



13<sup>th</sup> March 2023

**Sent by email**

Mr. Stewart Wingate

CEO

Gatwick Airport Ltd.

Dear Mr. Wingate,

**Adequacy of GAL's engagement on Northern Runway Proposals DCO**

We write to you on behalf of all the Gatwick Local Authorities to express our continued concern about the approach GAL has taken to progressing pre-application engagement and consultation. We are formally requesting that GAL amends the proposed DCO timetable and provides further information as requested below to allow proper opportunity for the local authorities ("LAs") to review it and the other existing evidence; prepare Statements of Common Ground, progress the preparation of draft Local Impact Reports; and provide sufficient time to consider Heads of Terms for the draft S106 Agreement. Unless you can commit to this, the LAs are likely to raise severe reservations and concerns regarding GAL's approach to engagement and consultation and set out the evidence to demonstrate that GAL's engagement has been inadequate, has failed to meet the DCO consultation requirements, and on this basis, that the DCO should not be allowed to progress. This letter is without prejudice to the representations which the LAs may wish to make in their Adequacy of Consultation Representations.

First and foremost, GAL's approach to undertaking the autumn 2021 consultation was very disappointing given GAL did not take on board numerous requests made by the LAs about the engagement and consultation approach. These were set out in our response to GAL's Statement of Community Consultation.

Whilst it is acknowledged that such decisions on approach, for the first consultation, were made within the context of the COVID restrictions at the time, we believe that GAL should have engaged with interested parties in a much more collaborative way and that the proposals could have been shaped to better reflect local concerns and expectations. These restrictions had been lifted by the time of the summer 2022 consultation, and ongoing work with the LAs should have given plenty of opportunity for more informative and meaningful engagement.

The LAs acknowledge that by its nature, the Preliminary Environmental Information Report (PEIR) does not need to be as detailed or as comprehensive as an Environmental Statement. However, the PEIR should provide enough detail for the consultees to gain a fully informed view of the likely significant environmental impacts/effects of the proposals. As the government's guidance on the pre-application process says, the key issue is that the information presented must provide clarity to all consultees. Without this, it is simply not possible to discern adequately whether the mitigation proposed is sufficient / appropriate and / or whether additional / alternative mitigation also is required to be secured. Specifically in relation to the PEIR for your northern runway proposals, the LAs believe that the required level of detail was not provided, and much outstanding information and evidence was not available to adequately respond to the PEIR. Indeed, since the PEIR was published the LAs have still not received up to date responses to numerous requests for baseline assessments and the related evidence base to date, much of which is fundamental to our ability to assess the impacts of your proposals across a range of topics.



GAL's approach has meant a missed opportunity to seek agreement with the LAs on the detail of your proposals, on the evidence base supporting your forthcoming DCO application and on the details of the mechanisms through which mitigation will be secured.

The Government's approach to NSIP DCOs places emphasis upon the front-loaded nature of consultation and engagement, precisely to ensure transparency and an efficient examination process. However, there are a number of important impact and mitigation matters, including baseline data and assessments which the LAs have been unsighted on to date. The LAs have repeatedly sought information to come to an informed judgement about the impacts of the proposals and to work collaboratively with GAL on mitigation proposals in advance of the submission of the DCO application. For example, requests for information about the CAA response to GAL's proposals, the methodology by which the catalytic impacts of the development have been assessed background evidence on socio-economic impacts, and requests for information in relation to transport modelling remain unanswered, and there has been no response to date regarding Surrey CC's transport related 'issues tracker'.

With regard to the DCO requirements and obligations, it is our view that GAL have attempted to 'drip feed' consideration of these through the Topic Working Groups in isolation and have so far not issued or entered into any discussion on any draft Section 106 heads of terms, which preferably should be commenced well in advance of the submission of the DCO.

Prior to Christmas, GAL representatives advised the LAs through the overarching Planning A Topic Working Group that they would not be sharing any drafts of the DCO application description, the Environmental Statement, the s106 heads of terms (and the draft emerging "Route Map" for mitigations) or drafts of other formal documentation (including a draft of the DCO itself, or even draft DCO requirements) prior to submission. This is clearly in conflict with the Government's expectation that NSIP applications should be front loaded.

Whilst your representatives at the Planning A Topic Working Group in January indicated that you would be sharing a composite Statement of Common Ground, S.106 documentation and the Draft DCO in February, it has been suggested that you would be seeking comments from the LAs on these documents by the end of March. Whilst the principle of this approach is welcomed, the LAs remain concerned with GAL's intentions given that the DCO time frame for submission remains programmed for Easter. This distinct lack of time means there appears to be no built-in opportunity to enter into the necessary detailed and staged discussion and negotiation on very important aspects of the DCO in advance of the DCO submission. This is a further missed opportunity to work collaboratively with the LAs and community particularly given the likely complex technical and governance issues involved. It is questionable whether compressing these further discussions into such a short time frame could comply with the Sedley consultation principles in a number of respects. In particular, and in addition to the point just made about lack of time to consider and respond, it is difficult to see how GAL could properly take into consideration the LAs' responses and make amendments accordingly.

The approach taken by GAL over the topic-based workshops again represents a failure to properly front load the process. It is wholly insufficient to provide information just through decks of presentation slides, and only five working days ahead of the next Topic Working Group. It has meant an inability to seek and reach agreement on issues as far as possible ahead of the examination, which is an expectation of the Planning Inspectorate.

Looking ahead to your intention to submit the DCO at Easter, should the application be accepted by PINS and following the publication of the full suite of your application documents, the LAs and other interested parties will need to review all the substantial amount of supporting data and strategies – noting GAL representatives have warned officers this is likely to be up to 10,000 pages of evidence and associated plans. This will require significant extensive work for the LAs involving significant resources and consultant support and, therefore, without notable extra resources, could affect the timing of being able to make informed judgements and decisions over the period leading to the Examination.

The LAs are therefore also very disappointed with GAL's lack of willingness to accept the level of resourcing and costs incurred by the Councils in handling the DCO process. Whilst some small compensation has been agreed for costs incurred through to September 2022 (PPA Phase1), GAL have only offered a very limited

sum for the subsequent work required to cover a second round of Topic Working Groups, work on the SOCG and draft S.106 obligations. The suggested sum offered of £141k is to cover substantial extra work for all ten local authorities and doesn't recognise where we need to buy in consultancy support where authorities do not have the expertise or capacity. As we have conveyed since day one of your DCO process commencing, we are not happy that local council taxpayers are being expected to meet the costs of your expansion plans, particularly at a time when local authority finances are incredibly stressed. As GAL are aware, there are significant wider costs that the LAs believe GAL should compensate for with regard to specialist consultant costs for reviewing GAL's assessment work and wider officer costs for managing the DCO work and the very time-intensive work that is likely post DCO submission and before/during the examination. This situation is likely to force LAs to have to prioritise our limited resources in our engagement with GAL on the response to the DCO during the examination. In these circumstances, it is inevitable that further opportunities for engagement and to reduce the areas of disagreement will be missed. Consequently, this approach could lead to a significantly increased number of 'issues' and areas of disagreement that would need to be presented at the examination. This will add to the resource requirement and the associated costs and risks for both the LAs Authorities and GAL. In turn, this makes it even more difficult for the LAs to meet the demanding requirements that GAL have placed on them during the pre-application period, and this point will no doubt be repeated in the Adequacy of Consultation response.

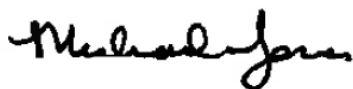
We are therefore writing to you to request that GAL will commit to and follow through on the following:

- To enter into more pro-active and positive discussions, providing the authorities with significantly more substantive information on your proposals in advance of the DCO submission. Examples of the background information the authorities have been requesting is appended to this letter (Appendix 1).
- To provide the information sufficiently in advance of your submission of the DCO and to ensure as soon as possible prior to the DCO submission that a comprehensive approach to securing appropriate and effective requirements and obligations is put in place in agreement with the LAs.
- To come up with new proposals for GAL to provide much more significant financial support to the LAs to cover the necessary additional staff and consultancy resources required to consider and respond to GAL's ongoing assessment work, to review the draft DCO and proposals for mitigation including draft 'Requirements' and 'S.106 obligations, and to cover the costs of coordinating the efforts across all the Local Authorities since September 2022 (the end date for PPA1) and ongoing through to the Examination stage of the DCO.
- To defer the submission of the DCO application to ensure sufficient time is enabled to carry out the above.

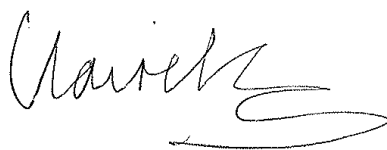
To this end, the Chief Executives from the Gatwick Authorities are very willing to enter into discussions with you to review GAL's approach to the DCO and your engagement to date with the LAs and local community. We firmly believe that this is necessary in order to subsequently engender a more collaborative approach to drafting potential S106 requirements and obligations, the requirements and other provisions of the DCO and the Statement of Common Ground.

We look forward to hearing from you.

Yours Sincerely,



**Councillor Michael Jones**  
Crawley Borough Council



**Councillor Claire Vickers**  
Horsham District Council



**Councillor Jonathan Ash-Edwards**  
Mid Sussex District Council



**Councillor Stephen Cooksey**  
Mole Valley District Council



**Councillor Mark Brunt**  
Reigate & Banstead Borough  
Council



**Councillor Catherine Sayer**  
Tandridge District Council



**Councillor Paul Marshall**  
West Sussex County Council



**Councillor Keith Glazier**  
East Sussex County Council



**Councillor Tim Oliver**  
Surrey County Council



**Councillor Roger Gough**  
Kent County Council

The extensive list below is an initial review of the information and/or documentation that has been sought by the Gatwick Local Authorities from GAL but which has not yet been provided (or agreed to be provided in advance of the DCO submission).

The list is not exhaustive, there are likely to be other items which have already been requested but it demonstrates the scale of the information “gap.” The Authorities also anticipate that other information requests will arise as they consider implications of further discussions and material tabled by GAL at or before any further Topic Working Groups or other Forums.

### **Overarching documentation**

- Draft DC Order, or at least draft text for Requirements, including information on proposed approach and fees for discharge of requirements;
- Draft Mitigations Route Map;
- Draft s106 – Heads of Terms, and proposed drafts for specific obligations.
- Draft Statement of Reasons
- Draft ES Chapter Description of Development
- Draft ES Chapter Approach to Assessment
- Draft Scheme Layout Drawings

### **Aviation Capacity and Forecasting**

- Explanation as to the basis upon which the specific projections of usage of the airport in terms of aircraft movements, type of aircraft, time of day and passenger characteristics, with and without the North Runway, were prepared. The top down benchmarking is not sufficient to verify that reasonable assumptions have been used. The specific implications of assumptions about capacity being brought forward at other London airports is not transparently set out;
- Justification for the runway movement rate that is claimed for the two runways as this relies on one minute separations between all departing aircraft regardless of departure route, which is not currently permitted in the UK;
- Clear explanation for the relationship between the use of the runway and the projected use of specific departure routes, including the implications for noise assessment and transparency about the relationship between the assumptions used and implications of future potential airspace change;
- Explanation of the different socio-economic benefits of the proposal, particularly in terms of where such benefits would arise and how they would impact the individual host authorities.

### **Air Quality**

- Provision in an electronic format of the detailed air quality model verification data - GAL shared the overall findings of the model verification exercise on 11<sup>th</sup> Nov 2022 but in the absence of the detailed data in an electronic format the local authorities are unable to check the results for

themselves. This is particularly important given the issues with air quality model at the PEIR stage of the process and the limited time available after the DCO submission – necessary to spend time now on checking the model's performance in the first instance rather than focusing solely on the model outputs for the future.

### **Air Noise**

- Modelling 2019 ATMs with 2032 fleet technology;
- Forecast single mode for future years.

### **Visual Impact and Land /Water /Bio-Diversity**

- Draft Design and Access Statement, or at least the draft design principles for it;
- Options reporting and the assessment of alternatives reporting;
- Parameter Plans (with illustration plans) on designs for the various Project buildings and infrastructure elements including lagoons, bridge widening, boundary fencing, bunds etc to inform consideration of the application and establishment of 'Requirements';
- Vegetation retention and removal plans especially along the road corridors;
- Information regarding Construction Compounds & location of activities within them;
- Details of emerging strategies, needed so we can assess how they interrelate, for example the:
  - Drainage Strategy, the Ground Noise Mitigation Strategy and the Landscape Strategy;
  - Or how the Drainage Strategy interrelates with the detailed highway scheme;
  - Or how the ASAS, the Parking Strategy and the highway schemes interrelate.
- Evidence supporting conclusions on need for on-airport office provision;
- Evidence supporting conclusions on need for hotel provision;
- Information on Post implementation monitoring for drainage / Detailed drainage questions – some still outstanding?
- Evidence of Thames Water's response on the Waste Water Treatment works, and whether it has capacity for NRP and planned Local Plan growth;
- Information on odour from new works at the STW;
- Information on impact of increased passenger numbers on Sussex Ambulance Service and A&E;
- Information on impact on Charlwood Park Farmhouse listed building to back up conclusions, and on potential improvements to setting of Edgeworth House and Wing House listed buildings;
- Lighting Strategy (e.g. particularly impact on Charlwood Park Farmhouse);
- Draft Carbon Action Plan.

## **Socio – Economic / Economic**

### **Key Documents requested in draft:**

- Population and Housing Effects report;
- Airport-Related Employment Land Study;
- Economic Impact Assessment;
- Employment, Skills and Business Strategy.

### **Detailed information requested:**

- Socio-economic baseline conditions to be presented at a local authority level;
- A focused assessment of the population and housing impacts of the NRP on the six local authorities in closest proximity to the airport (Crawley, Horsham, Mid Sussex, Reigate and Banstead, Tandridge and Mole Valley);
- Employment impacts at a local authority level including the impacts of the scheme on local labour supply. This should in particular address concerns raised in the PEIR that the NRP operational phase may result in local labour shortages, particularly in Crawley;
- A detailed forecast of all economic activity that will have an impact on labour supply at a local authority level;
- A detailed breakdown of the numbers and types of jobs that would be created during both construction and operation;
- Analysis by GAL of the impact of the scheme on the labour supply for other non-airport related employment sectors;
- An assessment of the housing demand created by the scheme – impacts to be specifically identified for those local authority areas in closest proximity to the airport;
- An assessment of the affordable housing need (for those LPAs in closest proximity to the airport) created by the scheme – this should link with work on the number and types of jobs created by the NRP;
- An assessment of the requirements for temporary workers and resulting impact on the private rented sector and market for short term lets (taking into account current pressures caused by migration on hotels and temporary accommodation);
- A clear narrative around the methodology for assessing the magnitude of socio-economic effects, plus details on the guidance and standards that have been used to inform the assessment;
- Information on GVA generated by employment at Gatwick Airport and qualitative information on the level of employees and local spend by employees;
- A forecast of the economic growth in the local area which is unrelated to the airport;

- Provision of baseline data on the number of Gatwick-related businesses and jobs at the local authority level;
- An assessment of the community impacts (effects on facilities and services) as a result of the NRP;
- Detailed measures to prioritise local supply chains (to be set out in the ESBS);
- Clarity on outcomes that are already identified in relation to the airport's current configuration, and the additional measures (value added) that would be achieved in relation to the NRP);
- A qualitative analysis by GAL (Oxera) of the effects of the scheme on FDI;
- A more detailed assessment of the approach to catalytic employment taken by Oxera – e.g. more detail is required around the catchment areas used for each airport and location of business activity relative to the airport. The applicant should set out what they mean by catalytic effects, the assumptions associated with this definition, its baseline position (including future baseline) and what has been discounted to reach a net figure for catalytic effects. Scenario testing also should be undertaken to understand the potential variations with levels of catalytic benefits from other major schemes in the planning pipeline;
- Direct, induced and catalytic impacts of the project on the Gatwick Diamond area, Five Authorities Area and for the UK. Impacts are also requested to be provided at the local authority level or at least the Northern West Sussex FEMA;
- An assessment of induced effects on construction employment and an assessment of the availability of construction workers by local area;
- An assessment of induced economic activity associated with construction;
- A clear explanation of the calculations concerning the indirect and induced impacts and how these are distributed across the study areas;
- A breakdown of GAL's total workforce by local authority area (current and projected);
- Justification and appropriate evidence for the 80% Home Based / 20% Non Home Based ratio that GAL is using;
- An assessment of the impact on property values as a result of the scheme (including commercial property values) – as requested by PINS in its PEIR response;
- An assessment by GAL of whether there is a current and forecast surplus or shortfall in commercial floorspace, identified land allocations and the availability at certain sites within the ARELS FEMA – this should be undertaken at the more local level given the potential for a concentration of the impacts to be felt more locally to the airport. This should also discuss where demand for off-airport employment growth is likely to be located and when this is likely to come forward as the airport grows – it is not realistic to assume that employment floorspace demands can be evenly distributed across the study area, nor that the demands will be split on an equal year-by-year basis across the NRP programme;
- Information on the relationship between Economic Impact Assessment and ICF air traffic forecast and to explain the assumptions regarding capacity at other airports, air fare



savings, the impact of assuming a 3<sup>rd</sup> runway at Heathrow and the treatment of the carbon costs in the demand forecasts and in the WebTag appraisal;

- Up to date Travel to Work data that takes into account the implications of COVID.

### **Transport and Highways (Surface Access and Active Travel)**

- Response to Surrey County Council's extensive 'Issues Tracker'
- A Designer's Response to the Stage 1 Road Safety Audit for the proposed highway mitigation between the Longbridge roundabout and M23 spur. To detail exactly how the road safety issues are to be addressed and the design amended accordingly;
- The rationale for the reclassifying of the M23 spur to an 'A' class road;
- A rationale/justification for the desire to reduce the speed limit on London Road A23 to 40mph. An assessment is also required to see whether it accords with WSCC adopted Speed Limit Policy;
- A commitment to provide a draft copy of the Transport Assessment in advance of submission of the DCO;
- Draft highway boundary plans do not accord with WSCC records for London Road. Agreement needs to be reached as to the revised extent of highway boundaries maintainable by each Highway Authority;
- The draft PRow strategy and design detail on active travel routes, including widths, cross-sections, crossing details, appearance, and how they meet LTN1/20.

**Ends.**