



Gatwick Airport Northern Runway Project

Written Summary of Oral Submissions from the Preliminary Meeting

Book 10

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1 Introduction

- 1.1.1 This document summarises the oral submissions put by Gatwick Airport Limited ('**GAL**' the Applicant), at the Preliminary Meeting (PM) which took place at Sandman Signature Hotel on 27 February 2024.
- 1.1.2 In what follows, the Applicant's submissions on the points raised broadly follow the Agenda for the PM set out in the Examining Authority's (ExA) letter which was published on the Planning Inspectorate's website on 5 January 2024 (**the Rule 6 letter**) [[PD-009](#)].
- 1.1.3 Scott Lyness KC (SLKC) represented the Applicant.

2 Agenda Item 3: Initial Assessment of Principle Issues

- 2.1.1 The Applicant did not comment on the Initial Assessment of Principle Issues listed **Annex C** to the **Rule 6 Letter** [[PD-009](#)], but confirms it has no issues with the list proposed by the ExA.

3 Agenda Item 4: Procedural decisions

- 3.1.1 The Applicant had no substantive comments regarding procedural decisions 1-7 of the ExA, but notes the directions from the ExA as to:
 - 3.1.1.1. Reviewing the proposed list of parties to be subject to Statements of Common Ground ('**SoCG**') (Decision 5) during consideration of relevant representations. To that end, SLKC confirmed the Applicant would liaise with Marathon Asset Management MCAP Global Finance (UK) LLP ('**Marathon Asset Management**') on how best to reflect matters which can be agreed in further discussions between the parties, noting that they are not understood to have an in-principle objection to the Project and have expressed a desire to reach an agreement so an SoCG may be appropriate; however if necessary a Principal Areas of Disagreement Summary Statement ('**PADSS**') from Marathon Asset Management could otherwise be prepared.
 - 3.1.1.2. Being mindful of undue replication between SoCGs entered into with local authorities in their joint and individual capacities; and
 - 3.1.1.3. Ensuring PADSS (Decision 7) are kept up to date throughout the examination process.

- 3.1.2 In response to CAGNE's comments that it still intends to submit additional suggested site visit locations, SLKC noted that interested parties have had the opportunity to suggest locations for site visits at Deadline A, but in any event will have the opportunity to comment on the list of sites included within the Applicant's **draft itinerary for the Accompanied Site Inspection** (Doc Ref 10.3) the Applicant has been directed to produce at Deadline 1.
- 3.1.3 Similarly, SLKC opposed CAGNE's request to attend the Accompanied Site Visit (ASI), noting the safety and security constraints of going airside at Gatwick Airport as correctly acknowledged in **Annex E** of the **Rule 6 Letter** [PD-009]. Further, SLKC noted that the Applicant took exception to the suggestion that CAGNE needed to participate in the ASI to avoid any undue influence being exercised over the ExA. The Applicant understands what is well established practice: it is not possible to make oral representations to the ExA on the ASI – the purpose of the ASI is familiarisation only and no discussion of the merits of the Northern Runway Project will be entertained.
- 3.1.4 In relation to Procedural Decision 8 (detailed in **Annex F** to the **Rule 6 Letter** [PD-009]), SLKC confirmed that the Applicant will prepare the draft itinerary for the ASI by Deadline 1, on 12 March 2024.

4 **Agenda Item 5: Draft examination timetable**

- 4.1.1 In cognisance of the ExA's comments that they were not presently inclined to delay Deadline 3 from Friday 19 April to Monday 22 April, in line with the Applicant's request as part of its response to **Procedural Deadline A** [PDLA-001], SLKC noted that the Applicant was no longer seeking to push back Deadline 3, and had no further comments on the proposed Examination Timetable.

5 **Agenda Item 6: Applicant's notification of intention to make changes to the application**

- 5.1.1 SLKC spoke to the Change Request and the associated consultation process at the invitation of the ExA, in particular, summarising:
- 5.1.1.1. The Applicant gave **notice of intention to submit a change request** on 27 November 2023 [AS-112], pursuant to para. 3.2 of PINS Advice Note Sixteen (AN16).
- 5.1.1.2. The accompanying **Notification Report** [AS-113] amongst other things explained the changes; in short:

- **Project Change 1:** extension to the design parameters for the Northern Terminal International Departure Lounge (NT IDL) proposed southern extension, demolition of the Commercial Important Passengers lounge and circulation buildings, and remedial works to the coaching gates. The purpose of Project Change 1 is to provide greater design flexibility for the proposed southern extension;
- **Project Change 2:** reduction in height of the proposed replacement CARE facility (Centre Area Recycling Enclosure) and removal of the proposed biomass boilers and boiler flue to become waste sorting facility only. The purpose of Project Change 2 is to improve the sustainability of the Proposal and reflect the existing operational waste arrangements at the airport;
- **Project Change 3:** revision to proposed water treatment works, from a moving bed biofilm reactor to a constructed wetland reed bed system. The purpose of Project Change 3 is to provide a more sustainable solution for surface water treatment.

- 5.1.2 The changes were not proposed earlier as they emerged as beneficial improvements to the Project while the Applicant was considering its design for the Project in preparation for the Examination.
- 5.1.3 None of the changes would, when applying AN16 paras 2.1 and 5.4, amount to a change that is 'so substantial that applicant is effectively seeking consent for a materially different project' (see Notification Report at Section 2.3). The implications of the proposed changes for the EIA were considered, and it was determined that there would not be any new or materially different significant effects beyond those already reported in the ES. Further, none of the changes require inclusion of additional land within the proposed DCO limits or a change to the nature of the Compulsory Acquisition powers sought (see Notification Report at Section 4).
- 5.1.4 The proposed consultation, (Notification Report at Section 5), including: local authorities, landowners/those with interest in land relating to proposed changes and prescribed consultees under sections 42(a)-(d) of the Planning Act 2008. In addition, voluntary consultation was proposed with the public through online publication of the consultation leaflet and feedback form on Gatwick website, as well as press releases; and advertised through local media, site notice and newspaper notices. A copy of the consultation leaflet was also sent directly to residents and businesses in close proximity to the proposed changes. At the time of preparing the Notification Report, the intention was to consult on the changes from 13 December 2023 to 19 January 2024 – being at least 30 days.

- 5.1.5 In the **Procedural Decision of 4 December 2023 [PD-008]**, the ExA indicated it was minded to agree that proposed changes would not lead to the development being different in nature or substance to what was applied for and that the scope of activities proposed for the consultation was appropriate. In response to the ExA's advice in this Procedural Decision, the Applicant also extended the length of the consultation period to 21 January 2024, to provide additional time for the Christmas / New Year holiday period.
- 5.1.6 The Applicant held a briefing session on the proposed changes with 10 local authorities on 5 December 2023, being a week before the start of consultation.
- 5.1.7 A separate briefing session was also held with Parish / Town Councils shortly following the start of consultation on 18 December 2023, attended by Charlwood Parish Council, Horley Town Council and Salfords & Sidlow Parish Council. Other Parish Councils / Groups were also invited to the briefing session but did not attend, namely Capel Parish Council, Leigh Parish Council and Newdigate Parish Councils and the Neighbourhood Plan Groups of Pound Hill, Langley Green and Forge Hill.
- 5.1.8 The meeting slides and summary notes of the Parish / Town Council briefing session were shared with GATCOM (the Gatwick Airport Consultative Committee) who also had a separate dedicated briefing.
- 5.1.9 A letter and consultation leaflet were sent to local authorities, and landowners/those with an interest in the land related to the proposed changes and prescribed consultees under section 42(a) to (d) of the Planning Act 2008.
- 5.1.10 The consultation leaflet was also sent directly to residents and businesses in close proximity to the land subject to the proposed changes, outside of the Order Limits. GAL reviewed the extent of residents and businesses to be sent a copy of the consultation leaflet to ensure it was satisfied that the area was sufficiently broad to capture appropriate consultees in relation to the proposed changes. A total of 3,151 leaflets were sent to residents and businesses (see **Consultation Report Addendum para 1.1.6** and **Section 2 [AS-142]**).
- 5.1.11 The consultation was advertised through national and local news from 11 December to 22 December, and press releases were published on 7 December 2023, 13 December 2023 and 15 January 2024.
- 5.1.12 Three site notices were erected on Radford Road and Steers Lane, to the south of the land subject to Project Change 3 (revision to the proposed water treatment works) to further advertise the consultation to residents and businesses in close proximity. Site notices were not erected adjacent to the locations subject to

Project Changes 1 and 2 as these areas are considered to be enclosed within the airport boundary and therefore site notices could not be readily reviewed by surrounding residents and businesses in these locations. The site notices were maintained throughout the consultation period.

- 5.1.13 The consultation material was published on Gatwick Airport's Project website (gatwickairport.com/northern-runway) and provided the link to the online feedback form.
- 5.1.14 The formal **Change Request** was then submitted on 21 February 2024 [[AS-124](#) to [AS-143](#)], including the **Change Application Report** [[AS-139](#) to [AS-141](#)].
- 5.1.15 SLKC emphasised that the Applicant remained of the opinion that there was no reason why the changes should not be accepted having regard to AN16, and respectfully requested that the ExA accept the changes. Other parties would have the opportunity to comment on the substance of the Project Changes at relevant deadlines which would follow a Procedural Decision to accept the changes.
- 5.1.16 In response to arguments from CAGNE, Claudia Fisher and GACC that (a) the changes sought are too substantial to be allowed, and (b) the consultation process was inadequate, SLKC referred again to the matters set out previously (under paragraph 5.1 above), emphasising that the consultation was robust and followed the recommended process set out in AN16. Similarly, SLKC reiterated that the Applicant had explained the requested changes in the consultation material which adequately demonstrated that the changes did not cause any materially new or different likely significant environmental effects and did not amount to seeking consent for a materially different project.
- 5.1.17 In response to questioning from Claudia Fisher as to why Interested Parties were not notified of the Change Application, SLKC explained that the Applicant carried out non-statutory consultation on the proposed changes to ensure that persons who may be affected by the proposed changes were made aware of the changes and had the opportunity to provide comments in advance of this Change Application. Owing to limited geographical nature of the Project Changes, the consultation was primarily aimed at relevant local authorities, landowners/those with an interest in the land related to the proposed changes and relevant prescribed consultees under sections 42(a) to (d) of the Planning Act 2008. Further, the Applicant does not have access to the details of those who have made relevant representations (such details being held by PINS). The Applicant had therefore reviewed the extent of residents and businesses to be sent a copy of the consultation leaflet to ensure it was satisfied that the area was sufficiently broad to capture appropriate consultees in relation to the proposed changes. The

sending of over 3,000 leaflets was entirely adequate in the circumstances, and was to be seen in any event as part of a wider public consultation process including newspaper notices and site notices, as well as website publication. All Interested Parties will also be able to submit representations on the contents of the changes (if accepted) during the course of the examination.

- 5.1.18 In response to criticisms from GACC as to the alleged lack of evidence submitted in support of the Change Application, the Panel explained that it would be testing the evidence provided once a decision has been reached as to whether the change should be accepted or not. SLKC concurred with the position of the Panel, and confirmed the position of the Applicant that there was more than enough information provided by the Applicant to demonstrate that the change would not be so substantial as to constitute a materially different project, as the ExA has been minded to conclude.