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Date: 21st July 2023

By email only

GatwickAirport@planninginspectorate.gov.uk

Dear Mr Harrold,

Planning Act 2008 – Section 55

**Application by Gatwick Airport Limited for an order granting development consent for the
Gatwick Airport Northern Runway Project**

Adequacy of consultation

Response from Mid Sussex District Council

1. Thank you for the opportunity to give the District Council's views on the adequacy of consultation undertaken by Gatwick Airport Limited ("**the Applicant**") in relation to the Northern Runway Project.
2. Mid Sussex District Council has prepared a joint Adequacy of Consultation response along with Crawley Borough Council, West Sussex County Council, Mole Valley District Council, Reigate and Banstead District Council, Surrey County Council, Horsham District Council, Tandridge District Council, East Sussex County Council and Kent County Council. The joint response has been submitted to PINS in a separate document.
3. This representation supplements the joint response and provides a specific Mid Sussex perspective on the adequacy of the consultation undertaken and does not seek to repeat matters raised in the joint response.
4. This response does not set out Mid Sussex District Council's views on the merits or otherwise of the application for development consent for the project. If the application is accepted, the Council's views on the merits of the application will be presented as part of any Relevant Representation, Local Impacts Reports and other Written Representations through the pre-examination and examination stages.

Working together for a better Mid Sussex

Sally Blomfield
Assistant Director Planning and Sustainable Economy



Consultation on draft Statement of Community Consultation

5. Mid Sussex District Council was consulted on the draft Statement of Community Consultation (“**SoCC**”) in February 2020. The host and neighbouring local authorities prepared a joint response to the consultation in March 2020. Mid Sussex sent the joint response along with further information dealing with matters specific to its district. The project was then delayed due to the Covid-19 pandemic, and Mid Sussex District Council had no further correspondence with the Applicant on the SoCC until March 2021, when the Applicant published a revised document. Once again Mid Sussex District Council provided comments. The section 42 consultation then took place in the autumn of 2021. Prior to the ‘Focused Consultation’ in summer 2022, the Applicant also sought views on its ‘Further Consultation Approach’.
6. Mid Sussex District Council made several comments in March 2020 on the first draft of the SoCC, requesting the following:
 - All town and parish councils to be consulted.
 - The Council to be provided with a list of the organisations, businesses and residents’ groups in Mid Sussex who will be consulted.
 - The Applicant to use the same deposit locations for the application documents as the Council uses for its Development Plan Documents.
 - Additional consultation events be held in Copthorne/Crawley Down.
7. At that stage the Applicant did not respond to the Council on these requests or implement the additional measures requested. Consequently, the District Council is not satisfied that the Applicant engaged adequately with its advice on consultation prior to the submission of its application.
8. Indeed, it is only now in the Consultation Report Appendices (Part B, Volume 1, Appendix B.3 pages 24 – 25 (page 65 – 66 of PDF) that the Applicant has sought to respond to these matters. The Council does not consider the response from the Applicant to be adequate and would have expected more detailed responses. For example, in response to the Councils’ request for most deposit locations, the Applicant stated, “The applicant selected the most appropriate locations for deposit points and published the list in the final SoCC”. This does not give a reasoned response other than it was the Applicants decision.
9. The second SoCC was published in April 2021 and Mid Sussex District Council submitted a response setting out the following concerns:
 - That the comments made in March 2020 had not been responded to, so remained relevant.
 - No face-to-face engagement with the public was proposed, which was a retrograde step from the position in 2020.
 - There were no details of the specific venues for the Mobile Project Offices (MPO) this means the Council was unable to give a view on the suitability of the venues chosen.
 - There were no additional locations in the north of Mid Sussex.
10. Again, the Applicant did not respond to the Council on the concerns raised and has only now responded to these matters in the Consultation Report Appendices (Part B Volume 1, Appendix B.4 pages 40 – 42, page 127 – 129 of PDF). The Council does not consider the responses from the Applicant to be adequate. For example, the Applicant did not give a specific response to the Councils’ request for an additional MPO in the north of the District.
11. This lack of communication demonstrates that the approach taken by the Applicant during the pre-application stage was not in the spirit of constructive engagement.

12. The Council's concerns that consultation has not been adequate is corroborated by the comments made by Turners Hill Parish Council (located in the north of Mid Sussex) in response to the section 42 consultation and summarised in the Consultation Report (Consultation Report Annex B, page 82, paragraph 1.69.3) which states:

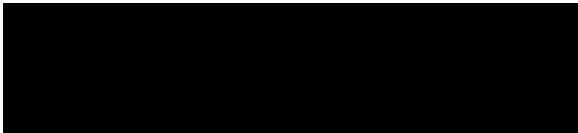
"The Parish Council thanks Gatwick for various briefings and involvement in local Q+A sessions. However, it suggests Gatwick's engagement with the public was less successful and expresses disappointment that Turners Hill residents, who experience significant aircraft noise, had to travel to East Grinstead to view the consultation documentation at the Mobile Project Office. The Parish Council expresses concern at the complexity of the consultation documentation and that MPO staff were unable to answer questions and lacked knowledge of the documents"
13. Whilst the Applicant emphasises the overall success of its engagement by 'virtual' and 'on-line' methods it is clear from the response from Turners Hill Parish Council that local communities wanted to be able to engage 'face to face' with professionals who could answer their questions.
14. Mid Sussex District Council provided feedback on the 'Further Consultation Proposed Approach' document in June 2022. Concerns included:
 - That that the Applicant had not provided the evidence which substantiated how they had defined the 'direct consultation' area and therefore the Councils were unable to determine if the consultation area was correct.
 - Prior to consultation the Council expressed the view that all new evidence should be subject to statutory consultation.
 - Consultation period should be twelve weeks and not 28 days.
15. At that stage the Applicant did not respond to the Council on these matters. Consequently, it is the view of the District Council that the Applicant did not engage adequately with it prior to submission. Indeed, it is only now in the Consultation Report Appendices (Part B Volume 1 Appendix B.10 pages 17 – 19, page 249 – 251 in PDF) that the Applicant has sought to respond to these matters. The Council does not consider the responses from the Applicant to be adequate. For example, the Applicant did extend the consultation period from 28 days to 6 weeks, but there is no explanation as to why the consultation period was not extended to 12 weeks as requested by the Council.

Failure on the part of the Applicant to have regard to relevant responses received

16. Section 49(2) of the Planning Act 2008 requires the Applicant to take account of relevant responses to consultation and publicity before deciding on the final form of its application for development consent.
17. Mid Sussex District Council submitted detailed reports on the topics of Air Quality, Noise, Carbon and Climate Change, Transport and Socioeconomics to support its section 42 consultation response. However, the Applicant's summary of Mid Sussex District Council's response in its Consultation Report does not even mention these reports, still less provide an adequate summary of their contents.
18. For example, the report on Air Quality prepared by AECOM and submitted by the District Council listed 19 points where there were data gaps, clarifications sought and further requests for information. The Applicant has simply chosen to summarise these important points in the following sentence: "Concern is expressed about the reliability of baseline data and modelling undertaken to assess air quality" (Consultation Report Annex B, para 1.39.14). At no time has the Applicant attempted to engage with these important points raised by Mid Sussex District Council before the application was submitted.

19. The Applicant may state that matters raised during the section 42 consultation have been addressed in the Topic Working Groups (“TWGs”). However, the District Council shares the significant concerns about the effectiveness of the TWGs which are out in the Joint Local Authorities’ SOCC response.
20. Consultation Report, Annex A, provides responses to matters by theme. Using air quality as an example, the response from the Applicant is that a large proportion of the issues raised are addressed/ responded to in a specific chapter of the Environmental Statement (ES). The Council has not seen the ES prior to submission therefore is unable to conclude that regard has been given to relevant responses received.
21. I hope this letter provides the Inspectorate with further information that is specific to Mid Sussex District Council to support the view of the host and neighbouring local authorities that the Applicant has **not** complied with its duty under section 49(2) of the Act to have regard to responses to consultation and publicity before deciding on the final form of its application. The letter is also intended to provide further support for the view of the host and neighbouring local authorities that the Applicant has **not** had due regard to the guidance issued about the pre-application procedure under section 50 of the Act.

Yours sincerely,



Sally Blomfield
Assistant Director Planning and Sustainable Economy