20 July 2023

National Infrastructure
Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Sent by email to Mr. George Harrold

Dear Mr. Harrold

Application by Gatwick Airport Limited for an Order Granting Development Consent for the Gatwick Airport Northern Runway Project (Project Reference TR020005)

Planning Act 2008 – Section 55: Adequacy of Consultation Request

Joint Local Authority Adequacy of Consultation Representation

Thank you for your letter of 7th July 2023 seeking views on the adequacy of the pre-application consultation in respect to the Development Consent Order (DCO) application by Gatwick Airport Limited (The Applicant) for the Gatwick Airport Northern Runway project.

The attached Joint Adequacy of Consultation Representation has been submitted by the undersigned signatories on behalf of:

- The host authorities, that is, district or county councils for land to which the application relates:
  - Crawley Borough Council;
  - West Sussex County Council;
  - Mole Valley District Council;
  - Reigate and Banstead Borough Council;
  - Tandridge District Council; and
  - Surrey County Council.

- The neighbouring authorities, that is, district or county councils whose areas are affected by the Project:
    - Horsham District Council;
    - Mid Sussex District Council;
    - East Sussex County Council; and
    - Kent County Council.

This response represents the views of the authorities listed, although some authorities are also providing additional responses which focus on specific local community issues in their areas.

The response covers compliance with the relevant duties under the Planning Act 2008:

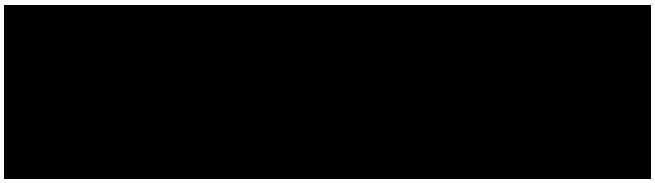
- Duty to consult –Section 42.
- Duty to consult the local community – Section 47.
- Duty to publicise – Section 48.

With references to:

- Duty to take account of responses to consultation and publicity - section 49.
- Duty to have regard to guidance issued about pre-application procedure - section 50.

As you will note from the enclosed representation, the Local Authorities raise significant concerns about the applicant's approach to consultation and engagement throughout the pre-application process. Accordingly, they request that the Planning Inspectorate should decline to accept the DCO application to enable more meaningful engagement and consultation with the authorities and local communities affected by the proposals.

Yours Sincerely



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East Sussex County Council

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Corporate Director for Growth, Environment and Transport

Kent County Council

Application by Gatwick Airport Limited for an Order Granting Development Consent for the Gatwick Airport Northern Runway Project (Project Reference TR020005)

Joint Local Authorities' Adequacy of Consultation Representation

July 2023

1. Introduction

1.1 This Adequacy of Consultation Representation (the 'Representation') relates to the application by Gatwick Airport Limited (the 'Applicant') for an Order Granting Development Consent for the Gatwick Airport Northern Runway Project (the 'Project').

1.2 It follows the requests by the Planning Inspectorate (PINS) on 7 July 2023 inviting host and neighbouring authorities to submit 'Adequacy of Consultation Representations', which PINS must have regard to, in deciding whether or not to accept the DCO application.

1.3 This Representation has been prepared jointly by the following local authorities (the 'Authorities'):

- Host authorities, that is, district or county councils for land to which the application relates:
  - Crawley Borough Council;
  - West Sussex County Council;
  - Mole Valley District Council;
  - Reigate and Banstead Borough Council;
  - Tandridge District Council; and
  - Surrey County Council.
- Neighbouring authorities, that is, district or county councils whose areas are affected by the Project:
  - Horsham District Council;
  - Mid Sussex District Council;
  - East Sussex County Council; and
  - Kent County Council.

1.4 The Representation sets out the Authorities' joint positions in respect of whether the Applicant has complied with its duties under Sections 42, 47 and 48 of the Planning Act 2008 (the 'Act') with regard to consultation and publicity.

1.5 Although Section 55 (5) of the Act defines adequacy of consultation representation as *"…a representation about whether the applicant complied, in relation to that proposed application, with the applicant's duties under Sections 42, 47 and 48"*, this representation urges the Inspectorate to consider whether the Applicant has complied with its duty under Section 49 of the Act (to take account of responses to consultation and publicity) and the extent to which the Applicant has had regard to guidance issued under Section 50 of the Act.

1.6 The Authorities also urge the Inspectorate to consider the extent to which the Applicant has complied with certain parts of the *Gunning* or Sedley principles governing a lawful consultation. It will be remembered that the principles for public consultation were coined by Stephen Sedley QC, sitting as a High Court judge, in the case of *R v London Borough of Brent ex parte Gunning*[1]. The principles are that: (i) proposals are still at a formative stage (ii) there is sufficient information to give 'intelligent consideration' (iii) there is adequate time for consideration and response and (iv) 'conscientious consideration' must be given to the consultation responses before a decision is made. The judge held that a consultation is only lawful when each of these principles is complied with. The principles were reinforced by the Court of Appeal in *R v North and East Devon Health Authority ex parte Coughlan*[2] (where it was confirmed they apply to all consultations) and by the Supreme Court in *R ex parte Moseley v LB Haringey*[3], which endorsed the principles' legal standing. The principles are discussed in paragraphs 6.6 and 9.2 of this representation.

1.7 Should the DCO application be accepted, this Representation also comments further on matters for the Examining Authority to consider in relation to the conduct of the pre-examination and examination stages.

1.8 Please note that individual authorities may submit separate Adequacy of Consultation Representations that set out their positions on matters specific to their areas, including where local representations have been made to them.

1.9 This Representation does not set out the Authorities' views on the merits or otherwise of the application for development consent for the Project. If the application is accepted, those views will form part of any Relevant Representations, Local Impact Reports, and other Written Representations submitted during the pre-examination and examination stages.

2. Executive Summary

2.1 Section 2 summarises the Authorities' views on compliance, which are detailed in the following sections of this Representation.

2.2 The Authorities are of the view that the Applicant has complied with its duty to consult and publicise the proposals for the Project as required by

[1] (1985) 84 LGR 168
[2] [1999] EWCA Civ 1871
[3] [2014] UKSC 56

Sections 42, 47, and 48 of the of the Act. However, the Authorities consider that these sections cannot be used in isolation to determine whether the Applicant's actions have been adequate.

2.3 Although the Applicant has met the procedural requirements of Sections 42, 47, and 48 of the Act, these are basic procedural requirements. The Authorities consider that the Applicant has not complied with the spirit of the Act, which is about front-loading the DCO process and early engagement with stakeholders and others. Consultation and engagement by the Applicant have been neither meaningful nor effective in many ways (as detailed in this representation and in representations from individual authorities).

2.4 The Authorities are of the view that the Applicant has **not** complied with its duty under section 49 of the Act with regards to taking account of responses to consultation and publicity. Furthermore, the Authorities are of the view that the Applicant has **not** had regard to guidance issued under section 50 of the Act.

2.5 Overall, this lack of meaningful and effective engagement may have an impact on the effectiveness and soundness of the pre-examination and examination processes as numerous matters remain outstanding. This may have consequences for the early production of Statements of Common Ground (SoCG) and any Principal Areas of Disagreement Summary Statements (PADSS). Furthermore, if not properly addressed, these issues may not allow the Examining Authority adequate opportunity to undertake its work fully within the six months from the Preliminary Meeting, as required by the Act.

2.6 Accordingly, the Authorities consider that PINS should decline to accept the DCO application to enable the Applicant to undertake more meaningful engagement and consultation. However, should the application be accepted, PINS should ensure that adequate time is allowed to address these matters in the pre-examination period.

2.7 The Authorities have addressed Sections 42, 44, 45 and 47 to 50 of the Act separately for clarity.

3. Duty to consult – Section 42 of the Act

3.1 So far as relevant to their application, an applicant must consult the following:

- certain prescribed persons;
- each Local Authority under Section 43;
- each person within one or more of the categories set out in Section 44; and
- when consulting a person under Section 42, Section 45 requires the Applicant to notify the person of the deadline for the receipt of the person's response and this deadline must not be earlier than 28 days after the consultation documents are received.

Prescribed persons

3.2 A list of those consulted during each phase of consultation has been provided by the Applicant in Consultation Report Appendix Part B – Volume 19 (B.18) and corresponds with the 'prescribed persons' listed in Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'Regulations'). Therefore, the Authorities consider that the Applicant has complied with that procedural provision (i.e. Section 42(1)(a) of the Act).

Local Authorities

3.3 The Applicant has provided a list of the Local Authorities consulted on the Project, which includes all the Authorities. The Authorities confirm they were engaged by the Applicant on both consultation phases. Therefore, the Authorities consider that the Applicant has complied with that procedural provision (i.e. Section 42(1)(b) of the Act).

Categorised persons

3.4 An applicant must consult each person who is within one or more categories set out in Section 44. This includes (in Category 1) owners, lessees, tenants or occupiers of land included within the boundary of the order limits and (in Category 2) those with an interest in the land or with a power to sell or convey the land or to release the land. Details of the landowner and statutory undertaker consultation has been provided in the Consultation Report in sections 5.5.15 and 6.5.14 for each consultation. The number for consultees in each category (1,2 and 3) is identified and an example of the letter sent to each consultee category is included. However, without having sight of the Book of Reference (Document Reference 3.3) to establish the full list of persons that would fall within Section 44, the Authorities are not in a position to confirm or otherwise.

3.5 With regards to Section 45, the Authorities confirm that the requirement for at least a 28-day period was met for each round of statutory consultation held.

3.6 Overall, therefore, the Authorities consider that the Applicant has complied with the provisions of Section 42 of the Act, subject to confirmation that all those required to be consulted under section 44 have been.

4. Duty to consult the local community – Section 47 of the Act

4.1 Section 47 requires an applicant to prepare and publish a statement setting out how it proposes to consult local people about the proposed application: the 'Statement of Community Consultation' (SoCC). An Applicant must consult with the relevant local authorities before publishing the statement, and the local authorities must reply within 28 days. The consultation must be carried out in the manner set out in the statement.

4.2 The Authorities confirm they were consulted by the Applicant on the draft SoCCs and that the Authorities replied within 28 days. The Authorities confirm that the Applicant carried out the consultation in autumn 2021 and summer 2022, as set out in the respective SoCCs.

4.3 Overall, therefore, the Authorities consider that the Applicant has complied with the procedural provisions of Section 47 of the Act.

4.4 However, despite meeting the procedural requirements of Section 47, the Authorities consider that the Applicant did not respond adequately to the issues and suggestions raised by the Authorities in their responses to the SoCCs, which consequently limited the ability of local people to engage with the process and respond in a meaningful way. More detail is set out in paragraphs 7.32 to 7.35, and by individual authorities' representations where relevant.

4.5 Furthermore, although the Applicant may have met the procedural requirements of Section 47, the Authorities would expect PINS to carefully consider whether the documentation upon which the Applicant consulted (in particular the Preliminary Environmental Information Report (PEIR) for the consultation in autumn 2021, and the consultation document for the further consultation on highway improvement changes in summer 2022) and the manner of the consultation was sufficient for those consulted to develop a satisfactorily informed view of the likely significant effects of the proposal.

5. Duty to publicise – Section 48 of the Act

5.1 Section 48 provides that an applicant must publicise the proposed application in a prescribed manner. The Regulations specify a deadline of not less than 28 days for responses.

5.2 The Consultation Report (Appendices B.6 Volume 1) provides examples of the Section 48 notices that were published and the sources used in accordance with Section 48.

5.3 The other phases of the consultation were also published in local newspapers. The deadline for responses satisfied the statutory requirements.

5.4 Therefore, the Authorities consider that the Applicant has complied with the procedural provisions of Section 48.

6. Duty to take account of responses to consultation and publicity – Section 49 of the Act

6.1 Section 49 of the Act states that an applicant must, when deciding whether the application should be in the same terms as the proposed application, have regard to any relevant response, which includes those from any person or organisation consulted under Section 42, local people

consulted under Section 47, and responses resulting from publicity under Section 48.

6.2 The Authorities submitted substantial responses to the consultation on the PEIR in autumn 2021 and the consultation on the highway changes in summer 2022. They have also engaged with the Applicant through the Topic Working Group meetings (TWG's) although the Authorities do not consider these have been effective (see paragraphs 7.16 to 7.27 and Appendices B, C and D).

6.3 Accordingly, the Authorities asked the Applicant to prepare and maintain an 'Issues Tracker' following the consultation on the PEIR in autumn 2021, which would have been good practice and has been used with other major DCO proposals such as the Luton Airport DCO recently submitted. Section 3.4.49 of the Consultation Report states that 'the Applicant also committed to preparing an issues tracker for comments submitted during the Autumn/Winter 2022 TWG's. However, the issues tracker was never presented and there is no evidence of any such tracker being drafted and any further requests were ignored by the Applicant. Whilst the Applicant maintained a record of key issues raised by the Authorities for each topic together with the Applicant's responses, these notes were not shared for agreement and many issues were not recorded. Therefore, the Authorities have had to maintain their own records of the issues they have raised. This means there is no shared understanding of how matters raised have been responded to post the Section 42 consultation. Furthermore, an issues tracker would have also formed a useful starting point for drafting the SoCGs and PADSS.

6.4 There has been a lack of feedback from the Applicant about how consultation responses from the Authorities and other parties have shaped the development of the Project (for example, a 'you said, we did' document). It would have been helpful to all if such a document had been published by the Applicant as part of the project updates announcement in summer 2022. However, as this did not happen, the Authorities and others have unnecessarily been kept in the dark by the Applicant.

6.5 Overall, in the absence of feedback from the Applicant on a substantial number of technical matters, the Authorities have not been able to understand prior to submission whether the Applicant has had regard to the consultation responses and other comments or how, if at all, they have been taken into account by the Applicant in the development of certain aspects of the Project.

6.6 Therefore, the Authorities consider that the Applicant has **not** complied with the provisions of Section 49. It follows that the Applicant has failed to satisfy the fourth *Gunning* principle, namely that 'conscientious consideration' must be given to the consultation responses before a decision is made. The consulting party should be able to provide evidence that they took consultation responses into account. There is no clear evidence of this and where reference has been made in the Consultation Report, it is difficult to navigate and often simply refers to the DCO documents that the authorities have not been sighted on. This failure by

the Applicant compromises the consultation process, meaning it was not a legitimate one. It is a long-established principle that if a consultation is embarked upon it must be carried out properly. That is not, and has not been the case here.

7. Extent to which the Applicant has had regard to guidance issued under Section 50 of the Act

7.1 The Secretary of State must consider the extent to which an applicant has had regard to any guidance issued under Section 50 of the Act, which includes MHCLG 'Planning Act 2008: Guidance on the pre-application process' (2015). This section of the representation outlines some key sections of this guidance and considers whether the Applicant has had regard to it. In addition, this representation also explains how the Applicant has failed to comply with PINS Advice Note 13 (Preparation of a draft order granting development consent and explanatory memorandum; February 2019, version 3).

7.2 Appendix A to this representation sets out the Authorities' commentary on the Applicant's Consultation Report Appendices Part B Volume 1 (Appendix B.8 – 'Compliance with Planning Act 2008: Guidance on pre-application process, March 2015) (Application Document Ref 6.2).

7.3 The following sections address whether the Authorities consider that the Applicant has had regard to various matters in the guidance.

Pre-Application Consultation Process

7.4 Paragraph 19 of MHCLG Guidance states:

> *"The pre-application consultation process is crucial to the effectiveness of the major infrastructure consenting regime. A thorough process can give the Secretary of State confidence that issues that will arise during the six months' examination period have been identified, considered and, as far as possible, that applicants have sought to reach agreement on those issues".*

7.5 The Authorities consider that the Applicant has underestimated the complexities involved in engaging with them on the Project. Officers and supporting consultants working for the Authorities have experience of working on other Nationally Significant Infrastructure Projects (NSIP) and the operation of the DCO process both locally and nationally. Although the Applicant has stated that its pre-application process is best practice and an exemplar, it has not taken on board suggestions from the Authorities to improve the process to ensure that issues that will arise during the six months' examination period have been identified, considered and, as far as possible, agreed. The Authorities would contend that the statement made by the Applicant in sections 3.1.2 of the Consultation Report stating that there has been a '*continuous programme of engagement'*, and section 3.4.3 states given the importance of local authority input '*,…the TWG's output has been captured through a series of schedules that recorded matters that have been, and continue to be, under discussion*

between the parties', does not reflect the Authorities view that the approach undertaken by the Applicant has been inflexible and lacking in any two-way collaboration for resolving issues.

7.6 In summer 2019, the Applicant proposed working arrangements to the Authorities. This included establishing six Topic Working Groups (TWG) involving the Applicant and technical officers from the Authorities. The TWGs would be overseen by a 'Gatwick Co-ordination Group' (involving the Applicant and lead officers from the Authorities), which would report to a 'Gatwick Strategic Planning Forum' (involving the Applicant, Chief Executives and strategy leads from the Authorities, and the Coast to Capital Local Enterprise Partnership).

7.7 Although the Authorities supported this model in principle, only the TWGs were established by the Applicant in autumn 2019.

7.8 Accordingly, in the absence of the proposed Gatwick Co-ordination Group to act as a steering group (which is best practice), the Authorities have used the pre-existing Gatwick Officers Group (GOG), comprised of planners and other technical officers, as the mechanism to co-ordinate local authority activity on the project (without the involvement of the Applicant). Since April 2021, there have been almost monthly meetings of GOG to co-ordinate activity and to ensure that joint responses are provided to the Applicant where possible. Although the Applicant has provided some limited financial support to the Authorities through a Planning Performance Agreement to fund 'coordination', there has been no practical support and contrary to their statement in paragraph 3.4.40 of the Consultation Report the funding made available only partially covers the cost of officer and consultant time of those working on the project across the Authorities.

7.9 It is important to note that it was only in April 2023, a few months before DCO submission, that the Applicant proposed the creation of a Strategic Planning Group (SPG) to "*act at a senior level to discuss and unblock issues on behalf of their respective authority*". However, no 'Terms of Reference' have been provided by the Applicant to date (despite these being promised by 8 June 2023) and the proposed SPG (and its Terms of Reference) are yet to be arranged by the Applicant, meaning that it has had no role in ensuring that the pre-application process has been effective and that issues continue to remain unblocked.

7.10 In the absence of the proposed Gatwick Strategic Planning Forum (as noted in paragraph 7.6), the Leaders and Chief Executives of the ten Authorities have met on a regular basis during the pre-application period (with no Applicant involvement) to ensure there is a joint understanding at a high-level about the development of the Project and, as necessary, to agree collective action between the Authorities.

7.11 With regard to the TWGs, the Authorities had raised concerns about their operation on several occasions. Appendices B, C and D set out the concerns of the Authorities (including concerns set out by the Applicant

following a joint meeting on 17 July 2022) and to date we have received no formal written response to the issues raised.

7.12 The Authorities queried why the TWGs did not involve other statutory consultees (including National Highways, Natural England, and the Environment Agency) as this would have been good practice and it would have helped ensure that the consultees were sighted (as a collective) on issues that were being raised. However, the Applicant stated that it would continue to meet the other statutory consultees separately and that they would not be invited to the TWG meetings involving the Authorities because it was not considered to be normal practice nor practical (despite the meetings taking place virtually via MS Teams). Although the Applicant eventually said the Authorities could invite other statutory consultees to TWG meetings if they wished to do so (which the Authorities did), the Applicant only provided information about contacts at the various agencies/organisations after chasing by the Authorities (which was unhelpful and compounded the Applicant's failings).

7.13 This lack of willingness by the Applicant to engage with consultees in a collective and collaborative way has resulted in a process that has not been effective; rather it has resulted in one that has felt obstructive. For example, the highway changes that were the subject of the consultation in summer 2022 resulted from the Applicant's discussions with National Highways. However, the changes were not discussed with either of the affected Local Highway Authorities (West Sussex County Council and Surrey County Council) prior to the consultation. Accordingly, this lack of engagement with all the relevant parties on the highway changes resulted in West Sussex County Council objecting due to a lack of information and concerns about road safety and Surrey County Council criticising the lack of information provided about National Highways' views on transport modelling and impacts on the network.

7.14 Paragraph 20 of the MHCLG Guidance states:

> *"Experience suggests that, to be of most value, consultation should be:*
>
> - *based on accurate information that gives consultees a clear view of what is proposed including any options;*
> - *shared at an early enough stage so that the proposal can still be influenced, while being sufficiently developed to provide some detail on what is being proposed; and*
> - *engaging and accessible in style, encouraging consultees to react and offer their views."*

7.15 Paragraph 25 of the MHCLG Guidance states:

> *"Consultation should be thorough, effective and proportionate. Some applicants may have their own distinct approaches to consultation, perhaps drawing on their own or relevant sector experience, for example if there are industry protocols that can be adapted. 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. Consultation should also be sufficiently flexible to respond to the needs and requirements of consultees, for example where a consultee has indicated that they would prefer to be consulted via email only, this should be accommodated as far as possible."

7.16 The TWG meetings have been based on a 'question and answer' approach, which has been useful to an extent in helping shape discussions around some specific topics and areas of focus. However, the Authorities consider that the Applicant's provision of information and answers to questions raised at a previous TWG meeting (in the form of presentation slides) with just five working days' notice ahead of the next meeting, significantly impeded the Authorities' ability to understand and respond effectively to the materials, especially where they were reliant on the need to obtain the advice of specialist consultants to aid their understanding of the information. Many of the responses from the Applicant were simply signposting the Authorities to the DCO submission documents that were not provided or further explained during the sessions.

7.17 On some occasions, no or only partial sets of slides were provided by the Applicant in advance of a TWG meeting, with additional material sometimes being added into the slide decks immediately prior to the meetings. Where information was provided in advance of meetings, in some cases it consisted of over 70 PowerPoint slides for the Authorities to consider within the limited timeframe prior to the meetings taking place.

7.18 In some meetings, given the large number of PowerPoint slides, not all the material was presented/considered in the two hours available with a lack of clarity from the Applicant about how issues that had not been discussed, would be addressed in the future. Furthermore, although the TWGs have involved the sharing of some of the elements of the DCO submission documents through limited extracts on PowerPoint slides, they have often been difficult to understand or interrogate without sight of the reports providing the full content.

7.19 There are other issues with the operation of the TWG's, including dates and times for meetings being set by the Applicant whether the Authorities could attend or not, no minutes being taken (so there were no records of key concerns or queries), and questions not being answered despite the Authorities sending them to the Applicant within the agreed timeframes after the meetings as agreed in the protocols. With regard to the latter, questions were often sent to the Applicant a number of times but were not responded to or did not help to shape the focus of subsequent TWG sessions. The Authorities were also told that many of the answers would be in the DCO submission documents, rather than providing adequate feedback during these sessions.

7.20 When the timing of the meetings was originally proposed by the Applicant in spring 2022, the Authorities pointed out that they were too close together and that the Applicant had not allowed sufficient time for work to

be undertaken between the meetings. Unfortunately, the Applicant did not take the Authorities' view on board and only revised its approach when it was demonstrated that it did not work for either the Authorities or the Applicant, with the latter struggling to meet its own deadlines.

7.21 The TWG's have not been used to provide information in a timely manner. For example, meetings that should have informed the summer consultation took place very late or after the consultation response deadline and as a result, the Authorities were unable to take into account information presented at these meetings prior to responding to the formal consultation.

7.22 In addition, other than in relation to a limited number of technical matters, such as with the highways authorities, the Applicant relied on the TWG meetings as the mechanism for information sharing and discussion with the Authorities and it did not seek to engage with them (either individually or collectively) outside of the meetings. This would have been best practice if the Applicant was serious about seeking the views of the Authorities and giving them an opportunity to influence the Project.

7.23 We note that the extensive number of transport modelling meetings that the highway authorities have taken part in with the Applicant have not been captured in the consultation report. Surrey and West Sussex County Councils have a record of attending 15 modelling meetings, over and above TWGs, between November 2019 – November 2022 in order to cooperate with the Applicant on modelling to inform and support scheme development. The flow of information has been very one way, with the highway authorities still unclear how much of their input has been acknowledged and responded to.

7.24 The view is that the Applicant's general approach often served to provide the Authorities with an incomplete picture of the developing Project, which was not helpful. Furthermore, there was an element of 'cherry picking' by the Applicant, that is, focusing on selected issues but not addressing or responding to all the matters raised by the Authorities in their consultation responses and in subsequent discussions.

7.25 This inadequate approach to information provision and engagement is one of the reasons why the Authorities consider that, despite the extensive number of TWG meetings that have been held, there have been significant missed opportunities to focus on substantive matters. The absence of a two-way collaborative approach has meant an inability to seek and reach agreement on issues as far as possible ahead of the Examination.

7.26 Where the Applicant has sought input from the Authorities, in some cases, the information provided by them has not been incorporated in full, or only in part, and there has been limited feedback. Examples include the preparation of Cumulative Effects Assessment (CEA) lists, where feedback was not incorporated, and detailed feedback and queries relating to transport modelling, where there has been no feedback from the Applicant. Similarly, comments were sought by the Applicant from the Authorities on the approach to agreeing SoCGs and on draft versions of

the statements; however, the Applicant did not respond to the comments made via email and in meetings, despite requests by the Authorities for written feedback. The Authorities would also challenge the Applicants statement in the Consultation Report section 3.6.2 'Local Authorities provided feedback to the first tranche of information by 26 May 2023 and follow up meetings were arranged in June 2023' , in that the follow up meetings were not helpful as the Applicant was not prepared to discuss the comments raised by the Authorities.

7.27 These examples serve to reinforce the view of the Authorities that the Applicant's general approach to engagement with them has been tokenistic.

7.28 Accordingly, the Authorities consider that the Applicant has **not** had regard to the guidance on this matter.

Consultation with Local Authorities

7.29 Paragraph 30 of the MHCLG Guidance recognises the role that "*local authorities play as bodies with expert knowledge of the local community, business and other interests as well as their responsibility for development of the local area*".

Consultation with Local Authorities on the Statement of Community Consultation

7.30 Paragraph 38 of the MHCLG Guidance states that:

> *"The role of the local authority … should be to provide expertise about the make-up of its area, including whether people in the area might have particular needs or requirements, whether the authority has identified any groups as difficult to reach and what techniques might be appropriate to overcome barriers to communication. The local authority should also provide advice on the appropriateness of the applicant's suggested consultation techniques and methods. The local authority's aim in such discussions should be to ensure that the people affected by the development can take part in a thorough, accessible and effective consultation exercise about the proposed project.".*

7.31 The Authorities were initially consulted by the Applicant on the draft SoCC in February 2020 and a joint response (with individual sections for authority-specific matters) was submitted in March 2020. The Project was then stalled due to the Covid-19 pandemic and a further SoCC with revised consultation arrangements was issued for formal consultation in May 2021, with responses submitted by the Authorities in June 2021. The Section 42 consultation was undertaken in autumn 2021.

7.32 A further 'Approach to Consultation' document (June 2022) was published for the further consultation on highway changes carried out in summer 2022. It is noted that while the 2021 SoCC had to have regard to some remaining Covid-19 regulations, most had been removed by the summer of 2022.

7.33 The following key concerns were raised by the Authorities in response to the consultations on the SoCCs.

Consultation on the 2021 SoCC:

- The SoCC was too vague and open to interpretation with numerous gaps in information, including details of the timeframes and location for the Mobile Project Office. This made it unclear as to precisely what engagement the Applicant was committing to and made it difficult to fully assess the adequacy of the proposed consultation.
- Mobile Project Offices were insufficient in assisting those that visited them to ask questions. Only non-technical staff were on hand and simply directed people to telephone surgeries. The Mobile Project Offices added nothing to the process, other than arguably wasting people's time.
- The importance of engaging with Parish Councils within both inner and outer consultation zones and the Applicant's failure to provide a full list of who was consulted prevented authorities from knowing whether all relevant Parish Councils were being contacted.
- It was not clear if all parties living adjacent to the scheme received a personal letter advising them of the proposal and how to find out more information rather than just a newsletter, which could have gone straight into the recycling bin.
- Limited steps were taken to enhance/make the virtual approach engaging. For example, there were no webinars or evolving FAQ documents, with limited evidence of learning from other schemes about best practice for online engagement during the pandemic.
- Whether the approach to consultation actually allowed interested parties to shape the Project.
- The SoCC should have provided a clearer description of the development itself and the DCO process, including how this differed from a standard planning application; this would have assisted residents, stakeholders and users in understanding what they were being consulted on and how and when they could feed into the process.
- Insufficient detail on the proposals for specific consultation activity was included in the draft SoCC making it difficult to comment meaningfully as to whether engagement would be sufficient and effective.
- Lack of clarity as to how 'hard-to-reach' groups would be targeted – who they are, how they would be made aware of the project, and how they would be helped to provide feedback.
- The use of the Gatwick Diamond area being used as the outer consultation zone was too restrictive given that there were many areas outside that zone which were expected to be more impacted by overflight than areas within the Gatwick Diamond area. In addition, the selection of the Inner Consultation Zone using the 51dB(A) Leq noise contours did not take into account the changes that may take

place as a result of the FASI-South Airspace Modernisation programme.

- To aid transparency, it would have been helpful if the Applicant had provided a schedule of how the earlier informal comments on the draft SoCC had been taken into account and where they were not, an explanation as to why.

Approach to Consultation Document – June 2022

- Many of the above concerns, raised formally through SoCC feedback and at TWGs, remained unaddressed in the new SoCC prepared for the summer 2022 consultation. Additional concerns were also raised:
- The statutory consultation was purely regarding the highway proposals. However, the consultation included revised proposals for a new car parking strategy, revised locations for office and hotel provision, new flood alleviation schemes, the chosen location of the CARE facility and biodiversity proposals. All these matters should have been packaged as part of a wider statutory consultation given they all are significant matters with particular impacts and issues involved. This would have promoted much greater stakeholder engagement.
- The highways consultation area was too small. The highways proposals affected roads on the National Strategic Road Network and important local routes between Crawley and Horley, which were of interest to a much wider area in West Sussex and Surrey, as local routes feed into the Longbridge Junction. It was requested that the Applicant extend the consultation area to cover Charlwood, Crawley and Horley, this did not happen.
- The consultation format was only presented and available online, supported by a telephone surgery service. However, as with the initial SoCC, no information was provided on the dates and times of the telephone surgery service and the SoCC simply continued to make reference to telephone surgeries taking place 'at a variety of times of days of the week'.
- Proposals set out in the SoCC did not demonstrate sufficient engagement with residents with an over-reliance on a limited range of virtual/online methods of consultation when more face-to-face engagement on the proposed highway changes should have been possible in the summer of 2022 given that Covid-19 restrictions had been lifted by that point.

- The additional consultation should not have taken place until the series of TWGs which the authorities were engaged with at the time was completed and matters raised by the Authorities in those discussions had been addressed.

- There was no formal update to the 2021 iteration of the SoCC. Information available with the text under the 'Statement of Community Consultation' tab on the summer 2022 webpages advised users to refer to paragraph 5.3.1 of the old autumn 2021 SoCC to

read about any additional consultations and how to get involved. The Consultation Document Summer 2022 itself contained very little information on the summer consultation and how to respond (pages 4 to 5). 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. This was unhelpful and misleading.

7.34 Although the Applicant did extend the length of the consultation period in autumn 2021, the applicant essentially ignored most of our comments relying on the PINS guidance and the fact that it was targeted on the highway proposals even though other parts of the project had changed and Covid restrictions no longer existed. The guidance was written in pre-pandemic times and so didn't take such circumstances into account and so the original SoCC rather than the updated version for pandemic conditions would have been expected. In addition, there were only seven working days between the Authorities submitting their comments to the Applicant and the Applicant issuing a press release confirming the start date of the second focused consultation. No advance notification or feedback was given to the Authorities prior to the general press release.

7.35 Therefore, the Authorities consider that although the Applicant complied with the procedural requirements of the Act, it did not respond adequately to the issues raised by the Authorities. As a result, the consultation with local communities was neither sufficient nor effective and it limited the ability of local people to understand the project and engage with the process and respond in a meaningful way. Overall, the Applicant's approach has undermined partnership working with the Authorities and reinforced the view that the Applicant's approach to engagement with them was not meaningful.

7.36 Accordingly, the Authorities consider that the Applicant has **not** had regard to the guidance on this matter.

Local authorities as statutory consultees

7.37 Paragraph 44 of the MHCLG Guidance states:

> "*Local authorities will be able to provide an informed opinion on a wide number of matters, including how the project relates to Local Plans. Local authorities may also make suggestions for requirements to be included in the draft Development Consent Order. These may include the later approval by the local authority (after the granting of a Development Consent Order) of detailed project designs or schemes to mitigate adverse impacts. It will be important that any concerns local authorities have on the practicality of enforcing a proposed Development Consent Order are raised at the earliest opportunity.*"

7.38 PINS Advice Note 13 proposes that, as well as sharing the draft order with the Inspectorate, the draft order should also be made available to other parties who may have useful comments on the operation of the order. For example, the relevant local planning authorities should have sufficiently early sight of the DCO's proposed draft requirements (paragraph 2.4).

7.39 In autumn 2022, despite requests from the Authorities, the Applicant refused to share the draft DCO or related documentation (including the draft Environmental Statement, the draft S106 Agreement, a draft 'Route Map' for mitigations) with the Authorities prior to submission. The reason given was that the documents were still in draft form and would not be ready to be shared until submission. However, the Authorities are aware that the Applicant sought Section 51 advice from PINS and shared a draft DCO and draft Explanatory Memorandum with PINS in December 2022. Therefore, these drafts, appropriately caveated, could also have been shared with the Authorities at that time.

7.40 The Applicant subsequently revised this position in February 2023, advising that the draft DCO, composite SoCG, and S106 documentation would be shared in mid-March 2023 with a request for feedback by the end of March 2023 (which would have been only two/three weeks prior to the then anticipated submission date). However, only the proposed approach to the SoCG was shared with the Authorities at that time.

7.41 The Applicant revised its position again and made the draft Project Description; the draft DCO; and the Proposed Approach to Mitigation (although this did not include a comprehensive list of draft S106 Heads of Terms) available to the Authorities on 28 April 2023 (four months after the draft DCO had been shared with PINS) with a view to submission in late June 2023. However, the Applicant did not specifically request any feedback from the Authorities on the draft documents.

7.42 The draft DCO was not accompanied by a draft Explanatory Memorandum (EM). Initial requests by the Authorities for sight of the draft EM were rebuffed by the Applicant before it was subsequently made available on 5 May 2023.

7.43 Following requests for clarification from the Applicant, it became clear that the draft, and in some areas substantively incomplete, documents had only been provided 'for information' and that the Applicant was neither actively seeking any comments or dialogue with the Authorities nor wanting to make any changes to them prior to submission.

7.44 Overall, although some progress has been made on a limited number of topics, there have been missed opportunities by the Applicant to reach agreement with the Authorities on the detail of the Project's proposals, on the evidence base supporting the application, and on the details of the mechanisms through which mitigation will be secured. It has, therefore, only been possible to agree very limited areas of common ground at this stage due to the lack of information available to the Authorities and lack of meaningful engagement by the Applicant.

7.45 Furthermore, there has been limited engagement by the Applicant with the neighbouring authorities on the potential impacts of the Project on their areas, for example, in relation to highway and socio-economic matters. This 'downplaying' of the potential wider impacts of the Project reflects poorly on the approach taken by the Applicant and, more

importantly, it means that opportunities to address such impacts and required mitigation have been lost.

7.46 Accordingly, the Authorities consider that the Applicant has **not** had regard to the statutory guidance on this matter. It also has not had regard to PINS Advice Note 13.

Statement of Common Ground

7.47 Paragraph 47 of the MHCLG Guidance states:

> "*Local authorities are encouraged to discuss and work through issues raised by the proposed development with applicants well before an application is submitted. Agreements reached between an applicant and relevant local authorities can be documented in a statement of common ground. This will contain agreed factual information about the application and can accompany the application. The statement of common ground can also set out matters where agreement has not been reached. This can then be looked at during examination…*"

7.48 Although discussions on a range of subjects have continued to take place between the Authorities and the Applicant, there has been no attempt by the Applicant to bring these together as a formed series of SoCG <u>in advance</u> of submission. The Authorities have alerted the Applicant about the issues, many of which are still outstanding, which would need addressing before any SoCGs and PADSSs could be progressed. At present, the draft SoCGs include only very high-level issues, and refer to all items as being 'under discussion'.

7.49 Discussions at pre-submission focused purely on SoCG structure and whether shared authority SoCGs could be pursued on a topic-by-topic basis and did not allow for discussion of comments raised by the Authorities in previous tranches of the TWGs. The Authorities and the Applicant have committed to commence formal discussions on this matter following submission within the tight timeframes required. At this stage, however, there are limitations to any structure of the SoCG that could be agreed in the absence of the substantive information that would form the basis of them. Furthermore, by only focusing on the structure of the SoCG, the Applicant has created unnecessary pressure to agree their contents during the pre-examination and examination periods. Again, this demonstrates that the Applicant's approach through the pre-submission period has been tokenistic at best and that there has been a lack of meaningful engagement with the Authorities.

7.50 Given the complexity of the Project, the duration of the construction period, the wide area of impact arising from the decades of operational use of the airport on local communities and designated environmental resources, there will be many issues that the Examining Authority will need to consider within the finite period mandated by the Act. This will not be assisted by the fact that the Authorities, communities, and other stakeholders have not seen all the details of the proposals, their impacts and possible mitigations in advance of the submission, notwithstanding the significant amount of information provided.

7.51 Furthermore, as identified above, there has not been the opportunity before DCO submission to narrow the field of discussion to areas where there are clear differences between the Applicant and others, nor for parties to fully consider whether they support or object to the Project, in whole or in part.

7.52 Accordingly, the Authorities consider that the Applicant has **not** had regard to the guidance on this matter.

Local Communities

7.53 Paragraph 54 of the MHCLG Guidance states:

> *"In consulting on project proposals, an inclusive approach is needed to ensure that different groups have the opportunity to participate and are not disadvantaged in the process. Applicants should use a range of methods and techniques to ensure that they access all sections of the community in question. Local authorities will be able to provide advice on what works best in terms of consulting their local communities given their experience of carrying out consultations in their area."*

7.54 As outlined in paragraphs 7.30 to 7.36, the Authorities raised a number of concerns about the Applicant's proposed approach to consultation with local people, in particular the reliance on digital formats and a lack of face-to-face meetings with the community, particularly given the complex nature of the proposals and the opportunities for more direct community engagement as Covid-19 pandemic measures lifted. Although the Authorities made a number of positive suggestions to improve the consultation, limited amendments were made by the Applicant to the draft SoCC and no explanation has been provided as to why the Authorities' suggestions have not been incorporated. The Authorities have had to wait until the submission of the Consultation Report to understand the Applicants position on why some of the Authorities comments have not been taken forward.

7.55 Therefore, the Authorities consider that the consultation with local communities was neither sufficient nor effective and it limited the ability of local people to engage with the process and respond in an informed and meaningful way.

7.56 Accordingly, the Authorities consider that the Applicant has **not** had regard to the guidance on this matter.

When should consultation take place and how much is enough?

7.57 Paragraph 68 of the MHCLG Guidance states:

> *"To realise the benefits of consultation on a project, it must take place at a sufficiently early stage to allow consultees a real opportunity to influence the proposals. At the same time, consultees will need sufficient information on a project to be able to recognise and understand the impacts."*

7.58 The Applicant did not provide the Authorities with any consultation material in advance of the consultation on the PEIR in autumn 2021 nor the consultation on highway improvement changes in summer 2022. Furthermore, with regard to the consultation on the PEIR and as referenced in Section 6, the Authorities consider that the required level of detail was not provided, and much outstanding information and evidence was not made available to enable a response to be made to the PEIR. It did not include sufficiently accurate information to give consultees a clear view of what was proposed.

7.59 Paragraph 72 of the MHCLG Guidance states:

> *"The timing and duration of consultation will be likely to vary from project to project, depending on size and complexity, and the range and scale of the impacts. The Planning Act requires a consultation period of a minimum of 28 days from the day after receipt of the consultation documents. It is expected that this may be sufficient for projects which are straightforward and uncontroversial in nature. But many projects, particularly larger or more controversial ones, may require longer consultation periods than this. Applicants should therefore set consultation deadlines that are realistic and proportionate to the proposed project."*

7.60 With regard to the consultation on the PEIR in autumn 2021, the Applicant originally proposed a period of eight weeks, which was subsequently changed to nine weeks. Given the complexity of the proposals and that internal governance in local authorities to approve consultation responses would take three to four weeks, the Authorities requested more time. The Applicant finally extended the consultation period to 12 weeks, which the Applicant considered to be generous but which the Authorities considered to be an absolute minimum. Accordingly, the Authorities only had eight weeks or so to consider more than ten thousand pages of information, none of which had been shared with them in advance. Therefore, not only should the Applicant have provided the information in draft to the Authorities in advance of the consultation, but it should also have allowed a longer consultation period to take account of the Authorities' internal governance requirements.

7.61 Furthermore, given the lack of pre-consultation engagement by the Applicant with the Authorities, the complexities of the proposals and the large volume of consultation documents (and, in some cases, the absence of key documents), it was difficult for the Authorities to understand the likely significant effects of the proposals, and then fully evaluate the PEIR within the timescales available.

7.62 Paragraph 77 of the MHCLG Guidance states:

> *"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."*

7.63 As set out in paragraph 6.3, the Authorities asked the Applicant to prepare and maintain an 'Issues Tracker' following the consultation on the PEIR in autumn 2021, which would have been good practice. However, despite a commitment from the Applicant (section 3.4.49 of the Consultation Report) no evidence of this has been shared with the Authorities. Therefore, the Authorities have had to maintain their own records of the issues and risks that they have raised. Furthermore, in the absence of feedback from the Applicant on some matters, the Authorities have not been able to determine in advance of submission whether and how the Applicant propose to mitigate or manage the issues and risks.

7.64 Accordingly, the Authorities consider that the Applicant has **not** had regard to the guidance on this matter.

Consultation Report and Responding to Consultees

7.65 Paragraph 81 of the MHCLG Guidance states:

> *"It is good practice that those who have contributed to the consultation are informed of the results of the consultation exercise; how the information received by applicants has been used to shape and influence the project; and how any outstanding issues will be addressed before an application is submitted to the Inspectorate."*

7.66 Paragraph 82 of the MHCLG Guidance states:

> *"… Consultees with highly technical interests may seek more detailed information on what impacts and risks have been identified, and how they are proposed to be mitigated or managed."*

7.67 As referred to in paragraph 6.4, the Authorities are not aware that there has been any information provided to the wider consultees to show how the results of consultation have been used to shape and influence the Project nor how any outstanding issues are to be addressed.

7.68 Accordingly, the Authorities consider that the Applicant has **not** had regard to the guidance on this matter.

Environmental Impact Assessment

7.69 Paragraph 92 of the MHCLG Guidance states:

> *"ensuring consultation is meaningful - the pre-application consultation process for major infrastructure projects encourages applicants to give consultees as much information as possible on the characteristics of the proposed project."*

7.70 Since the PEIR was published in autumn 2021, the Authorities have still not received responses to requests for baseline assessments and related evidence base, much of which is fundamental to their ability to understand the characteristics of the Project and to assess the impacts of the proposals across a range of topics.

7.71 Furthermore, the Applicant has refused to provide the Authorities with draft Environmental Statement chapters, except Chapter 5 – project description, in advance of submission or to seek their views on them, which is best practice.

7.72 Accordingly, the Authorities consider that the Applicant has **not** had regard to the guidance on this matter.

Preliminary Environmental Information

7.73 Paragraph 93 of the MHCLG Guidance states:

> *"For the pre-application consultation process, applicants are advised to include sufficient preliminary environmental information to enable consultees to develop an informed view of the project. The information required may be different for different types and sizes of projects. It may also vary depending on the audience of a particular consultation. The preliminary environmental information is not expected to replicate or be a draft of the environmental statement. However, if the applicant considers this to be appropriate (and more cost-effective), it can be presented in this way. The key issue is that the information presented must provide clarity to all consultees. Applicants should be careful not to assume that non-specialist consultees would not be interested in any technical environmental information. It is therefore advisable to ensure access to such information is provided during all consultations. The applicant's Statement of Community Consultation must include a statement about how the applicant intends to consult on preliminary environmental information."*

7.74 The Authorities acknowledge that by its nature, a PEIR should not be as detailed or as comprehensive as an Environmental Statement. However, it should provide information with a reasonable level of detail to enable consultees to gain a fully informed view of the likely significant environmental effects of the proposals. Without this, it would not be possible to discern adequately whether the mitigation proposed was sufficient/appropriate and/or whether additional/alternative mitigation was required.

7.75 With specific regard to the PEIR that was published for consultation in autumn 2021, the Authorities consider that the required level of detail was not provided, and much outstanding information and evidence was not made available to enable an adequate response to be made to the PEIR e.g. more information required to validate the need case, including analysis of impact of other airports increasing capacity (particularly Heathrow); more analysis of the socio-economic impacts of the project, including employment creation on housing needs, especially for affordable housing; more information on Carbon and climate change action plans, including a carbon model and assessment of all greenhouse gas emissions; further technical transport modelling work and more detail required for the noise modelling and noise mitigation proposals etc. It was also not based on sufficiently accurate information to give consultees a clear view of what was proposed e.g. Surface Access strategy to support

modal shift and linked detailed parking strategy, further evidence detailing the employment needs that would arise as a result of job growth associated with the NRP etc.

7.76 Furthermore, the draft PEIR was not provided in advance to the Authorities, which inhibited their ability to assess the copious amounts of information and comment meaningfully on it during the already constrained consultation time period.

7.77 Accordingly, the Authorities consider that the Applicant has **not** had regard to the guidance on this matter.

Drafting the Development Consent Order

7.78 Paragraph 97 of the MHCLG Guidance states:

> *"Applicants are responsible for ensuring they submit a well written draft Development Consent Order ("Order") as part of their application. Whilst the content of a specific Order will depend on the project, the general considerations should be similar. When drafting an Order, applicants should ensure they consider every phase of the project and seek the views of relevant local authorities and other statutory consultees."*

7.79 As addressed in paragraphs 7.38-7.44 of this Representation, the Applicant has not sought the views of the Authorities on the draft DCO prior to submission. Also, the authorities do not have a clear understanding of the phasing and delivery of this complex project as this has not been provided by the Applicant. Accordingly, the Authorities remain concerned about the distinct lack of time to enter into the necessary detailed and staged discussion and negotiation on very important aspects of the DCO as this did not take place in advance of submission, as recommended in paragraph 19.2 of PINS Advice Note 15 'Drafting Development Consent Orders'. This is very disappointing and a further missed opportunity for the Applicant to work collaboratively with the Authorities, particularly given the likely complex technical and governance issues involved.

7.80 Accordingly, the Authorities consider that the Applicant has **not** had regard to the guidance on this matter.

8. General Observations on the Applicant's Approach to Pre-Application Engagement with the Authorities

8.1 The spirit of the Act is about front-loading the DCO process and early engagement by applicants with stakeholders and others. MHCLG guidance on the pre-application stage of the DCO process emphasises the benefits that the early involvement of local authorities (and communities and statutory consultees) can bring.

8.2 Unfortunately, the Applicant has not engaged with the Authorities in a positive and proactive manner during the development of the Project over

the past four years. Although some general information was shared with officers in late 2019 and early 2020, before work was paused due to the Covid pandemic, the Applicant did not share any background studies and there were no opportunities for the Authorities to inform evidence gathering or to contribute to the development of the Project, once work formally restarted in January 2021. The only area where the Applicant formally engaged with the Authorities prior to consultation on the PEIR in autumn 2021 was in seeking comments in spring 2021 on its draft SoCC.

8.3 Insufficient technical information was provided by the Applicant in advance of publication of the PEIR and the further consultation on highway changes in summer 2022 and there was insufficient time for the Authorities to scrutinise and provide input, and, where necessary, to challenge assumptions and the evidence base.

8.4 Overall, there has been a lack of meaningful engagement by the Applicant and, therefore, the Authorities have not been given the opportunity to provide meaningful feedback to influence the development of the Project.

8.5 The Authorities have raised their concerns with the Applicant on a number of occasions during the pre-application period about its approach to consultation and engagement. This has been formally through letters and emails to the Applicant and informally at meetings between the Applicant and one or more authority. The Applicant has demonstrated very little acceptance of the legitimate concerns of the Authorities and very little willingness to take on board their positive suggestions to improve the process. Concerns have also been raised by the Authorities to PINS, including at a Gatwick Officers Group in January 2023 which PINS attended.

8.6 On 25 March 2022, the Authorities' Chief Executives wrote to the Applicant setting out their concerns about working arrangements, which included the Applicant seeking to restrict the number of attendees at TWG meetings to officers from Crawley Borough Council and only two or three other authorities. Officers had expressed concern to the Applicant that such an approach would have put the responsibility on these few Authorities to ensure that information shared at the TWG meetings was disseminated, which would have inhibited meaningful engagement in the process. The lack of willingness by the Applicant to be flexible when dealing with ten local authorities, especially when the meetings were taking place virtually via MS Teams, prompted the letter from the joint Chief Executives. In a letter dated 4 April 2022, the Applicant eventually conceded this point and said that it would invite all the local authorities to the meetings.

8.7 On 26 May 2022, the joint Leaders of the Authorities wrote a letter to PINS highlighting their concerns about the adequacy of the Section 42 consultation undertaken by the Applicant in autumn 2021, and the manner in which the Applicant had been engaging with the Authorities. Extracts from some of the consultation responses were provided, which flagged concerns about the complexity of the consultation material and a predominantly virtual approach to public consultation, as well as concerns

about the Applicant's approach to the handling of technical information and the timing of the TWGs and attendance at them by other consultees. The joint Leaders concluded by stating "*We are strongly of the view that improvements to [the Applicant's] engagement and joint working approaches are required as a matter of urgency. We note that ongoing discussions are taking place on all the other detailed technical areas for this DCO, and we remain hopeful that [the Applicant] will take a more pro-active approach to its engagement*". Unfortunately, this hope has not been realised.

8.8 On 13 March 2023, the joint Leaders of the Authorities wrote a letter to the Applicant expressing their view that the pre-application engagement and consultation to date between the Applicant and the Authorities had not been as helpful as they wanted and that the Applicant should amend its timetable and provide further information to help prepare SoCG, Local Impact Reports, and sufficient time to review Heads of Terms of the S106 Agreement. The letter also highlighted a long list of information that was missing, which had been requested previously and which was required to substantiate the Applicant's proposals and approaches.

8.9 On 29 March 2023, the Applicant replied in a letter that, to all intents and purposes, dismissed the Authorities' concerns but stated a willingness to delay submission by a month until June 2023 to enable further pre-application engagement. However, during this time, there were no further TWG meetings and pre-application engagement has only been about the format of the SOCGs and the SoCG work, not about the substantive matters of concern raised by the Authorities. The time was therefore not used to enable the Authorities to better understand the proposals, or as stated by the Applicant, to allow additional time for pre-application engagement.

8.10 On 16 May 2023, the GOG Steering Group, which was created by the Authorities, to oversee elements such as the procurement of external legal and technical support to the Authorities, wrote a letter to the Applicant seeking clarity about the status of the limited draft documents (incomplete Draft Project Description, incomplete DCO and EM) that were made available a few months before submission and whether the Applicant was seeking any comments on them prior to submission. The Applicant's letter of 19 May 2023 explained that the documents were being provided to allow familiarisation and that it was "*an opportunity to provide any comments/thoughts* ***you wish to make at this stage***" [the Authorities' emphasis]. Therefore, the Applicant was not proactively seeking feedback at that late stage and if the Authorities made any comments, there was little time for the Applicant to take account of them in the application documents.

8.11 Accordingly, although the Applicant has sought to reach agreement on some matters and small amounts of progress has been made on certain topics, overall, its approach has meant that it has only been possible to reach limited agreements. For example, key elements of the supporting evidence base have not been agreed upon because the baseline reports/datasets have not been shared with the Authorities, and there has

been a lack of detail on the proposed mechanisms for securing mitigation, so these have not been finalised.

8.12 As referenced above, the Government's approach to the DCO process places emphasis on the front-loaded nature of consultation and engagement to ensure transparency and an efficient examination process. However, there are a number of important EIA matters, including baseline data and assessments, that the Authorities have been unsighted on to date and will not see until the application is accepted. The Authorities had repeatedly sought information from the Applicant in order to come to an informed judgement about the impacts of the Project and to work collaboratively with the Applicant on mitigation proposals in advance of the submission of the DCO application.

8.13 The Applicant has made it clear that **the majority** of the submission documents will not be available for the Authorities to view until after acceptance in case any of the material has to change. This has greatly hindered the Authorities' understanding of the project and its impacts, and their ability to agree SoCGs and develop even an early scope of the content within a PADSS. Appendix E to this representation lists some of the information and/or documentation that was sought by the Authorities, but which was not provided (despite in some cases promises that they would be provided) to them by the Applicant in advance of the DCO submission.

8.14 There are also a number of key Strategy Documents referred to by the Applicant within the Consultation Report including the Surface Access Strategy (including the Transport Assessment); Employment, Skills and Business Strategy; Carbon Action Plan; Construction Management Plan and others, which are all critical documents to understand the potential impacts of the proposals and the extent of mitigations proposed. The Authorities have not had any sight of any drafts of such documents prior to submission, which has significantly impeded the Authorities' ability to provide effective and meaningful feedback on the proposals put forward.

8.15 By way of contrast, the applicant for the expansion of Luton Airport shared draft documentation, including the draft DCO, with its local authorities five months prior to submission; this was to allow time for discussion on the contents and to take comments on board. Unfortunately, not only has the Applicant not taken a similar approach, it also considers incorrectly that its approach has been best practice.

8.16 If the application is accepted, the full suite of application documents will be published and the Authorities will be able to review all the supporting data and strategies. However, this will require extensive work to review and comment upon documents that were not shared by the Applicant in advance, involving significant staff resources and consultancy support, and a rapid turnaround for comments within a constrained timescale. Again, the lack of detailed information shared in advance by the Applicant represents a missed opportunity to actively support the Authorities in undertaking their statutory duties and which could undermine the ability

of the Authorities to make informed judgements and decisions prior to Examination.

8.17 The Authorities are of the view that their concerns should be fully addressed during the pre-application process and that they should be given the necessary time required for proper and full discussion and negotiation with the Applicant. These concerns are not capable of being dealt with only through the Examination process given the time constraints and the need to dedicate and focus the resources necessary to handle the Examination requirements.

9. Conclusions

9.1 The Authorities consider that the Applicant has met the procedural requirements of Sections 42, 47 and 48 of the Act with regard to the technical process of consultation and publicity. However, this Representation has also considered the wider issues of consultation and engagement with the Authorities, and the Applicant's regard to guidance and advice on the pre-application process. The Authorities consider that the Applicant has **not** met the requirements of Sections 49 and 50 of the Act, which raises numerous issues of concern. This is particularly disappointing given the statement by the Applicant in the Consultation Report that the input from the Authorities is an important part of the process.

9.2 Moreover, the Authorities consider the Applicant has **not** satisfied the fourth *Gunning* principle, meaning that while the consultation might have satisfied the modest requirements of Sections 42, 47 and 48 of the Act, it has not been a legitimate, and therefore not a lawful, consultation.

9.3 In advance of the DCO submission, the Authorities have not seen the Environmental Statement, nor draft copies of some of the more critical documents including, for example, the Transport Assessment and other important draft strategy documents all of which will require considerable time for proper review and analysis. There has been piecemeal provision of further information on elements of the Project. Although the Applicant has sought to engage with the Authorities on the principles and strategic approaches, more detailed pre-application information would have enabled far more effective engagement with the Authorities. In these circumstances, the Authorities do not agree with the Applicant's inference of the effectiveness of the TWG approach as set out in section 3.4 of the Consultation Report.

9.4 Only following acceptance of the application will the Authorities be able to review the Project as a whole and make a considered and informed judgement. Unfortunately, the Applicant's approach has meant that the Authorities have had to remain unsighted on significant issues. The lack of a comprehensive set of documents has also compromised the engagement that has taken place because the complex inter-relationship between all the documents means no single document can ever be understood in isolation. As such, the Authorities have not been able to

complete the engagement on the pre-application work with the Applicant as envisaged in the regime set out by the Act.

9.5 Government guidance anticipates applications being well-developed and understood by the public, with important issues articulated and considered as far as possible in advance of submission, allowing for shorter and more efficient examinations. From the responses from other consultees and the wider public, it is clear that other parties have felt that there has not been adequate information available at the consultation stages to allow properly informed responses from stakeholders and the public.

9.6 The Authorities have been keen, at every stage, to progress with all the outstanding elements in a constructive way with all parties but are concerned that, with the substantial and complex work still to be done on the SoCG and PADSS, the S106 Agreement and agreeing mitigation, there may not be adequate opportunity for the Examining Authority to undertake its work fully within the six months from the Preliminary Meeting. The Authorities remain ready to make progress on these matters.

9.7 Accordingly, the Authorities consider that PINS should decline to accept the DCO application to enable more meaningful engagement and consultation. However, should the application be accepted, PINS should ensure that adequate time is allowed to address these matters in the pre-examination period.

9.8 The Authorities consider that the minimum Section 56 period will impact each authority's ability to respond effectively in their Relevant Representations to fully take account of the detail available in the full Environmental Statement. Therefore, there is a risk of a lack of clarity around some of the issues that may be raised by the Authorities, which will require more detailed examination by the Examining Authority.

9.9 If a minimum period is adopted by the Applicant, this will also undermine progress to be made on outstanding matters that would benefit the Examination; these matters include SoCG and agreement to mitigations through revised requirements or S106 obligations.

9.10 The Authorities further request that, should the application be accepted, in using its discretion in setting a date for the Preliminary Meeting, the Examining Authority maintains dialogue with the Authorities and the Applicant in order to enable progress to be made prior to formal commencement of the Examination. The Authorities consider this would be beneficial to the Applicant, the Authorities, and the Examining Authority.

APPENDIX A

Authorities' response to the Applicant's evidence of Compliance with Planning Act 2008: Guidance on the pre-application process, March 2015 (Consultation Report Appendix B.8)

Para	Requirement	Evidence of compliance	*Local Authority commentary*
15	"Effective pre-application consultation will lead to applications which are better developed and better understood by the public, and in which the important issues have been articulated and considered as far as possible in advance of submission…"		*Not complied with.* *The Applicant's failure to respond to repeated requests for information through the pre-application stage and to share draft DCO documents has meant some important issues have not yet been understood, scoped, agreed/disagreed with the Authorities.*
17	"When circulating consultation documents, developers should be clear about their status, for example ensuring it is clear to the public if a document is purely for purposes of consultation."	All documents produced as part of the Autumn 2021 and Summer 2022 consultations clearly identified their status. Letters sent to consultees as part of the s42 and s47 consultations also stated that they contained details of statutory consultation.	*Agree.*
18	"Early involvement of local communities, local authorities and statutory consultees can bring about significant benefits for all parties…" [including]: - Helping the applicant identify and resolve issues at the earliest stage which can reduce the overall risk to the project further down the line. - Enabling potential mitigation measures to be considered - Identifying ways in which the project could, without	The Applicant has involved communities and stakeholders at every stage of the development of the proposals. From inclusion of the proposal for making best use of the northern runway in consultation on the draft Master Plan 2018, to informal engagement, launch and consultation on the proposals, the Applicant has sought feedback at every stage.	*Disagree.* *Whilst the Applicant has undertaken formal consultation (although without taking on board many of the comments raised by the Authorities on the SoCC consultations), it has not appropriately engaged or responded to the Authorities or the community in bringing forward the proposals.*

Para	Requirement	Evidence of compliance	***Local Authority commentary***
	significant costs…, support wider strategic or local objectives		*The consultations, including the PEIR S42 consultation, did not provide the necessary supporting information or baseline data necessary to evaluate the impacts of the development and to be able to weigh the balance between the negative environmental impacts and the potential positive economic benefits.* *There has been limited discussion or involvement in establishing potential mitigations. Therefore, the opportunity to reduce the potential impacts of the proposals and their related risks has been missed.*
19	"The pre-application consultation process is crucial to the effectiveness of the major infrastructure consenting regime. A thorough process can give the Secretary of State confidence that issues that will arise during the 6 months examination period have been identified, considered, and – as far as possible – that applicants have sought to reach agreement on those issues…"	The Applicant has conducted a thorough consultation process which has allowed it to identify, consider, and respond to issues raised. Details of early engagement and consultation are set out in Chapter 2 and Chapter 3 of the Consultation Report. Consultation on the Project proposals is detailed at Chapters 5 and 6. Annexes A and C of the Consultation Report summarise issues raised by stakeholders during consultation. Annexes B and D include the Applicant's response to issues raised during the Autumn 2021 and Summer 2022 consultation. Where appropriate, the	*Disagree.* *The Authorities consider that due to the lack of upfront supporting information and the lack of dialogue on agreeing mitigations, there are likely to be a significant number of issues of disagreement and an extensive list of items not agreed through the Statement of Common Ground.*

Para	Requirement	Evidence of compliance	*Local Authority commentary*
		Applicant is progressing Statements of Common Ground (SoCG) with relevant statutory consultees to demonstrate areas of agreement and matters under discussion.	
20	"Experience suggests that, to be of most value, consultation should be: - Based on accurate information that gives consultees a clear view of what is proposed including any options; - Shared at an early enough stage so that the proposal can still be influenced, while being sufficiently developed to provide some detail on what is being proposed; and - Engaging and accessible in style, encouraging consultees to react and offer their views." impacts, so sufficient time will need to be allowed for this. Consultation should also be sufficiently flexible to respond to the needs and requirements of consultees, for example where a consultee has indicated that they would prefer to be consulted via email only, this should be accommodated as far as possible."	All consultation on the Project included information at an early enough stage to allow the proposals to be influenced, while being sufficiently developed to provide enough detail for people to understand what was being proposed. In each consultation, the Applicant was clear about the scope of what could be influenced by consultees. Information was presented at different levels of detail and in different formats for both the Autumn 2021 and Summer 2022 consultations. All consultation documents were written and designed to present information in an engaging and accessible style, setting out what it was possible to influence at that stage, providing accurate information that gave consultees a clear view of what was proposed, and encouraging them to react and offer their views. Copies of the Autumn 2021 Consultation documents are included at Appendix B.11 and B.13 to B.17. The Summer 2022 Consultation documents are included at Appendix C.1 to C.3. Both consultations also included virtual elements described in paragraphs 5.6.28 and 6.6.19.	*Appendix E to this representation sets out the extent of baseline assessment, technical documents and strategies that the Authorities and communities have not been sighted on and have therefore been unable to comment or assess against the application during the pre-application stages. The Applicant has not engaged with the Authorities on the outcomes of the results of the studies to enable them to confirm or otherwise the conclusions or options that the Applicant has considered (or not considered). No opportunity has been provided for the Authorities to influence or challenge effectively the approaches put forward.*

Para	Requirement	Evidence of compliance	*Local Authority commentary*
		For the Autumn 2021 Consultation, the Applicant also retained the flexibility for providing additional MPO visits beyond those that were scheduled.	
26	"The Planning Act requires certain bodies and groups of people to be consulted at the pre-application stage but allows for flexibility in the precise form that consultation may take depending on local circumstances and the needs of the project itself. Sections 42 – 44 of the Planning Act and Regulations set out details of who should be consulted, including local authorities, the Marine Management Organisation (where appropriate), other statutory bodies, and persons having an interest in the land to be developed. Section 47 in the Planning Act sets out the applicant's statutory duty to consult local communities. In addition, applicants may also wish to strengthen their case by seeking the views of other people who are not statutory consultees, but who may be significantly affected by the project."	The Applicant has Identified and consulted with parties prescribed by Sections 42-44 of the Planning Act 2008, as well as the local community as prescribed in Section 47. Details of how the Applicant consulted in accordance with each of these sections of the 2008 Act is included in Chapters 5 and 6 of this Consultation Report. In addition, the Applicant sought the views of a range of groups which were not statutory consultees but were deemed to have a potential interest (see Chapters 5 and 6).	*Agree.*
29	"Applicants will often need detailed technical input from expert bodies to assist with identifying and mitigating the social, environmental, design and economic impacts of projects, and other important	The Applicant sought technical input from relevant expert bodies at each stage of the scheme development, including through early and ongoing engagement (detailed in the Environmental Statement) as well as during the Autumn 2021	*The Authorities and their technical experts including consultants have had only very limited discussion on identifying potential mitigations regarding the social, environmental,*

Para	Requirement	Evidence of compliance	*Local Authority commentary*
	matters. Technical expert input will often be needed in advance of formal compliance with the pre-application requirements. Early engagement with these bodies can help avoid unnecessary delays and the costs of having to make changes at later stages of the process. It is equally important that statutory consultees respond to a request for technical input in a timely manner. Applicants are therefore advised to discuss and agree a timetable with consultees for the provision of such inputs."	and Summer 2022 consultations.	*economic impacts of the project and in influencing the design and layouts of the proposals included within the DCO submission.* *This has been further exacerbated by the lack of supporting information provided to date to come to any conclusions on the optioneering processes or acceptability of any mitigation proposals.* *It was also evident that the Applicant sought technical input from statutory bodies in isolation despite requests from the Authorities to do otherwise, for example not bringing together National Highways and the Highway Authorities, which would have been helpful.*
38	"The role of the local authority in such discussions should be to provide expertise about the make-up of its area, including whether people in the area might have particular needs or requirements, whether the authority has identified any groups as difficult to reach and what techniques might be appropriate to overcome barriers to communication. The local authority should also provide advice on the appropriateness of the applicant's suggested consultation techniques and methods. The local authority's aim in such	The Applicant sought advice from the host local authorities at the earliest stage – and throughout – development of the SoCC as well as in preparation for the targeted consultation in Summer 2022 (see Sections 4.5 and 4.6 of the Consultation Report).	*The Applicant may have sought advice from the Authorities, but they took on board very few of the suggestions put forward which the Authorities consider has undermined the extent and scope of proper consultation with local communities. The Authorities have had to wait for the publishing of the Consultation Report to understand why some of these comments were not taken forward* *See paragraphs 7.31 to 7.36 and Appendices B,*

Para	Requirement	Evidence of compliance	*Local Authority commentary*
	discussions should be to ensure that the people affected by the development can take part in a thorough, accessible and effective consultation exercise about the proposed project."		*C and D in this representation.*
44	Local authorities will be able to provide an informed opinion on a wide number of matters……. Local authorities may also make suggestions for requirements to be included in the draft Development Consent Order. …….. It will be important that any concerns local authorities have on the practicality of enforcing a proposed Development Consent Order are raised at the earliest opportunity.		*The Authorities have had no significant opportunity to engage in discussions on detailed DCO Requirements or related future enforcement matters despite specific suggestions by the Authorities.* *The Authorities have provided some comments on an early draft of the DCO with much information missing. The Authorities have had no feedback on the comments presented.*
48	Local authorities are encouraged to discuss and work through issues raised by the proposed development with applicants well before an application is submitted. Agreements reached between an applicant and relevant local authorities can be documented in a statement of common ground. This will contain agreed factual information about the application and can accompany the application.		*Discussion to date on Statements of Common Ground have focussed on the structure, scope of issues to be agreed (or not) and the process for the preparation of the documents rather than any detailed agreement (or not) on the issues concerned because of the lack of information available to the Authorities.* *Even the comments made on the structure of the documents (within*

Para	Requirement	Evidence of compliance	***Local Authority commentary***
			the required timeframes set by the applicant) have not been discussed through the feedback meetings held, as there was a lack of willingness on the applicants part to do so.
50	"It is the applicant's responsibility to demonstrate at submission of the application that due diligence has been undertaken in identifying all land interests and applicants should make every reasonable effort to ensure that the Book of Reference (which records and categories those land interests) is up to date at the time of submission."	The Applicant has diligently sought to identify all land interests and ensure that the Book Reference remains up to date. Land references were appointed by the Applicant to complete a diligent enquiry process (see paragraph 5.5.13 of the Consultation Report). A full list of persons falling within section 44 of the 2008 Act is included within the Book of Reference submitted with the Application (Doc ref. 3.3).	*The Authorities cannot confirm yet, as the Authorities have not had sight of the 'Book of Reference' document.*
54	"In consulting on project proposals, an inclusive approach is needed to ensure that different groups have the opportunity to participate and are not disadvantaged in the process. Applicants should use a range of methods and techniques to ensure that they access all sections of the community in question. Local authorities will be able to provide advice on what works best in terms of consulting their local communities given their experience of carrying out consultation in their area."	The Applicant adopted an inclusive approach to consultation to ensure that different groups were able to participate. The methods and techniques used by the Applicant for consultation are detailed in Chapters 5 and 6 of the Consultation Report. The Applicant's approach to hard-to-reach audiences is set out in paragraphs 5.6.44 to 5.6.48 and 6.6.32 to 6.6.34.	*See paragraph 7.33 of this representation regarding issues raised during the SoCC consultation process with no feedback given by the Applicant to the issues raised.*

Para	Requirement	Evidence of compliance	*Local Authority commentary*
55	"Applicants must set out clearly what is being consulted on. They must be careful to make it clear to local communities what is settled and why, and what remains to be decided, so that expectations of local communities are properly managed. Applicants could prepare a short document specifically for local communities, summarising the project proposals and outlining the matters on which the view of the local community is sought. This can describe core elements of the project and explain what the potential benefits and impacts may be. Such documents should be written in clear, accessible, and nontechnical language. Applicants should consider making it available in formats appropriate to the needs of people with disabilities if requested. There may be cases where documents may need to be bilingual (for example, Welsh and English in some areas), but it is not the policy of the Government to encourage documents to be translated into non-native languages."	For the Autumn 2021 Consultation, the Applicant published a Consultation Newsletter providing an overview of the proposals, which was delivered to over 100,000 homes and businesses and a Consultation Summary Document which provided a non-technical summary of the proposals. These were written and designed in an engaging style, clearly setting out the proposals and what could be influenced as well as encouraging people to share their views. Information was also available on the Project website, in other formats including a virtual exhibition, videos and interactive portal (see Chapter 5 of the Consultation Report for details). The Consultation Summary Document and Consultation Questionnaire were available on request in alternative formats and languages, although none were requested. The targeted nature of the Summer 2022 Consultation meant that a Consultation Summary Document was not produced however, all information about the proposals was included in the Consultation Document. A Consultation Newsletter provided an engaging summary of the proposals as well as ways to find out more and provide feedback. The project website also included videos of the proposals. Copies	*The Authorities consider that the consultation material, whether hard copy or electronic, did not clearly explain the description of the development nor the DCO process and how this differs from a normal planning application approach.* *Notwithstanding the impact of COVID restrictions, the Authorities consider there was an overreliance on virtual/on-line forms of engagement and consultation with the local community.* *See paragraph 7.33 of this representation for further explanation.*

Para	Requirement	Evidence of compliance	*Local Authority commentary*
		of the Consultation Newsletter and Consultation Document were available in alternative formats and languages on request. No requests for alternative formats or languages were received.	
57	"The Statement of Community Consultation should act as a framework for the community consultation generally, for example, setting out where details and dates of any events will be published. The Statement of Community Consultation should be made available online, at any exhibitions or other events held by applicants. It should be placed at appropriate local deposit points (e.g. libraries, council offices) and sent to local community groups as appropriate."	The Applicant included a framework for community consultation in the SoCC, explaining where dates and venues of events would be published (see Appendix B.2 of the Consultation Report). The SoCC was made available on the project website from August 2021 in accordance with Government Covid 19 guidance, and in hard copy at 18 deposit point locations. A press release was issued to raise awareness of the SoCC and consultation and adverts were included in four local newspapers (see Table 4.3 in the Consultation Report). Hard copies of the document were also available on request.	*Agreed.*
58	"Applicants are required to publicise their proposed application under section 48 of the Planning Act and the Regulations and set out the detail of what this publicity must entail. This publicity is an integral part of the public consultation process. Where possible, the first of the 2 required local newspaper advertisements should coincide approximately with the beginning of the consultation with communities. However, given	The Applicant publicised the proposed application under s48 of the Planning Act 2008 as set out in Section 5.7 of the Consultation Report. The dates of these advertisements coincided as closely as possible with the start of the consultation given the publication schedules of the relevant local newspapers.	*Agreed.*

Para	Requirement	Evidence of compliance	*Local Authority commentary*
	the detailed information required for the publicity in the Regulations, aligning publicity with consultation may not always be possible, especially where a multistage consultation is intended."		
68	"To realise the benefits of consultation on a project, it must take place at a sufficiently early stage to allow consultees a real opportunity to influence the proposals. At the same time consultees will need sufficient information on a project to be able to recognise and understand the impacts."	All consultation on the Project included information at an early enough stage to allow the proposals to be influenced, while being sufficiently developed to provide enough detail for people to understand what was being proposed. In each consultation, the Applicant was clear about the scope of what could be influenced by consultees. A significant amount of feedback was received through the consultation process. Annexes A and C to the Consultation Report summarise the feedback by issue and include the Applicant's response.	*The consultations took place without all the expected level of background information and supporting technical work to enable the Authorities or the community to fully understand the expected impacts of the development and to engage appropriately.* *There was limited feedback from the Applicant on the issues raised by the Authorities or local communities prior to submission.* *The Authorities have concerns that the applicants Consultation Report has not fully recorded the Authorities views submitted through the two statutory stages of consultation.*
72	"The timing and duration of consultation will be likely to vary from project to project, depending on size and complexity, and the range and scale of the impacts. The Planning Act requires a consultation period of a minimum of 28 days from the day after receipt of the consultation documents. It is	The periods provided to comment for the two consultation periods exceeded the 28 calendar days required, with the Autumn 2021 Consultation running for 12 weeks and the Summer 2022 Consultation open for six weeks.	*Whilst the Applicant had agreed to 12 and 6 week consultations, its approach to engagement has been based on its time frames without recognising the extent of work required by the Authorities to understand what information is being presented (and what*

Para	Requirement	Evidence of compliance	***Local Authority commentary***
	expected that this may be sufficient for projects which are straightforward and uncontroversial in nature. But many projects, particularly larger or more controversial ones, may require longer consultation periods than this. Applicants should therefore set consultation deadlines that are realistic and proportionate to the proposed project. It is also important that consultees do not withhold information that might affect a project, and that they respond in good time to applicants. Where responses are not received by the deadline, the applicant is not obliged to take those responses into account."		*information is not being presented) and to be able to respond effectively to the Applicant's proposals. This was particularly relevant through the operation of TWGs. (See Appendices B, C and D to this representation setting out the Authorities concerns regarding the use of TWGs)* *This was also compounded by the Applicant's inability to respond effectively to many of the concerns raised by the Authorities and by the lack of any willingness to establish an Issues Tracker.*
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	Feedback received from the Autumn 2021 Consultation, along with on-going studies and assessments, resulted in the Applicant changing some of the Project proposals, particularly in relation to the highway improvements. The purpose of the Summer 2022 Consultation was to seek feedback on the changes before finalising the Project proposals for submission as part of the Application. The changes to the highway improvement proposals included some new or materially different environmental effects to those reported in the Autumn 2021 Consultation. Other changes to	*The summer 2022 consultation included some significant changes to the Project proposals, yet it was only the highway alterations that were subject to the statutory consultation process. Other matters, such as changes to car parking; location for office and hotel provision, new flood alleviation schemes, the chosen location of the CARE facility and biodiversity proposals were presented as informal updates.*

Para	Requirement	Evidence of compliance	*Local Authority commentary*
	degree of change, the effect on the local community and the level of public interest as guiding factors."	the proposals did not introduce any new or materially different significant effects from those set out previously. For these reasons, the Applicant took a hybrid approach to the Summer 2022 Consultation, being: ▪ Targeted, statutory consultation on the design changes to the proposed highway improvement works; and ▪ Non-statutory Project update consultation on proposed changes to other aspects of the proposals, as well as other project updates.	
77	"Consultation should also be fair and reasonable for applicants as well as communities. To ensure that consultations 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."	The Applicant sought to ensure that consultation was proportionate. The consultation areas defined for each stage were based on areas of potential impact and were discussed with the local authorities in advance.	*Disagree.* *The use of the Gatwick Diamond area being used as the outer consultation zone was too restrictive given that there are many areas outside that zone which are expected to be more impacted by overflight than areas within the Gatwick Diamond area.* *The highways consultation area was not extended as part of the Summer 22 consultation by the Applicant, as requested by West Sussex County Council (WSCC). The Consultation Report highlights that the final area was based upon Noise Important Areas for road traffic, which the authorities would acknowledge is important, but only one*

Para	Requirement	Evidence of compliance	***Local Authority commentary***
			aspect of how that area should have been defined. The proposals would also have implications on access and movement through the wider network, which was the reasoning for a request for widening.
93	For the pre-application consultation process, applicants are advised to include sufficient preliminary environmental information to enable consultees to develop an informed view of the project.		*Insufficient information was provided to enable the Authorities to develop an informed view, as highlighted in responses.*
97.	When drafting an Order, applicants should ensure they consider every phase of the project and seek the views of relevant local authorities and other statutory consultees.		*Very limited discussion undertaken on the drafting of the DCO. Section 7 of this representation provides further information on this*
98	Applicants may find it helpful to undertake early discussion with a range of parties on the content of the draft Order. Where felt necessary, local authorities may suggest appropriate requirements to be included in the draft Order.		*Very limited discussion undertaken. Draft, incomplete DCO documents were shared with the Authorities without any proactive request for feedback. However, the Authorities have provided feedback on an initial draft with significant elements missing and yet to receive any feedback from the Applicant. In effect, the Authorities have had no significant influence on the Draft DCO that was presented as a fait accompli.*

APPENDIX B

Email from Gatwick Officers Group (GOG) to the Applicant (GAL) – 24 June 2023

Dear X,

Now that the Topic Working Groups (TWGs) are well underway, the GOG Authorities have noted some concerns on how they are operating and whether the protocol is working as expected. Please see below some informal feedback on the TWGs.

- ***S.42 responses –*** It was the Authorities understanding that the first round of TWGs would detail and address the S.42 responses submitted through the consultation. This has not been the case, with only some of the S.42 comments being discussed, and many ignored. A number of fundamental concerns raised in the S.42 responses remain unresolved or unanswered and it is unclear when and how they will be resolved/answered.

- ***Timing of meetings –*** Whilst the Authorities appreciate that running the TWGs for a complex project such as the this one is challenging, there are concerns about the timing of the TWGs, including the time to do work between the meetings. The time between the TWG rounds is tight and, therefore, there is little time for GAL to actually undertake the work necessary or for GAL to consider queries raised by the Authorities. This is resulting in not having any significant updates at the following rounds of TWGs.

- ***Sequencing of meetings*** - There are concerns about the order in which the TWGs are being held, and how they are informing progress of the project as a whole. For example, in the Planning B TWGs, concerns have been raised about the baseline; however, work is progressing in other key areas that will be reliant on the baseline being correct. Updated data will then require consideration in other TWGs (noise, air quality, health etc).

- ***Cross-cutting themes –*** There are cross overs with other meetings and groupings that are running concurrently and linked to the TWGS. However, it is not clear how data/evidence is being shared between them, for example the Noise Envelope Group, the Noise TWG, and S.47 comments through local community engagement. There needs to be clarity on how the linkages between these groups is being managed.

- ***Evidence base/information sharing*** – The Protocol (para 2.2) states that the key objectives include reaching *agreement on the evidence base, methodology, and understanding of principal impacts and mitigation strategies for a number of key matters.* To date, the Authorities have not received the expected technical data/modelling across a number of areas, including but not limited to, Planning B, Air Quality, Employment Land, Noise, and Transport. Without this data, the

Authorities are unable to fully understand the potential impacts from the NRP and, therefore, to work with GAL towards addressing key issues or concerns.

- ***TWG Agendas/areas –*** The Authorities are concerned about the breadth of topics that are discussed at some TWGs. For example, the Land and Water TWGs (1 and 2) were one TWG that was conducted over two sessions. This resulted in officers attending the 1st meeting, but their areas of specialism not being discussed, wasting officer time. Where there are a number of subject areas within TWGs (such as Land and Water, Health and MAD), they should be split out, as we have previously requested, allowing for more detailed discussions and ensuring officers are attending sessions relevant to their specialisms.

- ***GAL's responses to authority questions –*** The Protocol sets out the parameters against which the Authorities must submit questions to GAL (para 6.7.5), which the authorities have been abiding by. The Authorities are concerned that not all of the questions are being addressed (as per para 6.7.6 of the Protocol). For example, at the Socio-Economic TWG (2), the questions from WSCC, HDC and MSDC, submitted following the first TWG, did not appear on the TWG slide deck. Officers raised this with GAL, who stated they hadn't seen them nor had the time to address them. It is the Authorities' view that each question should be formally answered in some form of document (for example, an issues tracker). There are elements of the Protocol that require consideration for updates to that effect.

- ***LPA actions –*** It was noted that in the Socio-Economic TWG that an actions list was presented that sets out what GAL require from the LPAs, and by when. It would be beneficial to do this for all TWGs.

- ***Carbon TWG –*** The Authorities note that this TWG has yet to be arranged.

- ***Statutory Consultee involvement –*** The authorities have not been able to invite the statutory consultees (other than National Highways) to the various TWGs. It would be beneficial if GAL could provide a list of the Statutory Consultee's they've been engaging with, to ensure the LPAs are speaking to the same officers – NB: this has previously been requested by Amy Harrower.

We hope the above comments are helpful and we look forward to receiving your comments/thoughts. We note that during the Transport TWG (2), Jonathan Deegan stated that a meeting is to be arranged in mid-July to assess how the TWG sessions are progressing.

The Authorities are keen to progress discussions with GAL in a meaningful and productive way, seeking to resolve a number of matters before submission of the DCO. Therefore, we hope that GAL will consider making the necessary adjustments to the way the TWGs are operating, which will be of benefit to both GAL and the Authorities.

Kind regards,

X,

On behalf of GOG

APPENDIX C

Email: Notes from the Applicant (GAL) following TWG feedback session with Gatwick Officers Group (GOG) – 14 July 2022

Hi All,

Thank you to those of you who were able to attend this afternoon's session. Please see below the notes from the meeting grouped by theme.

Information Sharing

- LPAs raised concern that evidence base information is not ready/available before discussions in the TWGs, e.g. transport strategy, active transport strategy. LPAs need the evidence base as early as possible.
- XXXXX advised that we should be in a position to share transport strategy and active transport strategy I the next few weeks.
- Some felt the information they were expecting to see was not made available as it is still being worked on or in progress. Need to know what is expected from a programme perspective so sufficient time is made available to respond. A programme tracker would be useful.

Issues Tracker

- Suggestion that an issues tracker is provided to LPAs to give overview of TWG progress and also timescales for receiving/sending information by GAL and LPAs.
- Any issue tracker should show what has been dealt with, how and what is outstanding to track the flow of information.
- LPAs request time to respond to forthcoming SoCG spreadsheet. GAL advise 5 weeks.

Statutory Consultees

- Statutory consultees – should the LPAs still invite them? GAL request that they do as the request of GOG Authority may well carry more weight than GAL request alone.

Phase 2 TWGs

- Request for at least one face to face meeting for each topic in the Autumn round of TWGs;
- There is support for having a 5 week cycle between topic meetings.
- Noted that some TWG meetings had been short in length. There is a preference for meetings to be deferred if the content is not available, rather than holding for the sake of it.
- Two key contacts plus additional invitees for the subject groups feels like it is working to enable LPAs to have an overview of the project as a whole.

Sub-Groups

- What is the relationship between the sub-groups e.g. Biodiversity Working Group? These will not replace the main topic groups and the key themes will be brought back to and discussed at the main groups.
- Request for a sub-group column in any issues tracker to maintain linkages between them and main groups. Request for clarity over who should attend which meetings.

DCO Programme

- What is the DCO programme as a whole. XX will see what can be shared so that LPAs know what time will be involved and when external consultants inputs will be required.

Thank you once again for taking part in this round of TWGs and providing your comments, it is much appreciated and will help to shape our engagement in the next stage of the process. If you have any other thoughts or suggestions then do let me know.

Kind regards,

THE APPLICANT

APPENDIX D

Email: Gatwick Officers Group (GOG) feedback to the Applicant (GAL) on Topic Working Groups and associated draft protocol – 27 January 2023

Dear X

Feedback Session

In advance of the meeting on 30 January 2023, the Local Authorities have set out below their further feedback on the engagement and protocol process including the operation of the Topic Working Groups (TWG's).

Positive Aspects of Engagement

- The scheduling of meetings in the autumn round of TWGs is improved since the changes made following our previous feedback session in September (in the summer 2022 round, the meetings were too close together which made it difficult for all parties to respond in a timely and effective manner);

- The Meeting Notes and Actions that GAL circulate are helpful.

Areas for Improvement

- Whilst the Meeting Notes and Actions that GAL circulate are helpful, these are not consistently shared for all meetings and do not capture everything that has been discussed during each TWG. Given the scope of topics and the complexity of the Project there needs to be a much more comprehensive written audit trail. Some issues which have been raised by the authorities, in meetings or in feedback are not included in follow up sessions;

- In this regard, sharing information verbally (in isolation) at TWGs should not be the only approach to responding to issues raised by the local authorities e.g. in the Econ & Soc-Econ TWG held on 6th December information was provided verbally to the issues local authorities raised and in the slides detailing where the issues have been addressed it says "at this meeting". This approach is not sufficient and whilst verbal explanations are appreciated, they should also be supported by a written response from GAL;

- Whilst it is acknowledged that GAL shares the slide deck for each TWG five working days ahead of each meeting and the slides are well presented, the information being shared with the local authorities remains too limited to properly understand GAL's approach to assessment and any early findings across the topic areas (as a crude analogy it feels like attempting to complete a jigsaw with too many pieces missing to be able to form a comprehensive picture);

- The late rescheduling of topic working groups (such as the transport TWG next week) can be very difficult for local authorities to resource.

- GAL has continued not to answer all the questions and requests for information being raised by the councils, or the consultations acting on our behalf. This includes the CAA response to GAL's proposals, the methodology by which the catalytic impacts of the development have been assessed; requests for information in relation to transport modelling remain unanswered, no response to Surrey CC's transport related 'issues tracker' etc.

- There have been a number of recent occasions where the Local Authorities have had to second guess some of the design tweaks for example flood alleviation schemes and alterations to the highway layout, the removal of cycle paths/ footways and acoustic mitigation measures. Consequently, some of these recent scheme alterations risk down grading some of the indicative landscaping improvements shown to us only a few months ago.

- There needs to be a recognition of the potential long term nature of the works programme where many of the temporary facilities and activities will give rise to significant impacts over a long period of time and that these will need to be fully assessed and considered rather than being down played.

- There is still a significant number of issues that we have raised that we do not feel are being sufficiently addressed and it is unclear if and when GAL intends to address them. Therefore, and as it has been highlighted before, a shared 'Issues Tracker' is imperative to support this process;

- Taking the above matters into account, it seems to us that there is a disconnect between how much information we feel we have been provided with to inform our understanding of the proposals and the extent of the impacts (which speaks to the lack of understanding on the 'base data position' already highlighted by GOG) and GAL's aspirations to submit the DCO application in late March and start SoCG discussions. Consequently, it is considered that this has the potential to significantly hamper discussions around the Scheme's mitigation and the SoCG process;

- The LA's had expected (and PINs encourage) a far greater level of sharing of draft documentation than we have received to date. There are several documents we have previously verbally been promised in TWGs, that haven't arrived yet e.g., the optioneering report and high-level DAS for comment;

- There is considerable confusion as to what documentation GAL proposes to share in February and March, and what is intended to be shared following Submission, or following Acceptance. The Slides for the Planning TWG presentation on Tuesday 17th January state that *"GAL issues first drafts of the SoCG during the acceptance period (i.e. April /May 2023), whilst officers familiarise themselves with the application"*. Another slide tabled at the same meeting suggests draft SOCGs will be issued during February, but with LPA feedback requested at the point of submission. We request that GAL's proposed timetable for this work to be clarified, and would highlight that sufficient responses are unlikely to be received during the period that officers will have first sight of the submission documents (which GAL has advised will number thousands of pages).

- Verbally at the meeting GAL confirmed that Submission documents would only be available after 'Acceptance', in case they have to change. However, at the same meeting it was also suggested that GAL would share certain documents, including the Draft DCO once it has been reviewed by PINS, (probably late February);

- It should be noted we welcome GAL committing to sharing the Draft DCO, and draft S.106 items. However, we note that this circulation is programmed to take place in mid to late February and asking for comments from the Local Authorities by the end of March at the same time you expect to be submitting the DCO. We therefore do not believe this gives much time at all for meaningful engagement (and potentially a first legal review), and particularly insufficient time for GAL to take account of any feedback given by the authorities prior to Submission, and refer you to paragraph *19.2 of DCO Advice Note 15:*

> *'Applicants should engage with the discharging authorities and other key stakeholders at the earliest opportunity (at the Pre-application stage) about the Requirements proposed to be included in the draft DCO and to agree the best approach to discharging the Requirements, for example to agree a proportionate timescale for discharge depending on the extent or complexity of detail reserved for subsequent approval.'*

We look forward to discussing the feedback at the meeting next Monday and would wish GAL to review their programme with a view to ensuring as much proper engagement and agreement to matters in advance of the DCO submission.

Kind regards

Appendix E

Information and Documents not provided to the Authorities in advance of Submission

The list below sets out information and/or documentation that was sought by the Authorities but which was not provided to them by the Applicant in advance of the submission of the application.

Overarching Documentation

- Draft S106 Agreement – Heads of Terms, and proposed drafts for specific obligations.

- Draft Statement of Reasons.

- Draft ES Chapter Approach to Assessment.

Aviation Capacity and Forecasting, and Socio-Economics

- A failure to demonstrate clearly that the claimed hourly rate of movements is sustainable in peak periods, particularly for early morning departures at an acceptable (to the airlines) level of delay. In particular, information requested in August 2022 regarding the forecast hourly levels of delay have not been provided and only in February 2023 did it become clear that the capacity modelling undertaken by the Applicant for the two runway configuration had not taken fully into account the delays associated with sequencing aircraft to achieve the asserted one-minute separations between all departing aircraft regardless of departure route. The Authorities had been requesting further information since May 2022 and had indicated that further modelling and sensitivity testing was required, taking into account the anticipated use of different departure routes in order to verify the capacity deliverable from the two runways. The Applicant has declined to carry out this further work to satisfactorily validate the capacity of the two runways.

- The failure to provide a clear explanation for the relationship between the use of the runway and the projected use of specific departure routes, including the implications for noise assessment and transparency about the relationship between the assumptions used and implications of future potential airspace change in terms of whether the underlying assumptions will remain robust in the event of broader airspace changes resulting from FASI-S. There has been no sensitivity testing of the possible implications if the distribution of movements by SID has to be adjusted to accommodate broader airspace changes in the London TMA.

- A failure to provide adequate explanation as to the basis upon which the specific projections of usage of the airport were made in terms of how the levels of aircraft movements, type of aircraft, time of day and passenger characteristics, with and without the North Runway, were derived from an assessment of the underlying passenger demand in Gatwick's catchment

area and the relationship of the forecasts to the anticipated use of other airports serving London and beyond. In particular, no transparent assessment has been presented of the implications of a third runway being provided at Heathrow (as requested by PINS) in its Scoping Opinion. The Authorities have made clear since May 2022 that the top-down benchmarking of the Applicant's overall passenger forecasts is not sufficient to verify that reasonable assumptions have been used or to allow the sensitivity of the growth projections to different assumptions, including the costs of carbon and/or abatement to be made. It is not considered reasonable for the Applicant to continue to present its demand case solely on the basis that no other airport capacity development comes forward in London over the time period to 2047.

- Criticisms were made in November 2022 of the basis of the socio-economic impact assessment, particularly in relation to its reliance on Gatwick being the only airport to increase its capacity over the period of its plans, an overstatement of the fare and user benefits arising from the NRP that underpinned the economic appraisal. Criticisms were also made of the robustness of the methodology used to assess the wider economic benefits deriving from the connectivity offered by growth at Gatwick, in particular the failure to use available data on how UK airports are used and the origins of passenger demand. The Authorities were promised further explanation of the methodology in January 2023, and it was understood that the Applicant would be revising its modelling to take the criticisms into account. To date no further information has been provided and, as a consequence, the economic case cannot be considered robust.

- Explanation of the different socio-economic benefits of the proposal, particularly in terms of where such benefits would arise and how they would impact the individual host authorities.

Air Quality

- Provision in an electronic format of the detailed air quality model verification data – the Applicant shared the overall findings of the model verification exercise on 11 November 2022 but in the absence of the detailed data in an electronic format the local authorities are unable to check the results for themselves. This is particularly important given the issues with air quality model at the PEIR stage of the process and the limited time available after the DCO submission – necessary to spend time now on checking the model's performance in the first instance rather than focusing solely on the model outputs for the future.

Air Noise

- Modelling 2019 ATMs with 2032 fleet technology.

- Forecast single mode for future years.

- Annual and summer contours should be provided to monitor growth outside the summer period (as requested by PINS)

Landscape and Visual Impact / Heritage

- Draft Design and Access Statement (DAS), or at least the draft design principles and evidence base for it prior to submission requested after the scope of the document shared in November 2022 (Noting the Applicant released the DAS upon submission to PINS).

- Lighting Strategy (e.g. particularly impact on Charlwood Park Farmhouse).

- Information regarding the Zone of Theoretical Visibility for construction compounds (due to the length of time they will be in place).

- Options reporting and the assessment of alternatives reporting.

- Parameter Plans (with illustration plans) on designs for the various Project buildings and infrastructure elements including lagoons, bridge widening, boundary fencing, bunds etc to inform consideration of the application and establishment of 'Requirements'.

- Information regarding Construction Compounds & location of activities within them.

- Further information and details in respect of proposals on visually sensitive sites such as car park C and Pentagon Field.

- Details of emerging strategies, needed so we can assess how they interrelate, for example:

    - Information requested on 31 October 2022 at TWG and then in writing relating to the impact on Charlwood Park Farmhouse listed building to back up conclusion and verbal update from the applicant that there would be no impact

    - Request made for ZTV information on heritage assets.

    - Information regarding the demolition, construction and operation of the proposed CARE facility.

Biodiversity and Arboriculture

- Vegetation retention and removal plans especially along the road corridors.

- Tree survey data.

- Terms of Reference for the Bio-diversity Sub Group.

- Draft Outline Landscaping proposals.

- Engagement on Biodiversity Net Gain (BNG) Strategy.

- Habitat enhancement plans, including Bechstein's bats.

- Options reporting and the assessment of alternatives reporting.

- Information regarding the key relationship between drainage works / strategy and impacts on ecology.

Water

- Details of emerging strategies, needed so we can assess how they interrelate, for example:
  - Drainage Strategy, the Ground Noise Mitigation Strategy and the Landscape Strategy;
  - how the Drainage Strategy interrelates with the detailed highway scheme;
  - More evidence behind the drainage strategy work, noting the Applicant responded to TWG on 3 May 2022 that the concept designs would be shared within weeks. At a later meeting in October 22 the Applicant promised a 'presentation on highway drainage but would not share final data until pre-submission;
  - how the ASAS, the Parking Strategy and the highway schemes interrelate.

- Information on Post implementation monitoring for drainage / Detailed drainage questions – some still outstanding.

- Evidence of Thames Water's response on the Wastewater Treatment works, and whether it has capacity for NRP and planned Local Plan growth.

- Information on odour from new works at the Wastewater Treatment works.

Major Accidents and Disasters

- Information regarding potential effects upon emergency response times for vehicles attending the airport.

- Information on impact of increased passenger numbers on Sussex Ambulance Service and A&E.

Climate Change and Carbon Emissions

- Draft Carbon Action Plan.

- Sustainability Assessment

Socio–Economic/Economic

- Key Documents requested in draft:
  - Population and Housing Effects report.
  - Airport-Related Employment Land Study.
  - Economic Impact Assessment.

- Employment, Skills and Business Strategy.

- Detailed information requested:

  - Socio-economic baseline conditions to be presented at a local authority level.

  - A focused assessment of the population and housing impacts of the Project on the six local authorities in closest proximity to the airport (Crawley, Horsham, Mid Sussex, Reigate and Banstead, Tandridge and Mole Valley).

  - Employment impacts at a local authority level including the impacts of the scheme on local labour supply. This should in particular address concerns raised in the PEIR that the Project's operational phase may result in local labour shortages, particularly in Crawley.

  - A detailed forecast of all economic activity that will have an impact on labour supply at a local authority level.

  - A detailed breakdown of the numbers and types of jobs that would be created during both construction and operation.

  - Analysis by the Applicant of the impact of the scheme on the labour supply for other non-airport related employment sectors.

  - An assessment of the housing demand created by the scheme – impacts to be specifically identified for those local authority areas in closest proximity to the airport.

  - An assessment of the affordable housing need (for those authorities in closest proximity to the airport) created by the scheme – this should link with work on the number and types of jobs created by the Project.

  - An assessment of the requirements for temporary workers and resulting impact on the private rented sector and market for short term lets (taking into account current pressures caused by migration on hotels and temporary accommodation).

  - A clear narrative around the methodology for assessing the magnitude of socio-economic effects, plus details on the guidance and standards that have been used to inform the assessment.

  - Information on GVA generated by employment at Gatwick Airport and qualitative information on the level of employees and local spend by employees.

  - A forecast of the economic growth in the local area which is unrelated to the airport.

  - Provision of baseline data on the number of Gatwick-related businesses and jobs at the local authority level.

- An assessment of the community impacts (effects on facilities and services) as a result of the Project.

- Detailed measures to prioritise local supply chains (to be set out in the ESBS).

- Clarity on outcomes that are already identified in relation to the airport's current configuration, and the additional measures (value added) that would be achieved in relation to the Project).

- A qualitative analysis by the Applicant (Oxera) of the effects of the scheme on FDI.

- A more detailed assessment of the approach to catalytic employment taken by Oxera – e.g. more detail is required around the catchment areas used for each airport and location of business activity relative to the airport. The applicant should set out what they mean by catalytic effects, the assumptions associated with this definition, its baseline position (including future baseline) and what has been discounted to reach a net figure for catalytic effects. Scenario testing also should be undertaken to understand the potential variations with levels of catalytic benefits from other major schemes in the planning pipeline.

- Direct, induced and catalytic impacts of the project on the Gatwick Diamond area, Five Authorities Area and for the UK. Impacts are also requested to be provided at the local authority level or at least the Northern West Sussex FEMA.

- An assessment of induced effects on construction employment and an assessment of the availability of construction workers by local area.

- An assessment of induced economic activity associated with construction.

- A clear explanation of the calculations concerning the indirect and induced impacts and how these are distributed across the study areas.

- A breakdown of the Applicant's total workforce by local authority area (current and projected).

- Justification and appropriate evidence for the 80% Home Based / 20% Non-Home Based ratio that the Applicant is using.

- An assessment of the impact on property values as a result of the scheme (including commercial property values) – as requested by PINS in its PEIR response.

- An assessment by the Applicant of whether there is a current and forecast surplus or shortfall in commercial floorspace, identified land allocations and the availability at certain sites within the ARELS FEMA – this should be undertaken at the more local level given the potential for a concentration of the impacts to be felt more locally to the airport. This should also discuss where demand for off-airport employment growth is likely to be located and when this is likely to come forward as the airport grows – it is

not realistic to assume that employment floorspace demands can be evenly distributed across the study area, nor that the demands will be split on an equal year-by-year basis across the NRP programme.

- Information on the relationship between Economic Impact Assessment and ICF air traffic forecast and to explain the assumptions regarding capacity at other airports, air fare savings, the impact of assuming a third runway at Heathrow and the treatment of the carbon costs in the demand forecasts and in the WebTag appraisal.

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

Transport and Highways (Surface Access and Active Travel)

- Response to Surrey County Council's extensive 'Issues Tracker'.

- A Designer's Response to the Stage 1 Road Safety Audit for the proposed highway mitigation between the Longbridge roundabout and M23 spur. To detail exactly how the road safety issues are to be addressed and the design amended accordingly.

- The rationale for the reclassifying of the M23 spur to an 'A' class road.

- A rationale/justification for the desire to reduce the speed limit on London Road A23 to 40mph. An assessment is also required to see whether it accords with WSCC adopted Speed Limit Policy.

- A commitment to provide a draft copy of the Transport Assessment in advance of submission of the DCO.

- Draft highway boundary plans do not accord with WSCC records for London Road. Agreement needs to be reached as to the revised extent of highway boundaries maintainable by each Highway Authority.

- The draft PRoW strategy and design detail on active travel routes, including widths, cross-sections, crossing details, appearance, and how they meet LTN1/20.

- Information on proposed improvements to active travel links.

Other Matters

- Request for explanation as to why boundary changes have been made to the DCO application.

- Engagement to discuss governance issues and further discussion on possible thresholds and community funds (raised Nov 22).

- Evidence supporting conclusions on the need for (and operation of) the waste/CARE facility, including demolition of the existing facility.

- Evidence supporting conclusions on need for on-airport office provision.

- Evidence supporting conclusions on need for hotel provision.

July 23