



The Planning Inspectorate

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To:

The Applicant

Host and neighbouring local authorities

Statutory bodies
Environment Agency
National Highways
Natural England
Historic England

Your Ref:

Our Ref: TR020005

Date: 8 September 2023

Dear Sir/ Madam,

Planning Act 2008 – Section 89

Application by Gatwick Airport Limited for an Order Granting Development Consent for the Gatwick Airport Northern Runway project

Procedural Decisions made under Section 89(3)

As set out in the Rule 4 Letter [[PD-004](#)] published on 15 August 2023, I have been appointed by the Secretary of State (SoS) for Levelling Up, Housing and Communities under delegated powers to be the lead member of the Examining Authority (ExA) which will examine and make a recommendation to the SoS for Transport on the Gatwick Airport Northern Runway project.

Following the decision of the SoS to accept the application for examination on 3 August 2023 [[PD-001](#)], the ExA has decided to make several Procedural Decisions requesting further information which will assist in the Examination and make the best use of the Pre-examination period.

This request is being sent to Gatwick Airport Limited (the Applicant) and to the host and neighbouring authorities. Primarily it is aimed at Crawley Borough Council, West Sussex County Council, Mole Valley District Council, Reigate and Banstead Borough Council, Tandridge District Council, and Surrey County Council (host authorities); and Horsham District Council, Mid Sussex District Council, East Sussex County Council and Kent County Council (neighbouring authorities), which together will be referred to as 'the Joint Local Authorities' or JLAs. Nevertheless, should other local authorities wish to respond to this request they are welcome to do so. The letter is also being sent to the key statutory

bodies which are expected to be involved in the Examination but, again, if other statutory bodies wish to comment they are welcome to do so.

Local Authority Issues Tracker

The Planning Inspectorate's section 51 advice [[PD-003](#)] noted that the JLAs had indicated that a document for tracking progress on issues raised as part of the Applicant's statutory pre-application consultation would have been of benefit. The Applicant was advised to discuss with the JLAs whether such an issues tracker still had support, and if so, to prepare such a tracker for submission into the Examination prior to the start of the Relevant Representation (RR) period.

The Applicant responded to the Planning Inspectorate's section 51 advice [[PD-003](#)] through a cover letter dated 24 August 2023 [[AS-001](#)] and various additional documents [[AS-002 to AS-019](#)]. The cover letter addressed the issue of the tracker, confirming that the JLAs were of the view that a tracker would still be welcomed and made some suggestions about what it should include. As such the Applicant prepared and submitted to the JLAs on 18 August 2023 a list of key issues and a list of outstanding information, referring to four distinct trackers and noting that the content of and approach regarding the issues tracker would be subject to discussion and engagement with the JLAs. The Applicant's view is that the trackers should be used to inform the development of Statements of Common Ground (SoCG) and where necessary, Principal Areas of Disagreement Summary Statements (PADSS), rather than representing a separate, additional workstream and document to be submitted into the Examination.

Recognising that SoCGs and PADSSs will have an important role in tracking issues, and to avoid creating additional workstreams or duplicating the submission of material, the ExA requests that the Applicant submits within seven days of the date of this letter (**15 September 2023**) the material which was submitted to the JLAs on 18 August 2023. This will enable the ExA to see outstanding issues at this stage of the process. Should they wish to do so, the JLAs can submit comments to the ExA on the Applicant's submission dated 18 August 2023. The Applicant is also requested to provide a commentary to the ExA on the recording and tracking of key issues at the end of the RR period (**29 October 2023**) indicating how progress is being made to address issues through SoCGs and PADSSs which at this stage the ExA sees as providing the main mechanisms to progress unresolved issues between parties (see below).

Statements of Common Ground

The aim of a SoCG is to provide a focus and save examination time by identifying matters which are not in dispute or need not be the subject of further evidence. In particular, the SoCG should identify where the differences between parties lie and the reasons for any disagreement or outstanding matters.

The SoCG need not include a verbatim list of discussions to date but rather a concise summary of the overall timescale and principal events which have led to the current position of agreement and/ or disagreement.

Further guidance on the content of SoCGs is contained in the Planning Inspectorate's Advice Note 8.4 and more information will be provided in the Rule 6 Letter which will include details of the Preliminary Meeting. Nevertheless, at this stage the Applicant is

requested to provide a list of the SoCGs which it intends to prepare, within two weeks of the date of this letter (**22 September 2023**) together with a commentary on progress at the end of the RR period (**29 October 2023**).

Principal Areas of Disagreement Summary Statements

Both the JLAs [[AoC-020](#)] and the Applicant [[AS-001](#)] have referenced PADSSs in previous submissions. The ExA considers that PADSSs enable the Examination to benefit from the early identification of the principal areas of disagreement, which when read alongside other submissions, would provide a clear focus for the Examination and the drafting of any written questions. PADSSs need only be a summary position at the Pre-examination stage and the ExA would anticipate that matters raised at this time would be expanded upon in a local authority's Local Impact Report (LIR)/ Written Representations (WR) and other parties' WRs.

For both the Pre-examination and Examination stages, the ExA has made a Procedural Decision to request from each named local authority and statutory body a PADSS. The ExA requests that this should be in a table format (similar to a Scott Schedule¹), addressing the following matters:

- the principal issue in question;
- a brief explanation of the concerns held by the party which they will report on in full in LIR/ WRs;
- on a without prejudice basis what, in that party's view, needs to change/ be amended/ included so as to overcome the disagreement; and
- in the opinion of that party, the likelihood of the concern being addressed during the Examination stage.

Annex A provides an example table.

The ExA requests that the PADSSs are submitted alongside respective RRs, the deadline for which is **29 October 2023**. The ExA intends for these to be live documents which will be regularly updated throughout the Examination.

Category 3 Interests

The Applicant has provided an Ordnance Survey Base Map identifying the Category 3 Boundary [[AS-019](#)] in response to the section 51 advice. The advice also requested that the plan be overlaid with the relevant noise contours. The Applicant has noted that the plan does not set out the entitlement for noise insulation schemes which are provided in the Code of Construction Practice [[APP-082](#)] and the Noise Insulation Scheme [[APP-180](#)]. Nevertheless, the Applicant is asked to produce a composite plan which shows the extent of the Proposed Insulation Scheme (Diagram 4.1) overlaid on the Category 3 Boundary Plan and to explain the relationship between the two. This should be provided within two weeks of the date of this letter (**22 September 2023**).

¹ <https://www.justice.gov.uk/courts/procedure-rules/civil/standard-directions/general/scott-schedule-note>

Making a Submission

If you wish to make a submission as a result of this Procedural Decision, please contact the Case Team using the details at the head of this letter.

If you have any queries on the matters raised in this letter, please do not hesitate to contact the Case Team.

Yours faithfully,

Kevin Gleeson

Lead Member of the Examining Authority

ANNEX A

Principal Areas of Disagreement Summary Statement (PADSS) from ADD ORGANISATION		Version Number: Submitted at:	
Principal Issue in Question	Concern held	What needs to change/be amended/be included in order to satisfactorily address the concern	Likelihood of concern being addressed during Examination