has weighed the expected benefits of the Proposed Development against the potential negative effects that may occur, and she is of the view that any potential negative impacts have been reduced as a result of amended requirements/controls now within the Order meaning they are substantially outweighed by the need, the social and economic benefit and the benefit of good design expected from the Proposed Development. She is also satisfied that all legislative and policy tests have been met.

Compulsory Acquisition and Related Matters

428. The Secretary of State notes that the Order contains compulsory purchase powers enabling the Applicant to acquire land and rights over land and the imposition of restrictive covenants, and to take temporary possession of land [ER 21.3.2]. The powers being sought by the Applicant are set out in the Statement of Reasons (paragraph 3.3.4 REP9-009) and Explanatory Memorandum (REP9-008) [ER 21.3.1]. In her consideration of the compulsory acquisition and temporary possession powers being sought, the Secretary of State has also had regard to the legislative requirements and national guidance set out by the ExA at ER 21.2.1 - 21.2.11, in addition to the "Planning Act 2008, Guidance related to procedures for the compulsory acquisition of land" (Department for Communities and Local Government, September 2013) ("the CA Guidance") and the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 ("the CA Regulations").

Persons with an interest in Land ("affected persons")

429. In considering the objections and issues raised by landowners and individuals with an interest in land the Secretary of State has had regard to the CA Guidance and the need for applicants to have made reasonable efforts to negotiate the acquisition of land by agreement before exercising compulsory acquisition powers. The ExA's conclusions in relation to representations made by affected persons are set out at ER 21.6.3 - 21.6.133.

430. Taking into account all evidence, the Secretary of State has considered and agrees with the conclusions reached by the ExA and its reasons for reaching them, in relation to the compulsory acquisition powers sought for the following affected persons:

- Britannia Hotels Limited [ER 21.6.12 - 21.6.14];
- Mr David Jonathan Smith [ER 21.6.17 - 21.6.19];
- DBM Contractors Limited [ER 21.6.23 - 21.6.25];
- Horley Estates Limited [ER 21.6.29 - 21.6.30]; and
- Walnut Gardens Limited [ER 21.6.35 - 21.6.37].

431. In relation to Airport Industrial Property Trust ("AIPUT"), the Secretary of State notes that AIPUT had agreed to confirm in writing the withdrawal of its objection should an option agreement be completed [ER 21.6.45]. The Secretary of State has not received any such correspondence from AIPUT and therefore considers their objection extant.

The Secretary of State has considered the criticism provided by AIPUT as to the efficacy and timeliness of the Applicant's willingness to engage over land matters and acknowledges the disappointment expressed by the ExA that negotiations were unable to progress to a conclusion [21.6.47]. She agrees with the ExA's conclusions that the Applicant's approach in relation to the compulsory acquisition powers sought in respect of this land and rights is acceptable and in the absence of agreement the compulsory acquisition of the relevant interests in the land would be necessary to implement the Proposed Development and that it would be reasonable and proportionate to do so [ER 21.6.49].

432. In relation to Marathon Asset Management MCAP Global Finance (UK) LLP ("MAM"), the Secretary of State notes the specific concerns raised in respect of land take [ER 21.6.52] and has considered their concerns over the status and speed of discussions [ER 21.6.59]. However, MAM's letter of the 16 December 2024 confirmed an agreement with the Applicant was complete and therefore MAM's objections to the Application were withdrawn.

433. In relation to Gatwick Green Limited ("GGL"), an agreement in principle had been reached but this agreement was subject to National Highways' approval [ER 21.6.65] but no finalised voluntary agreement was confirmed during Examination [ER 21.6.67]. The Secretary of State has not received any such correspondence from GGL and therefore considers their objection extant. She has considered and agrees with the ExA that the Applicant's approach in relation to the CA powers sought in respect of this land and rights is acceptable and in the absence of agreement the compulsory acquisition of the relevant interests in the land would be necessary to implement the Proposed Development and that it would be reasonable and proportionate to do so [ER 21.6.69].

434. In relation to the Arora Group ("AG"), an extant objection remains in relation to land outside the Sofitel Hotel (plot 1/209), whereby AG raised concerns over the potential effect on the use of this parcel of land and the wider implications for the hotel with concern being raised in respect of the possibility for significant noise disturbance from any works [ER 21.6.72]. The Secretary of State has considered the criticism provided by AG as to the efficacy and timeliness of the Applicant's willingness to engage over land matters and notes the disappointment expressed by the ExA that negotiations were unable to progress to a conclusion [ER 21.6.76]. However, the Secretary of State has considered and agrees with the ExA that the Applicant's approach in relation to the compulsory acquisition powers sought in respect of this land is acceptable and in the absence of agreement the compulsory acquisition of the relevant interests in the land would be necessary to implement the Proposed Development and that it would be reasonable and proportionate to do so [ER 21.6.81].

435. In relation to Cheshire West and Chester Borough Council ("CWCBC"), voluntary negotiation was not concluded during Examination [ER 21.6.87]. The Secretary of State has not received any such correspondence from CWCBC and therefore considers their objection extant. She has considered and agrees with the ExA that the Applicant's approach in relation to the CA powers sought in respect of this land and rights is acceptable and in the absence of agreement the compulsory acquisition of the relevant interests in the land would be necessary to implement the Proposed Development and that it would be reasonable and proportionate to do so [ER 21.6.88].

436. In relation to Malhurst South East Limited ("MSEL"), the Secretary of State has considered and agrees with the ExA that the CoCP would secure adequate mitigation

in respect of measures to protect access to the existing commercial enterprise [ER 21.6.94] addressing concerns of viability in relation to the Esso petrol filling station [ER 21.6.91]. Whilst it is noted that agreement was not reached through negotiation during the Examination, the Secretary of State agrees with the ExA that the Applicant's approach in relation to the compulsory acquisition powers sought in respect of this land is acceptable and in the absence of agreement the compulsory acquisition of the relevant interests in the land would be necessary to implement the Proposed Development and that it would be reasonable and proportionate to do so [ER 21.6.95].

437. In relation to RBBC, the Secretary of State notes the raised concerns of RBBC in their capacity as landowner [ER 21.6.98], and that negotiations on land acquisition appear to have taken place in the latter stages of the Examination [ER 21.6.101]. The Secretary of State agrees with the ExA that the Applicant's approach in relation to the compulsory acquisition powers sought in respect of this land is acceptable and in the absence of agreement the compulsory acquisition of the relevant interests in the land would be necessary to implement the Proposed Development and that it would be reasonable and proportionate to do so [ER 21.6.103].

438. In relation to SCC, the Secretary of State notes that two of the three areas under negotiation (Gatwick Dairy Farm and land owned by SCC as the local highway authority) have had either Heads of Terms agreed in principle or have had concerns resolved [ER 21.6.107]. In relation to Bayhorne Farm, the Secretary of State acknowledges the argument put forward by SCC [ER 21.6.109 – 21.6.121]. However, she is in agreement with the ExA that given the lack of technical information available, it would not be appropriate or feasible for the Applicant to design and develop a permanent fourth spur to the South Terminal Roundabout to enable the Horley Strategic Business Park [ER 21.6.123]. The Secretary of State further agrees that given the technical constraints, the proposed location of the attenuation pond is the most appropriate [ER 21.6.124]. The Secretary of State further agrees that given the existing controls within the recommended DCO the interests of SCC are adequately protected and that no bespoke protective provisions are required [ER 21.6.125]. She also agrees that the Applicant's approach in relation to the compulsory acquisition powers sought in respect of this land is acceptable [ER 21.6.126].

439. In relation to WSCC and SCC as local highway authorities, the Secretary of State agrees with the ExA that article 21 of the recommended DCO provides adequate protection for the concerns expressed and a bespoke approach is unnecessary [ER 21.6.132]. She also agrees that the Applicant's approach in relation to the compulsory acquisition powers sought in respect of this land is acceptable in that it is a reasonable balance between public benefit and the competing factors and interests of the Affected Parties [ER 21.6.133].

Statutory undertakers

440. Section 127 of the 2008 Act applies to land if the land has been acquired by an SU for the purpose of their undertaking, a representation has been made before completion of the Examination and the representation has not been withdrawn and as a result of the representation the Secretary of State is satisfied that the land is used for the purposes of carrying on the SU undertaking or an interest in the land is held for those purposes. Section 138 of the 2008 Act also provides for the extinguishment of a right or the removal of a SU's apparatus if the Secretary of State is satisfied that it is necessary for the carrying out of the Proposed Development.

441. The Secretary of State notes that agreement has either been reached or no objection has been received from those statutory undertakers listed at ER 21.7.3 – 21.7.5. There are three parties whose objections remain and are relevant to sections 127 and 138 of the 2008 Act. These are National Highways, Esso Petroleum Company Limited, and Thames Water Utilities Limited.

442. In relation to National Highways, the Secretary of State has considered and agrees with the ExA [ER 21.7.15] that the inclusion of a bond and uncapped indemnity in the Order, suggested by National Highways in respect of paragraph 18 of Schedule 9, Part 3 [ER 21.7.14], is necessary to avoid serious detriment to the carrying on of the undertaking under section 127 of the 2008 Act. On this basis, the Secretary of State is satisfied that the Order may include the provision authorising the compulsory acquisition of National Highways land.

443. In relation to Esso Petroleum Company Limited ("EPCL"), the ExA was satisfied that the powers sought were consistent with section 127 of the 2008 Act in that the protective provisions contained in Schedule 9, Part 7 of the Order ensure that the land can be purchased and not replaced without serious detriment to the carrying out of EPCL's undertaking [ER 21.7.19]. However, the Secretary of State also notes that the ExA state that EPCL had not objected to any powers in the Order [ER 21.7.16]. The Secretary of State therefore considers that the consideration of serious detriment contained in section 127(3) 2008 Act does not apply as section 127(1) has not been satisfied. Regardless, the Secretary of State is mindful of the ExA's conclusion and agrees that in any event the protective provisions ensure no serious detriment to the carrying out of EPCL's undertaking, under section 127 of the 2008 Act. In relation to section 138, the Secretary of State agrees with the ExA that the powers sought by the Applicant are necessary for the Proposed Development and consistent with section 138 of the 2008 Act [ER 21.7.19].

444. In relation to Thames Water Utilities Limited ("TWUL"), the Secretary of State has considered and agrees with the ExA's conclusion that the inclusion of a bond and a capped indemnity of £20 million would be applicable to each potential event to avoid serious detriment to the carrying on of the undertaking under section 127 of the 2008 Act [ER 21.7.28].

445. Overall, the Secretary of State is satisfied that the protective provisions contained in Schedule 9 of the Order would ensure that an appropriate degree of protection would be given to all affected SUs such that there would be no serious detriment to the carrying out of their undertakings. She further agrees that interference with apparatus and extinguishment of rights would be necessary and proportionate for the purposes of carrying out the Proposed Development [ER 21.7.31].

Crown Land

446. Section 135 of the 2008 Act ensures that the Order may include provision authorising the compulsory acquisition of an interest in Crown land, only if it is an interest which is for the time being held otherwise than by or on behalf of the Crown and the appropriate Crown authority consents to the acquisition. Secondly, section 135(2) ensures that the Order may include any other provision applying in relation to Crown land, or rights benefitting the Crown, only if the appropriate Crown authority consents to the inclusion of the provision [ER 21.8.2].

447. The Secretary of State notes that crown consent under section 135(1) and (2) of the 2008 Act in relation to the Proposed Development has been granted by the Office for National Statistics and the Secretary of State for Transport [ER 21.8.7].

448. In relation to crown consents required of the Ministry of Housing, Communities and Local Government ("MHCLG"), HM Revenue and Customs ("HMRC"), and UK Visas and Immigration (''UKVI''), the Applicant confirmed in its consultation response of 17 January 2025 that the interests held by MHCLG and HMRC have variously been assumed by the Home Office and/or are no longer held (in respect of occupation of premises at the airport). The Applicant, therefore, confirmed that MHCLG and HMRC no longer held any relevant interests and / or rights within the Order limits for the purposes of the relevant provisions of the 2008 Act. The Applicant also explained that the interest of the Home Office as 'UKVI, Home Office' has for similar reasons been replaced with 'Home Office'. The Applicant, in its representation of 29 January 2025, confirmed that a co-operation agreement had been reached with the Home Office, and that consent under section 135 of the 2008 Act had been provided.

449. The Secretary of State is satisfied that the Order may authorise the compulsory acquisition or temporary possession of those plots of land and / or interests which are Crown land contained in Part 4 of the Book of Reference.

Special Category Land

450. Sections 131 and 132 of the 2008 Act operate so that an Order which authorises the CA of common land or open space, or rights over such land, would be subject to Special Parliamentary Procedure unless an exception applies [ER 21.3.13]. The Applicant is seeking compulsory acquisition powers over special category land, and the Note on the Acquisition of Special Category Land and Provision of Replacement Open Space ("the Note") set out that 1.16ha of designated open space is proposed to be permanently acquired. The Note set out the proposed provision of 1.95ha for replacement land [paragraph 2.1.4, REP9-104 and ER 21.3.14].

451. The JLA confirmed that none wished to be vested in the replacement land [21.9.4]. Paragraphs 2.2.3 – 2.2.4 of the Note set out that the replacement open space would not qualify as 'replacement land' under section 131(4) of the 2008 Act as it is not to be vested in the entities (the JLA) from which the Applicant would be acquiring the special category land [ER 21.9.5] and also, that some open space would require National Highways to own and manage open space which the Applicant considers to be inappropriate. Section 131(5)(a) is therefore relied on by the Applicant for the acquisition of the Special Category Land as it will all be required for the highway improvement works [ER 21.9.2 and paragraphs 2.2.5 – 2.2.6, REP9-104]. The Secretary of State has considered and agrees with the ExA that section 131(5)(a) applies in relation to the Proposed Development, due to the plots of special category land being required for the highway improvement works, namely widening or drainage, and this therefore removes the need for Special Parliamentary Procedure in relation to the compulsory acquisition of land [ER 21.9.12 – 21.9.15].

452. In relation to the test of necessity contained in section 131(5)(b), the Secretary of State agrees with the Applicant that, in relation to the designated open space currently in highway authority ownership, those landowners will not suffer a net loss in land under their control [ER 21.9.3]. In relation to the remaining designated open space land, the JLA have expressed that they do not wish to be vested in the said land. Furthermore, they will be satisfied if the land is to vest in or remain vested in the

Applicant provided that the Applicant has laid out and maintained suitable replacement open space for the benefit of the public and provided a commitment as regards maintenance of this open space [ER 21.9.4]. In respect of the approach in securing the provision of replacement land this commitment is contained in article 38 the rDCO. The ExA were satisfied that given the drafting of article 38 it would mean that the Applicant could not acquire any special category land until it had the means to provide all identified replacement open space and had submitted and obtained approval of a plan setting out the timetable for doing so to CBC, in consultation with RBBC and Mole Valley District Council [ER 21.9.11].

453. The Secretary of State considers that in relation to the additional rights proposed to be acquired over the western and southern edges of Church Meadows for the future maintenance of the pedestrian bridge, the exception provided for in section 132(3) applies. This is on the basis that the order land, when burdened with the right, will be no less advantageous than it was before to the persons whom it is vested, other persons entitled to rights and the public [REP9-104, paragraph 2.2.10]. These rights would solely facilitate access for periodic inspections and, where necessary, remedial maintenance work to the pedestrian bridge. The infrequency of the exercise of these rights, coupled with the limited disturbance to Church Meadows during times of their exercise, render the parcel of land in question no less advantageous to those holding an interest in the land and the public [REP9-104, paragraph 2.2.11].

454. In relation to the rights proposed to be acquired over the western and southern edges of Church Meadows, land south of the A23 Brighton Road and along the southern edge of Riverside Garden Park, the Applicant considered that section 132(4B) applies. This section provides an exception to the Special Parliamentary Procedure where open space is 'being acquired for a temporary (albeit possibly long-lived) purpose'. These rights are required over these areas to facilitate construction activity on neighbouring plots of land. The rights acquired will allow temporary use of these areas in connection with these activities, while the highway improvement works and works to construct the pedestrian bridge over the River Mole to the west of Church Meadows take place. Once construction has concluded, these rights will no longer be necessary [REP9-104, paragraphs 2.2.8 and 2.2.9]. The Secretary of State is satisfied that the exceptions provided for in sections 132(3) and 132(4B) apply for the reasons outlined by the Applicant. She notes that the ExA were satisfied that as far as appropriate the tests of section 132 in relation to special category land are satisfied [ER 21.9.15].

Whether all Reasonable Alternatives to Compulsory Acquisition Have Been Explored

455. Paragraph 8 of the CA Guidance requires that the Applicant should be able to demonstrate that all reasonable alternatives to compulsory acquisition have been explored. The Secretary of State notes that the Applicant's Statement of Reasons sets out the stages of the Proposed Development process, which demonstrates the options, identification and selection process undertaken by the Applicant and that sections 6.2.13 to 6.2.20 of the Applicant's Statement of Reasons [REP9-009] provides a summary of the alternatives considered by the Applicant during the optioneering and design process [ER 21.10.4]. The Secretary of State has considered and agrees with the conclusions of the ExA that they were satisfied that the Applicant has adequately considered alternatives to the Proposed Development and that there are no matters relating to the consideration of alternatives which would weigh for or against the Order being made [ER 21.10.5].

456. On the question of alternatives which arose in the specific context of land rights, sections 6.2.13 to 6.2.20 of the Statement of Reasons detail the alternative options considered by the Applicant and sections 6.2.21 to 6.2.23 detail alternatives to compulsory acquisition [ER 21.10.6]. The ExA acknowledged that there are few alternatives available to the Applicant and that they were satisfied that the Applicant has explored all reasonable alternatives to compulsory acquisition. The Secretary of State notes that as such the ExA concluded that there are no reasonable alternatives to the compulsory acquisition powers sought [ER 21.10.11]. The Secretary of State agrees with that conclusion.

Diligent inquiry and clarity on use of the land

457. An Applicant must undertake diligent inquiry to identify the categories of persons set out in sections 44 and 57 of the 2008 Act [ER 21.10.12]. The Secretary of State has considered and agrees with the ExA's conclusions that the Applicant has undertaken (and continues to undertake) land enquiries in a diligent fashion, and that the requirements under sections 44 and 57 regarding categories of APs have been satisfactorily applied [ER 21.10.15].

Extent of Land and Rights for Compulsory Acquisition and Temporary Possession

458. The ExA is satisfied that the Applicant has demonstrated how it intends to use the land rights which it proposes to acquire and the land for which it seeks CA and TP. The Secretary of State is likewise satisfied and agrees with the ExA that the Applicant's Statement of Reasons, Book of Reference and the 'Compulsory Acquisition and Temporary Possession – Status of Negotiations' are comprehensive, confirming the purposes for which any land which would be compulsorily acquired or temporarily possessed [ER 21.10.22].

The Availability and Adequacy of Funding

459. Paragraph 9 of the CA Guidance states that applicants should be able to demonstrate that there is a reasonable prospect of the requisite funds for acquisition being made available. An application should also be accompanied by a statement explaining how it will be funded providing an indication of how any potential shortfalls are intended to be met [Paragraph 17 of CA Guidance]. Furthermore, the applicant should demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following the Order being made and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of [Paragraph 18 of CA Guidance].

460. The ExA noted that the Applicant's Funding Statement indicates that the cost of implementing the Proposed Development would be approximately £2.2 billion [ER 21.10.24] with the property cost estimate being approximately £121 million [ER 21.10.25]. The Secretary of State notes that the Applicant proposes to fund the Proposed Development through a blend of debt, equity and airport charges and that blight has been considered within the Funding Statement [ER 21.10.26]. The Secretary of State has considered and agrees with the conclusions of the ExA that the information provided in the Funding Statement, and the further submissions of the Applicant [ER 21.10.23 – 21.10.29], demonstrate that the Applicant has a reasonable prospect of the requisite funds for acquisition becoming available [ER 21.10.30] The Secretary of State notes that a period of 7 years for compulsory acquisition is proposed and recommended.

461. The Secretary of State considers that the Applicant has demonstrated that adequate funding is likely to be available to enable compulsory acquisition within this period.

The Need to Obtain Operational and Other Consents

462. The CA Guidance provides that any potential risks or impediments to implementation of the Proposed Development should be properly managed [Paragraph 19, CA Guidance]. The Secretary of State has considered and agrees with the ExA that the Applicant has demonstrated that there is no impediment to obtaining any operational or other consents which may be necessary to construct and operate the Proposed Development [ER 21.10.31]. The Secretary of State considers therefore that CA guidance, specifically paragraph 19 has been observed.

The Secretary of State's Conclusions on Compulsory Acquisition and Related Matters

463. The Application includes a request for compulsory acquisition of the land to be authorised, and the Secretary of State agrees with the ExA that:

- the land is required for, or incidental to, the Proposed Development and the requirements of section 122(2)(a) and (b) are therefore met [ER 21.10.40 and 21.11.1];
- there are no suitable alternative sites to the land proposed for the Proposed Development [ER 21.11.3];
- the Applicant had explored all reasonable alternatives to compulsory acquisition [ER 21.11.3];
- the Applicant has demonstrated a clear idea of how it intends to use the land rights it proposes to acquire [ER 21.11.3];
- the Applicant has shown that there would be a reasonable prospect of the requisite funds both for acquiring the land and implementing the Proposed Development would be available within the statutory timescale [ER 21.11.3]; and
- the public benefits associated with the Proposed Development would strongly outweigh the private loss which would be suffered by the affected landowners and thus there is a compelling case in the public interest for the land to be acquired compulsorily given the need for the Proposed Development [ER 21.11.4].

464. The Secretary of State has considered and agrees with the conclusion of the ExA that following consideration of the need and benefit of the Proposed Development [ER 21.10.42], and that there is a compelling case in the public interest for compulsory acquisition [ER 21.10.47] and that the Applicant has sought to minimise and mitigate private loss wherever possible [ER 21.11.2]. The Secretary of State agrees with the ExA that the private loss of land would be relatively modest given that most of the Proposed Development would be on existing airport land or on the Strategic Road Network and therefore the public benefits associated with the Proposed Development would strongly outweigh the private loss which would be suffered by those whose land would be affected, to enable the construction, operation and maintenance of the Proposed Development [ER 21.10.45]. Any interference with human rights is therefore for legitimate purposes, is proportionate and justified in the public interest [ER 21.11.8].

465. The Secretary of State notes the ExA's consideration of the Human Rights Act 1998 and agrees that the Order engages a number of articles which are considered at ER 21.10.48 – 21.10.60. The Secretary of State agrees that these rights are qualified and can be interfered with in certain circumstances [ER 21.10.54], and that the powers sought would be no more than is required to secure the interests of the wider community and would not place an excessive burden on those whose human rights could be affected, particularly due to the fair compensation available within the Order. Therefore, the Secretary of State considers that there has been no violation of Article 1 of the First Protocol or Article 8 [ER 21.10.57]. Overall, the Secretary of State is satisfied that the benefit of the Proposed Development would clearly outweigh any interference with the human rights of those affected and that such interference would be for legitimate purposes, proportionate and justified in the public interest [ER 21.10.60 and 21.11.8].

466. The ExA was satisfied, and the Secretary of State agrees, that the Application and its Examination procedurally accord with the 2008 Act and related guidance, all objections submitted to the Examination have been considered and that there is therefore nothing to suggest that parties have not had a reasonable chance to put forward their case or have been put at a substantial disadvantage in relation to other parties [ER 21.10.58]. The Secretary of State also agrees, for the reasons stated in ER 21.10.58, that there has been no violation of Article 6.

467. In relation to sections 127 and 138 of the 2008 Act in respect of objections that were made and not withdrawn the ExA has recommended wording, which has been before the parties during the Examination for the Secretary of State to include in the Schedule 9 Protective Provisions [21.11.6]. The Secretary of State is therefore satisfied that the overarching aims of the Human Rights Act 1998 and relevant CA guidance has been met [ER 21.10.59].

468. Overall, the Secretary of State is satisfied that the requirements of sections 120, 122, 123, 126, 127, 135 and 138 of the 2008 Act are met as well as the relevant parts of the CA Guidance and the CA Regulations as considered at ER 21.10.67 - 21.10.68, 21.12 and by way of the Applicant's letter of 29 January 2025. The Secretary of State agrees with the conclusions of the ExA and so has determined that the recommendations contained in ER 21.11.9 be adopted.

DRAFT DEVELOPMENT CONSENT ORDER AND RELATED MATTERS

469. The Secretary of State has made a number of minor textual amendments to the Order in the interests of clarity, consistency and precision. Further to the textual amendments the Secretary of State also makes the following modifications:

Preamble

The subject heading is 'infrastructure planning' and not 'national infrastructure planning' as originally drafted. All titles to statutory instruments must start with the word 'The'. In the final paragraph of the preamble the Secretary of State has noted that the vires for this instrument was incomplete and has made the necessary insertions to allow the instrument to operate fully and lawfully.

Article 2 (interpretation):

The main changes to article 2 are:

- References to the 1972 Act (because the term is not used), the 1982 Act (inserted into Schedule 2) and the 2017 Regulations (no longer needed) have been removed.
- The definition of 'development' has been removed as it was not immediately clear what value it would have and is not usually regarded as needing to be defined.
- The definition of 'highway works' is also considered to be unnecessary and has been removed.
- The definition of 'tribunal' has been moved to what is now article 44 (disregard of certain improvements, etc.).

Article 8 (consent to transfer of benefit of Order)

the EM provides that article 8(4) is justified because the SoS will be able to consider such transfers through the examination. It refers to transfer to highway works being well precedented and likewise the transfer identified works. However, there is a lack of clarity on the face of the order regarding the identify of persons and/or the works to be undertaken. On this basis paragraph (4) has been removed.

Article 18 (traffic regulations)

In paragraph (4)(b) the usual time limits have been inserted as there is no explanation for the differing time limit that was originally inserted.

In Article 29 (compulsory acquisition of land – incorporation of the mineral code):

Paragraph (3) dealing with section 10(2) of the 1965 has been removed as it would appear to have no operative effect.

Article 30 (statutory authority to override easements and other rights)

The Secretary of State is unclear on the rationale for including this provision. The EM provides very limited consideration to explain the need for this provision and takes the view that insufficient justification has been provided for it. The Secretary of State has on this basis removed the provision.

Article 33 (application of the 1981 Act)

This article was previously numbered 34. This provision has been amended to remove the reference to the modification of the 2017 Regulations. The Secretary of State notes that paragraphs 7.33 and 7.34 of the EM that the intention of the modification is to facilitate the compulsory acquisition of land and rights for the benefit of third parties or statutory undertaker. The difficulty for the Secretary of State is that while paragraph 7.34 sets out that the significant component of surface access works are to be carried out by relevant highway authorities or NH. The reference to article 26 of the Manston Order contains no amendments to the vesting declaration regulations and in relation to the Luton order the amendments to these regulations were removed as there was insufficient clarity on the way the provisions would be used. While there is greater explanation provided in the EM the Secretary of State is concerned that there should be greater clarity and transparency on the face of the Order so all parties that might be affected are provided with sufficient information of the Applicant's intentions. **Article 36 (temporarily use of land for carrying out the authorised development)** This article was previously numbered 37. In paragraph (2) there was reference to a notice

period of 14 days before the undertaker enters onto land. The more usual provision is 28 days. No justification is provided in paragraph 7.44 of the EM to explain the need for a shortened period. Since the rights of landowners being interfered with it is important to provide sufficient notice of that interference and so the Secretary of State takes the view that 28 days is appropriate. **Article 45 (use of airspace within the Order land)**

The Secretary of State has noted the limited justification in the EM for the inclusion of this provision. She is therefore unclear on the need for this provision; how it would be used; and the category of landowner that might be affected. She takes the view that there is a licensing mechanism available to the Applicant and this can be used at the point there is a need to use airspace.

Article 54

This is a new article dealing with the financial contribution to be made for the benefit of protected landscapes.

Article 55

This article is no longer required since the text within Schedule 11 has been either incorporated into Schedule 2 or removed.

Schedule 1 (authorised development)

Article 2(3) (interpretation) makes provision for distances and measurements (with the exception of capacity) to be approximate. It therefore means that in citing distances in the scheduled works there is no need to refer to those distances being approximate.

Schedule 2 (requirements)

Requirement 1(1) (interpretation)

The term ‘airport passengers’ has been added (December response from Applicant) because it ties in with requirements 20 and 37.

The new requirement 1(4) suggested by the Applicant in paragraph 4(2) of Annex 1 to its response of 25 April 2025 has not been incorporated due to insufficient clarity and apparent contradiction to what has been set out in the explanatory memorandum.

Requirement 2 (phasing scheme)

The amendments dealing with the concerns raised by National Highways have been incorporated.

Requirement 6 (national highway works)

Sub-paragraph (2) and (3) reflect consequential changes arising from the need to renumber the Parts within the protective provisions Schedule.

Requirement 15 (air noise limits)

The Applicant’s suggested wording from Annex 1 of its 25 April response but with the addition of sub-paragraphs (7) and (8) to cover the monitoring arrangements the Secretary of State considers appropriate. Sub-paragraph (4)(c) provides for the notification of the decision on its request for an extraordinary review. The Secretary of State requires the Applicant that notification on a website that it maintains or some other publicly accessible website. The detail of this requirement has been considered fully within the body of the decision letter.

Requirement 18 (receptor-based noise mitigation)

This is based on the Applicant's proposed wording from Annex 2 to its 25 April response but incorporates JLA suggestions from their June response and considered fully within the body of the decision letter.

Requirement 19 (airport operations)

The definition of 'passenger throughput' has been incorporated.

Requirement 20 (surface access)

The Applicant's suggested drafting from Appendix 2 to Annex 3 to the response date 25 April 2025 has been incorporated with the criterion concerning the completion of highway works being reworked and considered fully within the body of the decision letter.

Requirement 23 (flood compensation delivery plan)

New sub-paragraph (2) has been added to reflect the need for the Applicant to consider the Environment Agency's Flood and Coastal Erosion Risk Data.

Requirement 31 (construction sequencing)

Incorporates wording agreed between the Applicant and Thames Water.

Requirement 37 (car parking spaces)

Incorporates the Applicant's drafting from its December response.

Requirement 39 (tree balance statement)

Incorporates the Applicant's further drafting suggestions from its December response and drafting suggestions from the CBC/JLA January response regarding the updated Policy DD4 and the Local Plan 2023-2024.

Schedule 3

Removal of the reference to 'approximately' as article 2(3) already makes provision that distances are approximate.

Schedule 4

Removal of the reference to 'approximately' as article 2(3) already makes provision that distances are approximate.

The Applicant may wish to check the following entries. The first entry regarding the segregated cycle track between the points marked c20 on Sheet 1 which is marked with a blue solid hatch and whether it should be a reference to pink. The second entry regarding the share use cycle track between the points marked c21 on Sheet 1 which is marked with a pink solid hatch and whether this should be a reference to blue. The third entry regarding the footway between the points marked c34 on Sheet 1 marked with a green solid hatch and whether this should be a reference to blue.

Schedule 5

Removal of the reference to 'approximately' as article 2(3) already makes provision that distances are approximate.

Schedule 6

Removal of the reference to 'approximately' as article 2(3) already makes provision that distances are approximate.

There are entries in Part 3 of this Schedule where no details of the order being varied or revoked have been included in column (3) of that Table. There is no explanation provided in paragraph 9.84 of the EM for the insufficient detail of these orders. The insufficient details means there is no clarity or transparency in what orders are being amended or revoked and so the entries where this has occurred have been removed.

Schedule 8

Reference to the 2017 Regulations have been removed.

Schedule 9

Each Part of the Protective Provisions is required to continue with the numbering of paragraphs rather than starting the numbered paragraphs afresh.

Schedule 11

The first part of this Schedule (dealing with the procedure and discharge of requirements has been moved to the end of Schedule 2 in what is now Part 2 to that Schedule.

The remaining part of this Schedule dealing with the appeal process has been removed in its entirety. The Secretary of State is not sufficiently well placed to deal with such matters and takes the view that matters of disagreement are matters for the parties to resolve either by way of an agreed resolution process or the use of the arbitration provision.

This means that article 55 is no longer needed and has been removed.

Schedule 12

The table in Schedule 12 has been moved to the end of requirement 4 in Schedule 2 and this Schedule has now been removed

New Schedule 12

The documents to be certified have included where relevant the revised versions provided in consultation responses.

Explanatory note

The explanatory note has been revised to reflect the reference for new Schedule 12.

GENERAL CONSIDERATIONS

Equality Act 2010 and Public Sector Equality Duty

470. The Equality Act 2010 established the Public Sector Equality Duty. which requires public authorities to have due regard in the exercise of their functions to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under that Act; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not in respect of the following “protected characteristics”: age; gender; gender reassignment; disability; marriage and civil partnerships; pregnancy and maternity; religion and belief; and race.

471. In the managing of the Examination and in coming to its conclusions in the Report, the Secretary of State is satisfied that the ExA has had due regard to the duties under

this legislation. The Secretary of State notes and agrees with the ExA that there is no evidence that implementation of the Proposed Development would disproportionately affect persons who have a protected characteristic, nor would there be any adverse effect on the relationship between such persons and persons who do not share a protected characteristic [ER 21.10.66].

472. The Secretary of State has also had regard to the Public Sector Equality Duty in making her determination.

Natural Environment and Rural Communities Act 2006

473. The Secretary of State, in accordance with the duty in section 40(1) of the Natural Environment and Rural Communities Act 2006 has to consider what action she can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective and, in accordance with regulation 7 of the Decisions Regulations, have regard to conserving biodiversity and in particular to the United Nations Environmental Programme on Biological Diversity of 1992. She has had regard to both of these when deciding on whether to grant development consent.

474. In reaching a decision to grant development consent, the Secretary of State has had due regard to conserving and enhancing biodiversity.

THE SECRETARY OF STATE'S OVERALL CONCLUSION AND DECISION

475. For all the reasons set out in this letter, the Secretary of State has decided to grant development consent, subject to the changes in the Order mentioned above. The Secretary of State is satisfied that none of these changes constitutes a material change and is therefore satisfied that it is within the powers of section 114 of the 2008 Act for the Secretary of State to make the Order as now proposed.

Challenge to Decision

476. The circumstances in which the Secretary of State's decision may be challenged are set out in Annex A of this letter.

Publicity for the Decision

477. The Secretary of State's decision on this Application is being publicised as required by section 116 of the 2008 Act and regulation 31 of the 2017 Regulations.

Yours faithfully,

Kayla Marks

ANNEX A

LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the High Court during the period of 6 weeks beginning with the day after the day on which the Order is published. Please also copy any claim that is made to the High Court to the address at the top of this letter.

The Gatwick Airport Northern Runway Development Consent Order 2025 (as made) is being published on the Planning Inspectorate website at the following address:

https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/TR020005

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6655).