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To:

The Applicant

Host and Neighbouring
Local Authorities

Statutory Bodies

Environment Agency
Historic England
National Highways
Natural England
Network Rail
Thames Water

Your Ref:

Our Ref: TR020005/ PD-007

Date: 1 December 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)

Local Authority Issues Tracker

In response to the Planning Inspectorate's section 51 advice [[PD-003](#)], Gatwick Airport Limited (the Applicant) confirmed [[AS-001](#)] that the host and neighbouring local authorities (Joint Local Authorities or JLAs) were of the view that an Issues Tracker would be welcomed and made some suggestions about what it should include. Consequently, the Applicant prepared and submitted to the JLAs on 18 August 2023 a variety of material including four distinct trackers. The Applicant's view was that the trackers should be used to inform the development of Statements of Common Ground (SoCG) and Principal Areas of Disagreement Summary Statements (PADSS), rather than representing a separate, additional workstream and document to be submitted into the Examination.

On 8 September 2023 I wrote to the Applicant, the JLAs and various statutory bodies [[PD-005](#)]. In response to that letter, the Applicant provided the material which had been submitted to the JLAs on 18 August 2023 [[AS-020](#)]. This was to enable the Examining Authority (ExA) to see outstanding issues at an early stage of the process. My letter noted that the ExA saw SoCGs and PADSSs as providing the main mechanisms to progress

unresolved issues between parties. It also indicated that, should they wish to do so, the JLAs could submit comments to the ExA on the Applicant's submission. Accordingly Crawley Borough Council [[AS-026](#) to [AS-032](#)], East Sussex County Council [[AS-033](#) to [AS-035](#)], Horsham District Council [[AS-036](#) to [AS-042](#)], Mole Valley District Council [[AS-043](#) to [AS-044](#)], Reigate and Banstead Borough Council [[AS-045](#) to [AS-048](#)], Tandridge District Council [[AS-049](#) to [AS-050](#)], West Sussex County Council [[AS-051](#) to [AS-053](#)], Mid Sussex District Council [[AS-054](#) to [AS-056](#)] and Surrey County Council [[AS-057](#) to [AS-058](#)] all submitted responses to the Applicant's trackers.

In their responses the JLAs almost without exception commented that the Issues Trackers should be considered an active document and further iterations should be produced in tandem with revised drafts of the SoCGs and PADSSs.

The Applicant was also requested to provide a commentary to the ExA on the recording and tracking of key issues at the end of the Relevant Representation (RR) period indicating how progress was being made to address issues through SoCGs and PADSSs.

On 27 October 2023 the Applicant [[AS-060](#)] provided an update on the development of the Issues Trackers and discussions with the JLAs. This confirmed that the Updated Issues Trackers were provided to the JLAs on 24 October 2023. The Applicant indicated that the Updated Issues Trackers incorporated the additional issues raised by the JLAs [[AS-026](#) to [AS-058](#)] thereby containing the complete list of issues raised by the JLAs.

Having reflected on the matter, the ExA considers that updating the Issues Trackers alongside the SoCGs and PADSSs would not be an efficient use of resources and would simply duplicate effort spent in engaging on the contents of the SoCGs and PADSSs and would reflect the same substantive information.

The ExA has accordingly made the Procedural Decision to require the Applicant to 'freeze' the Local Authority Issues Trackers once any outstanding issues arising from the Applicant's review of RRs and the PADSSs have been included. The trackers should then be submitted to the ExA prior to the commencement of the Examination. Where issues which appear on the Issues Trackers are subsequently resolved these should be recorded within the SoCGs/ PADSSs with an explanation of how the resolution was reached and, where appropriate, signpost to the relevant document. Consequently, the SoCGs and/ or PADSSs would record the status of agreement (or not) on all issues (including any new matters raised). It is expected that drafts of each SoCG would be submitted at the first Examination deadline although this would be confirmed in the Rule 6 letter.

Statements of Common Ground

In response to my letter of 8 September 2023 [[PD-005](#)] the Applicant provided a list of the parties with which it intended to hold discussions about the preparation of SoCGs (Annex C [[AS-020](#)]). At the end of the RR period through a letter dated 27 October 2023 the Applicant confirmed that no additional parties had come forward to request a SoCG. Nevertheless, the ExA expects the Applicant to keep this matter under review during its consideration of the submitted RRs.

The Applicant's letter of 27 October 2023 [[AS-060](#)] identified two alternatives in respect of SoCGs. The first would be to have a single SoCG between Gatwick Airport Limited and

the JLAs collectively; the second would be for individual SoCGs between Gatwick Airport Limited and each relevant authority.

The ExA considers that there will be a need for separate SoCGs with each of the JLAs individually as it is unlikely that every issue of concern will apply equally to every local authority. Nevertheless, there are also likely to be matters on which the JLAs have a common view. In such circumstances it would be of benefit to the ExA if such matters were addressed through a separate Joint Local Authorities SoCG and that those specific matters need not be included in the individual local authority's SoCG.

Principal Areas of Disagreement Summary Statements

The ExA is grateful for the receipt of PADSSs in response to our earlier Procedural Decision. These have now been published on the project website [[AS-061](#) to [AS-072](#)] and [[RR-3222](#)]. These should be considered as 'live' documents to be regularly updated throughout the Examination. Further guidance on timings will be provided in the Rule 6 letter.

Links to Documents

Section 14.14 of the ES [[APP-039](#)] (pages 14-169 and 14-170) references various documents published by ICCAN. The hyperlinks to these documents do not work. The Applicant is therefore asked to provide electronic copies of these documents by **15 December 2023**.

Controls over the Existing Use of the Airport

The Applicant's approach to securing mitigation is outlined in section 5 of the Planning Statement [[APP-245](#)]. To understand this approach in context the ExA has made a Procedural Decision to request the following information related to controls over the existing use of the airport by **22 December 2023**:

- Paragraph 5.5.3 of the Planning Statement refers to an existing section 106 agreement which is used to manage and mitigate the operational aspects of the airport and airport related development on the environment. A copy of the legal agreement is requested.
- Details of any existing controls over the number of flights (commercial air transport movements (ATM) or other ATMs) per annum, if not included in the s106 agreement.
- Details of any controls over the total number of passengers (million passengers per annum) if not included in the s106 agreement.
- Details of any restrictions on the hours of operation of the main runway and any defined exceptions beyond these hours.
- Details of any departure and arrival routes for aircraft, including the corridor widths and the height below which such controls operate.
- Any existing air or ground based noise controls and any thresholds for mitigation including noise insulation schemes.
- Existing engagement mechanisms between Gatwick Airport Limited and local authorities and between Gatwick Airport Limited and the wider community.

If you have any queries on these matters, please do not hesitate to contact the Case Team using the contact details at the head of this letter.

Yours faithfully,

Kevin Gleeson

Lead Member of the Examining Authority

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