



MoleValley  
District Council

Mole Valley District Council (MVDC):  
Adequacy of Consultation Representation to  
Gatwick Airport Limited (GAL) Development  
Consent Order (DCO) Examination

July 2023

## 1. Introduction

- 1.1** On 7 July 2023, The Planning Inspectorate (PINS) notified Mole Valley District Council (MVDC or ‘the Council’) of the submission of an application for a Development Consent Order (DCO) for Gatwick Airport Limited’s (GAL or ‘the Applicant’) emergency runway to be utilised for general use and aircraft movements. GAL refers to this application as the Northern Runway Project (NRP).
- 1.2** MVDC has been invited to submit a representation relating to the adequacy of the Applicant’s pre-application consultation. This is a formal stage of the government’s DCO process and required by Section 55 of the Planning Act 2008 (‘the Act’). Mole Valley District Council is a host authority and statutory consultee.

### Planning Act 2008

- 1.3** The Act allows for relevant local authorities to state whether an Applicant, in this case GAL, has complied with their duties under sections 42 (S.42, general duty to consult), 47 (S.47, duty to consult the local community) and 48 (S.48, duty to publicise) to ensure consultation and publicity on an application has taken place prior to its submission, for consideration by PINS who will examine the application on behalf of the Secretary of State.
- 1.4** However, the 3 sections the Council are asked to comment on do not represent the full extent of consultation requirements and are basic and rudimentary procedural steps which must be taken. To comply with them says nothing about the efficacy of consultation and whether it has been meaningful and successful and consultation related requirements must be read as a whole.
- 1.5** Consultation must be about both actively and openly seeking views on the project and then being able to demonstrate that the Applicant has responded to that input appropriately and reasonably. It is not sufficient to simply ask for comments in a manner which meets the most basic of conditions and then fail to respond meaningfully. As such, when coming to a view, not only has the Council had regard to the Applicant’s submitted Consultation Report (Application Document Reference: 6.1) and appendices (Application Document Reference: 6.2), it has also considered whether the Applicant has complied with S.49 (duty to take account of representations to consultation and publicity) and S.50 (regard to guidance about the pre-application procedure) of the Act.
- 1.6** For the reasons set out within this representation (see Appendix 1), the Council consider that while the Applicant has met the basic technical and procedural requirements of S.42, S.47 and S.48, it does not consider that the Applicant has met the requirements of S.49 and S.50. The Applicant has failed to carry out effective and meaningful consultation and unless remedied the outcomes of the submitted

application could have detrimental implications for the community and the environment. It is the Council's view that further formal pre-application consultation is needed before the examination can proceed any further.

### **Joint Authorities Adequacy of Consultation Representation (JAR)**

**1.7** This paper sets out the Council's individual representation to matters relating to AoC but should be read alongside that of the Joint Authorities' Representation (JAR). The JAR has been prepared and signed by 10 authorities in closest proximity to Gatwick and those most affected/impacted by GAL operations. These authorities comprise:

- Crawley Borough Council;
- East Sussex County Council;
- Horsham District Council;
- Kent County Council;
- Mid Sussex District Council;
- Mole Valley District Council;
- Reigate and Banstead Borough Council;
- Surrey County Council;
- Tandridge District Council; and,
- West Sussex County Council

**1.8** The JAR reaches the same conclusion as the Council and will be considered by the appointed Inspectors in determining whether the DCO application can continue to a full examination, as per S.55 (5A)(b) and 55 (4)(c) on the Act.

**1.9** The JAR has not been duplicated here and while there may be some overlap with the experiences of other authorities, matters which relate to the Council's specific experiences of the pre-application process are the focus of this representation. Links to relevant DCO documentation and guidance notes are also provided, where it is considered beneficial to do so, all of which contribute to the Council's comments regarding S.50.

## **2. Requirements of the Act**

### **Section 42 – Duty to Consult**

#### **Council's position on compliance with S.42**

**2.1** As far as is relevant to this application, the Act sets out that the Applicant meets a number of requirements:

- The Applicant must consult certain [prescribed persons](#), as listed in Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations

2009, also referred to as statutory consultees, including national bodies and infrastructure providers.

- The Applicant must consult each local authority under [S.43](#), which includes MVDC.
- The Applicant must consult each person within one or more of the categories set out in [S.44](#) regarding tenants and landowners relevant to the application.

- 2.2** In preparing their submission, the Applicant has had regard to the prescribed consultees as listed in the Regulations and a list of those consulted has been provided in the Applicant's Consultation Report (Application Document Reference: 6.1).
- 2.3** The Applicant, in Table 5.1 of the Consultation Report (Application Document Reference: 6.1), has provided a list of the local authorities that were consulted on the project as stipulated in S.43. All host authorities and those authorities the Applicant perceived as being potentially impacted, were included in the consultation process and directly approached for comment.
- 2.4** The Council is aware that the Applicant undertook exercises with landowners, leaseholders and tenants for land relevant to the remit of the application (S.44) in May 2021. MVDC does not hold any land interests which are impacted by the proposals and has not provided comments or been involved in this element.
- 2.5** Based on the above, the Council accepts that the Applicant **has met** the basic and technical requirements of S.42.

#### **Council summary issues with S.42**

- 2.6** While at the elementary level the Applicant has reflected the requirements of Schedule 1 and arguably met the specifics of S.42 in terms of who should be consulted, worthwhile consultation should go beyond what is statutory to ensure that those with a vested interest in the application or potentially impacted by it, are directly consulted to seek their views specifically. The Council highlighted in its representation to all of the drafts of the Applicant's Statement of Community Consultation (SoCC) that information on who would be consulted was insufficient. Instead, the Applicant's SoCC was both brief in its efforts to set out who would be consulted and arbitrarily based upon suppositions around Inner and Outer Consultation Zones.
- 2.7** Concerns remain prominent that the approach to the Outer Zones has excluded a number of London Borough's, south of London City Airport and in proximity to Biggin Hill Airport and who would have had a vested interest in the proposals due to existing air traffic movements. It is equally not clear if the airports themselves were consulted, or whether this was expected to take place via the Civil Aviation Authority (CAA). While it is noted that the London Borough's on Surrey's fringe, were consulted, this does not go far enough.
- 2.8** Regarding the Inner Zones, despite the submission of the Applicant's Consultation Report (Application Document Reference: 6.1) and the extensive appendices, the

Council has been unable to establish if relevant community groups and parishes, beyond Charlwood Parish Council, were directly approached for comment. The consultation documentation published by the Applicant only includes:

- Those that the Applicant consider to meet the S.42 definition of ‘prescribed’ consultees, including Local Authorities (Application Document Reference: 6.2, Appendix B.18 and Appendix 6.2, Appendix C.5); and
- Those groups and parties the Applicant consider fall under the ‘Hard to reach’ category (Application Document Reference: 6.2, Appendix B.23)

**2.9** If these published lists are a full and accurate account of all parties that were directly approached, concerns are raised. Appendix A.3 makes it clear that a variety of parties were involved at the informal stages of the Masterplan (2019-2021), yet not used to inform the consultee list for the formal stages. This includes Newdigate and Brockham Parish Council’s within Mole Valley, and a range of community groups. This appears to be a disregard of the interest these additional parties showed at the early stages of the process. It also confirms that the requests made and issues raised by the Council regarding who should be contacted were not taken on board.

**2.10** While it is recognised that the legislation specifies who should be a prescribed consultee and has therefore been the focus for the Applicant in their submission, non-prescribed consultees are essential to the application process. While paragraph 6.5.6 of the main consultation report implies that some non-prescribed consultees may have been directly approached there is no evidence or detail within the available submitted papers. Without such information the Council can only assume that a number of key parties, including local community groups and parishes on the fringes of the NRP area, may have been missed and/or expected to keep themselves informed of such a significant process and development.

#### ***Relevant S.50 Guidance to the Council’s representation***

Document	Location
<a href="#">DCLG - ‘Planning Act 2008: Guidance on the pre-application process’ (2015)</a>	Paragraphs 26, 34 and 36

## **Section 47 – Duty to Consult the Local Community**

### **Council’s position on compliance with S.47**

**2.11** The Act requires the Applicant to prepare and publish a statement setting out how it proposes to consult local people about the proposed application and provides the framework against which any consultation regarding the DCO/application must conform. This is known as the Statement of Community Consultation (SoCC). Before adopting the SoCC, the Applicant was required to consult the relevant local authorities for a period of 28 days about the contents of the SoCC.

- 2.12** The Applicant issued its initial draft SoCC for local authority comment on 21 February 2020. The Council submitted its comments on 24 March 2020 and were also part of joint authority comments, also submitted in March 2020.
- 2.13** A further informal consultation took place with authorities in April 2020 but did not result in an adopted document due to delays caused by the Covid Pandemic. In April/May 2021 a further iteration of the SoCC was issued for comment and MVDC, along with other authorities, responded in June 2021.
- 2.14** Alterations to its approach in relation to COVID measures were applied to the further consultation on highway changes carried out in summer 2022. However, these changes were never formerly amalgamated into an updated SoCC. Instead, the Applicant advised that the SoCC (2021) should be read in conjunction with its summer 2022 [consultation document](#).
- 2.15** Despite the staggered and elongated process to the preparation of the SoCC, the legislation provides only for technical and not qualitative compliance, allowing for the Applicant to do the minimum. As such, the Applicant's approach to the SoCC and what it includes **has met** the basic requirements of S.47.

#### **Council summary issues with S.47**

- 2.16** The Council considers that the Applicant's published SoCC is simplistic and ineffective in terms of setting a framework which would deliver effective consultation with interested parties. The level of information provided within the final SoCC lacks the necessary detailed guidance and measures for the general public and those who have an interest in the application. While Table 4.4 of the Applicant's Consultation Report (Application Document Reference: 6.1) seeks to set out, in detail, how it complied with the SoCC framework, it was always an ineffective document and therefore resulted in inadequate consultation outputs.
- 2.17** The Council has responded to each opportunity for comment on the preparation of the SoCC (March 2020, May/June 2021) and consistently raised issues with its content. The Council also commented on the efficacy of the consultation, as a result of the SoCC, to the S.42 consultation (December 2021). Comments raised in this regard are detailed in Appendix 1 and include but are not limited to:
- Insufficient and vague detail on the proposals for specific consultation activity or where information would be broadcast/published;
  - Issues with the utilisation of arbitrary Inner and Outer Consultation Zones to inform who would be approached for comment;
  - An over reliance on virtual engagement and poorly equipped and run Mobile Project Offices (MPOs);
  - Lack of clarity on how 'hard-to-reach' groups would be targeted/involved with no information on how web pages/online documents would be made accessible to those relying on audio transcription software; and

- Insufficient information on how the Applicant had identified and addressed the areas of the community that may be disproportionately affected, as set out under paragraph 5.3 of [PINS Advice Note 2](#).

**2.18** The Council recommended that the Applicant update the SoCC to address its comments, or that it should respond to each of the Council's points in detail to make clear why it did not see it appropriate to act in accordance with Box 15 and of the PINS Section 55 checklist ([Appendix 3 of Advice Note Six](#)). At the point of publication, numerous issues regarding the SoCC for MVDC and other authorities were outstanding and they have never been resolved, thus resulting in a less than effective consultation.

**2.19** In May 2022, the Council provided comments on the approach to the further consultation on highways elements. This involvement is referred to within the Applicant's Consultation Report (Table 4.5) as a Further Consultation Strategy, yet this document was never finalized, never published and the SoCC remained unchanged. Its inclusion within the Applicants consultation documentation is misleading and suggests the Council and others had more involvement that it did.

**2.20** Therefore, although the Applicant complied with the procedural requirements of the Act, it did not respond adequately to the issues raised by the Council during the preparation of the SoCC, nor did it deliver an effective and accessible consultation as further explored in Appendix 1 and against S.50 (see below). PINS is invited to take a view on how the flawed SoCC has influenced the wider pre-application process for the DCO and consider the benefits of further consultation prior to allowing the application to proceed.

### ***Relevant S.50 Guidance to the Council's representation***

Document	Location
<a href="#">DCLG - 'Planning Act 2008: Guidance on the pre-application process' (2015)</a>	Paragraphs 34, 36, 37, 38, 39 and 41
<a href="#">PINS - Advice Note 2: 'The role of local authorities in the development consent process' (2015)</a>	Paragraphs 5.2 – 5.3

## **Section 48 – Duty to Publicise**

### **Council's overarching position on compliance with S.48**

**2.21** This section provides that the Applicant must publicise the proposed application in a prescribed manner in accordance with S.4, of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. These prescribed conditions include the need to publish a notice setting out timescales for comment, locations on where documents can viewed and where the notice must be published.

- 2.22** Two formal stages of consultation were carried out by the Applicant. The first was a consultation on the overall proposal and accompanied by a range of technical data and Preliminary Environmental Impact Reports (PEIR), held between September and December 2021 for 12 weeks. The second was a further technical consultation on highways matters, held in June 2022.
- 2.23** The Applicant's Consultation Report (Application Document Reference: 6.1) contains details of the S.48 notices that were published in each case, in the following sources:
- The London Gazette;
  - The Times;
  - Crawley and Horley Observer;
  - Kent and Sussex Courier;
  - Surrey Mirror; and
  - West Sussex County Times
- 2.24** The procedural requirements of publicising the DCO are very narrow and do not address the need to publicise a consultation sufficiently and via various mediums, as such the Applicant **has met** the minimum requirements to satisfy the S.48 duties.

#### **Council summary issues with S.48**

- 2.25** While the Council does not raise direct issue with the compliance of S.48, the public notice does form part of the wider consultation materials and approach and contributes to the general view that the consultation was not carried out sufficiently. This is detailed consistently throughout this representation and the JAR.

#### ***Relevant S.50 Guidance to the Council's representation***

Document	Location
<a href="#">DCLG - 'Planning Act 2008: Guidance on the pre-application process' (2015)</a>	Paragraph 39 and 77

## **Section 49 - Duty to Take Account of Representations to Consultation and Publicity**

### **Council's overarching position on compliance with S.49**

- 2.26** To satisfy the requirements of the Act, S.49 sets out that the Applicant must have complied with S.42, S.47 and S.48 (S.49 (1a)) and also be able to demonstrate that it has had regard to any relevant representations it has received as a result of related pre-application consultation (S.49 (2)).
- 2.27** The Council, for the reasons set out at Appendix 1 and the Joint Authorities Adequacy of Consultation representation, does not consider that the Applicant has considered representations sufficiently. While some presentations from the Applicant at TWG



meetings did seek to try and address some points, this was not a regular occurrence and did not provide the level of detail which would have been helpful to the process.

- 2.28** It is considered that, while the Council has been involved in an extensive schedule of meetings and engagement with the Applicant since the earliest plans for the DCO, the Applicant has not fed back on the outcomes or responded to issues. Moreover, the Applicant has consistently failed to provide authorities, their consultants and other interested parties with information necessary to enable a full and thorough consideration of the plans and the evidence which underpins the NRP. It is the Council's view that the requirements of S.49 of the Act has **not been met**.

#### **Council summary issues with S.49**

- 2.29** Statutory consultation and additional engagement prior to the submission of a DCO is a critical point in the process and an essential opportunity to engage as widely as possible to make sure all those affected understand the scope of the scheme and its predicted impacts, including for residents and stakeholders.
- 2.30** Consultation and engagement must take place in the formation of the DCO as changes, post submission, are seldom possible. As such, the Applicant needs to be able to demonstrate that it has provided sufficient opportunity for consultation and engagement and that it has listened to those issues raised, as far as is materially necessary. If the Applicant was successful in doing so, schemes would have been altered and evidence further detailed. However, it has not been possible to see where and how this has happened. Specific instances of where the Council has experienced a lack of feedback and representation is set out in Appendix 1 and include:
- MVDC and joint authority comments on various iterations of the SoCC were not taken up into the published document and no feedback as to why not, has been provided. Outstanding issues with the content of the SoCC remain unresolved. (March 2020/May-June 2021/May 2022)
  - The Council has expended significant time on attending TWG's and has provided the Applicant with feedback and information as has been requested by the Applicant. However, when information has been requested from the Applicant this has rarely been forthcoming. (Various periods 2021-2023)
  - Little or no feedback on the concerns raised by MVDC following the formal S.42 stage and technical highways consultation, with particular relevance to concerns around the baseline case, noise and air-quality. (December 2021 and May 2022)
  - The Applicant has not provided effective feedback and technical justification to noise issues (November 2022 and various)

- The Applicant has yet to provide any feedback to the community and non-statutory parties on the concerns and issues they have raised through consultation stages (December 2021 and June 2022); and
- Several Joint Leader/Chief Executive Letters have been issued to the Applicant to raise concerns about matters including timescales, level of work, lack of feedback yet the Applicant has not provided adequate or detailed responses to these concerns (Various dates between 2022 and 2023).

**2.31** The Council is concerned that the ‘comment and response’ process has not taken place simultaneously alongside the preparation of the submitted DCO, there is no other logical reason for why the Applicant’s response to issues raised would have been withheld. Despite being asked repeatedly to provide feedback, the Consultation Report for the DCO has only become available at the point of submission and still lacks a detailed response to the input it has received. As such it is not possible to see how and where comments have been taken on board and if not why not. This lack of feedback, coupled with the ineffective consultation process, is further confirmation that the Applicant has treated consultation as a procedural step in the application process and not as a tool to ensure the application presents the most appropriate scheme.

**2.32** The Council considers the application before the Inspector(s) has not been prepared in a compliant manner and has not responded to the local knowledge and evidence authorities, stakeholders and communities have sought to provide. This is contrary to [DCLG: Planning Act 2008: Guidance on the pre-application process](#), paragraph 24, which recognises the importance of local knowledge in forming an application for DCO. The Council does not consider the Applicant has met S.49.

*Relevant S.50 Guidance to the Council’s representation:*

Document	Location
<a href="#">DCLG - ‘Planning Act 2008: Guidance on the pre-application process’ (2015)</a>	Paragraph 24

## Section 50 - Guidance about the pre-application process

### Council’s overarching position on compliance with S.50

**2.33** Section 50 of the Act entitles the Secretary of State to issue guidance about how to comply with the pre-application requirements of the DCO process and requires applicants to have regard to any guidance issued when preparing an application. The guidance is substantial and the range of matters which the Applicant must have regard to considerable.

**2.34** The main guidance relevant to the Council’s representation includes:

- [DCLG - 'Planning Act 2008: Guidance on the pre-application process' \(2015\).](#)
- [PINS - Advice Note 2: 'The role of local authorities in the development consent process' \(2015\).](#)
- [PINS - Advice Note 6: Preparation and submission of application documents \(Version 11\)](#)
- [PINS - Advice Note 8: Overview of the nationally significant infrastructure planning process for members of the public and others \(December 2016\)](#)
- [PINS - Advice Note 8.1: Responding to the developer's pre-application consultation](#)
- [PINS - Advice Note 14: 'Compiling the consultation report' \(2012\) \(version 2\).](#)

**2.35** It is considered that the Applicant has not followed the Guidance in a number of areas and the requirements of S.50 have **not been met**.

### **Council summary issues with S.50**

**2.36** The Council considers there are a variety of issues in how the Applicant has sought to carry out the pre-application process. Many of these issues are inter-related and often concern more than just one section of the Act. As such the Council's representation regarding S.50 is not just set out below. To assist PINS, links and references to relevant guidance, where the Council feels it is of relevance to S.42, S.47, S.48 and S.49, have been included under the relevant part and should all be considered as contributing to the Council's position on S.50.

**2.37** The Council wishes to highlight the following areas of the guidance which has not been followed and which has more generally and detrimentally impacted on the adequacy of consultation.

[DCLG - 'Planning Act 2008: Guidance on the pre-application process' \(2015\) Paragraph 25:](#)

*"Consultation should be thorough, effective and proportionate...Larger, more complex applications are likely to need to go beyond the statutory minimum timescales laid down in the Planning Act to ensure enough time for consultees to understand project proposals and formulate a response. Many proposals will require detailed technical input, especially regarding impacts, so sufficient time will need to be allowed for this...."*

**2.38** While the Council sought to take up all opportunities provided by the Applicant to be involved prior to the submission of the DCO, it does not agree that the opportunities presented, the associated timescales for comment, coupled with the lack of response from the Applicant regarding evidence or impacts, has been sufficient. Neither has there been meaningful regard to the Council in terms of resourcing needed to respond and the technical specialties which have had to be commissioned to support the Council through the process. Letters from authority leaders (12 May 2022, 24 June 2022 and 13 March 2022), have raised this issue, highlighting that workloads for local authorities generated by the DCO have been extensive leaving officers, communities and elected Members all grappling with the technical information being presented.

- 2.39** While the S.42 consultation was, after a great deal of challenge from the Council and others, extended to 12 weeks, there was insufficient warning about the commencement of the consultation's commencement, preventing the Council from arranging technical consultants and experiencing difficulties with committee lead in times to secure elected Member involvement.
- 2.40** Paragraph 3.4.25 of the Applicant's Consultation Report (Application Document Reference: 6.1) confirms that meetings were recommenced following the pandemic hiatus in July/August 2021. This is somewhat misleading, given that meetings did not start again until late July and approximately 5-6-weeks prior to the S.42 consultation commencement. Given that these meetings followed a long period of time which would have resulted in much change, in terms of evidence, modelling data and even the staff dealing with the project, the lead in times were too short.
- 2.41** The Consultation Report (Application Document Reference: 6.1, paragraph 3.4.26) also confirms that the PEIR information was still being prepared and that it was unable able to share full details with the local authorities even in a draft form. This confirms that not only were the Council given insufficient time to prepare for the consultation and the raft of information it would include, but that the Applicant was also 'rushing' for the benefit of meeting a deadline. Given the delays to the project which have since occurred, it stands to reason that taking more time and consideration with such key stages, would unlikely have exacerbated the timescales further, but could have mitigated issues they have had to contend with.
- 2.42** The Council considers that **the guidance on this matter was not followed.**

[DCLG - 'Planning Act 2008: Guidance on the pre-application process' \(2015\) Paragraph 73:](#)

*"Applicants are not expected to repeat consultation rounds set out in their Statement of Community Consultation unless the project proposals have changed very substantially. However, where proposals change to such a large degree that what is being taken forward is fundamentally different from what was consulted on, further consultation may well be needed. This may be necessary if, for example, new information arises which renders all previous options unworkable or invalid for some reason. When considering the need for additional consultation, applicants should use the degree of change, the effect on the local community and the level of public interest as guiding factors."*

- 2.43** As set out against S.49 of the Council's representation, the Applicant has failed to provide sufficient and meaningful feedback on issues raised and consultation inputs. As such, it is not possible to determine whether the scheme has been prepared in an iterative manner that has been responsive to comment and challenge. While the Consultation Report, in both the main report (including paragraphs 5.9 – 6.10 and Tables 4.4 and 4.5) and appendices (including B.3 and B.10) seek to consider the comments and issues raised and a response, these are for the most part high level and do not appear to address the full spectrum of comments made by the Council, the

public and others. As such, the Council remain unconvinced that the obligations and intentions of S.49 been met.

- 2.44** While it is understood that the guidance does not specify the need to share proposals prior to submission, due to the lack of feedback received any application will be changed and unfamiliar to interested parties and the communities that have sought to feed into the proposals for the last three years. As such, considering the challenges authorities and communities have experienced with the Applicant's approach to consultation, it is right and logical that a further consultation should take place. This would be for the benefit of openness and transparency and to ensure that in considering the application, PINS can be assured that the necessary scope of the proposals and how earlier comments have been accounted for has been properly shared with those that will be potentially impacted by the development.
- 2.45** If feedback had been forthcoming throughout the process and it had been made clear how responses were accounted for and treated, this element would not be such a necessity.
- 2.46** The Council considers that this element of **guidance should be followed**, prior to acceptance, to repair the lack of trust which has been created by the Applicant's approach.

[DCLG - 'Planning Act 2008: Guidance on the pre-application process' \(2015\) Paragraph 77:](#)

*"Consultation should also be fair and reasonable for applicants as well as communities. To ensure that consultation is fair to all parties, applicants should be able to demonstrate that the consultation process is proportionate to the impacts of the project in the area that it affects, takes account of the anticipated level of local interest, and takes account of the views of the relevant local authorities."*

- 2.47** The application site is the UK's second biggest airport and the largest single-runway airport in Europe. The Applicant, at paragraph 1.2.4 of its submitted Consultation Report (Application Document Reference: 6.1), proposes that the NRP project will *"...enable throughput to be increased to approximately 75.6 million passengers per annum ("mppa") with 382,000 Air Traffic Movements ("ATMs") in 2038, and around 80.2 mppa with some 386,000 ATMs per annum in 2047. This represents an increase in capacity of approximately 13 mppa compared to the 'without Project' scenario."* The potential impact of these proposals can only be significant. It is not considered that the consultation was proportionate to this and, for the reasons set out in this representation, the consultation did not go far enough. The main issues relate to:
- The creation of arbitrary inner and outer consultation zones which were not based on reasonable assumptions. Comments to this effect made by the Council were not taken on board, neither were suggestions regarding how consultation for the District should take place.

- The provision of Mobile Project Officers (MPOs), which was supposed to be of benefit to communities who wanted to speak to someone about the plans and ask questions, were ineffective. Instead, they simply acted as a collection point for certain consultation documents and manned by non-technical staff who were unable to answer questions about the DCO. Some of those who visited were referred to a 'hotline' arguably wasting the time of those who had made the effort to attend. While the Applicant partially responded to the Council's requests to increase the coverage of MPOs in the District, it remains unclear if and how these were publicised and were not set out in the SoCC. Given the scale of this DCO, the Council considers that the seemingly reluctant efforts of the Applicant were not proportionate to the potential impact.
  - While virtual engagement is welcomed, the heavy emphasis on it was counterproductive to wider consultation experience for those who are unable, or not benefited by online consultation. Furthermore, the Applicant created an unreasonable obstacle to those who wanted to request documentation to view at home by charging as much as £500 for printed copies of documents (SoCC, paragraph 5.3.5 (August 2021)). It is understandable that a printing charge might be imposed to recoup costs, but it is unclear how even a full set of printed documentation would have resulted in such high a cost. It is noted that a full suite of documents were sent to Charlwood Parish Council, free of charge, however as a listed consultee in Appendix B.18 of the Consultation Report, it served the Applicant's purposes to assist. A schedule of costs for each of the documents would have been more beneficial and transparent. As written, the £500 and worst case figure, acted as a deterrent.
- 2.48** Consulting meaningfully and meeting consultation requirements are not the same thing. The Council considers that the Applicant has taken the latter route and has not approached consultation in a way which recognises the concerns and uncertainty a project of this scale has caused within the community. Instead, the Applicant's approach to consultation has generated unnecessary and unhelpful obstacles to community engagement which could have been easily avoided and have been detrimental to the community, parishes and stakeholders with interest in such an extensive scheme.
- 2.49** The Council considers that **the guidance on this matter was not followed.**

## **3.0 Conclusion**

- 3.1** For the reasons set out within this AoC and the JAR, the Council accepts that the Applicant **has met the basic technical and procedural elements of S.42, S.47 and S.48 of the Act.** However, given that it is the intent of both the Act and accompanying guidance to front-load and carry out thorough, responsive and inclusive consultation, the Council considers that **S.49 and S.50 of the Act have not been met.**

- 3.2** It is accepted that in isolation the issues raised by the Council are unlikely to justify PINS concluding that the Applicant has not met the requirements of an adequate consultation. However, the appointed Inspectors are asked to give full and thorough consideration of whether cumulatively, this representation at least justifies the need for a further formal and public consultation, including additional engagement with the relevant authorities. The Council considers that this would ensure that interested parties have been able to comment on the scheme which is before PINS and in a way in which the full details of the application are known and how earlier and extensive feedback has informed the final submission.

## Appendix 1 – Mole Valley District Council (MVDC) Adequacy of Consultation (AoC) Log of Issues

Date	Stage of DCO process	Details of consultation issue	Evidence/document(s) to support the Council's view
Mar-20	Draft Statement of Community Consultation (SoCC) - first draft	<p>A consultation representation was sent to GAL in representation to the first draft of the SoCC. The representation was in two parts; Part 1 provided joint feedback on behalf of the ten Gatwick Local Authorities and Part 2 detailed specific issues identified in relation to the District of Mole Valley.</p> <p>The main concerns identified in the joint representation (Part 1) are summarised below:</p> <ol style="list-style-type: none"> <li>1) Insufficient work was carried out between GAL and the Local Authorities to prepare the draft SoCC, as encouraged by PINS (see PINS Advice Note Two);</li> <li>2) Lack of detail on the proposed development including where each of the elements are proposed to be located, in addition to the Development Consent Order (DCO) process itself;</li> <li>3) Inadequate information about the legal requirement to consult and explanation of the provisions of the Planning Act 2008 which would have assisted the communities understanding;</li> <li>4) Reference to the consultation taking place over a minimum of eight weeks. Concerns that such a short consultation would significantly restrict the authorities' ability to fully engage Members in the process and to respond in a timely manner, due to the need for any representation to be approved through the relevant internal decision-</li> </ol>	See Part 1 of MVDC's joint consultation representation to GAL on the first draft SoCC (dated 24 March 2020).



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		<p>making processes. The Local Authorities stipulated that the formal consultation should be for at least 12 weeks;</p> <p>5) Uncertainty as to how and when GAL intended to consult, which could result in an insufficient level of resources being designated to the public consultation and engagement. No real clarity around who would be consulted and the draft SoCC should identify business groups, community services, Parish Councils and resident groups to consult rather than using vague phrases such as <i>“anyone with an interest in the Project who considers they may be directly, or indirectly impacted”</i>.</p> <p>6) Failure to provide a full list of statutory bodies GAL intended to consult with.</p> <p>7) Concerns about the definition of the inner and outer consultation zones, both of which should be extended to take account of a range of environmental impacts that would potentially affect residents and businesses within a wide geographic area. Additional concerns about the map of inner and outer consultation zones being too small and lacking in detail.</p> <p>8) Limited information provided on ‘hard-to-reach’ groups, including how they would be targeted, who they are and how they would be made aware of the project and helped to provide feedback on the consultation. No reference to the Equality Impact Assessment (EqIA) and measures undertaken to ensure that the consultation is accessible to all.</p>	

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		<p>10) Limited information provided on how GAL would consult. For example, no details provided on the number and location of document deposit points. No specific locations, dates and times of exhibitions with only a reference to 17 consultation exhibitions, which would be insufficient given the potential impact of these proposals on such a large number of people in a wide geographical area.</p> <p>11) Little information provided in regards to the Project Freephone Hotline and what the relevant dates and timings would be for this service. Unstaffed exhibitions would also be necessary for people without internet access to view consultation materials, rather than stating that unstaffed exhibitions <i>“may be organised if necessary”</i>.</p> <p>12) The fee for participants to request information is very high at £500, which would prevent some people from fully engaging with the consultation, and should be reviewed.</p> <p>13) Full and specific details of publicity were not provided in the draft SoCC, making it difficult for Local Authorities to comment. Details were not provided of where and how the consultation on the scheme would be advertised.</p> <p>Overall, the Local Authorities considered that the draft SoCC contained information that was too vague with a number of gaps including timescales for consultation and locations/times of exhibitions, making it difficult to fully respond and understand in full the potential implications. It was considered that due to the inadequate content, the draft SoCC would not produce an effective consultation that would satisfy the PINS Advice Notes</p>	

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		and DCLG Guidance on the pre-application process, nor would it maximise the opportunity for people to participate in the consultation.	
<b>Mar-20</b>	Draft Statement of Community Consultation (SoCC) - first draft	<p>The individual representation (Part 2) from MVDC on the draft SoCC included the following key points/areas of concern:</p> <ol style="list-style-type: none"> <li>1) Reiteration of the need for the formal consultation to take place over a minimum of twelve weeks, for the reasons stated in Part 1 of the representation, together with the Council having as much advanced notice of the start of any formal consultation as possible.</li> <li>2) Concerns around the scope of addresses that fall within the inner and outer consultation zones, as set out in Part 1 of the representation. Also concerns about the map provided within the draft SoCC, which is very small, difficult to read and contains limited information.</li> <li>3) It would be necessary for all consultation documentation to be made available at a number of locations within Mole Valley, and GAL should directly contact Parish Councils that represent areas likely to be affected, such as Charlwood Parish Council, Newdigate Parish Council and Capel Parish Council.</li> <li>4) Dorking should be included as one of the locations to hold an exhibition, due to its significant population size and having a direct rail link to Gatwick Airport itself.</li> <li>5) Further engagement of the SoCC would be necessary to better understand dates and times for each exhibition. For those areas closest to the Airport</li> </ol>	See Part 2 of the representation to the draft SoCC, which relates to MVDC's individual representation to GAL (dated 24 March 2020).

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		<p>and most affected by the proposed development, more than one date and time should be offered.</p> <p>6) Community groups concerned with airport-related matters should be engaged with.</p> <p>As with the joint representation (part 1), MVDC raised concerns about the lack of detailed information contained within the draft SoCC in addition to the short timescales proposed for the formal consultation. MVDC considered that further engagement on the draft SoCC would be necessary for the reasons set out above.</p>	
<b>Apr-21</b>	Draft Statement of Community Consultation (SoCC) - second draft	<p>Individual representations from MVDC and the other nine Gatwick Local Authorities were sent to GAL in representation to the second draft of the SoCC. Each of the points raised by MVDC are listed below. It was noted that despite the feedback on the initial draft SoCC, both jointly and individually, the second version of the draft SoCC remained similar in content to the original version. In person events were referred to however within the first draft SoCC.</p> <p>The Development Consent Order (DCO) process and the description of the Northern Runway Project (NRP) proposals were considered to be deficient in the draft SoCC. For example, no information was provided on the locations of the NRP elements of the draft SoCC (listed in paragraph 3.1.4), or what the surface access improvements would entail or the likely size/scale of the proposed extensions to the existing terminals. Furthermore, no site plans were included showing the existing and proposed configuration of the airport.</p>	See MVDC's consultation representation to GAL on the draft SoCC (dated 27 May 2021).

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		<p>These concerns were raised within MVDC's representation to the draft SoCC but no updates were made to the information provided in the final SoCC other than a minor update to the overview of the DCO process. Given the final SoCC (August 2021) was published shortly before the statutory consultation taking place in September 2021, the final SoCC should have provided more detail on the proposals in order to assist local communities in understanding what they were about to be consulted on and how they could provide informed views.</p>	
<p><b>Apr-21</b></p>	<p>Draft Statement of Community Consultation (SoCC) - second draft</p>	<p>MVDC raised concerns that inadequate information was provided about the legal requirement for GAL to consult within the draft SoCC (section 2), including an explanation of the provisions of the Planning Act 2008 and the associated DCLG Guidance and PINS Advice Notes.</p> <p>Within the final SoCC, the diagram (2.1.1) showing the overview of the Development Consent Order (DCO) process was updated to refer to consultation prior to submission of the DCO application, as requested in MVDC's consultation representation to GAL. However, the information in the final SoCC still lacks necessary detail and signposting for members of the public. For example, under paragraph 2.1.3 it simply states <i>"for more information about the DCO process, visit the Planning Inspectorate website - <a href="http://infrastructure.planninginspectorate.gov.uk">infrastructure.planninginspectorate.gov.uk</a> - or call 0303 444 5000"</i>.</p> <p>This particular section could have provided more detailed information on the specific guidance/information to look at to be more informative for members of the public unfamiliar with the process and thus presented an obstacle to understanding.</p>	<p>See MVDC's consultation representation to GAL on the draft SoCC (dated 27 May 2021).</p>

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		<p>The same concerns are raised on the Environmental Impact Assessment (EIA) and Environmental Statement (ES) (Section 4) of the draft SoCC fundamentally lacked detail around regulations. MVDC considers that by keeping this section of the SoCC limited in detail, this provided a barrier to those members of the public less familiar with the EIA process in terms of accessing and understanding this information.</p>	
Apr-21	Draft Statement of Community Consultation (SoCC) - second draft	<p><u>Virtual engagement:</u> Both the draft and final SoCC documents set out that the first formal consultation (S. 42) process to be held between September and December 2021 would rely on virtual engagement (online), with no reference to any in-person events despite the concerns raised and suggestions made by both MVDC and the other relevant Local Authorities in their consultation representations. The only difference between the draft and final SoCC documents in relation to this matter is set out at paragraph 5.3.16 of the final SoCC, stating that <i>"face-to-face meetings for individuals who might not otherwise be able to engage in the consultation will be agreed and arranged on a case-by-case basis"</i>.</p> <p>MVDC suggested that the formal S.42 consultation should be planned on a pre-pandemic basis and that the final SoCC should be caveated in case social distancing measures would still be applicable at the time of consultation. However, with the exception of paragraph 5.3.16 set out above, the final SoCC continued to refer to virtual and online engagement throughout the document as the focus. When the first statutory consultation process took place, the restrictive measures put in place by the Government due to the COVID-19 pandemic were considerably less. As such, it is the view of MVDC, as well as the other relevant Local Authorities,</p>	See MVDC's consultation representation to GAL on the draft SoCC (dated 27 May 2021). Also see MVDC's consultation representation to GAL on the draft summer consultation approach (16 May 2022) and the email exchanges between MVDC and GAL (dated 14 and 23 September 2021 respectively) in relation to the Mobile Project Office locations.

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		<p>that the virtual only engagement carried out by GAL would have disadvantaged some directly affected residents and some members of the wider community from meaningfully engaging with the virtual consultation. The approach taken will undoubtedly have excluded certain groups/members of society, such as non-internet users, people with disabilities and the older population.</p> <p>Although the provision of online engagement was helpful, it should not have been the sole mechanism for engaging with key stakeholders and members of the public during the first formal consultation. Similarly, MVDC advised in representation to the draft proposed approach ahead of the second (summer) consultation (circulated in May 2022) that GAL should be carrying out as much in-person engagement as possible for the summer consultation given that the Covid restrictions had been largely removed by this time. This draft document was never published.</p> <p>In addition, the information was not updated within the Consultation Document (Summer 2022) on GAL's website, as requested in MVDC's consultation representation to GAL. Paragraph 1.3.2 of the Consultation Document states "<i>As with the Autumn 2021 Consultation, we are conducting this consultation virtually and via online activity</i>". MVDC continued to have the same concerns about virtual consultation for the second (summer 2022) consultation as had already been expressed for the first (autumn 2021) consultation.</p>	
<b>Apr-21</b>	Draft Statement of Community Consultation	<u>Virtual exhibition, telephone surgeries and other supplementary services:</u> MVDC advised GAL in representation to the draft consultation that the provision of a virtual exhibition online, telephone surgeries and other	See MVDC's consultation representation to GAL on the draft SoCC (dated 27

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	(SoCC) - second draft	<p>similar services should be to supplement in-person events, for the reasons outlined in this AoC representation. No information was provided on the dates and times of the telephone surgery service in the final SoCC, as requested by MVDC, which continued to make reference to telephone surgeries taking place <i>"at a variety of times and days of the week"</i>.</p> <p>Furthermore, the consultation hotline continued to refer to the service being available during normal business hours (Monday to Friday, 9am to 5:30pm), despite MVDC's concerns raised about the importance of being able to access these supplementary services outside of normal working hours on weekdays, particularly given GAL's reliance on virtual engagement. It is considered that the information available throughout the final SoCC, such as on the telephone surgery service timings for example, was unhelpfully vague and failed to encourage inclusivity and prevented proper consultation.</p> <p>Similarly, the consultation hotline only being available during normal working hours on weekdays, is considered to have provided yet another accessibility barrier for anybody unable to make contact with GAL during these restrictive hours.</p>	<p>May 2021). Also see MVDC's consultation representation to GAL on the draft summer consultation approach (16 May 2022) and the email exchanges between MVDC and GAL (dated 14 and 23 September 2021 respectively) in relation to the Mobile Project Office locations.</p>
Apr-21	Draft Statement of Community Consultation (SoCC) - second draft	<p><u>Deposit point locations:</u> MVDC advised in representation to the draft SoCC that it would be more appropriate to select document deposit points based on their effectiveness and likely use, rather than arbitrarily placing hard copies in two buildings in each of the ten host/neighbouring authority areas, as outlined at paragraph 5.3.4 of the draft SoCC. Only two document deposit points were included within the District of Mole Valley, as outlined in the final SoCC, and only one of MVDC's five suggested locations (Dorking Library) was included.</p>	<p>See MVDC's consultation representation to GAL on the draft SoCC (dated 27 May 2021). Also see MVDC's consultation representation to GAL on the draft summer consultation approach (16</p>



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		<p>The second location selected by GAL was Leatherhead Library. This location was not suggested by MVDC due to its distance from Gatwick Airport. MVDC considers that the second chosen location should have been closer to the airport within easy reach of those likely to be impacted by the airport expansion proposals, such as Beare Green Community Library or within Charlwood, as requested in MVDC's consultation representation. Furthermore, the location of the document deposit points was unknown until the final SoCC was published in August 2021. It is considered that the decision to place one of the two sets of hard copies of the consultation documents at Leatherhead Library, at the northern end of the District away from Gatwick airport, failed to maximise opportunities for some directly affected residents to view and be engaged with the consultation documents.</p>	<p>May 2022) and the email exchanges between MVDC and GAL (dated 14 and 23 September 2021 respectively) in relation to the Mobile Project Office locations.</p>
<p><b>Apr-21</b></p>	<p>Draft Statement of Community Consultation (SoCC) - second draft</p>	<p><u>Mobile Project Office:</u> The Mobile Project Office (MPO) provided an inadequate service throughout the consultation, simply acting as a point of collection to pick up certain consultation documents such as the consultation summary document and questionnaires or to book a telephone surgery. The MPO's were entirely unhelpful, staffed by non-technical people who could not answer any questions, arguably wasting people's time.</p> <p>In addition, when the MPO's did take place the visits were often limited in time and location. This can be seen at Table 5.3.2 of the final SoCC which large gaps between one MPO visit and the next. Furthermore, the final SoCC only listed two out of the six locations specified by MVDC for the MPO visits, with just one afternoon in each location (14:00 to 17:00 in Dorking and Capel). After some additional lobbying from the Local Authorities,</p>	<p>See MVDC's consultation representation to GAL on the draft SoCC (dated 27 May 2021). Also see MVDC's consultation representation to GAL on the draft summer consultation approach (16 May 2022) and the email exchanges between MVDC and GAL (dated 14 and 23 September 2021 respectively) in relation to</p>

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		<p>including MVDC (email from MVDC sent to GAL on 14 September 2021), GAL decided to increase the coverage of the MPO's, including within Mole Valley. An email representation from GAL dated 23 September 2021 confirmed that a number of additional locations had been added to the schedule, which included Charwood, as originally suggested by MVDC. However, it is unclear how this was advertised during the consultation to make members of the public aware of the additional visits. No link was provided in the email representation from GAL to clarify where this updated information could be found and the final SoCC was not updated during the consultation to include this information.</p> <p>Once again, this highlights the difficulties encountered with GAL around the failure to maximise the opportunity for stakeholders and members of the public to effectively participate in the consultation process and to gain access to consultation material in the absence of -in-person' events.</p>	the Mobile Project Office locations.
<b>Apr-21</b>	Draft Statement of Community Consultation (SoCC) - second draft	<p>The twelve week statutory consultation period in the Autumn of 2021 was inadequate due to the volume and complexity of the consultation materials, which were not overly clear or informative. MVDC and the other Local Authorities initially raised concerns in their representations to the draft SoCC that a nine week consultation would not be sufficiently long enough for the authorities to plan workloads and to arrange internal decision-making processes, nor would this length of time allow residents to be able to properly engage with the consultation, particularly if the consultation was going to be predominantly virtual, as set out in the draft SoCC.</p> <p>Although the length of the consultation was extended to twelve weeks, GAL were reluctant to do so despite numerous requests from the Local Authorities. This runs contrary to paragraph 72 of the DCLG pre-application</p>	See MVDC's consultation representation to GAL on the draft SoCC (dated 27 May 2021). Also see MVDC's consultation representation (dated 16 May 2022) to the draft proposed approach to the Summer 2022 consultation.

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		<p>process guidance (Planning Act 2008), which states that <i>"Applicants should therefore set consultation deadlines that are realistic and proportionate to the proposed project"</i>.</p> <p>It wasn't until 25 August 2021, just a few weeks before the consultation start date, that GAL made a formal announcement of the specific dates and duration of the consultation through a press release. Having such short notice of specific dates prior to the consultation commencing, in addition to being presented with a vast amount of technical documents to try and understand and respond to in such a constrained time period presented significant challenges in terms of appointing and obtaining information from specialist consultants, as well as having the time to understand and coordinate representations that needed to fit in with the Council's internal decision-making processes.</p> <p>Overall, it is considered that the length of the statutory consultation, in addition to the consultation being entirely virtual, severely prejudiced the Council and made it extremely difficult to respond to the consultation in a meaningful way.</p> <p>The same concerns around timing were raised once again in MVDC's representation to GAL's draft proposed approach to the second (Summer) consultation in 2022.</p> <p>MVDC, as well as the other Local Authorities, advised that a period of 28 days, as proposed, would make it very difficult for the Local Authorities to respond in a timely manner. Although the length of the second consultation was extended from four to six and a half weeks, it was</p>	

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		<p>apparent that GAL had not taken seriously the Local Authority concerns raised around consultation deadlines the first time around. This is considered to be a further example of how GAL have demonstrated reluctance to consult openly, while creating obstacles for the public and authorities to engage fully. Their approach has not been reasonable.</p>	
<b>Apr-21</b>	Draft Statement of Community Consultation (SoCC) - second draft	<p>Paragraph 5.1.7 of the draft SoCC does not set out the full list of statutory bodies that GAL intended to consult with. MVDC requested in the consultation representation to GAL that this information should be included in the final SoCC. However, no additional information on statutory bodies is provided within the final SoCC.</p> <p>While the publication of the list is not mandatory to the process, it does enable authorities and the public to ensure the correct parties are invited to comment and involved. Thus ensuring that respondents are assured that relevant local and strategic matters are being comprehensively covered.</p>	See MVDC's consultation representation to GAL on the draft SoCC (dated 27 May 2021).
<b>Apr-21</b>	Draft Statement of Community Consultation (SoCC) - second draft	<p>MVDC commented that within the draft SoCC a limited attempt was made to define who would be consulted in the inner and outer consultation zones and those most likely to be impacted by the Northern Runway Project (NRP) proposals. Paragraph 5.2.1 of the draft SoCC states that <i>"our consultation will be open to anyone with an interest in the NRP who considers that they may be directly, or indirectly impacted, or who has a view that they would like to be considered"</i>. MVDC suggested that GAL should set out the relevant Town and Parish Councils, Residents' Associations, business groups and community services to be consulted within the final SoCC, including how GAL intended to communicate the impacts to those residents.</p>	See MVDC's consultation representation to GAL on the draft SoCC (dated 27 May 2021).

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		<p>On a further point, MVDC raised concerns that an unsatisfactory map of inner and outer consultation zones was provided in the draft SoCC (page 11), which should have been larger and more informative, particularly because no details were provided on which settlements fall within the inner and outer consultation zones (paragraphs 5.2.4 - 5.2.9).</p> <p>MVDC considers that GAL's failure to include this important information within the final SoCC resulted in unnecessary ambiguity around who would be consulted as part of the formal consultation.</p>	
<b>Apr-21</b>	Draft Statement of Community Consultation (SoCC) - second draft	<p><u>Formation of consultation zone:</u> Within the draft SoCC (paragraphs 5.2.4 &amp; 5.2.5) it is pre-supposed that noise would be the principal issue for the inner consultation zone and therefore a noise basis was relied upon for consultation in this zone. This fails to take into account other issues that have the potential to impact on the residents, such as aircraft overflight and air quality. Regarding the wider outer consultation zone (paragraphs 5.2.6 &amp; 5.2.7), it is based around the economic area of Gatwick Diamond. MVDC suggested that the inner consultation zone should be extended to include areas where other adverse impacts may be applicable. It was also suggested by MVDC that the outer consultation zone should be further extended where appropriate to include locations that could be subjected to increased overflight, and may be affected by other environmental impacts arising from the Northern Runway Project (NRP) proposals.</p> <p>Furthermore, no liaison took place with the affected Local Authorities, which have the most knowledge about their local areas, and could have helped shape the consultation areas. No updates/amendments were made to the final SoCC as suggested by MVDC.</p>	See MVDC's consultation representation to GAL on the draft SoCC (dated 27 May 2021).

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<b>Apr-21</b>	Draft Statement of Community Consultation (SoCC) - second draft	<p>The 51 dBA leQ was proposed to be used for consultation in the inner-zone, which has consistently been challenged through the pre-application process.</p> <p>This is a concern because there is no certainty that people would not be affected by a change in noise climate outside of the 51dB contour (it is possible that aircraft may still be below 4,000ft beyond this contour). Notwithstanding the fact that MVDC raised this as a concern in the representation to the draft SoCC, the information was not updated/amended in the final SoCC.</p>	See MVDC's consultation representation to GAL on the draft SoCC (dated 27 May 2021).
<b>Apr-21</b>	Draft Statement of Community Consultation (SoCC) - second draft	<p>Within MVDC's representation to paragraphs 5.2.8 - 5.2.9 of the draft SoCC, the following concerns were highlighted in terms of insufficient information provided regarding how GAL intended to engage with 'hard to reach' groups:</p> <ol style="list-style-type: none"> <li>1) GAL was referred to a list of 'hard to reach' audiences included within MVDC's Statement of Community Involvement 2016, requesting that this be included within the final SoCC to clarify the types of groups that GAL consider harder to reach, and how they would be specifically targeted through the formal consultation;</li> <li>2) No information was included regarding measures to make web pages and other documents accessible to people using audio transcription software;</li> <li>3) No information was made available on the ability to request information in other languages;</li> </ol>	See MVDC's consultation representation to GAL on the draft SoCC (dated 27 May 2021). Also see MVDC's consultation representation to GAL on the draft summer consultation approach (16 May 2022).

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		<p>4) No identification of parts of the local community that may be disproportionately affected, as set out under paragraph 5.3 of PINS Advice Note 2;</p> <p>5) No reference to the Equality Impact Assessment that GAL intended to undertake to clarify how this would be used to inform the format of the consultation process and</p> <p>None of the concerns listed above were addressed/expanded upon in the final SoCC and no list was provided as requested, setting out the types of groups GAL typically considered harder to reach. Given the lack of transparency around the 'hard to reach' groups that GAL intended to consult with and the inadequate level of detail provided overall on 'hard to reach' groups within the final SoCC, MVDC considers that a number of communities and individuals may have been substantially prejudiced through a lack of engagement.</p> <p>Furthermore, a fee of up to a maximum of £500 for one full set of consultation documents was requested and have most likely created a barrier to people, not just on lower incomes, from engaging effectively with the consultation.</p> <p>Similarly, MVDC advised in representation to the draft proposed approach ahead of the second (summer) consultation (circulated in May 2022) that further information would be required on how GAL intended to consult with 'hard to reach' groups' given that the draft proposed approach document sent from GAL states at paragraph 2.2.3 that <i>"using our experience with</i></p>	

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		<p><i>hard-to-reach audiences during the main round of consultation, we will target those individuals and groups most affected by the updated highways proposals".</i></p> <p>No information on 'hard to reach' groups was provided in the Consultation Document (Summer 2022) on GAL's website, as requested in MVDC's representation to the draft proposed approach. As such, MVDC continued to have the same concerns about the lack of information on 'hard to reach' groups for the second (summer 2022) consultation as had already been expressed for the first (autumn 2021) consultation.</p>	
<b>Apr-21</b>	Draft Statement of Community Consultation (SoCC) - second draft	<p>In MVDC's consultation representation to the draft SoCC, it was made clear that GAL's efforts to make the public and stakeholders aware of the statutory consultation needed to be carried out to a higher standard with the disclosure of a greater level of information. For example, MVDC advised that the final SoCC should include the following:</p> <ol style="list-style-type: none"> <li>1) links to where information could be found during the consultation, how to sign up to be kept up to date electronically through the process and how any personal information would be protected via a privacy notice;</li> <li>2) information on the relevant local broadcast, print media and online publications intended to be used to ascertain whether the proposals would be sufficient;</li> <li>3) information on where and how statutory notices would be published; and</li> </ol>	See MVDC's consultation representation to GAL on the draft SoCC (dated 27 May 2021).



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		<p>4) To provide the relevant Local Authorities with a schedule of social media posts prior to consultation, to help ascertain whether the planned social media would be satisfactory.</p> <p>None of the above points were addressed in the final SoCC and in relation to point 4, a schedule of social media posts was not circulated by GAL prior to consultation.</p> <p>As with the consultation methods themselves, it is considered that GAL included the bare minimum of information on methods of publicity within the final SoCC prior to the statutory consultation taking place. The level of information provided on publicity and advertising within the final SoCC was inadequate.</p>	
<b>Jun-21</b>	Email from Crawley Borough Council (CBC) to GAL subsequent to a meeting between the Gatwick Local Authorities and the Planning Inspectorate (PINS) (June 21)	An email was sent from the Chief Executive of CBC to GAL on behalf of CBC. This was subsequent to a meeting held between the relevant Gatwick Local Authorities and the Planning Inspectorate (PINS) to raise concerns about how the complexity of the airport expansion proposals should justify a longer period of consultation than was set out in the draft SoCC as well as concerns about GAL's on-going reluctance to share information with the relevant Local Authorities on the airport expansion proposals. The email from CBC informed GAL of the recent meeting between PINS and the Gatwick Local Authorities and the reasons for the meeting, which was to give the Local Authorities a greater understanding of the Local Authority role in the Development Consent Order (DCO) process, in particular the pre-application stages. The main points/concerns raised in the email included:	See Gatwick Officer Group meeting notes of the meeting held with PINS (dated 22 June 2021). Also see email sent from the Chief Executive at CBC to GAL (23 June 2021).

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		<p>1) Local Authorities having no sight of any technical information since the Scoping Report in September 2019, and only a single round of presentations at Topic Working Group (TWG) meetings in early 2020;</p> <p>2) a request for some of the detailed information supporting the proposals in advance of the statutory consultation taking place;</p> <p>3) a request for dates of the proposed TWGs due to take place in the Summer of 2021 given leave commitments, which should include detailed background reports rather than summary slides, as was the case with the previous round of TWGs;</p> <p>4) A request to GAL to reconsider the length of the statutory consultation to at least 12 weeks given the complexities of the scheme and the fact that officers had not yet had sight of any of the consultation material. The email to GAL explained the importance of the relevant Local Authorities being able to respond substantively to the statutory consultation, which would be impeded unless the points set out above were addressed.</p>	
<b>Sep-Oct 21</b>	Virtual presentation on MS Teams for Members with GAL during the statutory (S. 42) consultation	An email was sent from MVDC to GAL on 9 September 2021 (first day of the statutory consultation) to arrange a virtual briefing for Members at MVDC. This was in line with paragraph 5.3.14 of the final SoCC, which states that <i>"we will seek to accommodate reasonable requests for virtual (Zoom, MS Teams etc.) presentations and briefings from stakeholder groups, for example, GATCOM, Local Authorities/parish Councils, local community groups, residents' associations, MPs and others, during the consultation period"</i> .	See email exchanges between MVDC & GAL - initial email sent from MVDC to GAL on 09 September 2021; Representation received from GAL on 09 September 2021 to advise that a CEO/Leaders briefing would be taking place the

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		<p>After no offer of dates, a further two emails were sent to GAL in late September/early October with a request to have a virtual briefing at an internal working group with Members on 18 October 2021. Four evening dates were finally offered to MVDC on 5 October 2021, almost a month after the first request was made to GAL. The only available dates offered were all in November (1st, 2nd, 13th and 18th). Although a virtual briefing was held with Members on 1 November 2021, the initial lack of dates from GAL, followed by a selection of limited dates so late on in the consultation process made it difficult to find a suitable date for all of the relevant Members to attend the briefing, as well as fitting in with the Council's internal decision-making processes.</p> <p>This is yet another example of how the supplementary consultation services were insufficient and disorganised, such as with the dates and locations of the MPO. It also highlights how the lack of any 'in person' events disadvantaged people from engaging with the consultation in a meaningful way, as in this case, Members were limited to a handful of dates to take part in the briefing and ask questions, as opposed to being able to attend any number of 'in person' events, had they been made available.</p>	<p>following day (on 10 September 21) and that an update would be sent on the following week; No representation received - second email sent from MVDC to GAL on 29 September 2021; No representation received - third email sent from MVD to GAL on 04 October 2021. GAL responded with offer of four dates on 05 October 2021.</p>
<p><b>Sep - Dec 21</b></p>	<p>Statutory Consultation under Section 42</p>	<p>MVDC, as well as the other Local Authorities, raised concerns in their individual S. 42 representations to the statutory consultation about the content of the Preliminary Environmental Information Report (PEIR) being inadequate.</p> <p>Whilst it is acknowledged that PEIR documents present the initial findings and should therefore not be as detailed or as comprehensive as an Environmental Statement (ES), it is considered that the PEIR did not contain sufficient information to enable consultees to form fully informed views of</p>	<p>See MVDC's S. 42 consultation representation to GAL (submitted to on 01 December 2021).</p>

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		the likely significant environmental impacts of the proposals. For example, since the PEIR was first published, the Local Authorities still have not received up to date representations to requests for baseline assessments and related evidence base to date, much of which is fundamental in terms of being able to assess the impacts of the proposals across a wide range of topics.	
<b>Sep - Dec 21</b>	Statutory Consultation under Section 42	A request to GAL for the air quality modelling files that underpin the Preliminary Environmental Information Report (PEIR) was made by the Local Authority Environmental Health Officer's (EHO's) on 13 September 2021. The files requested would not have resulted in additional work for GAL but related to data that would have been produced for the PEIR documents. A series of chase emails were made over the subsequent weeks. The data finally arrived on 15 October 2021, just under 5 weeks after the original request was made. This limited the time available for (EHO's) to review the data and meet the consultation deadline. Further air quality data that was missed from the original data set arrived on 27 October 2021, just over 6 weeks from the original request. This was of particular concern to MVDC given that some of the worst air quality impacts from the NRP at the time, were predicted to affect the areas of Hookwood and Charlwood within the District of Mole Valley.	See MVDC's representation to GAL's formal consultation held between September and December 2021 (submitted to GAL on 01 December 2021) (See Chapter 13 of 'Detailed comments on the PEIR' in particular).
<b>Sep - Dec 21</b>	Statutory Consultation under Section 42	Concerns were raised by MVDC's Environmental Health Officer in the S.42 representation that the noise envelope had been pre-judged by GAL and that local communities did not appear to have been given a suitable opportunity to influence the design of the noise envelope. This runs contrary to paragraph 5.60 of the Airport National Policy Statement which advises that the design of the envelope should be defined in consultation	See MVDC's representation to GAL's statutory consultation held between September and December 2021 (submitted to GAL on 01 December 2021). See

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		<p>with local communities and relevant stakeholders. Subsequent to the first formal consultation after additional meetings on the noise envelope had taken place, an email was sent to GAL on behalf of the Local Authority Environmental Health Officers in June 2022, raising concerns that GAL were being dismissive about constructive suggestions coming forward from the community group meetings.</p>	<p>Chapter 14 of 'Detailed comments on the Preliminary Environmental Information Report' in particular. Also see joint Environmental Health Officer email sent to GAL in relation to the noise envelope group community meetings (21 June 2022).</p>
<p><b>Apr-22</b></p>	<p>Representation to GAL's draft Protocol document for the TWG sessions beginning in May 22</p>	<p>Protocol document Rev. A was circulated on 28 April 2022, which included the TWG dates for May to July 2022. This was emailed by GAL to the relevant Local Authorities on 12 April 2022 stating that further rounds of Topic Working Group (TWG) meetings would commence at the beginning of May 2022 but included no TWG dates. The first TWG commenced on 4 May 22, only 6 days after the TWG dates were announced in the Rev. A Protocol document. This resulted in a resource challenge for the Local Authorities given the short period of notice prior to the TWGs commencing in May, there was no opportunity to discuss the dates of the Summer TWGs (only one date was given per TWG) and it also gave very little time to appoint external consultants. This was despite CBC highlighting to GAL in June 2021 the importance of arranging TWG dates with sufficient advance notice.</p> <p>On a further point, the draft Protocol document states at paragraph 6.7.2 that <i>"material for discussion and comment at the TWGs will be circulated by the GAL Northern Runway Project team at least 5 working days in advance"</i> and at paragraph 6.7.5 that <i>"TWG attendees for the Local Authorities will be expected to respond to the meeting material in writing within 15 working</i></p>	<p>See the draft Protocol document and Protocol document Rev. A circulated by GAL on 12 April 2022 and 28 April 2022 respectively. Also see MVDC's email representation submitted to GAL (27 April 2022).</p>

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		<p><i>days of receipt of the information, either collectively or individually, or within 10 working days of the TWG meeting (if in attendance)".</i> MVDC asked GAL to extend the stated length of time in both cases given the need to process the information and to obtain input from external consultants in some cases.</p> <p>The information within Protocol document Rev. A was not updated to reflect the above concerns of MVDC as well as the other Local Authorities.</p>	
<b>May-22</b>	Joint Leader letter to the Planning Inspectorate (PINS) from ten Gatwick Authorities	<p>A joint letter was sent to PINS on behalf of the ten Gatwick Local Authorities in May 2022. The letter raised concerns about the adequacy of the statutory consultation (S. 42), and the way in which GAL had been undertaking wider technical engagement with the Local Authorities. A summary of the main joint concerns raised in the letter is as follows:</p> <ol style="list-style-type: none"> <li>1) GAL have been repeatedly made aware of the need for front-loading of information and the expectation that technical engagement would be an ongoing process of engagement and offline meetings, not just Topic Working Groups (TWGs);</li> <li>2) the Local Authorities received no detailed technical information prior to the start of the S. 42 consultation despite the Department of Communities &amp; Local Government (DCLG) guidance emphasising the need for <i>"important issues to be articulated and considered as far as possible in advance"</i>;</li> <li>3) Only 12 weeks were given for officers to understand, scrutinise, appoint technical advisers where necessary and respond to the consultation having had no detailed technical information in advance. Additionally, this</li> </ol>	See joint Leader letter sent to PINS on 12 May 2022.

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		<p>presented significant challenges in terms of internal governance processes and getting the representation to GAL by the 1 December deadline;</p> <p>4) lack of meaningful discussions at the TWGs;</p> <p>5) New published information being uploaded to the GAL website during the consultation without stakeholders being informed. Also requests for further information on noise, air quality and transport in particular were either very slow or dismissed;</p> <p>6) on-going lack of flexibility, openness and transparency from GAL, which is not conducive to achieving the best outcomes for local residents and the surrounding environment;</p> <p>7) The Engagement Protocol issued by GAL for the TWGs from May to July 22 was very inflexible. For example, GAL initially stipulated that Local Authority attendance at TWG meetings should be limited to an arbitrary six attendees, which they later reneged on;</p> <p>8) frequent comments from GAL at the TWGs about detailed matters being presented to Local Authorities in the Environmental Statement post submission of the DCO application rather than attempting to resolve matters in advance;</p> <p>9) GAL continue to meet with other stakeholders/statutory bodies separately from the Local Authorities, despite the Local Authorities repeatedly asking for attendance to take place together; j) unclear whether GAL will be undertaking further focussed consultation to address other</p>	

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		<p>technical matters outstanding from the first consultation, such as the revised UK Government carbon values (September 21).</p> <p>10) Local authorities remain unclear whether GAL will be undertaking further focussed consultation to address other technical matters outstanding from the first consultation, such as the revised UK Government carbon values (September 21). The information contained within the joint Leader letter demonstrates the continued struggles the Local Authorities have continued to have with GAL in terms of achieving meaningful engagement.</p>	
<b>May-22</b>	Draft Proposed Approach: Further Consultation on Updated Highways Proposals	<p>In MVDC's representation to the draft proposed approach for the summer consultation (2022) concerns were raised that GAL did not identify who would be consulted as part of the second (summer) consultation. At paragraph 1.1.11 of the Consultation Document (Summer 22) it states <i>"we are carrying out targeted, statutory consultation on the design changes to the proposed highway improvement works and have written to the people we consider to be directly affected to invite their feedback to the consultation but we are also keen to hear your views"</i>.</p> <p>It remained unclear whether the highway users, Charlwood Parish Council and any relevant Residents' Associations referred to in MVDC's consultation representation to GAL were included in the consultation area, as suggested.</p>	See MVDC's consultation representation (16 May 2022) to the draft proposed approach.
<b>May-22</b>	Draft Proposed Approach: Further Consultation on Updated Highways Proposals	<p>In MVDC's representation to the draft proposed approach for the summer consultation (2022) concerns were raised that limited information had been provided on how the second consultation would be publicised. No information is included on publicity and advertising in the Consultation Document (Summer 22) on GAL's website.</p>	See MVDC's consultation representation (16 May 2022) to the draft proposed approach. Also see the Consultation Document



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			(Summer 22) on GAL's website.
<b>May-22</b>	Draft Proposed Approach: Further Consultation on Updated Highways Proposals	When responding to GAL's draft proposed approach to the second (Summer 2022) consultation MVDC highlighted that an inadequate length of time had been given to the Local Authorities to properly respond or to engage Members owing to the very short timeframe. Only nine working days were given for the Local Authorities to respond in total.	See MVDC's consultation representation (16 May 2022) to the draft proposed approach.
<b>May-22</b>	Draft Proposed Approach: Further Consultation on Updated Highways Proposals	<p>Despite MVDC's efforts to help inform the consultation approach, no document was ever published or made publically available. Neither was the SoCC formally updated.</p> <p>MVDC were advised that GAL did not feel it was necessary to amend the SoCC and instead concluded that reference to sections 1.2 and 1.3 of the Summer 2022 document being consulted on, was sufficient.</p>	Relevant to MVDC's consultation representation (16 May 2022) to the draft proposed approach.
<b>Jun-22</b>	Joint Informal feedback on Topic Working Groups (TWGs) from the Gatwick Authorities	<p>In June 2022 an email was sent to GAL on behalf of the Gatwick Authorities providing informal feedback on how the Topic Working Groups (TWGs) were progressing. The key concerns raised in relation to the TWGs are summarised below:</p> <p>1) a number of fundamental concerns raised in the Local Authority S. 42 representations to the autumn 2021 consultation still remained unresolved or unanswered, such as the need case for example;</p> <p>2) insufficient time for any relevant work to be undertaken between the TWG meetings due to the tight turnarounds;</p>	See email sent to GAL from WSCC on behalf of the Gatwick Authorities (24 June 2022) providing informal feedback on the TWGs. Also see NRP Protocol for Local Authority Engagement Rev. A circulated from GAL on 28 April 2022 and email from GAL in representation to the joint informal feedback from the Gatwick Authorities (12

Date	Stage of DCO process	Details of consultation issue	Evidence/document(s) to support the Council's view
		<p>3) Concerns about the order in which the TWGs were being held, and how they informed progress of the project as a whole. For example, in the Planning B TWGs (about forecast and demand), concerns were repeatedly raised about the baseline. However, work continued to progress in other key areas that would be reliant on the baseline being robust and correct;</p> <p>4) The Local Authorities still had not received the expected technical data/modelling across a number of areas, including but not limited to, Need, Air Quality, Employment Land, Noise and Transport. Without this data, the Local Authorities continue to be unable to understand the potential impacts from the Northern Runway Project (NRP) in full, which was also set out in the individual S. 42 representations to GAL;</p> <p>5) the Protocol document circulated by GAL sets out the parameters against which the Local Authorities must submit questions to GAL (paragraph 6.7.5) but not all of the questions raised by the authorities were being addressed (as per paragraph 6.7.6 of the Protocol document) at the TWGs. For example, at the Socio-economic TWG 2, questions raised by some of the authorities in advance of the TWG did not appear on the slides. GAL responded by saying that they hadn't seen the questions nor had the time to address them;</p> <p>6) GAL has not been consistently circulating action points after each TWG, as set out in the Protocol document;</p> <p>7) no carbon TWGs had been arranged for this particular round of TWGs, which was a concern particularly as it had become apparent that the carbon values had been revised by the Government in September 2021; and</p>	<p>July 2022) setting out representations to the points raised.</p>

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		<p>8) Concerns raised that the Authorities had not been able to invite the statutory consultees (other than National Highways) to the various TWGs.</p> <p>The Local Authorities, including MVDC, consider that there was a lack of information sharing during the Summer 2022 TWGs and often the presentation slides were deficient of new information. Having only five working days to consider the presentation slides ahead of the TWG meetings also hindered the ability of the Local Authorities to understand and respond to the material being presented, especially where it was necessary to obtain the input of external consultants. It is the view of the Local Authorities that GAL's inadequate approach to sharing of information has resulted in an inability to seek and reach agreement on certain issues as far as possible ahead of examination, which is an expectation of the Planning Inspectorate.</p>	
Jun-22	Noise Envelope Group Community Meeting	<p>During a meeting of the Noise Envelope Group, GAL demonstrated an unsympathetic and defensive position when challenged by a member of the Local Community. Instead of openly engaging in discussion on a suggested approach and in recognition of the technical nature of noise matters, GAL demonstrated a negative approach and resisted any discussion, dismissing the contribution on technical details, rather than considered on its broad merits.</p> <p>An email from joint authorities, prepared by MVDC following the meeting, was issued to GAL to raise concern about how it behaved in that situation. It sought to point out that it was damaging to the process of consultation to attack the details raised, and highlighted that there were some constructive</p>	Joint Local Authorities Email - 21 June 2022

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		<p>suggestions as to how GAL could help present the information in a clearer way.</p> <p>The Council expressed a hope that future meetings could concentrate on the broad thrust of a point, particularly from the community groups, rather than using detailed technical arguments to neutralise an argument in an adversarial manner.</p> <p>Such behaviour is contrary to the PINS Advice Note 8.1 (Section 2) and DCLG guidance paragraph 18 and therefore contributes to the Council's consideration that S.50 has not been met.</p>	
<b>Jun-Jul 22</b>	Highway Improvement Changes & Project Update: Summer Consultation	<p>When clicking on the Statement of Community Consultation (SoCC) link on the Summer 2022 consultation webpage it takes users straight back to the final SoCC for the Autumn 2021 consultation, dated August 2021, which still includes the 2021 deposit point and Mobile Project Office (MPO) locations and times for example. This is very misleading for members of the public because there is no updated SoCC on the Summer 2022 consultation webpage. The automatic assumption for most people would be that an error has occurred because the Autumn 2021 SoCC is no longer relevant. However, if the Autumn 2021 is opened up, reference is made at paragraph 5.3.1 to the following: <i>"...Should we carry out any further stages of limited, focused consultation prior to submission of the Development Consent Order (DCO) application, we will use some, but not necessarily all, of these means of consultation"</i>.</p> <p>There is no information available with the text under the 'Statement of Community Consultation' tab on the Summer 2022 webpage advising users</p>	See GAL's Summer 2022 Consultation webpage and in particular, the link to the SoCC.

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		<p>to refer to paragraph 5.3.1 of the old (Autumn 21) SoCC to read about any additional consultations and how to get involved. Furthermore, the Consultation Document (Summer 22) itself contains very little information on the Summer consultation and how to respond (pages 4 to 5). MVDC is concerned that it was not made clear in the consultation material how members of the public could find out about or respond to the second (Summer) consultation due to the above issues regarding poor accessibility of information.</p>	
Sep-22	<p>MVDC's representation to a spreadsheet from GAL setting out the methodical approach for the chapters to be included in the Environmental Statement (ES), with a supplementary document attached</p>	<p>In representation to an email from GAL relating to developing the methodological approach on a topic by topic basis for the Environmental Statement (ES), MVDC responded with an updated ES methodology Statement of Common Ground (SoCG) spreadsheet attached. A further supplementary document was also attached, with particular reference to the Land and Water tab regarding air noise on Listed buildings.</p> <p>The supplementary document set out that MVDC had raised issues regarding the approach GAL had taken to the impacts of air noise on heritage assets, which had been raised in MVDC's S. 42 representation as well as in MVDC's Land &amp; Water Topic Working Group (TWG) 2 representation. The supplementary document sets out that GAL had verbally agreed to re-look at their assessment at the Land and Water TWG meeting but since that meeting MVDC hasn't seen any evidence of this.</p> <p>Furthermore, the supplementary document advises that MVDC's TWG 2 representation raised concern with the narrowness of the scoping exercise GAL had taken to assess the impact of the change in noise on the setting of all types of heritage assets. The supplementary document concludes by</p>	<p>See MVDC's representation to GAL's statutory consultation held between September and December 2021 (submitted to GAL on 01 December 2021). See Chapter 7 of 'Detailed comments on the Preliminary Environmental Information Report' in particular.</p> <p>Also see MVDC's Land &amp; Water TWG2 representation emailed to GAL (23 June 2022) and formal representation sent from MVDC (05 September 2022) to GAL with updated ES</p>

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		advising GAL that MVDC would like to see further assessment carried out on this matter and assurance that Historic England had been consulted. These concerns remain unaddressed.	methodology SoCG spreadsheet attached in conjunction with the supplementary document (dated 06 September 2022).
<b>Sep-22</b>	MVDC's representation to the Cumulative Effects Assessment (long list) spreadsheet from GAL	<p>In representation to the CEA long list spreadsheet from GAL, MVDC raised concerns about the way in which the sites had been considered. It was evident that GAL had not followed their own methodology in terms of how the sites were selected, resulting in non-relevant sites and not being clear.</p> <p>In addition, it was reported that different conclusions had been reached for the same sites on the CEA spreadsheet, raising concerns about the approach taken due to the apparent lack of consistency.</p>	See MVDC's representation to GAL's CEA long list spreadsheet (22 September 2022).
<b>Nov-22</b>	Joint comments from Crawley Borough Council, Horsham District Council, Mole Valley District Council & Reigate & Banstead District Council to GAL on the Noise Envelope Group Output Report	<p>Crawley Borough Council submitted joint comments to GAL on behalf of the four Local Authority attendees at the Noise Envelope Group. Some of the main concerns raised in relation to engagement and information sharing include:</p> <p>a) many of the points raised in the joint representation would require further discussions with GAL due to the necessity for further detail to be shared and because the Local Authorities need to be able to understand what the impacts of the proposed development are likely to be;</p> <p>b) the process for development of the noise envelope proposals has been inadequate;</p>	See the joint Local Authority comments emailed to GAL from David Monk at Crawley Borough Council (07 November 2022).

Date	Stage of DCO process	Details of consultation issue	Evidence/document(s) to support the Council's view
		<p>c) concerns that there would be no further consultation with the communities and the possibility of limited further discussion with Local Authorities through the Topic Working Groups (TWGs) at a point where outstanding items still remain from the PEIR and first round of TWGs. It is not clear how there would be time to adequately address all these issues properly at the forthcoming TWGs;</p> <p>d) no clear explanation had yet been provided by GAL of the criteria by which they are judging if the noise envelope is suitable or not. The Local Authorities considered that further information and discussions would be needed on the noise envelope before the submission of the Development Consent Order (DCO).</p>	
<p><b>Nov-22</b></p>	<p>TWG Meeting 29 November 2022: Noise</p>	<p>The Applicant, at the meeting, asserted that noise officers had not been transparent in their concerns and it was intimated that authority officers had deliberately withheld information and issues that were being raised at the meeting to undermine GAL’s efforts.</p> <p>However, MVDC had previously raised these issues in an email sent to GAL on 22 July to the chair of the meeting. The e-mail contained 14 points, some of which GAL showed little knowledge of and instead considered it to be new information. However, GAL has evidently disregarded the earlier email and failed to provide a sufficient or accurate response. The points had clearly not been followed up on, or recognised in advance of the meeting. These points included:</p> <ul style="list-style-type: none"> <li>• MVDC disagreement with the 51dBA as being a suitable LAeq, on the grounds that it considered the measure to result in too many</li> </ul>	<p>Email from MVDC Environmental Health Officer to GAL (Noise Management Initiatives Engagement Manager) (22 July 2022)</p>

Date	Stage of DCO process	Details of consultation issue	Evidence/document(s) to support the Council's view
		<p>uncertain outcomes and was an inappropriate measure for the noise envelope.</p> <ul style="list-style-type: none"> <li>• MVDC suggested 54dBA should be the main metric and that a high impact contour at 60dBA or 63dBA should be provided as a main metric</li> <li>• MVDC supported the community wishes to have secondary metrics reported that count the 'N above' events for both day and night</li> <li>• That Annual and summer contours should be provided to monitor growth outside the summer period (as supported by comments from PINS)</li> <li>• That consideration should be given to the community idea of having a separate review model that monitors improvement of aircraft and technology as the project moves forward</li> <li>• MVDC questioned what controls would put in place to limit the exceedance of noise from the proposed base case.</li> <li>• The Council suggested that annual monitoring reports would be necessary and that a 5 year action plan should be develop on a cyclical basis which should include a lessons learned element and forecast forward assessment.</li> <li>• MVDC suggested that an approach to enforcement, similar to the Code of Construction Practice (COCP) would be needed which could be agreed in terms of how reporting and enforcement of noise issues would be captured.</li> </ul> <p>GALs behaviour at the meeting demonstrated a disregard for the issues which were being raised and had not made any attempt to respond to them. Questions are raised about how often this happened, given the lack of feedback provided by GAL to both formal and informal consultation.</p>	



Date	Stage of DCO process	Details of consultation issue	Evidence/document(s) to support the Council's view
<p><b>Jan-23</b></p>	<p>Joint Informal feedback on Topic Working Groups (TWGs) and associated protocol from the Gatwick Authorities for discussion at the TWG feedback session arranged by GAL</p>	<p>In January 2023 an email was sent to GAL on behalf of the Gatwick Authorities prior to attending a meeting arranged by GAL on the 30 January 2023 to obtain feedback on the progression of the TWGs. The key concerns raised in relation to the Autumn round of TWGs are summarised below:</p> <ol style="list-style-type: none"> <li>1) Concerns that the meeting notes and actions after each TWG meeting were still not consistently being shared and do not always capture everything discussed at each TWG. Given the scope of topics and the complexity of the Northern Runway Project (NRP) there needs to be a more comprehensive written audit trail;</li> <li>2) the information being shared with the authorities prior to the TWGs remains too limited to properly understand GAL's approach to assessment;</li> <li>3) GAL has continued not to answer all of the questions and requests for information being raised by the Local Authorities, or the consultants acting on our behalf. This includes the Civil Aviation Authority (CAA) representation to GAL's proposals and information regarding the noise envelope work;</li> <li>4) a number of significant issues that have been jointly raised by the Local Authorities still remain, such as GALs 'need' case, and it is unclear if and when GAL intends to address them;</li> <li>5) lack of detail on the proposed mechanisms for securing mitigation as well as draft documentation ahead of submission of the Development Consent Order (DCO) application, such as the mitigation strategy document;</li> </ol>	<p>See email sent to GAL from Crawley Borough Council on behalf of the Gatwick Authorities (27 January 2023) providing informal feedback on the TWGs.</p>

Date	Stage of DCO process	Details of consultation issue	Evidence/document(s) to support the Council's view
		<p>6) concerns about the lack of time to enter into necessary detailed discussions with GAL on certain areas of work, such as the draft DCO, S. 106 documentation and Statement of Common Grounds (SoCGs), which are due to be circulated close to the submission of the DCO submission.</p> <p>In representation to the majority of the points raised, GAL advised that a full set of data and information would be available upon submission of the DCO application.</p> <p>Taking the above matters into consideration, MVDC along with other Local Authorities considered that there is a disconnect between how much information the authorities feel has been provided to form an understanding of the proposals and the extent of the impacts (which goes back to the lack of understanding on the 'base data position') and GAL's aspirations to submit the Development Consent Order (DCO) application in April and start Statement of Common Ground (SoCG) discussions.</p> <p>The inadequacy on GAL's part to work collaboratively with the Local Authorities has the potential to significantly hamper discussions around the scheme's mitigation and SoCG process.</p> <p>Furthermore, GAL's reluctance to share background evidence documents with the Local Authorities to date, which provide the justification for GAL's conclusions on numerous matters, has greatly impacted on the authorities' understanding of the proposals and its impacts.</p>	
<b>Mar-23</b>	Joint Leader letter to GAL on the	A joint Leader letter was sent to GAL on behalf of the ten Gatwick Local Authorities to express continued concern about the lack of adequate	See joint Leader letter sent to GAL on 13 March 2023.

Date	Stage of DCO process	Details of consultation issue	Evidence/document(s) to support the Council's view
	adequacy of GAL's engagement on the Northern Runway Proposals	<p>engagement and consultation from GAL. In summary, the main concerns raised include:</p> <ol style="list-style-type: none"> <li>1) unsatisfactory DCO timetable to allow proper opportunity for the Local Authorities to review the evidence, prepare Statements of Common Ground and provide sufficient time to consider Heads of Terms for the draft S106 Agreement;</li> <li>2) GAL's failure to address numerous requests made by the authorities about the engagement and consultation approach;</li> <li>3) the summer 22 consultation in particular could have included more informative engagement given that the Covid restrictions had been lifted by this time;</li> <li>4) an insufficient level of detail was provided within the PEIR, and much outstanding information and evidence was not available to adequately respond to the PEIR, making it difficult to fully understand the likely significant environmental impacts of the proposals;</li> <li>5) The Government's approach to Nationally Significant Infrastructure Project (NSIP) Development Consent Orders (DCO's) places emphasis on the front-loaded nature of consultation and engagement. However, a number of important impact and mitigation matters, including baseline data and assessments still have not been seen by the Local Authorities;</li> <li>6) Concerns that the unrealistic timeframes set by GAL will prevent necessary detailed discussions on Statements of Common Ground and</li> </ol>	

Date	Stage of DCO process	Details of consultation issue	Evidence/document(s) to support the Council's view
		<p>S106 documentation in advance of the DCO submission. It is also difficult to see how GAL could properly take into consideration the Local Authority representations and make any necessary amendments;</p> <p>7) GAL's approach to the Topic Working Groups (TWGs) has been to provide decks of presentation slides, only 5 working days ahead of the next TWG. This has resulted in a failure to reach agreement on issues as far as possible ahead of examination;</p> <p>8) GAL has failed to recognise how resource intensive reviewing the DCO submission will be, and without notable extra resources, this could affect the timing of being able to make informed judgements on the submission;</p> <p>9) Lack of willingness from GAL to accept the level of resourcing and costs incurred by the Councils in handling the DCO process. Although some small compensation has been agreed for costs incurred through to September 2022, GAL has only offered a very limited sum for the subsequent work required to cover a second round of TWGs, work on the SoCG and draft S.106 obligations;</p> <p>10) the Local Authorities believe GAL should also compensate on specialist consultant costs for reviewing GAL's submission and wider officer costs for managing the DCO work post DCO submission and during the examination;</p> <p>11) Requests from the Local Authorities to GAL to enter into more pro-active and positive discussions, to provide information sufficiently in advance</p>	

Date	Stage of DCO process	Details of consultation issue	Evidence/document(s) to support the Council's view
		<p>of the DCO submission, to provide much more significant financial support to the Local Authorities and to defer the submission of the DCO application to ensure sufficient time is enabled to carry out the above.</p> <p>12) The letter also includes an extensive list of information/documentation that still has not been provided by GAL.</p>	