

Gatwick Airport Consultations - Governance Arrangements for TDC Responses

Planning Policy Committee Thursday, 23 September 2021

Report of: Chief Executive

Purpose: For decision

Publication status: Unrestricted

Wards affected: All

Executive summary:

Gatwick Airport Limited ('GAL') has started the process of preparing an application for a Development Consent Order ('DCO'), a type of planning consent that is granted by the Secretary of State, to be able to use the existing emergency runway for departures.

This report is to update Committee Members on the progress to date with the DCO process and to also set out options for the governance arrangements for submitting responses on behalf of the Council in the DCO process.

This report supports the Council's priority of: Creating the homes, infrastructure and environment we need; Supporting economic recovery in Tandridge; Becoming a greener, more sustainable District

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Recommendations to Committee:

That:

- A. the contents of this report regarding the progress made to date in the DCO process be noted;
 - B. the response to GAL's 12-week consultation be taken to the November Planning Policy Committee to be agreed and submitted;
 - C. authority be delegated to the Chief Executive and / or the Chief Planning Officer, in consultation with Group Leaders, to respond to future consultations and other forms of engagement from relevant stakeholders at various stages of the DCO process, so that such responses can be considered at the appropriate level and actioned in an agile way.
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Reason for recommendation:

The implications of the proposals to bring the existing standby runway (northern runway) into routine use alongside the main runway are significant. As a consultative body and host authority, the Council is required to engage and participate in the DCO process within the statutory timescales set. Due to the anticipated timescales against which Gatwick will be running their DCO process, without the requested delegation in place, this could result in the Council's inability to respond.

Introduction and background

- 1.1 In July 2019, GAL published their latest masterplan. The masterplan outlined three scenarios for future growth:
 - Scenario 1: Where Gatwick remains a single runway operation with intensified use of the existing main runway
 - Scenario 2: Where the existing standby runway is used routinely together with the main runway
 - Scenario 3: Where land is continued to be safeguarded for an additional runway to the south of the airport
- 1.2 Intensification of the main runway (Scenario 1) began following the submission and approval of Permitted Development to create a Rapid Exit Taxiway from the main runway. GAL announced their intention to actively pursue Scenario 2, bringing the existing standby runway (northern runway) into routine use alongside the main runway.

- 1.3 Gatwick had proposed to undertake a more detailed consultation with local authorities, lasting several months, from March 2020 as part of the preapplication stage of the DCO. However, in March 2020 Gatwick announced that the DCO process would pause and the consultation would be delayed owing to the Covid-19 pandemic. GAL restarted their work on progressing the DCO in Spring 2021.
- 1.4 To progress with the proposal for Scenario 2, GAL will need to apply for a DCO in order to obtain planning permission. This is a rigorous statutory planning process which is overseen by the Planning Inspectorate (PINS).
- 1.5 The DCO process has six stages: pre-application, acceptance, pre-examination, examination, decision and post-decision. The diagram in Appendix A sets out a summary of the process together with key timescales and the means by which the public and others become involved.
- 1.6 Under the terms of the DCO, the local authorities in which the administrative boundary the application falls are termed 'host' authorities. The Council is identified as a host authority and as such, has a statutory role in the DCO process.
- 1.7 From the information provided by GAL, the anticipated key stages and dates of the DCO process are set out below.
 - Section 42 Statutory Consultation (Sept 2021)
 - DCO application submission to PINS (Jul 2022)
 - Acceptance of the application by PINS (Aug 2022)
 - Pre-examination preparation (Sept 2022 – Jan 2023)
 - Examination conducted by PINS (Jan – Jul 2023)
 - Secretary of State review (June – Sept 2023)
 - Earliest decision by the Secretary of State (Jan 2024)
- 1.8 Due to the pace at which GAL and PINS will be expecting responses, it is unlikely that responses will be able to align with the committee cycle. This raises concern around the resources of both officers and Members in the Council's ability to respond accordingly.

Consultation and Future Representations

- 2.1 To participate in the DCO process, the Council will be required to make representations during the pre-examination and examination phases to ensure relevant impacts of development are addressed. This will include, but is not limited to:
 - Attendance of and input to Topic Working Groups convened by GAL
 - Making representations on the Environmental Impact Assessment (EIA) Scoping Report
 - Preparing and submission of responses as part of the pre-examination consultation

- Attendance at meetings convened by PINS during pre-examination stage
 - Preparation and submission of the 'Local Impact Report' to PINS
 - Input into Statements of Common Ground
 - Preparation and submission of representations to PINS during examination
 - Responses to PINS written questions
 - Attendance of hearings during examination phase
- 2.2 GAL recently published their plans for a 12-week public (Section 42) consultation on the Northern Runway plans. The consultation will run from 9 September 2021 to 1 December 2021 with materials available at www.gatwickairport.com/futureplans
- 2.3 It is intended for the consultation response to be submitted to November Planning Policy Committee to be agreed and submitted as part of the consultation.
- 2.4 As part of the DCO process, submissions of reports and representations may need to be made within short timescales after the closure of the Section 42 public consultation. Many of these timescales may be very short (typically 14 or 28 days). In addition, much of the work will be of a technical nature requiring professional knowledge and understanding of planning and environmental matters.

Other options considered

- 3.1 To establish a Gatwick Working Group for selected members to attend and consider future responses. This would allow for an objective and transparent decision-making process for representations to be submitted to GAL on behalf of the Council. However, due to the short timeframe to provide a response to the public consultation and to establish the arrangement of a Gatwick Working Group, this option would not be considered favourable at this time.
- 3.2 Notwithstanding this, should Members wish to establish a Gatwick Working Group for future representations in the DCO process then this could be arranged.

Key implications

Comments of the Chief Finance Officer

There are no direct financial implications arising from this report. However, any action that is identified as needing to be taken must have the cost implications considered. The impact of any additional cost pressures will be shown in the monthly budget monitoring reports

Comments of the Head of Legal Services

Although there are no direct legal implications arising from the recommendations within this report, the Planning Act 2008 (as amended) and subordinate legislation) provides that a streamlined process for nationally significant infrastructure projects (i.e. airport development) should be followed. The intention of the legislation includes making the process faster. It is important that any consultation is accompanied by a commensurate level of supporting information and this should be made available to all consultees at the earliest.

Paragraph 5 of the National Planning Policy Framework 2021 states that whilst the Framework does not contain any specific policies for nationally significant infrastructure projects, National Policy Statements do form part of the overall framework of national planning policy and may be a material consideration in preparing plans and making decisions on planning applications.

The DCO process is separate to the statutory framework where local planning authorities determine planning applications. As a host authority in the DCO process, it is recommended that Members should agree to delegate a wide range of matters as the Council will not want to inadvertently miss the opportunity to contribute due to short lead times for responses.

Human Resources

Officers will endeavour to provide further information prior to the meeting regarding anticipated staffing resources which would need to be allocated for preparing consultation responses on behalf of the Council.

Equality

There are no equalities implications as a result of this report.

Climate change

The implications of increased air traffic from Gatwick does have environmental implications. This is one of the main concerns for the Council and residents and will be an area where the Council will be vigilant in its responses. However, for this report, which is focused on the governance arrangements for the Council's engagement in the DCO process, there are no direct climate change implications.

Appendices

Appendix A – The DCO Application Process

Background papers

None

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