

Gatwick Airport Limited Northern Runway Project Development Consent Order Update

Planning Policy Committee, Thursday, 22 June 2023

Report of: Planning Policy Specialist

Purpose: For decision

Publication status: Open

Wards affected: All

Executive summary:

Gatwick Airport Limited (GAL) have been progressing their work on the Northern Runway Project draft Development Consent Order (DCO) towards submission to the Planning Inspectorate (PINS) for Examination. Affected local authorities working within the Gatwick Officer Group (GOG) consortium have recently been informed that submission is currently scheduled for the w/b July 3rd, 2023.

This report is to update Members on the progress to date with the DCO process, where things currently stand and the future steps and requirements in the DCO process as understood at this time. It outlines the anticipated expectations on the Council from the DCO and how these may best be delivered in the tight time frames set out for the pre-examination and examination schedules, and in the context of delivering this within constrained physical and financial resources.

This report supports the Council's priority of:

- Building a better Council
- 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 and the current position be noted;
- B. approval be granted, where beneficial to Tandridge, for collaborative working with relevant Surrey authorities involved in GOG on the preparation of submission documents required for DCO Examination; and
- C. authority be delegated to the Chief Executive and other members of the Senior Management Team as he may wish, and in consultation with the members of the Planning Policy Working Group, to submit documents on behalf of the Council required for the DCO Examination.

Reason for recommendations:

The implications of the construction and operation of the Northern Runway Project at Gatwick Airport could be significant for both the local community in proximity to the airport as well as the wider communities across Tandridge.

As a consultative body, the Council is required to engage and participate in the DCO process within the statutory timescales set.

The Council also has an obligation to its residents and business communities to understand the full extent of impacts of GAL's proposals and through engagement in the process seek to ensure these are limited and mitigated as fully as possible within the conditions of the DCO application and in compliance with relevant standards and legislation.

GAL has for some time been targeting a draft DCO submission to PINS at the soonest possible opportunity. Whilst this was most recently scheduled for March 2023 and then subsequently postponed, it now appears that an early July submission date can be expected with a high level of confidence.

Once submitted, the respective local authorities within the consortium will be under obligation to not only assess an enormous volume of application material that GAL have not yet made available to them, but also prepare submission material to PINS based on their evaluation of this material.

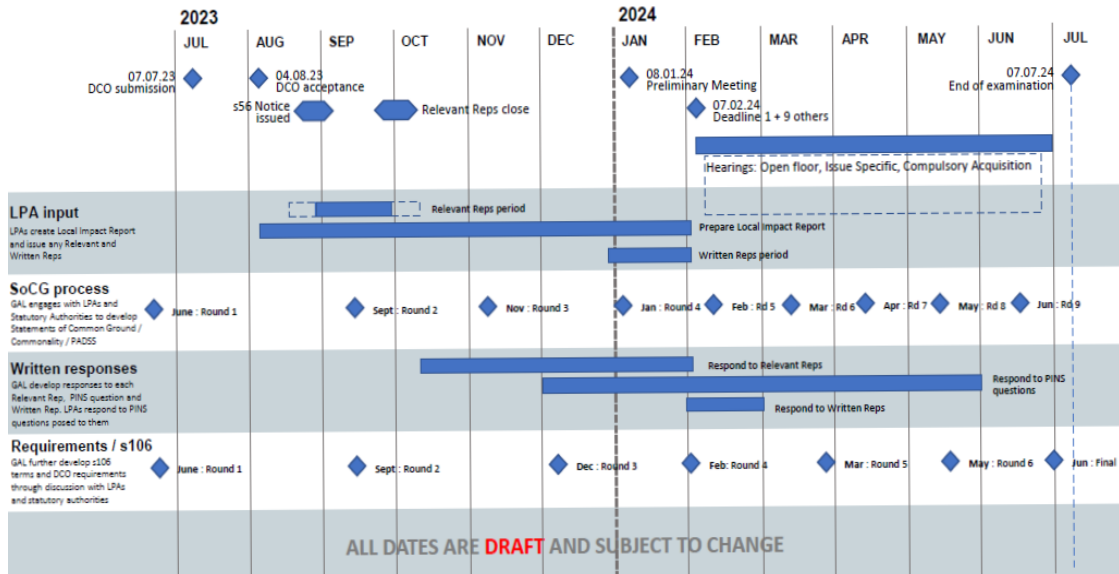
Given limited physical and financial resources within Tandridge, as well as at other authorities in the GOG consortium, efficiencies can be gained through collaborative working, subject to agreeing appropriate expedited sign-off mechanisms for collaborative documents to be submitted for Examination.

1. Gatwick Northern Runway Project DCO

- 1.1 As part of a masterplan published in 2019, GAL announced that they would actively pursue bringing the existing standby runway ('northern runway') into routine aviation use alongside the main runway, making Gatwick a dual-runway airport.

- 1.2 The masterplan also envisaged significant additional terminal floorspace (both north and south) in the airport, supporting hotel facilities, office buildings, parking, ancillary facilities and new airport taxiway layouts.
- 1.3 In order to undertake these works, GAL are required to apply for a DCO, a rigorous statutory planning process overseen by PINS, in order to obtain planning permission.
- 1.4 To this end, GAL undertook an initial Section 42 statutory public consultation, which ran for a period of 12 weeks in Autumn/Winter 2021, to which the Council responded following consideration by this Committee at its meeting on 25 November 2021.
- 1.5 A subsequent six-week statutory public consultation on GAL's updated highway design proposals took place over June and July 2022. Technical advice and comments were predominantly sought from Surrey County Council as the Highways Authority for Tandridge.
- 1.6 Following these consultations, GAL have continued to engage with Local Authorities through GOG on a range of Topic Working Groups (TWGs), as well as progress the proposed structure of the Statements of Common Ground (SoCG). Whilst a number of meetings have taken place on these themes, it is important to stress that the officer group has at no point received any information of substance through the TWGs and also that GAL have not yet agreed a single SoCG, stressing that their focus is on agreeing the 'structure' of the SoCGs and that they will be seeking agreement on the content through the examination process.
- 1.7 To assist GOG through the current work and the significant work envisaged throughout the DCO process, the consortium appointed consultants AECOM to provide specialist advice across the range of SoCG topic headings. Tandridge is a participating authority in this work and has tailored its main focus to the topics of 'air quality' and 'noise and vibration' as being those most relevant to the authority. The costs for this participation have been fully budgeted and the Council has secured that these costs are capped as a maximum contribution proportionate to the consortium membership and the work areas undertaken.
- 1.8 In addition to the above, the authority also has a tabled proposal to engage independent consultants to undertake further, locally focussed econometric analysis of the impacts of GAL's project. This work would also fit within the Council's current budget envelope, should the Council be so minded to engage the consultants.
- 1.9 It is in the context of this general overview that GAL now intend to submit the DCO to PINS in early July, 2023, with the pre-exam and examination assumptions and time frames set out in the table below. This submission date is a delay of three months from their most recent target submission of March 2023, and a delay of twelve months from the original target submission of July 2022.

Draft assumptions for NRP pre-exam/exam GAL/LPA engagement



1.10 As can be seen from the table above, the July DCO submission will be the trigger for several formal requirements from the affected authorities while TWGs and consultant engagement and liaison will be ongoing. This period will also be the window for the public to make their own representations to the DCO. Whilst the Council is prevented from facilitating or assisting the public to make representations to the DCO, it is not unreasonable to consider that it will be expected to aid members of the public understand where and how they can make their own comments to the DCO, as well as be instrumental in making the information available in publicly accessible locations.

1.11 In the short interim period before formal DCO submission in July, officers are continuing to participate in key workstreams including, but not limited to:

- Continued attendance at TWGs;
- Continued co-operation with neighbouring authorities including regular meetings with Chief Executives, GOG, GOG Steering Group etc.;
- Overseeing the commission of specialist advice in partnership with neighbouring authorities and, where relevant, independently.

- 1.12 On formal submission of the DCO to PINS, officers from host and neighbouring authorities will be obliged to complete required documents as demanded of the examination process. These will include an Adequacy of Consultation (AoC) response, Relevant Representations, Written Representations, Local Impact Report (LIR), SoCGs across all of the thematic areas and Principal Areas of Disagreement (PAD). There will also be the requirement to provide any updates and amendments when requested and to respond to Inspector questions and attend hearing sessions.
- 1.13 The consortium has currently prepared a draft AoC. This captures all the limitations of GAL's consultation and the response will present this in a clear and robust way to the Inspector. The draft has been guided by the legal advisors appointed by seven of the ten consortium authorities. Before finalisation, the draft will be further discussed at GOG on June 13th and then at the GOG Steering Group of senior managers in early July.
- 1.14 There have also been discussions specifically between the Surrey authorities on where a collaborative approach in the preparation of examination documents would be beneficial. At this stage the LIR has been identified as the main document that could be prepared collaboratively (based on the Sizewell B template) and deliver the best outcome from a collective resource pool. There has also been initial discussion on potentially also preparing a collaborative Relevant Representation and PAD document, although these will most likely have to be submitted independently. At this stage the respective authorities are seeking a general political steer on taking this approach.
- 1.15 In addition to the above, there has been an identification that some of the timelines and the as yet unknown scheduling of the examination could lead to very short periods of time for document submission. A concern with this and with working collaboratively is in ensuring appropriate sign-off mechanisms for the submission documents to meet the anticipated tight deadlines of examination, particularly where the examination deadlines do not align with the respective Council or Committee calendar dates. At this stage, respective authorities are again seeking a political steer on whether an alternative sign-off mechanism could best meet these procedural expectations and what this mechanism might be.

1.16 Members may recall that, as far as the 'pre DCO' submission consultation phase is concerned, authority was granted to the, "*Chief Executive and / or the Chief Planning Officer, in consultation with [the Gatwick] Working Group ... to respond to 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*". (Planning Policy Committee, 23.09.21). It is suggested that a similar approach be taken regarding the submission of documents required for the DCO Examination, hence Recommendation C above. The wording of the recommendation reflects the fact that the Gatwick Working Group has since been subsumed by the Planning Policy Working Group (comprising Councillors Blackwell, Botten, C.Farr, Prew, Pursehouse, Robinson, Sayer and Steeds).

1.17 The above is the current general position of the GAL NRP DCO process.

Key implications

Comments of the Chief Finance Officer

The financial implications of the work set out in this report are contained within the £30k limit previously approved by this Committee, as supplemented by external funding through the PPA payments. This situation will continue to be monitored with regular reports back to the Committee.

Comments of the Head of Legal Services

The legal requirements governing the determination of the DCO process are set out in the Planning Act 2008. As has been indicated in this report, the DCO process sets out response timescales by statute. By agreeing the delegation of authority as set out in recommendation C, the Council will be in a position where it can respond to the legal obligations placed upon the authority in its role as a 'neighbouring authority'.

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 providing elected Members with an update on the DCO process and associated workflows, there are no direct climate change implications.

Appendices

None

Background papers

None